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## 63/02/04 Plan New Sheppard Appeals in U.S. Courts

Cleveland Record

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# Plan New Sheppard Appeals in U. S. Courts

*Record - 2-4-63*

Attorneys for Dr. Samuel H. Sheppard will file for his freedom on two fronts.

"We will appeal to the Supreme Court of the United States and we will immediately commence a petition for a writ of habeas corpus in the Federal District Court in Toledo," said F. Lee Bailey from his home in Boston.

If the District Court rules the previous trial unconstitutional, as Bailey claims, Dr. Sam might face a new trial.

"He could get life again, or even the chair. That is a risk we are willing to take," added Bailey.

"If there is a new trial, the defense will be conducted differently than before," the youthful attorney said.

Russell A. Sherman, attorney from Elyria, will file a petition with the Ohio Supreme Court that would pave the way for appeal to the U. S. Supreme Court. This is expected to take a year.

The Ohio Supreme Court ruling of December refusing the convicted Bay Village osteopath the lie detector test in prison will be appealed "because we believe that this ruling is in defiance of the Sixth and 14 Amendments," Bailey added.

The habeas corpus writ will challenge the conviction on the grounds that it was an unfair trial "in an 'envenomed atmosphere.'"