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70/04/06 Two Sheppard Trials Were Landmarks

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2 Sheppard Trials Were Landmarks

The two murder trials of Dr. Samuel H. Sheppard were landmarks in American court history, bringing about new court ground rules for the conduct of both lawyers and news media during trials.

It was on grounds that Dr. Sheppard's first trial before the late Common Pleas Judge Edward Blythin was a courtroom circus conducted by newsmen that Dr. Sheppard finally won a new trial from the U. S. Supreme Court after serving almost 10 years of his life sentence in Ohio Penitentiary.

His second trial in 1966 was conducted under strict rules by Common Pleas Judge Francis Talty, who limited the number of newsmen permitted in court and forbade picture-taking or sketch-making.

These are court rules that are now being generally followed by all judges — limiting both lawyers and newsmen in the scope of interviews of trial witnesses during trials and otherwise tightening the reins on public information during the course of a trial.

DR. SHEPPARD'S first murder trial attracted world-wide notice as more than 60 newsmen from all over gathered in Cleveland to write florid, detailed stories about the young, handsome suburbanite who was accused of beating his pregnant wife to death.

The 1954 trial started on Oct. 18 and it took 17 days to select a jury to hear the testimony of some 70 witnesses in the sensational case.

Stories and more stories were written about each witness both before and after they testified. No facet of evidence was ignored.

Sheppard himself was on

the stand for several days, denying his guilt, relating how he was bushwhacked by a bushy-haired intruder who killed Marilyn Sheppard.

That first trial lasted for 65 days. It took the jury five days to reach a verdict on Dec. 21, 1954, that Dr. Sheppard was guilty of second-degree murder — which meant he would have to serve a life sentence but would be eligible for parole in 10 years.

IT WAS ALMOST time for parole consideration when Sheppard's lawyer, F. Lee Bailey of Boston, won a habeas corpus action verdict in a Federal Court in Dayton that ordered a new trial for Sheppard.

This decision was reversed by a U. S. Appellate Court but the U. S. Supreme Court ordered a new trial because of the "virulent" newspaper stories before Dr. Sheppard was indicted and during his trial.

With Judge Talty running a tight courtroom ship, the osteopath's second trial began on Oct. 14, 1964.

There were only 14 seats for reporters this time, and none of them were permitted to sit inside the railing dividing the court from the spectator's space.

THIS TIME there were only 32 witnesses instead of 70. It took only 24 days to present evidence from both sides.

And this time Dr. Sheppard did not even testify in his own defense.

The verdict was returned on Nov. 16. Dr. Sheppard was acquitted. The jurors reported it wasn't so much that they didn't think he had committed the act as it was simply that the state failed to prove him guilty "beyond reasonable doubt."