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55/07/19 Sam Gives Up Appeal Hope, Ready for Pen

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Sam Gives Up Appeal Hope, Ready for Pen

Dr. Samuel H. Sheppard today conceded defeat in the final phase of his Cuyahoga County appeal from conviction for the July 4, 1954, murder of his wife, Marilyn.

He announced that he was ready to be transferred from County Jail to Ohio State Penitentiary to begin serving his life sentence for second degree murder.

"Dr. Sam feels that he will have more freedom at the Columbus prison than here," said associate defense counsel Fred W. Garmone.

The decision meant that Dr. Sam admits losing seven months of his life in his gamble for a new trial. He chose to remain at County Jail until the Appellate Court completed action on his case.

Time Here Doesn't Count

Time served here does not count towards the 10-year minimum he must remain in prison before becoming eligible for parole consideration.

Prison officials said the 31-year-old osteopath would be treated "the same as any other prisoner." After receiving a brief indoctrination course in which the institution's rehabilitation facilities are explained, he will be assigned to work and studies.

Dr. Sam's departure from County Jail—probably early next week—will remove the lockup's longest resident. He has been in the jail almost continuously since last July 30, a longer stay than any other inmate.

Decision Due

The Court of Appeals was to make public a formal opinion late today on the youthful osteopath's demand for a new trial on the claim of "new evidence." It has been predicted that the plea—like Dr. Sam's original plea for overthrow of the guilty verdict—will be turned down.

The "new evidence" was the findings of Paul L. Kirk, professor of criminology at the University of California, that Mrs. Sheppard was slain by an intruder who left his "signature in blood" in her murder bedroom.

Chief Defense Counsel William J. Corrigan has announced he will appeal the case to the Ohio Supreme Court.