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54/12/17 Jurors Debate Dr. Sam's Fate

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MSL

ACADEMIC ENDEAVORS

Press Home

JURORS DEBATE DR. SAM'S FATE

Judge Gives Life-Death Charge



Mrs. Elizabeth Borke

Howard L. Barrish

Jack Hansen

Edmond Verlinger

Mrs. Beatrice Orenstein

Mrs. Louise Feuchter

William Lamb

Mrs. Luella Williams

Mrs. Ann Foote

James Bird

Frank Kollarits

Frank Moravec

Their Verdict Is Possible by Nightfall

The seven-man, five-woman jury that will decide the fate of Dr. Samuel H. Sheppard retired from the courtroom at 10:15 a. m. today and began deliberating his life or death.

The jury was escorted to lunch at the Shanghai Restaurant, 2142 Rockwell Ave., by Bailiffs Eddie Francis and Si Steenstra, after two hours of deliberation. After lunch the jurors went back to the deliberation room.

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 while the jurors were formally excused for lunch, and instructed not to discuss the case—even among themselves—except in secrecy of the deliberation room.

Before nightfall, the 30-year-old osteopath may—

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.

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 Edward 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

THEY'VE WATCHED, THEY'VE LISTENED. Today the 12 Sam Sheppard jurors became his judge and debated his fate.

Jury Opens Debate on Dr. Sam's Fate

(Continued From Page One)

floor cell to wait . . . wait . . . wait.

How long?

That is entirely up to the jurors.

Arrangements were made to lock them up overnight at Hotel Carter if they fail to reach a unanimous verdict today.

Blythin said he would either free Dr. Sam or impose sentence immediately after receiving the jury's decision.

"You are the sole judges of the facts in this case," Blythin, a 70-year-old former mayor of Cleveland, told the jurors.

In determining what they consider to be "the truth," he said, they may believe or disbelieve the testimony of any witness.

"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.

Several inferences may be drawn from the same fact, he said.

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.

"The law does not require the state to prove motive in this case," Judge Blythin instructed. Dr. Sam may be found guilty "whether or not a motive has been established."

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 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.**"

The fifth possible verdict is the one for which Dr. Sam prayed.

It would release him immediately.

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.

38-Minute Charge

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

Corrigan immediately strode up to the court reporter and whispered a comment into the record which was believed to be an exception to part of the

judge's statement.

Before reading his written instructions to the panel, Judge Blythin thanked and released the "13th juror"—Mrs. Lois Mancini of 16920 Stockbridge Ave.

Blythin told her she had won "the appreciation of all of us and the community as a whole," and could now either stay in the courtroom or go home—but must remain silent about the case until her former colleagues rendered a decision.

She decided to go home to her two daughters, Kathy, 7, and Nancy, 17 months.

Mrs. Mancini sat through the long trial as an alternate juror, ready to step in if No. 1 to No. 12 should become ill or incapacitated.

Sam's Kin Present

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.

In the cell where he waited, Dr. Sam had photographs of his murdered wife; his son, Sam (Chip) Jr., and the brothers and sisters-in-law who loyally supported his claim of innocence.

If freed, he said, he plans to return to practice at Bay View Hospital.

The verdict will be either a Christmas and birthday present or blow. Dr. Sam will be 31 four days after Christmas.

But they didn't.

The Rev. Kreke visited Dr. Sam in the jail for an hour immediately after the jury began deliberating.

Sheriff Joe Sweeney said Dr. Sam would be allowed to receive other visitors this afternoon—the regular visiting day for his cellblock—if the jury is still deliberating then.



RETIRING TO DÉLIBÉRATE their verdict, Sheppard trial jurors filed upstairs from court to their deliberation room. Bailiff Eddie Francis let them in.