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54/08/10 Asks Jury Action In Murder Case

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CLEVELAND, OHIO, TUESDAY, AUGUST 10, 1954

Wirephotos, Exclusive Evening News of the Associated Press and International News

ASKS JURY ACTION IN MURDER CASE

Story Wants To Block Off Legal Moves

BY HOWARD BEAUFAIT

Possibility of direct grand jury action in the murder of Marilyn Reese Sheppard was seen today as the result of a meeting between Police Chief Frank W. Story and County Prosecutor Frank T. Cullitan.

Impatient with delaying "legal technicalities" thrown into the case by attorneys for Dr. Samuel H. Sheppard, the chief said he favored taking the case to the grand jury immediately.

"I want to get Cullitan's thinking on the matter," Story said as he left for the prosecutor's office. He took with him a summary of the police investigation into the July 4 club slaying of the attractive Bay Village housewife.

Chief Story said the murder case was being unnecessarily delayed by an affidavit of prejudice filed by Defense Attorney William J. Corrigan. After filing the affidavit Corrigan asked for a court continuance until Thursday while he finds witnesses to support his contention that Acting Mayor Gershom M. M. Barber of Bay Village was not qualified to preside at a preliminary hearing for Dr. Sheppard on the murder warrant.

Jury Meeting to Be Set

Deputy Inspector James E. McArthur, heading the investigation into the 37-day-old crime, said: "The prosecutor's office has been working closely with us . . . If and when Prosecutor Cullitan, our legal advisor, sees fit to take the case to the grand jury, we are ready."

Common Pleas Judge Arthur H. Day asked the prosecutor when he should summon the jury to receive the Sheppard case. Cullitan said he would let him know shortly.

Prosecutor Briefed

After the meeting with Cullitan, Chief Story told reporters: "Cullitan said when the time is ripe he will take the case into

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the grand jury. That time is not now, nor within the next two days. We told the prosecutor what our investigation showed to date and he asked us to reinvestigate two matters—I can't tell you what they are."

Cullitan could take the case directly before the Grand Jury, eliminating the necessity for a hearing on the affidavit of prejudice and the hearing before Barber.

The prosecutor has not indicated whether he would seek an indictment for first degree murder or a lesser degree of homicide against the 30-year-old osteopath.

The grand jury has been ordered to stand by until Aug. 20. Jurors cancelled their vacation plans until after that date.

Two witnesses to testify in behalf of Dr. Sheppard at the hearing on the affidavit of prejudice were subpoenaed by Corrigan. They were Bay Councilman George J. Serb, who operates a gas station near Bay View Hospital, and Leah Jacoby, suburban reporter for the Cleveland Press.

Coroner Gerber indicated that preparations for a trial are going forward. He had workmen bring furniture and other articles to the morgue from the Sheppard home at 28924 West Lake Rd., for possible reconstruction of the murder scene in a courtroom.

The articles removed from the home included a blood-spattered door to the bedroom where Mrs. Sheppard was beaten to death with such unusual fury, a door to the bedroom closet, the bed,

mattress and springs on which she died, a hook rug from the stair landing, a swivel chair, a desk lamp and a red leather chair from Dr. Sam's study, and a couch on which the osteopath said he was sleeping downstairs while his wife was being hammered with an unknown weapon.

Dr. Sheppard, before he locked his lips and refused to discuss the murder with homicide detectives, said that he ran to his wife's room and grappled with a bushy-haired intruder who knocked him out before escaping from the house.