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54/09/07 Sheppard asks bail; dared to take stand

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SHEPPARD ASKS BAIL; DARED TO TAKE STAND

State Challenges Doctor to Testify at Friday Hearing

The legal battle for the life of Dr. Samuel H. Sheppard, charged with the murder of his wife, opened today with:

FILING BY THE DEFENSE of a demand that Dr. Sheppard be released on bail pending his trial.

A **PROSECUTION CHALLENGE** that the 30-year-old osteopath take the witness stand and face cross-examination.

Common Pleas Judge Edward Blythin set 3 p. m. Friday for hearing the bail application, which was filed by Defense Attorney Fred W. Garmone.

Chief Defense Counsel William J. Corrigan said that, under the Ohio Constitution, any defendant is entitled to bail except in first degree murder cases where "the proof is evident and the presumption of guilt is great."

He is prepared to prove through the testimony of witnesses that this does not apply to Dr. Sheppard, he said.

Assistant Prosecutor John J. Mahon declared that, so far as he knew, the only witness who could refute the state's case was Dr. Sheppard, himself.

"Take the Stand"

"I would be delighted for him to take the witness stand for cross-examination," Mahon said. "There are many questions we would like to ask him."

At a bail hearing, the "burden of proof" is on the defense. The defense calls witnesses, who are then subject to prosecution cross-examination.

Dr. Sheppard won two days of freedom on \$50,000 bail last Aug. 16, when Common Pleas Judge William K. Thomas ordered him freed after Prosecutor Frank T. Cullitan post-

poned a scheduled preliminary hearing.

He was arrested the next day when the Grand Jury returned a first degree murder indictment for the July 4 killing of Mrs. Marilyn Sheppard in the Sheppard's home at 28924 Lake Rd., Bay Village. The brief freedom cost Dr. Sam's family \$2500 in bonding company fees.

Dr. W. B. Carnegie, president of the Bay View Hospital staff, said that Dr. Sam would take a "leave of absence" if he wins his bid for bail. The leave of absence would continue until the conclusion of his trial.

Such action, Dr. Carnegie said, was suggested by the Sheppard family, and "the staff was in full accord."

Dr. Richard A. Sheppard, Dr. Sam's father, is founder and chief of staff of the hospital. His brothers, Dr. Richard and Dr. Stephen, are both staff members.

Except for his brief day of liberty on bail, Dr. Sam has been in the County Jail since his July 30 arrest.

Mahon said Dr. Sam's murder trial probably would begin the week of Oct. 17.