

Who whacked the doctor's wife?

By R. Marc Kantrowitz

The headline of the Cleveland Press wailed: "WHY ISN'T SAM SHEPPARD IN JAIL?"

After all, everyone knew he was guilty.

Before the trial started, the judge confided to a newspaper reporter that Sheppard was "guilty as hell. There's no question about it."

The police even had a motive: Sheppard's longtime affair with his fetching assistant, the 24-year-old Susan Hayes, who worked with him at the hospital.

Saturday, July 3, 1954, had been a busy one for the handsome, athletic 30-year-old Dr. Sam, as he was affectionately known, and he looked forward to dinner at his expansive lakefront home with his pregnant wife, Marilyn, and some friends. Afterward, he dozed off on the couch.

His restful sleep came to a halt when he was jolted awake upon hearing his wife's screams. He sprinted upstairs and, while charging into their dimly lit bedroom, saw a large form wearing a white top. Suddenly, he was knocked out. He had no idea what he was hit with or who hit him.

He awoke groggily to the dead body of his wife. While frantically

checking on the safety of their 7-year-old son, he suddenly heard something on the first floor. Bolt-ing back down the stairs, he saw the silhouette of a "bushy-haired" man. He gave chase, pursuing the intruder down many wooden steps and confronting him on the darkened beach of Lake Erie. A brief struggle ensued, ending with Sheppard being knocked out again.

As he regained consciousness and struggled to his feet, pain shot through his body. Hobbled back to his house, he called his neighbors, who rushed over. A grisly scene awaited them.

Upstairs, the bedroom was painted in blood. Marilyn lay on one of the twin beds, a halo of blood surrounding her head. Her pajama bottoms had been pushed down and her shirt pushed up, exposing her

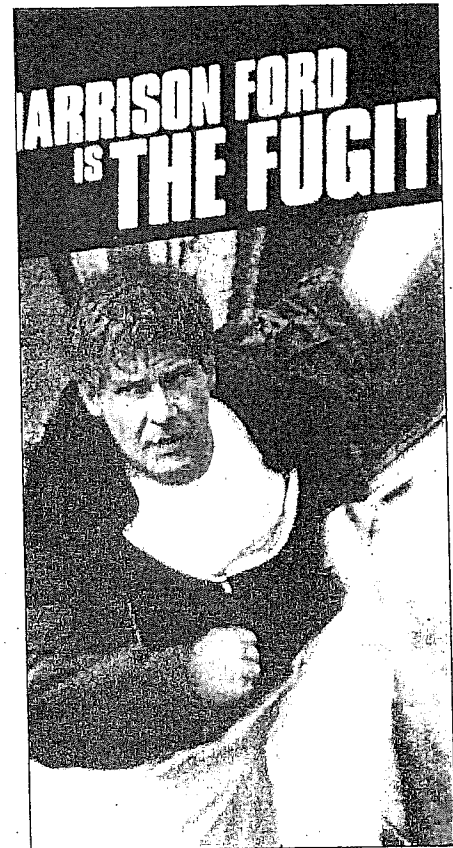
private areas. Her face was a mass of matted hair and blood.

Downstairs, evidence of an attempted burglary was everywhere. Objects were smashed and drawers were opened, their contents spilling onto the floor. Nothing, however, was taken.

Meanwhile, Sheppard's injuries were serious. He was in shock

and suffering a swollen eye, concussion and possible contusion to his spinal cord. Two of his teeth were slightly chipped.

Despite his many injuries and his



A host of television shows and movies were born from the Sheppard affair, among them the 1993 hit movie 'The Fugitive,' starring Harrison Ford.

brief hospital stay, Sheppard was the immediate and sole suspect — the perpetrator of domestic violence — and being pressured to confess to the unspeakable crime.

Certain of his guilt, the police investigated the case haphazardly, missing fingerprints and failing to test a trail of blood and other forensic evidence. Even the autopsy had shortcomings.

Marilyn suffered 35 wounds to her face and body. Her nose was

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broken and two of her front teeth had been ripped out. A fingernail was torn off and a finger on her right hand was broken.

With no sign of forced entry, nothing taken, and a womanizing husband's tale not worthy of belief, the police had their man. That he had been beaten but had no marks on him indicative of a struggle with the victim were facts to be considered and discarded.

Perhaps given that, as well as the great respect the Sheppard family commanded, the authorities held off arresting him to ensure that the evidence was marshaled in an airtight manner.

Meanwhile, the press, which initially had been sympathetic to Sheppard, beat the drum that he be charged. Finally, at 10:30 on a Friday night, Sheppard was arrested and hustled off to court for arraignment — before his attorney could get there. The state announced that it was seeking the death penalty.

There was no lull leading up to the trial in October. Still in control of the proceedings, the press commanded all available space in the courthouse. The last row of the courtroom was left for the families of the defendant and victim.

The jury was not sequestered,

and the names and addresses of jurors were revealed. The trial proceedings were reported daily, to which the jurors had ready access, including excluded testimony and comments by state officials, such as the head of homicide calling Sheppard's testimony bald-faced lies.

Rumors and innuendo were often reported as fact. Sheppard's attorney unsuccessfully pleaded with the court to stem the ongoing avalanche of negative publicity.

Finally, after two months, the trial ended and the jury was partially sequestered (they were allowed to make phone calls).

On Dec. 21, after five days of deliberation, Sheppard was found guilty of second-degree murder and sentenced to life imprisonment.

After 10 years in jail and endless appeals, Sheppard's case — now led by a new, young attorney, F. Lee Bailey — wound up in the U.S. Supreme Court.

In a momentous decision, the court overturned Sheppard's conviction on the sole ground of the pervasive and unfair pretrial publicity, that criminal "trials are not like elections, to be won through the use of the meeting-hall, the radio, and the newspaper."

Sheppard was tried again. Bailey


represented him. The trial lasted two weeks. Sheppard was found not guilty.

Epilogue

A host of television shows and movies were born from the Sheppard affair, the most well-known being the 1960s TV drama "The Fugitive," and the 1993 hit movie by the same name starring Harrison Ford.

Sheppard's attempt to return to medicine was short-lived, his skills having deteriorated, and he quickly abandoned the profession. His behavior became erratic as he turned to alcohol and drugs.

He became a professional wrestler, Sam "the Killer" Sheppard, in 1969.

A heavy drinker and broken man estranged from his family, Sheppard died a year later of liver failure. He was 46. 

Judge R. Marc Kantrowitz sits on the Appeals Court and is writing longer versions of his columns for a book. He can be contacted at rmarckantrowitz@comcast.net. The above column is primarily based on the book "The Wrong Man" by James Neff, and the U.S. Supreme Court decision. Lindsey Smith assisted with the preliminary research.