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54/09/11 Brothers say Dr. Sam was hit: Both assert wife's slayer attacked him

Cleveland News

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THE WEATHER

TONIGHT—Cloudy and cool.
Low, 55.

TOMORROW—Cloudy and cool.
High, 74.

U. S. Weather Bureau Official Forecast

CLEVELAND NEWS

"A FRIEND OF THE FAMILY"

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FINAL

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CLEVELAND, OHIO, SATURDAY, SEPTEMBER 11, 1954

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

BROTHERS SAY DR. SAM WAS HIT

Both Assert Wife's Slayer Attacked Him

Bail hearing for Dr. Samuel H. Sheppard was recessed today until next Friday morning after his two brothers testified he was severely injured by the mysterious intruder who battered his wife to death.

The recess was ordered by Common Pleas Judge Edward Blythin shortly after he had ruled against the Bay Village osteopath on four defense points.

Judge Blythin said he was recessing the hearing to next Friday because he will be tied up on other court cases next week until that time.

The four setbacks handed Defense Attorney William J. Corrigan, fighting to have the handsome young prisoner freed on bail pending his trial for the killing of his wife, Marilyn, were:

REFUSAL to permit the attorney to introduce into the bail hearing record the names of the prosecution witnesses who testified before the grand jury which indicted Dr. Sheppard.

RULING that grand jury witnesses could not reveal what transpired in the grand jury room after Corrigan threatened to subpoena them all.

REFUSAL to allow as evidence a statement made by Dr. Sheppard to County Detective Carl Roszbach at County Jail on the grounds that it was a "self-serving declaration."

REFUSAL to permit introduction of testimony given by Dr. Sheppard at an inquest into the crime conducted by Coroner Samuel R. Gerber.

Dr. Stephen and Dr. Richard N. Sheppard were then called to the witness stand to aid their brother's fight for freedom.

Breaks Into Tears

Dr. Sam broke into tears for the third time during the hearing when Dr. Stephen described a family dinner party at which Marilyn announced she was going to have another baby, shortly before her death.

Both brothers said that Dr. Sam had suffered a fractured neck and facial contusions in his encounter with an unknown bushy haired man who battered his wife to death in the bedroom of their Bay Village home, 28924 West Lake Rd., before dawn July 4.

Assistant County Prosecutor John J. Mahon indicated he would call other medical witnesses to testify that Dr. Sam's injuries were not as severe as he contends, and could have been sustained in falling down the embankment of his lake front home.

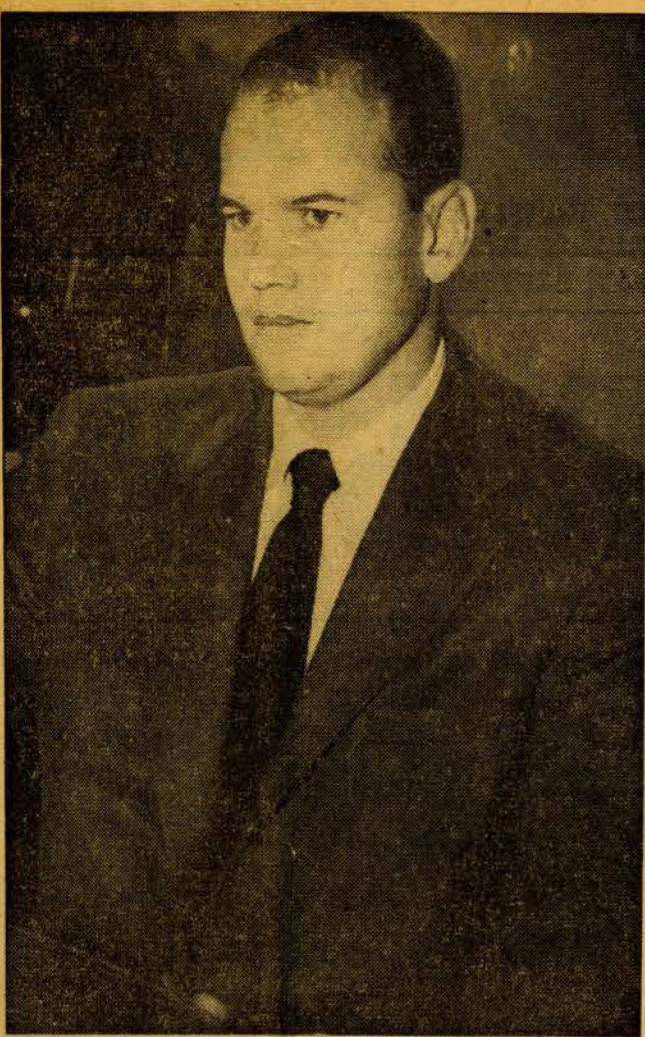
Say "Real Killer" Is Sought

Dr. Stephen Sheppard testified that he had made efforts to "find the real murderer of Marilyn Sheppard." He said he recently journeyed to Trenton, N. J., to interview a jail prisoner who stated that he had killed Marilyn.

The prisoner, being held on an auto theft charge, was named as Billy O. Williams, described by New Jersey police as a psychopath.

Coroner Gerber testified briefly that he had conducted an inquest into the crime. He said a transcript of the inquest testimony was a public record and

Continued on Page 2, Column 5



Dr. Samuel H. Sheppard sits in the courtroom.

Brothers Testify Dr. Sam Was Hurt By Wife's Slayer

Continued From Page 1

available to anyone who wanted to read it.

County Detective Rossbach, who headed the early stages of the murder investigation, testified he had been frustrated on several occasions when he attempted to question Dr. Sam about the crime.

Dr. Stephen also testified that Detective Robert Schottke of the Cleveland Homicide Bureau had been permitted to question Dr. Sam in privacy for two hours at the hospital.

"My brother told me later that Schottke had accused him of murdering his wife," Dr. Stephen said.

Says Dr. Stephen Interfered

Rossbach said on the first occasion, July 5, when he sought to interrogate Dr. Sam at Bay View Hospital, Dr. Stephen turned him away on the grounds that he had given a sedative to Dr. Sam and he was not in condition to talk.

"Come back the next day," Rossbach said he was told. The following day he said Dr. Sam refused to submit to questioning on the grounds that he did not feel well enough.

Rossbach told Judge Blythin that it was only after Dr. Gerber threatened to use a subpoena to remove Dr. Sheppard from the hospital for questioning that he agreed to talk to investigators.

Three Have Testified

Those who testified previously were Don J. Ahern, neighbor of the Sheppards, Mrs. Esther Houk, wife of the mayor of Bay Village, and Bert R. Winston, foreman of the grand jury which indicted Dr. Sheppard for first degree murder.

Attorney Corrigan sought to show through questioning of Mrs. Houk and Ahern that Dr. Sam and Marilyn Sheppard were a happy, normal and contented couple a few hours before the murder and that it was possible for an outsider to have slipped into the home unnoticed the night before the crime.

Corrigan asked Ahern, a guest at the Sheppards house the night of July 3, if it wasn't possible for someone to have entered the house through the West Lake Rd., entrance, passed through the kitchen and climbed the stairs to the second floor without being seen by those sitting in the living room at the time.

Ahern said that it would not have been possible.

Draws Floor Plan

Corrigan then drew a floor plan of the Sheppard home to illustrate his point that the stairway leading to the second floor was not in the line of vision for those sitting in one section of the living room.

The attorney proceeded on the theory that the killer of Marilyn Sheppard slipped unseen into the house and hid in an upstairs bedroom while Dr. Sam and his wife entertained Mr. and Mrs. Ahern on the lower floor.

Ahern was asked to describe in considerable detail the dinner party and the conversation and activity of the guests and the Sheppards the night before the murder.

Ahern testified that when he last saw Dr. Sheppard before the murder he was asleep on a downstairs couch, wearing slacks and a white T-shirt.

Mrs. Houk testified that when she and her husband arrived at the Sheppard home at 6 a. m. July 4 in response to a phone call from Dr. Sam he was not wearing the T-shirt and he appeared dazed and "unable to think."

T-Shirt Still Missing

The T-shirt has never been found. Dr. Sheppard said he did not know what happened to it, but assumed the killer of his wife must have taken it from him after knocking him out.

Dr. Sheppard covered his eyes with his hands and appeared nearly to lose control of his emotions when Mrs. Houk at the urging of the prosecutor de-

scribed Marilyn Sheppard's battered body as she found it.

"What did you see when you entered the bedroom?" Mahon asked.

"I saw Marilyn on the bed lying with her head approximately in the middle of the bed in a pool of blood," the witness said. "She was covered to the waist with a sheet. One hand was extended out and I tried to take her pulse."

Corrigan placed the grand jury foreman on the witness stand and questioned him about a statement he made that the grand jury had been under "great pressure" in the Sheppard case.

Defines Jury 'Pressure'

Winston said that by "pressure" he meant many curious and morbid strangers had approached and called him and other members of the jury to ask them what they knew about the Sheppard case before the indictment was returned.

Mayor Houk was also subpoenaed to testify at the bail hearing but sudden illness confined him to Lakeside Hospital for a rest and checkup.