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54/08/17 Grand Jury Ends Murder Quiz; Indictment Is Seen Tomorrow

Cleveland Press

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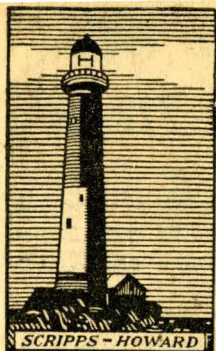
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The Cleveland Press

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CLEVELAND, TUESDAY, AUGUST 17, 1954

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GRAND JURY ENDS MURDER QUIZ; INDICTMENT IS SEEN TOMORROW

Susan Describes Affair With Sam

The county prosecutor's staff late today completed presentation of evidence to the Grand Jury to support its request for a first-degree murder indictment against Dr. Samuel H. Sheppard.

Dramatic highlight of the day was the testimony of auburn-haired Susan Hayes, obviously nervous and upset, who told how she and Dr. Sheppard lived together "as man and wife" for seven days in Los Angeles.

This six-man, nine-woman Grand Jury is expected to vote an indictment tomorrow morning and return it to Common Pleas Judge Arthur H. Day.

It is believed the indictment charging Dr. Sheppard with the July 4 murder of his wife, Marilyn, will be served on him when he appears at 1:30 p. m. tomorrow before Judge W. K. Thomas.

That is the scheduled time for the preliminary hearing on the warrant on which he was arrested July 30.

Surprise Witness

A last-minute surprise witness was Detective Chief James McArthur. He disputed the theory that Mrs. Marilyn Reese Sheppard may have been slain by a surprised burglar or a dope addict in quest of narcotics.

McArthur maintained that all available circumstantial evidence points to Dr. Sheppard as the murderer. There is no physical proof, he said, of anyone else being in the house of tragedy at the moment of murder besides the victim, her husband, and their sleeping son, Sam (Chip) Jr., 7.

Assistant Prosecutor John J. Mahon said that Miss Hayes' relationship with Dr. Sam was "an important part of the background of and motive for the murder of Marilyn Sheppard."

"I'm scared to death," Miss Hayes said as she entered the jury room.

As his 24-year-old companion faced her ordeal, Dr. Sheppard was at the Rocky River home of his brother, Dr. Stephen Sheppard. He said he would go to his family-operated Bay View Hospital to "see some of my patients."

Released from the County Jail on \$50,000 bail yesterday by order of Judge Thomas, Dr. Sam said he would resume his practice of medicine until he is called back to face trial for the July 4 murder of his pregnant wife.

Miss Hayes completed her testimony in half an hour.

Tells of Romance

Fidgeting like a nervous schoolgirl, she related her illicit romance with matter-of-fact directness.

When she emerged unsmiling, she was driven home—to await another call for the even more embarrassing experience of testifying in open court at the murder trial of the man who once lavished gifts on her, at a time when his wife complained they needed new furniture.

Coroner Samuel R. Gerber

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HER ORDEAL OVER, Susan leaves the Grand Jury chamber after a half-hour's recital of all she knew about Dr. Sam. Her story is regarded by the prosecutor's office as important "in the motive" for the murder of Marilyn Sheppard.

Susan Tells Grand Jury of Affair With Doctor

(Continued From Page One)

held the jurors' attention as he showed them the bloody pajamas in which Mrs. Sheppard was slain, and the bloody trousers worn by Dr. Sam when he reported her murder.

Look at Photos

When the jurors took a 10 minute "break" during his testimony, most of them clustered about Dr. Gerber and asked for a closer look at a series of photographs.

These pictures showed the scene of the crime, and the savage wounds that killed the pretty Bay Village wife.

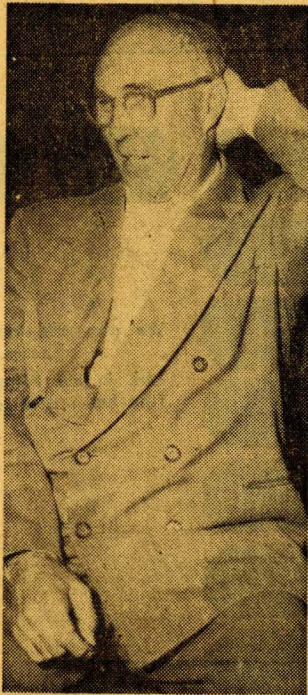
Dr. Gerber flew back from a National Coroners Assn. convention at Little Rock, Ark., to testify before the Grand Jury, and flew back to the session after testifying for an hour and 45 minutes.

Miss Hayes was driven to the Criminal Courts Bldg. by Deputy Sheriffs Carl Rossback and Joe Osowski.

She wore a small white hat, plain navy dress with white taffeta collar, white gloves, suede pumps and sunglasses. A pearl ring sparkled on her finger.

Through Rear Door

Miss Hayes was whisked in the rear entrance of the building and taken directly to the office of Assistant Prosecutor Thomas Parrino, who brought her back from Los Angeles to



POLICE CHIEF of Bay Village, John Eaton appeared today as a Grand Jury witness in the Sheppard murder case.

"face the music and get this thing over with."

She was tense and nervous as she waited to testify, obviously dreading the necessity of baring her affair with Dr. Sheppard to the intently listening panel of jurors.

After more than an hour of discussion with Parrino, she was sworn in and entered the jury room at 11:20 a. m.

In addition to the details of her relationship with Dr. Sam, Miss Hayes was questioned sharply about a reported "contact" with Dr. Stephen Sheppard.

Police reported that Dr. Stephen and his wife were seen calling at the home of Miss Hayes' parents at 1680 Wagar Rd., Rocky River, Saturday night.

This was after Prosecutor Cullitan had disclosed that Dr. Stephen had made an earlier effort to "contact" Miss Hayes.

Cullitan said he had advised Miss Hayes "not to discuss the case with anyone, particularly not with members of the Sheppard family."

Nothing Illegal

The prosecutor added that "there is nothing illegal" about Dr. Stephen talking to Miss Hayes, but he was "extremely interested" in learning the nature of the conversation.

That's what Miss Hayes was asked to tell the jurors.

But Miss Hayes said she had not been home when Dr. Stephen called, and had no conversation with him.

Mahon told the jurors that Miss Hayes' testimony explained "the background for the murder of Marilyn Sheppard."

Dr. Sheppard, the prosecutor

said, was romantically involved with numerous "other women" during most of his nine-year marriage to his high school sweetheart.

Sam and Marilyn, according to Mahon's version, frequently quarreled about these extra-marital expeditions.

And on the morning of July 4, in their lake-front home at 28924 Lake Rd., Bay Village, such a quarrel ended in Marilyn's murder, Mahon said.

Premeditation Rule

Mahon explained the legal principle that "premeditation" requires only a moment of thought—a split second's decision to kill.

And the "malice," he said is supported by the "viciousness of the attack"—the fact that the killer rained 25 or more savage blows on his victim's head, "pulpifying" her skull, striking repeatedly until his arm was tired.

Premeditation and malice must be proven to obtain a first-degree murder indictment and conviction. The charge carries a mandatory death penalty, unless a jury recommends clemency.

Miss Hayes' affair with Dr. Sam occurred last March in Los Angeles, where she had gone to work early this year.

Dr. Sheppard took Miss Hayes to the Los Angeles home of his friends, Dr. and Mrs. Arthur Miller. The Millers were astonished. "He ought to have his head examined by a psychiatrist," Dr. Miller remarked.

For seven days and nights, Miss Hayes reluctantly admitted, she and Dr. Sam lived together at the Miller home, occupying the same room.

During that period, she told police, Dr. Sam told her he "didn't love Marilyn as a wife, but couldn't divorce her because of his family."

Tells of Blood Trail

Detective Henry Dombrowski took 45 minutes to tell the jurors how scientific investigation picked up a trail of blood in the murder home weeks after the slaying.

The trail, pinpointed by "black light" despite the killer's efforts to wipe off all stains and fingerprints, traces someone's wanderings through the home, garage and the surrounding grounds.

Mrs. Helen Schuele, a next door neighbor of the Sheppards, and two youths who formerly worked as baby-sitters for Marilyn were also called, but were excused without testifying. The sitters were Jean Disbrow and Roger Coulton.

Larry Houk, 16-year-old son of Bay Village Mayor J. Spencer Houk, was another witness.

Also called to testify were Bay Village Patrolman Fred Drenkhan, Bay Village Police Chief John Eaton, and Cleveland Homicide Detectives Pat Gareau and Robert Schöttke. Schöttke and Gareau were the first investigators to accuse Dr. Sam of slaying his wife.

Dr. Richard Hexter, who examined Dr. Sam on the murder morning and found that he had no neck injury, also was under subpoena.

Dr. Lester T. Hoversten, 42, house guest of the Sheppards for three days prior to Marilyn's murder, testified for more than an hour late yesterday.

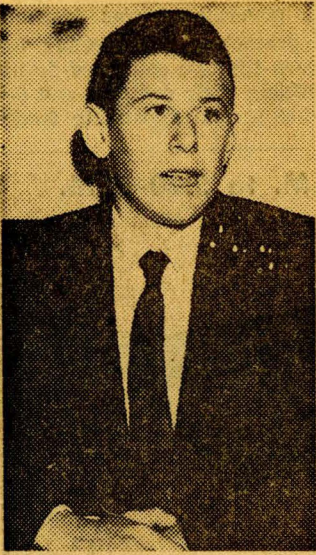
Dr. Sam slept last night at the Rocky River home of his brother, Dr. Stephen.

Detective Chief James Mc-



MRS. HELEN SCHUELE, next door neighbor of Sam and Marilyn Sheppard, was questioned by prosecutors today.

Arthur, commenting on Dr. Sam's release on bail, said: "And who is protecting the constitutional rights of Marilyn Sheppard?"



BABY-SITTING for Marilyn Sheppard brought Roger Coulton (above), 17, of 347 Pinewood Dr., Bay Village, to Grand Jury hearing. He was excused without testifying.