

NEBRASKA: Clear to partly cloudy through Friday. Scattered thunderstorms eastern border Thursday morning, west Thursday afternoon and evening. High Thursday in 80s.

# THE LINCOLN STAR

FIFTY-SIXTH YEAR

No. 200

LINCOLN, NEB., THURSDAY MORNING, MAY 22, 1958

SEVEN CENTS

## Albion Girl, Boy Slain; 3rd Youth Wounds Self

### ... HIGH SCHOOL STUDENTS APPARENTLY INVOLVED IN TEENAGE TRIANGLE

Lincoln Star Special  
Albion, Neb. — Two high school students are dead and a third is in critical condition in an Omaha hospital, apparently the result of a graduation eve double slaying and a suicide attempt.

The shooting grew out of a contest for the affection of a girl, according to Deputy County Attorney Ray Medlin Sr.

Dead are Jerry Sherwood, 18, and Diane Zaruba, 17. Hospitalized with a .22 caliber bullet lodged in his brain is Kermit Keeshan, 17. All are members of prominent

Boone County families. Sherwood would have been graduated Thursday from Albion High School and Keeshan, a high school junior, apparently vied for the affections of Miss Zaruba, officials said.

According to Medlin the bullet entered Keeshan's jaw, went through the fore part of his face and lodged in his brain.

Sherwood was the son of Lynn Sherwood.

Miss Zaruba was the daughter of Mr. and Mrs. Albert Zaruba, prominent farmers south of Albion. Their address

is Cedar Rapids. Medlin said young Sherwood and the Zaruba girl were at the home of Mrs. Laura Tisthammer, where Miss Zaruba roomed while attending school in Albion. Keeshan, who had dated Miss Zaruba for a time, showed up at the house.

Girl Fled  
The deputy county attorney said Keeshan had a .22 caliber rifle and shot the Sherwood boy through the heart, with the girl running next door. Enroute to the home of Mr. Frank Svoboda, the girl was shot in the leg.



Medlin quoted Mrs. Svoboda, who was working in the yard, as telling the girl to go into the house. Mrs. Svoboda halted Keeshan and

slapped him, forcing him to drop the rifle, and apparently got in the doorway of the house between the boy and girl.

Meanwhile, Medlin said, Keeshan recovered the gun and with Mrs. Svoboda standing in the doorway, with the Zaruba girl crouching behind her, fired over the woman's shoulder. Medlin said the bullet struck the girl in the chest and she slumped to the floor.

The deputy county attorney said Keeshan then went back to the Tisthammer home. He went to the room where Sherwood lay and fired

a single bullet from the rifle into his head, Medlin said. Sherwood and the Zaruba girl had gone together for about 2 years, but Medlin said the Keeshan boy had dated the girl. He added that indications were the boys had been "scrapping back and forth" over the girl.

The Sherwood boy's father is a prominent Albion druggist and former president of the school board. His mother died unexpectedly April 9 of a heart attack.

Keeshan's father, a lawyer, had served Boone County for years as county attorney.



### ROBIN FAMILY ON A BREAK

When "Mr. and Mrs. Robin took over the feed tray in the back yard of the H. L. Tripp residence at 1916 Pawnee, they were anxious to set up a permanent residence. The other birds who visited the feeding place, however, tore down the first 2 nests the Robins built. Well, it soon changed to "Mother and Father" Robin, and Mr. and Mrs. Tripp decided that the Robins must have a home. So they built a fence around the former feeding tray and converted it into a permanent home for the Robin family. "Mother" Robin is shown above with her 2 babies during one of those frequent "coffee breaks." (Star Photo.)

-Range From Freedom To Death-

## Starkweather Jury To Have Five Choices

### Final Arguments, Instructions Today In Murder Trial

By Del Harding

The jury in the Charles Starkweather murder case will have 5 choices—ranging from freedom to death—as to the confessed killer's fate when it retires late Thursday afternoon.

The defense and the prosecution both rested their cases at 11:55 a.m. Wednesday. Lancaster District Judge Harry A. Spencer then recessed court until 9 a.m. Thursday, when each side will present its closing argument in the first degree murder trial.

Each side will have 2½ hours to sum up its case. Then Judge Spencer will instruct the jury on legal points and finally the 8 women and 4 men will retire to deliberate Starkweather's fate. The jury members will not be permitted to separate until they have reached a verdict, and will be housed overnight at a hotel if necessary.

#### 2 Counts

Starkweather is charged with 2 counts: first degree murder and with murder while in the perpetration of a robbery, both in the Jan. 27 shooting of Robert Jensen, 17, of Bennett. Here are the possible verdicts which Judge Spencer is expected to give to the jury:

**Guilt of first degree murder**—killing Jensen with premeditation and malice—if found guilty of first degree murder Starkweather would either be sentenced to die in the electric chair or receive life imprisonment, depending upon the specific recommendation of the jury. Co. Atty. Elmer Scheele has declined to say if he will ask for the death penalty for the defendant, who has admitted involvement in 11 killings.

**Guilt of second degree murder** (killing Jensen without premeditation and malice)—if Starkweather is convicted of this he would receive a State Penitentiary term of 10 years to life. Judge Spencer would decide the specific penalty.

**Guilt of manslaughter** (killing Jensen without either premeditation or malice)—if found guilty of manslaughter Starkweather would be subject to a prison term of from 1 to 10 years, with the judge again deciding the exact penalty. **Innocent by reason of insanity** (killing Jensen while not knowing the difference between right and wrong or the nature and quality of his act)—if the jury believes Starkweather was legally insane when he admitted shot Jensen, they will return this verdict. Judge Spencer would then be bound by state law to commit Starkweather immediately to the Lincoln

State Hospital, where he would remain until released by the State Board of Control (the court would have no more jurisdiction over him after commitment).

**Innocent** (finding that did not kill Jensen)—if found simply innocent, Starkweather could be freed (although he doubtless would be kept in custody and charged with another of the killings he

(Continued on Page 8.)

## STARKWEATHER ADVISES BROTHER, 8: READ BIBLE

What does Charles Starkweather think about while he waits at the State Penitentiary awaiting first trial and then his verdict?

A letter written by the teenager to his 8-year-old brother, Greg, on the back page of the Bible study book, "Stories of Jesus" shows an even different mood of the changeable personality of the admitted killer.

The book, brought by his family for him to read, contained this message to 8-year-old Greg when it was returned: (Starkweather's spelling and punctuation is used throughout): "Thank you for letting me read your book there's a lot of pictures in it and it's a very nice book. But when you get older read the Bible it tells more about the Lord from the first of life to the end of life. But do not think there is an end in the life of the Lord. Cause there is no end, he is all ways a live to help you."

Read the bible for me if you would I know there is a lot of dry stuff in it, but it's the core of all Religion. But there's a lot of everyday wisdom in it to. and I think you will like it. and do this for me to, - be nice to mom and dad and do all you can to help your mother. OK.

Your brother, Charles

The message, dated Mar. 7, 1958, was in Charles Starkweather's handwriting.

## RAIN DROPS, WARM TEMPS TO CONTINUE

Another warm day with the possibility of scattered thundershowers is in the cards for Thursday.

The Weather Bureau said the high temperature will be in the 80s with widely scattered thundershowers in the west and extreme east Thursday.

Wednesday the west received a few widely scattered showers but no appreciable precipitation was reported.

Highs Wednesday were topped by an even 90 at Scottsbluff and Chadron. Lincoln had a high of 84 and a low of 55.

A line of unstable weather, which reached into extreme northeastern Nebraska, produced hail stones 4 inches in diameter at Redfield, Minn.

**Gold's Watch Repair**  
Prompt Service. St. fl.—Adv.

### The Weather

NEBRASKA: Clear to partly cloudy through Friday. Scattered thundershowers eastern border Thursday afternoon and evening. High Thursday in 80s.

KANSAS: Widely scattered showers and thundershowers Thursday and extreme west Friday. High Thursday in 80s.

NEBRASKA TEMPERATURES

Location	High	Low
Lincoln	84	55
Omaha	82	53
Beatrice	80	51
Scottsbluff	90	55
Chadron	90	55
Scottsbluff	88	53
Beatrice	86	51
Scottsbluff	84	49
Beatrice	82	47
Scottsbluff	80	45
Beatrice	78	43
Scottsbluff	76	41
Beatrice	74	39
Scottsbluff	72	37
Beatrice	70	35
Scottsbluff	68	33
Beatrice	66	31
Scottsbluff	64	29
Beatrice	62	27
Scottsbluff	60	25
Beatrice	58	23
Scottsbluff	56	21
Beatrice	54	19
Scottsbluff	52	17
Beatrice	50	15
Scottsbluff	48	13
Beatrice	46	11
Scottsbluff	44	9
Beatrice	42	7
Scottsbluff	40	5
Beatrice	38	3
Scottsbluff	36	1
Beatrice	34	-1
Scottsbluff	32	-3
Beatrice	30	-5
Scottsbluff	28	-7
Beatrice	26	-9
Scottsbluff	24	-11
Beatrice	22	-13
Scottsbluff	20	-15
Beatrice	18	-17
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Scottsbluff	8	-27
Beatrice	6	-29
Scottsbluff	4	-31
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Beatrice	-506	-541
Scottsbluff	-508	-543

# Wrangling, Sarcasm Feature Final Starkweather Trial Testimony

By Nancy Benjamin  
Final testimony in the Starkweather murder case was given Wednesday accompanied by wrangling of attorneys and questions to witnesses tinged with sarcasm.

Defense Atty. T. Clement Gaughan set off one flurry when he asked a state witness, Dr. E. A. Coats, whether the questions asked Starkweather in 2 confession statements were "leading and suggestive" and proceeded to read parts of the statement to prove his point.

The "questions" referred to were ones asked Starkweather by Co. Atty. Elmer Scheele and Dep. Co. Atty. Dale Fahrbruch during February sessions at the State Penitentiary.

Dr. Coats bridled at terming the questions "leading," and when re-questioned by Scheele, said the queries only led to "yes or no answers."

Dr. Robert Stein repeated his earlier statement that Starkweather had been "cheerful" and "co-operative" during Dr. Stein's examination of him.

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## JURY FACES 5 CHOICES TODAY

(Continued from Page One.)  
has committed. The verdict is extremely unlikely, as the defense has admitted Starkweather killed Jensen but has claimed he was legally insane when he did it.

It is possible—but unlikely—that Starkweather could be found guilty of second degree murder on the "first degree" charge but guilty of first degree murder on the "murder-robbery" charge. This could come about if the jury believed Starkweather did not kill Jensen with premeditation (as required in the "first degree" count) but did so while in the perpetration of a robbery (the "murder-robbery" count). It is not necessary to prove either premeditation or malice in a murder-robbery charge, merely that the killing occurred while a robbery was being committed.

If this occurred, Starkweather could receive a life imprisonment on the second degree conviction and also the death penalty on the murder-robbery conviction.

**Rebuttal Given**  
Prosecution rebuttal testimony by 2 Lincoln psychiatrists, Dr. Edwin Coats and Dr. Robert J. Stein, highlighted Wednesday's session of the 13-day trial.

In finishing testimony he had begun Tuesday afternoon, Dr. Coats under cross examination by defense attorney T. Clement Gaughan said it is possible that he might not have seen the "perforated ear drum" the defense alleges Starkweather has. The implication by the defense has been that there may be an infection in Starkweather's inner ear which has resulted in damage to a nearby part of the brain.

A defense witness, Dr. Nathan Greenbaum, Kansas City, Mo., psychologist, testified Monday that Starkweather does have a perforated ear drum. Dr. Coats said he could have "missed seeing" the perforation because of wax in Starkweather's ear, and admitted he did not bother to wash out the ear to make a closer examination.

**'No Disease Evidence'**  
But Dr. Coats said his overall examination of Starkweather showed no evidence whatever of any brain damage or disease, and that he therefore did not examine the ear more closely.

Dr. Coats also acknowledged when asked by Gaughan he did not give Starkweather a spelling test, and that certain misspellings "may" be indications that a person is a paranoid—one who has delusions of persecution and of one's own greatness. Gaughan pointed out that Starkweather's hand-written confessions are full of misspellings.

But Dr. Coats reiterated his position that Starkweather suffers only from a "person-

ality disorder" and is not a fit subject for commitment to the Lincoln State Hospital (of which he is assistant superintendent). Dr. Stein, who is on the hospital's staff, backed up this statement.

Both doctors said Starkweather is neither medically or legally insane.

**'Covering Insecurity'**  
Gaughan asked Dr. Stein if Starkweather "wasn't the jolly little fella with you even though he got mad at the (defense) doctors from Kansas City, me and everybody else in the world?" Stein replied that the defendant was very friendly but that his "flippancy" was a way of covering up his inner feelings of insecurity.

The prosecution has attempted to show that the defense doctors who examined Starkweather suggested he tell them only crime stories (which the doctors firmly denied) and that Starkweather was "hostile" towards them. (He and his family have strongly opposed the insanity defense.)

Dr. Stein said Starkweather has "normal" intelligence, that his comprehension is "good" and that he has "very fine memory ability."

But Dr. Stein agreed with Dr. Coats and with psychologist Charles Munson, who testified Tuesday, that Starkweather suffers only from a personality disorder and is not psychotic.

**'Didn't Have Time'**  
Sheriff Merle Karnopp was recalled unexpectedly to the stand by Scheele. He testified that Starkweather told him last week that a miscount of

victims in a "confession" he scrawled on a jail wall Jan. 30 resulted from the fact that he was "hurried" and "didn't have time to count."

Karnopp said Starkweather told him that he was just writing the statement on the wall at the Gering, Neb., jail when Karnopp came to the jail to pick him up, and as a result he hurried to finish it. In the statement Starkweather says he killed 9 men and that his girl friend, Carl Fugate, killed 2 women.

Actually there were 6 males and 5 females killed, but Carl Fugate denies killing any of them. She also is charged with murder in the Jensen death, and is awaiting a State Supreme Court decision in June as to whether she will be tried in District Court or Juvenile Court. She is 14 years of age.

In out of court action, Gaughan and Starkweather's other court-appointed attorney, William F. Matschulat, filed with the District Court a request that 12 instructions be given to the jury concerning legal points covered at the trial. The instructions dealt mostly with the insanity contention, and allege that the burden of proof was on the state to have proved Starkweather sane because the defense introduced evidence to the contrary.

This request is a routine step, and is often used as a basis for a future appeal if the judge does not give the jury the instructions the defense requests.

If Starkweather is found guilty, his attorneys will have 10 days to file a motion for a new trial if they desire one. After the motion is ruled on, Judge Spencer would then formally sentence Starkweather. If Starkweather receives the death penalty the case must be appealed to the State Supreme Court as required by a law passed last year by the State Legislature which requires review by the high court of all death-penalty cases.

Dr. Coats bridled at terming the questions "leading," and when re-questioned by Scheele, said the queries only led to "yes or no answers."

**Asks Diagnosis**  
Gaughan also asked Dr. Coats' diagnosis for a person "who admits his crimes, co-operates with the county attorney and his medical men, and wants to be executed so he can die a hero," as he described the stocky defendant.

But the psychiatrist stuck with his previous diagnosis: "a sociopathic personality disorder," not a psychosis.

Gaughan changed his word picture of Starkweather when

asking a later witness: "He got mad at me, at his own father, at the Kansas City doctors, and in fact, at everybody in the whole world. Why not you?"

Dr. Robert Stein repeated his earlier statement that Starkweather had been "cheerful" and "co-operative" during Dr. Stein's examination of him.

**'A Jolly Fellow'**  
Gaughan pursued the questioning, asking Dr. Stein, "Do you mean to tell me that he (Starkweather) is a jolly fellow, hail fellow well met?" but the psychiatrist's reply was a calm: "Well, that's rather extreme."

Attorneys argued several legal points in raised voices among themselves or in whispered conversations with Judge Harry A. Spener, over objections raised by both sides.

But Charles Starkweather spent the morning leafing

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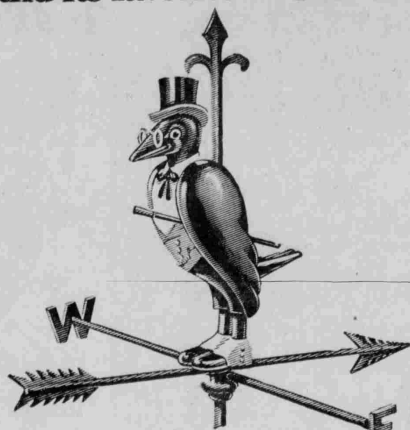


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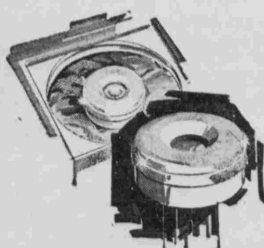
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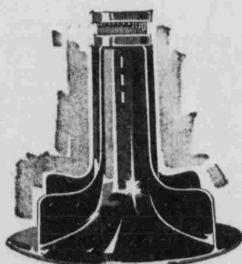
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Put your favorite rinse conditioner in Rinse Dispenser when you load the washer. It will be added to the rinse water automatically at exactly the right time to give your clothes that softer, like-new feel; and they will wash better too.



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Water circulates through agitator, is forced out through channels in the bottom. Surface lint as well as lint suspended in water is filtered out. Agitator holds detergent, circulates it through water, prevents a heavy concentration which may damage and discolor fabrics. Don't miss this special offer!



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