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## 54/08/10 Re-Check Murder Evidence

Cleveland Press

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# RE-CHECK MURDER EVIDENCE

The 15 detectives of the Marilyn Sheppard murder detail today began a painstaking "thorough re-check" of the mass of evidence and testimony accumulated since the July 4 slaying.

They did so after Prosecutor Frank T. Cullitan demanded that the case be "as airtight as possible" before he calls the Grand Jury into special session to indict Dr. Samuel H. Sheppard for the murder of his pregnant wife.

Foreman Bert Winston said the jurors are "standing by," awaiting a call to the Criminal Courts Bldg. for the special meeting.

Cullitan's instructions were passed to Police Chief Frank W. Story and Detective Chief James McArthur at an hour-long conference today.

The top police officials told Cullitan they have virtually completed their murder investigation, and believe they have "convicting evidence" to prove that the victim's osteopath husband was the killer.

Story took the view that the investigation has reached a point where it is ready for the veteran prosecutor to take charge. He and McArthur said the case can be taken to the Grand Jury "whenever Prosecutor Cullitan sees fit."

Cullitan declined to identify the phases of the investigation he wants re-checked, but it was believed that several witnesses would be asked to review their statements and testimony.

In the course of the 37-day-old investigation, several relatives and friends of Sam and Marilyn Shep-

pard have altered their original statements.

Persons who first insisted that the Sheppards were "very happily married" later recalled considerable discord in their household.

Assistant Prosecutor John J. Mahon said the case would be presented to the Grand Jury for indictment after Dr. Sheppard's preliminary hearing in a magistrate's court.

That hearing has been indefinitely delayed by Chief Defense Counsel William J. Corrigan's charge that his client could not receive a fair hearing in Bay Village Mayor's Court. Trial of this contention is set for 10:15 a. m. Thursday before Common Pleas Judge Frank J. Merrick.

Cullitan said the case is now proceeding satisfac-

torily, and there is "no hurry" about obtaining an indictment. He said no Grand Jury action is contemplated this week, and he has no plan to bypass the preliminary hearing.

The prosecutor announced that the complete physical examination of Dr. Sheppard at City Hospital last week "substantially confirms the inquest testimony of Dr. Richard Hexter."

Dr. Hexter punctured the claim of Dr. Sheppard's family that he had suffered a serious neck injury in what he claimed was a series of struggles with the killer.

He said Dr. Sam's neck was uninjured when he

Turn to Second Front Page

# Police Confident of Evidence for Sheppard Trial

(Continued From Page One)

examined it on the morning of July 4, and the osteopath had only face injuries.

The City Hospital examination supported Dr. Hexter's finding that there was no need for Dr. Sam to wear the protective neck collar which has become his trade mark since his wife's death.

Although Dr. Sheppard had steadfastly denied his guilt, McArthur and Coroner Samuel L. Gerber said a web of physical evidence has traced out his actions on the murder morning.

The investigators have reached the conclusion that Dr. Sheppard struck his wife 25 or more times in a flash of fury.

What sparked off the blind rage is uncertain—but the investigation has developed a pattern of marital strife, punctuated by disputes over "other women" and sporadic talk of possible divorce.

Dr. Gerber said the investigation indicates that Marilyn was a devoted mother and dutiful wife, while her husband was a philanderer.

Both McArthur and Dr. Gerber have concluded that the missing murder weapon was thrown into Lake Erie.

The coroner said the waters of the lake were probably used by the killer to wash his victim's blood off his hands and clothes.

It was disclosed today that Dr. Sheppard sometimes brought women guests to Bay Village Hospital to watch him perform delicate brain operations. He was the only osteopathic neuro-surgeon practicing in northern Ohio.

Proud of his skill, Dr. Sam took a 17-year-old Bay Village High School senior to watch him perform a particularly difficult operation. Later, he gave her a complete description of the techniques he employed and the difficulties he encountered.

Dr. Sam was at one time physician for the Bay Village High School football team. Marilyn formerly gave basketball instruction for Bay Village girls at the high school on Saturday mornings.

The 30-year-old osteopath, who resumed operating at Bay View Hospital the day after his wife's funeral, spent his 11th day in the County Jail today.

Homicide detectives made no effort to question him, having concluded that his refusal to discuss the case "on advice of counsel" was final.

Dr. Sheppard admitted intimacies with Miss Susan Hayes, 24, former Bay View Hospital laboratory technician, but declined to discuss his other extra-marital affairs.

He previously testified under oath that Marilyn had urged him to telephone Susan during

a Los Angeles trip last March, but altered his story when Miss Hayes returned to Cleveland to contradict his testimony.

## Hosts Give Clew

Miss Hayes made her admissions only after Dr. and Mrs. Arthur Miller of Los Angeles, at whose home Dr. Sam and Susan were guests, made a statement to Assistant Prosecutor Thomas Parrino and Homicide Detective Robert Schottke.

The Millers said they had known for years that Dr. Sheppard "didn't take his marriage vows too seriously," but were astonished when he brought "another woman" to their home.

Investigators said that Dr. Sheppard did not lavish expensive gifts or entertainment on his woman friends. He was also "pretty tight" in money matters with his murdered wife, they said.

Some of the furniture which Mrs. Sheppard had asked her husband to replace, when he chose to buy a new Jaguar sports car, instead, was removed from the murder home at 28924 Lake Rd. yesterday and taken to the County Morgue on Adelbert Rd.

Dr. Gerber said the murder bed, the downstairs sofa, the chair from Dr. Sam's study and two blood-spattered doors would remain at the morgue until taken to a courtroom for Dr. Sheppard's impending murder trial.

Mahon said the trial would probably take place this fall.

Sole issue of the Thursday hearing before Judge Merrick is whether Bay Village Council President Gershom M. M. Barber could give Dr. Sheppard a fair preliminary hearing. If Merrick rules otherwise, he will transfer the hearing to another suburban mayor's court or Cleveland Municipal Court.

The presiding magistrate at a preliminary hearing is empowered only to hold a felony defendant for Grand Jury action. However, Prosecutor Cullitan has already made the decision to take the case to the Grand Jury—either following the hearing or on his own initiative.

## Corrigan Subpenas 2

Corrigan today subpoenaed two witnesses for the prejudice hearing—Bay Village Councilman George Serb and Leah Jacoby, a Press reporter.

Miss Jacoby covered the meeting at which the Bay Village City Council voted to turn the Sheppard murder case over to the Cleveland Police Department. Serb was the only Council opponent of the move.

**PROJECTION:** Look for Chief Justice Carl Weygant to disqualify himself should the Sheppard murder case get before the Ohio Supreme Court because of the part being played in the events by his son, Richard, Bay Village law director.