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54/09/12 Dr. Sam flinches at plea's delay, Plain Dealer (continues as: Dr. Sam winces at hearing delay)

Cleveland Plain Dealer

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Sept. 12, 1954

CLEVELAND — Fair and continued cool today and tonight. Expected high today 72. See Page 11-C.

113TH YEAR—NO. 25

DR. SHEPPARD FLINCHES AT PLEA'S DELAY

Fight for Bail Is Recessed Until at Least Friday;

Corrigan Blocked

• Dr. Samuel H. Sheppard was locked in his County Jail cell yesterday afternoon for at least another week's stay when his "little trial" for freedom on bail was adjourned with a full day of testimony still to be heard.

Common Pleas Judge Edward Blythin recessed the hearing after failing to get stipulations required to carry testimony beyond normal court closing hours. William J. Corrigan, chief defense counsel, said he preferred a continuance, although the court warned that Friday was the first available date for resuming.

"My client has been in jail for quite a while and is getting used to the routine," said Corrigan. "It's only a few more days."

The young osteopathic surgeon winced visibly.

Preview of Trial

Jailed since Aug. 1 except for a 30-hour respite just before his indictment, Dr. Sheppard is fighting for his freedom until he goes on trial, probably late next month, for the first-degree murder of his wife, Marilyn, on the Fourth of July in their Bay Village lake shore home.

The unusual bail hearing is a preview of what promises to be a long and tedious trial.

At recess, Corrigan had been blocked at every turn in an attempt to get his client's denials of murder before the court without putting him on the witness stand, where he would face relentless cross-examination.

Assistant County Prosecutor John J. Mahon headed a three-man team of state's attorneys waiting to pounce on the defendant should he take the stand. Corrigan showed no signs of being about to oblige.

Rules Out Accounts

Dr. Sam's two written accounts of the events of the murder morning were ruled out by Judge Blythin. They were his sworn testimony at the coroner's inquest on July 22 and 23 and the statement taken from him in the County Jail on July 10.

Mahon was upheld in his argument that these statements were "self-serving."

"The person is here who made those statements," said Assistant County Prosecutor Saul S. Danaceau. "Let him testify."

Adjournment found Dr. Sam's oldest brother, Dr. Stephen A. Sheppard, relating a series of events that tended to show the defendant in a sympathetic light.

Corrigan's final question was:

"Do you know that since the murder, the police have done nothing but try to pin the murder on your brother?"

Mahon, Danaceau and their colleague, Thomas J. Parrino, shouted objections, which were sustained.

"Do you want a soapbox, Bill?" Danaceau asked Corrigan, sotto voce.

Corrigan began the day by asserting he would call every witness who appeared before the

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Sunday, Sept. 12,
1954
ELAND PLAIN DEALER

DR. SAM WINGES AT HEARING DELAY

Fight for Bail Is Recessed Until at Least Friday

(Continued From First Page)
Grand Jury. Later, he amended that to "if necessary." Finally, he told the court he could finish up in another full day. The prosecutor's staff can then call rebuttal witnesses.

Mahon's strategy on cross-examination was time-saving. After Corrigan had brought out extended accounts of what happened before and after the murder, Mahon would ask:

"Do you know what happened in the home of Dr. Samuel Sheppard between the hours of midnight and 6 a. m. on July 4?"

"No."

"That's all."

Shows Strain of Fight

His face drawn and brow furrowed, Dr. Sam showed the strain of his fight for life. He bowed his head and covered his face with his hands when witnesses told of finding Marilyn brutally bludgeoned in their blood-spattered bedroom. He broke down when Dr. Steve related that "we were all elated" when Marilyn disclosed her pregnancy at a family dinner party two days before the murder.

Dr. Steve reiterated in detail the apparently painful injuries sustained by his brother in grappling, as Dr. Sam has testified, with a bushy-haired assailant he surprised in the murder room. On the way to the family-staffed Bay View Hospital, Dr. Steve said, Dr. Sam seemed to be sobbing and cried incoherently:

"My God, how could this happen? Marilyn is dead. Why couldn't it have been me?"

The injuries Dr. Steve listed included an abrasion of the ring finger and loose teeth of the right upper jaw, besides the alleged neck injuries that prompted the wearing for weeks of an orthopedic collar.

Third Brother on Stand

Other witnesses included the third brother, Dr. Richard N. Sheppard; Coroner Samuel R. Gerber, Deputy Clerk Howard J. Reid and Deputy Sheriff Carl A. Rossbach.

Corrigan attempted to show through Rossbach that the defendant had been questioned repeatedly and willingly. On cross-examination, Mahon brought out the facts of a protective circle of relatives and attorneys surrounding Dr. Sam until authorities threatened to get tough.

Dr. Steve told of going to Trenton, N. J., Thursday to interview Billy C. Williams, a prisoner who has confessed to the murder. Corrigan did not belabor the subject.

Cleveland police have asked for an FBI check on Williams' story, but in the meantime they pointed out he had a psychopathic background and is fighting extradition to Tampa, Fla., on a kidnaping charge. Numerous other "confessions" have been checked out.