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DiSalle to Be Asked for Dr. Sam Clemency

By JAMES T. KEENAN, *Press Ohio Bureau*

COLUMBUS—Governor DiSalle will be asked to commute the sentence of Dr. Samuel H. Sheppard, Bay Village wife murderer, to either manslaughter or to the time already served.

Attorney F. Lee Bailey of Boston said the application he will file with the Pardon and Parole Commission will not raise the question of guilt or innocence.

The application, Bailey said, will be based solely on the good institutional record of Sheppard since he was admitted to Ohio Penitentiary in July, 1955, to serve life for the July 4, 1954, murder of his wife, Marilyn, in their Bay Village home.

The commission's investigation of such cases—and no preliminary investigation has been made by it in the Sheppard matter—plus its public hearing sometimes takes two or three months. DiSalle's term ends Jan. 14, when Republican James A. Rhodes is inaugurated governor.

If the governor reduces the Sheppard second-degree murder sentence to manslaughter, the prisoner will be heard the next time the commission

goes to the Marion Correctional Institution where Sheppard works in the prison hospital. If the governor commutes a sentence to time already served, the prisoner is free.

The fight to prove Sheppard innocent will go on regardless of any action on the commutation request, according to Bailey.

“Up to now we have asked for a pardon so as to restore Dr. Sheppard's reputation and so he can regain his license to practice medicine,” said Bailey.

“Now we are willing to settle for a commutation. But the fight to prove Dr. Sheppard did not murder his wife will be prosecuted just as vigorously if he is out of prison as if he were still in.”

Before the Ohio Supreme Court here on Dec. 11 are two cases aimed at proving Sheppard innocent.