

Told By Helhorst Respondent in Murder Trial on the Stand. Dead Man A Friend Testimony (News Article)

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TOLD BY HELHORST

Respondent in Murder Trial
on the Stand.

DEAD MAN A FRIEND

Testimony Differed From That
Previously Given.

He Related in Detail the Trouble
Which Led Up to the Fatal
Shooting.

Both prosecution and defense rested today in the John Helhorst murder trial and the arguments commenced before noon. Prosecuting Attorney Brown briefly outlined the case for the jury, laying stress on his contention that the shot which killed John Wilmerink was fired after the fight was over and all danger, as far as now appears, to the accused was over. His explanation of the reaching for the bottle under the bar was that Wilmerink wanted what he had come into the saloon after, a drink. Judge Newman gave the attorneys two hours on a side and at the opening of court this afternoon Mr. Thompson opened for the defense.

Helhorst on the Stand.

In his own defense John Helhorst took the stand in the Superior court yesterday afternoon. The young man was perfectly cool during the entire recital. He testified that he is 23 years of age and his assulant was 27.

Since he had been a boy able to recog-

nize and remember his playmate, John Helhorst testified he had known the man he killed. Up to the fight, which ended in Wilmerink's death, the young man testified they had never had a quarrel and never exchanged angry words. He testified that he had been sick for three years, that he formerly had been a factory hand, but that his back gave out and he had to seek easier means of livelihood.

Last December he secured work in this Butterworth avenue saloon where the shooting occurred. He said that he had never worked in a saloon before, and that there he had no heavy work. As to the relations he and his assailant bore to one another in comparative weight and strength, the accused man testified that Wilmerink was stronger, heavier and generally a powerful man, and that even before the ailment in his back developed he was no match for Wilmerink.

Story of the Fight.

He testified that Wilmerink, in company with two others, entered the saloon and advancing to the bar asked for drinks. "No, I think you have had enough," Helhorst said. At that, he says, they retired to the back room and talked between themselves so that he could not hear them. Returning Wilmerink pounded his fist on the bar and said: "We haven't any money, but we are going to have drink. We demand a drink." With that Helhorst said Wilmerink rushed at him. He retreated to the other end of the bar with Wilmerink following him behind the bar. Near the end of the bar, seeing that Wilmerink was going to attack him and in fear that he would hurt him, Helhorst testified that he picked up the butt end of a billiard cue and raised it to strike Wilmerink as he approached. He swore that Wilmerink landed the first blow on him with a clenched fist and grabbed the arm which held the club before it struck, forced him back over on to a railing at the end of the bar and pounded him in the face.

Denied Police Court Testimony.

When confronted with testimony given in Police court to the effect that he himself struck the first blow with the club, Helhorst said he didn't remember giving that testimony. He was confronted with more along that line, but stuck to

his story as given in the Superior court. He swore that he was hit again and again, the blood flowed and his eye was closed by Wilmerink, that his back was being hurt and he said, "Let me up, John; you are hurting my back."

He testified that he managed to wriggle away and got about five feet from Wilmerink, near the cash drawer, below which was the drawer in which the revolver rested.

On cross-examination on this point he swore that he got away somehow, he didn't know how, but that he was trying all the time "from start to finish to get away," and did.

He was again shown his testimony in Police court, and asked as a matter of fact if he had not there sworn that Wilmerink acted like a gentleman and let him up as he asked to be let up, and if as a matter of fact he was not let entirely alone.

Helhorst said he didn't remember making any such testimony in the lower court. He admitted that it was his signature on the written testimony, and that it had been read to him.

Prosecutor Brown asked if he got away by physical strength from "this giant," and Helhorst said he didn't know how he got away. Away five feet, and directly in front of the cash drawer he reached for and secured the gun, and leveling it warned Wilmerink to keep away or he would shoot.

Why He Fired.

He retreated and Wilmerink rushed in, grabbing with his right hand for one of the bottles on the bar. "When he grabbed that bottle I fired," swore Helhorst.

"Why did you fire then?"

"Because I thought he was going to kill me with that bottle."

Helhorst swore that he knew Wilmerink's reputation when under the influence of liquor to be quarrelsome, and that he was afraid of him and considered him dangerous. He swore that Wilmerink was stunned, and in some way dropped the bottle, but rushed toward him and struck at him several times. Helhorst said he backed into the other room and Wilmerink followed, that they went around the card table and he came back into the bar room while Wilmerink got no further than the closet. Then he swore he told one of the boys to run for the doctor: that he would stand the

expense. He said he had no idea the
shot was fatal.