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54/08/13 Doctor wins court shift:

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DOCTOR WINS COURT SHIFT



VITAL INFORMATION in the Sheppard murder investigation was given today by Dr. Lester Hoversten, house guest in the Sheppard home immediately before the murder. Dr. Hoversten (center) is shown being questioned by Inspector James McArthur (left) and Police Chief Frank W. Story.

Merrick Upholds Prejudice Charge

Dr. Samuel H. Sheppard, fighting a charge that he murdered his pregnant wife, Marilyn, won his first legal victory today.

Common Pleas Judge Frank J. Merrick ruled that Bay Village Council President Gershon M. M. Barber was "prejudiced" against the 30-year-old osteopath.

He ordered the preliminary hearing, which will decide whether Dr. Sheppard is held for possible Grand Jury action, transferred to the court of Common Pleas Judge William K. Thomas.

Judge Thomas set the hearing for 9:15 Monday morning at the Criminal Courts Bldg. on E. 21st St., between Payne and Superior Aves.

Meanwhile, Bay Village Mayor J. Spencer Houk was abruptly summoned to Central Police Station for interrogation by Detective Chief James McArthur.

It was learned that McArthur had a statement reporting a trip to Canada taken by Sam and Marilyn and Houk.

Houk, who is co-owner with Dr. Sam of an aluminum boat, was the first person called by him to the house at 28924 Lake Rd. on the murder morning.

Says He Failed Lie Test

McArthur said Houk had previously "failed" a lie detector test.

Dr. Lester T. Hoversten, 42, long-time friend of Dr. Sam, came to the police station this morning and voluntarily took a lie test.

"I cannot understand why anyone would refuse to



PRELIMINARY HEARING on the murder charges against Dr. Samuel H. Sheppard will be conducted by Common Pleas Judge William K. Thomas (left), designated today by Judge Frank J. Merrick, who granted a "writ of prejudice" against Bay Village Council President Gershon M. M. Barber.

Excerpts From Judge Merrick's Decision Are on Page 5.

take a lie detector test if they feel they are completely innocent," Dr. Hoversten said. "I demanded that I be permitted to take one."

Dr. Sam has steadfastly refused to take such a test through the 40-day murder investigation, insisting that he is "emotionally upset," and the results would not be accurate.

A husky, handsome, well-dressed man, Dr. Hoversten was sharply critical of Dr. Sam's brothers, Dr. Richard and Dr. Stephen Sheppard, for pointing the finger of suspicion his way.

"Came Here on My Own"

"I came here on my own to clear up a number of things, particularly rumors either by the attorneys or the Sheppard family," Dr. Hoversten told reporters, describing his return here from Los Angeles.

"I want to exclude Dr. Sam and Dr. Sheppard Sr., because my relationship with them has always been the best.

He said he had consulted his Los Angeles attorney, Garry Sawtelle.

"He advised me to come here and cooperate with

Sheppard Wins Prejudice Fight

(Continued From Page One)

the authorities," the osteopath said. "At first I didn't believe these rumors about what was being said, but now I'm convinced.

"I can't think of any reason why they'd want to get me into trouble . . ."

Dr. Hoversten gave police an account of numerous "dates with other women" which Dr. Sheppard had in various cities during the nine years of his marriage to Marilyn.

Police Chief Frank W. Story said some of the women named were additions to the previous list of "at least five others" in Dr. Sam's recent past.

When the lie detector test was suggested to Dr. Hoversten, Story said, the witness who was flown here from California to answer Sheppard family accusations that he should be considered a suspect replied:

"I'm not only perfectly willing—I demand that I be given the lie detector test!"

Chief Says Test Not Necessary

"In my opinion," Story said, "the lie test is not necessary. Everything Dr. Hoversten says jibes with what other people have testified."

Dr. Hoversten took seven hours to dictate a "complete statement" of his knowledge of the once private lives of Sam and Marilyn Sheppard.

He had said he will remain in Cleveland to be available as a witness.

Dr. Sam received word of his legal victory on the radio in his cell—as Chief Defense Counsel William J. Corrigan said he "probably" would.

When a Press reporter sent a note to his cell asking his reaction, he replied: "No comment at this time."

Corrigan, too, had "no comment" on Judge Merrick's ruling.

Barber Surprised

Barber said: "I'm surprised—but who am I to judge?"

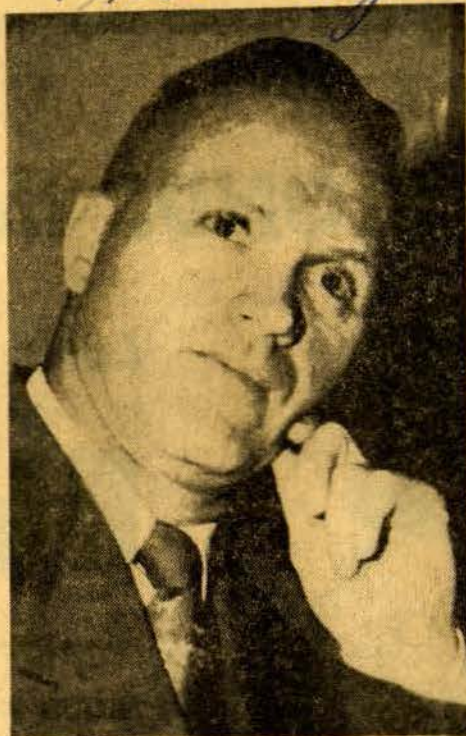
The council president added that "my conscience is clear," and he wanted Dr. Sheppard to have "a fair and impartial hearing."

Foreman Bert Winston said the 15 members of the Grand Jury have been asked to cancel all out-of-town trips and "keep themselves immediately available" until Aug. 27. They had previously been on emergency call for a Sheppard case session until Aug. 20.

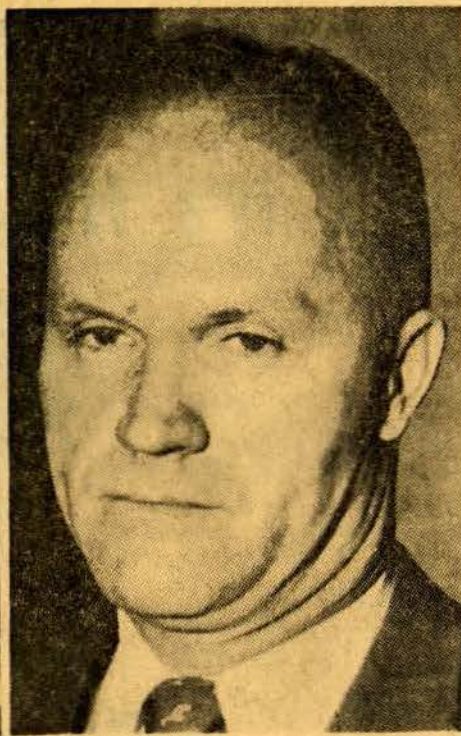
Dr. Hoversten became acquainted with Dr. Sam when he was a medical student in Los Angeles, knew the couple when Marilyn came west to marry her high school sweetheart, worked with Dr. Sam at Bay View Hospital, and was their house guest for three days before Marilyn's murder.

Story said that Dr. Hoversten's account of leaving the Sheppard home on the Saturday before the July 4 tragedy to visit Dr. Robert Stevenson at Kent had been "completely verified."

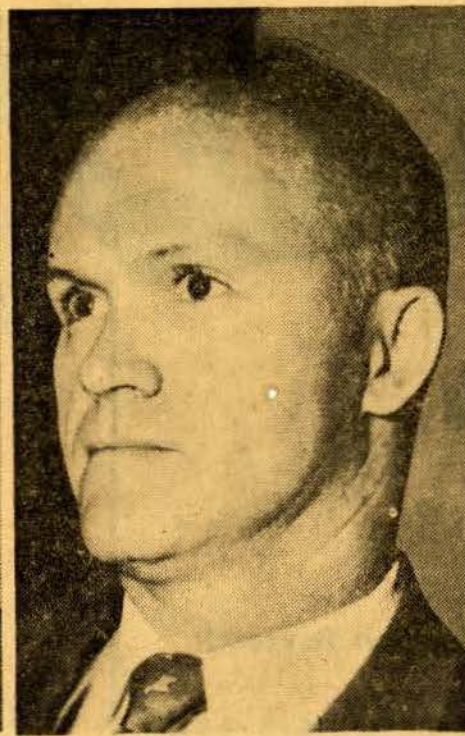
He said Dr. Stevenson and his parents had distinct



"Why would anyone try to involve me?"



"I can't understand refusal to take a lie test."



"I will cooperate with the authorities."

INFURIATED AT THE FINGER OF SUSPICION pointed in his direction by the family of Dr. Samuel H. Sheppard, Dr. Lester Hoversten, a house guest in the murder home, flew here from California to tell "all I know about Sam

recollections of their visitor's movements. They even recalled looking at the speedometer of his car, and said it would have been impossible for him to drive to Bay Village and back—which Dr. Stephen Sheppard had suggested as a possibility.

Dr. Stevenson, another osteopath, was at one time engaged to Miss Susan Hayes, former Bay View Hospital laboratory technician who has admitted West Coast intimacies with Dr. Sam.

Story said Dr. Hoversten, who was a medical school classmate of Dr. Sam, "knew of many dates Dr. Sam had with other women after his marriage, but said he wasn't along on any of them and didn't know what occurred."

"He is completely eliminated as a possible suspect," Story said, "and he completely de-

and Marilyn." Police Chief Frank W. Story and Detective Inspector James McArthur, principal investigators in the case, credit the new information with strengthening their case against Dr. Sam Sheppard.

It was learned, however, that they are Bay Village residents who believe might have "hated" Dr. Sam and his murdered wife.

Judge Merrick, in his ruling that Barber is prejudiced against Dr. Sam, said:

"It is axiomatic that persons accused of crime are entitled to a fair hearing surrounded by all constitutional and statutory guarantees. In case of doubt, such doubt should be resolved in favor of the ac-

cused." Judge Thomas immediately cleared his calendar to permit him to preside at the Monday hearing.

He called defense and prosecution attorneys to a conference in his chambers at Lakeside Courthouse this afternoon to discuss plans for the hearing.

Thomas said arrangements would be made to "control the crowd" at the preliminary hearing to prevent a "hippodrome."

Press Aug 13, 1954