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Cleveland Plain Dealer

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Monday, August 16, 1954.

HOUK TAKES TWO MORE LIE TESTS; DR. STEVE BALKS

Football Star Otto Graham and Wife Give Statements to Police; McArthur Denies Mrs. Graham Admitted Riding With Sheppard

Mayor J. Spencer Houk of Bay Village yesterday took two additional lie detector tests at Central Police Station after his accuser, Dr. Stephen A. Sheppard, balked at the examination.

Dr. Sheppard, who originally had agreed to the test to back up his accusations against Houk, notified Deputy Inspector James E. McArthur that he would "not avail himself" of the opportunity on the advice of counsel.

Otto Graham, football star, and his attractive brunette wife, Beverly, appeared at police headquarters yesterday afternoon to add their statements to those given by friends of the murdered Marilyn Sheppard and her husband, Dr. Samuel H. Sheppard.

Denial Emphatic

McArthur emphatically denied reports that Mrs. Graham had admitted riding in Sheppard's Jaguar sports car with Dr. Sam, who is accused of first-degree murder in the July 4 bludgeon slaying of Marilyn.

"There is no truth to it at all," Graham said last night. "Beverly was never out alone with Dr. Sam at all."

Mrs. Graham said she and her husband had not had much time for social activities in the months before the Sheppard murder because of their television show. As a consequence, they did not know too much about relations between Marilyn and Dr. Sam.

Went to Car Races

The Grahams had attended stock car races with Marilyn and Dr. Sam, McArthur said. One of these occasions was a few days before Marilyn was found hacked to death in her bed at the Sheppard home, 28924 West Lake Road, Bay Village.

Graham is the star quarterback of the Cleveland Browns and is one of the highest paid players in professional football.

Houk took the tests on the eve of the anticipated presentation to the grand jury of evidence against Dr. Sam.

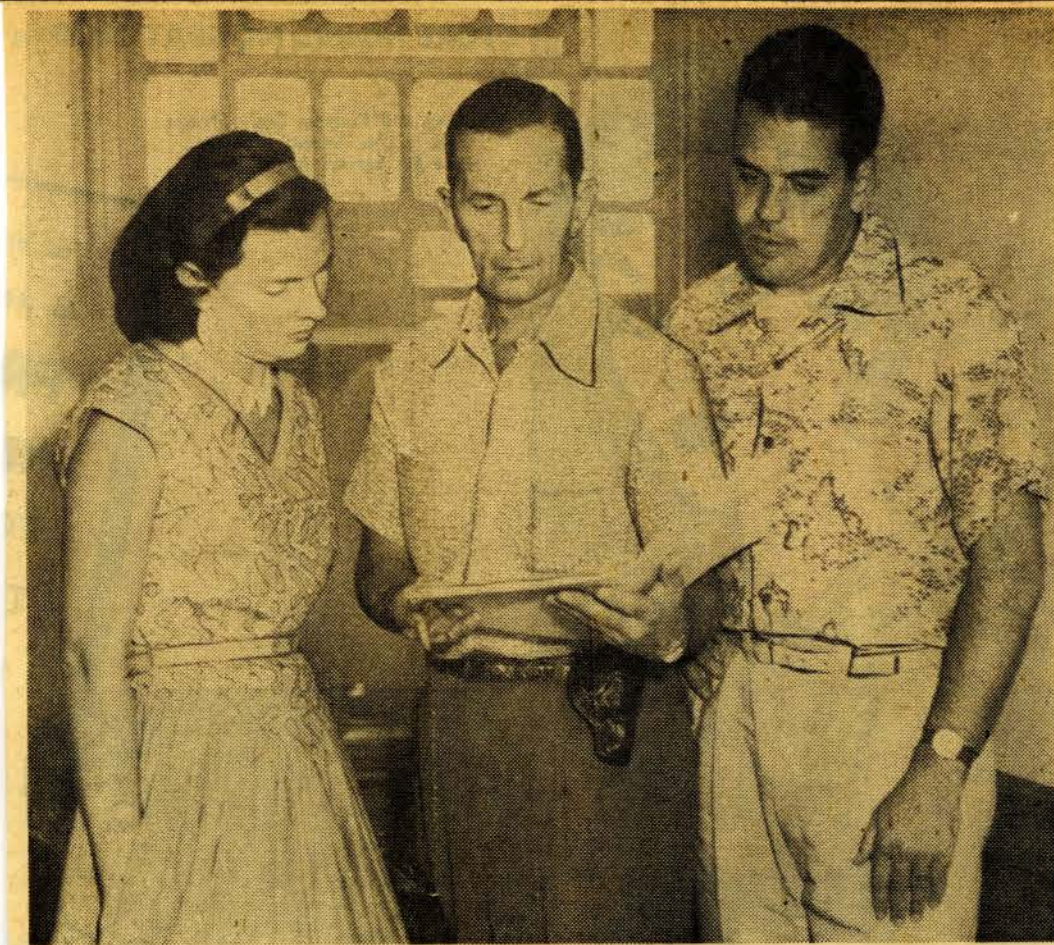
Dr. Sam is slated to appear at a preliminary hearing of the charge at 9:15 this morning in the Criminal Court Building.

Seeks Continuance

County Prosecutor Frank T. Cullitan will seek a continuance of the preliminary hearing and then take his evidence directly to the grand jury.

Jury Foreman Bert R. Winston has notified his jurors to assemble at the Criminal Court Building at 9 a. m.

Capt. David E. Kerr, homicide chief, and Detective Bernard J. Conley administered two tests on the polygraph, or lie detector, to Mayor Houk beginning at 10:30 a. m. yesterday.



FOOTBALL STAR Otto Graham (right) and his attractive wife, Beverly, yesterday gave statements on their friendship with Dr. and Mrs. Samuel H. Sheppard. Looking over the statements with them is Deputy Inspector James E. McArthur.

Houk Takes Two More Lie Tests, but Dr. Steve Balks

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Police Chief Frank W. Story said the suburban mayor had been cleared on two questions to which earlier answers had been inconclusive.

These questions were whether Houk knew what had happened to Dr. Sam's missing T-shirt and whether he intended to lie in answering any question.

"There was no definite attempt at deception," Story said after the tests were completed at 11:30 a. m.

He observed that Mayor Houk was "emotionally exhausted" and that this condition was reflected in the tests.

Refuses Comment

Dr. Steve, who has been in the forefront of efforts to clear his accused brother, would make no comment on the test which he refused to take, according to police.

Friday afternoon, when Dr. Steve and Houk were brought face to face, McArthur proposed that they each take lie detector tests to see who was speaking the truth.

This had followed Houk's shouted denials of Dr. Steve's charge that the mayor had a romantic interest in Marilyn and that he was responsible for her murder. Houk had to be restrained from hitting Dr. Steve.

Acts on Counsel's Advice

Chief Story said both agreed to the tests and appointments were made for them to appear at 10 yesterday morning.

Saturday afternoon at 1:55 Dr. Steve telephoned McArthur and said he "regretted" he could not avail himself of the invitation. McArthur quoted Dr. Steve as saying he had been advised by counsel not to take the test.

Dr. Steve said he had no choice but to abide by the decision.

Tests Erase Doubts

Story said that if the accused person voluntarily took the test he could see no reason for counsel to advise the accuser not to undergo the polygraph examination.

He added that if there had been any doubts that Mayor Houk had co-operated with the police the tests yesterday would eliminate them.

McArthur pointed out that police were able to have five and a half hours of "uninterrupted interrogation" of Houk on Friday, which they said was a longer period than had been possible with Dr. Sam.

Questions Numerous

Numerous questions were asked of Houk in the examinations. These alternated from irrelevant queries to direct demands for answers to questions dealing with details of the brutal murder.

Detectives visited the deserted Sheppard home overlooking Lake Erie on two occasions yesterday. Bertillon experts continued to go over the house in their incessant search for scientific evidence.

It is expected Common Pleas Judge William K. Thomas, who was to conduct the preliminary hearing, will grant the state's request for a continuance.

William J. Corrigan, Dr. Sam's chief counsel, said he had no plans to oppose the request if

it were made. All he knows is that the preliminary hearing is scheduled, he said, and he will take it from there.

Witnesses subpoenaed for the hearing will be called before the grand jury, Cullitan said.

Among these are Mayor Houk and his wife, Esther, the first persons to arrive at the Sheppard home on the murder morning.

Also to be heard is Susan Hayes, 24-year-old Rocky River medical technician who has admitted intimacies with Dr. Sam. Another witness will be Dr. Lester T. Hoversten, an osteopath who was a house guest of the Sheppards in the week preceding the slaying.

Both Miss Hayes and Dr. Hoversten flew here from California for questioning by investigators.

Dr. Hoversten is at Hotel Carter in the company of detectives. Police have said he is being "protected" but is not in custody.

Staying With Parents

Miss Hayes is staying with her parents, Mr. and Mrs. Elbert C. Hayes, 1680 W. 210th Street, Rocky River.

Others who have been subpoenaed are Mr. and Mrs. Don J. Ahern, dinner guests of the Sheppards on the murder night; Deputy Coroner Lester Adelson; Cleveland Homicide Detective Patrick A. Gareau and Robert E. Schottke, and Bay Village Patrolman Fred F. Drenkhan.

Aiding Cullitan in presenting the evidence against the six-foot Bay osteopath will be Assistant Prosecutors John J. Mahon, Saul S. Danaceau and Thomas J. Parrino.

Jury Has Four Choices

Judging the evidence, the grand jury may make one of four choices: indictment for first-degree murder, with the maximum penalty of death in the electric chair; indictment for second-degree murder, which carries a maximum of life imprisonment; indictment for manslaughter, with a prison sentence from one to 20 years, or no bill.

While failure to indict could free the handsome doctor, it still would be possible for the prosecutor to seek an indictment from the next grand jury. This would not constitute double jeopardy since that applies only to the trial on a given charge.

The 30-year-old prisoner spent a quiet Sunday in his fourth-floor cell at County Jail. He read and listened to the double-header baseball games on a portable radio.

No visitors appeared at the jail to see the doctor, who has steadfastly maintained that Marilyn was killed by a "bushy-haired" intruder with whom he struggled before dawn July 4.