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54/09/20 Dr. Sam Stays Off Stand

Cleveland News

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THE WEATHER

TONIGHT—Partly cloudy, cool.
Low 62.

TOMORROW — Partly cloudy,
continued cool. High, 76.

U. S. Weather Bureau Official Forecast

CLEVELAND NEWS

"A FRIEND OF THE FAMILY"

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DR. SAM STAYS OFF STAND

Fight for Bail Enters Into Final Phase

BY HOWARD BEAUFIT

Dr. Samuel H. Sheppard closed his fight for freedom on bail today without meeting the prosecution's challenge to take the witness stand and tell what he knows about the murder of his wife, Marilyn.

At the conclusion of testimony, Common Pleas Judge Edward Blythin ordered Defense Counsel William J. Corrigan to proceed with his closing argument.

The judge was expected to rule on the bail question after summations by the defense and Assistant County Prosecutor John J. Mahon.

Corrigan closed the bail hearing with testimony of three witnesses. Last called was Bert Winston, foreman of the County Grand Jury that indicted the Bay Village doctor for first degree murder.

Denies Revealing Secrets

Winston admitted that he had expressed an opinion on the earning capacity of Dr. Sheppard "and said something about a skull operation" to another man, but denied he had discussed matters that transpired in the grand jury room.

Judge Blythin cut off the interrogation of Winston with the comment: "We are not listening to an attack on the indictment here. This is only a matter of bail."

The name of Dr. Lester Hoversten was brought into the Marilyn Sheppard murder case again in the closing moments of the bail hearing by Dr. Richard N. Sheppard, brother of the man accused of the crime.

Dr. Richard said that he (Dr. Richard) had arrived at the Sheppard home July 4, the day of the murder, at 6:10 a. m. He testified Dr. Hoversten had been a house guest at the house since July 1.

Dr. Richard said that Dr. Hoversten's room was empty that morning, but his bed had been slept in and his clothing was strewn about the floor.

Police immediately after the murder ascertained that Dr. Hoversten was visiting friends in Kent, O., during the night of July 3 and morning of July 4.

Asked About Examination

Prosecutor Mahon in cross examination of Dr. Richard asked if he had examined Marilyn Sheppard and found her dead.

"Yes," he answered.

"How long would you say she had been dead?"

"It is very difficult to say. It could have been 15 or 18 minutes up to two hours."

Dr. Sam Sheppard sobbed convulsively when Corrigan in closing argument described the evening the doctor spent with

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MR. AND MRS. RICHARD KNITTER
They saw a Sheppard murder suspect.



BERT WINSTON
Former jury foreman

SHEPPARD

Continued From Page 1

his wife before her murder. Corrigan said "the lovely evening they spent together was the background of a terrible murder."

He described the evening dinner party at the Sheppard home and pictured Dr. Sam "eating pie with his wife had prepared especially for him."

Corrigan said the evidence has disclosed that "sometime during the night of July 3, Dr. Sam was assaulted by someone."

"He was assaulted when he went upstairs, and he was assaulted when he went down to the lake," Corrigan said.

Corrigan, in his summary, said the doctor was found to have an injured face.

"He could only open his mouth 50 per cent. There were no reflexes," Corrigan said.

Corrigan asked whether the judge could dispassionately say that this man—Dr. Sheppard—committed the murder of his wife, or could the judge dispassionately say that a jury could send this man to the electric chair for the murder of his wife.

Corrigan went step-by-step over the questioning of the Bay View doctor after the murder was discovered. He said the coroner, city, county and Bay Village police were "determined to get evidence to convict Sam." Corrigan said they made no attempt to find another suspect.

Make Dramatic Gesture

Corrigan walked from the judge's bench to where Dr. Sam was sitting with hands covering his face.

"Sit up and look at the judge," Corrigan said.

Then Corrigan turned to the judge.

"Do you think this man is capable of the murder of his wife and unborn child?"

Dr. Sheppard raised his head, and stared to the side of the room.

Knitter First Witness

As the hearing was resumed Richard Knitter, a shipping

clerk, who lives in Sheffield Lake, was the first witness. He testified he saw a bush haired man on West Lake Rd., near the cemetery, at 4 a. m. July 4.

Dr. Sheppard has described the slayer of his wife as a bushy haired man.

Knitter said he and his wife and niece went downtown to a movie the night of July 3 and saw the mysterious stranger walking along the road as they drove toward their home.

Describes Mystery Man

"The man had large eyes, a large nose and was wearing dark trousers, five feet eight or 10 and about 150 to 175 pounds," he said.

Judge Blythin, who had heard Knitter say he first reported the incident to Bay Village police July 12, asked him why he had not reported it immediately.

"We did not want to become involved. Then after thinking it over and talking it over with my wife, we decided to tell police," the witness answered.

The spot where he said he saw the man he said was 200 feet west of the Sheppard home, and the man was walking toward the murder house.

Ohio law compels the defendant indicted for first degree murder to prove in court that the presumption of guilt against him is not great enough to hold him in jail without bail pending trial.

Mahon Would Quiz Doctor

Assistant County Prosecutor Mahon challenged Dr. Sheppard to take the witness stand contending the defendant's own story of the murder could best contest the first degree charge.

Corrigan has summoned more than a dozen witnesses to cast doubt on the charge against Dr. Sheppard. The prosecution has charged that none of them put anyone else in the house at the time of the murder but Dr. Sam, except his six-year-old son, Chip.

Should Judge Blythin rule that Dr. Sheppard is eligible to bail he would immediately set the amount. As soon as it was posted the prisoner would be permitted to return to Bay View Hospital to "look after his patients" as he did once before when he was free under \$50,000 bond before his indictment.

If the judge should deny bail Dr. Sam would remain in his County Jail cell until the latter part of October when his trial is scheduled.

Corrigan, once the bail bond issue is disposed of, is also expected to open his fight for a change of venue. He contends that it is not possible for Dr. Sam to get a fair trial here and the trial should be shifted downstate.