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54/08/17 Threat to quit Sheppard probe marks release

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Recommended Citation

Cleveland Plain Dealer, "54/08/17 Threat to quit Sheppard probe marks release" (1954). *All Articles*. 465.
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THREAT TO QUIT SHEPPARD PROBE MARKS RELEASE

M'Arthur, 'Shocked' as Sheppard Leaves Jail, Assails Thomas' Decision; Grand Jury Action Near as Eight Testify

BULLETIN

Homicide detectives twice tested Mrs. Jessie M. Dill, Painesville divorcee, on the lie detector at Central Station late last night and then obtained a statement from her.

Mrs. Dill last month volunteered that she had seen a woman resembling Marilyn Sheppard on a beach at Fairport Harbor and that this "Marilyn" confided to her she had a boy friend and had tried to get a divorce in California.

Then Mrs. Dill came up with new information twice, once naming a boy friend, "Arnold," next saying she saw the name "Marilyn Sheppard" among papers in the woman's purse.

Police treated her gingerly because Mrs. Dill had gone to the Sheppard family before bringing her information to them.

BY TODD SIMON

Detective Chief James E. McArthur threatened to pull his men off the Marilyn Sheppard case a third time late yesterday after police watched a judge free their first-degree murder suspect on bail.

"I am shocked," said McArthur as Dr. Samuel H. Sheppard bundled up his clothing and walked out of County Jail.

McArthur said he would recommend totaling up the bill for Bay Village for his men's services and then letting the sheriff take over.

"I guess law and order are for poor people," snapped Homicide Chief David E. Kerr when the Bay Village osteopath posted his \$50,000 bond.

"I never heard of it in my 22 years here," said County Prosecutor Frank T. Cullitan.

His assistants were then putting their eighth witness before the grand jury, working for a murder indictment.

No authorities had heard of any historical parallel here for Common Pleas Judge William E. Thomas' granting bond to the suspected husband.

Those under a death chair charge cannot get bailed out "if the proof is evident" or "if the presumption of guilt is great," Judge Thomas held.

"There is no evidence before me, however—only the statements made by prosecutors.

Shown Photographs

"We are operating under the American court system and must go along with the principles of the Bill of Rights."

Grand jurors at that time were being shown photographs of the victim, 31, her skull crushed in, and of the horror scene around her.

About halfway through its list of 16 witnesses, the grand jury may finish taking testimony and begin deliberating late today.

The investigation is just about cleaned up now, McArthur said. Cleveland has done the job it pledged to Bay Village.

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M'Arthur Threatens to Step Out; Grand Jury Action Near

(Continued From First Page)

Five tape recordings of 20 witnesses' voices were the most recent fruits of probing being done for McArthur in Los Angeles.

The voice of another woman friend in the Sheppards' life, Mrs. Dorothy Huddleson, 27, was one of those taped and sent here.

This "dark-eyed, shapely brunette," as Los Angeles police described her, had known Dr. Sam when she and her medical doctor husband, Hubert, lived in the same group of apartments as the Sheppard couple.

The two men were internes at Los Angeles County General Hospital then. The two couples knew each other from 1949 to 1951.

The woman denied improper conduct by Dr. Sam, said the west coast police.

She was the "Dolly" long sought, one of the women police wanted to talk with when they asked Los Angeles to find Miss Susan Hayes, 24.

Susan, the auburn-haired medical technician who was a rival of the murder victim, will testify before the grand jury today.

Hoversten Testifies

Her fellow Californian in this case, Dr. Lester T. Hoversten, 42, finished his stint before the grand jury. These two—one an osteopath close in his work and in friendship with the accused husband, the other a girl friend of Dr. Sam—were strong state witnesses on what the state counts as the motive for the killing.

After he testified Dr. Hoversten obtained permission to go to a Lorain Road chiroprapist for a foot treatment. A detective was to go with him. Dr. Hoversten was to be free today to return to his Glendale (Cal.) home for the present.

Clinching a first-degree murder indictment was the top concern of prosecutors.

Assistant County Prosecutor John J. Mahon said he would be permitted to explain to the grand jury what "deliberation" and "premeditation" meant, but could not comment on the evidence.

Quotes Law

"It can be a matter of seconds; it does not need to be any particular length of time," said Mahon, quoting the law.

It was clear the state would bank heavily for these points on the fact that tests indicated 27 crushing blows on the woman's skull would take at least 40-some seconds to deliver—longer than a flare-up of anger.

On today's witness list were Miss Hayes, Coroner Samuel R. Gerber, Cleveland Scientific Detective Henry Dombrowski, Dr. E. Richard Hexter, Bay Village Police Chief John P. Eaton and Cleveland Detectives Robert E. Schottke and Patrick A. Gareau.

Bay Patrolman Fred F. Drenkhan was the last witness yesterday and has more to say this morning, said Mahon.

Miss Hayes' and Dr. Sam's

four-day stay at the home of Dr. and Mrs. Arthur Miller in Los Angeles—while Marilyn was at a ranch 375 miles north—will be Miss Hayes' principal contribution to the case.

Dr. Hexter examined Dr. Sam shortly after the killing, when Dr. Sam and his fellows at Bay View Hospital said the slayer left him with a bad neck injury. Dr. Hexter summed up Dr. Sam's wounds at the inquest as "a black eye."

Dr. Gerber did most of the laboratory work just after the pregnant mother was found cudgelled to death in her bed. He had a leading part in the investigation until Cleveland police finally took it over.

Chief Eaton was one of the first officers on the scene.

Dombrowski was one of the crime laboratory workers who traced a blood trail around the Sheppard death home at 28924 West Lake Road in Bay.

Witnesses yesterday included Dr. Lester Adelson, coroner's pathologist; Mr. and Mrs. Don J. Ahern, and Mayor and Mrs. J. Spencer Houk.

A maid in the home, Mrs. Eleanora Helms, testified, and then Dr. Hoversten and Bay Patrolman Drenkhan took their turns until about 4 p. m.

By putting the case behind the iron door of the grand jury chamber, prosecutors have sought to screen their evidence from the defense.

This thwarted those who wanted a full-dress court rehearsal in front of a magistrate—in this case Judge Thomas.

Bay Village Solicitor Richard S. Weygandt would have put on Bay's case if the hearing had not been continued.

He approved what Judge Thomas did, granting \$50,000 bail to Dr. Sam.

"I don't see how the judge could have arrived at any other decision," said Weygandt, "since he had no evidence before him.

"I was prepared to present the necessary evidence, but the motion of the county prosecutor's office to continue the case pending a grand jury hearing prevented it."

On the other side Assistant County Prescutor Saul S. Dana-ceau said granting bail to a man charged in a first-degree murder warrant "is not mandatory under the state constitution, but is left to the judge's discretion."

"How," he asked, "could the judge exercise discretion without knowing what the evidence was?"

Members of the grand jury hearing the case were:

Foreman Bert R. Winston, 2749 Ashley Road, Shaker Heights; Gladys Henricks, 17301 Riverway Drive, Lakewood; Arthur R. Gutschmidt, 3245 W. 43d Street; Belva R. Andrews, 10801 Chippewa Road, Brecksville; Mary Cecelia Byers, 1358 W. 112th Street; Catherine Carey, 1915 W. 52d Street; Ester M. Bieger, 1455 Lander Road, Mayfield Heights; Frances Schumm, 1321 Giddings Road N. E.

Rebecca McCutcheon, 14100 Jenne Avenue N. E.; John M. Martin, 1621 Gallion Avenue S. W.; Katherine Sharkey, 11023 Royalton Road, North Royalton; John Zippay, 3481 E. 153d Street; John F. Doyle, 2011 W. 100th Street; Kenneth Moughtin, 859 Greyton Road, Cleveland Heights; Lucille Murphy, 9801 Parmelee Avenue N. E.

Grand jury alternates who were excused before the hearing began were:

Evelyn Borngrebe, 31022 Bexley Drive, Bay Village; Doris Brooks, 1621 Larchmont Avenue, Lakewood; Ruth Wichiff, 139 E. 233d Street, Euclid.