

Helhorst Is Free Jury Holds Him Blameless for Wilmerink's Death. Short Time Taken In Arriving (News Article)

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HELHORST IS FREE

Jury Holds Him Blameless for
Wilmerink's Death.

SHORT TIME TAKEN

In Arriving at the Verdict of
Acquittal.

Self Defense Was the Grounds on
Which It Was Based—Judge
Newnham's Charge.

At exactly 12 o'clock today the Superior court jury before whom the case of John Helhorst, charged with murder of John Wilmerink in a Butterworth avenue saloon was tried, returned a verdict of not guilty. It had been expected that they would agree early and that the verdict would be in favor of the respondent, but considerable surprise was evinced by the officials and spectators when it was announced that the jury desired to come in. When the foreman replied that the respondent had been adjudged not guilty, in response to the usual question of the court clerk, there was quite a demonstration. Helhorst was bartender in the saloon and Wilmerink with two companions, all intoxicated, precipitated a fight which resulted in the fatal shot fired in self-defense.

Judge Nownham's Charge.

It was the charge of the judge that the presumption of innocence remained with the respondent, Helhorst, until such a time, if any, it was removed by evidence. He informed the jury that it was the judge of the creditability of all witnesses; that it in its deliberations might accept any, all or none of their testimony. In a lengthy description of the facts in the case the judge outlined the claim of the people as given by its witnesses and in the arguments of the prosecuting attorney.

He charged that the people contend that after the fight Helhorst was released by Wilmerink and went to the drawer behind the bar, secured the revolver and while Wilmerink's hands were up shot and killed him. The court charged the jury that if it believed the evidence as introduced by the people, it would find the respondent guilty of either murder in the second degree or of manslaughter.

He charged that the "respondent must have apprehended more than mere assault and battery" to justify the shooting. He concluded with an admonition that the jury must be satisfied beyond a reasonable doubt to convict of either murder in the second degree or manslaughter. He told the jury it might take into consideration the evidence as to good character and that it might raise a doubt where none had before arisen. He asked for the people and the respondent a fearless verdict notwithstanding consequences to either.