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54/08/19 Palm Print Hunt Ends - It's 'Chip's'

Cleveland Plain Dealer

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PALM PRINT HUNT ENDS—IT'S 'CHIP'S'

Police Say Identity Rules Out Stranger in Home

BY TODD SIMON AND
SANFORD WATZMAN

Police at last found out who left a palm print in Marilyn Sheppard's home. It was "Chip," the 6½-year-old son of the murdered woman.

Unidentified, that little fraction of a handmark was like a siege gun in the hands of Dr. Samuel H. Sheppard's defense attorneys. At the coming murder trial they could have used it to indicate that a stranger had been in the death home.

Now that gun has been spiked, Assistant County Prosecutor John J. Mahon said yesterday with great satisfaction.

It will no longer silence the state's argument that "there was no evidence that anyone else was in the house," he said.

"Print" Many Others

"Chip," whose real name is Samuel Reese Sheppard, was one of the last to be finger and palm printed by Cleveland's police specialist, Detective Jerome C. Poelking.

Poelking was the one who lifted it from the surface of Dr. Sam's desk. He said it was the only legible print in the house just after the bludgeon victim was found, her head smashed, on her bed.

Dozens of policemen, neighbors, baby sitters and their boy friends, visitors, relatives, and the victim's body too had been "printed."

The mute fragment of evidence was in the study, where drawers were pulled out and papers scattered around.

Having been carried away the morning of the killing, first to an uncle's house and then to a Pennsylvania summer camp, "Chip" was not available to the police until about July 23.

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Cleveland Plain Dealer, Thursday, August 19, 1954

Palm Print Hunt Ends—It's 'Chip's'

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Getting his prints was only one of perhaps two dozen loose ends which had to be tied up to complete the investigation.

The boy's prints were obtained Tuesday.

Poelking's work has now blocked out the last shred of a clue that could have proved anyone but the victim, Dr. Sheppard and the dog, KoKo, were in the lake-front home at 28924 West Lake Road in Bay Village around the murder hour on July 4, police said.

One of the state's California witnesses, Dr. Lester T. Hoversten, was to board a plane for Los Angeles at 3 p. m. today en route to his home in Glendale.

His testimony helped the state to win a first-degree murder indictment against Dr. Sam.

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Dr. Hoversten has promised that he will put off a trip to Germany until he has testified in Dr. Sam's coming trial, County Prosecutor Frank T. Cullitan said.

Answers Weygandt

When Bay Solicitor Richard S. Weygandt accused the prosecutors of breaking faith with him by rushing the Sheppard case into the grand jury, Assistant County Prosecutor Saul S. Danaceau pointed out, among other things, that Dr. Hoversten had been kept here and was anxious to return to his home and his work.

Weygandt spoke bitterly as he went before Common Pleas Judge William K. Thomas to ask that his now-unnecessary murder affidavit against Dr. Sam be dismissed.

"At the time the case was turned over to me I was told by the prosecutor that no presentation of the case to the grand jury was contemplated," said Weygandt.

"Had I known that, I would have refused to participate in a procedure that has for nearly three weeks now consumed needlessly the time of the courts and my own time as well as that of many persons, including the defendant.

"I recommended his (Dr. Sam's) arrest only as a necessary preliminary to this pro-

posed hearing.

"Never did the idea enter my mind of directing such an arrest in order that the defendant might be held in custody so that a case could be prepared against him for presentation to the grand jury.

"I personally much prefer an open hearing to a trial by surprise."

Danaceau indignantly went over the history of the legal skirmishes of the last three weeks.

"At the time that an affidavit and a warrant were prepared," he told the court, "we fully intended to go through with a preliminary hearing looking forward to a bindover.

"We helped prepare the list of witnesses and made sure that they would be subpoenaed.

Quotes Cullitan

"But when the defense put up all these roadblocks Mr. Cullitan publicly said that if there were any more delays he would have to take the case directly into the grand jury.

He pointed out later that the grand jury was being held, canceling vacation plans, and that California witnesses were in a hurry to go home. The delays were all due to defense motions, challenging the murder warrant that first put Dr. Sam in custody on July 30, said Danaceau.

Next on the calendar of legal duels in the case will be another attempt by William J. Corrigan, lawyer for Dr. Sam, to get his man out on bail.

He managed it once when Judge Thomas granted him that right on Monday. Lawyers were still arguing whether Judge Thomas should have let the 30-year-old osteopath out on \$50,000 bond.

Corrigan said he would apply for bail when his client is arraigned tomorrow morning at 9:15.

"I will ask Judge Day (Common Pleas Judge Arthur H. Day) to set a date for a hearing on the question of bail," Corrigan announced.

He said he would bring in witnesses and offer evidence to try to outweigh the "presumption of guilt" which an indictment carries with it, according to the ruling Ohio Supreme Court decision.

Assistant Prosecutors Mahon and Danaceau grinned when they heard about that plan of Corrigan's.

They said they would welcome the chance to cross examine Dr. Sam, if he is Corrigan's chief witness, to try to refute the presumption of guilt.

"And who else can give any evidence against the presumption of guilt?" Mahon asked.

Another defense move might be a demand to hold the trial in some other Ohio community.

Prepares Work Report

Sergt. Harold C. Lockwood was preparing a man-hours report on the 35 to 40 Cleveland policemen who have worked on the Sheppard case.

His report will show how many hours were put in by men of every rank, from patrolmen to top officers, each with his rate of pay.

Mileage and the cost of photographs taken and materials used will also go into the report.

This was to put before Mayor Anthony J. Celebrezze the services for which he will make up a bill to hand to Bay Village. Bay offered to pay for Cleveland's police work on the case.

Lockwood, Detectives Robert E. Schottke and Patrick A. Gareau will stay on the case full time. Extra men assigned to the homicide unit for the case will not be put back on their old jobs until the end of the month, Homicide Capt. David E. Kerr said.

If Corrigan asks for trial out of this county, the request, called a "motion for change of venue," will come after the case has been set down for trial.

Corrigan may argue that wide publicity has biased the minds

of so many in this county that it would be impossible to find 12 impartial jurors who could give Dr. Sam a fair trial.

The motion would go to the presiding judge in the criminal branch—Judge Day this term, Judge Edward Blythin next term.

If that motion is granted—and none of that sort has been granted here within the memory of court veterans—it would be up to the Chief Justice Carl V. Weygandt to choose which common pleas court should try the case. It could be any one of the 88 in Ohio.

Usually trial judges have handled motions for change of venue in this way: They put off ruling on them until a batch of potential jurors have been brought in and questioned to see if they are all too biased.

The questions are put to the prospective jurors: "Have you read about this case?" "Have you formed or expressed an opinion of the guilt or innocence of the defendant?" and "Could you set that opinion aside and hear the evidence and the law and impartially decide this case?"

In every case enough jurors have been found to make up a panel. But the question is one which the judge may decide at his own discretion.



"MYSTERIOUS PALM PRINT" left in the Bay Village murder home was made by the hand of Samuel R. (Chip) Sheppard, police scientific experts determined. The boy was holding his father's pipe when he was photographed.