

Daniel Spinler

1027790

English 101

Essay # 2

Martha “Sunny” Crawford seemed to have it all. She inherited \$75 million. She even at one time had the title as Princess when she was married to Prince Alfie. She had two children, one by Prince Alfie and one by Claus von Bulow.

Sunny was very depressed. It was thought that maybe she tried to commit suicide—or it could have been murder—by her husband—Claus. “On December 21, 1980, Sunny von Bulow slipped into an irreversible coma. The rest is a mystery.”<sup>1</sup>

Claus Cecil Borgerg was raised by his grandfather and his divorced mother. Claus was educated in a Swiss school in St. Moritz. Claus had a very rich taste. At an early age, he knew how to charm his upper class contacts.

In 1940, Claus was sent out of the country to England in the belly of a British Mosquito Bomber. Claus went to Trinity College in Cambridge and graduated in 1946. In the 1950’s, Claus was practicing law after graduation. While in law, he made many contacts with the wealthy.

Claus and Sunny were married for 13 years in 1979. Each professed publicly that they wanted a divorce. Even though they appeared publicly together, they did not show any love between each other.

Claus had lived in Sunny’s 5<sup>th</sup> Avenue apartment and was openly having an affair with Alexandria Isles. Claus had been set up with a \$120,000 per year allowance by

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<sup>1</sup> [www.crimelibrary.com/classics6/bulow/](http://www.crimelibrary.com/classics6/bulow/)

Sunny. This made Claus feel like a “kept” man. He wanted his own life, but Sunny wanted him by her side.

His mistress, Alexandria Isles, had come from a very wealthy family. She had very expensive tastes. Claus’ \$10,000 a week allowance wasn’t enough money to keep her in the lap of luxury she was accustomed too.

In 1979, one day following Christmas, the life of the von Bulow family had changed forever. Sunny and Alexander, her son, had been in the family library and had drunk a couple of eggnogs as were their custom. Sunny became weak and disoriented. Alexander thought that his mother had drunk too much. He helped her to her room and into her bed. He had gone to play tennis the next morning. When he returned, he found Maria Schrollhammer, the maid, crying.

She had told him that Sunny was sick, and that Claus would not let her seek medical attention. Claus had said that Sunny had a rough night and was just recovering from too much alcohol and had to sleep it off. He ordered Maria not to disturb Sunny.

Later, Maria had walked past Sunny’s room and had heard her moaning. She ignored Claus’ order and entered the room to find Sunny unconscious. Claus was on the other twin bed that was in the room casually reading. Maria tried to awaken Sunny, but she wouldn’t wake up.

Maria wanted Claus to call the ambulance. Claus would not call for medical attention. They both got into an argument over the matter. Maria finally gave in to her employer.

Once Alexander heard of his mother’s illness, he rushed to his mother’s side. He found her breathing erratically. He tried everything to get her to wake up. He looked at

his step father and Claus actually appeared to be concerned. Claus then asked Alexander what they should do. Alexander yelled at him to call for an ambulance. He did so, begging the local doctor to make a house call.

Dr. Janis Gailitis arrived at the house 15 minutes later. He immediately phoned for an ambulance. Sunny had then vomited and stopped breathing. The doctor performed CPR and Sunny started to breath on her own, but lapsed into a coma and was unresponsive.

Dr. Gailitis could not diagnose the coma because that was not his field. After he admitted Sunny into the hospital, he called the experts. The doctors arrived and ordered labs on Sunny. They had seen that Sunny's blood sugar was very low. They ordered a intravenous dextrose in attempt to raise her blood sugar to normal levels.

Instead of raising her blood sugar levels, it dropped. Indicating that Sunny's body already had contained higher than normal levels. The doctor's came to the conclusion that something must have been introduced into her body to affect her that way. Sunny had never shown any signs of be diabetic.

Sunny had regained consciousness days after the doctors had stabilized her blood sugar. They proceeded then to do all kinds of tests on her to find out why she had lapsed into a coma. Sunny had told the doctors that she did not inject herself with insulin. That she did not have a drinking problem. She did tell them that she had a fondness for sweets.

The doctors concluded that she was hypoglycemic. Her body could produce insulin, so she couldn't go too long without eating or eat too many sweets or she could go into another coma.

Maria was the only person who was suspicious at this time. She didn't think Claus had acted right during the incident. She kept her suspicions to herself and never told anyone. Yet, several weeks later, she was cleaning out a closet and found a black bag that was used by Claus. Inside the black bag was a case that had powder, pills, and a liquid container.

Maria took the case to Alexander, who in turn after documented everything, took the case to the family doctor. The doctor identified the pills as valium; the liquid was valium as well. The powder was a substance called barbiturate secobarbital. The valium and the barbiturate secobarbital were not in forms unavailable by the pharmacy. It had to be illicit drugs.

In 1980, Maria found insulin in the bag. She had been keeping an eye on the bag since the first incident. She went to Alexander with the bag this time. She did not say anything to Sunny or Claus.

After Christmas, Sunny had retired to bed early. She fell into another coma, this time, being her last. Claus kept making excuses as to why they should take her off of the life support. Her children would not let the doctors take her off. Claus could not argue any longer about the life support, because Sunny had started breathing on her own. Then, Claus started using the excuse about how expensive it was to have Sunny taken care of in the hospital. He had told the children that it would eventually bankrupt the family.

The children began to become suspicious of Claus. They took the black bag that Maria had been watching to a private company to have the vials analyzed. The investigator had said after seeing the report, that if the children did not go to the police, that he would. The children went to the police.

The police had questioned Claus about his relationship with Sunny. Claus, after talking to the police in a friendly chat, admitted nothing. Yet, he did contradict himself concerning Sunny's alcohol and drug abuse.

Several months later, the police had gotten a search warrant signed by the judge to search Claus' home at Clarendon Court. Sergeant Reise asked Claus if he would consent to a search, Claus had said yes. Reise had informed Claus that he was a suspect. He also informed him that he could obtain a lawyer before talking to him. "The two men agreed that Claus could end the questioning at any time, did not have to answer any question put to him and that he was not under arrest. Once these rules were clear to Claus, he agreed to talk."<sup>2</sup>

After talking for two hours, Claus showed Reise the bathroom where he had found Sunny. Claus then excused himself to go get cigarettes. While Claus was gone, a detective had told Reise that the metal box was still in the closet.

After Claus returned, the detective went back to the search and found that the closet had been locked. Claus appeared to be hiding evidence.

The investigation continued to gather circumstantial evidence. "On July 6, 1981, a Rhode Island grand jury agreed and indicted Claus von Bulow for twice trying to murder his wife Sunny."<sup>3</sup>

On July 18, 1981, Claus was at the courthouse for his arraignment. He was out on a \$100,000 bail. In January of 1982, two months before his trial, Claus hired two high profile attorneys; John Sheehan and Harold Fahringer.

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<sup>2</sup> <http://www.eonline.com/on/Holly/Shows/vonbulow/>

<sup>3</sup> <http://www.crimelibrary.com/classics6/bulow/>

Before the trial began, Claus' attorneys try to have the black bag excluded from evidence because there was not a search warrant given the night Alexander, Eddie Lambert, and the locksmith went to his home and got the bag.

No warrant was needed since these men were not working for the government. But, when they turned the bag over for testing, they might have needed the warrant.

It took 8 days to get the jury. No one on the jury was rich, but the jurors agreed to put aside any prejudices in order to render a fair verdict.

“Just two witnesses in the trial of Claus von Bulow really mattered to the jurors. They sat through weeks of testimony about hypoglycemia and irrevocable trusts and saw glimpses of the life of the rich and famous, but when it came time to make up their minds, it was the testimony of Alexander von Auersperg and Maria Shrollhammer that convicted von Bulow.”<sup>4</sup>

“After 12 hours of deliberation, while media and onlookers speculated, the jurors asked to rehear some of Maria's testimony. Four days later the jury had reached its verdict.”<sup>5</sup>

March 16, 1982, shortly before 11am, the jury found Claus von Bulow guilty on the two counts of attempted murder. On April 2, 1982, the judge denied Claus the request for a new trial. He also raised his bond from \$100,000 to \$500,000. Claus put up 10% cash.

A month later, Claus was sentenced. For the first count of attempted murder, he received a 10 year sentence in prison because Sunny had awakened from the coma. The

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<sup>4</sup> <http://www.eonline.com/on/Holly/Shows/vonBulow/>

<sup>5</sup> <http://www.crimelibrary.com/classics6/bulow/>

second sentence was 20 years in prison because Sunny would never awaken from the coma. But the judge allowed Claus to remain free on a \$1 million bond pending the appeal. “The trial of Claus von Bulow is over and the trial of justice is about to begin, Needham said”.

Claus had hired Alan Dershowitz for his appellate process. Dershowitz had commented that he was more interested in the process that determines guilt or innocence than he was with the guilt or innocence of his clients.

“There were two separate issues to attack in the appeals process. First, von Bulow would seek to have the Rhode Island Supreme Court overturn his convictions on the grounds that the evidence against him was tainted by constitutional violations, specifically the statements he made to Reise and the search of his home by Alexander and Eddie Lambert. Second, von Bulow wanted a new trial to introduce evidence that was unavailable at the first trial. The appeal of the original conviction would have to be made on the basis of the evidence presented during the 1982 trial in Newport, and nothing else. The facts of the case were no longer in dispute, only the actions of the parties, specifically Judge Needham”<sup>6</sup>

Dershowitz had believed that Judge Needham had made reversible errors, but in order for his client not to go to prison, he would have to introduce new evidence. While part of his team was preparing for the appeal, the other half was going through the transcripts looking for new evidence.

One famous person to come forward to testify was author Truman Capote. He swore in an affidavit that Sunny had showed him 30 years earlier how to inject himself

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<sup>6</sup> <http://www.crimelibrary.com/classics6/bulow/>

with stimulants and that she had claimed to be an intravenous drug user. Several other notables backed up Capote's claims. Capote stated that Sunny had always carried a purse with disposable injection things in it plus pills and other things. He stated she used them on him as well as herself.

But, before Claus' appeal, Capote had died. The von Auersperg's denied the allegations made by Capote. Capote's affidavit could not be used because he had not been cross examined.

Concerning the black bag evidence, Dershowitz noticed in the testimony of Alexander and of Lambert were not totally on agreement. Alexander had stated that there were two vials, one containing pills with von Bulow's name on the prescription bottle. Lambert had testified that there were two vials, one containing a liquid and the other had a powder in it. Lambert had said that he did not remember seeing any pills inside the bag. This statement had not been challenged during the first trial. Also, the needle containing insulin was disputed. Dershowitz had gathered information about the needle in question, sent it off to several of the world's leading experts in forensics. All came back saying that the needle in question could not have been injected into Sunny. They claimed that first of all there would have been human tissue and blood on the needle. Second, there were traces of amobarbital on the needle as well. That would have caused bruising and welts on Sunny. None were found. Thirdly, Valium was found on the needle and there was no valium found in Sunny's body. Finally, there were incrustations on the end of the needle. The skin acts a sponge and when the needle is withdrawn, wipes the serum from the tip. The only residue would be located at the lower fitting of the needle that is the point of attachment of the needle to the syringe.



It turns out that the lab had done four experimental tests using the same drugs found on the needle. Two out of four results were false positives for insulin, concluding that insulin may not have been on the needle. It was not a valid result.

On March 15, 1983, Dershowitz had filed the brief. It contained over 50,000 words. In the brief, it described Sunny as “self-destructive, deeply depressed, and addictive woman, who experimented with drugs not prescribed to her, and continued to engage in life threatening behaviors and after experiencing life threatening emergencies and after being warned by the doctors to desist.”<sup>7</sup> The brief also stated that the search and seizure of the black bag was unconstitutional.

Rhode Island prosecutors submitted a 101 page brief claiming justice had been served.

Seven months after the judge received the brief, he came to his decision--Claus would get a new trial based on: 1. The Kuh notes should have been given to the defense as well as the prosecution. 2. The state police violated the 4<sup>th</sup> amendment against unreasonable searches when they sent some of the pills to state labs for testing. The judge had ruled that the prosecutors could not tell the jury about what was in the black bag.

In early April 1985, Claus went back to trial again. This time the defense wanted Sunny to go on trial with him (to prove that she could have done this to herself). This time, the defense matched the prosecutors blow for blow. There was a reasonable doubt for what the prosecutor was using.

Claus was acquitted in May of 1985 and was found not guilty.

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<sup>7</sup> <http://www.crimelibrary.com/classics6/bulow>

