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## 54/08/18 Sheppard to seek bail again: Bay counsel clashes with prosecutors

Cleveland News

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## THE WEATHER

TONIGHT — Cool and showers.  
Low, 64.

TOMORROW — Partly cloudy,  
showers and warmer. High, 85.

U. S. Weather Bureau Official Forecast

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# SHEPPARD TO SEEK BAIL AGAIN



# Bay Counsel Clashes With Prosecutors

A new effort to free Dr. Samuel H. Sheppard, who is awaiting trial in the brutal murder of his wife, Marilyn, will be made at a court hearing on Friday, William J. Corrigan, chief defense counsel, announced today.

Corrigan, co-counsel for the Bay Village osteopath who is being held under a first degree murder indictment returned by the County Grand Jury, said he would attempt to "rebut the presumption of guilt contained in the indictment" in his new application for bail.

His warning of a new attempt to release the young surgeon on bail was made during a court hearing highlighted by a clash between county prosecutors and the law director of Bay Village where the slaying occurred on July 4.

In the hearing before Common Pleas Judge William K. Thomas, a murder warrant previously issued by Bay Village officials was dismissed and a \$50,000 bail under which Dr. Sam enjoyed 30 hours of freedom was terminated.

#### Clash at Hearing

The clash between Bay officials and prosecutors arose as soon as the hearing opened in the Criminal Courts Building. Richard S. Weygandt, law director of the village, observed that a hearing on the warrant would be "superfluous" since the Grand Jury had already indicted Dr. Sam.

The clash between prosecutors, and disclosure of new attempts to gain Dr. Sam's release on bail, came as the 30-year-old surgeon was lodged in a County Jail cell and the search for evidence in his wife's killing continued.

While expressing satisfaction with the jury's action, inspector of Detectives James E. McArthur said the murder probe would be continued by a three-man homicide team composed of Sgt. Harold Lockwood and Detectives Fred E. Schottke and Patrick A. Gareau.

"Now that the publicity in this case has reached a climax we are hopeful that many persons who were fearful of being placed in the spotlight will now come forward with vital information," McArthur declared.

Among 27 persons still to be questioned, McArthur said, are two Los Angeles women, identified as "Dottie" and "Margaret," who have admitted dating the victim's husband prior to the murder. One of the women admitted "intimacies" while the other denied an actual romance, according to police.

Continuation of the murder probe was pledged by McArthur as these developments were reported:

**DR. SAM ISSUED** a statement again denying that he was guilty of his wife's murder and described the three months prior to her death as "among the happiest that we enjoyed together."

**DR. LESTER T. HOVERSTEN**, a former house guest of the Sheppards, returned to California after agreeing to be "on call" as a trial witness.

**MISS SUSAN HAYES**, a former girl friend of Dr. Sam's and a star witness before the Grand Jury, was granted permission to leave the Cleveland area with

Continued on Page 4, Column 1



**THE ROAD BACK**—Dr. Sam Sheppard walks back to his jail cell carrying his charcoal gray suit, shirt, tie and orthopedic collar.



# Seek New Evidence Against Sheppard

Continued From Page 1

the assurance that prosecutors would be kept informed on her movements.

**POLICE CHIEF FRANK W. STORY** announced that all information on the murder probe must come from the office of County Prosecutor Frank T. Cullitan in the future.

**WILLIAM J. CORRIGAN** and Fred W. Garmone, co-counsel for Dr. Sam, said they have not decided whether a change of venue would be sought for the murder trial.

## Hits Jury Action

In protesting the prosecutor's action in bypassing the hearing to go directly to the grand jury, Weygandt explained that at the time he recommended Dr. Sam's arrest he had fully contemplated that a hearing would be held.

"At the time the case was turned over to me I was told by the prosecutor that no presentation to the grand jury was contemplated," Weygandt declared in open court.

"Had I known that such presentation was to be made, I would have refused to participate in a procedure that has consumed needlessly the time of the courts, myself and many other persons.

## Danaceau Protests

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

Saul S. Danaceau, an assistant county prosecutor, challenged Weygandt's remarks.

"We don't understand his pique," Danaceau told the court. "He knows that the hearing was delayed by the filing of defense affidavits. The matter was dragging and it was up to the prosecutor to determine whether we should go directly to the jury which was in session.

"This should come as no surprise to Mr. Weygandt since Prosecutor Cullitan announced three weeks ago that he would go to the jury if there was any delay."

Corrigan, who had been listening to the clash of prosecutors, said he did not wish to become involved in the argument, but that he did wish to make some remarks because of criticism that had been directed toward the court because of the setting of bail on Monday.

"I now intend to renew my application for bail at the arraignment scheduled for Friday," Corrigan declared.

The defense attorney cited a decision of the Ohio Supreme Court which held that a defendant was entitled to produce evidence to rebut the presumption of guilt contained in any indictment.

## Criticizes Rejailing

"Under this decision, the trial court becomes competent to determine whether the evidence produced by the defense rebuts the presumption of guilt and if it does the court may set bail," Corrigan added.

The attorney sharply criticized the county authorities who "threw the defendant in jail again without waiting for his bail to be terminated by this court."

The exact date of the trial will not be set until the fall term of Common Pleas Court opens in the second week of September. A special venire will then be

called for the case and the trial date set.

The first step toward bringing the 30-year-old surgeon to trial will be taken at 9:15 a. m. Friday when Dr. Sam is arraigned on the jury indictment which charges that he:

"Unlawfully, purposely and of deliberate and premeditated malice killed Marilyn R. Sheppard."

Judge Day declined to discuss the possibility of bail, but attorneys and veteran court observers saw little chance of the request being granted since there is now "evidence of first degree murder" before the court.

Common Pleas Judge William K. Thomas cited the lack of evidence before him in setting the \$50,000 bail on Monday after a preliminary hearing had been postponed to permit prosecutors to take their evidence directly to the jury.

## Hits Cleveland Police

In a prepared statement issued after his return to County Jail, Dr. Sam said he was still suffering from injuries he received in an encounter with his wife's murderer. Asserting that he has told police everything he knew about the murder, he continued:

"I am more interested in the capture of my wife's murderer than any other person on earth. I loved my wife; we rejoiced that we were to have a second child—all the scandal and gossip to the contrary.

"Bay Village and county police seemed to be genuinely interested in solving the crime but Cleveland police seemed to have made up their minds that I committed the crime and concentrated in solving it by attempting to secure a confession from me," he concluded.

Indictment of Sheppard was voted by the jury headed by Foreman Bert R. Winston just 40 minutes after assistant county prosecutors had completed presentation of evidence and witnesses and made a final plea for a first degree charge. At least 12 of the 15 must have concurred on the decision.

## Find Doctor at Dinner

When the vote was completed Winston handed the indictment, signed by County Prosecutor Frank T. Cullitan, to Judge Day in the latter's second floor chambers of the Criminal Courts Building at 1560 E. 21st St.

The indictment papers were then passed on in turn to Court Clerk Howard J. Reid and County Sheriff Joseph M. Sweeney. Armed with a capias, three deputies headed by Carl E. Rossbach drove to the home of the suspect's father in Bay Village to make the arrest.

When they reached the home of Dr. Richard N. Sheppard at 23048 W. Lake Rd., Bay Village, they found Dr. Sam eating his dinner and permitted him to finish before beginning his return trip to County Jail.

He will undoubtedly remain there until the completion of his trial on the first degree murder charge.

## Showed Cast of Head

Among the evidence presented to the jury by Mahon and Assistant County Prosecutors John J. Mahon, Thomas Parrino and Saul S. Danaceau was a moulage cast of the dead woman's head show-

ing the severe lacerations and the bloody garments worn by the victim and her husband on the night of the murder.

The witnesses included Miss Susan Hayes, a West Coast girl friend of the defendant who destroyed his picture of "faithfulness" to his wife; Dr. Lester T. Hoversten, a California surgeon who was a house guest of the Sheppards for several days prior to the murder; Mr. and Mrs. Don J. Ahern, who dined with the couple several hours before the slaying, and Mayor and Mrs. J. Spencer Houk of Bay Village, who were called to the murder scene shortly after Marilyn's battered body was discovered.