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11-8-1954

54/11/01 State Giving Up Sheppard Home's Keys

Cleveland Plain Dealer

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Cleveland Plain Dealer, "54/11/01 State Giving Up Sheppard Home's Keys" (1954). *All Articles*. 377.

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P.D. Journal
11-8-54
**STATE GIVING
UP SHEPPARD
HOME'S KEYS**

**Exhaustive Examination of
House by Defense Is
Anticipated**

BY JOHN G. BLAIR

Keys to the Bay Village home in which she was hacked to death will be turned over to Marilyn Sheppard's estate within a few days, Assistant County Prosecutor John J. Mahon said last night.

Release of the rambling suburban home by authorities brought indications that Dr. Samuel H. Sheppard's defense counsel would order an exhaustive examination of the deserted house.

Dr. Anthony J. Kazlauckas, pathologist and former deputy county coroner working for the defense, said he had not yet had an opportunity to examine the scene of the July 4 bludgeon murder.

Mind Not Made Up

William J. Corrigan, chief defense counsel for Dr. Sam, charged with the first-degree murder of his wife, said of plans to make a scientific examination of the house: "I haven't made up my mind yet."

Dr. Kazlauckas said he had made a request to Corrigan that he be permitted to examine the house at 28924 West Lake Road, when he was retained as a consultant in the case.

At that time he hinted he would use "black light" and other scientific methods by which the police investigators were reported to have found evidence to be introduced at Dr. Sam's trial, which resumes at 9:15 this morning.

On deck when the trial resumes will be Dr. Stephen A. Sheppard, Dr. Sam's brother, who returned last night from New York.

Arrival Causes Furore

"Dr. Steve" caused a furore when he arrived at LaGuardia Field on Thursday with his wife and a woman identified as Mrs. Arthur B. Hayes, a next-door neighbor of the Stephen Sheppards. New York reporters mistook Mrs. Hayes for Susan Hayes, a key witness for the state.

Dr. Richard A. Sheppard, father of Dr. Sam, was named executor of the murdered Marilyn's estate when her will was filed several weeks ago in Probate Court.

The elder doctor said he was "glad" to hear that the house was to be released by authorities.

"We've got to get it ready for winter," he said, a note of hope in his tired voice.

Dr. Sheppard said that while the house was in the possession of authorities the family had been denied permission to take care of it or the yard.

"It looks like a jungle," he added.

Mahon said the visit last week by the jury trying Dr. Sam had about wound up the state's need for the property.

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Marilyn's Estate to Get Keys to Bay Death Home

(Continued From First Page)

Since the murder, attorneys for Dr. Sam had made demands that the property be released.

On Aug. 24, Corrigan and Fred W. Garmone, another defense lawyer, served a formal demand in Dr. Sheppard's handwriting on Bay Police Chief John P. Eaton. Eaton was advised by County Prosecutor Frank T. Cullitan to ignore the demand.

At that time Corrigan threatened to sue to get possession of the property, which was willed to Dr. Sam in Marilyn's last testament.

Conviction of Dr. Sam of first or second degree murder would rule him out as heir. In such a case, the property would be distributed as if Dr. Sam had

preceded Marilyn in death.

Should the osteopath be convicted of manslaughter, he could still inherit the property.

Mahon said all of the property would be released, including the Lincoln Continental which Sheppard bought in California last March while there with his wife.

Furniture Returned

It was on that trip that Dr. Sam and Miss Hayes, 27, former Bay View Hospital technician, stayed together at the home of Dr. Arthur Miller. Miss Hayes has admitted intimacies with Dr. Sam at that time.

Some of the furniture in the house, a hollow shell of the once-happy home, was removed by Dr. Samuel R. Gerber, Cuyahoga County coroner, on Aug. 10. It was returned to his house shortly before the jury visited the scene last Wednesday.

Dr. Lester Adelson, Dr. Gerber's chief deputy, will still be on the stand when the trial resumes this morning. Still cross-examining him, as he did throughout Friday, will be Corrigan.

Expects Hour's Quizzing

Corrigan said he expected to wind up his interrogation of Dr. Adelson "in about an hour."

Mahon said he would "clarify a few things" in redirect examination of the pathologist. He estimated this should take no longer than a half hour. Whether Corrigan would then request Dr. Adelson was not known.

"I can't say if I have any other questions," the lawyer said.

When Dr. Adelson steps down from the stand Don J. Ahern, 29146 West Lake Road, Bay Village, will take his place.

Mrs. Ahern to Testify

Ahern and his attractive wife, Nancy, were supper guests at the Sheppard home the night of July 3. They departed at 12:30 a. m. after sitting with Marilyn and watching a television film, "Strange Holiday."

Dr. Sam was asleep on the couch in the living room, from which he said he was aroused by Marilyn's screams.

Ahern and his wife, who will be the third witness, are ex-

pected to tell of the pleasant evening which was a prelude to the crime. Both are expected to tell how Dr. Sam fell asleep, wearing a white T-shirt and a brown jacket.

The shirt was missing when Dr. Sam was found by Bay Village Mayor and Mrs. J. Spence Houk at dawn July 4. The jacket was found neatly folded on the couch. Efforts to trace the T-shirt, as well as the murder weapon, have failed.

Following the Aherns, Mayor Houk and his wife, Esther, are to be the next witnesses. They will tell of the horror of that strange holiday morning. Houk and his wife have been described as "unfriendly" witnesses by Corrigan.

No Longer Friends

Once close friends of the Sheppards, the Houks became alienated after the Bay butcher-mayor was accused by Dr. Sam's brother, Dr. Stephen A. Sheppard, of having a love interest in Marilyn. Houk violently denied this when confronted by "Dr. Steve" and attempted to strike the doctor.

Mahon said he still estimated the trial would take about a month, but added that if Corrigan continued the pattern of cross-examination woven Friday with Dr. Adelson the trial might take longer.

Behind Corrigan's intensive questioning of Dr. Adelson was seen the intimate knowledge of the coroner's office possessed by Dr. Kazlauskas.

Common Pleas Judge Edward Blythin said there would be no court session Thursday, which is Veterans Day, formerly known Armistice Day.

Scoffs at Intimation

Outside of that, Judge Blythin said he would adhere to a rigid schedule of starting the day's sessions at 9:15 a. m. and recessing them at 4:30 p. m.

While Corrigan on Friday was intimating that Marilyn's death was not the result of the blows she received on the head, Mahon scoffed: "There's no question about the cause of death. The head injuries caused her death."

During questioning of Dr. Adelson, Corrigan placed emphasis on the pattern of the wounds. At a recess he said the weapon might have been some multiplepronged instrument, such as a garden cultivating fork.

Listens to Game

Dr. Sam spent yesterday in his fourth-floor cell at County Jail, listening to the Cleveland Browns-Washington Redskins football game.

Alighting from a Capital Airlines plane at Cleveland Hopkins Airport, "Dr. Steve" told a Plain Dealer reporter the trip to New York was "strictly recreational" and to meet Mrs. Sheppard's mother, Mrs. Janet Miller of Cincinnati, who returned from a European vacation.

He said it never occurred to him that Mrs. Hayes might have been mistaken for Susan. Mrs. Hayes was with the Sheppards when they arrived here at 10:05 p. m.