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Dr. Sam Must Serve 10 Years for Parole

By **ED HEINKE**
Press State Writer

COLUMBUS, Dec. 22—

Under Ohio law, Dr. Samuel H. Sheppard will not be eligible for parole until he has served 10 full years of his sentence, Percy I. Lowery, chairman of the Ohio Pardon and Parole Commission declared today.

Dr. Sam's conviction of second degree murder automatically carries a life imprisonment sentence and under no circumstances can he be eligible for parole until the 10 years is served, Lowery asserted.

The "10 full years," as carried in the pardon and parole statutes, starts from the date that the convicted person is admitted to the institution—not from the time that he is originally sentenced, according to the state parole chief.

The only possibility that Dr. Sam could get out of being imprisoned for less than 10 years lies in the law that permits him to apply for executive clemency from the governor of the state.

Up to Governor

This application would rest solely with the governor and would not be subject to any action by the Pardon and Parole Commission.

"However, clemency is often applied for but hardly ever granted," Lowery said.

"A governor seldom disturbs the findings of the court."

At the end of the 10 full years from the date of admittance to Ohio Penitentiary, it is statutory that the Pardon and Parole Board hear the case. The board can either grant a parole or continue the case for further hearing "between that time and the rest of the convicted person's life," Lowery said.

This means, he said, that the case could be continued for any period of time that the board specifies, possibly a year, two years, five years, 10 years or life, depending on the circumstances of the case and the prisoner's record while confined in the institution.

Under no circumstance could Dr. Sam be eligible for parole



MARILYN REESE SHEPPARD was murdered by her husband the morning of July 4, a jury decided after nine weeks of trial, five days of deliberation.

before the 10 year period, Lowery declared.

The most confusing part of Ohio's parole system arises from the state's 20-year law governing persons serving life for a first degree murder.

Penalty for conviction of first degree murder without mercy is the electric chair.

However, when a person is convicted of first degree murder with mercy and is sentenced to life imprisonment, he is permitted a commutation hearing—not a parole hearing—after serving 20

years. Commutation is for the governor to decide. The governor may refuse to commute the first degree sentence, or he may commute it to second degree murder. Then, under the lesser charge, the prisoner would be eligible for parole hearing before the board.

Therefore, if Dr. Sam had been convicted of first degree murder with a recommendation of mercy, he would not have been eligible for commutation and possibly parole until serving 20 years.