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54/09/18 Dr. Sheppard spends eighth week end in county jail

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ACADEMIC ENDEAVORS

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Dr. Sheppard Spends Eighth Week End in

THE CLEVELAND PRESS, Saturday, Sept. 18, 1954

County Jail

Ruling on His Bail Plea May Be Made Monday

Dr. Samuel H. Sheppard is spending his eighth week end in County Jail—awaiting the Monday conclusion of the unique hearing on his bid for freedom on bail pending his trial for wife slaying.

Assistant Prosecutor John J. Mahon said the defense attorneys have thus far failed to prove that the 30-year-old osteopath is entitled to bail.

"The prosecution does not consider it necessary to call any rebuttal witnesses," Mahon said. "There is nothing to answer."

Common Pleas Judge Edward Blythin was expected to set a trial date immediately after ruling on the bail issue.

Being charged with first-degree murder, Dr. Sam is entitled to bail under the Ohio State Constitution only if he can refute the prosecution claim that the "presumption of guilt" is great.

Defense Attorneys William J. Corrigan and Fred Garmone would have concluded their case yesterday, except that three witnesses were not available.

People Will Talk

Garmone wanted to question Bert Winston, foreman of the Grand Jury which indicted Dr. Sheppard, about gossip indicating he had made "prejudicial remarks" about the defendant at a recent cocktail party.

Reached by telephone at Pine Valley, N. J., Winston told The Press today that he had observed the instructions of Common Pleas Judge Arthur H. Day that members of the Grand Jury should not discuss the case with anyone.

"But I can't shut people up,"

Winston said. "I'm always being asked questions about the Sheppard case. But I don't talk about what went on in the Grand Jury sessions."

Won't Call Dr. Sam

The other witnesses called to testify Monday are Mr. and Mrs. Richard Knitter of Sheffield Lake, who will be asked about reports that they observed a suspicious figure near the Sheppard home at 28924 Lake Rd., Bay Village, on the July 4 murder morning.

Garmone said the "present plan" of the defense does not contemplate putting Dr. Sheppard on the stand.

The defense succeeded in entering part of Dr. Sam's version of his wife's murder into the record through questioning of Bay Village Police Chief John Eaton and the reading of a transcript of inquest testimony of Bay Village Mayor J. Spencer Houk. Houk was unable to appear because he is hospitalized for a stomach disorder.

Opposes Venue Change

Dr. Sheppard claims that his pregnant wife, Marilyn, was murdered by a tall, bushy-haired intruder who also knocked him unconscious twice.

Mahon said the prosecution is prepared to oppose an anticipated defense motion for a change of venue, based on the contention that public opinion in Cuyahoga County is inflamed against Dr. Sheppard.

The prosecution will insist, Mahon said, that an attempt be made to select an impartial jury here before consideration is given to shifting the trial to another Ohio county.