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54/08/16 Dr. Sam out On Bail

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DR. SAM OUT ON BAIL

**\$50,000 Bond Frees Sheppard;
He Wants to Resume Practice**



Dr. Samuel H. Sheppard today won at least temporary liberty on \$50,000 bail as the charge that he murdered his pregnant wife, Marilyn, was tossed about in a two-ring legal battle.

Returning immediately to his father's Bay Village home after being released from the County Jail by Common Pleas Judge William K. Thomas, Dr. Sheppard said he hoped to "get around to see my patients as soon as possible."

But he indicated, even in his elderly mother's tearful embrace, that he expected to be back behind bars soon—when the Grand Jury indicts him for first-degree murder.

The unexpected action of Judge Thomas in releasing Dr. Sam brought criticism from Detective Chief James McArthur.

"I am just as much surprised as the 40 or 50 people who have called me to express indignation," McArthur

← **Dr. Sam Sheppard walks out of County Jail, free on \$50,000 bail.**

said, shortly after the news of Dr. Sam's freedom began circulating.

McArthur said he had never before heard of a first-degree murder defendant being released on bail before his preliminary hearing, "by a judge who heard no evidence."

Homicide Capt. David E. Kerr commented: "Law and order is for the poor people."

Chief Defense Counsel William J. Corrigan commented:

"I've always asked for bail in first-degree murder cases but it never was granted." Corrigan said that the last case he recalled in Cuyahoga County where a man charged with first-degree murder had been allowed bail was in 1919.

Said Assistant Prosecutor Saul S. Danaceau: "In my 18 years as a prosecutor, no first-degree murder prisoner was ever released on bail."

The 30-year-old osteopath wept when Corrigan,

pleading for a moderate bail figure, described his "excellent past reputation," and argued:
counsel, William J. Corrigan, pleading for a moderate bail figure, described his "excellent past reputation," and argued:

"He has committed no crime whatever, except possibly the sins we sometimes all commit. . . ."

Dr. Sheppard walked out of the Criminal Courts Bldg. at 12:20 p. m., leaning lightly on the arm of his brother, Dr. Richard Sheppard. Corrigan followed them, carrying a bundle of Dr. Sam's possessions, including the protective neck collar which had become the osteopath's trade mark since his wife's murder.

Drives Off With Brother

Brushing past curious spectators, Dr. Sam got into his brother's green Ford convertible and looked stonily out the window as Dr. Richard started the engine and drove off.

Thirty feet from the room in which Dr. Sam completed the formalities of posting bond by signing his name, his close friend, Bay Village Mayor J. Spencer Houk, was testifying before the Grand Jury which is expected to cut short his new-won freedom by returning a first-degree murder indictment.

Judge Thomas, in ordering Dr. Sam's release on bail, observed that "this is an American court, operating under our Constitution and Bill of Rights."

While Dr. Sam greeted the judge's ruling that he would soon be free with a smile of gratification, on

\$50,000 Bail Cost \$2500

The \$50,000 bail bond posted by Dr. Samuel H. Sheppard to gain his release from County Jail will cost him \$2500.

Purpose of the bail, posted by the Progressive Mutual Insurance Co., is to assure the osteopath's appearance at a Wednesday hearing that may not be held.

Dr. Sam and his family have also deposited \$10,000 in the Cleveland Trust Co. to guarantee payment of the reward offered by them for "arrest and conviction" of the killer of Marilyn Sheppard.

Chief Jailer Mike Ucello stopped Dr. Sheppard as he was leaving the County Jail today. "Where's your radio?" Ucello asked. "Do you have it with you?"

"You keep it for me," the osteopath replied. "I'll be back. . . ."

Doctor Is Out Under \$50,000 Bond

(Continued From Page One)

the floor below in the Criminal Courts Bldg., Dr. Lester Adelson, deputy coroner, was telling the Grand Jury of the savagery with which Marilyn Sheppard was murdered.

Judge Thomas, in agreeing to postpone a preliminary hearing on the murder charge against Dr. Sam until 1:30 p. m., Wednesday, apparently gave the Grand Jury that much time to return an indictment.

Dr. Sam's bail request victory resulted from a "calculated gamble" taken by County Prosecutor Frank T. Cullitan.

"Dr. Sheppard might be on the street for a few days," Cullitan said, "but that doesn't worry me. He can easily be re-arrested after the Grand Jury indicts."

And Cullitan's assistants assigned to present the case to the Grand Jury—John J. Mahon, Danaceau and Thomas Parrino—expressed confidence that the jurors would hear ample testimony to support a first-degree murder indictment.

This was the timetable of the day's quick-paced developments:

9 A. M.—All 15 members of the Grand Jury, plus the three women alternates, assembled at the Criminal Courts Bldg. The alternates were excused. The re-

maining nine women and six men began discussing the case.

9:20 A. M.—Judge Thomas mounted the bench in the second-floor courtroom.

9:40 a. m.—Thomas granted the continuance and took Corrigan's motion for bail under consideration.

10 a. m.—Mahon, Parrino and Danaceau began outlining the murder case against Dr. Sam to the Grand Jury.

10:30 a. m.—Dr. Adelson, called as the first jury witness, described the autopsy on the victim. The examination showed Mrs. Sheppard's skull was shattered by 25 or more savage blows of a missing murder weapon, delivered in swift succession by "a powerful adult," probably in a rage.

11:05 A. M.: Thomas ruled that Dr. Sam is entitled to bail.

Judge Thomas read the constitutional provision that a defendant is entitled to bail except in capital cases where "the proof is evident or the presumption of guilt great."

"What is the evidence in front of me here?" Judge Thomas asked. "Nothing, except the application of the defense for bail, and a statement by the prosecution in opposition.

"This court cannot go beyond this courtroom. We cannot deal in surmise. I must find that there is nothing before me here to sustain a finding that proof is evident or presumption great.

No Evidence to Act On

"I do not pass on the question of innocence or guilt, but merely upon what evidence has been presented here. I find no evidence.

"Having in mind that this is an American court, operating under our Constitution and our Bill of Rights, I grant this application."

Before taking the amount under advisement, Judge Thomas sent down to the Grand Jury room for the assistant prosecutors.

"We oppose his release on any bail," Danaceau declared. "Other than that, it's up to the court."

Corrigan argued for a moderate amount. "This man," he said, "is 30 years old—a doctor.

"Up to this time, he bore an excellent reputation in this community.

"He has committed no crime whatever, except possibly the sins we sometimes all commit. . . ."

Corrigan described Dr. Sam as a home owner, and outlined the prestige of his family in Bay Village, where his father, Dr. Richard A. Sheppard, founded Bay View Hospital.

While Judge Thomas was deliberating on the sum, Corrigan told reporters his client was not happy about his near-freedom.

Faces Serious Charge

"The man has nothing to be happy about," the veteran defense counsel said. He has lost his wife and his unborn child. He hasn't seen his son for some time. What does he have to be happy about?"

The court session at which the preliminary hearing was postponed took only 20 minutes.

Dr. Sam was brought down from his fourth floor cell block to the second floor courtroom in handcuffs. The

manacles were removed at the door.

Talks to Brother

Entering the courtroom, from which spectators were barred, he nodded to his older brother, Dr. Richard.

Dr. Richard sat down beside Sam and started a conversation, but was ordered away by deputy sheriffs.

Dr. Sam was wearing the same gray suit he had on at his wife's funeral.

The jurist entered into the record that he and counsel had inspected the murder home Saturday, then turned to the prosecution battery: "Proceed."

Mahon asked the continuance. "The Grand Jury is now in session," he said, "and evidence in this case is being presented."

Judge Thomas turned to the defense attorneys.

"We feel the problem is a matter for your honor to decide," said Associate Defense Counsel Fred Garmone.

Thomas suggested that the state was really asking "what amounts to a dismissal of the charge."

This was disputed by Mahon and Danaceau.

"There is a first degree murder warrant against this man," Danaceau said. "There is no reason why anyone should suggest that the state's action is a move to dismiss. On the contrary, it indicates that the case is so serious that we're taking it directly to the Grand Jury."

Hearing "Unnecessary"

Thomas pointed out that "for this court to proceed now, since the Grand Jury is considering the case, would be unnecessary."

However, he continued, Common Pleas Judge Frank J. Merrick had set a five-day time limit, starting last Friday, on the preliminary hearing.

Thomas ordered the hearing continued until 1:30 p. m. Wednesday.

Corrigan leaped to his feet and demanded that his client be released on bail.

"This man has been in jail more than two weeks," he said. "The crime was committed on the Fourth of July. From July 4 to July 30, he was present at his father's house in Bay Village, and about the streets of Bay Village.

"There was no effort or thought on his part to depart from Bay Village. There isn't any reason in the world this man should be kept in jail."



GUESTS ON THE MURDER NIGHT, Mr. and Mrs. Don Ahern, told the Grand Jury of the last hours in the life of murdered Marilyn.

Corrigan cited the constitutional guarantee of the right to bail "except for capital offenses where the proof, evidence or presumption of guilt" is great. He also quoted the constitutional ban on "excessive bail."

Judge Thomas retired to study the law before ruling on the bail application.

Dr. Sam was permitted to remain in the courtroom to await the ruling. He had an animated conversation with Corrigan and Garmone, smiling occasionally and gesticulating.

Has Lost Weight

His brother "looks pretty well, although he's lost some weight," observed Dr. Richard.

Dr. Richard told Sam that his son, Sam (Chip) Jr., 7, had returned from a Pennsylvania camp and was at the home of their third brother, Dr.

Stephen. Chip slept through his mother's murder.

Their second conversation was interrupted by a deputy sheriff, who ordered Dr. Richard to "stay away from the prisoner."

Dr. Sam was writing on a legal tablet when Judge Thomas came back into the courtroom to make his bail ruling.

He put the pad aside and listened intently.

It was learned that Cullitan's staff had deliberated whether to charge Dr. Sheppard with second degree, rather than first degree murder.

"Malice and premeditation" must be proven "beyond a doubt" to win a first degree conviction, which carries a death penalty, unless a jury recommends clemency—in which event the punishment is life imprisonment.