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WINS OHIO COURT REVIEW

Can't Present 'New Facts'

The Ohio Supreme Court today agreed to hear the appeal of Dr. Samuel H. Sheppard from his conviction as the brutal slayer of his pregnant wife, Marilyn, in their Bay Village home on July 4, 1954.

The decision means that the court will review testimony given during the nine-week trial, inspect dozens of exhibits and schedule the hearing of oral arguments by defense and prosecuting attorneys.

The court admitted the case for constitutional review and for possible error during the trial, but threw out the appeal on the grounds of "newly-discovered evidence."

Judge Weygandt Absent

The court heard oral arguments on both appeals without Chief Justice Carl V. Weygandt of Lakewood presiding. Judge Weygandt voluntarily stepped aside because his son, Richard, was solicitor of Bay Village at the time of the murder.

Appellate Judge George S. Middleton of Bellfontaine filled the vacancy while Judge John M. Mathias of Columbus presided.

The court admitted the case under its motion docket which customarily does not show how judges vote. On the second phase of the appeal, the judges unanimously refused to consider the case on grounds of alleged error in denying Dr. Sam a new trial because of new evidence.

The Supreme Court's eventual decision will be the second-last step available to the young doctor in his long fight against life

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Dr. Sam Granted High Court Review

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imprisonment for his wife's slaying.

Last Resort Court

If the appeal is rejected, defense attorneys led by William J. Corrigan, may carry the case to the U. S. Supreme Court as a last resort.

The so-called "newly-discovered evidence" claimed by defense attorneys stemmed from an investigation conducted by Dr. Paul L. Kirk, the University of California's noted criminologist, after Dr. Sam's conviction.

Among the findings of Dr. Kirk was a contention that a large blood spot on a wardrobe door in Marilyn's bedroom was neither that of the victim or her husband. He also contended that the killer was left-handed and knelt on the bed while bludgeoning Marilyn to death with an instrument similar to a flashlight.

In announcing the decision to review the trial record, the court did not set a date for hearing arguments on the appeal.

Hearing in Spring

Court attaches said the case probably cannot be placed on the court's docket for hearing before March—and possibly April. The court's February docket is full and while a March date is possible it is not likely, they said.

Dr. Sam, as the 31-year-old wife slayer has become known to millions of persons throughout the world, was convicted of second degree murder by a jury of seven men and five women who heard the nine-week trial in the courtroom of Common Pleas Judge Edward Blythin.

Sentenced to life imprisonment in the Ohio Penitentiary, Dr. Sheppard remained in County Jail while his appeals were rejected by Judge Blythin and the Court of Appeals. Finally, last July the convicted wife-slayer was transferred to the penitentiary to begin serving the sentence which provides for a possible parole after 10 years.

Dr. Sheppard is now working as an auto mechanic within the prison walls. To date, prison authorities report that his work record has been excellent.

The Sheppard murder case broke suddenly on the hot summer morning of July 4, 1954 when Dr. Sam called a neighbor, Mayor Spencer J. Houk, to say, "My God, get over quick. I think they've killed Marilyn."

Found Body on Bed

When Houk arrived on the scene he found Mrs. Sheppard's

body lying on a bed in an upstairs room with her forehead and skull crushed by multiple blows. Teeth chips, never accounted for, were found among the blood-spattered bed clothing.

A trail of blood extended from the bedroom, down the upper stairway, across the first floor and down the basement stairway. Drawers in a downstairs study had been ransacked but desks were wiped clean.

Doctor Tells His Story

The couple's only child, Samuel H. (Chip) Sheppard, 8, slept through the tragedy only a short distance from his mother's bedroom.

Dr. Sheppard, who appeared to be in a dazed condition and complained of a neck injury, said he had been awakened while sleeping on a downstairs couch by his wife's screams. He said he ran up the stairs and was met by a "form" in the hallway and knocked unconscious.

Regaining consciousness, Dr. Sam said he followed the figure to the Lake Erie beach behind the Sheppard home at 28924 Lake Rd., Bay Village, grappled with him and was again knocked out.

One of the damaging points made by prosecutors in the trial was testimony by the first witnesses to appear on the scene that the jacket was neatly folded and placed at the end of the couch. They emphasized to the jury that a man hurrying to his wife's assistance would not stop to fold his jacket.

Three weeks after Dr. Sam's conviction, tragedy again struck the Sheppard family when the boys' mother, Mrs. Ethel Niles Sheppard, 64, committed suicide in the home of Dr. Stephen. Two weeks later the father, also 64, passed away at Bay View Hospital.