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54/08/10 Hold Sheppard Items For Court

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Cleveland Plain Dealer, "54/08/10 Hold Sheppard Items For Court" (1954). *All Articles*. 164.

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HOLDS SHEPPARD ITEMS FOR COURT

CLEVELAND PLAIN DEALER, TUESDAY, AUGUST 10, 1954

Gerber Hopes to Reconstruct Murder Scene

Sections of the home where Marilyn Sheppard was hacked to death July 4 will be reconstructed in the courtroom when Dr. Samuel H. Sheppard goes on trial, it was indicated yesterday.

Those sitting in judgment of the Bay Village osteopath will virtually have a three-dimension view of the murder scene.

Dr. Samuel H. Gerber, coroner, had county workers remove several pieces of furniture and two doors from the Sheppard home, 28924 West Lake Road, Bay Village.

Objects Covered

Purpose of removal of the items from the home overlooking Lake Erie is to be able to reconstruct "sections of the room" in court, to show the "impossibility" of Dr. Sam's story of an intruder chopping his wife to death, and "clobbering" him, the coroner said.

"We have these objects covered up now," Dr. Gerber said, indicating he did not take the furniture and doors to do any scientific work on them or on the blood stains they bear.

Taken from the house was the bloodstained mattress on which Marilyn lay when found, the box springs, the bedstead and slats of the twin bed.

Couch Removed

Also removed from the home were the couch on which Dr. Sam said he slept until awakened by Marilyn's screams. The couch was the one on which his

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TWIN BED on which Marilyn Sheppard was found dead July 4 was removed from the Sheppard home, 28924 West Lake Road, Bay Village, yesterday for use at the trial of Dr. Samuel H. Sheppard for his wife's murder. Left to right: John Blocher, carrying bed slats, and Regis Kennedy and Frank Zager carrying the bedposts.



BAY VILLAGE OFFICIALS CONFER IN COURTROOM. Gershon M. M. Barber (left), president of the suburban Council, and Richard S. Weygandt, law director, are shown as they talked after a continuance was granted by Common Pleas Judge Frank J. Merrick on an affidavit of prejudice.

Gerber Holds Murder Scene Objects to Put Before Court

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brown jacket was found neatly folded, even though the osteopath said he had slept on the couch several hours.

Other items taken were the bedroom door and closet door from Marilyn's room. The blood-spattered doors were wrapped in paper and cellophane when carried to a waiting county truck.

A braided rug from the bottom of the stairs leading to the bedroom, a linoleum mat and the swivel chair which rested on it in Dr. Sam's study, a rocking chair from the bedroom, the doc-

tor's leather lounge chair and a desk lamp from the study were also removed.

Clothing Seized

Marilyn's shorts and other articles of clothing that were placed on the rocker in the bedroom by the Bay Village housewife a short time before her death were taken from the house in a paper bag.

Removal of the furniture was seen as indicating police are nearing the bottom of the barrel in their search for clues and that officials now are thinking in terms of going ahead with the court phase of the case.

Sheppard's scheduled appearance yesterday in Common Pleas Court was called off when William J. Corrigan, one of the doctor's defense attorneys, requested a postponement until 10:15 Thursday of the hearing on an affidavit of prejudice.

Delay Granted

The delay was granted by Common Pleas Judge Frank J. Merrick.

The affidavit charges that Sheppard could not receive an unbiased and fair hearing from Gershom M. M. Barber, Bay Village Council president. Barber issued the first-degree murder warrant for Dr. Sam in place of Mayor J. Spencer Houk, who ruled himself out because he was a material witness in the case.

Corrigan said he asked the delay because he wanted additional time to subpoena witnesses. He said there was difficulty Saturday in serving the notice of the affidavit because of the absence of Bay Clerk Esther Aldrich and Barber.

There was a likelihood that Corrigan would subpoena some newspaper reporters to back his charge that Barber had made biased statements in their presence.

He refused to say who would be subpoenaed, adding only: "I'll have sufficient witnesses."

Richard S. Weygandt, Bay law director, agreed to the delay with the provision that the defendant waive his right to a preliminary hearing within 10 days of his arrest.

The 10-day limit ended yesterday, but Judge Merrick said the affidavit filed automatically waived the time limit.

Corrigan said he was willing to waive Dr. Sam's appearance at the Thursday hearing. Judge Merrick said: "I think we'd better have him here."

Session Lasts 5 Minutes

The session lasted only five minutes.

Should the affidavit be denied by Judge Merrick on Thursday, it is possible the preliminary hearing will be that afternoon.

If Barber is ruled out by the court the case will be transferred before a justice of the peace, a mayor's court or any municipal court for the preliminary hearing.

The state needs only to show "probable cause" exists to bind Dr. Sheppard over to the grand jury.

County Prosecutor Frank T. Cullitan has not received a summary of police investigative work as yet. He said he had not requested one, preferring to wait until police completed their investigation.