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57/05/15 Writer Runs New Tests in Sam's Case

Cleveland Plain Dealer

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O. Dealer

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Writer Runs New Tests in Sam's Case

Experiments in West With 'Bloody Pillow'

A new team of unofficial investigators in the Sheppard murder case is experimenting with "a bloody pillow" and other objects at the ranch of Erle Stanley Gardner, mystery story writer, in Temecula, Calif., The Plain Dealer learned last night.

Gardner would not comment on the experiments when reached by telephone, other than to say it was "possible" a new clew might be developed. Object of the tests, he said, is to uncover the murder weapon, which was never found.

Gardner is supervising the experiments in his role as head of "The Court of Last Report," a promotion of Argosy magazine. The Sheppard family has requested this "court" to intervene in the case, he said.

Results Awaited

He also disclosed that four relatives of Dr. Samuel Sheppard submitted to lie detector tests in Chicago on May 4 and 5. Results of the polygraph examinations are being evaluated and will not be known "for several days," he added.

The four were identified as Drs. Richard N. and Stephen A. Sheppard and their wives. No attempt has been made so far to give the test to Dr. Sam, although the convicted wife slayer has finally agreed to take it, Gardner said.

Among the questions asked Sheppard kin, the novelist said, were whether they concealed any evidence, remove any fingerprints, diagnosed any fake injuries for Dr. Sam or heard any confession from him.

Gardner has a article in the current issue of Argosy, which goes on sale here Tuesday, telling why his "court" became interested in the case. He emphasized he was getting no free from the Sheppards and promised an impartial investigation.

Dr. Sam is serving a life term in the penitentiary in Columbus for the killing of his wife, Marilyn, in 1954.

Sam Refused

Throughout the official investigation of the homicide conducted here by several law enforcement agencies, he refused to take a lie detector test.

Warden Ralph W. Alvis told the Plain Dealer from Columbus that he had not been asked by anybody to authorize a lie test for the prisoner. He added he would not permit the test if it were requested.

"No request has come to my attention as yet, and in the absence of one I prefer not to comment," Gov. C. William O'Neill told the Plain Dealer's Columbus bureau.

In Cleveland, Arthur E. Petersilge, one of Dr. Sam's defense lawyers, said a new appeal was being readied for filing "in a couple of months" in U. S. District Court in Columbus.

The attorney said the appeal would take the form of a writ of habeas corpus. It will be based, he said, on the contention that Dr. Sam is being illegally imprisoned because newspaper publicity prevented him from receiving a fair trial.

Rejected Earlier

This has long been one of the main issues raised by the defense—without success at any time. All the state courts, including the Supreme Court, ruled against Dr. Sam on this question.

When the appeal was carried to the U. S. Supreme Court the nation's highest tribunal refused even to consider the case.

Petersilge asserted the writ of habeas corpus to be sought in Columbus would open a new route for appeal to the U. S. Supreme Court.

The "Court of Last Resort" intervened in another Cleveland murder case—in 1950. The defendant in that proceeding was Theodore Roosevelt McClure, a holdup killer, who later died in the electric chair.

Gardner and his investigators succeeded only in uncovering more incriminating evidence against McClure. When their probe ended they praised the efficiency of Capt. David E. Kerr and his police homicide squad.