and post-bellum South, and the similarities of male behavior then and male behavior in the contemporary inner city. It is not clear whether these similarities come from a direct inheritance, or from similar socio-economic conditions (the contributor notes parallels to male behavior on the frontier of the American West), or are merely coincidental, research has established that white Southern males of all classes in the 19th Century were acutely concerned with "honor" and "reputation." Among males of the lower classes this attitude was manifested in a mercurial willingness to fight and avenge even slight insults. Some scholars argue that a perceived need to protect "honor" affects lower class males of all races in contemporary America, and contributes to the level of violence in our society.

HOMICIDE CASES

JACK P. DESARIO & WILLIAM D. MASON, DR. SAM SHEPPARD ON TRIAL: THE PROSECUTORS AND THE MARILYN SHEPPARD MURDER (Kent OH, Kent State University Press, 2003) 388 PP.

This book concerns a civil suit over a crime committed almost fifty years before the civil trial. The murder of Marilyn Sheppard in 1954 immediately became, and remains, one of the most famous criminal cases in American history. Her husband, Dr. Sam Sheppard, who said he was sleeping downstairs that night, awoke when he heard his wife call, and ran upstairs. He said he was struck unconscious by a stranger. Upon regaining consciousness some time later and seeing his murdered wife in the bedroom, he ran outside to pursue the intruder and fought with someone who may have been a different person than the one inside the house. The police discounted the existence of an intruder because they found no evidence of forced entry, nothing of value was taken, and the scene seemed to have been deliberately arranged to indicate burglary. Sheppard was tried and convicted, but the case remained controversial and several books were written arguing for his innocence. In 1966, the case set constitutional precedent when the Supreme Court reversed on the grounds of pre-trial publicity. Sheppard was acquitted in a re-trial, but was unable to re-establish his medical practice and died in 1970. In the 1990's, new developments brought the case into the courts again. It was reported that the new technology of DNA analysis, used on preserved crime-scene blood samples, indicated the presence of blood from someone other that Sam and Marilyn Sheppard. Also, the theory was advanced that the actual murderer was a contractor employed by the Sheppards at the time, Richard Eberling, who was now imprisoned for another murder. Eberling denied involvement and died in 1998. The Sheppard's son brought suit against the Prosecutor's Office of Cuyahoga County, Ohio (which encompasses Cleveland, where the murder occurred and Sam Sheppard was convicted) seeking damages for wrongful prosecution and for declaratory relief that Dr. Shepard was innocent and that Eberling was the actual murderer. To defend this civil suit, the chief Cuyahoga prosecutor, William Mason, and the assembled trial team reviewed the entire case with two primary questions in mind: was the evidence at the first trial sufficient to support the conviction, and, if so, why was Sheppard acquitted at the second trial? They also needed to determine how the numerous advances in forensic science, applied to the old evidence, would be used by both sides at the new trial. The prosecution's theory at the first trial was that Sheppard killed his wife during an argument when she confronted him with his infidelities. At the second trial, however, evidence of Sheppard's infidelities was

excluded by the judge, and the prosecution gave no plausible motive to the jury. The defense, in 1966, presented a forensic expert who testified that Marilyn's murderer had to have been left-handed, which Sam was not. At the second trial, the defense argued that Marilyn was having an affair with a married neighbor and that his wife discovered them and killed Marilyn by striking her with a flashlight. The reviewing team further concluded that Sheppard's testimony in his defense at the first trial had harmed his case and noted that he did not testify at the retrial. The murder weapon was also a problem for the prosecutors at both trials. Prosecutors had theorized that Sheppard used a surgical instrument but could not identify one consistent with the injuries, which seemed to have been inflicted by a heavy, blunt object. This problem was solved when a member of the reviewing team, after studying the picture of a blood stain on one of the bedroom pillow cases, concluded that the weapon had been a lamp. This theory was buttressed by the fact that, although acquaintances had previously noticed a lamp in the Sheppard's bedroom, none was found by the crime scene investigators. (At the third trial, which was a civil trial, the defense showed the jury a second-hand store lamp similar to the one described by the Sheppard's friends, for comparison with the stain on the pictured pillow.) This book excerpts portions from the testimony at the civil trial, where important forensic questions included the blood-typing of the crime scene samples and the blood-splatter patterns in the bedroom, around the house, and on Marilyn's and Sam's clothes. (An important factual question was whether the blood pattern on Sam's watch was consistent with his claim that his watch was stained when he felt for Marilyn's pulse, or whether it was, in fact, stained by flying blood.) Other questions included: the lapse between the estimated time of the murder and the time of Sam's first call reporting the crime; the consistency of his injuries with his testimony of the two fights; whether Marilyn was having an affair; the failure of Sam ever to identify Eberling, whom Sam knew, as the intruder; whether Sam was psychologically capable of murder; and even why the family dog did not bark that night. The jury in the civil trial found for the defendant, the State of Ohio.