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54/08/11 New Quiz Faced By Vital Witness

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NEW QUIZ FACED BY VITAL WITNESS

Police to Requestion Witness on New Findings in Murder

Police to Check Findings in Murder Probe

Police will request an "important witness" in the Marilyn Sheppard murder case regarding "new information" linked to the Bay Village bludgeon slaying, it was learned last night.

The witness is believed to have intimate knowledge of recent relationships between Marilyn and her husband, Dr. Samuel H. Sheppard, accused of hacking her to death July 4.

Meanwhile, Los Angeles police intelligence officers were preparing to question a woman—not a girl friend of Dr. Sam's—in connection with the case.

Was Close Friend

The woman may supply information regarding the Sheppards when they lived in California. She is reported to have been a close friend of Dr. and Mrs. Sheppard and of their acquaintances, but has not figured in the case heretofore.

Her knowledge covers the period of 1944 to 1948, when Dr. Sam was attending the College of Osteopathic Physicians and Surgeons at Los Angeles, and from 1948 to 1951, when the doctor was an intern at the Los Angeles County General Hospital.

Los Angeles police have been checking the background of Dr. Sam while he was living there. They have talked to instructors who taught him at the college in an effort to determine his temperament.

Double Check Case

Police here continued to touch up fine points of their investigation, considered about completed.

Pitted against William J. Corrigan, crack criminal lawyer with a reputation for thoroughness, investigators are double checking to eliminate any ragged edges in their case, largely circumstantial.

(Continued on Page 8, Column 3)

(Continued From First Page)

Corrigan complained last night that police would not listen to leads he might offer on possible other suspects.

Suggests Inquiry

He told the Plain Dealer of a man recently killed in an automobile accident who was said to hold a grudge against the Sheppard family. Corrigan suggested that the background of the man, who lived near Dr. Sam's home, be investigated.

Dr. Richard N. Sheppard, a brother of Dr. Sam, suggested police recheck the story of a doctor formerly at Bay View Hospital, who figured in the case earlier.

He also urged that police look into a news report about a man carrying a meat cleaver and .22-caliber rifle who held a family of five captive for 13 hours near Washington.

Quoted By Police

The man was quoted by police, according to the Associated Press, as telling his prisoners: "I'm wanted for murder and I won't hesitate to kill any of you."

County Prosecutor Frank T. Cullitan conferred with Police Chief Frank W. Story and Deputy Inspector James E. McArthur. They turned over to Cullitan a file on the case.

Participating in the conference were Assistant Prosecutors John J. Mahon and Saul S. Danaceau.

The officers told Cullitan that they believed they had gathered evidence which would convict Dr. Sheppard of killing his wife before dawn on the Fourth of July in the Sheppard home, 28924 West Lake Road, Bay Village.

Cullitan has held that there is no need for haste in taking the case before the grand jury.

There is little disposition to rush the case to the grand jury before the preliminary hearing on the first-degree murder charge against Dr. Sheppard.

This hearing awaits disposal of an application for an affidavit of prejudice against Gershom M. M. Barber, Bay Village Council president, before whom the preliminary hearing is slated to be held.

Hearing on the affidavit request is scheduled for tomorrow morning at 10:15 before Common Pleas Judge Frank J. Merrick in Room 1 of Lakeside Avenue Courthouse.

Corrigan has charged that Barber is biased against Sheppard. He has subpoenaed Bay Village Councilman George Serb and Leah Jacoby, a Press reporter.

Should Judge Merrick sustain the prejudice charge against Barber, the preliminary hearing would be before another magistrate's court—any justice of the peace, mayor's court or municipal court.

If Barber is ruled eligible to conduct the hearing it is likely to be tomorrow afternoon at the Bay City Hall.

Could be Discharged

The preliminary hearing is held to determine if there is "probable cause" to bind over Dr. Sam to the grand jury. Should it be decided at the hearing that "probable cause" has not been proved the prisoner could be discharged.

It is unlikely that this would mean freedom for the osteopath, now held in County Jail.

In all likelihood Dr. Sheppard would be recharged in another court or Dr. Samuel R. Gerber, coroner, would hold him for the next Common Pleas Court term, setting a high bond.

Other Possibility

It is also possible that Dr. Sam could be bound over to the grand jury on a charge of second-degree murder or less, should Barber rule that way.

Cullitan said a complete physical examination given Dr. Sam last week at City Hospital substantially confirmed the findings of Dr. Richard Hexter.

Dr. Hexter examined Dr. Sheppard on July 4 at Bay View Hospital and said the osteopath had not suffered neck injuries.

Dr. Sheppard has maintained his pregnant wife was killed by an intruder with whom he fought. He said his neck was injured in the struggle. He has worn a leather therapeutic collar to give his neck support.