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54/08/09 Remove Sheppard's Furniture

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REMOVE SHEPPARD'S FURNITURE

Court Exhibit Is Prepared

The bed on which Marilyn Reese Sheppard was murdered was ordered removed today from the house at 28924 Lake Rd., Bay Village.

Also taken out for scientific tests and later use in re-enacting the crime at the murder trial was the downstairs sofa on which her husband, Dr. Samuel H. Sheppard, dozed off on the night before the July 4 slaying.

As this was being done today Dr. Sheppard was taken from County Jail to Lakeside Courthouse for another round in his battle to escape or delay trial on the charge of murdering his wife.

Removal of the bed in which the Bay Village housewife was battered to death by 25 or more savage blows was ordered by Coroner Samuel R. Gerber.

According to Dr. Sheppard, he was asleep on the downstairs couch when he heard his wife cry out in terror. He claims he ran upstairs to struggle with the killer.

Dr. Sheppard was expected to be silent at today's court hearing—except possibly to state his belief that he could not receive a fair hearing in Bay Village Mayor's Court.

Wants Hearing Transferred

Chief Defense Counsel William J. Corrigan demanded that Bay Village Council President Gershom M. M. Barber be barred from presiding at a preliminary hearing on the accusation that the 30-year-old osteopath bludgeoned Marilyn Reese Sheppard to death on the morning of July 4.

Barber, Corrigan contended, is "biased and prejudiced," having termed the long delay in arresting Dr. Sheppard "silly."

Bay Village Law Director Richard S. Weygandt insisted Barber was qualified to give Dr. Sheppard an impartial hearing.



"PREJUDICE" of Bay Village Council President Gershom M. M. Barber was charged in today's Lakeside Courthouse hearing in the Sheppard murder case.

Judge Merrick Presides

The issue of Barber's prejudice was tried before Common Pleas Judge Frank J. Merrick.

Merrick was expected to take the matter under advisement after hearing testimony and arguments.

If Barber's qualifications are upheld, Weygandt said, Dr. Sheppard may be taken to Bay Village City Hall for the preliminary hearing late this afternoon.

Should Merrick find Barber "prejudiced," the hearing would be shifted to another suburban mayor's court or to Cleveland Municipal Court.

Precedent for Transfers

There is considerable precedent for transfer of trials from one suburb to another on the claim that the mayor is an "interested party" in a case.

Barber signed the murder warrant on which Dr. Sheppard was arrested July 30 after Bay Village Mayor J. Spencer Houk disqualified himself.

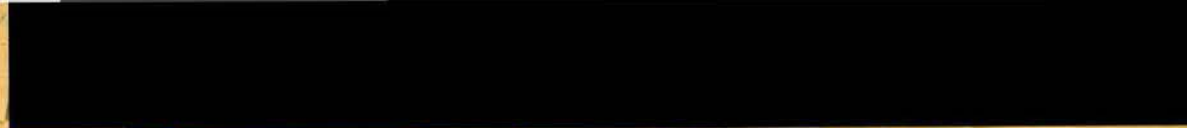
Two previous attempts by the battery of five defense attorneys to remove Barber from the case were rejected last week by Common Pleas Court and the Court of Appeals.

Judge Merrick rejected a writ of habeas corpus sought on the ground that Barber was without authority to sign the arrest warrant last Monday. And the three-judge appellate court on Friday rejected the defense petition for a writ of prohibition against the council president conducting the preliminary hearing.

The Bay Village hearing, originally set for this morning, was postponed when Corrigan filed an "affidavit of prejudice" against Barber.

Today's hearing was actually a minor sparring

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Court Hears Doctor's Prejudice Charge Against Bay Official

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match between the defense team and the group assigned to prosecute the murder case. Weygandt was aided by Assistant Prosecutors Saul S. Danaceau, John J. Mahon and Thomas Parrino.

Sole purpose of the preliminary hearing is to determine whether there is sufficient evidence to justify holding a defendant for possible Grand Jury indictment.

Prosecutor Frank T. Cullitan has indicated that the case may be taken directly to the Grand Jury if he decides there is "unnecessary defense stalling."

Could Be Rearrested

The defendant could be immediately rearrested on another warrant, even if the magistrate presiding at the preliminary hearing ordered his release.

Weygandt called Bay Village Councilmen Lester W. Schaffer and Dale A. Smith to testify to Barber's "impartiality."

Schaffer and Smith spearheaded the move by which the Bay Village Council handed control of the murder investigation to the Cleveland Police Department. This followed the refusal of Houk and Bay Village Police Chief John Eaton to accept the recommendation of Coroner Samuel R. Gerber

Cleveland homicide desks that Dr. Sheppard be charged with his wife's murder.

Spends Quiet Sunday

Dr. Sheppard spent a quiet Sunday reading in his fourth-floor cellblock at the County Jail. He had no visitors and held aloof from the other prisoners.

Replying to a report that he was "disgusted" with jail conditions because he couldn't shave whenever he wanted to and the washroom facilities were "atrocious," Sheriff Joseph Sweeney said the osteopath was "just another prisoner — entitled to no special privileges."

The report was made by Gerry Flick Jr., 20, of 3137 Rocky River Dr. Detective Chief James McArthur and

homicide Capt. David Kerr rejected Flick's claim that he had picked up a hitch-hiker at Conneaut on the morning of July 4 who "seemed to know

a lot" about Mrs. Sheppard's murder. Flick, a pre-med student at Colgate University, three times refused to take a lie detector

test to support his claim.

Detectives continued questioning friends of Sam and Marilyn Sheppard in several cities, seeking the missing "Margo" and "Dottie," two of the five "other women" definitely placed in Dr. Sheppard's recent past. The two women were said to have been on friendly terms with the osteopath while he was a neurosurgeon at Los Angeles County General Hospital.

