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Dr. Sam Won't Testify at Bail Hearing

Dr. Samuel H. Sheppard will not testify in his attempt to win freedom on bail.

The 30-year-old osteopath, charged with the premeditated murder of his wife, Marilyn, in their Bay Village home, was dared by Assistant Prosecutor John J. Mahon to submit to cross-examination.

"He is the only one who claims to have seen the phantom he says killed Marilyn Sheppard," Mahon said. "He is the only eyewitness who can refute the 'presumption of guilt' against himself."

But defense attorneys contend they can do so without subjecting their client to cross-examination.

The bail hearing, set for 3 p. m. Friday before Common Pleas Judge Edward Blythin in the Criminal Courts Bldg., hinges on the ability of the defense attorneys to prove that the evidence against Dr. Sheppard does not appear to be conclusive.

Defense Attorneys William J. Corrigan and Fred W. Garmone plan to call several witnesses in an effort to establish this, Mahon said the state may present rebuttal testimony, making the hearing a preview of the murder trial.

Defense witnesses will in-

clude Bay Village Mayor J. Spencer Houk and his wife, Esther; Don Ahern, neighbor of the Sheppards; Deputy Sheriff Carl Rossbach; Bert Winston, foreman of the Grand Jury which indicted Dr. Sam, and Sanford Watzman, a Plain Dealer reporter.

Winston was quoted by Watzman as saying: "The pressure on us has been enormous."

Garmone said Winston would be asked to explain the remark.

Dr. Stephen Sheppard, brother of the defendant, is scheduled to testify to the injuries which Dr. Sam says were inflicted on him by the

unidentified intruder he claims killed his wife.

Mahon said the prosecution was considering calling other doctors who have examined Dr. Sam.

The defense bid for Dr. Sam's release on bail before and during his murder trial rests on a section of the Ohio State Constitution:

"All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great."

Prospective jurors who may decide Dr. Sam's fate face two inquiries into their past.

Both prosecution and defense—keenly aware that a unani-

mous jury verdict is required in a criminal trial—are planning a "careful selection" of the panel.

Assistant Prosecutor Thomas Parrino said his office would check on the occupation and general background of each prospective juror as soon as the list is drawn.

The prospective jurors won't be interviewed, he said, but "all pertinent information" about them will be sought.

The special panel of 75 men and women will not be called until Judge Blythin rules on Dr. Sheppard's motion to be released on bail, pending his trial.