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Ready to Go Ahead Now, Corrigan Says

"We are ready to go ahead," was the word last night from Dr. Samuel H. Sheppard's legal camp.

William J. Corrigan, "Dr. Sam's" chief counsel, said that he did not plan to ask for a continuance when Dr. Sheppard appears Monday at 9:15 a. m. for a preliminary hearing on the first-degree murder charge against him.

Time for the hearing to determine if "probable cause" exists to bind Dr. Sheppard over to the grand jury on the charge was set by Common Pleas Judge William K. Thomas.

Judge Thomas took over the case after Common Pleas Judge Frank J. Merrick ruled that Council President Gershom M. M. Barber of Bay Village had "a predisposition of thought and

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opinion" in the case and disqualified Barber to conduct the hearing.

Merrick asked Judge Thomas to accept the assignment by transfer and the latter agreed.

Yesterday afternoon, Judge

Thomas met with Corrigan and other Sheppard lawyers and attorneys who will represent the state at the hearing.

Judge Thomas said that the public would be barred from the hearing to prevent curious crowds from disrupting the session.

Additional deputies will be on hand Monday morning to maintain order outside the courtroom.

Judge Thomas said that parties to the case, attorneys and other officers of the court and newsmen will be admitted.

At other court appearances of Dr. Sheppard, crowds have milled around in the corridors anxious to gawk at the strapping osteopath, manacled to a deputy sheriff.

Dr. Sam will be on hand during the hearing, which could run several days.

Participating in the conference were Assistant County Prosecutors John J. Mahon and

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Corrigan Ready to Go Ahead on Murder Hearing Monday

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Thomas J. Parrino, Bay Village Law Director Richard S. Weygandt and William H. Corrigan, son of the Sheppard chief counsel, and Fred W. Garmone, another Sheppard attorney.

Cross Examining Due

Weygandt said that he could complete presentation of his case within a day. However, Corrigan and company may be expected to cross examine all witnesses closely in an effort to show that cause does not exist to hold Dr. Sam under the charge.

The hearing in Court Room 2 of the Criminal Courts Building, 1560 E. 21st Street, will afford Dr. Sheppard an opportunity to make his own statement in answer to the charge that he murdered his wife, Marilyn, July 4.

Whether or not Dr. Sam will avail himself of this opportunity has not been decided, Corrigan said.

Explains Procedure

Such a statement, not under oath, could be made to answer the charge and to explain any facts against him, Judge Thomas explained.

However, should he make a statement, it may be used against him at his trial, if he is bound over and indicted. On the other hand, refusal of a defendant to make a statement on his behalf may not be introduced at the trial, Judge Thomas said.

Dr. Sam will have an opportunity to speak for himself after the state has rested its case.

Subpoenas Issued

At the hearing, the defense may attempt to raise again questions as to the validity of the warrant itself. The fact that Barber was judged to be biased may be used by the defense in a new attack on the warrant itself, one legal source indicated.

It is expected that the defense will likely move that the warrant be dismissed early in the hearing.

Weygandt said that he has issued subpoenas for the following witnesses for the state: Mayor J. Spencer Houk of Bay Village and his wife, Esther; Mr. and Mrs. Don J. Ahern, neighbors of the Sheppards; Bay Village Patrolman Fred Drenkhan; Dr. Lester Adelson, deputy county coroner, and Cleveland Homicide Detectives Patrick A. Gareau and Robert E. Schottke,

Ruled out of the case, Barber said that he was "surprised" by Judge Merrick's decision.

"While I had no particular desire to handle the case, I am disappointed that Judge Merrick believed me prejudiced," Barber said.

"I was doing my legal duty as I saw it. In my own mind, while I made comments, I always had mental reservations of doubt in the case. I believe that I could have fairly judged the case."

Meanwhile, Stewart Saunderson, Bay Village justice of the peace, said that he had not issued the warrant for Dr. Sheppard because he considered it the responsibility of the mayor's court. He said that his court handles civil cases and that the Bay mayor's court dealt with criminal matters.

"Had the mayor's court refused to act, I should have issued the warrant," Saunderson said.