



7-29-1954

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Cleveland News

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Cleveland News, "54/07/29 Weigh Murder Arrest At Showdown Meeting" (1954). *All Articles*. 327.
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WEIGH MURDER ARREST AT SHOWDOWN MEETING

NEWS 7-29-54

Probe Split on Charge Now, Building Case

BY HOWARD BEAUFAIT

All evidence gathered to date was laid out at a showdown meeting in the county prosecutor's office today to see if it is adequate for an arrest in the unsolved murder of Mrs. Marilyn Sheppard.

Officials were divided on the question of making an immediate arrest and charge of first degree murder, or waiting until more evidence is gathered for a stronger circumstantial case.

Before going into the controversial session, Police Chief Frank W. Story said: "If we had sufficient evidence we wouldn't hesitate a moment in making an arrest for first degree murder."

The chief added that on the basis of facts gathered so far in investigation of the July 4 brutal murder the "No. 1 suspect is still Dr. Samuel H. Sheppard," the victim's osteopath husband.

Deputy Inspector James E. McArthur disagreed with Chief Story. He said: I believe we have enough circumstantial evidence to make an arrest, but it is not as strong as we would like to have.

"Generally, we do not know who the attorney for the defense will be. In this case we do know, and he has won more than his share of the good murder cases."

The inspector referred to Attorney William J. Corrigan, representing Dr. Sheppard.

County Prosecutor Frank T. Cullitan, presiding at the meeting, said that he would await a complete police report on the murder investigation before determining if it is sufficient to warrant a grand jury hearing.

Also attending the climactic meeting were Bay Village officials, Police Chief John P. Eaton, Mayor J. Spencer Houk and Solicitor Richard S. Weygandt.

Brings Inquest Report

Coroner Samuel R. Gerber brought to the meeting 516 pages of his inquest testimony, in addition to autopsy reports on the type of club wounds that splintered Mrs. Sheppard's skull and laboratory reports of blood found on Dr. Sheppard's clothing.

Capt. David E. Kerr, head of the Cleveland Homicide Bureau, and Assistant County Prosecutors Saul S. Danaceau, Thomas J. Parrino and John J. Mahon also sat in at the conference.

Jurisdiction Questioned

If the conference results in decision to make an arrest, the matter of jurisdiction will have to be resolved.

Solicitor Weygandt held that Cleveland does not have jurisdiction, and that Bay police would have to make the arrest.

Chief Story and prosecutors, however, pointed out that Cleveland detectives could obtain an arrest warrant from a justice of the peace.

All agreed that who should make the arrest was not as important as getting a solution to the baffling crime.

Chief Admits Error

An earlier meeting was held at police headquarters in the office of Inspector McArthur. At this session Chief Eaton was asked why he did not follow the suggestion of Cleveland homicide detectives and

remove Dr. Sheppard from Bay View Hospital to the prison ward at City Hospital on the day of the murder.

Eaton admitted he had made a mistake, but said he was "the victim of conflicting advice."

McArthur and Chief Story denied a published report that they had demanded that Bay Village police make an immediate arrest for first degree murder. They agreed, instead, to present all aspects of the case to Prosecutor Cullitan and let him make the final decision.

Lesser Charge Barred

McArthur said that if a suspect was brought in on an investigation charge the suspect could be released on a writ of habeas corpus within 24 or 48 hours.

"This is hardy enough time to crack a person in a case of this kind," the inspector said. "If we charged him with murder, of course, we could hold and question him indefinitely."

After the meeting in McArthur's office, Mayor Houk said there had been "a meeting of minds" on the principal suspect in the murder of Mrs. Sheppard. He said, however, there should be an end of bickering and accusations and called for teamwork in the future.

As the conference was in progress in the prosecutor's office to determine the future course of the bizarre case, pretty Susan Hayes, 24, the "other woman" in the mystery, was still secluded under guard in a room at Hotel Carter.

Further Quiz Set

Chief Story said he planned to question Miss Hayes further about her association with Dr. Sheppard.

The young woman, who formerly worked for Dr. Sheppard at Bay View Hospital, was brought to Cleveland from her present home in Los Angeles to help investigators searching for a motive.

Miss Hayes has admitted intimacies with Dr. Sheppard, exchanging letters with him and accepting gifts of jewelry and clothing during their romantic interludes in Cleveland and Los Angeles.