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Inside Story of Jury Debate

2 Voted to Acquit on 1st Ballot

BILL TANNER and TOM BRADY

When jurors voted to acquit Dr. Samuel H. Sheppard on the first ballot.

After a day of discussion, the seven men and women in the locked room were in agreement: the story was "fantastic" . . . he must have been Reese Sheppard.

After three days more of deliberation to "thrash out" the issue of guilt and the amount of punishment.

The jurors agreed that Dr. Sam should pay a severe penalty—but not the electric chair.

At 4:12 p. m. yesterday, the foreman looked about

the smoke-filled deliberation room and asked: "Is everyone satisfied?"

Eleven heads nodded agreement.

Foreman James C. Bird pressed the buzzer which notified the outside world that the fate of Dr. Sam had been decided.

That is the inside story of what went on in the third-floor deliberation room at the Criminal Courts Bldg. for five days of record-breaking debate.

The jurors agreed to keep the "full story" to themselves until after Dr. Sam's legal appeals are decided.

But the facts came out, bit by bit, in their casual re-

marks to each other, to the authorities, to their families, and to reporters.

Here are some of the highlights of how they regarded some of the evidence:

The jurors quickly agreed that they did not believe Dr. Sam's own version of the murder.

"Fantastic" . . . "incredible" . . . "he just remembers what he wants to" . . . "he would have been drowned on the beach." . . .

Juror No. 10, Frank Moravec, a tool and die maker, helped blow out the testimony of two witnesses who claimed to have seen a "bushy-haired" pedestrian near the Sheppard home on the murder morning.

Used to dealing with precision measurements in his trade, he said their accounts were impossible.

Juror No. 4, William C. Lamb, a construction foreman, said he knew something about night vision—and he said the many vivid details described by the witnesses would have required a longer, closer look.

The jurors discounted much of the testimony of Dr. Stephen Sheppard, older brother of the defendant—"it was pretty obvious that he was all for Sam, and willing to do anything he could to help his brother."

So was Dr. Richard N. Sheppard, eldest of the three osteopath brothers. Several jurors paid him the com-

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2 Women Wanted to Free Dr. Sam on First Ballot

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pliment of calling him "absolutely sincere."

And Witness Susan Hayes . . . "she seemed to be telling the truth."

* * *
The jurors spent little time on the question of motive—because Judge Edward Blythin had instructed them that the state was not required to prove a motive.

* * *
When the jurors trooped into the deliberation room at 10:15 a. m. last Friday, they were a little puzzled by what was to come. It was the first jury duty for all of them.

By mutual consent, a man "took charge." He called for nominations for foreman. Three men were nominated.

A show of hands elected Bird, a former West Virginia schoolteacher who was a war-time Army captain.

Worked Nights

Now living at 1956 Green Rd. with his wife and only son, James E., 6, Bird had worked nights during the trial at his job of cashier in the Union Terminal ticket office.

Most of the men took off their coats, rolled up their sleeves, and lit cigarettes.

In an easy, friendly manner, Bird invited everyone to "speak your minds freely and frankly."

The deliberations were on.

Conversation drifted about the table. Everyone spoke. Some of the women were "sorry for Sam."

Two Held Out

As the Friday deliberations neared the evening end, Bird called for the first ballot.

All but Jurors No. 2 and No. 5—Mrs. Elizabeth Borke and Mrs. Louise Feuchter—had concluded that Sam killed Marilyn.

Saturday afternoon, they joined the majority on that question.

* * *
From then on, the jurors were fully aware of the fact that the outside world was watching outside their locked deliberation room door with mounting excitement.

They could sense the tensiety when they came into the second floor courtroom to be formally sent to lunch and dinner.

Noise from the second floor

of the Criminal Courts Bldg. drifted up to them—but did not disturb their marathon discussions.

The jurors caught the stares of a curious public as they went to and from their rooms at the Carter Hotel.

Point by point, they went over the testimony of the 70 trial witnesses—one by one they examined the 214 exhibits in the room . . . the grisly photos of murdered Marilyn, the fibers from under her fingernails, the bloodstained pillow with what Coroner Samuel R. Gerber called "the imprint of a surgical tool." . . .

Sometimes the discussions became so intense that Bird called a "five-minute break."

During some of these intervals, both men and women swept the room with a borrowed broom and emptied ashtrays.

They were well aware that their deliberations were setting an all-time record for the Criminal Courts Bldg., but were determined to "take our time" . . . "this is a big responsibility" . . . "we must do the right thing."

18 Ballots in All

So they talked on and on, taking ballots as they went.

There were 18 ballots in all.

After each, Bird gathered up the fateful squares of paper and stepped outside the door to a toilet. He flushed them down.

From the second tally on, the only issue was the "degree of guilt."

A first degree conviction meant death in the electric chair . . . although a mercy recommendation would mitigate it to life imprisonment.

The elements of first degree murder—malice aforethought, deliberate premeditation, intent to kill.

Second degree . . . malice and purpose, but not premeditation. Life imprisonment.

Did that really mean life in prison, without possibility of parole?

None of the jurors could answer the parole question.

They would have to vote a verdict without being sure.

They did.

The 18th ballot.

Unanimous.