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Bay Law Director Apologizes to Sam

Blasts at Cullitan on Forcing Arrest

Richard S. Weygandt, Bay Village law director, bowed out of the Marilyn Sheppard murder case this afternoon with a stinging rebuke to Prosecutor Frank T. Cullitan and an apology to Dr. Samuel H. Sheppard.

His forum was a virtually empty courtroom in the Criminal Courts Bldg.

It was the scheduled preliminary hearing on the murder warrant against Dr. Sheppard. But the hearing was now a futile formality—superseded when the Grand Jury indicted Dr. Sam. for first degree murder of his wife.

Weygandt asked Common Pleas Judge William K. Thomas to dismiss the hearing as "superfluous," since the only purpose of such a hearing would be to determine whether to hold a defendant for the Grand Jury—and the jury had already indicted.

Cites Waste of Time

Recalling that the decision whether or not to arrest Dr. Sam had been thrust upon him three weeks ago, Weygandt said he had recommended issuance of the warrant only when "told by the prosecutor that no presentation of the case to the Grand Jury was contemplated."

"Had I known such a presentation was to be made as it has been," he continued, "I would have refused to participate in a procedure that has for nearly three weeks consumed needlessly the time of the courts and my own time, as well as that of many other persons."

Weygandt said his remarks were directed at the defendant,

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IN PRISON GARB again, Dr. Sam Sheppard is pictured after he changed clothes in County Jail.

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who was in his jail cell upstairs, as well as at the court.

"I recommended his arrest only as a necessary preliminary to this proposed hearing," the law director declared. "Never did the idea enter my mind that the defendant might be held in custody so that a case could be prepared against him for presentation to the Grand Jury.

Prefers Open Hearing

"I personally much prefer an open hearing to a trial by surprise."

Assistant Prosecutor Saul S. Danaceau replied that "we as-

sume full responsibility."

He said the defense had been warned by Cullitan that the case would be taken directly to the Grand Jury because of "delaying moves" such as the applications for a writ of habeas corpus and a writ of prohibition, and the successful "affidavit of prejudice" against Bay Village Council President Gershon M. M. Barber.

"I can't understand why Mr. Weygandt is piqued or peeved," Danaceau said.

Thanks Judge for Bail

Chief Defense Counsel William J. Corrigan said he did not wish to participate in a squabble among the prosecutors. He thanked Judge Thomas for having permitted Dr. Sheppard to obtain 30 hours' freedom on bail to visit his son.

"They should be proud of themselves," Corrigan said of Cullitan's staff, commenting on the manner in which Dr. Sheppard was arrested at his father's home last night.

Corrigan said he would again seek Dr. Sam's release on bail at his arraignment Friday. The law, he said, permits a first degree murder defendant to offer evidence to refute the claim of a "presumption of guilt" in seeking freedom on bail.

Thomas closed the hearing by praising the American system under which everyone has "the right to criticize public officials."

Faith in the Law

He affirmed his faith in the law under which he ordered Dr. Sheppard's release on bail—but also expressed his support of the procedure which permitted the Grand Jury to bypass the preliminary hearing with a direct indictment.

Then Thomas wrote *finis* to the preliminary hearing with this journal entry:

"The Grand Jury having returned an indictment of first degree murder against the accused, the hearing for his arrest is dismissed and bail terminated."