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56/12/01 Dr. Sam Defense Makes Final Plea

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Dr. Sam Defense Makes Final Plea

Dr. Samuel H. Sheppard's "Roman Holiday" trial will become the pattern for lawsuits all over the nation, defense attorneys warned the U. S. Supreme Court yesterday.

In the briefest brief (five pages) of a two-year campaign to free Dr. Sam, Atty. William J. Corrigan and his associates asked the tribunal to reconsider its decision not to hear his appeal.

The brief was mailed to the court.

This was a last-ditch legal move. Dr. Sam is serving a 10-year-to-life sentence for the bludgeon killing of his wife, Marilyn, in Bay Village.

The "Roman Holiday" phrase was introduced into the case by the Ohio Supreme Court, which also refused to upset the jury's verdict. It was intended to describe the coverage of the trial by newspapermen and radio and television broadcasters.

"When the court permits the

decision of the Supreme Court of Ohio to stand it has established a national policy and ruling case law that will effect trials in the future," Corrigan wrote.

"The precedent . . . will soon be reflected in trials all over the land, especially in cases involving sex, sensation and crimes. It will justify the acts of judges, law officers and demonstrative lawyers who covet publicity and crowd approval for their personal benefit.

"Newspapers, telecasting and broadcasting companies will point to this case as the open door to the courtroom where they can enter with impunity and approval to advance the personal interests of their companies or organizations."

Corrigan pointed out that newspapers were bringing "tremendous pressure" to have repealed Canon 35 of the Canons of Judicial Ethics, which

bars news cameramen from taking candid trial shots.

"For more than half a century the bar has been discussing and deploring 'trial by newspaper,'" he continued. "The denial of (this) writ devitalizes the noble concept of Anglo-Saxon jurisprudence that the place of justice is a hallowed place . . .

"We are constantly being warned by great voices to be on guard against the powerful forces in the world that are working to extinguish liberty. We know that the right of a fair trial has been blotted out in most of the world."

"While the denial of the (earlier) writ does not reveal the position of 'all members of the court,'" Corrigan said on another point, "it does reveal the position of more than a majority of the court. That majority voices neither approval nor disapproval. It is silent."

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