



CSU
College of Law Library

Cleveland State University
EngagedScholarship@CSU

[All Articles](#)

[Newspaper Coverage](#)

5-3-1955

55/05/03 Sheppard Ruling Delay Expected

Cleveland Plain Dealer

Follow this and additional works at: https://engagedscholarship.csuohio.edu/newspaper_coverage

[How does access to this work benefit you? Let us know!](#)

Recommended Citation

Cleveland Plain Dealer, "55/05/03 Sheppard Ruling Delay Expected" (1955). *All Articles*. 673.

https://engagedscholarship.csuohio.edu/newspaper_coverage/673

This Book is brought to you for free and open access
by the Newspaper Coverage at
EngagedScholarship@CSU. It has been accepted for
inclusion in All Articles by an authorized administrator
of EngagedScholarship@CSU. For more information,
please contact library.es@csuohio.edu.



SHEPPARD RULING DELAY EXPECTED

Blythin Is Likely to Study Bid for New Trial

BY SANFORD WATZMAN

Common Pleas Judge Edward Blythin tomorrow will put off his decision on whether to grant Dr. Samuel H. Sheppard a new trial, the jurist indicated yesterday.

"I feel I will most likely take the case under advisement after I hear oral arguments on the motion Wednesday in the Criminal Court Building," he said.

The judge added that, because of the press of other work, he had not yet seen four counter-affidavits filed by the state yesterday or completed his study of the 50-page document submitted by Dr. Paul L. Kirk of California, defense-hired criminologist.

Dr. Kirk's assertion that Dr. Sheppard was innocent of the killing of his wife, based chiefly on the finding of what Kirk analyzed as a foreign blood spot in the murder bedroom, was the subject of the state's principal affidavit.

Sworn to by Dr. Roger W. Marsters, blood grouping specialist at University Hospitals, this paper criticized the laboratory methods employed by Dr. Kirk and contended that his conclusions "cannot be justified."

"The presumption of individual differences of blood origin on the basis of a difference in solubility is certainly unwarranted," Dr. Marsters wrote.

He cited a number of "variables" which he charged Dr. Kirk ignored, such as foreign substances that might have be-

come part of the blood specimen and contaminated it.

The Californian had found that both the specimen and Mrs. Sheppard's blood were Type "O," but that the specimen reacted differently to chemicals.

In other state affidavits:

CORONER SAMUEL R. GERBER said that before the murder trial Defense Attorney Fred W. Garmone visited his office and was shown exhibits in the case being held by the coroner. Garmone was said to have made a drawing and taken notes.

LEONA PHALSGRAFF AND RAYMOND KEEFFE of the coroner's staff related that Dr. Anthony J. Kazlauckas appeared

at the office in behalf of Dr. Sheppard on Oct. 27. He, too, was shown exhibits, they said, and the autopsy report and X rays of the murder victim.

SAUL S. DANACEAU, assistant county prosecutor, swore he had told Defense Attorney Arthur E. Petersilge that the murder home "was available to the defense at any and all times to inspect or conduct investigations therein."

Danaceau is fighting the new trial motion on the ground that Dr. Kirk's evidence, even if its value were granted, was not "newly discovered" because it could have been produced with reasonable diligence at the trial.