

Keith's Corner/McGill News

February 26, 2021

Cliff Drietzler –The Trial

The trial of Kenneth Shepley started on December 9, 1941. The presiding Judge was Harry M. Watson, the prosecution for White Pine County was handled by DA, John Bonner. The lawyer for Shepley, was John Collins.

The DA stated in his opening remarks to the jurors, that the crime of premeditated murder of a Deputy Sheriff had occurred and that Kenneth Shepley committed the crime. He stated that Shepley had motive and could be placed at the scene at the time of the murder. The DA asked for the death penalty.

Collins told the jury that the shooting of the Deputy Sheriff occurred during a struggle between Drietzler and Shepley over the officer's police pistol and was therefore NOT premeditated.

As the trial got under way, the DA brought forth several witness's to establish evidence of the crime. Undersheriff Phil Aljeta, testified that he had lead a search party on the morning of Saturday, November 8, 1941. They had followed some footprints from Highway 50, being very careful not to disturb the prints.

(Author's note----My father, Earl Gibson took me and my brother Paul, to the site on Sunday November 9th. I turned 6 yrs. Old a month later, but still remember seeing the footprints and the stakes and yellow tape alongside the prints. We did not follow them as it was still a crime scene being investigate.)

There were two sets of prints, one large and one small, that led up to the McGill-Duck Creek water pipeline. The smaller footprints were the only ones leading back to the highway. On the east side of the pipeline, they discovered the body

of slain Deputy Sheriff, Cliff Drietzler. They did not disturb the crime scene pending arrival of the coroner jury, photographer and a crime scene specialist. The search party returned to the highway to await the experts. Chas. Gallagher, the photographer was called and he provided photos of the victim, the crime scene, the footprints and the stolen car.



Figure 1. The stolen car at the crime scene.

Next to be called was William Willis, the White Pine County coroner. He testified that the coroner's jury established that Cliff had died from a bullet wound to the head, behind the left ear. They agreed that it was not an accidental death, nor suicide, but an act of murder. Dr. Smernoff, was with the coroner's group. After a careful search of the crime scene for evidence, the victim was transported to the Steptoe Valley Hospital for an autopsy. The autopsy was done by Drs. Noah Smernoff, Ontie Hovenden and G. O. Bradley of the Steptoe Valley Hospital. They testified that it was a fatal wound and would have caused INSTANT death.

In the opening remarks by defense lawyer, Collins, he said that Cliff was shot at the highway and Shepley helped him walk to the pipeline. There were no traces of powder burns on the body, ruling out possible suicide. The FBI ballistics expert, D.W. Parson, showed evidence that the fatal bullet was from Cliff's pistol. He also testified that with NO powder burns on the body or clothes, that the gun had to have been more than 24 inches away from the wound.

With all the testimony by experts and witnesses testifying that a murder had been committed, the DA now sought to establish a motive.



Figure 2 W.P. County Sheriff, J. Eugene Orrock.

Sheriff Orrock testified that Cliff had reported at 4:15 p.m. on Friday November 7, that he was leaving McGill to investigate a possible stolen car, about 3 miles north of McGill. When Shepley, was confronted by a Deputy Sheriff, he decided he didn't want any witness. That could have been the motive.

Now it was time to place Shepley at the scene of the crime. The next witness called was the FBI fingerprint expert, J.J. Creedman. He testified that he had found Shepley's fingerprints on the Wyoming car. He also stated that he found Shepley's prints on Cliff's police car left in front of Wendell Lamber's house. Shepley was arrested, driving Lambert's car in San Diego. Motorcycle officer W. M. Murphy of the San Diego police told of the arrest of Shepley, driving Lambert's car. He told of the arsenal of ammo, along with 2 rifles and 3 pistols including Cliff's .38 pistol found in the stolen car.



Figure 3. L-R, W. M. Murphy, Shepley, White Pine DA John Bonner

The DA, then placed Shepley at the scene by calling an eyewitness to the stand. It was Ward Swain, who testified that it was Shepley that he talked with a few hours before Cliff was killed.

The DA, John Bonner, had presented a strong case against Shepley.

Then the defense lawyer called a Salt Lake Doctor, Irwin Morgenroth, who had been allowed to examine the autopsy results, testified that Cliff could have walked to the pipeline before dying. Thus, putting in a shred of doubt in the minds of the jury as to the claim of the prosecution that it was premediated.

In an unusual move, Shepley took the stand. He testified that he had been resting in the car, when the Deputy ordered him out of the car. He asked Shepley for the ownership papers on the car. Shepley told Cliff that he didn't have any papers. Cliff then told him that he was under arrest. Shepley told Cliff that he would not go. Cliff reached for his pistol. A scuffle began for the Deputy's gun. Shepley claimed that he bent Cliff's gun arm back over his head and the pistol fired 3 shots, the last one being the fatal shot. Then he pulled Cliff by the belt and walked him up to and over the pipeline. (Dr. Smernoff, testified earlier, that when he and the coroner's jury examined the crime scene, there was no blood on the pipeline.)

Shepley upon leaving Cliff at the pipeline, said that Cliff was fine and was rolling a cigarette. Shepley then admitted he took Cliff's car and then stole Lambert's car.

The DA Bonner gave his summation, refuting Shepley's story and asked for the death penalty.

The defense attorney, Collins in his summation asked for a lesser sentence of manslaughter.

The jury was instructed by Judge Watson to return one of several possible verdicts—1st degree murder which carries a death sentence, 2nd degree murder with life imprisonment, manslaughter/ involuntary manslaughter with a set number of years, or innocent.

The case went to the jury on Friday December 12, at 9:15 P.M.

The jury returned 15 hours later on Saturday December 12. The jury foreman, F. E. Swartz announced the verdict as, 2nd degree murder and 2 counts of grand larceny.

Shepley was sentenced to life in prison with NO parole on the murder charge.

He was paroled in 1957 and then returned to prison for the grand larceny counts.

I haven't found any information about him and the other auto thefts and gas station holdups in Mo., Neb. Wy. and Utah.

Author notes:

I will continue to find stuff on the case. I have searched thru many newspapers, but have not been able to search the Ely papers as yet. Their website only goes to 1932. Keep in mind that several papers may report on something, but they all are different. One had Shepley parked up a dirt road out of San Diego when arrested while another one said it was on the Rose Highway hill. One said Cliff was found on the road etc etc. I tried to piece things together. I would like to in the future be able to read the transcript of the arrest and trial, but don't know if that is possible.

Due to the length, I could not have the McGill News or Old Photo. Back to normal next week. Thanks for all the great comments. I really appreciate hearing from you.