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Wife Who Fired 11 Shots Is Acquitted of Murder

By DAN BILEFSKY

She had always admitted to killing her husband, using two guns to fire 11 bullets inside the couple's home in Queens. But she insisted she had no choice: if she had not shot him, he would have surely killed her first.

On Thursday, a jury in State Supreme Court in Queens agreed, clearing the woman, Barbara Sheehan, of second-degree murder charges in a case that had been viewed as a strenuous test of a battered-woman defense. Her son and daughter, the children of her slain husband, wept with joy.

During the trial, the jury heard how Ms. Sheehan had been relentlessly abused by her husband, Raymond Sheehan, a former police sergeant, during their 24 years of marriage. But the critical question at trial was whether Ms. Sheehan was in imminent danger when she killed her husband; New York State's self-defense law justifies the use of lethal force when a threat to a person's life is deemed immediate.

The trial offered two narratives so diametrically opposed that jurors said it had often been difficult to decipher who the real Barbara Sheehan was.

In one version, Ms. Sheehan and her children testified that Mr. Sheehan smashed her head against a cinder-block wall during a family vacation in Jamaica in 2007, threw boiling pasta sauce at her and punched her in the face the evening before the killing took place in their Howard Beach home in February 2008.

But prosecutors characterized Ms. Sheehan as a pathological liar who executed her husband because she despised him after years of a sexless, dysfunctional marriage, and then cloaked herself in a false story of chronic abuse to escape justice.

The physical evidence appeared unpersuasive: Mr. Sheehan had been shaving before he was killed; his body was found on the bathroom floor, the faucet still

running.

Ms. Sheehan testified that the couple had a fierce argument the day before, and she had decided to leave, carrying one of her husband's guns for protection. When her husband saw her, she said, he reached for a gun on the bathroom vanity and aimed it at her.

Ms. Sheehan and her children burst into tears when the verdict was announced, and her lawyer, Michael G. Dowd, put his arms around her. Her supporters, adorned in purple in solidarity with victims of domestic violence, began cheering.

The killing had divided the Sheehan family. Mr. Sheehan's twin brother sat alone on one side of the courtroom, while Ms. Sheehan's children and various supporters sat on the other side. The case had also divided the jury: a day before the verdict was reached, the jurors said they were hopelessly deadlocked.

Nonetheless, the jury of nine women and three men unexpectedly reached a consensus on Thursday, in their third day of deliberations. Ms. Sheehan was acquitted of murder and of a gun possession charge, but was found guilty of a second gun possession charge, which carries a sentence of 3 1/2 to 15 years. The judge ordered her to return to court on Wednesday, when she will be remanded into custody. Her sentencing will follow.

Outside the courtroom, Ms. Sheehan, a school secretary, could not contain her tears, clasping the hands of her children. Mr. Dowd said she would not be speaking and wanted to spend time with her family.

"There is no joy today," he said. "The only thing that can bring joy to this family would be to bring them back 17 years before the first blow was struck."

In an interview, the jury forewoman, Barbara Fleisher, said jurors ultimately decided to exonerate Ms. Sheehan of murder because the family's accounts of chronic and vicious abuse had rung true. She said they had believed that Ms. Sheehan reasonably feared she faced an imminent threat of bodily harm when she shot her husband the first time.

"We believed she was justified with all the things she went through over the years," she said. "We didn't believe that Raymond Sheehan was the perfect family man or the photographs that were supposed to make him look like a pillar."

She said that the jury had decided, however, to find Ms. Sheehan guilty of possessing the second weapon, since she had shot her husband even after he no longer posed a danger. The verdict, she indicated, was something of a compromise.

Ms. Sheehan's son, Raymond Sheehan, said he was happy that his mother had been exonerated of murder, but added, "We don't want her to go back to jail."

Mr. Sheehan's twin brother, Vincent Sheehan, said it was a "bad verdict."

Asked if his brother would be able to rest in peace, he said: "I think the truth is what makes you rest in peace — not what 12 citizens say about it. But this is the system and you've got to live with it."

"People make decisions based on emotion," he added.

Ms. Fleisher said the jury's impasse had been overcome once jurors agreed that they had several doubts about the prosecution's case. In particular, she said the jury doubted the attempt to show that Mr. Sheehan's bizarre sexual behavior, which included forcing his wife to watch while he masturbated dressed in an adult diaper, had been a motive for a murderous rage.

Legal experts said the verdict was a vindication for the so-called battered-woman defense. Under this strategy the battered woman chronicles her abuse in intimate and graphic detail with the aim of convincing the jury that she reasonably feared for her life based on her abuser's past behavior.

"The case is a good marker of the willingness of jurors to realize that a history of abuse can inform a woman's sense of the need to act in self-defense," said Holly Maguigan, a law professor at New York University.

Richard A. Brown, the Queens district attorney, said the case was a cautionary tale that those claiming domestic abuse should not take the law into their own hands. "This is a terribly sad and tragic case," Mr. Brown said. "A family has been torn apart. Their two children will have to pick up the pieces."