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Cleveland Press, "54/09/17 See Sheppard Losing Bail Fight" (1954). *All Articles*. 519.

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The Cleveland Press

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Final

68 Pages—7 Cents

NO. 24070

CLEVELAND, FRIDAY, SEPTEMBER 17, 1954

Phone CHerry 1-1111

SEE SHEPPARD LOSING BAIL FIGHT

Dr. Sam Weeps at Hearing

BULLETIN

Ruling on Dr. Sam Sheppard's application for bail was delayed late today when Judge Edward Blythin postponed the hearing until 10 a. m. Monday.

Dr. Samuel H. Sheppard apparently has lost his bid for freedom on bail pending his trial for wife murder.

The prosecution team considered the defense testimony so weak as the hearing neared a conclusion late today that they decided to call no rebuttal witnesses.

It was freely predicted at the Criminal Courts Bldg. that Common Pleas Judge Edward Blythin would order that Dr. Sam remain in County Jail until a jury decides his innocence or guilt.

Blythin was to set the trial date—expected to be late in October—immediately after ruling on the bail petition.

Highlights of bail testimony on Page 10.

Despite the general belief at the Criminal Courts Bldg. that Judge Blythin will refuse to set bail, Tom Weber, a bonding company representative, waited hopefully outside the courtroom.

But that prospect seemed very slim. Courtroom observers pointed out that the defense had failed to produce any major new evidence at the unique hearing.

Alternately sobbing and scowling, Dr. Sheppard listened intently as the legal battle for his liberty was fought. He and his attorneys ignored the prosecution challenge that Dr. Sam himself take the witness stand to face cross-examination.

Assistant Prosecutor John J. Mahon blocked introduction of Dr. Sam's claim of innocence when Bay Village Police Chief John Eaton was on the stand.

Chief Defense Counsel William J. Corrigan had asked Eaton if he "went down to the beach" on the murder morning "because Sam told police he had struggled" with the killer there.

Mahon objected that this was hearsay, since Eaton had not actually spoken to Dr. Sheppard at the time.

Eaton admitted that, when he "took charge" of the murder investigation July 4, he "hardly noticed" Dr. Sam. The osteopath's version, he said, was later related to him by Bay Village Mayor J. Spencer Houk.

Houk, although under subpoena as a witness for today's hearing, was unable to appear because he is confined in Lakeside Hospital for treatment of a

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Dr. Sam Seen Losing New Bail Battle

(Continued From Page One)

stomach and nervous disorder.

Dr. Sheppard broke into tears and sobbed for several minutes at one point in the unique proceedings in the Criminal Courts Bldg.

Among those in the crowded courtroom who saw his breakdown was Mrs. Thomas Reese, stepmother of the murdered Marilyn.

She sat with a friend—on the opposite side of the room from Dr. Sam's brothers, Dr. Richard and Dr. Stephen, and their wives.

Dr. Sam's emotional erupt-

tion came during the testimony of Mrs. Nancy Ahern, a friend and neighbor, about the events preceding the July 4 slaying.

Mrs. Ahern, who was a guest at the Sheppard home on the eve of the tragedy, recalled that Dr. Sam had left the living room to go to the garage.

He went to get some glue to fix a toy airplane which his son, Sam (Chip) Jr., 7, had broken, she recalled.

In Police Lineup

At this point, Dr. Sam struggled to catch his breath and gritted his teeth. Then tears flowed down his cheeks. He dabbed at them with a handkerchief.

Ignoring his client's outburst, Corrigan continued questioning Mrs. Ahern without interruption.

Dr. Sheppard covered his eyes with his hands when other witnesses described the discovery of Marilyn's body in their bedroom on the murder morning.

The testimony of Robert Stawicki, 48, of 4511 E. 49th St., Cuyahoga Heights, disclosed that Dr. Sam had been forced to stand in a police lineup for possible identification as a "suspicious person" seen in the vicinity of his home at 2:15 a. m. on July 4.

Stawicki said he had been driving home from a fishing trip to Port Clinton about that time and observed a "bushy-haired hitchhiker."

Last Aug. 11, he said, police showed him a lineup of five persons — including Dr. Sheppard — and asked him if he could "pick out the man." He said the man he saw was not in the lineup.

But Stawicki said he had seen a newspaper photograph which resembled the hitchhiker.

He said the photograph was of Gervase C. Flick Jr., 20, of 3137 Rocky River Dr. Young Flick, a pre-med student at Colgate University, is a "friend and admirer" of Dr. Sam.

Saw Hitchhiker

Flick, whose father is an osteopath on the Bay View Hospital staff, told police he had seen a hitchhiker on the morning of July 4 who resembled Dr. Sheppard's description of a "tall, bushy-haired" intruder who killed Marilyn.

Mrs. Flick told The Press her son was driving home from Kirksville, Mo., on July 4.

Corrigan and Fred Garmone, associate defense counsel, called a dozen witnesses in their effort to dispel the "presumption of guilt" against the youthful osteopath charged with the premeditated killing of his pregnant wife.

But Mahon insisted that none of the witnesses knew what went on in the murder home between 12:30 and 6 a. m. on July 4.

He repeatedly challenged the defense to "call the one witness who was definitely in that house at the moment of murder—Dr. Sam Sheppard."

Statements Blocked

Prosecution objections have thus far blocked introduction into the record of lengthy previous statements by Dr. Sam in which he denied killing his wife. "He is here—let him

testify," challenged Assistant Prosecutor Saul S. Danaceau.

Mahon and Corrigan clashed when Sheriff Joseph Sweeney was called as a defense witness, with records of Dr. Sam's stay in the County Jail.

The prosecutor brought out that defense attorneys had made 33 visits to Dr. Sam since his imprisonment July 30. He suggested that the osteopath had more jail interviews with his attorneys than with the police.

Other witnesses questioned were Larry Houk, 16, son of Mayor Houk; Mrs. Helen F. Schuele, next door neighbor of the Sheppards; Jean Disbrow, former baby-sitter for Marilyn; Bay Patrolman Fred Drenkhan, and Dr. and Mrs. Stephen Sheppard.

Bert Winston, foreman of the Grand Jury which indicted Dr. Sam, was under subpoena, but did not appear. He was reported in New York.

Wants Winston Recalled

Garmone asked the judge to order Winston brought back and be compelled to testify, but Blythin replied that the jury foreman will be home Monday. Blythin recalled that the defense had excused Winston after his testimony last Saturday.

Miles Davis, 17, told of grappling with a six-foot burglar he discovered in his home at 375 Kenilworth Rd., Bay Vil-

lage, last Monday. He said he took a wrench away from the man, which he turned over to Bay Village police for examination.

Corrigan contends that the escaped burglar could be the killer of Marilyn Sheppard.

The defense wanted to accuse him of "prejudice" against Dr. Sam, and discussing the case at a recent cocktail party.

Prosecutor Frank T. Cullitan denounced the defense tactic of accusing numerous other persons of possible complicity in the murder. Each accusation, he said, has been meticulously explored and the suspect completely cleared.

Cullitan said Dr. Sheppard's constitutional rights have been "scrupulously observed."

"As a matter of fact," he added, "as a prime suspect, he was more tenderly treated than any suspect in my recollection. Indeed, some of the authorities bent over backward to favor him."

• Dr. Stephen Sheppard issued a statement denouncing Cullitan's criticism.

"The family and friends of Dr. Sam will never rest until the real murderer is apprehended," the brother said. "We are not convinced that all of the suspects have been actually and completely checked out . . . We refuse to be intimidated by any officials with closed minds."

Press, 9 min.
Sept. 17, '65