12-29-1954

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Cleveland Plain Dealer

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Agreed on Dr. Sheppard's Guilt at 11 a.m. 5th Day, 4 Jurors Say

BY SANFORD WATZMAN

A complete step-by-step picture of how the jury pinned a murderer's label on Dr. Samuel H. Sheppard was revealed for the first time last night as four members of the panel gave their stories to the Plain Dealer.

The seven men and five women who convicted Dr. Sam of second-degree murder a week ago yesterday had agreed unanimously to keep their deliberations secret.

This solid front was finally broken after one member of the jury, Mrs. Louise K. Frechler, granted an interview to an out-of-town reporter.

Disclosures were made to the Plain Dealer by jurors Frank A. Kollarits, Edmond L. Verlinger, Howard L. Barrish and Mrs. Beatrice P. Orenstein.

Here is a summary of the accounts given by the four:

Reach Unanimity

For four full days and for part of the fifth and last day of their deliberations the jurors were locked in a debate over whether Dr. Sam was guilty (there was no discussion of the degree in this phase) or not guilty of any charge.

It was about 11 a.m. on the fifth day that the seven men and five women finally, reached unanimity on this issue. All indicated that it was Dr. Sam, in their opinion, not a bushy-haired stranger, who killed Marilyn Sheppard.

Until this point in the discussion a number of ballots were taken, but the exact total could not he recalled. All these ballots were secret. Only through conversation could anyone juror learn where his colleagues stood.

From that hour on Tuesday morning, the rest of the deliberations, lasting about four hours, were relatively painless.

In deciding the defendant's degree of guilt, the jurors perused closely a copy of the instructions given to them by Common Pleas Judge Edward Rhythms.

As Kollarits related it, "We started from the top. We discussed the electric chair first and worked down from there." In this part of the discussion no ballots were taken. Jurors indicated their opinions by a show of hands.

The possibility of a first-degree conviction was talked about for a little more than an hour. There were no strong partisans for this verdict, and the jury next took up the second-degree question.

It was this issue that was discussed most thoroughly. There was a "very brief" discussion of manslaughter as another possible finding, and then the members of the panel returned to the second-degree topic.

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MRS. BEATRICE ORENSTEIN

FRANK A. KOLLARITS

HOWARD L. BARRISH

EDMOND L. VERLINGER

BARE JURY SECRETS. These four members of the jury that convicted Dr. Samuel H. Sheppard of second-degree murder told the Plain Dealer how they balloted behind closed doors.
Agreed on Dr. Sam's Guilt
on 5th Day, 4 Jurors Say

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All 12 hands were raised affirma-
atively. Shortly after this
the time was about 4:10 p.
-Foreman James C. Bird
sounded the buzzer, and Judge
Blithy sent his bell into
the deliberation room.

Some Wavered
At no time did the jurors feel
they would be unable to produce
a verdict. The three men said
there was "no clock watching,
we felt we had a job to do."

Although some of the jurors
wavered in their opinions, first
on his first ballot was
then and finally when they
arrived at a guilty status. One of the jurors
wavered on the evidence for
the Harshaw Chemical Co.
who lives at 17753 R. 1225
burlington. I changed my posi-
tion every time," he said. "There
was one time when I just couldn't vote."

Kollarits recalled an incident
when the deliberations when
the juror was equally divid-
ing guilt and six for not guilty.
"In the last five hours of
the deliberations," he said,
"we had difficulty in reaching
a decision. Once again, I
relied on the words in the judge's charge.
That's what was holding us up
then. We felt we should
vote along entirely with what the
law said."

Defends Newspapers
Kollarits added that the issue
of newspaper coverage of the
case, raised critically by the
defense, was not at all discussed in
the deliberations. "Personally,
although it didn't affect my
vote," he said, "I knew with a
hard feeling that the jurors had
to do that they were doing.
They didn't want to
inform the public.
Acting as a sort of unofficial
secretary to the panel was Mrs.
Poston Orenstein, wife of a
postal worker, who lives at 12172 Palms
Avenue, East Cleveland.
"On the third day," she
recounted, "we made a tabulation
of the double on both sides
of the case that were still in our
minds. I listed about 10 of those
on one piece of paper, and then
they were discussed one by one.
"These things were we
were not entirely satisfied with, saving the same story and the same
favoring the defense."

Weighed Sam's Story
Among the most important en-	ries on this list, she went on,
were (a) defendant's "true story"
"Was it true or not true?"-
and (b) the argumentary.
"Was it faked or not faked?"

"We tried to rule in Dr. Shep-
pherd's favor until we could
change our minds," Mrs. Orenstein
said. "It was a combination of things fit-
ting together that convinced me.
I know in my heart there was
other verdict we could have
arisen."

Veilinger, a hardware store
manager who lives at 18505
Cleveland Heights Boulevard,
then, said he believed the
testimony of Susan Hayes, former
secretary to the panel was Mrs. Sam, did not weigh
heavily in the state's case.
"The charge was murder,"
Veilinger said. "And that's
the charge."

"We were interested in
addition, we didn't feel that the
testimony told by Dr. Howard
was so important.
"The juror described a
close friend of the
defendant, after he was
murdered by the defendant,
and said that the
victim's family had taken
ratifi ed, said the juror
had a "question mark" on
his first ballot was
sent to the Public Steel Corp. who resides at

2723 Lorain Avenue, Cleveland.

"It was a sort of in the middle,
for some time. They were trying
and keep. None
of us wanted to
get in the way of
what we committed ourselves."

But two jurors have decided
the evidence showed that
"The state wasn't able to do
anything with it, so we re-
either. It would have had a
more significant, of course. It
has been here the "murder
weapon itself."

Based on Evidence
Dr. Geerke had testified that
he found the imprint of an ob-
ject on the deceased, the
homicide victim's pillow. He
added that he thought it was
the impression of a surgical in-
mament, but added later that
some other object might have
made the imprint.
"Our verdict was based
strictly on the evidence," Barrish
asserted. "There were things
very dramatic, so we went to
the evidence instead.
"They marked, warned that the evidence
were (a) the defendant's
story, (b) the defendant's story,
"And then we committed ourselves.
"The time when I just couldn't
vote, that was the time when I just
wouldn't vote."

Cites Rehearsal
Dr. Sam's Story
Both the defense and the state
were giving Dr. Shep-
d's attorneys will demand
an appeal.
It was too much repetition.

"We were convinced by the
defense that the state was guilty
of an error in having received a fair
verdict, and a fair trial."

An incidence of the accused
murderer's story—the struggle with an
acquittal of the defendant,
the jury. Their final decision was a
secret that the four said they would
continue to keep. None would say
what parts of the evidence
was involved in their final vote on second
degree murder.

Tomorrow morning, Dr. Shep-
pherd's attorneys will demand
that Judge Blithy issue a new
trial. They will argue that
they were accused of any
murder.
NO. 5 JUROR GIVES HER TRIAL STORY

5 Believed Sam Innocent at First, She Says

EDITOR’S NOTE—This is the first of three stories by Mrs. Louise K. Feuchter, Juror No. 5 in the Sheppard murder trial, as told to Bill Diehl, sports editor of the Norfolk Ledger-Dispatch. Diehl, a nephew of Mrs. Feuchter’s husband, visited at their home over the week end.

(By Mrs. Louise K. Feuchter)

Juror No. 5, as told to Bill Diehl

Ever since last Tuesday, Dec. 21, when we members of the jury found Dr. Sam Sheppard guilty of second-degree murder in the slaying of his wife, Marilyn, my life has not been my own, and I am sure the same is true of the other 11 jurors.

Nearly every day and night the telephone rings and somebody, usually a newspaper reporter, wants to know what went on during our 100 hours of deliberation—the story behind the story. What took us so long.

Sometimes cranks call up to ask foolish questions or say strange things.

In fact, since Oct. 20, more than two months ago, when I was examined for my fitness for service on the jury, I have lived, breathed, slept and eaten practically nothing but the Dr. Sam case.

Even though it’s now all over, the telephone and acquaintances won’t let me forget it. The tensions under which I have lived during these weeks have been beyond description. Just imagine how it would be for you to

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Five Believed Sam Innocent at First, Juror No. 5 Says

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sit there and listen to the fate of a man being debated. * * *

How it would be to ponder the mountain of evidence and the testimony of 70 witnesses * * *

knowing all the time you should be fair and just and that what you felt would help to decide what would be done with this young man accused of killing his wife.

That it has been and still is an ordeal is putting it mildly. I wish I could go somewhere and forget. I know that I never can, because from now on people all over the country who know I served on that jury will be asking me the same questions I get from the reporters.

I want to make this clear from the beginning. I feel that all of us on the jury were absolutely fair and tried our very best to render a verdict based strictly on the evidence and not on any preconceived ideas. We all worked hard during those long hours of deliberation and, frankly, we were dead tired when it was ended.

Questions Come Fast

Immediately after the verdict and after Judge Edward Blythin had passed sentence, we were besieged by reporters. They called questions to us. The photographers snapped pictures. They wanted to know in particular what Defense Counsel William Corrigan had said to me after the verdict when he leaned over and pointed his finger at me.

We were taken to Hotel Carter, where we had stayed during the trial, and the reporters followed us.

Finally, we asked them to leave the room. We were terribly tired and, mostly to escape further questions, we agreed to issue a joint statement, which was that we could not say anything until at least after the appeal by Dr. Sam's lawyers.

However, since I have been home and had a chance to look over the newspapers, it is apparent that some of the things we talked about and our thoughts leaked. So I no longer feel that an honest report of what went on behind our locked doors is a violation of any agreement.

Actually, what went on was a thorough discussion of all the evidence. We went over every shred, bit by bit. We took ballots, yes, but exactly at what moment and at what stage, I can't remember specifically. When you are locked away from the rest of the world like that and you are living through such an experience, all the days and hours seem to merge together and it is difficult to look back and remember the specific time at which certain discussion came and ballots were taken.

There were no violent displays of temper by any of the jurors. Certainly we discussed vigorously and even raised our voices heatedly over some points, but never were there any so-called verbal brawls.

Stubborn? I guess all of us were. We were stubborn in our determination not to overlook anything, and we realized that to convict we must be sure beyond a reasonable doubt.

I'll say this. At first some of us—and I felt there were at least five, including myself—were for acquittal.

I think deep down inside we all, not just the five, wanted to find Dr. Sheppard innocent.

(In her second story, which will appear in the Plain Dealer tomorrow, Mrs. Feuchter will explain how she found it possible to believe certain phases of Dr. Sheppard's story.)