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## 54/09/10 Dr. Sheppard Battles For Bail

Cleveland Press

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## DR. SHEPPARD BATTLES FOR BAIL

## Watches Neighbor Take Stand





**DR. SAMUEL H. SHEPPARD COMES TO COURT** for hearing on his bail application in custody of Deputy Sheriff James Kilroy.

# Blythin on Bench for Hearing of Freedom Pleas

## BULLETIN

Defense Attorney W. J. Corrigan late today drew a floor plan of the home in which Marilyn Sheppard was murdered, showing the location of doorways and furniture. His questioning of witnesses indicated that he intended to make the hearing on Dr. Sam H. Sheppard's bail application a full-scale attempt to prove the accused osteopath innocent.

A serious-faced Dr. Samuel H. Sheppard came to court again today—fighting hard to win freedom from the County Jail pending his murder trial.

He listened intently as his veteran chief defense counsel, William J. Corrigan, told Common Pleas Judge Edward Blythin that the hearing was so unique that he wasn't sure how to proceed.

Blythin replied that "there is no question of my right to fix bail."

He said the "burden of proof falls on the defense" to prove by facts that Dr. Sheppard's Grand Jury indictment for the July 4 murder of his wife, Marilyn, did not make the "presumption of guilt" great.

The Ohio State Constitution provides that all defendants are entitled to bail except in first degree murder cases where the evidence and presumption of guilt are "great."

Blythin instructed the defense to "proceed."

The 30-year-old osteopath, who has confided to visitors that he doesn't like the jail atmosphere, routine or food, leaned forward as his neighbor, Don Ahern, was called to the witness stand.

Corrigan asked Ahern to recite the events of July 3 and 4, when he and his wife visited back and forth with Sam and Marilyn Sheppard.

### Sent for Records

The first witness called, Howard Reid, clerk of the criminal division of Common Pleas Court, was temporarily excused to permit him to obtain the records of the hearing in which Common Pleas Judge Frank J. Merrick ruled Bay Village Council President Gershom M. M. Barber "prejudiced" against Dr. Sam.

Blythin's courtroom was jammed with more than 100 spectators, including Police Chief Frank W. Story and Detective Chief James McArthur.

Dr. Sam's bid for freedom rested on the ability of his lawyers, Corrigan, Fred W. Garmone and Arthur E. Petersilge, to convince Judge Blythin that the evidence against him is not overwhelming or conclusive.

If that point can be proved by "facts, not arguments," then Dr. Sheppard is entitled to release on bail, Blythin ruled.

In a surprise move, the defense subpoenaed Coroner Samuel R. Gerber, ordering him to bring the transcript of his inquest into the murder of Marilyn Sheppard.

Bay Village Mayor J. Spen-

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# Dr. Sheppard Starts Battle for Bail

BERT WINSTON

DON AHERN

STEPHEN SHEPPARD

HELMS

ESTHER HOUK

ROSSBACH

GERBER



These seven were called as witnesses in Dr. Sheppard's bail fight.

(Continued From Page One)

cer Houk, also summoned as a defense witness, was unable to appear because he is confined at Lakeside Hospital with a stomach disorder.

Houk was admitted to the hospital Wednesday night—a few hours after the order for his testimony was issued.

Ever since Dr. Sheppard summoned him to his house of tragedy on the holiday morn-

ing, Houk has been under constant strain and pressure from the case.

At one time he was named as a suspect by Dr. Stephen Sheppard, brother of Dr. Sam, but "completely cleared" by Police Chief Frank W. Story.

Mrs. Esther Houk, the mayor's wife, who accompanied him to the scene of the crime on the murder morning, was also under subpoena.

The bail hearing, which started a few minutes before its 3 p. m. schedule was the first courtroom contest between the prosecution and defense batteries since Dr. Sheppard was indicted Aug. 17 for the murder of his pregnant wife.

In addition to Dr. Gerber, Garmone obtained last-minute subpoenas for Mrs. W. F. Helms, former part-time maid for the Sheppards, and Court Clerk Leonard Fuerst.

Mrs. Helms had previously testified that Sam and Marilyn

Sheppard had a happy married life.



## Aunt of Victim Visits Dr. Sam

An aunt of Marilyn Sheppard today brought encouragement to the husband who is accused of killing her.

Mrs. Guilford R. Brown, who helped rear Marilyn after her mother's death during her childhood, visited Dr. Samuel H. Sheppard at the County Jail a short time before the hearing on his bail application began.

Mr. and Mrs. Brown have been regular callers on Dr. Sam every visiting day since he was imprisoned.

Other visitors today were his brothers, Dr. Richard and Dr. Stephen, and their wives; Tom Hardesty, a teacher, of 19505 Fraser Dr., Lakewood, and Bill Rabe, a salesman, of 296 E. 327th St., Wickliffe.

**"NERVOUS STRAIN"** of Sheppard murder case caused hospitalization of Bay Village Mayor J. Spencer Houk with upset stomach.