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54/08/20 Not Guilty, Sheppard Says; Asks No Bail

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MSL

ACADEMIC ENDEAVORS

Not Guilty, Sheppard Says; Asks No Bail

Pulls Surprise On Prosecutor

In a surprise maneuver, attorneys for Dr. Samuel H. Sheppard made no effort to gain his release on bail today after he pleaded not guilty to an indictment charging him with the murder of his pregnant wife, Marilyn.

Called before Common Pleas Judge Arthur H. Day to enter a plea on a Grand Jury indictment charging first degree murder, the young Bay Village osteopath shifted nervously as Fred W. Garmone, one of his attorneys, stated:

"Not guilty, your honor."

When Judge Day asked if an application for bail was before the court, Garmone answered:

"There is no such application before this court at the present time."

Returned to Jail

Judge Day then turned to his left and said:

"Mr. Sheriff, will you see that Mr. Samuel Sheppard is returned to his cell."

As Dr. Sam was led from the crowded courtroom, Judge Day declared the arraignment hearing ended and newsmen crowded around Garmone and his defense co-counsel, William J. Corrigan, to determine why they had dropped their previously announced plan for bail.

As late as yesterday, Corrigan stated that he would ask for a separate hearing on the bail application and was prepared to present evidence and witnesses to refute the "presumption of guilt" contained in the indictment.

Declines Comment

Questioned about his decision to withhold the request for bail, Corrigan told reporters:

"I have no comment to make. Any moves I make from now on will not be announced in the public press."

"They've seen fit to charge my fellow with murder and I must prepare a defense. The only way I can help him is in the courtroom and not in the newspapers."

Asked if he planned to file an application for bail later in the day, Corrigan declared:

"I do not contemplate any ac-

Dr. Sheppard Fails To Ask for Bail

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tion today that would be of interest to the newspapers."

Failure of the defense to apply for bail came as a distinct surprise to county prosecutors who had hoped that, at a hearing on the application, they would have an opportunity to question the 30-year-old surgeon under oath.

Takes Notes

Attired in the charcoal gray suit, white shirt, black knit tie and black loafers he was wearing when placed under arrest Tuesday night, Dr. Sam showed no visible emotion when his attorneys informed the court that they were not asking for his release at present.

Wearing horn-rimmed glasses, he sat at the trial table writing notes on a yellow legal pad and passing them on to his attorneys while awaiting the opening of the hearing.

Although the jury box to his left was filled with newspaper, radio and television reporters, no one made an effort to speak to the defendant who was encircled by attorneys and deputy sheriffs.

Dr. Sam appeared oblivious of the activity around him and stared blankly out the courtroom windows. He seemed to awaken to his immediate surroundings only when the rapping of the bailiff's gavel announced the arrival of the jurists.

Warns Spectators

After warning spectators against any talking or outbursts, the jurist ordered the arraignment to proceed.

Among the spectators were Dr. Richard N. and Dr. Stephen A. Sheppard, older brothers of the defendant, and the latter's wife, Betty. They sat in the first row of the spectators' gallery.

The three members of the defendant's family sat quietly without conversing and made no effort to communicate with Dr. Sam, sitting about 15 feet away.

Dr. Richard was wearing his ever-present open-necked sport shirt folded neatly over the collar of his suit coat.

Dr. Steve was attired in a conservative gray business suit, black shoes and a maroon tie. Mrs. Sheppard wore a gray suit, trimmed with white cuffs and collar, and a red hat.

Visited by Counsel

At the conclusion of the arraignment Dr. Sam's attorneys visited him briefly in his cell, but members of the family were required to wait until the regular visiting hours later in the day.

When asked to step forward by Judge Day, Sheppard was accompanied before the bench by his attorneys, William J. Corrigan and Fred W. Garmone.

A deputy sheriff, who had brought Dr. Sam to the courtroom in handcuffs, then removed them, stood a few feet behind.

The first degree indictment was read as Dr. Sam shifted nervously. It charged that he:

"Unlawfully, purposely and of

deliberate and premeditated malice killed Marilyn Sheppard."

No Move for Venue Change

As soon as the "not guilty" plea was entered, Corrigan informed the court that the defendant reserved the right to withdraw his plea at anytime for the purpose of filing and hearing any motions or pleadings such as attacking the indictment.

No mention was made of a possible request for a change of venue which, if granted by the court, would take the actual trial outside Cuyahoga County to some other section of the state.

The arraignment is the first step toward eventual trial which probably will not get under way until at least the first week in October. The actual date will be set when the fall term of the court opens next month and a special jury panel is called.

It is expected that defense attorneys will decide at that time whether they wish to seek a change of venue or place Dr. Sam's fate in the hands of a jury or a special panel of three Common Pleas judges.

At conclusion of the arraignment hearing, Judge Day made the following journal entry in the case of the "State of Ohio versus Samuel H. Sheppard":

"Defendant pleads not guilty and reserves right to withdraw plea to file any motion necessary. No bail."

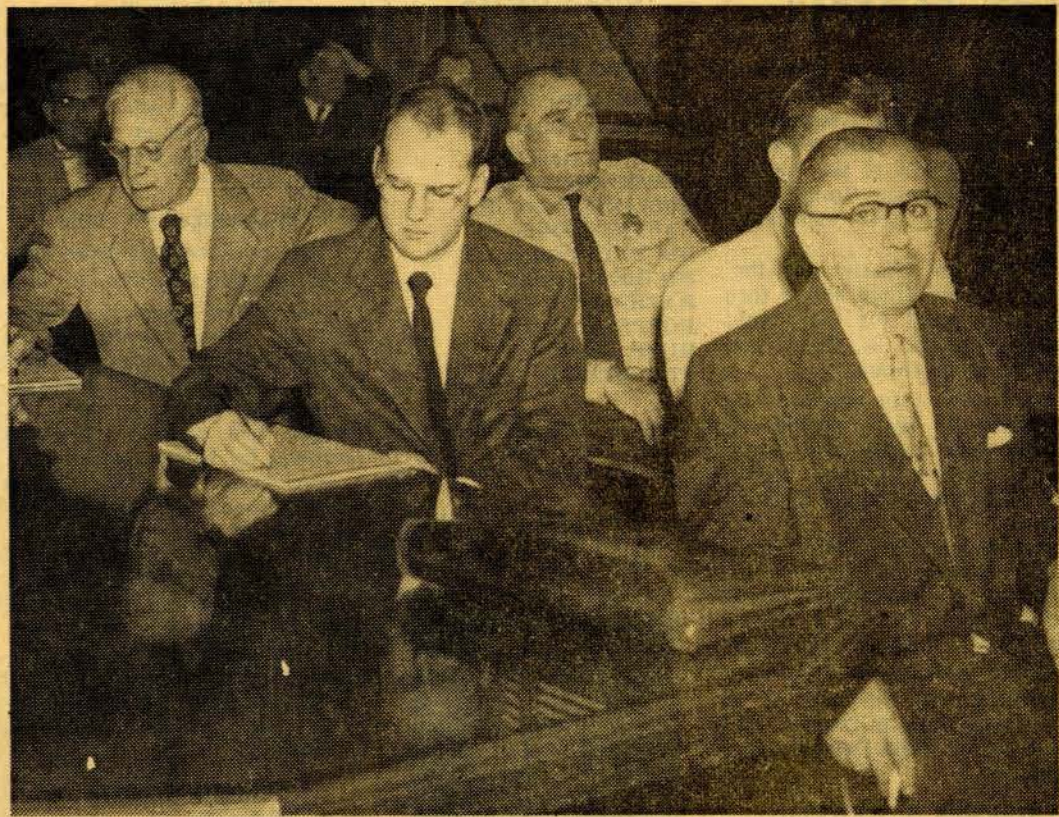
As the arraignment opened police officials disclosed that James Howard Lett, an unemployed machinist who attempted to extort \$20,000 from Miss Kay M. Halle, admitted writing two letters to the Sheppard family, offering to accept guilt for the July 4 murder.

Letters Discarded

The letters, asking from \$25,000 to \$100,000 to "take the rap," were discarded by members of the family after being shown to Dr. Sam's attorneys.

The letters, which Lett, 37, said he wrote, were identified as two received early this month in which the writer suggested that \$10,000 be advanced to him.

After the \$10,000 was paid, the writer stated, he would make his identity known, accept an additional \$15,000, then take full responsibility for the murder of Marilyn Reese Sheppard.



Dr. Samuel H. Sheppard sits between his attorneys, William J. Corrigan (left) and Fred W. Garmone, and writes notes on a legal pad while awaiting arraignment on first degree murder charge. Deputy Sheriff Walter Opalka sits behind Dr. Sam and behind Garmone is William H. Corrigan, another defense attorney.