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54/12/18 Sam's jury locked for night

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SAM'S JURY LOCKED FOR NIGHT



NO DECISION. Dr. Samuel H. Sheppard held his jaw firm as he walked back to the courtroom last night to hear Common Pleas Judge Edward Blythin order the jury retired for the night without returning a verdict.



JURY CHECKS IN. The 12 jurors deliberating evidence against Dr. Samuel H. Sheppard lined up before registering in Hotel Carter. Included are (left to right) Mrs. Anne W. Foote, Mrs. Beatrice Orenstein, Mrs. Elizabeth A. Borke, Simon Steenstra (court bailiff who escorted them), Mrs. Louise K. Feuchter, Mrs. Luella Williams, Frank J. Kolarits, Howard L. Barrish, Edmond L. Verlinger, Jack N. Hansen, James C. Bird and William C. Lamb. The other juror, Frank G. Moravec, is hidden behind Lamb.

HARASSED PANEL SHOWS STRAIN OF LONG ARGUMENTS

Members Pestered by Drunk in Hotel Lobby; Ignore Doctor in Court; Resume This Morning; Judge Allows Sunday Deliberation

BY TODD SIMON

The deadlocked wife-murder jurors of Dr. Samuel H. Sheppard took their unanswered question of life or death, prison or freedom, to bed on the seventh floor of Hotel Carter last night.

Hopes for a verdict yesterday, in their first debating day, began dimming at dinnertime. They came down wrung out and grim, some sweaty, some a bit disheveled, from their chamber then.

At 10:30 p. m., almost all their eyes turned away from the defendant, wearily they heard Common Pleas Judge Edward Blythin tell them he would send them to bed. They must begin their discussion again at 9:15 this morning.

Coming from a card game and reading in his cell, Dr. Sam appeared fresh at bedtime. He looked over the jurors' faces calmly.

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Judge Blythin put no limit or deadline on how long the jury should keep up its tug-of-words. He said:

"I don't think there is any limit, and even Sunday is a fine day. As long as the defendant is in court I don't think there is any law against deliberating or returning a verdict on Sunday."

A young drunk in a gray suit bothered the men jurors waiting to register at the hotel.

Then he shouted to his party pals on the balcony over the lobby: "They won't talk! They won't squeal!" Jury Bailiff Simon Steenstra ran toward him, yelling: "Do you want to go to jail?"

"Si" finally got rid of the pest and got one of his friends to pull him away and back upstairs, although he went up hollering: "Who's going to make me?"

Yule Party on Same Floor

Cameramen's flash bulbs brought pretty girls and happy men to the balcony rail to watch the Sheppard jury sign in.

The jurors' eight rooms were all on one seventh-floor corridor. Unfortunately an advertising agency was having a Christmas party on the same floor.

Women jurors would not stand for the one Negro juror, Mrs. Louella Williams, being put in a room alone. Two other women on the panel, Mrs. Ann W. Foote and Mrs. Beatrice Orenstein, asked to have her stay with them in one room.

The other pairings seemed to be Mrs. Elizabeth Borke, the most upset-looking juror each time the panel has been called back into court, with Mrs. Louise Feuchter; Howard L. Barrish and Frank J. Kollarits; Edmond L. Verlinger and James C. Bird; Jack N. Hansen and William C. Lamb, with Frank G. Moravec, dean of the jurors, by himself.

Allowed to Talk at Last

They had finally been allowed to speak freely what they thought about the July 4 hack-murder of the pregnant Marilyn Sheppard in her bed at her Bay Village lakeside home.

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SHEPPARD'S JURY LOCKED FOR NIGHT

Harassed Members Show Strain; Resume Today

(Continued From First Page)

The prayerful attitude of the accused man, sitting at the trial table each time the jury was brought down, was lost on the jurors, for the most part. They hardly looked at him. Just a quick glance by one or two.

He and a defense attorney, Fred W. Garmone, stared at the seven man faces and five woman faces, trying to read a hint that would say "freedom" or at least "a deadlock."

Garmone Comforts Sam

Garmone, at the bedtime break, put an arm around Dr. Sam's shoulders before he was taken upstairs again. They whispered a while.

But all Garmone would say later was that he had "bid Sam good night."

Relatives and doctors from the staff of the Sheppards' Bay View Hospital hung around the courtroom, looking more and more sober as the time wore on. It finally amounted to eight and three quarters hours of deliberation.

Dr. Richard N. Sheppard, the eldest of the osteopath brothers, joined newspapermen in a basement newsroom for refreshments while waiting the jury's signal on the buzzer. At the night recess he sat with some of them.

He got a silent smile and "Hi!" from Dr. Sam.

Juror 4, Lamb, husky construction boss, mopped his forehead, and so did Kollarits, Juror 11, a chemical company clerk.

Possible Jury Foreman

Lamb was one who gave the slim, worried-looking doctor a fast but thorough size-up. He was thought to be a possible jury foreman.

Mrs. Borke's face was flushed and her jet-black hair was mussed. She is the juror who once caused a flutter in court by requesting a chance to throw one question at the defendant, then on the witness stand.

At that time Dr. Sheppard's lawyer, William J. Corrigan, told her: "Go ahead," and she began: "Dr. Sam, I'd like to ask you . . ." but prosecutors steered her to the judge. Judge Blythin said the law did not allow jurors to ask questions.

When they were questioning Mrs. Borke, wife of a steel engineer and mother of two, the defense attorneys spent a great deal of time asking whether she would stick to her opinion, once she reached it.

Through Roughest Hours

This was a different boxful of citizens from the one that had become familiar through the nine-week trial. They had been through their roughest hours, and it showed.

Back from dinner, at 7:30, they had some three and a half or more hours to go on with their tug-of-words, whatever it was, before they would be herded to Hotel Carter rooms for the night—if necessary.

"We will not speak of any

breach in your proceedings at this time—any further breach after you return," said Judge Blythin when he gave them their usual "don't talk" instructions before dinner.

The citizen judges had shown less wear and tear when Judge Blythin at lunchtime swore in Bailiffs Steenstra and Edgar Francis to tend them.

Go to Chinese Restaurant

They went to the Shanghai Restaurant, 2142 Rockwell Avenue N. E., about two blocks from the Criminal Court Building. Only Mrs. Williams, Juror 12, had Chinese food. Breaded veal cutlets were popular among the others.

No private room could be found for the group at the Carter. So the jurors ate in the Cafe Bar, ogled and smiled at by other patrons and running up a dinner check of some \$34.70 for the county.

They were relaxed there and giggled when water was spilled on the table and on Mrs. Orenstein, Juror 8, mother and active in parent-teacher affairs in East Cleveland.

Some called home when they returned to court. At 7:30 they went back into their huddle with the heaps of exhibits and the questions Judge Blythin had put to them.

Their choices were five: The electric chair verdict, guilty of first-degree murder; a mercy verdict, first degree, meaning "life," reviewable after 20 years; guilty of second-degree murder, meaning "life," with parole possible in 10 years; manslaughter—one to 20 years; or not guilty of anything.

Prosecutors and Cleveland detectives said the prolonged clash of minds among the jurors meant this was no quick verdict like the one that freed Joseph W. Gogan, Lakewood industrialist, in two hours after eight weeks of trial.

Gogan was the last wife-murder suspect defended by the criminal court wizard, Corrigan.

While the jurors wrangled a scatter of news and camera men littered the courtroom below with cigarette butts, paper coffee cups and newspapers. Someone kicked over the spittoon at the front end of the trial table.

Relatives who visited Dr. Sam in his cell block from 1 to 3 p. m. came back down and paced around in the corridors.

When the alternate juror, Mrs. Lois Mancini, was released, Chief Jailer Michael Uccello fended off reporters and escorted her to her car. The judge told her not to talk until the case was all over.

While her jury-box colleagues were working toward their final decision or deadlock, she was out buying Christmas gifts, the freest of all the principals in the trial.