



CSU
College of Law Library

Cleveland State University
EngagedScholarship@CSU

[All Articles](#)

[Newspaper Coverage](#)

9-11-1954

54/09/11 Eight more to talk in doctor's bail fight

Cleveland Plain Dealer

Follow this and additional works at: https://engagedscholarship.csuohio.edu/newspaper_coverage

[How does access to this work benefit you? Let us know!](#)

Recommended Citation

Cleveland Plain Dealer, "54/09/11 Eight more to talk in doctor's bail fight" (1954). *All Articles*. 549.

https://engagedscholarship.csuohio.edu/newspaper_coverage/549

This Book is brought to you for free and open access
by the Newspaper Coverage at
EngagedScholarship@CSU. It has been accepted for
inclusion in All Articles by an authorized administrator
of EngagedScholarship@CSU. For more information,
please contact library.es@csuohio.edu.



Eight More to Talk in Doctor's Bail Fight

Sept. 11
1954

BY SANFORD WATZMAN

Three witnesses testified late yesterday at a bail hearing for Dr. Samuel H. Sheppard, but there was no decision as the court adjourned until this morning with eight additional witnesses still waiting to be called.

On the stand were:

DON J. AHERN, who told of a "leisurely and very pleasant dinner" with Dr. Sam and his wife on July 3, the night before she was murdered.

MRS. ESTHER HOUK, wife of the Bay Village mayor, who was annoyed because she had already given her story in "so many statements."

BERT R. WINSTON, who, as grand jury foreman, signed the indictment charging Sheppard with murder in the first degree.

All Eyes on Doctor

But even as the witnesses spoke, all eyes in the crowded courtroom centered most of the time on the 30-year-old osteopath who is charged with the crime.

Dr. Sam was preoccupied with what was being said. Sometimes he smiled in recollection. When Ahern referred to the "very good" home-baked berry pie which Marilyn Sheppard served for dessert the defendant covered his eyes.

William J. Corrigan, chief of four defense lawyers, was soothing in his examination of Mrs. Houk. He spoke softly to the other two witnesses.

Unhurried Questioning

Deliberate and unhurried in his questioning, he covered much of the ground which is already on record as a result of the coroner's inquest.

The first time Corrigan succeeded in freeing his client on bond—this was on Aug. 16, 16 days after Sam's arrest—he did

so in a brief oratorical flare before Common Pleas Judge William K. Thomas.

There were no witnesses then, against the 11 subpoenaed for the current hearing. When Common Pleas Judge Edward Blythin called a halt after two hours at 5 p. m., he indicated doubt that the matter could be disposed of today.

"We will go all tomorrow afternoon if necessary," he said, "but I have other pressing business in this courtroom Monday morning. Perhaps these proceedings will have to be resumed at a later date."

More Difficult Task

The indictment returned against Dr. Sam 30 hours after his release from jail on Aug. 16 is the legal factor which now makes Corrigan's task much more difficult.

For the purpose of considering bail, the indictment is regarded under Ohio law as sufficient indication that enough proof will be forthcoming on the murder charge to warrant keeping the defendant in custody.

The burden of countering this legal implication rests on the shoulders of the defense. The state has subpoenaed no witnesses of its own.

Among the spectators as the hearing got under way were Dr. Sam's two brothers—both osteopaths—and their wives; Mr. and Mrs. G. R. Brown, uncle and aunt of the murdered Marilyn Sheppard; Bay Village Solicitor Rich-

(Continued on Page 5, Column 5)

Cleveland Plain Dealer
SATURDAY, SEPTEMBER 11, 1954

Three on Stand in Bail Hearing

(Continued From First Page) ard S. Weygandt, and Cleveland Police Chief Frank W. Story.

At the defense side of the trial table were Dr. Sam, flanked by two deputy sheriffs; Corrigan; Corrigan's son and legal aide, William H. Corrigan; Associate Defense Counsel Fred W. Garmone, and Arthur E. Peterzilge, the Sheppard family attorney.

Seated opposite were Assistant County Prosecutors John J. Mahon, Saul J. Danaceau and Thomas J. Parrino, and Cleve-

land Detective Chief James E. McArthur.

Of the three witnesses, only Winston had not testified before. He was questioned on a statement he made as the grand jury returned its indictment: "The pressure on us has been enormous."

Can't Name Them

He was prodded by Corrigan: "What kind of pressure? What caused you to make that statement?"

"Curious people who wanted to know what we (the grand jurors) knew," Winston replied. "I can't name them. They were myriad."

Winston continued that he received a number of telephone calls and was buttonholed on the street and in several clubs that he belonged to.

Ahern again reviewed events on the eve of the murder. He told how he and his wife and children were with the Sheppards, first at his neighboring home in Bay Village and later at their home. He described the clothing Dr. Sam wore and remarked that it was "not unusual" for his host to fall asleep on his couch while the guests remained in his home.

Recalls Details

He told Corrigan it would have been possible for a person to ascend the staircase, which is near the couch, and not be seen by Dr. Sam.

Although she complained that

her memory for details was not as good as it was when she was first questioned, Mrs. Houk recalled under Corrigan's guidance such details as Dr. Sam putting his hands to his neck and exclaiming: "I've got to think! I've got to think!"

This was when Mrs. Houk entered the murder home with her husband—Dr. Sam had roused the couple with a telephone call—and found the osteopath sprawled over a chair in his study.

Mrs. Houk's husband, J. Spencer Houk, also subpoenaed, did not appear in the courtroom. He is hospitalized with a gastric ailment and a nervous condition. The latter malady was brought on by the pressure of events after the murder, it was said. He was reported to be in good condition.

Others who were summoned are:

Common Pleas Court Clerk Leonard F. Fuerst, Municipal Court Clerk Johnny Kijbane, Coroner Samuel R. Gerber, Deputy Sheriff Carl A. Rossbach, Mrs. W. F. Helms, a former maid at the Sheppard home, and Plain Dealer Reporter Sanford Watzman.

Furniture Returned

Furniture and other items taken from the Sheppard home, 28924 West Lake Road, Bay Village, on orders of Coroner Samuel R. Gerber have been returned to the residence, County

Prosecutor Frank T. Cullitan said yesterday.

Cullitan said the couch upon which Dr. Samuel H. Sheppard slept on the night of the murder, a chair from the study and the bed on which Marilyn was found dead were returned Thursday.

At the time Dr. Gerber had the items removed, some investigators expressed surprise since a visit by a jury or judges to the scene was expected.