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54/08/20 Dr. Sam Fails To Ask For Bail

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Dr. Sam Fails

Press

TO ASK FOR BAIL

Not-Guilty Plea Entered in Hearing

Dr. Samuel H. Sheppard today dodged a prosecution challenge that he take the witness stand to support an expected bid for freedom on bail.

At his arraignment before Common Pleas Judge Arthur H. Day, the 30-year-old accused slayer of his wife entered a plea of "not guilty" but delayed his bail request.

Neither Dr. Sheppard nor his chief defense counsel, William J. Corrigan, spoke a word during the two-minute hearing. Their spokesman was Fred Garmone, associate defense counsel.

"The plea, your honor, is not guilty," said Garmone.

He added: "We would like at this time to reserve the right to withdraw the plea at a future date and file with this court whatever motions or pleadings we feel necessary regarding this matter."

Refuses to Explain

Corrigan refused to explain his failure to file an immediate motion for bail, although he had previously stated his intention to do so in open court.

"My moves from now on," he said, "are my own, and I'm not going to announce them."

Assistant Prosecutor John J. Mahon had challenged Corrigan to ask for bail and put Dr. Sam on the witness stand.

"We are eager to ask him many questions," Mahon said.

The defense may move for bail at any time prior to the trial. It was expected that such a motion might be filed when Judge Edward Blythin succeeds Day as presiding judge of the criminal division of Common Pleas Court Sept. 7.

Wears Same Gray Suit

Dr. Sheppard was taken from his fourth-floor cell to the second-floor courtroom for the arraignment at 9:08 a. m. He wore his spectacles and the same charcoal gray suit he wore at his wife's funeral and his previous courtroom appearances.

His brothers, Dr. Richard and Dr. Stephen, were present in the courtroom, but made no effort to talk with Dr. Sam. They were granted special permission to see him at the jail immediately after the hearing.

Judge Day opened court after posing for television and movie cameras in his office, which was illuminated by the glare

of special lighting.

He permitted photographers to take pictures before court was formally opened, and of himself entering the courtroom. Other pictures, he said, were barred by the rule of the Ohio Supreme Court and Canon 35 of the American Bar Assn.

According to his family, Dr. Sheppard is "almost anxious" to testify—but has placed the decision in the hands of his attorneys.

The law requires that a hearing be granted on a bail application.

At such a hearing, the defense is privileged to call witnesses in an effort to dispel the prosecution claim that "the presumption of guilt is great."

A first degree murder defendant is not entitled to freedom on bail if the judge holds that situation exists.

"We will press for as early a trial date as possible," Assistant Prosecutor Mahon said. "We expect delaying tactics from the defense, but hope to bring Dr. Sheppard to trial in October."