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AMSEC 02 -- The Marilyn Sheppard Murder Summarized

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THE MARILYN SHEPPARD MURDER

The Victim

Marilyn Reese Sheppard was murdered in her bed during the early morning hours of Sunday, July 4, 1954, at 28924 W. Lake Road, in Bay Village, Ohio.

Mrs. Sheppard was 31 years old at the time and four months pregnant. She was the wife of Dr. Samuel Holmes Sheppard, D.O., 30, and the mother of Sam Reese Sheppard, 7 years of age.

The time of death was 3 a.m. to 4 a.m. according to the coroner.

Mrs. Sheppard was beaten to death with a weapon. In total, thirty-five wounds were found on her body. Fifteen wounds were in the head area, that is, on the bridge of the nose or above. These included four evenly spaced "crescentic" gashes on her forehead, two serrated gashes in the side of the head, one deep gash in the back of the head, and a broken nose. The wounds to the head did not break through the dura.

There were no exterior wounds on the lower face. However, two teeth were broken off at the gumline and were found under her body. There was a slight scraping inside her mouth, but there were no exterior wounds to her mouth. The remaining nineteen wounds were mostly on her
hands, which had severe damage. One finger was nearly ripped off, and one nail was nearly ripped off; there were bruises on the knuckles of her ring finger.

When discovered, Mrs. Sheppard's body was lying on a single bed on the second floor of her home. Her head was two-thirds of the way down the bed, and her legs below the knees dangled over the end. She had been wearing pajamas; the bottoms were completely removed from her lower body, exposing her genitals, and were fully pulled off one leg and partially pulled off the other leg; the tops were pushed above her breasts.

The mattress on which she lay was soaked with blood. The walls of the room, the door to the room, the closet door, surfaces throughout the room (excepting the ceiling) were covered with blood spatter.

Mrs. Sheppard's body was removed to the Coroner's office in the morning. The forensic pathologist washed off her wounds before photographing them and without examining them for fragments of material that might provide information about the weapon utilized.

**Setting**

On the Saturday evening before the murder, Dr. Sam and Marilyn Sheppard had guests at their home, neighbors Don and Nancy Ahern. Prior to the Aherns' departure, Dr. Sam, exhausted from early morning surgery followed by two extensive emergency surgery calls, laid down on a daybed
in the living room and fell asleep. Mrs. Sheppard saw the Aherns out the door that led to Lake Road (commonly called the back door). The Aherns left at approximately 12:30 a.m. on July 4.

Not long after the Aherns left, Mrs. Sheppard went to bed. She was sleeping in a room visible from the top of the stairs and slightly to the west. The windows to the room faced to the north side, where there was a yard with trees. One window and shade were open four inches.

Marilyn and Dr. Sam's son, then called Chip and now called Sam Reese Sheppard, slept in a room slightly to the east of the stairs. The son's room was separated from the room where his mother slept by two closets, one in each room, and each three feet deep. The room in which Mrs. Sheppard was sleeping had two twin beds, and she occupied the one closest to the door, turning down the sheets on the other bed to the west to await Dr. Sam. That night, Mrs. Sheppard left on a nightlight in a 'dressing room' down the hall and which faced the street -- she normally did this only when Dr. Sam was out on night emergency calls.

The daybed where Dr. Sam slept was on one side of a staircase that led in a northerly direction to the second floor. On the other side of the staircase were the kitchen and the stairs to the basement. The kitchen and the living room each had three stairs that led to the main staircase, allowing ascension from either side of the house.

The Sheppard home was on a lakeside lot, and a long set of steps led down to a small beach on Lake Erie. Approximately 250 ft. to the east of the Sheppard home was Huntington Park, which offered public beach access.
Events Surrounding the Murder

Asleep on the daybed during the night hours, Dr. Sam described how he heard his wife calling his name. He awakened, thinking the calls were related to difficulties from her pregnancy. He ran upstairs, at the top of the stairs he saw a figure in the bedroom, but was immediately hit forcefully on the back of the neck and knocked out.

He later awakened, sitting on the floor of the bedroom. He saw his wallet on the floor in front of him and picked it up. He checked his wife's condition, which he determined was hopeless. He then went to check on his son when he heard a noise downstairs. Dr. Sheppard ran down the stairs, and rounded the corner toward the living room, where he was a figure exiting to the north, through a porch door toward the cliff that overlooked the beach. Dr. Sheppard ran out the door himself, and descended the 51 steps that led to the beach. There, he came upon the figure again, and struggled with him on the beach. He described the person with whom he struggled as being larger than he was, having a big head, and bushy hair that stood up like an overgrown crewcut. He thought the person was white.

Dr. Sheppard was again knocked unconscious. He awoke in early dawn, lying on his stomach in the water of Lake Erie, with his head toward the beach. He was dazed and confused, and went back to the house, at once checking to see if his wife's condition could really be as he remembered it. He leaned over her, putting his knee on the bed, took a neck pulse, and determined that she was dead. He looked in on his son, who was asleep and unmolested.
He then called Spen Houk, who was the Mayor and Safety Director of Bay Village, and lived three doors to the west. When the mayor and his wife arrived at approximately 5:50 a.m., Dr. Sheppard was wearing trousers, underpants, shoes, and socks. His upper torso was bare, and he had no recollection of what happened to his tee-shirt. His clothing was wet. Water was on the steps.

Dr. Sheppard, who was 6' and about 160 lbs, had severe pain in his neck. He was later determined to have suffered injuries that were manifested in a swollen eye, swollen face and lips, loosened teeth, and damage to the back of his neck. He had no bleeding wounds.

**The Scene of the Crime**

On the morning of the murder, inside the Sheppard home, a certain disarray was found. Drawers in the living room and den were pulled out of desks. Papers were spread around the floor. A medical bag was overturned. Two athletic trophies were smashed on the floor. A wallet belonging to Mrs. Sheppard had its money removed. A woman's watch with blood smeared on it was found on the floor downstairs. It was later determined from dried blood on Mrs. Sheppard's arm that the watch was removed from her wrist after she was murdered.

The scene was badly mishandled. In addition to officers from Bay Village, Cleveland, Cuyahoga County Sheriff's Office and the Coroner's Office, reporters, family, and neighbors freely roamed throughout the crime scene, many viewing the body before it was removed. Evidence was handled casually.
Local officers rounded up a dozen local teenagers to search Lake Erie. In early afternoon, it was decided to cut down the brush on the embankment that led to the beach. The boys then searched the grounds.

Two boys found a small cloth green bag under a bush. The bag itself had originally held tools for the Sheppard motor boat, and had been kept in a desk drawer inside the house. The tools had been removed and were on the floor, not far from the woman's watch.

The bag contained the watch of Dr. Sam Sheppard, with its band newly broken, and blood smears upon it. Also found was a key ring that Dr. Sheppard normally wrapped around a belt loop and sunk into his pants pocket. The key ring contained various metal charms, such as a football, fraternity and hospital souvenirs, as well as an onyx ring, which was cracked.

Although it was widely reported that the house had been "wiped down," trial testimony shows that the fingerprint expert found many prints that day, but he deemed that most of them were not valuable specimens, and so did not lift the impressions.

In the ensuing days and weeks, in the murder room, many small items were found on the floor under the murder bed, including another tooth chip, burnt matches, a piece of aluminum, a scrap of leather (less than a fraction of an inch in size). Many small red chips of lacquer or paint were also found.
Throughout the next few weeks, blood spots, consisting of a blood trail that went from the murder room to the basement, were discovered. Over 26 spots of blood were found on the stairs, with no diminishment in size from the second floor to the basement. This blood was tested and was found to be human blood. The blood was never typed for blood group.

Other blood spots were identified near a desk drawer and the door of the porch that led to the beach. Some spots located in the living room, which were said to encircle a low-hanging chandelier, were identified as human blood with less certainty.

Sometime after the murder, the house was impounded by the police. A guard was placed at the door, and the keys were held by police forces.

No weapon was ever found.

**Legal Proceedings**

Dr. Sam Sheppard became the immediate and nearly sole focus of investigative efforts. He was publicly accused by newspapers, police, and public officials. The press coverage was overwhelming, with front-page editorials and six inch headlines. The *Cleveland Press* ran 399 articles on the Sheppard case in a six-month period, most of them accusatory and prejudicial. Much emphasis was placed on the fact that Dr. Sheppard had had an extramarital affair, a matter that he denied at first, and then later acknowledged and described.
Dr. Sheppard consistently stated that he was innocent, and repeated the events as described initially with little variance.

On about July 19, 1954, the County Prosecutor determined that there was not enough information for an indictment. On July 22, 1954, the Coroner's office began a three-day public inquest, in which witnesses were questioned in a west side high school in front of television cameras. Dr. Sheppard was denied the benefit of counsel. When his lawyer protested, the elderly man was forcibly removed by officers. On July 31, 1954, Dr. Sheppard was arrested for questioning. In mid-August, an indictment was issued.

Dr. Sheppard was charged with first degree murder. Jury selection began in mid-October and testimony began in early November. On December 22, 1954, after five days of deliberation, the jury returned a verdict of second degree murder. Dr. Sheppard was sentenced to life imprisonment, and, already incarcerated during the trial, began serving a sentence.
Dr. Sheppard immediately appealed the conviction. Two grounds of appeal were pursued. The first was the denial of a fair trial based on the massive publicity that the case generated, and other legal grounds. A second appeal was pursued based on newly discovered evidence, relying upon findings made by an extremely prominent criminalist after the conviction of Dr. Sheppard. These appeals went to the Ohio Supreme Court and lost at every level.

In 1963, a habeas corpus petition was filed in the Federal District Court in Southern Ohio, raising the issue of the denial of a fair trial under the U.S. Constitution and based on the overwhelming prejudicial publicity. The District Court ruled in Dr. Sheppard's favor in 1964, a decision that was ultimately upheld in an 8-1 decision by the United States Supreme Court in 1966. The case Sheppard vs. Maxwell, called the initial trial a "carnival" in which "bedlam reigned" and chastised the judge for failing to take steps to provide the defendant with a fair trial in the face of "massive pervasive prejudicial publicity."

Dr. Sheppard was tried again in 1966, and was acquitted.

The murder of Mrs. Marilyn Sheppard was not solved.

Microscopic and Laboratory Examinations by the County in 1954

In addition to the blood trail described above ('Scene of the Crime'), certain other testing was done by police or the Coroner's office.
Dr. Sheppard's trousers were tested thoroughly. The only blood on them was at the knee, a result of Dr. Sheppard having leaned over to check his wife by putting his knee on the bed. There were no spots or spatters of blood on his trousers or other clothing, including shoes, belt, socks.

The blood on the man's watch and woman's watch were tested. Under standard ABO testing, the blood grouping was found to be inconclusive. The Coroner's office did not report this to the defense. (After the failure of the ABO testing, the Coroner's office then conducted tests under the rarely-used and largely unsuccessful MNS typing system. The system was not useful in most circumstances, because 80 percent of the people contain an M factor. Not surprisingly, the blood on the watches was reported to have an M factor.) The watches were not examined for fingerprints. The other items found in the green bag were not examined for fingerprints. The Coroner's office claimed that there was no blood on the green bag which could be tested.

Many fibers were found under the victim's fingernails. They were not tested. Hairs found under the victim's fingernails or on the mattress were not tested. Wood scraps found under the victim's fingernails were not tested. The matches were not turned over as evidence and were not tested. The athletic trophies were not tested for prints. Mrs. Sheppard's broken teeth were not tested in any way. The tooth chip found under the bed was not tested.

**Microscopic and Laboratory Examinations by the Defense in 1955**

Dr. Sheppard was denied access for testing to any of items procured in relation to the murder.
Dr. Sheppard was denied access to his house and property.

Dr. Sheppard was denied access to the actual reports made by the Coroner's office, the pathologist, or the forensic examiners. Dr. Sheppard was denied access to police reports.

**Post-Trial Microscopic and Laboratory Examinations by the Defense in 1955**

Dr. Sheppard was only given access to his own house for testing in 1955, after he was convicted.

Beginning in late January 1955, Dr. Paul Leland Kirk, of the University of California at Berkeley, a pioneer, the author of the text on criminalistics used by virtually all police departments, and the most prominent criminalist in the country, conducted tests in the Sheppard case. He analyzed the blood spatter in the murder room and conducted various examinations of the murder scene and tests in his laboratory.

His determinations were far-reaching and were contained in a affidavit and report filed with the court (see Exhibit 44). Among the findings were: that Mrs. Sheppard's teeth undoubtedly had been pulled out when she bit someone who yanked away, and that this most certainly left a cut or a wound on the murderer; that a spot of blood on the wardrobe door was spilled from a bleeding wound; that the blood trails in the home could not have been left (as the prosecution contended) by a dripping weapon or clothes dripping with blood, but had to have been left by a bleeding hand or other body part. Similarly, Dr. Kirk came to believe that the blood on the watches oozed there from a person who was bleeding.
Other findings showed that a pocket tear on Dr. Sheppard's trousers was caused by the sudden removal of his key ring, and that the direction of the tear was such that Sheppard could not have caused it himself; that the damaged athletic trophies had been badly ignored as evidence; and that the near-nude condition of Mrs. Sheppard's body pointed toward an intended or attempted sexual assault.

Dr. Kirk was of the firm belief that Dr. Sam Sheppard could in no way have committed the murder of which he was accused.

In the 1966 trial, Dr. Kirk's testimony demonstrated that blood on the man's watch could not have landed there by spatter, but was the result of flowing blood that came from an oozing wound.

Only in 1966, after he was acquitted, were certain of the items in possession of the prosecution, returned to Dr. Sam Sheppard. These included a vial with a wood chip taken from the blood-stained basement stairs and marked as Exhibit 84.

**The Victim's Family**

Dr. Sam Sheppard died in April 1970.

Dr. Sam Sheppard's mother committed suicide within two weeks of his conviction, in January 1955. Dr. Sheppard's father, Dr. R. A. Sheppard died abruptly of a hemorrhaging gastric ulcer later in that same month.
Marilyn Sheppard's father, Thomas Reese, committed suicide in 1963 (Marilyn Sheppard's mother had died when Marilyn was a girl). Marilyn Sheppard's aunts, cousins, nieces, and nephews still live in the Cleveland area.

Dr. Sam Sheppard's oldest brother, Dr. Richard N. Sheppard, died in 1980; his widow is a resident of Bay Village. Dr. Sam Sheppard's next oldest brother, Dr. Stephen Sheppard, now lives in Oregon with his wife.

Samuel Reese Sheppard, the son of Dr. Sam Sheppard and Mrs. Marilyn Sheppard, moved to Cambridge, Massachusetts, in 1965. He has suffered long term trauma from the events in 1954 and their aftermath, and continues to live with this tragedy.