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66/06/07 Corrigan Weighing Decision on Retrial for Sam Sheppard

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Corrigan Weighing Decision on Retrial for Sam Sheppard

County Prosecutor John T. Corrigan today began a study of the U. S. Supreme Court decision setting aside the second-degree murder conviction of Samuel H. Sheppard to determine whether he will retry the case.

Sheppard's 1954 conviction for the slaying of his wife, Marilyn, was overturned yesterday by the court, which held in an 8-to-1 decision that the former Bay Village osteopathic physician did not receive a fair trial.

Corrigan's preliminary inventory of the hundreds of exhibits used in the 1954 trial is reported as showing some are now missing.

The prosecutor also faces the task of locating the 55 witnesses used by the state in the trial.

THE SUPREME COURT directed Federal District Judge Carl A. Weinman to set Sheppard free on a writ of habeas corpus and ordered that the state should bring him to trial "in a reasonable time" or release him unconditionally.

Corrigan now considers Sheppard to be in the same legal position he was when he pleaded innocent to an indictment for first degree

murder. If tried, he will be tried for first degree murder, Corrigan said.

Sheppard's attorney, F. Lee Bailey, contended that Sheppard can only be tried for second degree murder because that was the degree of guilt found by the 1954 jury.

THIS ISSUE, if there is a new trial, probably will be the first to be argued. Bailey has said that he will not ask that the new trial be removed from Cuyahoga County saying:

"If he can't get a fair trial in Cleveland, he can't get one anywhere."

SHEPPARD HAS SAID that he is "ready to go on trial now" and Bailey said it ought to be "this summer or not at all." He said he thought most of the witnesses are still available.

But, he said, he would oppose any attempt by the prosecutor to have one major figure repeat her testimony given at the 1954 trial.

That is Susan Hayes, a hospital technician with whom Sheppard admitted having an affair before his wife's death. She is now married and is living in Hollywood, Calif.

THROUGHOUT his trial, Sheppard said he was innocent and that he had grappled with a "bushy-haired intruder" in his wife's bedroom in their Bay Village home.

Corrigan said his decision on a retrial would depend on whether he thought he could get a conviction, 12 years after the first trial.

"If I feel that I can't get a jury and find that we can't get our witnesses and our evidence together, I'm not going to give him a new trial," Corrigan said.

"I don't want to give him a new trial if we do not have the chance for conviction because the evidence is no longer timely."

BAILEY SAID Sheppard must have a new trial because "this man deserves to have his name cleared."

Sheppard was sentenced to life imprisonment in December, 1954, and was in prison until his release by Judge Weinman in July, 1964. That release was reversed by the Circuit Court of Appeals in Cincinnati.

The Supreme Court reversed the appeals court and ordered Sheppard's release on a new writ of habeas corpus.



MOMENT OF GRATIFICATION over the U. S. Supreme Court verdict was shared by Sam Sheppard with his wife, Ariane, and son, Chip.
(Press Photo by Clayton Knipper)



A JUBILANT DR. STEPHEN SHEPPARD, brother of Sam, congratulated F. Lee Bailey, Sheppard's lawyer, for his Supreme Court victory yesterday. Looking on is Dr. Sheppard's wife, Betty.