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U. S. Supreme Court Is Asked to Reject Plea of Dr. Sheppard

Press 10-11-56

By AL OSTROW

In what may be the final round of the 27-month-old case of Dr. Samuel H. Sheppard versus the People of Ohio, the prosecution today filed its answer to the defense appeal with the U. S. Supreme Court in Washington.

The brief, prepared by Assistant Prosecutors Saul S. Danaceau and Gertrude Bauer Mahon, declared that Dr. Sam's appeal was based on distortions of the facts. It accused Chief Defense Counsel William J. Corrigan of showmanship and grandstanding.

Citing the fact that the Cuyahoga County Court of Appeals and the Ohio Supreme Court have already upheld Dr. Sam's conviction, the prosecutor argued that no federal case exists—and the high court should therefore refuse a hearing.

Say Charge Proved

Corrigan, in asking the Supreme Court to assume jurisdiction, had contended that his client's constitutional right to a fair trial had been violated by prejudiced newspaper reporting, numerous legal errors, and a conspiracy

by police and public officials to convict him.

Not so, replied the prosecutors.

"The state proved by direct and circumstantial evidence," the brief declared, "that Marilyn Sheppard was brutally murdered in her bedroom some time between 3 and 4 a. m. on the morning of July 4, 1954; that at the time she was murdered, the only person in that home, except a

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Ask Supreme Court to Deny Sam's Plea

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six-year-old son, was her husband.

"It was conclusive from the evidence that there was a simulated burglary and that nobody but the petitioner had the time and the opportunity to fake such a burglary to divert suspicion from himself.

"The fantastic stories told by the petitioner were so unreasonable and absurd as to be, in the opinion of the jury, unworthy or credence."

Defends Press

The brief asserted that Dr. Sam received considerable favorable publicity. - It defended the action of The Press in demanding that the murder mystery thoroughly be investigated.

"Marilyn Sheppard was murdered—there could be no

doubt about that," Danaceau wrote, "and it became the duty of law enforcement officers to thoroughly investigate and to bring to justice the person who murdered her.

"A protective shield was immediately thrown around the petitioner. The officials of Bay Village, close personal friends of the petitioner, who was their police surgeon, sat on their hands and were getting nowhere.

"It was inevitable that there would be publicity concerning the petitioner's unwillingness to be interrogated, save on his own terms and conditions, and that the public officials would be criticized, such criticism of public officials not being the exclusive prerogative of defense counsel."

Danaceau said the right of newspapers to "criticize what they deem to be laxity on the

part of public officials . . . is a right given them by the same Constitution which assures the defendant a fair trial by jury."

The brief declared that Dr. Sam's legal rights were scrupulously observed in every step of the proceedings against him, and he was convicted on the basis of evi-

dence heard in the courtroom by an impartial jury—not by newspaper headlines and editorials.

The Supreme Court may terminate or reopen the legal battle by either refusing or granting a hearing on the constitutional question. Legal sources said a ruling may be expected before Christmas.