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DR. SAM LOSES PLEA TO GO FREE ON BAIL

New 1-19-55

3 Judges Rule Life Sentence Bars Release

Dr. Samuel H. Sheppard today lost his fight for freedom on bail in the Court of Appeals.

The ruling confines the convicted wife slayer to County Jail for the next three months at least while his attorneys attempt to get him a new trial in the Appellate Court.

The three-man court held that no person convicted of a crime punishable by life imprisonment was bailable under state laws.

In a four-page opinion, written jointly by Judges Joy Seth Hurd, Julius M. Kovachy and Lee E. Skeel, the court said:

"... Where a defendant has been found guilty of a crime for which the punishment provided is life imprisonment neither the trial court nor the Appellate Court can admit the defendant to bail pending appeal."

They explained further that bail was permissible in all felony cases "except those in which the punishment is imprisonment for life."

William J. Corrigan, chief defense counsel for Dr. Sam, had argued before the court on Monday that the only "life imprisonment crimes" were those of first degree murder or treason. He said in all other cases there is no such thing as life imprisonment but only indeterminate sentences.

The three jurists disagreed and said: "This claim cannot be supported."

They added:

"... The statutory law of the state prohibits, whether the trial court or the reviewing court to which an appeal is taken, from extending the privilege of bail pending appeal, to one found guilty of a crime for which the punishment provided by law is life imprisonment."

"For this reason the defend-

Continued on Page 2, Column 3

DR. SAM

Continued From Page 1.

ant's motion seeking release on bail until the hearing of his appeal on its merits is overruled," the court concluded.

This was the third court to deny Dr. Sam bail since he was arrested for the murder of his wife, Marilyn, on July 30. He was released briefly under \$50,000 bond by Common Pleas Judge William K. Thomas because a specific charge had not been placed against him at the time the appeal was heard.

Could Serve 10 Years

He was returned to County Jail some 30 hours later when the County Grand Jury returned an indictment for first degree murder. A seven-man, five-woman jury which returned its verdict on Dec. 21 found Dr. Sam

not guilty in the first degree but guilty of murder in the second degree.

Their decision made a life sentence mandatory but he will be eligible for parole after 10 years imprisonment. He is being held in County Jail under a stay of execution issued on Monday by the Court of Appeals.