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Cleveland Plain Dealer

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# Agreed on Dr. Sheppard's Guilt at 11 a. m. 5th Day, 4 Jurors Say

BY SANFORD WATZMAN

A complete step-by-step picture of how the jury pinned a murderer's label on Dr. Samuel H. Sheppard was revealed for the first time last night as four members of the panel gave their stories to the Plain Dealer.

The seven men and five women who convicted Dr. Sam of second-degree murder a week ago yesterday had agreed unanimously to keep their deliberations secret.

This solid front was finally broken after one member of the jury, Mrs. Louise K. Feuchter, granted an interview to an out-of-town reporter.

Disclosures were made to the Plain Dealer by Jurors Frank A. Kollarits, Edmond L. Verlinger, Howard L. Barrish and Mrs. Beatrice P. Orenstein.

Here is a summary of the accounts given by the four:

### Reach Unanimity

For four full days and for part of the fifth and last day of their deliberations the jurors were locked in a debate over whether Dr. Sam was guilty (there was no discussion of the degree in this phase) or not guilty of any charge.

It was about 11 a. m. on the fifth day that the seven men and five women finally reached unanimity on this issue. All indicated that it was Dr. Sam, in their opinion, not a bushy haired stranger, who killed Marilyn Sheppard.

Until this point in the discussion a number of ballots were

taken, but the exact total could not be recalled. All these ballots were secret. Only through conversation could any one juror learn where his colleagues stood.

From that hour on Tuesday morning, the rest of the deliberations, lasting about four hours, were relatively painless. In deciding the defendant's degree of guilt, the jurors perused closely a copy of the instructions given them by Common Pleas Judge Edward Blythin.

As Kollarits related it: "We started from the top. We discussed the electric chair first and worked down from there."

In this part of the discussion no ballots were taken. Jurors indicated their opinions by a show of hands.

The possibility of a first-degree conviction was talked about for a little more than an hour. There were no strong partisans for this verdict, and the jury next took up the second-degree question.

It was this issue that was discussed most thoroughly. There was a "very brief" discussion of manslaughter as another possible finding, and then the members of the panel returned to the second-degree topic.

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MRS. BEATRICE ORENSTEIN



HOWARD L. BARRISH



FRANK A. KOLLARITS



EDMOND L. VERLINGER

**BARE JURY SECRETS.** These four members of the jury that convicted Dr. Samuel H. Sheppard of second-degree murder told the Plain Dealer how they balloted behind closed doors.

# Agreed on Dr. Sam's Guilt on 5th Day, 4 Jurors Say

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All 12 hands were raised affirmatively. Shortly after this—the time was about 4:10 p. m.—Foreman James C. Bird sounded the buzzer, and Judge Blythin sent his bailiff up to the deliberation room.

## Some Wavered

At no time did the jurors feel they would be unable to reach a verdict. The three men said there was "no clock-watching—we felt we had a job to do."

Although some of the jurors wavered in their opinions, first favoring an innocent verdict and then a guilty one, none of them were either stubborn or against modifying their views after listening to their fellow jurors.

One of those who wavered was Kollarits, a receiving clerk for the Harshaw Chemical Co. who lives at 2773 E. 125th Street.

"I changed my vote several times," he said. "There was one time when I just couldn't vote."

Kollarits recalled an early stage in the deliberations when the jury was evenly split—six for guilty and six for not guilty.

"In the last five hours," he continued, "we had difficulty determining the meaning of certain words in the judge's charge. That's what was holding us up then. We felt we should go along entirely with what the law said."

## Defends Newspapers

Kollarits added that the issue of newspaper coverage of the case, raised critically by the defense, was not at all discussed in the deliberations.

"Personally, although it didn't affect my vote," he said, "I felt the papers had a right to do what they were doing. They're out to inform the public."

Acting as a sort of unofficial secretary to the panel was Mrs. Orenstein, wife of a postal employee, who lives at 12712 Phillips Avenue, East Cleveland.

"On the third day," she recalled, "we made a tabulation of the doubts on both sides of the case that were still in our minds. I listed about 10 of them on a piece of paper, and then we discussed them one by one."

"These were things we were not entirely satisfied with, some favoring the state and some favoring the defense."

## Weighed Sam's Story

Among the most important entries on this list, she went on, were (a) the defendant's testimony—"Was it true or not true?"—and (b) the apparent burglary—"Was it faked or not faked?"

"We tried to rule in Dr. Sheppard's favor until we no longer could," Mrs. Orenstein said. "It was a combination of things fitting together that convinced me. I know in my heart there was no other verdict we could have arrived at."

Verlinger, a hardware store manager who lives at 18305 Lewis Drive, Maple Heights, said he felt that the testimony of Miss Susan Hayes, former paramour of Dr. Sam, did not weigh heavily in the state's case.

"The charge was murder," Verlinger put it, "and that's what we were interested in. In addition, we didn't feel that the story told by Dr. Hoversten was too important."

Dr. Lester T. Hoversten was a close friend of the defendant, who, after he was accused of the murder by Dr. Sam's family, became a state's witness and told how the defendant confided he was thinking of divorce.

## "Gave Sam Presumption"

"I think most of the jurors felt that way about those witnesses," Verlinger said. "We were giving Dr. Sheppard the presumption of innocence that he was entitled to, and because of that, I think all of us wavered at one time or another."

A juror who had a "question mark" on his first ballot was Barrish, a timekeeper at the Republic Steel Corp. who resides at

2731 Lancashire Road, Cleveland Heights.

"I was sort of in the middle," he related. "There was a lot of evidence, and all of us wanted to clear up some things before we committed ourselves."

Barrish also said that the testimony of Miss Hayes "had hardly any bearing on the case."

He said he felt there were "some loopholes" in the account given from the witness stand by Dr. Stephen A. Sheppard, the defendant's brother.

As to the "surgical instrument" testimony of Coroner Samuel R. Gerber, Barrish said: "The state wasn't able to do anything with it, so we weren't either. It would have had a lot more significance, of course, if we could have seen the murder weapon itself."

## Based on Evidence

Dr. Gerber had testified that he found the imprint of an object on the dried blood of the homicide victim's pillow. He added that he thought it was the "impression of a surgical instrument," but added later that some other object might have made the imprint.

"Our verdict was based strictly on the evidence," Barrish asserted. "The final arguments were very dramatic, so we went to the evidence instead. It was the facts that impressed us."

For two trial days, six attorneys—three for the defense and three for the state—gave long summations of their views to the jury. But Judge Blythin, in a preface to the lawyers' remarks, warned that the evidence came only from the witness stand.

"In my opinion," Barrish said, "Mahon (Assistant County Prosecutor John J. Mahon) did the best job of all the attorneys. He didn't waste any time on anything. He stuck to the facts, and he knew when to stop questioning a witness, when he could and could not get more facts from the witness."

## Cites Repetition

"There were a lot of witnesses on the stand who should have been off hours before. The defense was trying to get detail from detail, and I think it was trying to confuse the jury. There was too much repetition."

The four jurors said they were new "convinced beyond any doubt" that Dr. Sam was guilty and that he had received a fair trial and a fair verdict.

How the accused murderer's story—of the struggle with an intruder in his home—affected their final decision was a secret that the four said they would continue to keep. None would say what parts of the evidence led to their final vote on second-degree murder.

Tomorrow morning, Dr. Sheppard's attorneys will demand that Judge Blythin grant a new trial. They will argue 41 "errors" that they said they found in the record of the trial.



NO. 5 JUROR, Mrs. Louise K. Feuchter, who says she was one of five Sheppard trial jurors at first for acquittal.

# NO. 5 JUROR GIVES HER TRIAL STORY

## 5 Believed Sam Innocent at First, She Says

*EDITOR'S NOTE—This is the first of three stories by Mrs. Louise K. Feuchter, Juror No. 5 in the Sheppard murder trial, as told to Bill Diehl, sports editor of the Norfolk Ledger-Dispatch. Diehl, a nephew of Mrs. Feuchter's husband, visited at their home over the week end.*

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**BY MRS. LOUISE K.  
FEUCHTER**

**Juror No. 5, as told to Bill Diehl**

Ever since last Tuesday, Dec. 21, when we members of the jury found Dr. Sam Sheppard guilty of second-degree murder in the slaying of his wife, Marilyn, my life has not been my own, and I am sure the same is true of the other 11 jurors.

Nearly every day and night the telephone rings and somebody, usually a newspaper reporter, wants to know what went on during our 100 hours of deliberation — the story behind the story. What took us so long.

Sometimes cranks call up to ask foolish questions or say strange things.

In fact, since Oct. 20, more than two months ago, when I was examined for my fitness for service on the jury, I have lived, breathed, slept and eaten practically nothing but the Dr. Sam case.

Even though it's now all over, the telephone and acquaintances won't let me forget it. The tensions under which I have lived during these weeks have been beyond description. Just imagine how it would be for you to

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# Five Believed Sam Innocent at First, Juror No. 5 Says

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sit there and listen to the fate of a man being debated. \* \* \* How it would be to ponder the mountain of evidence and the testimony of 70 witnesses \* \* \* knowing all the time you should be fair and just and that what you felt would help to decide what would be done with this young man accused of killing his wife.

That it has been and still is an ordeal is putting it mildly. I wish I could go somewhere and forget. I know that I never can, because from now on people all over the country who know I served on that jury will be asking me the same questions I get from the reporters.

I want to make this clear from the beginning. I feel that all of us on the jury were absolutely fair and tried our very best to render a verdict based strictly on the evidence and not on any preconceived ideas. We all worked hard during those long hours of deliberation and, frankly, we were dead tired when it was ended.

## Questions Come Fast

Immediately after the verdict and after Judge Edward Blythin had passed sentence, we were besieged by reporters. They called questions to us. The photographers snapped pictures. They wanted to know in particular what Defense Counsel William Corrigan had said to me after the verdict when he leaned over and pointed his finger at me.

We were taken to Hotel Carter, where we had stayed during the trial, and the reporters followed us.

Finally, we asked them to leave the room. We were terribly tired and, mostly to escape further questions, we agreed to issue a joint statement, which

was that we could not say anything until at least after the appeal by Dr. Sam's lawyers.

However, since I have been home and had a chance to look over the newspapers, it is apparent that some of the things we talked about and our thoughts leaked. So I no longer feel that an honest report of what went on behind our locked doors is a violation of any agreement.

Actually, what went on was a thorough discussion of all the evidence. We went over every shred, bit by bit. We took ballots, yes, but exactly at what moment and at what stage, I can't remember specifically. When you are locked away from the rest of the world like that and you are living through such an experience, all the days and hours seem to merge together and it is difficult to look back and remember the specific time at which certain discussion came and ballots were taken.

There were no violent displays of temper by any of the jurors. Certainly we discussed vigorously and even raised our

voices heatedly over some points, but never were there any so-called verbal brawls.

Stubborn? I guess all of us were. We were stubborn in our determination not to overlook anything, and we realized that to convict we must be sure beyond a reasonable doubt.

I'll say this. At first some of us—and I felt there were at least five, including myself—were for acquittal.

I think deep down inside we all, not just the five, wanted to find Dr. Sheppard innocent.

It's a hard thing to pass judgment of murder on a man.

\* \* \*

(In her second story, which will appear in the Plain Dealer tomorrow, Mrs. Feuchter will explain how she found it possible to believe certain phases of Dr. Sheppard's story.)