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54/09/21 Dr. Sam to ask liberty on writ: Trial date set Oct 18; call 75 for jury

Cleveland News

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THE WEATHER

TONIGHT — Cloudy, cool. Rain.
Low 50.

TOMORROW — Cloudy, continued
cool. High, 58.

U. S. Weather Bureau Official Forecast

CLEVELAND NEWS

"A FRIEND OF THE FAMILY"

FINAL

Sports, Stocks

Vol. 113, No. 226

PRICE: SEVEN CENTS

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CLEVELAND, OHIO, TUESDAY, SEPTEMBER 21, 1954

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

DR. SAM TO ASK LIBERTY ON WRIT

Trial Day Set Oct. 18; Call 75 for Jury

Another legal attack against the first-degree murder indictment naming Dr. Samuel H. Sheppard as the bludgeon killer of his wife was being prepared today by his attorneys.

Defense Counsel William J. Corrigan, who lost one fight to free the Bay Village osteopath on bail, was preparing a habeas corpus action charging his client was being held unlawfully in County Jail.

The writ would be filed in the Court of Appeals and set down for immediate hearing.

If Attorney Corrigan fails in the habeas corpus attempt to free Dr. Sam from jail pending trial, he will prepare his fight to have the trial moved to another part of the state.

Criticizes Publicity

Corrigan holds that because of publicity given the murder case here it would be impossible to seat an unbiased jury to hear the evidence.

Meanwhile, Common Pleas Judge Edward Blythin, who denied bail to Dr. Sheppard, set the trial date at Oct. 18 and set in motion the machinery for summoning 75 prospective jurors.

Tears Fail to Move Judge

Corrigan told Judge Blythin he was not satisfied with the bail ruling which is not subject to appeal. He added "but there is a method by which we can challenge your ruling." The attorney referred to the habeas corpus writ.

Dr. Sheppard and his two brothers and their wives wept in the courtroom as Corrigan argued in vain that the handsome, athletic prisoner was innocent and the victim of "Soviet" tactics.

Judge Blythin, however, was not moved by the tears and impassioned plea of the attorney. He held that as far as the evidence was concerned there were three people in the Sheppard home at 12:30 a. m. July 4, and only two were alive at 6 the next morning.

In denying bail the judge upheld the prosecution contention that Dr. Sheppard, by his refusal to take the witness stand, had failed to place an outsider in the home who may have committed the crime, as he claims.

The Sheppard's six-year-old son, Chip, slept in an adjoining

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SHEPPARD

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bedroom while his mother was battered to death.

Corrigan accused Cleveland newspapers of "creating a sensation to sell newspapers." He told the court that "if freedom of the individual goes down the drain, the freedom of the press goes also."

Commenting on Corrigan's statement, Editor Wright Bryan of the Plain Dealer said: "We have reported the whole case as straight as we know how and think we have succeeded in doing so. Any editorial comment which we made we believe was justified."

N. R. Howard, editor of The News said: "Through Mr. Corrigan, Dr. Sheppard has used the columns of the Cleveland newspapers as has no other murder defendant in Cleveland's history."

Radio station WSRS, citing Corrigan's charge of jury prejudice, asked the Cleveland Bar Association to intervene to have canon 35 of the American Bar Association suspended so it could install microphones in the trial court.

"WSRS requests the suspension of the rules under canon 35 in this case in support of the American tradition of fair play that all hear directly the facts as they unfold for the record," said S. R. Sague, editor in chief of WSRS news.

Canon 35 forbids photographs and radio and TV broadcasting directly from a courtroom while a trial is in progress.