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## 65/05/06 'Terribly Disappointed' Dr. Sam Ordered Back to Prison

Associated Press

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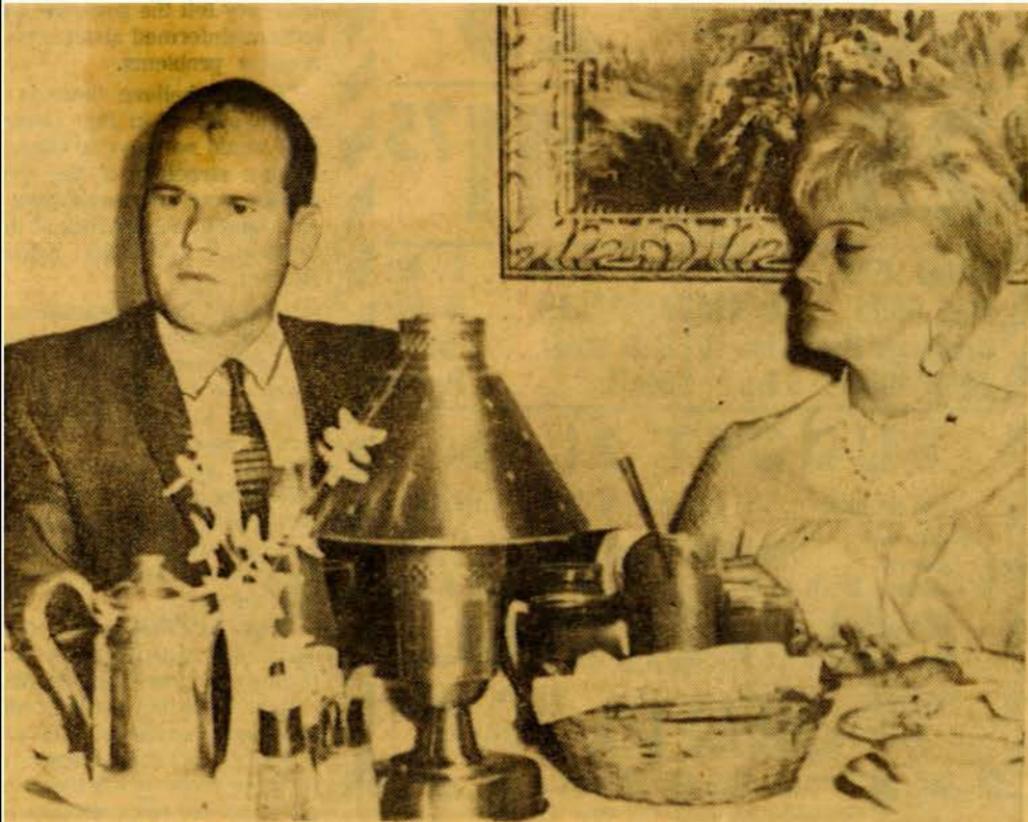
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MR AND MRS SHEPPARD AFTER HEARING NEWS They Married When He Was Released Last July

—AP Wirephoto

## 'Terribly Disappointed'

# Dr Sam Ordered Back to Prison

CINCINNATI — (AP) — Dr Sam Sheppard's new freedom was jolted Wednesday by a federal court which ordered him back to a life prison term for his wife's slaying, but his attorney vowed to keep him permanently free.

The 41-year-old osteopath, convicted after a trial which drew world-wide attention in 1954, was guaranteed 20 more days of freedom with the 35-year-old German divorcee he married soon after a federal judge ordered him released from prison last July 15.

**HIS LAWYER**, F. Lee Bailey, said in Boston an appeal would be carried to the U.S. Supreme Court, if necessary. "We are satisfied still that the end result will be that

Dr Sheppard's freedom will become permanent," Bailey said.

Sheppard and his second

wife, the former Ariane Tebenjohanns, got the news at the suburban Cleveland home where they have lived quietly since U.S. District Judge Carl Wienman ruled he had not received a fair trial because of publicity. The state had appealed the ruling.

Even if Sheppard goes back to prison, he will be eligible to apply for parole immediately. He served 10 years.

"I was terribly disappointed," Sheppard said after he got the news. "All our hopes now lie with the U.S. Supreme Court."

**HIS WIFE SAID** the ruling came as a terrible shock. "Sam just looked at me when he found out and said, 'Well, all my worries have come true.'"

The Sixth U.S. Circuit Court of Appeals, in a 2-1 decision, agreed with Judge Weinman that publicity about the Sheppard trial "was not of a nature calculated to inspire confidence in the objectivity and good taste of the public news media."

But the ruling held Sheppard's rights to a fair trial had not been violated. The publicity, it said, was not "of a nature calculated to create lasting opinions as to Dr Sheppard's guilt."

"We are not prepared now

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# Sheppard Ruling

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to hold that American citizens have so far forgotten their traditional heritage of 'fair play' that such shabby reporting would irretrievably infect the minds of an entire metropolitan community," said the opinion signed by Judges Clifford O'Sullivan and Harry Phillips.

Judge George Edwards dissented, contending errors by the trial judge in communications to the jury should give Sheppard a new hearing.

Sheppard has maintained his innocence since he was arrested 16 days after his pregnant wife, Marilyn, was

found bludgeoned to death, in their suburban Cleveland home July 4, 1954.

He steadfastly maintained a "bushy-haired" intruder killed her. He contended he was asleep at the time.

Sheppard's conviction was upheld by the Ohio Supreme Court and the U.S. Supreme Court refused to review it.

But a legal battle, which his new wife estimated cost \$100,000 brought him freedom when Judge Weinman ordered him released on \$10,000 bond and granted him a new trial. Wednesday's ruling reversed Judge Weinman's order.

Sheppard's lawyers have 20 days in which to file motions

for a rehearing in the appellate court or an appeal to the U. S. Supreme Court. If no action is taken, the appeals court order will be sent to Judge Weinman in Dayton to have Sheppard returned to state authorities.

**SHEPPARD HAS SPENT** his freedom reading medical journals and teaching his wife to be a surgical assistant. He hoped to resume his practice in the clinic his family operates near Cleveland.

Mrs Sheppard, who married Sheppard after a romance by mail, had hoped he would be able to adopt her 11-year-old daughter by a previous marriage.

After hearing of the ruling, Sheppard, wearing dark glasses, left home suddenly with his wife. They were

found later at a restaurant in nearby Lorain.

Mrs Sheppard said Sheppard's lawyer, advised them to "go about your business as always" until he telephones them later about the next move.

**SHE SAID THEY** would visit a doctor friend of Sheppard's in Lorain before returning home.

At a roadside fruit stand earlier, Mrs Sheppard, said they left home because they feared threatening telephone calls.

Sheppard asked for some peaches, and an attendant said:

"If you come back in August, we might have some then."

Sheppard bought some bananas and told the fruit stand attendant: "I hope I can."