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54/08/12 Court Hears Sheppard's Writ Plea

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Court Hears Sheppard's Writ Plea

Merrick Airs Plea Of Doctor for Shift of Hearing

Dr. Samuel H. Sheppard, the Bay Village osteopath being held in County Jail in connection with his wife's murder, today attended the hearing conducted by Common Pleas Judge Frank J. Merrick to determine where a preliminary hearing is to be held.

The 30-year-old surgeon was handcuffed to two deputy sheriffs when he was led into the courtroom from which the general public was barred.

Among those present at the hearing on a writ of prejudice filed by Dr. Sheppard's attorney, William J. Corrigan, were seven witnesses called to testify as to previous remarks made by Acting Mayor Gershom Barber of Bay Village.

Charges 'Bias'

As a result of these remarks, which Corrigan describes as "biased," the attorney contends that the surgeon could not receive fair treatment at a preliminary hearing conducted by Barber.

Judge Merrick will determine whether or not grounds for prejudice exist and, if so, where Dr. Sheppard will be arraigned on

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the first degree murder charge. He is not expected to announce a ruling until tomorrow.

If he should rule that Barber is not qualified to hear the case, he can then designate another magistrate to preside at the hearing.

The hearing on Corrigan's affidavit was originally scheduled for Monday but was postponed until today when he asked for additional time to subpoena witnesses.

Reporters Called

The witnesses, including two Bay Village councilmen and three newspaper reporters, are alleged to have heard the remarks made by Barber which Corrigan contends clearly demonstrate "bias and prejudice."

Barber entered the case after Mayor J. Spencer Houk disqualified himself because of his personal friendship with Dr. Shepard and because he would be a material witness in the case if it should be taken to trial.