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Cleveland Plain Dealer

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RETURN OF HOME DENIED SHEPPARD

Wed., Aug. 25, 1954

Cullitan Stymies Demand Made on Bay Chief

Dr. Samuel H. Sheppard has demanded return of the Bay Village home in which his wife, Marilyn, was murdered July 4, but has been rebuffed by County Prosecutor Frank T. Cullitan, it was learned last night.

The jailed osteopath demanded possession of the house at 28924 West Lake Road in a letter handed to Bay Village Police Chief John P. Eaton.

William J. Corrigan and Fred W. Garmone, lawyers for Dr. Sheppard, served the demand Monday at the Bay Village City Hall.

Dr. Sheppard demanded that Chief Eaton turn over to his lawyers the keys to the house and a list of "all personal property" that has been removed from the deserted residence overlooking Lake Erie.

County Would Fight

Cullitan advised Eaton not to release the home to the lawyers or any member of the Sheppard family, except upon a court order.

The prosecutor said that if Corrigan attempted to gain possession of the property by going to court the county would fight the suit.

Corrigan said he had received no formal refusal in answer to the demand. He would not say what his next move would be when he receives a formal refusal.

In his letter to Chief Eaton, Dr. Sheppard said the accusation that he murdered his wife was "absolutely false."

Held in Jail

He is being held at County Jail awaiting trial on a first-degree murder indictment returned by the grand jury last week. The trial will probably be in October.

Dr. Sheppard said he had been informed that the premises "have been roped off and my home is now distinguished in that way from other houses in the neighborhood and has become the subject of curiosity and thousands have stopped and stared at my home."

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Cullitan Rebuffs Sheppard's Bid to Get His Home Back

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He added that his son, Samuel R. (Chip), 6½, was soon to return to school and that all of Chip's personal belongings were in the house.

In order to prepare Chip for school, Dr. Sheppard said, the boy must have access to his home.

"You have now been in possession for 50 days, which is ample time to make any necessary inspection," Dr. Sheppard said. "Inasmuch as my imprisonment prevents me from personally looking after my property, I am requesting my attorneys to act for me."

Assistant County Prosecutor John J. Mahon said the lawyers had telephoned him Monday and had asked permission to enter the home.

Mahon said he replied that it would be permissible if the at-

torneys were accompanied by a Bay Village policeman.

Chief Served Notice

Instead, the prosecutor said, the lawyers served the notice on Chief Eaton and a copy on Bay Village Law Director Richard S. Weygandt.

Mahon said Garmone telephoned him yesterday and asked if he had spoken to Chief Eaton. Mahon's reply was that if Dr. Sheppard wanted possession of any clothing, the lawyers could enter accompanied by a policeman.

Yesterday afternoon Mahon and Danaceau made a surprise visit to the house. They would not say what the purpose was except to describe the visit as "routine."

Jury Will Visit It

Mahon pointed out that the trial jury will visit the house when Dr. Sheppard is tried and that the state wants the house to remain as it was at the time of the murder.

However, Coroner Samuel R. Gerber has removed a number of items, including furniture and two doors.

Specially equipped "skin divers" will attempt to find the missing murder weapon Sunday in Lake Erie behind the Sheppard home. They hope to explore the lake bottom at depths of 70 feet.

Patrolman Edmund Kisiel, 41, of 9719 Plymouth Avenue, Garfield Heights, was given permission by Police Chief Frank W. Story to help scour the lake bottom.

Others will be Jay Gorham, 26, of 347 E. 255th Street, Euclid; Robert Fraedrich, 20, of 12505 Maple Avenue N. E., and Roger Oswald, 20, of 1009 E. 129th Street.