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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. Feuchter, 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. Baritis and Mrs. Beatrice P. Orenstein.

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

Reach Unanimity

For four full days and 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 be recalled. All these ballots were secret. Only through conversation could any one 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 pursued closely a copy of the instructions given them by Common Pleas Judge Edward Rhythm.

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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All 12 hands were raised affirmatively. Shortly after this the time was about 4:10 p.m. - FO'REMAN James C. Bird sounded the buzzer, and Judge Byrnes sent his bailiff to the deliberation room.

Some Wavered

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

Although some of the jurors wavered in their opinions, first for the defense and then guilty, one none of them were either stubborn or obstinate about it. After listening to their fellow jurors, they continued,

One of those who wavered was Kolotha, a timekeeper for the Harshaw Chemical Co. who lives at 2775 E. 125th Street. "I changed my vote several times," he said. "There was one time when I just couldn't vote."

Kollarits recalled an incident during the trial that were still in our minds. I listed about 10 or 12 things on a piece of paper, and then I decided to discuss them one by one with my fellow jurors.

"These were things we were not entirely satisfied with, said Kollarits, and gave some favoring the defense.

Weighed Sam's Story

Among the most important en
tries on this list, let us go on, was (a) the defendant's "What is true or not true?" and (b) the agreement that "It was fated or not fated.

"We tried to rule in Dr. Shap-

er's favor unless we could find the answer of a surgical instru-
t."

Dr. Stephen A. Sheppard, the state's chief surgical witness, said that the dried blood of the deceased was "in the evidence," and that the defendant's lawyer had received a fair trial.

"The charge was murder," Veiling, Associated Press.

"It was a combination of things fitting together that convinced me. I know in my heart there was no other verdict we could have arrived at."

Veiling was a hardware store manager who lives at 1300 East Drive, Maple Heights. He said he felt that the testimony of former State Coroner, Dr. Samuel Sam, did weigh heavily in the state's case.

"The charge was murder," Veiling said. "It was a combination of things fitting together that convinced me. I know in my heart there was no other verdict we could have arrived at."

As to the question of guilt, Veiling said that he felt the evidence was beyond any doubt that Dr. Sam was guilty. "I am satisfied that he has received a fair trial and a fair verdict.

"It was a combination of things fitting together that convinced me. I know in my heart there was no other verdict we could have arrived at."

Dr. Lester T. Kozierst was a close friend of the defendant, and after he was acquitted, he was the only person who went to the murder scene and found the evidence.

"I have a "question mark" on my first ballot was struck, a timekeeper of the Public Steel Corp who resides at 2223 Lincoln Ave, Cleveland, Ohio.

"It was a sort of in the middle, I felt," Veiling said. "The evidence was very dramatic, but added later that some other object might have had the imprint."

"Our verdict was based strictly on the evidence," Barrish ascer-

rated. "The evidence was very dramatic, but we went to the evidence in the case and the facts that impressed us."}

Barrish was asked whether the jurors had a lot of trouble in the case, and told that they had a lot of trouble in the case, but added later that some other object might have had the imprint.

"Our verdict was based strictly on the evidence," Barrish ascer-

rated. "The evidence was very dramatic, but we went to the evidence in the case and the facts that impressed us."
EDITOR'S NOTE—This is the first of three stories by Mrs. Louise K. Feuchtler, 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. Feuchtler's husband, visited at their home over the week end.

BY MRS. LOUISE K. FEUCHTLER

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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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.)