



---

All Articles

Newspaper Coverage

---

4-28-1955

## 55/04/28 Prosecution Plans to Reject Dr. Sam's "New Evidence"

Cleveland Press

Follow this and additional works at: [https://engagedscholarship.csuohio.edu/newspaper\\_coverage](https://engagedscholarship.csuohio.edu/newspaper_coverage)  
How does access to this work benefit you? Let us know!



# Prosecution Plans to Reject Dr. Sam's "New Evidence"

*Press 4-28-53*

Complete rejection of the "new evidence" advanced by Dr. Samuel H. Sheppard in support of his demand for a new trial was announced today by the prosecution.

Assistant Prosecutor Saul S. Danaceau said the affidavit of Prof. Paul L. Kirk, University of California criminologist, claiming Dr. Sam innocent of the July 4 murder of his wife, Marilyn, was "merely a rehash of defense arguments at the trial, and will require only a short answer."

That answer, he said, will be made in written form—possibly Monday.

Thus, Common Pleas Judge Edward Blythin, who presided at the 10-week trial which resulted in Dr. Sam's conviction for second degree murder, will decide next week whether or not to grant the petition for a new trial solely on the basis of the conflicting written statements.

Kirk, who had been ready to take the witness stand to support his claims, prepared instead to fly home to California today, loosing another blast at the Cleveland Police Department.

## Slaps at Police

"It's about time the police did something about this case," he said. "In police work, when you find a fact, you've got to follow it up—not just argue against it."

And Kirk insisted that he had offered "definite new evidence"—particularly his finding that "the real killer of Marilyn Sheppard" left his own "signature in blood" in the Bay Village murder bedroom.

Kirk said this "signature" was in a big blood spot on the closet door in the murder bedroom which did not match the blood of either the victim or her convicted husband.

come.

"I'm convinced that the killer was someone who knew the Sheppards—someone who Dr. Sam knows. No, I don't have any particular person in mind. There isn't even any proof that the real murderer is still alive."

Catching the "real killer," Kirk said, "is police work, and I'm not a policeman."

## **Gives Explanation**

He gave this explanation of how he had made his discovery:

MARILYN SHEPPARD had Typo O blood.

TYPE O BLOOD was found on her murder bedsheet.

THE "SIGNATURE" BLOOD SPOT was also Type O blood.

BUT BLOOD FROM THIS SPOT "coagulated differently," Kirk said.

## **McArthur Comments**

Detective Chief James MacArthur, who directed the Shepard murder investigation after Bay Village authorities turned it over to the Cleveland police, made these comments on Kirk's findings:

"There is no accurate way to determine whether the killer was right-handed or left-handed. A strong argument can be made for either." (Kirk said the blows and blood spatters indicated the slayer was a south-paw.)

"If the killer's finger was bitten, some skin would have been left in the victim's mouth, particularly if—as Kirk says—the victim's teeth were broken off in this manner. There was no trace of such skin in the victim's mouth."

## **Not "New Evidence"**

McArthur and Assistant Prosecutor Thomas Parrino said Kirk's affidavit consisted of theories and arguments which were presented to the convicting jury by Defense Counsel William J. Corrigan, and did not constitute "new evidence."

Danaceau said he expected arguments before the Court of Appeals on Dr. Sam's appeal from the jury conviction would proceed as scheduled on May 23 at Lakeside Courthouse—indicating that he did not expect the trial judge to set aside the guilty verdict.

## **Kirk's Job Over**

Kirk said his connection with the case was now ended, unless he is recalled to testify at a new trial.

"I have a feeling that this case will eventually be solved,"