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54/08/02 Sheppard Back In Jail

Cleveland Press

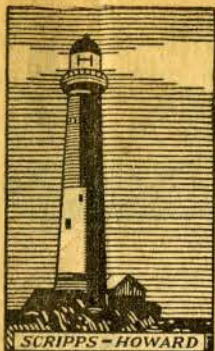
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SHEPPARD BACK IN JAIL

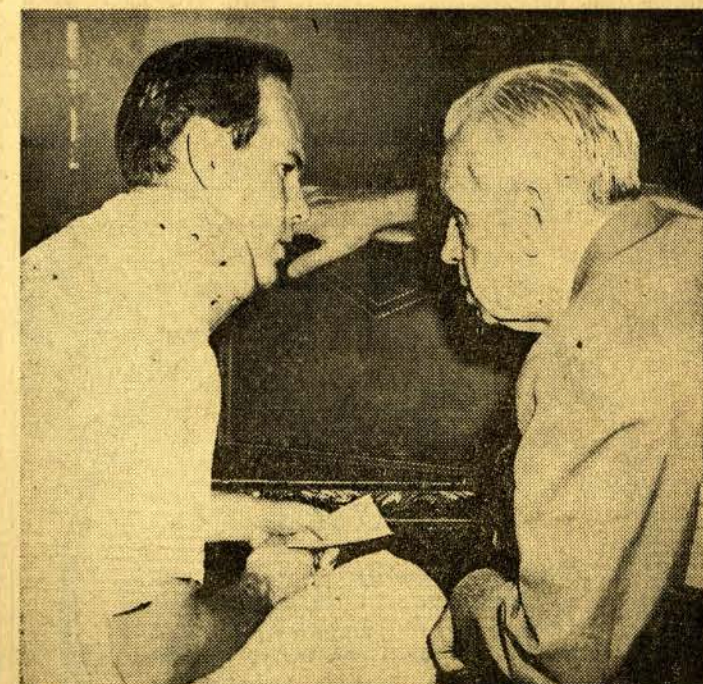
Faces 5 Days Grilling as Court Denies Plea

Police Prepare to Re-Question Bay Mayor Houk

Dr. Samuel H. Sheppard, having lost a legal bid for immediate freedom, today faced at least five days of intensive questioning behind bars before his next scheduled courtroom appearance.

He is due to appear at 1 p. m. Saturday in Bay Village mayor's court for a preliminary hearing on the charge that he intentionally murdered his pregnant wife, Marilyn, on the morning of July 4.

Until then, Sheriff Joseph Sweeney announced, the 30-year-old osteopath will be "constantly available" for interrogation by Cleveland homicide detectives.



WHISPERED CONFERENCES between Attorney William J. Corrigan and his client, Dr. Samuel Sheppard, were frequent at today's unsuccessful plea for freedom. For story on the attorney's famous cases, see Page 10.

Police Chief Frank W. Story said the questioning would be "at reasonable hours, with full observance of all his legal rights—and I hope without interference from his attorneys."

Dr. Sheppard was whisked back from Lakeside Courthouse to County Jail after the brief hearing which dashed his hopes to escape the prison atmosphere and return to his father's comfortable home near Bay View Hospital.

Denied Portable Radio

He sprawled on a cot in his cell block and dozed after eating a lunch of potatoes, sauerkraut, Polish sausage and coffee.

Dr. Sam was refused permission to carry a portable radio brought to him by his brother, Dr. Stephen Sheppard. Jail rules permit only one radio to each cell block, and one of the four other prisoners in the unit already had one.

While the youthful osteopath, who returned to the operating room at Bay View Hospital the day after Marilyn's funeral, was "resting up" for the new ordeal of questioning, his attorneys filed notice of appeal from the decision keeping him in jail.

Dr. Sheppard, who had smiled occasionally during the brief hearing on a writ of habeas corpus, tautened when Common Pleas Judge Frank J. Merrick denied the application.

Detective Chief James McArthur disclosed that Bay Village Mayor J. Spencer Houk, who previously "failed" a lie detector test, would be "questioned further" about his testimony at the habeas corpus hearing.

These were today's quick-paced developments in the 29-day-old murder case:

HOUK, CALLED AS A WITNESS, declared under cross-examination by Assistant Prosecutor John J. Mahon that he had seen the battered body of Marilyn Sheppard on the murder bed. This was a departure from his previous testimony that he had waited downstairs while his wife, Esther, went up to the murder bedroom.

Doctor Admits Intimacies

DR. SHEPPARD ADMITTED TO DETECTIVES that he had been an unfaithful husband, and had intimacies with Miss Susan Hayes, former Bay View Hospital Hospital laboratory technician. He had denied this under oath at the coroner's inquest.

DEFENSE LAWYER W. J. CORRIGAN resumed his County Jail "filibuster" to impede his client's grilling by homicide squad detectives.

CORRIGAN ARGUED that Dr. Sheppard had been "illegally arrested" for the murder of his wife on a warrant issued by Bay Village Council President Gershom M. M. Barber. Barber signed the warrant because Houk, a close personal friend of Dr. Sheppard, disqualified himself.

JUDGE MERRICK CITED A LAW which gives the council president full powers to act as a magistrate at any time.

"I'll see you in a few hours," the white-haired attorney called loudly to Dr. Sheppard as the osteopath, manacled to a deputy sheriff, was led out of the second-floor courtroom in which he lost his bid for freedom.

Before the quizzing resumed, Dr. Sheppard was

Doctor Returned to Jail as Plea Fails

(Continued From Page One)



CURIOUS CROWD gathers outside of Judge Frank Merrick's courtroom to catch glimpse of the murder suspect.

taken next door to Central Police Station for the first time. He was "mugged" and fingerprinted, then returned to County Jail.

Courtroom Is Filled

Although Judge Merrick had announced no "curious spectators" would be permitted, no attempt was made to oust the more than 100 persons—mostly attorneys and court attaches—who filled the room before the doctor was brought in from County Jail.

Arthur E. Petersilge, defense co-counsel, had a hard time forcing his way through the packed spectators to the defense table.

Dr. Sam's brother, Dr. Richard N., and his father, Dr. Richard A., watched the proceedings from back-row seats.

Before the hearing opened, the older brother pushed up to the counsel table and patted Dr. Sam on the back.

"I just want to let you know that we're in the back of the room and here with you, Sam," he said.

Corrigan admitted his cause was apparently lost when Merrick cited the section of law which gives a council president the authority

to sign an arrest warrant.

"But I must make my record," the attorney insisted. Houk, cross-examined by Mahon over Corrigan's objections, said he was a close friend of the defendant, and told of being summoned by him to the murder home on the morning of July 4.

Q.: You saw Marilyn Sheppard?

A.: Yes.

Q.: How did you find her?

A.: She was horribly beaten about the head, lying in bed.

Q.: Was she dead?

A.: I presume she was.

McArthur said Houk's previous testimony indicated he had not gone upstairs to the murder room. The detective chief said Mrs. Sheppard's body was brought downstairs in a "body bag."

The hearing lasted about an hour.

Dr. Sheppard was brought in by Sheriff Sweeney and Deputies Carl Rossbach and Dave Yettra.

The murder suspect wore a white sports shirt, blue slacks, and his neck brace.

He claims his neck was injured in a series of struggles with the maniacal killer who murdered his wife—but that claim is disputed by the authorities.

"Now that the court decision has been handed down," McArthur said, "we can go on with the merry-go-round with his attorneys over the questioning."

Chief Story attended the court session, sitting with Assistant Prosecutors Mahon, Saul Danaceau and Thomas Parrino and Bay Village Law Director Richard S. Weygandt.

Immediately after the hearing, Story and McArthur conferred with Sweeney at the County Jail in an effort to bar further interruption of the grilling by the defense attorneys.

One of the few admissions made by Dr. Sam during a week end of quizzing, frequently interrupted by Corrigan's maneuvers, was that he had lied at the inquest into Marilyn's murder when he denied more than a casual relation-

County Prosecutor Frank T. Cullitan said today he was asking Miss Susan Hayes, 24, to "keep herself available" as a key witness against Dr. Samuel H. Sheppard, charged with the murder of his wife. Cullitan said he would also talk to her parents, Mr. and Mrs. Elbert Hayes, "to impress on them the importance of her availability."

ship with the 24-year-old Miss Hayes.

"Yes, I was intimate with her," he admitted to detectives who grilled him at intervals during the week end when they were able to outwit the lawyers who teamed up in a "fill-buster" attempt to keep out the questioners.

This shattered Dr. Sheppard's earlier contention that he and Marilyn had a happy married life, punctuated only by the "normal differences" of the average husband and wife.

The admission of his intimacies with Miss Hayes was the first crack in Dr. Sheppard's staunch adherence to his original claim of complete devotion to his murdered spouse.

It was made slowly and reluctantly, prodded out by the fact that Miss Hayes, who returned from Los Angeles, had made a sworn statement contradicting his oath.

He lied under oath, Dr. Sheppard said, because he was "being a gentleman".

But now that Miss Hayes has described their real relationship to the authorities, he said, "I am no longer under restraint on that subject."

Dr. Sheppard stolidly refused to discuss his actions on the murder morning with homicide detectives whose questioning of him was frequently interrupted by jail visits of his attorneys.

"Corrigan seems to be running the County Jail," complained Homicide Capt. David Kerr. "But we'll keep on with our questioning as long as necessary."

Dr. Sam was interviewed for hours during the week end by teams of detectives working in relays, when they weren't cooling their heels in the corridor, waiting for attorneys to conclude a private conference.

The man charged with murdering his wife was perfectly willing to discuss his outstanding academic record as an osteopathic medical student in Los Angeles, and difficult operations he had performed, but parried questions about the slaying with: "On advice of counsel, I will not discuss this with you."

Moved at Jail

He said he didn't remember whether or not he was wearing shoes on the murder morning.

He seemed nervous and disturbed when asked to explain the lack of any physical evidence of anyone other than himself, his wife and their sleeping son, Sam (Chip) Jr. having been in the house of tragedy at the moment of murder. But he wouldn't discuss it "on advice of my counsel."

During the brief moments when he wasn't being interrogated or chatting with his attorneys, Dr. Sheppard read newspapers and thumbed through two books which were brought to him.
