

TUESDAY, DECEMBER 21, 1954, 4:33 P.M.

THE COURT: I want all those who are present in this courtroom at this moment to thoroughly understand that regardless of what happens here, there is to be no demonstration of any kind, and there is no one to leave this courtroom until the entire matter before us now has been disposed of and the jury has been dismissed and left the courtroom and the court session is adjourned for the day.

Ladies and gentlemen of the jury, have you arrived at a verdict?

THE FOREMAN: We have, your Honor.

THE COURT: Will you be kind enough to hand it to the Bailiff?

"We the jury in this case, being duly impanelled and sworn, do find the defendant Sam H. Sheppard not guilty of murder in the first degree but guilty of murder in the second degree, James C. Bird, Foreman."

Is this your verdict, ladies and gentlemen?  
So say all of you?

Anything further, gentlemen?

MR. CORRIGAN: I will ask that the jury be polled, your Honor.

THE COURT: Ladies and gentlemen of the jury, a request has been made that you be polled. As you are not experienced in this kind of matter, the Court will state to you that it is a matter of finding definitely that the verdict is the verdict of each and every one of the jurors on the panel. In order not to repeat the same question 12 times, the Court will put the question to all of you individually and collectively now, but do not answer it.

The question is: Is this your verdict? Your names will now be called, and you will, as your names are called, be kind enough to answer that question yes or no.

THE BAILIFF: Howard L. Barrish.

JUROR BARRISH: Yes.

THE BAILIFF: Elizabeth A. Borke.

JUROR BORKE: Yes.

THE BAILIFF: Edmond L. Verlinger.

JUROR VERLINGER: Yes.

THE BAILIFF: William C. Lamb.

JUROR LAMB: Yes.

THE BAILIFF: Louise Feuchter.

JUROR FEUCHTER: Yes.

THE BAILIFF: Jack Hanson.

JUROR HANSON: Yes.

THE BAILIFF: Ann W. Foote.

JUROR FOOTE: Yes.

THE BAILIFF: Beatrice P. Orenstein.

JUROR ORENSTEIN: Yes.

THE BAILIFF: James C. Bird.

JUROR BIRD: Yes, sir.

THE BAILIFF: Frank Moravec.

JUROR MORAVEC: Yes.

THE BAILIFF: Frank J. Kollarits.

JUROR KOLLARITS: Yes, sir.

THE BAILIFF: Lucille Williams.

JUROR WILLIAMS: Yes, sir.

MR. CORRIGAN: If the Court please, we

would like to file a motion for a new trial, and we would like to fix a time when that motion will be heard. Next week sometime, I think, after Christmas.

THE COURT: The Court will hear your motion for a new trial next week on Monday, Wednesday or Thursday morning, whichever may be your choice, Mr. Corrigan.

MR. CORRIGAN: I think Thursday would probably be most agreeable to us.

THE COURT: Thursday of next week at 9:30.

MR. CORRIGAN: At 9:30.

THE COURT: All right. Thursday of next week at 9:30. In the meantime, you will file a formal motion?

MR. CORRIGAN: In the meantime, I will file a formal motion, yes, your Honor.

THE COURT: All right. Sam Sheppard, will you come up here, please?

Sam Sheppard, this jury has found you guilty of murder in the second degree. Have you anything to now say why the Court should not pronounce sentence upon you?

THE DEFENDANT: I'd like to say, sir, I am not guilty, and I feel that there has been proof presented before this Court that has definitely proven that I couldn't have performed this crime.

THE COURT: All right. But the jury has found otherwise, and under the rules of our law and our Government, the Court is bound by the finding of the jury. It is now the judgment of the Court that you be imprisoned in a penitentiary in the State of Ohio for life.

MR. CORRIGAN: Aren't you going to wait until I file my motion for a new trial before you sentence the man?

THE COURT: No. The Court is going to dispose of this matter. We will be glad to hear your motion for a new trial in exactly the same way as we hear all other motions.

Quiet, please. Mr. Corrigan; please.

MR. CORRIGAN: I have a right to talk to the jury now.

THE COURT: The Court is in session.

Ladies and gentlemen of the jury -- Mr. Corrigan, I wish you would not have any communication with the jurors, please, while the Court is in session.

MR. CORRIGAN: All right, but I object to the manner in which the Court has conducted this case and sentenced --

THE COURT: Let the record show that Mr. Corrigan, while the Court is in session, proceeds to speak to one or more of the jurors, and the Court's admonition was based upon that conduct, and you may take exception to it.

MR. CORRIGAN: Probably I was wrong there, your Honor, and I apologize.

THE COURT: Your apology is accepted, sir. We have known each other too many years to have any matter break our friendship, I hope.

Ladies and gentlemen of the jury, I may not be

the best person in the world to find apt words to express a situation, but I think, if I was the most eloquent person in this community, I would now be wholly at a loss to express to you the appreciation of this Court, and I know all persons of responsibility about here, and the community as a whole, for the patience, the diligence and the genuine sincerity which you have clearly expressed during the progress of this trial and in your deliberations up to the finding of the final verdict.

The Court appreciates, and I think that by this time the community appreciates, what a problem was yours. You have been here and you have heard a large number of witnesses covering a period of seven weeks of time in taking testimony alone, and with all those exhibits that were before you, your task was not a simple one. The task, in cases of this kind, becomes very complicated, and they pull at our heartstrings and our feelings and our sympathies, and sometimes -- I'm sure not in your case -- at our prejudices.

I think as a group -- and I have already stated so publicly during your, shall I call it incarceration -- I have stated it publicly that you are a splendid group of people, and that is exactly what you are.

We are grateful deeply for your service in this particular case, and I think you have expressed as eloquently as it can possibly be expressed the value of the jury system, and you added to the enrichment of our life under our Constitution.

Thank you very much again, and you are now dismissed. Just one moment. I would like to urge upon you -- you have seen and heard a good deal about all of these newspaper people, and they can become annoying. They think we get made at them, but we do not, but we do become irked, and I am sure that you can, too. I wish to say to you that if any of you do not want to be pestered, you decide that question now, and all you can say is that you do not want to be interviewed, but if you want to be interviewed after you leave this Courthouse, there is no prohibition whatever.

I think that these matters do have an element of sacredness about them. You had a confidential relationship, one with the other. You performed a great service to the community jointly. Thank you very much again.

The Court is adjourned without any formality.

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