

Story Of Shooting Told by Helhorst Murder Trial Witnesses. His Threat To Fire Was Made (News Article)

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STORY OF SHOOTING

Told by Helhorst Murder Trial
Witnesses.

HIS THREAT TO FIRE

Was Made After Wilmerink
Had Attacked.

People's Case as so Far Developed
Does Not Appear Partic-
ularly Strong.

In the Helhorst murder trial in the Superior court Orrin Helhorst, brother of the accused, and an acquaintance of the man killed, was on the stand most of the morning. His testimony is the most important yet put in by the people and was taken advantage of by the defense to lay the foundations of its case of alleged self defense on the part of Helhorst, who was tending bar in the Butterworth avenue saloon where the affair occurred. It was the testimony of "Ore" Helhorst this morning that his brother warned Wilmerink "Leave me alone or I will shoot you."

Was Advancing When Shot.

On examination by Prosecuting Attorney Brown Helhorst brought out what the defense has sought, that Helhorst shot as Wilmerink was advancing to strike.

He testified this morning that Wilmerink closed in on his brother and that as he advanced the revolver was leveled, the warning given and in a few seconds the fatal shot had been fired. Helhorst makes an unwilling witness and hesitated to give estimates of distance and

time declaring that he paid little attention to details on the night of the tragedy.

On cross-examination the defense ridiculed the attempts of the people to mix the witness up on fractions of a second and of an inch, but otherwise did not keep the witness except to show that Wilmerink was attempting to hit the respondent.

Saw Wilmerink's Attack.

Helhorst's brother testified that he saw Wilmerink attempt to attack the bartender after the shot was fired, but that his fists missed. He estimated that Wilmerink's hands passed Helhorst's body about two inches short. He said that before the shooting Wilmerink closed in and struck within the extended arm of Helhorst in the hand of which was the leveled revolver. He said that Wilmerink could have grabbed the revolver, but did not and that the revolver and hand were further away from Helhorst's body than Wilmerink's clenched fist when it struck and missed the bartender. He testified that he saw Wilmerink start out into the back room after the shot was fired, but that he couldn't see just how far he went. He said his brother backed out of the room and he said that he backed away himself, keeping his eye on what was going on.

As to "Young" John Wilmerink attempting to separate his cousin, John Wilmerink, who was killed, from Helhorst, the witness said that he could not say he was attempting to separate the two, but he saw him take hold. He testified that Wilmerink had the butt end of a billiard cue in his hand and struck at Helhorst, but whether he landed a blow or not he could not say.

James Rippe, brother-in-law of the owner of the saloon in which the shooting occurred and an acquaintance of the Helhorst boys and the Wilmerinks, took the stand after Orrin Helhorst. He said that the dead man did not visit the saloon very often, that he had only seen him there once or twice, but that young John Wilmerink was there every time he was there and that was two or three times a week.

Prosecution Rested.

At 2:30 this afternoon the prosecution unexpectedly rested its case. The defense had expected the afternoon would be taken by the people and announced it had no witnesses ready, but Alderman Renihan was pressed into service

as the first witness. He testified that he knew the man who was killed and the accused. He testified that he knew of his reputation, but an objection to answering questions along that line was sustained.

B. John Wilmerink, uncle of the dead man, was put on the stand at the opening of court this afternoon. He was the people's witness, but he testified that Helhorst "three or four times" warned Wilmerink not to attack him further. He testified that he said: "Stay away from me or I'm going to shoot you," but that Wilmerink paid no attention but continued to strike at him and did "make motions" at him after he was shot. He testified that Wilmerink was drunk on that day and that he never knew any of the boys to be able to whip him in a fight.

At the afternoon session of the court yesterday John Wilmerink, cousin of the man who was killed, took the stand. He was an eye witness of the shooting and related what he saw. Ore Helhorst, brother of the accused, followed him and an adjournment of ten minutes was taken.

During that time John Skelly son of the saloon keeper in whose place the shooting occurred, and who was wanted as a witness by the prosecution disappeared. This was at 3:30 and when an effort was made to find the witness, the court had to suspend while the prosecution made a futile attempt to locate its man. Just as court was about to close for the day Skelly turned up. He was called before the bench and admitted that he was under the influence of liquor and was sentenced for contempt of court to pay a fine of \$10 or to stand committed to jail for twenty days. He went to jail.