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54/08/14 Sheppard Murder Is Set For Grand Jury Next Week

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CLEVELAND, SATURDAY, AUGUST 14, 1954

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SHEPPARD MURDER IS SET FOR GRAND JURY NEXT WEEK

The Grand Jury will meet in special session at 9 a. m. Monday to consider a first-degree murder indictment against Dr. Samuel H. Sheppard.

Foreman Bert Winston issued the call after Prosecutor Frank T. Cullitan abruptly decided to cut short legal maneuvering by the battery of defense lawyers and speed to trial the charge that the 30-year-old osteopath murdered his pregnant wife, Marilyn.

Cullitan announced he would ask postponement of the preliminary hearing on the charge.

The hearing is scheduled for 9:15 Monday on the second floor of the Criminal Courts Bldg. at E. 21st St. and Payne Ave.—over the first-floor room where the Grand Jury meets.

Common Pleas Judge William K. Thomas was designated to preside at the hearing after Chief Defense

Counsel William J. Corrigan successfully challenged Bay Village Council President Gershom M. M. Barber as "biased and prejudiced."

Cullitan expected that Judge Thomas would grant the postponement, since the preliminary hearing is intended solely to decide if there is "probable cause" to hold the defendant for Grand Jury action.

And the case is going to the Grand Jury—regardless of the outcome of the hearing.

Cullitan said the defense had waived the right to a preliminary hearing within 10 days after the arrest when it filed its affidavit of prejudice against Barber.

The move caught Corrigan by surprise. Only this morning, he was at the murder scene with Judge Thomas and prosecution attorneys, inspecting the home at 28924 Lake Rd., Bay Village, in preparation

for the Monday hearing.

Skipping the preliminary hearing would deprive Corrigan of an opportunity to cross-examine prosecution witnesses before the murder trial.

If the Grand Jury returns a first-degree murder indictment, the prosecution would demand the death penalty at the trial—which probably would start late in September or early October.

Cullitan said he would "present the facts" to the jurors, and leave the matter of "murder degree" to their discretion.

A first-degree indictment would require that Dr. Sam remain in the County Jail until his trial. He could obtain freedom on bail if the indictment charges only second-degree murder or manslaughter.

Cullitan assigned three assistant prosecutors—John

J. Mahon, Saul S. Danaceau and Thomas Parrino—to present the case to the Grand Jury.

He estimated that the presentation of evidence would take two or three days. The 15-member panel may visit the murder home before voting on an indictment.

They will find the twin bed, on which Marilyn Sheppard was slugged to death, has been removed from the premises, along with other furniture and two blood-spattered doors.

This evidence was removed to the County Morgue by Coroner Samuel R. Gerber.

Cullitan said his decision to take the case to the Grand Jury Monday was based on the fact that "the police have virtually concluded their investigation, and

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Grand Jury to Get Case Next Monday or Tuesday

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this seemed the opportune and appropriate time."

Corrigan had been asked if he would accept a delay in the preliminary hearing. Cullitan said, but insisted that the prosecution make its request in court.

Cullitan's answer was the announcement that the case would be taken directly to the Grand Jury.

An attempt by Dr. Stephen Sheppard to contact Miss Susan Hayes, an important witness against his brother, Dr. Sam, was disclosed by Cullitan earlier today.

Susan's father, Elbert C. Hayes, reported to Cullitan's office that Dr. Stephen and his wife had called at their apartment at 1680 Wagar Rd., Rocky River, when no members of the family were at home.

Neighbors had informed him of the visit, he said.

Miss Hayes is the 24-year-old former Bay View Hospital technician whose admission of West Coast intimacies with Dr. Sam shattered his previous claim of marital fidelity to his murdered wife, Marilyn.

Cullitan said "there is nothing illegal" about Dr. Stephen's effort to talk to Miss Hayes, but "we're very interested in it."

He indicated that the nature of a conversation between defense representatives and a key prosecution witness, not the mere fact that a conversation took place, "might be important."

Cullitan said he had "counseled Miss Hayes not to discuss the case with anyone, particularly the Sheppards."

Dr. Stephen has been the most active defender of Dr. Sam, striving to free him from County Jail and the murder charge by demanding that police investigate "other suspects."

Their older brother, Dr. Richard N. Sheppard, indicated that Dr. Stephen was acting on his own and not as a "spokesman" for the Sheppard family.

"He is perfectly sincere," Dr. Richard said. "All I know is that I was not consulted."

Asked to explain his effort to see Miss Hayes, Dr. Stephen replied: "I don't have any comment on that. Thanks for calling."

Houk Is Cleared

His latest "suspicion" collapsed when Police Chief Frank W. Story gave "full clearance as a suspect" to Bay Village Mayor J. Spencer Houk.

"We will be receptive to any other suggestions that Dr. Stephen may offer," Story said, "and will check them out with equal thoroughness, unless they are obviously in the realm of fantasy."

The irate suburban butcher-mayor angrily shouted "You're a liar!" at Dr. Stephen when they met face to face at Central Police Station yesterday.

Houk had been "brought to headquarters" for more than five hours grilling "as a suspect, on information provided by Dr. Stephen Sheppard."

Story had previously emphatically cleared Dr. Lester T. Hoversten, house guest of Sam and Marilyn for three days before her brutal death. Dr. Hoversten, too, had been identified by the Sheppard family and their lawyer as a suspect.

Jurors Stand By

Miss Hayes will testify before the Grand Jury when it considers indicting Dr. Sam.

The jurors had been asked to cancel all vacations and had been standing by for the special session call for the past month.

Assistant Prosecutor Mahon, who interviewed Dr. Hoversten today, said the Los Angeles osteopath would be a witness before the Grand Jury, too.

Chief Story expressed "interest" in Dr. Stephen's effort to talk to Miss Hayes.

he said, "but I recall a great uproar when a fellow named Shondor Birns attempted to contact witnesses against him."

Story repeated his belief in the "sincerity" of Dr. Stephen's efforts to prove his brother innocent, but said all the leads furnished by the osteopath thus far had proven false.

Story's Statement

At the conclusion of yesterday's dramatic face-to-face confrontation of Mayor Houk with Dr. Stephen's accusations, Story made this announcement:

"Upon information furnished by Dr. Stephen Sheppard, we brought Mayor Houk to the police station. He underwent vigorous, intense questioning. Then Dr. Stephen Sheppard was brought in to confront Mayor Houk with his statement.

"Mayor Houk was greatly incensed by the statement, and we had some difficulty restraining him.

"Dr. Sheppard was told that, after all the questioning and the confronting of Houk with his statement, we found no reason to hold Mayor Houk as a suspect in the murder of Marilyn Sheppard.

"Dr. Sheppard replied that he was 'very, very glad' to

hear that. He said these things had accumulated in his mind for several weeks, and he considered it his duty to report them.

Sam Still No. 1

"After that, Houk was released from questioning. He was never under arrest. Nothing resulted from this interrogation to cause us to change our minds as to the position of Dr. Samuel H. Sheppard in this case.

"Dr. Stephen had said that, in his opinion, Houk was responsible for the murder of Marilyn Sheppard. His accusation was based mainly on the claim that Marilyn once came to him professionally and discussed marital difficulties she was having with her husband, Dr. Sam, and that Mayor Houk had been in love with her for two years.

"Houk emphatically denied that there was any truth to the report that he was ever in love with Marilyn.

"He said Marilyn was one of the purest girls he'd ever known. He said 'if you knew Marilyn Sheppard, you knew that if anyone ever made an advance to her, he was no longer welcome in the Sheppard home. Sam was always No. 1 with her.'"