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54/09/21 Dr. Sam Asks Trial Out Of City

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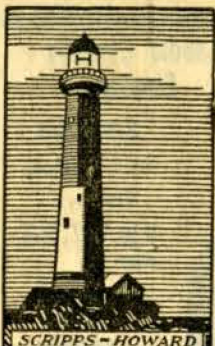
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DR. SAM ASKS TRIAL OUT OF CITY

Sheppard Claims Opinion of Public Is Against Him

Dr. Samuel H. Sheppard's next move in his legal fight for life will be a demand that his trial for wife murder be held as far from Cleveland as possible.

Defense Attorneys William J. Corrigan and Fred Garmone began drafting their plea for a change of venue as Common Pleas Judge Edward Blythin prepared to order the drawing of a special panel of 75 prospective jurors.

The men and women whose names are drawn from the jury wheel at Lakeside Courthouse will be ordered to report to the Criminal Courts Bldg. Oct. 18 for the murder trial's start.

Assistant Prosecutors John J. Mahon and Saul S. Danaceau said: "The state's case is strong. We are ready to go to trial, and will oppose any delay."

Mahon said the prosecution will insist that an effort be made to pick a jury here before the court considers the defense claim that Dr. Sheppard could not receive a fair trial in Cuyahoga County because public opinion already has convicted him of the July 4 slaying of Marilyn Sheppard.

Dr. Sheppard and several members of his family wept bitterly yesterday as Corrigan's emotional plea failed to win him freedom on bail.

Not Ruling on Fate

The moment after Corrigan concluded his final argument, Judge Blythin ruled from the bench that the 30-year-old osteopath must remain a County Jail prisoner until a jury decides his fate.

Blythin said he was not determining Dr. Sam's guilt or innocence, but merely acting on his bail application. The sole test, he said, was whether the witnesses called by the defense had succeeded in dispelling the "presumption of guilt" raised by the Grand Jury indictment.

Not only had the defense failed to do so, Blythin said, but "I think that the prosecutors increased that presumption a wee bit."

Blythin noted — as Mahon pointed out in his final argument—that Dr. Sheppard himself had failed to take the witness stand during the unique bail hearing.

Sobs and Tears

Corrigan brought sobs and tears from Dr. Sheppard and his friends and relatives in the crowded courtroom when he asked the osteopath to "stand up and let the judge look at you. Judge, look at that man. Is he capable of killing his wife and unborn baby?"

The white-haired defense counsel denounced the Cleveland police and newspapers for having "fingered Sam Sheppard" and, he claimed, devoted their energies to trying to prove him guilty.

Mahon replied that Dr. Sheppard's constitutional rights had been fully observed.