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MSL

ACADEMIC ENDEAVORS

CLEVELAND, FRIDAY, DECEMBER 17, 1954

JURY DEBATES ON SAM

The State of Ohio,
CUYAHOGA COUNTY

Term A.D. 195

THE STATE OF OHIO

VS.

Plaintiff

Dr. Samuel H. Sheppard

CRIMINAL ACTION

Defendant

VERDICT

We, the Jury in this case being duly impaneled and sworn, do find the defendant

?

WHAT WILL IT BE? This is the type of verdict form the Dr. Sam murder trial jury will return to Judge Edward Blythin—if the jurors agree on a verdict.



DR. SAM SHEPPARD rides jail elevator back to his fourth-floor cell from second-floor courtroom in Criminal Courts Bldg. to wait while jury decides his fate in third-floor deliberation room.

Weighing Liberty or Death

Dr. Samuel H. Sheppard waited calmly in his fourth-floor cell at the Criminal Courts Bldg. late today while, one floor below, a seven-man, five-woman jury debated his life or death.

The jury retired from the courtroom at 10:15 a. m. to begin deliberations.

Dr. Sam, back in his cell, doffed the charcoal gray suit he wore through his nine-week trial for wife murder, switching into a white sweatshirt, dark trousers, and loafer shoes.

"Might as well be comfortable," he remarked to relatives and friends who Sheriff Joe Sweeney permitted to visit him.

The jurors' faces masked the course of their discussions when they returned to the locked deliberation room after being escorted to lunch at the Shanghai Restaurant, 2142 Rockwell Ave., by Bailiffs Eddie Francis and Si Steenstra.

Not to Discuss Case With Anyone

Judge Edward Blythin had instructed them not to discuss the case with anyone—including themselves—except in the deliberation room, where they faced more than 200 exhibits ranging from a bloodstained pillow to tiny fibers found under murdered Marilyn Sheppard's fingernails.

Most of the jurors brought small suitcases to the courthouse this morning, and arrangements have been made for them to spend the night at Hotel Carter if they fail to reach a unanimous verdict by 11 p. m.

William C. Lamb, the No. 4 juror, was elected foreman. In private life, he is foreman for the Brookpark Construction Co. He lives at 6078 Deering Ave., Parma Heights.

Dr. Sam was brought into court when the jurors were formally excused for lunch. His eyes searched the jury box, scrutinizing the impassive expressions of the panel of his peers.

No Indication of First Vote

There was no indication whether the jurors had taken their first vote, or if they were still complying with Judge Blythin's instruction that each should freely express his or her opinion in their deliberations.

Their first unanimous vote will decide whether the 30-year-old osteopath will—

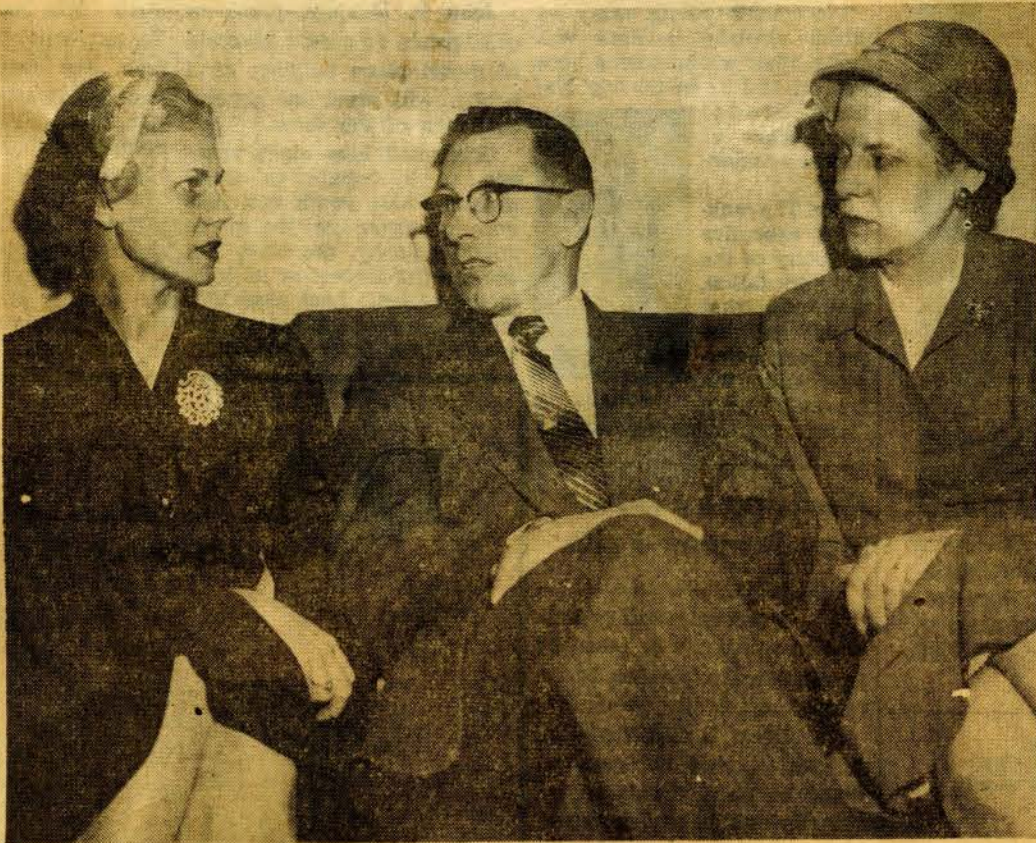
STEP OUT OF CRIMINAL COURTS BLDG. a free man, ruled innocent for all time of the July 4 slaying of his wife, Marilyn Reese Sheppard—

OR FIND HIMSELF BRANDED A MURDERER, condemned to death or long imprisonment for the savage slaying of the high school sweetheart he called "the only woman I ever loved or will love."

Dr. Sam clasped a crucifix in his left hand as he sat through the prelude to what may be the most critical moments of his life since the events of early Independence Day transformed him from a successful, apparently happy young physician into a murder case defendant.



Dr. Richard N. Sheppard restlessly glances out courtroom window.



Mrs. Betty (left) and Mrs. Dorothy Sheppard chat with The Rev. Alfred Kreke, pastor of Bay Methodist Church.



Dr. Stephen Sheppard calmly reads a book.

Here's how Dr. Sam's "team of relatives" awaited verdict at Criminal Courts Bldg.

Jury Debating Dr. Sam's Fate

(Continued From Page One)

Just before the court session opened, he shook hands with the Rev. Alfred Kreke, pastor of the Bay Methodist Church, who had testified as a character witness in his behalf.

Bites Lip at Mention of Death

The small courtroom was charged with drama as Judge Blythin read his instructions, outlining the five possible verdicts from which the jury may choose.

His hands folded in a position of prayer, Dr. Sam bit his lip and gulped hard when Blythin said:

"If you find the defendant guilty of murder in the first degree and do not recommend mercy, it will be the obligation of the court to sentence the defendant to death."

Dr. Sam watched tautly as the 12 strangers who control his future—the five housewives, the hardware store manager, the construction foreman, the steel mill timekeeper, the railroad ticket salesman, the receiving clerk, the factory workers—filed out of the second floor courtroom.

They went upstairs to the third floor deliberation room, where they were locked off from the outside world with a copy of the indictment, the judge's charge, forms for the five possible verdicts, and the more than 200 exhibits offered by prosecution and defense during the nine-week trial.

Dr. Sam was manacled and taken back to his fourth floor cell to wait . . . wait . . . wait.

How long?

"You may take into consideration," he said, "the interest, if any, which a witness has in the outcome of this trial."

Main issue before the jury is:

DO YOU BELIEVE Dr. Sam's witness stand account of how he was twice knocked unconscious by a bushy-haired intruder who murdered Marilyn?

OR DO YOU ACCEPT the prosecution's circumstantial

evidence supporting the theory that he killed his wife, suffered his injuries running down to the beach "pursued by his own conscience after his foul deed," and then embarked on a cunning scheme to escape punishment?

"Fair Inferences"

Blythin instructed the jurors that they may determine what "fair inferences" may be drawn from circumstantial evidence—but each inference must be based on a proven fact, not on another inference.

If there is a "reasonable doubt," he said, or if the same facts might justify two contrary inferences, the case must be resolved in the defendant's favor.

Five Possible Verdicts

These were the five possible verdicts in the order listed by Blythin:

"**GUILTY** of murder in the first degree as charged by the indictment." This would mean that the jurors found the crime deliberate and intentional. It would condemn Dr. Sam to mandatory death in the electric chair at the Ohio State Penitentiary in Columbus.

"**GUILTY** of murder in the

Anyone superstitious about 13?

Judge Edward Blythin handed the Sheppard murder case to the jury at 10:13 a. m.

The jurors filed out to begin deliberations two minutes later.

And the jurors went to lunch at 12:13 p. m.

first degree, but we do recommend mercy." This would impose a sentence of life imprisonment, without possibility of release for at least 20 years.

"**NOT GUILTY** of murder in the first degree, but guilty of murder in the second degree." This means the jury found the killing malicious and intentional, but not planned. The sentence is life imprisonment—but parole is possible after 10 years.

"**NOT GUILTY** of murder either in the first or second degree, but guilty of manslaughter, first degree." This means the defendant killed illegally in the heat of passion, but did not intend to take a life. The penalty is one to 20 years' imprisonment.

"**NOT GUILTY.**"

Chief Defense Counsel William J. Corrigan said any verdict of guilt would be promptly appealed.

The prosecution has no right of appeal from a verdict of innocence.

Blythin began his charge to the jury at 9:35 a. m. and finished at 10:13—38 minutes later.

Sam Has Visitors

It being the regular visiting day for his cell block, Dr. Sam was permitted to receive callers between 1 and 2 p. m.

His visitors included his brothers and sisters-in-law; Dr. Clifford Foster of Bay View Hospital; Dr. Horace Don of Tipton, Ia., a former Bay View intern, and David Phillips, a friend.

Dr. Sam's lunch consisted of fish, potatoes, cole slaw, coffee and pie.

Although the jurors ate in a Chinese restaurant, all but one ordered American food. The meal cost the county \$29.95.

William H. Corrigan, son of the chief defense counsel, trailed along with them, jotting down the names of newspaper photographers watching the jurors.

When the jury filed back into the deliberation room at 1:55 p. m., they immediately sounded the buzzer they will use to summon a bailiff to notify Judge Blythin that they've reached a verdict—but this buzz was just a test.

The buzzer worked perfectly. Those in the crowded courtroom who heard Blythin's

charge and watched the jurors file out included Dr. Sam's loyal brothers and sisters-in-law, Dr. and Mrs. Stephen and Dr. and Mrs. Richard Sheppard.

Corrigan patted Dr. Sam on the shoulder as he was led away to his cell by Deputy Sheriff James Kilroy.

Completely aloof from the defendant were two women who said they "represent Marilyn" — the murder victim's stepmother, Mrs. Jane Reese, and her aunt, Mrs. Henrietta Munn.