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## 55/5/10 Kirk berates Blythin on 'face-saving' trial ruling,

Cleveland Plain Dealer

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**MSL**

ACADEMIC ENDEAVORS

# Kirk Berates Blythin on 'Face-Saving' Trial Ruling

PA 5-10-65

BERKELEY, Cal., May 9—(UP)—Dr. Paul Kirk, University of California criminologist who investigated the evidence in the Sheppard murder case, today branded the osteopath's trial and today's refusal by a Common Pleas judge to call a new trial "miscarriages of justice" and "simply face-saving" maneuvers.

The small, scholarly scientist reacted bitterly when informed the new trial motion had been denied.

"Of course this was to be expected," Kirk said.

"I am not very happy with the people of Cleveland or the people who were directly connected with the case," he said, referring to the original police investigators and prosecutors.

He was particularly stung by Judge Edward Blythin's comment that the evidence Dr. Kirk had dug up "was still in the realm of theory."

Said Kirk:

"I don't think any of them know the difference between facts and theory.

"I don't think they wanted the facts.

"All they wanted to do was simply to save face. Well, they've done it."

## Didn't Get Fair Trial

Referring to Blythin in particular, Kirk remarked: "I don't want to seem critical of the judge, but he is a genial person and I don't think he knows what the situation is there."

The usually mild mannered scientific investigator and pro-

fessor of criminology emphatically said:

"I don't think Dr. Sheppard got a fair trial, and this last move is a miscarriage of justice.

"If this case had happened out here (California), I don't think it would have ever got to trial. I don't know a district attorney who would have come into court with the evidence that was presented at the trial."

Kirk said the newspapers and general public were largely responsible for the conviction.

"Cleveland decided he was the right man," he said. "The press was largely responsible. It was a matter of mob spirit with a clamoring for blood.

"The public clamor grew too big, and by the time it was over, it was too late for them (investigating officials) to back out."

Kirk pointed out that when he entered the case, at the request of the Sheppard family,

"I had not opinion one way or the other."

"Even if I had wanted to, I could not have gone against fact," he added.

"It would have ruined me professionally as an investigator of pure physical evidence and it would destroy my reputation as a professor. And anyway, there's not enough money or prestige in any case to make me come to any conclusion other than clearly are shown by the evidence at hand."

Kirk insisted in his belief in Dr. Sam's innocence, saying: "It is my sincere opinion that if we had a new trial we'd win it."

Kirk pointed out that "We were forced to assume the burden of proof in the case, which is not the way it should have been."

"But they don't want facts," he charged. "They didn't want anything proved because it has simply gone too far."