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54/09/07 Sheppard asks for bail bond: murder trial may be called in September,

Cleveland News

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ACADEMIC ENDEAVORS

THE WEATHER

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Low, 61.

TOMORROW—Partly cloudy and
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U. S. Weather Bureau Official Forecast

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CLEVELAND, OHIO, TUESDAY, SEPTEMBER 7, 1954

Wirephotos, Exclusive Evening News of the Associated Press and International News

SHEPPARD ASKS FOR BAIL BOND

Murder Trial May Be Called In September

A second motion to allow bail for Dr. Samuel H. Sheppard pending trial for the first degree murder of his wife, Marilyn, was filed today with Common Pleas Judge Edward F. Blythin.

The judge said the new motion would be heard in Criminal Court Friday at 3 p. m.

Fred R. Garmone, one of the attorneys for the Bay Village osteopath, asked Judge Blythin to set the trial date.

The judge replied that "there are six murder cases ahead of the Sheppard case."

"We will try the Sheppard case as soon as possible, in September, if we can reach it," Judge Blythin said.

Released for 30 Hours

Dr. Sheppard was freed for 30 hours on \$50,000 bail set by Common Pleas Judge William K. Thomas on Aug. 16 just before the case was presented to the grand jury. The doctor was re-arrested when the first degree indictment was returned and has been held in County Jail since.

In admitting Dr. Sheppard to bail at that time Judge Thomas stirred up a storm of protest. In fixing bond the judge said:

"What is the evidence in front of me here? Nothing except the application of the defense for bail, and a statement by the prosecution in opposition. This court cannot go beyond this courtroom. We cannot deal in surmise. I must find that there is nothing before me to sustain a finding that proof is evident or presumption great.

Cites Lack of Evidence

"I do not pass on the question of innocence or guilt, but merely upon what evidence has been presented here. I find no evidence."

Before Dr. Sheppard could be released on bail, a hearing would have to be held on the presumption of his guilt, with the burden of proof on defense attorneys.