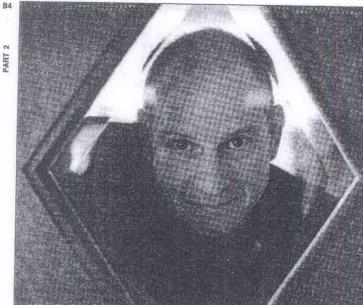


STYLE FILE / Page B17

Z

CLASSIFIED / Page B44



CN PART

MARCH

Shepparo REVISI

A look at the case, the role of the 'bushy-haired' person and the campaign by Sheppard's son to clear his father's name



By Stephanie Saul STAFF WRITER



AMUEL REESE Sheppard AWOUL RELEASE Sheppara was 7 years old when he awoke to the noise of strangers — police — clat-tering about in his family's lakeside house in the Cleveland suburbs. Then, he are burded for

Lieveränd suburos. Then, he recalls, as a horde of re-porters watched and flashbulbs popped, he was led away, his idyllic childhood gone forever. "I couldn't go to my mother's funeral, because the shark ferrary of the media was so high," Sheppard remembers. "I was denied my grief." Porty-two waers later the tremedu still accounce his

remembers. "I was denied my grief." Forty-two years later the tragedy still occupies his thoughts — the murder of his mother, Marilyn Shep-pard, and the imprisonment of his father. Dr. Sam Sheppard, for the murder. Even after his father was acquitted in a second trial, many still believed the successful doctor had gotten off because of skillful lawyering by a young F. Lee Balley. Now Sheppard has convinced Ohio authorities to renew their investigation of his mother's murder, hop-ing to clear his family's name. A ruling that Dr. Shep-ing to clear his family's name. A ruling that Dr. Shep-

remew their investigation of his mother's murder, hop-ing to clear his family's name. A ruling that Dr. Shep-pard was wrongly incarcerated could also lead to a financial payment by the state, potentially millions, to the Sheppard estate — the doctor died in 1970 — under Ohio's wrongful imprisonment statute. Sheppard has an unlikely ally in the Cleweland pros-secutor's office, a top assistant prosecutor who believes there is evidence pointing toward another man. Two weeks ago Richard Eberling, a former window-His son, Sam, has convinced ordered by a Cleveland judge to ap-muthatibe.

authorities to reexamine the case.

ply authorities with blood samples that will be tested against blood found in the Sheppard home at the

time case. time of the murder. With scientific advances in blood testing, including DNA-profiling techniques that weren't available in the 1950s, Shep-pard hopes the blood sample — which has been given and is still being tested — can be identified as Eberl-

and is still being tested — can be identified as Eberl-ing's. The renewed interest in the Sheppard case has divid-ed the Cleveland community, pitting columnists for the city's only daily newspaper. The Piain Dealer, against one another. The paper's editorial page editor, Brent Larkin, has called reopening the case "a cocka-mamie idea." Questions about the case also stand to mar the repu-tation of the city's longtime prosecutor, John T. Corri-gan, whose office prosecuted Sheppard. Corrigan, who retired six years ago, is institutionalized with an ad-vanced case of Alzheimer's disease, unable to defend himself against suggestions he may have mishandled Sheppard's case. And case files are missing from Corri-gan's office, as well as the police department. "Thelieve there was not a great deal of concern with respect to maintaining the evidence after the acquit-state. "Dorriean's successor. Stephanie Tubbs Jones,

estate. Corrigan's successor, Stephanie Tubbs Jones, agreed to look at the case late last year after Gilbert presented her with evidence he believes points to Eberling.

Eberling. "It's pretty much Mrs. Jones' attitude that we just "It's pretty much Mrs. Jones' attitude that we just have to do what's right, even if we challenge our own work," said Carmen Marino, an assistant to Jones. Officially the state is arguing against a finding of innocence for Sheppard; wrongful imprisonment in the case could cost the state of Ohio at least hundreds of thousands of dollars. But Marino says there is substantial evidence point-ing to Eberling. Much of it was disclosed in a book published last fall, "Mockery of Justice," written by Samuel Reese Sheppard and a New York writer, Cyn-thia Cooper.

Samuel Reese Sneppard and a New York writer, Cyn-thia Cooper. Marino, who believes there are indications Eberling may be a serial killer, also says there are many ques-tions about the original prosecution of Sam Sheppard. "There was no evidence of a motive," said Marino. "There was a lot of intervention by politicians, who should have backed off and let the police do the work thereabout the back Monthereabout and the second second

shound have backed of an all et the police do the work they should have. Maybe they would have looked at the right people." But Eberling, who is in prison for another murder, has passed two lie-detector tests. And Marino says that even if he is guilty of Marilyn Sheppard's murder, it Convict Richard could be impossible to prove.

Eberling may be a suspect; his blood DNA is being tested.

He also says it may be equally impossible to prove Sheppard's inno-

cence. "Our position is that nobody can be declared innocent." Marino

said. Eberling's lawyer did not return calls seeking comment. The Sam Sheppard trial was one of the most highly publicized murder cases of the century, arguiably sec-ond only to last year's O.J. Simpson trial. And there were similarities in the cases. Like Nicole Simpson, were stablished a successful practice again, instead The Sam chapter that was one of the most mighty publicized murder cases of the century, arguingly sec-ond only to last year's O.J. Simpson trial. And there were similarities in the cases. Like Nicole Simpson, Marilyn Sheppard was killed in a violent rage at her home on a summer night, with an object that was never found. In both cases the husband immediately became the suspect.

The waspect. It was the evening of July 3, 1954. The Sheppards had entertained another couple at their house along the shores of Lake Erie, where Sam Sheppard prac-ticed osteopathic medicine at a hospital owned by his father and brother.

inther and brother. Sheppard retired early, before the guests left, falling asleep on a downstairs daybed. "The couple stayed there and socialized and went home," said Marino. Marino says the pleasant evening the Sheppards

Marino says the pleasant evening the Sheppards spent with friends makes the prosecutors' suggestion at the time — that Sheppard killed his wife for another woman — implausible. Sheppard had had an affair, but it was over, Marino says. And Mariyn Sheppard was pregnant with the couple's second child. "There was no woman waiting in the wings. They had an affair, and it was over with." Marino said. "For some reason, Sam Sheppard got up and bludgeoned bis wife to death. That's a hard sell." But police immediately suspected Sheppard of mur-der, partly because he gave a vague account of the night's events. According to Sheppard, he heard his wife yelling "Sam, Sam," from upstairs in the early morning hours of July 4. He ran to answer her call. There he encountered a bushy-haired figure, who

morning nours of aduly 4, ite rat to answer her call. There he encountered a bushy-hairsed figure, who attacked him, briefly knocking him out, Sheppard told police. He ran out the door after the intruder, Shep-pard said, but the person, whose gender was unclear, inocked him out again on the nearby shore of Lake Erie, where he awoke the next morning with his T-whirt missing.

shirt missing. Sheppard refused to take a lie-detector test could not explain the discoverance of his T-a Sheppard refused to take a lie-detector test and could not explain the disagpearance of his T-shirt, which police surmised had been covered with blood. There was blood on Sheppard's watch. An expert test-fied it had been splattered, not smeared, there, indicat-ing Sheppard had been in the room when his wife was murdered murdered

murdered. Sheppard never retracted his story about the bushy-haired intruder. The tale inspired the television series "The Fugitive," about a doctor seeking to find the "one-armed man" who murdered his wife. Sam Sheppard's injuries consisted of a blow to the neck but no open wounds, a fact that Marino finds inconsistent with guilt. "It's hard to believe that the person who assaulted her was not in some way injured, even a scratch." Marino said. "This lady was murdered in a real brutal way. Her face, head and arms were battered. Her teeth were broken out of her mouth. She either bit down on something or her teeth were either either bit down on something or her teeth were either

yanked out or bashed in." There was a trail of blood leading through the house During Sheppard's trial prosecutors alleged it had dripped off the murder weapon, which was never found. Marino now believes that, instead, it could have

found. Marino now petieve trias, insease, it over have been the blood of the injured assallant. Astoundingly, police apparently never established the blood type of the trail of blood, Gilbort says. Within days of the Sheppard murder, local newspa-pers begun demanding the doctor's arrest, suggesting the was influential and wealthy enough to get away with murder. The newspapers detailed Sheppard's af-fair with Susan Hayes, the modical technician with whom he had been involved. The Cleveland Press de-voted the top of its front page on July 20 to an editorial entitled, "Criting Away With Murder." Then on July 30, the Press, led by flamboyant editor Louis Selzer, asked the question, "Why Isn't Sam Sheppard in Jail?" Sheppard was arrested the next day.

Sheppard was arrested the next day." Sheppard was convicted after a nine-week trial that focused on bloodstain patterns and the coroner's spec-ulation the murder weapon was a surgical instrument, although no surgical instrument was ever found that fit the description the coroner advanced. Before the trial had even begun, the judge in the case told a reporter that Sheppard was "guilty as hell." The Sheppards' son was aubsequently raised by an aunt and uncle, but he remembers taking a bus to the Ohio penitentiary in Columbus every month to visit his fathor.

fath

'He was a good and loving father and brother to me, eventually, and the only reason he stayed alive was because of me. He loved my mother like craxy and was occused of me. He loved my mother like crazy and was crushed by her death. He was a very patriotic guy and just couldn't believe that this could happen in Amer-ica," the son said in a telephone interview. Sheppard served 10 years in prison. Then in 1964 Sheppard won a new trial: The U.S. Supreme Court, in

ŵ.

becoming a wrestler.

Sheppard's son remembers his own anger at the tragedy of his life. "Emotionally I felt that my parents abandoned me," he said. "Certainly they didn't aban-don me of their own will." The case exhausted the rest of the family emotionally and financially

Sam Sheppard's mother committed suicide a month after his conviction. His father died the same month of natural causes. Marilyn Sheppard's father killed himnatural causes. Marilyn Sheppard's father killed him-self in 1963, seven years before Dr. Sam Sheppard died at the age of 46. P. Lee Balley's 1971 book, "The Defense Never Rests," said Sheppard had overdosed on pills. "Mockery of Justice" reports the cause of death as hemorrhagic encephalopathy, a disease caused by poor nutrition and linked to alcohol abuse. It took years for the young Sheppard, who had be-come a dental therapiat, to speak publicly. But in 1989 he began speaking in favor of prison reform and against he death penalty, which authorities had ori-ginally sought against his father. "It was a very difficult decision for me," said Shep pard, a Buddhist, who lives, by all accounts, an ascetic lifestyle in Oakland, Calif. On a speaking trip to Cleveland in 1989, he learned

lifestyle in Oakiand, Calif. On a speaking trip to Cleveland in 1989, he learned of the arrest of Richard Eberling, the window-washer, in the murder of another woman. An Elyria, Ohio, newspaper had written a series of articles questioning whether Eberling had a role in Marilyn Sheppard's murder. Later Cooper, the New York writer, contacted Sheppard, and the two began working together to reinvestigate the case, along with Gilbert and AMSEC, a Middleburg, Va., investigative firm. firm.

firm. They found that Richard Eberling's life had also been tragic. He was an illegitimate child abandoned by his mother, a domestic worker. And he was bounced around from one foster home to another. "He lived an unbelievable life of isolation as a baby." Sheppard said. "He literally was not touched or cud-died for a year or two." Eberling had been arrested in 1959 on charges of burglarizing fancy Cleveland suburban homes where he washed windows. Among the items recovered by police was a ring that had belonged to Marilyn Shep-pard. Eberling had kept it carefully wrapped and sepa-rated from the other stolen belongings. according to rated from the other stolen belongings, according to

But the ring had disappeared not from Marilyn

Please see SHEPPARD on Page B9

The Sheppard Case

The second s

July 3, 1954. Dr. Sam Sheppard and his wife, Marilyn, entertain a couple at their house on Lake Erie.

July 4. Marilyn Sheppard is murdered. Sheppard testifies that, responding to hearing cries from his wife in the early morning hours, he runs upstairs and encounters a bushy haired person who knocks him out. He says that he then regained consciousness, followed the intruder outside and was knocked out again

1954. Sheppard is convicted of murder after a nine-week trial that focused on bloodstain patterns and the coroner's speculation that the murder weapon was a surgical instrument. 1959. Richard Eberling, a window washer at

the Sheppard home, is arrested for burglarizing fancy suburban Cleveland homes. Among the items recovered by police is a ring that belonged to Marilyn Sheppard.

1984. Sheppard wins a new trial, thanks to a Supreme Court decision that the Cleveland judge failed to protect him from the publicity surrounding the case



Sheppard with his lawyer, F. Lee Bailey right, at a news conference in Cleveland in May, 1965

1966. A jury acquits Sheppard. His medical license is restored. 1970. Sheppard dies.

1989. Eberling is convicted in the 1984 mur-der of Ethel Durkin, a wealthy widower. Years earlier, Durkin's two sisters also had been murhereh

1996. Eberling is ordered to supply authorities with blood samples that will be compared to blood found at the Sheppard home at the time of the murder.

Dr. Sam Sheppard and Dr. Richard Kimble

EBATE PERSISTS about the connection be-tween the Sheppard case and "The Fugi-tive." The producers of both the movie and the TV series deny there was a direct link.

The Sheppard Case

The Sheppard's orderabe began in the early-morning hours of July 4, 1954, when his wife, Marilyn, was beaten to death in her bedroom. She was 31 and four months pregnant with her second child. Sheppard, a Cleveland osteopath, maintained he had dead off in the linician second should.

Suppard, a Cleveland Osteopard, maintained he had dozed off in the living room the night of the murder and was awakened by his wife's screams for help. Racing upstairs, he said, he was confronted by a husky, bushy-haired person who knocked him unconscious. Despite protestations of his innocence, he was the

prime suspect and was arrested and charged with mur-der on July 31. He never fied.

'The Fugitive' TV series, 1963-67 At the time the TV sho 1963, the country was was written and aired in

abuzz over Sheppard's impending release from prison; a new trial had been ordered. David Janssen starred as Dr. Richard Kimble.

The premise of the series. Kimble and his wife, Helen, had been discussing the prospect of adopting children. They fail to agree, and Kimble storms out of the house and



David Janssen, center, and a movie with Harrison Ford.

figure of a one-armed man running from the house. Kimble rushes inside and finds Helen dead. He is ar-rested and charged with murder and, after a trial based on circumstantial evidence, is sentenced to death. The on circumstantial evidence, is sentenced to death. In train taking him to prison derails, and he escapes. The series is devoted to Kimble's attempts to clear himself by finding the one-armed man. In the final episode, an eyewitness to the murder is revealed. The one-armed man is found and shot, and

Kimble is exonerated.

Voice-over epilogue each week (by William Conrad): "For Richard Kimble, no destiny. And even asleep there are shadows, shadows that haunt a man on the run: a fugitive.

The Fugitive' movie, 1993 Harrison Ford portrays Dr. Richard Kimble. He, too, flees after a train derailment and spends the remainder of the film tracking down the one-armed man. And, in this '90s update involv-ing shenanigans about the managautical research of the second second second transformation of the second second second second transformation of the second second second second second transformation of the second second second second second transformation of the second s

pharmaceutical research, he clears his name and pins the blame on another doctor.

Kimble (Harrison Ford): "I didn't shoot

Lee Jones): "I don' ¹¹# care



Memorable dialogue.

my wife." Lt. Gerard (Tommy

1996

PART N

B5

drives off. When he returns, his car headlights catch the

The Sheppard Case

SHEPPARD from Page B5

Sheppard's home, but after her death from the house of Sheppard's brother, one of those Eberling had bur-glarized.

glarized. During questioning about the ring and his other burglaries, Eberling volunteered that he had cut him-self and bled inside the Sheppard house while washing windows-July 2. Cooper now believes he was concording an axplanation in case his blood was found on the premises.

premises. "On police reports from 1959, it says Eberling told one story about why he cut his hand and then told another story. He told one story about where he was, then another story." Cooper said. But when police took Eberling to the prosecutor's office, police records show, the prosecutor's refused to talk to them, "They were just not going to look at the Shappard case. Sheppard was in prison, and that was it," Cooper said. After learning about Eberling's background, Shep-pard's investigative team tracked down a critical wit-ness in Florida, Edmund Wilbert, who had worked for Eberling in his window-washing business. He poked

Eberling in his window-washing business. He poked boles in Eberling's story and also provided a possible reason Eberling would have wanted Marilyn Sheppard dead.

'She had caught him attempting to steal and had

"She had caught him attempting to steal and had threatened him with turning him in or exposing him," Cooper said. "There was animosity there." What's more, Eberling's assistant, Vern Lund, told Sheppard that Eberling could not have cut himself at the Sheppard home just before the murder. It was the assistant, not Eberling, who washed windows that day after Eberling dropped him off, Cooper said. The balding Eberling was known to wear wigs. Could that have been what Sam Sheppard described as "bushy hair?" Desnite his arcreat in 1959 — he naid a fine in the case

that have been what Sam Sheppard described as "bushy hair?" Despite his arrest in 1959 — he paid a fine in the case — Eberling rehabilitated himself and later operated on the fringes of Cleveland society, throwing lavish parties along with a male companion and landing an interior decorating contract at Cleveland City Hall in the 1970s. The city hall contract was cancelled, according to Cooper, police found artworks missing from city hall at a house Eberling owned in Tennessee. "He stole a lot of figurines, like Royal Doultons and Hummels, and he just kept them around his house," said Cooper, who interviewed Eberling in prison for nextly 40 hours. "He's an emotionally strange guy. He's trying to fill the void that he had of family. He was stealing someone clea's life in a way, something of their stability and happines." Cooper's research suggested Eberling could he in-volved in three other unsolved murders, all on the western aide of Cleveland. "There were four killings. He was diways the fix-it man or the window-washer," says Marino.

He was always the tx-it man or the window-washer," says Marino. In 1989 Eberling was convicted in the 1984 murder of Ethel Durkin, a wealthy widower who had left much of her estate to Eberling. Police had found that Eberling and an accomplice forged Durkin's will before pushing her down a staircase. Years earlier Durkin's sister Sara Belle Farrow had mat a similar fata, but her death had been ruled sea

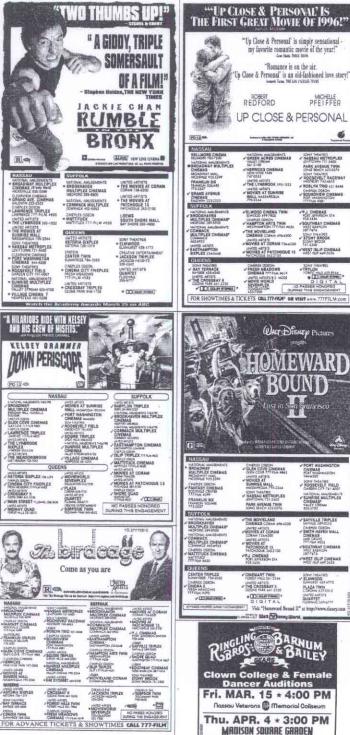
met a similar fate, but ber death had been ruled an accident. And Durkin's sister Myrtle Fray was also murdered

Fray was found dead in May, 1962. She had been rray was found cead in May, 1962. She had been bludgeoned to death in her bed in the same manner as Marilyn Sheppard. "You could almost switch one su-topsy for another," asid Gooper. Eberling inew all three women. "The coincidence in this situation is just too absurd,"

"The coincidence in this situation is just too absurd," said Marino, noting that Eberling may also have known a fourth, unrelated woman whose murder is unsolved. "These ladies were obviously murdered," Marino said. "He's always somehow around. So be looks like a pretty good suspect in the Sheppard case." Marino notes, however, that there is still evidence that points to Shonnew! Sheppard.

Sneppard. Even to, the mystery may never be solved, Marino says, because there is scant forensic evidence remain-ing. The Sheppard house was razed two years ago. The critical piece of remaining evidence is a bloody frag-ment from the Sheppard's basement steps, a fragment that, strangely, had been turned over to Sam Sheppard with his personal effects following his second trial. "I've been unreling over how on one will be

"I've been working very hard on my life, to have something else, but this case be the centerpiece of my life," the doctor's son said. "On the other hand, I'm hoping that we can learn something from this case. Part of my job, I hope, is to point to this case and say, let us learn from this."





B9

PART

N

THURSDAY

MARCH

1

1999

my favorite romantic movie of the year!"