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8-12-1954

## 54/08/12 Says Council Head Called Sam Guilty

Cleveland News

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**THE WEATHER**

TONIGHT—Fair and cool. Low,  
52.

TOMORROW—Fair and warmer.  
High, 77.

U. S. Weather Bureau Official Forecast

# CLEVELAND NEWS

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CLEVELAND, OHIO, THURSDAY, AUGUST, 12, 1954

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

# Says Council Head Called Sam Guilty

Text of Testimony  
on Page 4

Council President Gershon M. Barber of Bay Village expressed the opinion less than a week ago that Dr. Samuel H. Sheppard had murdered his wife, Marilyn, a witness testified in Common Pleas Court today.

Robert L. Swanker, former director of public service in Bay, said he could not remember Barber's exact words but that in general the council president, who as acting mayor signed the warrant for Sheppard's arrest, made it clear that he thought the 30-year-old surgeon was "guilty as charged."

Barber, called as a witness after Common Pleas Judge Frank J. Merrick denied a motion to dismiss a writ of prejudice filed by Dr. Sheppard's attorneys, denied being prejudiced or biased in the case.

## Matter Under Advisement

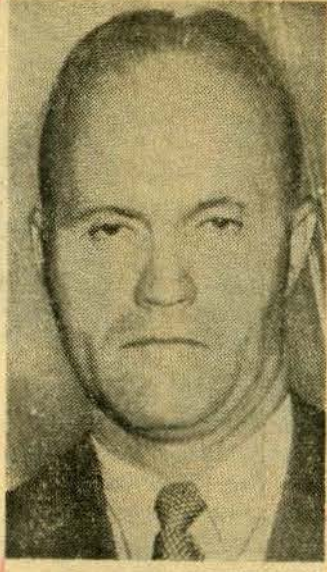
Asked, however, whether any of the testimony given under oath by Swanker was untrue, Barber declared:

"He'll have to answer that. He is a reliable person."

The hearing was concluded with several witnesses uncalled. Judge Merrick announced that he would take the matter under advisement and announce his decision later.

Swanker, an engineer for the  
Continued on Page 3, Column 2





**DR. LESTER HOVERSTEN**  
Returns to Cleveland

## HEARING

Continued From Page 1

Standard Oil Co., said he had discussed the murder case with Barber in the latter's home last Friday.

During this conversation, he said, Barber made it clear that although he thought Dr. Sheppard was guilty "his mind was open" and that he would be willing to change his opinion if evidence of the surgeon's innocence was produced.

Another witness called by Attorney William J. Corrigan to support his contention that Barber was biased and therefore could not give his client a fair hearing said the acting mayor believed the case would be solved quickly after Dr. Sheppard's arrest.

Councilman George J. Serb of Bay testified that Barber had told him during an informal committee meeting in the latter's home on July 21 that the murder case would be settled in a matter of hours if the victim's husband were "arrested, jailed and subjected to interrogation."

Another witness called by Corrigan at the hearing, in which witnesses were separated and photographers warned against taking any pictures while the court was in session, was Mrs. Leah Jacoby Montgomery, a suburban reporter for the Press.

### Doctor in Court

Dr. Sheppard, who was brought to the hearing in handcuffs by deputy sheriffs, sat between his four attorneys during the brief hearing and looked directly at each witness as they took the stand.

In addition to Corrigan, he was represented by William H. Corrigan, a son; Arthur E. Petersilge and Fred W. Garmone. Most of the questioning was conducted by the older Corrigan and Garmone.

Solicitor Richard Weygandt of Bay conducted all of the questioning of witnesses for the municipality but frequently conferred with Assistant County Prosecutors Saul S. Danaceau, John J. Mahon and Thomas Parrino.

The only spectators permitted in the courtroom during the hearing were attorneys who had other business with the court and were awaiting its conclusion.

### Can Change Magistrate

Judge Merrick will determine whether or not grounds for prejudice exist and, if so, where Dr. Sheppard will be arraigned on the first degree murder charge.

If he should rule that Barber is not qualified to hear the case, he can then designate another magistrate to preside at the hearing.

The hearing on Corrigan's affidavit was originally scheduled for Monday but was postponed until today when he asked for additional time to subpoena witnesses.