

# The Trial of Sam Sheppard

## Part I: The Crime

By Mark J. Phillips and Aryn Z. Phillips



On September 4, 1951, President Harry Truman spoke to the nation on television, and for the first time a broadcast was watched by viewers coast to coast at the same time. America, and especially its media, had come of age.

The 1950s represented a decade of unprecedented prosperity, progress and optimism. Inflation stayed low, and Americans found jobs. Suburbs boomed. Passenger jets entered service, and Americans traveled. The ravages of polio became a dark horror of the past, and Disneyland a beacon of the future. Bing Crosby and Perry Como gave way to Elvis Presley and Chuck Berry. The launch of Sputnik and the Cold War were coming, but those celebrating the Fourth of July in 1954 felt part of a new and youthful era.

The murder of Marilyn Sheppard in her bedroom during the early morning hours of July 4, 1954, remains one of America's most notorious unsolved crimes. Young

**The outside of the Sheppard home on July 4, 1954.** *Photo courtesy of the Cleveland State University College of Law Library in the archived Bay Village Police Department Investigation Photos collection.*

**Dr. Sam & Marilyn Sheppard.** *Photo courtesy of Cleveland State University, Michael Schwartz Library, Special Collections.*

and beautiful, the mother of one child and pregnant with another, her bludgeoning death transfixed a nation. Every circumstance of her death and the nine-week trial of her husband that followed became fodder for an unprecedented crush of newspaper coverage. In what the United States Supreme Court later called "a carnival," hundreds of reporters took up every inch of the Cleveland courtroom, reporting every line of testimony, and tracking the judge, jurors, lawyers, and witnesses from home to court and back again. No one moved in the corridors without being questioned. Newsmen handled the evidence as it was offered during the proceedings. They set up a

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the national media found it in the trial of Dr. Sam Sheppard.

Sam and Marilyn were both raised in Cleveland, Ohio, and had known each other since childhood. Born in 1923, Sam was the youngest of the three sons of Dr. Richard Allen Sheppard. His father and both of his older brothers were Doctors of Osteopathic Medicine, and his father ran a prominent Cleveland medical clinic. Good-looking and personable, Sam was elected president of virtually every club he joined and was voted class president for all three years he was in high school. He lettered in varsity football, basketball, and track, and at graduation was awarded Most Valuable Athlete.

Dark-haired and beautiful, Marilyn was the elder of the two by eighteen months, graduating high school a year before Sam and attending Skidmore College in New York. Sam, in his turn, enrolled in Hanover College in Indiana, then took supplementary courses at Western Reserve University in Cleveland. Following in the footsteps of his father and brothers, he moved to Los Angeles to finish his education at the Los Angeles Osteopathic School of Physicians and Surgeons, was awarded the D.O. degree, and commenced internship and residency in neurosurgery at Los Angeles County General Hospital. He asked Marilyn to join him in Los Angeles, and they were married on February 21, 1945. Returning to Ohio in 1950, they bought a waterfront home at 28944 Lake Road in Bay Village, along the shore of Lake Erie. In the 1950s, Bay Village was a wealthy middleclass suburb west of Cleveland, with quiet streets and nice houses, everything that the post-war boom in America promised in its advertising and movies. Village neighbors knew each other and shopped in local stores. Its small five-man police force rarely handled more than accidents and disturbances. Until July 4, 1954, it had not investigated a murder. The Sheppard family of physicians was popular and prominent in the small town, and their clinic, Bay View Hospital, was the only hospital in Bay Village.

Sam and Marilyn settled down to what, by all appearances, was an ideal suburban marriage. In the summer of 1954, Sam was working at the family-owned Bay View Hospital while Marilyn stayed home with their seven-year-old son, Sam Reese Sheppard, then called "Chip." In July she was four months pregnant.

But all was not ideal in the Sheppard home. Initially denied by him, Sam's infidelity was eventually proven at trial, although the degree of the infidelity was in some doubt. Certainly,

he was carrying on a torrid, three-year-long extramarital affair with Susan Hayes, a former nurse at the clinic. According to some, Marilyn was at least resigned to his affairs, if not happy.<sup>1</sup> To others, the marital discord between Sam and Marilyn was obvious by the summer of 1954.<sup>2</sup>

Saturday, July 3, 1954, was a busy one for Sam. A father brought his young son into the emergency room after the boy had been hit

by a utility truck. Sam rushed the small child to the operating room, cut open his chest, massaged his heart, and attempted other resuscitation efforts. None were successful, and the boy died. An exhausted Sam left the hospital that afternoon, stopped to visit his parents, and headed home.<sup>3</sup>

That evening, Sam and Marilyn were hosting their neighbors, Don and Nancy continued on page 14

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Ahern and their two children, who lived five houses up the lane. The families arranged to meet first for cocktails at the Ahern home, but before they could move on to the Sheppard home for dinner, another emergency called Sam back to the hospital, where he treated another young boy hurt in an accident.

Both families eventually reconvened for dinner at the Sheppard home that evening. After dinner, Don Ahern took his children home and then returned. Young Chip went up to bed about ten o'clock. Sam and Marilyn Sheppard and Don and Nancy Ahern settled in for the evening to watch a movie on television, but before it was done, Sam stretched out on a daybed in the room and fell asleep. The Aherns left some time after midnight, and Marilyn told Sam that she was going up to bed.

What happened next has spawned thousands of newspaper articles, numerous books, a network television series, and a major motion picture. Marilyn was found in the upstairs bedroom she shared with Sam, dead from the injuries received in a savage beating. There was blood everywhere. She was lying on her back at the foot of her bed, feet dangling to the floor. Her pajama bottoms were removed and her pajama top pushed up

over her breasts, her open legs pinned by the horizontal bars of the footboard. It was later determined that she had suffered some thirty-five blows, mostly to the head, with a blunt instrument.<sup>4</sup>

Sam was questioned that morning. He claimed to have been sleeping on the daybed in the living room when he was awakened sometime in the night by Marilyn calling his name. When he reached the top of the stairs by the door to the bedroom, he saw in the dim light a large form with tall bushy hair and light-colored clothing. Sam testified that he was struck in the back of the neck and lost consciousness.

He regained consciousness an uncertain number of minutes later. "I looked at my wife. I believed I took her pulse and felt that she was gone. I believed that I thereafter instinctively or subconsciously ran into my youngster's room next door and somehow determined that he was all right. I am not sure how I determined this. After that, I thought that I heard a noise downstairs...." He testified that he ran back downstairs and chased the bushy-haired intruder down to the Lake Erie beach below his house, struggled with him, and was again knocked out. When he awoke a second time, he was bare from the waist up, his pants



**Dr. Sam Sheppard, 1954.** *Photo courtesy of Cleveland State University, Michael Schwartz Library, Special Collections.*

and shoes were wet, and light was breaking.

Sam returned to the house and called a friend and neighbor, Spencer Houk, the Mayor of Bay Village. "My God, Spen, get over here quick. I think they've killed Marilyn." Mayor Houk and his wife came over

at once, finding Sam slumped in an easy chair downstairs and asked, "What happened?" Sam replied, "I don't know but somebody ought to try to do something for Marilyn." Mrs. Houk immediately went up to the bedroom, and Sam told Mayor Houk his story. When Mrs. Houk returned, the Mayor called the local police, Sam's brother Richard, and the Aherns.<sup>5</sup>

The local police were the first to arrive. They in turn notified the local coroner, Dr. Sam Gerber, and the Cleveland city police. Dr. Richard Sheppard then arrived, determined that Marilyn was dead, examined his brother's injuries, and removed him to the nearby hospital operated by the family. When the coroner, the Cleveland police, and other officials arrived, the house and surrounding area were searched; the rooms of the house were photographed; and many persons, including the Houks and the Aherns, were interviewed. The Sheppard home and premises were taken into protective custody and remained so until after the trial.<sup>6</sup>

From the beginning, officials focused their suspicions on Sam, and to some, the circumstances warranted it. The excessive number of blows suggested an enraged husband rather than an intruder. While the position of Marilyn's pajamas implied a sexual assault, there was no evidence of one, her pajamas were unbuttoned rather than ripped, and the position of her legs between the horizontal foot rails of the bed made a sexual assault impossible. The house had the appearance of having been ransacked, but "tidily," with drawers pulled out of desks and carefully stacked on the floor, rather than thrown about. Sam's shotguns were not taken. There were no signs of forced entry to the home, and nothing of value was missing, suggesting a staged burglary. There were no signs of a struggle on the beach. Sam was bare-chested and his shirt was missing, perhaps to hide bloodstains. And the family dog, Koko, had not barked. The coroner, Dr. Gerber, is reported to have told his men, "Well, it is evident the doctor did this, so let's go get the confession out of him." Later that afternoon, the Cleveland police interrogated Sam at some length, at the end of which an officer told him, "I think you killed your wife."<sup>7</sup>

The Cleveland press followed soon after the police, and the frenzy began. Incredibly, they were given free roam of the house that morning, and photographers were even allowed into the bedroom while Marilyn's body still lay there.<sup>8</sup> The media coverage was immediate and overwhelming. Over a period of six months, the *Cleveland Press* printed 399

articles about Sam and the death of Marilyn.<sup>9</sup>

Newspapers in Cleveland printed editorials demanding that the coroner call an inquest and subpoena Sam to testify. Smarting from the challenge, Dr. Gerber commenced the inquest the next day in the gymnasium of Normandy High School in Bay Village, and the three-day session was filled with public spectators, press, and high drama. In the front of the room was a long table occupied by reporters, television and radio personnel,

and broadcasting equipment. Microphones were placed in front of the coroner and on the witness stand. Crowds lined up outside the school to get seats, and reporters and photographers chronicled all of the testimony. For the first two days, Coroner Gerber elicited the testimony of police officers, family members, and neighbors, including the sixteen-year-old son of Mayor Houk, who with other local teenagers had been enlisted by continued on page 16

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the police to help search the lakefront yard of the Sheppard home.

On the third day of the inquest, Sam was called to testify in the gymnasium full of spectators. Before a swarm of reporters and photographers, he was brought into the room by police and searched in full view of the spectators, who by then numbered several hundred. Sam's attorneys were present during the three-day inquest, but they were not permitted to participate. When his principal attorney, William J. Corrigan, attempted to place documents into the record, he was forcibly ejected from the gymnasium. "Remove him," the coroner ordered, and Corrigan was hauled from the gymnasium while cameras rolled. The *Cleveland Plain Dealer* reported on its front page: "Spectators cheered wildly yesterday as William J. Corrigan, criminal lawyer representing Dr. Samuel H. Sheppard, was half dragged from the room in the closing moments of the Marilyn Sheppard murder inquest in Bay Village."<sup>10</sup> Afterwards, the Coroner received hugs and kisses from ladies in the audience.<sup>11</sup>

At the inquest, Sam made the mistake that would haunt him at trial: he denied his

extramarital affair with Susan Hayes. Hayes was a lab technician at Bay View Hospital, who had left in 1953 to move to California. Officers quickly tracked her down, and after first denying her relationship with Sam, she later admitted all—the officers suggesting that if she did not do so, she would face criminal charges for adultery, then still a crime in Ohio.<sup>12</sup> Susan described the affair to officers, including her many sexual encounters with Sam in his car, in the Bay View Hospital, and on his visits to California. All became fodder for the newspapers.

Media coverage continued to do more than report the case, instead influencing and even directing the course of the administration of justice. Just as the Cleveland papers had compelled the coroner to hold the inquest, now the same papers demanded in front-page editorials to know why Sam was not jailed. The *Cleveland Press*, in a front-page editorial headlined "Why Isn't Sam Sheppard in Jail?" demanded action against Sam:

A murder has been committed. You know who the chief suspect is. You have the obligation to question him—question him thoroughly and searchingly—from beginning to end, and not at his hospital, not at his home, not in some secluded spot out in the country.

But at Police Headquarters—just as you do every other person suspected in a murder case. What the people of Cuyahoga County cannot understand, and The Press cannot understand, is why you are showing Sam Sheppard so much more consideration as a murder suspect than any other person who has ever before been suspected in a murder case.<sup>13</sup>

In response, police arrested Sam late that night at his father's house. He was taken to the Bay Village City Hall where, despite the hour, hundreds of people, reporters, and photographers were waiting. He was immediately arraigned, denied a delay to secure presence of counsel, and bound over to the grand jury.<sup>14</sup> ★



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## ENDNOTES

<sup>1</sup>Cynthia L. Cooper and Sam Reese Sheppard, *Mockery of Justice* 68 (New York: Onyx 1997).

<sup>2</sup>Jack P. DeSario and William D. Mason, *Dr. Sam Sheppard on Trial* 19, 78 (Kent, Ohio: Kent State University Press 2003). DeSario teaches political science and has a law degree. Mason successfully defended the State of Ohio against the suit brought by Sam Reese Sheppard to clear his father's name.

<sup>3</sup>Cooper & Sheppard at 26.

<sup>4</sup>*Sheppard v. Maxwell*, 231 F. Supp. 37 (S.D. Ohio 1964).

<sup>5</sup>*Sheppard v. Maxwell*, 384 U.S. 333, 336-37 (1966)

<sup>6</sup>*Id.* at 337.

<sup>7</sup>*Id.*

<sup>8</sup>Cooper & Sheppard at 61.

<sup>9</sup>*Id.* at 9.

<sup>10</sup>John G. Blair, "Corrigan Ejected Amid Cheers," *CLEVELAND PLAIN DEALER*, July 27, 1954.

<sup>11</sup>*Sheppard*, 384 U.S. at 340; Cooper & Sheppard at 86; Blair at 5.

<sup>12</sup>Cooper & Sheppard at 93.

<sup>13</sup>Editorial, "Why Isn't Sam Sheppard In Jail?" *THE CLEVELAND PRESS* (July 30, 1954).

<sup>14</sup>*Sheppard*, 384 U.S. at 341.