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54/08/19 Brother Says Dr. Sam Anxious to Take the Witness Stand

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Brother Says Dr. Sam Anxious to Take the Witness Stand

Dr. Samuel H. Sheppard is willing—almost anxious—to take the witness stand to deny that he murdered his wife, Marilyn.

"He wants to do everything in his power to clear this thing up," said his older brother, Dr. Richard Sheppard.

That, Dr. Richard said, includes facing what Dr. Sam knows will be a detailed, vigorous cross-examination by prosecutors who challenge his account of seeing a "tall, bushy-haired man" beating Marilyn to death.

Dr. Sam's first opportunity to take the witness stand may come tomorrow, when defense attorneys apply for bail at his arraignment before Common Pleas Judge Arthur H. Day.

Chief Defense Counsel William J. Corrigan said he had not decided whether to put Dr. Sam on the stand.

"But I am prepared to call witnesses to testify to my

client's innocence," Corrigan said.

In the osteopath's new bid for freedom until his murder trial later in the fall, Corrigan must present what amounts to a preview of the defense case.

Ohio law provides that a first degree murder defendant is not entitled to liberty on bail if the evidence against him and the "presumption of guilt" are great.

Assistant Prosecutor John J. Mahon said that Dr. Sheppard's indictment by the Grand Jury "makes the presumption of guilt great."

"There is no crime more serious than the one of which he is accused," Mahon said. "I can't recall anyone else indicted for first degree murder who was then released on bail. The people of Ohio will demand that Dr. Sheppard remain in jail until his trial."

However, Mahon challenged Corrigan to put Dr. Sheppard

on the witness stand.

"We would welcome an opportunity to cross-examine him," Mahon said.

The prosecution contends that the last possible bit of evidence the defense might claim supports the presence of anyone else in the murder home at 28924 Lake Rd., Bay Village, when the crime was committed was exploded last night.

This was a palm print found on Dr. Sam's desk.

The print was identified by Detective Jerome Poelking as that of Sam (Chip) Jr., seven-year-old son of the victim and the osteopath accused of killing her.

Plans Own Defense

Corrigan disclosed that Dr. Sheppard is taking an active part in planning his defense.

"He's the most interested party," the veteran defense counsel said. "However, he is a doctor. I am a lawyer. He is leaving the legal moves to my judgement."

Corrigan indicated that the defense plans a number of moves before the trial, but "one thing at a time. At the moment, our chief concern is the bail hearing."

Judge Day may hear either the bail presentation at the 9:15 a. m. arraignment tomorrow, or postpone it a few hours or a few days to permit the



COAST TO COAST the Marilyn Sheppard murder has been headlined in the country's newspapers. It is one of the few cases in this century that has drawn such nationwide interest. Shown is a montage of some of the headlines in the country's leading dailies.

Dr. Sam Anxious to Testify

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subpena of witnesses. Two witnesses who might be called are Bay Village Mayor J. Spencer Houk and Police Chief John Eaton, who refused to arrest Dr. Sam for 26 days after the July 4 slaying.

Eaton's explanation was: "The mayor is the boss." Houk's was: "I couldn't get myself to believe that Sam Sheppard would do anything like that." Bay Village Law Director Richard S. Weygant bowed out of the case yesterday with a verbal blast at Prosecutor Frank T. Cullitan and an apology to Dr. Sheppard. When he ordered Dr. Sam's arrest on a murder warrant, Weygant said, he did not intend for the case to be taken directly to the Grand Jury, bypassing a preliminary hearing in magistrate's court.

Danaceau Replies

Assistant Prosecutor Saul S. Danaceau replied that Prosecutor Cullitan had taken the case directly to the Grand Jury be-

cause the defense attorneys delayed the preliminary hearing for three weeks by a series of legal maneuvers. Main police activity on the case today was tallying up a bill for presentation to Bay Village. Total expenses of the Cleveland Police Department's investigation since it took over the case July 21 may be more than \$20,000 if salaries of all men who worked on the inquiry are included. This would amount to about \$2 for each resident of the West Side suburb.

Overtime Possible

Safety Director John McCormick said it might be necessary to pay the homicide squad detectives overtime for their work on the case, rather than give them compensating time off. This, too, would be charged to Bay Village.

To give the men time off, he said, might leave the squad shorthanded and unable to cope with Cleveland's "normal quota" of 100 homicides a year. The squad, headed by Capt. Dave Kerr, has a record of solving all but one of last year's cases.

Dr. Sheppard read medical books in his County Jail cell. He went back to sleep this morning immediately after eating a cereal, coffee and bread breakfast.

He was awakened for a conference with Fred Garmone, associate defense counsel. Garmone said Dr. Sam was "in good spirits."

William H. Corrigan, son of the chief counsel and another member of the defense legal team, said the expected motion for a change of venue would not be filled until "just before the trial."