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Barton Epstein Supplemental Report- 2000

Barton Epstein

Terry Laber

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LABER & EPSTEIN
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EDINA, MINNESOTA 55435

February 14, 2000

Mr. Terry Gilbert
Friedman & Gilbert
1370 Ontario Street
Cleveland, Ohio 44113

Re: Marilyn Sheppard Death Investigation

SUPPLEMENTAL REPORT

EVIDENCE SUBMITTED SINCE JUNE 9, 1999

Nov. 5, 1999	Received via US mail from Terry Gilbert copies of the testimony of Mary Cowan, Dr. Paul Kirk, and Dr. Roger Marsters from the 2 nd trial in Nov., 1966.
Nov. 22, 1999	Received via US mail one large envelope from Terry Gilbert containing 3 packets of information marked "Cuyahoga County Coroners Office Case #76629" 1) March 1996 - Box 4-16 slides A-59. 2) March 1996 B-13a. 3) "B 26a"
Nov. 27, 1999	Received one large envelope containing 8 CD ROM disks containing digitized photographs of crime scene, autopsy, etc...
Dec. 2-3, 1999	Received via FAX the reports of Gregg McCrary, Dr. Lowell Levine, Dr. Robert White, and Dr. Thomas Holland.
Dec. 6, 1999	Received via US mail copies of selected crime scene photographs and copies of photographs that were part of Dr. Paul Kirk's affidavit of April 26, 1955.

Dec. 28, 1999 Received via FAX the reports of James Wentzel and Dr. Owen Lovejoy.

Jan. 7, 2000 Received via FAX the report of Toby Wolson.

Jan. 14, 2000 Received via US mail one package containing a copy of the testimony of Dr. Sam Sheppard from the 1954 trial, a photograph of Dr. Sam Sheppard's pants, and a copy of the affidavit of Dr. Roger Marsters.

Jan. 31, 2000 Received via US mail a copy of the deposition given by Barton Epstein in Cleveland on Jan. 14, 2000.

Feb. 7, 2000 Received via US mail one package containing the deposition of Toby Wolson given on Jan. 16, 2000 in Miami, Florida.

OBSERVATIONS AND FINDINGS

Dr. Sam Sheppard's Watch

Additional photographs of Dr. Sam Sheppard's watch were received and examined since the original report dated June 18, 1999. The 1954 photographs reveal suspected blood smears on the watch crystal, crystal rim and watch links. Two or three small blood stains are observed in the crystal/rim area between "11:00" and "12:00". These small roundish stains appear to be associated with the blood smears located on the crystal face and rim.

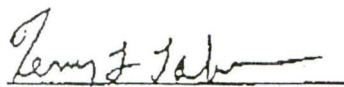
Two or three small blood stains are insufficient to identify a particular blood stain pattern or to establish the mechanism that caused these stains. If blood was deposited on the watch as a result of Marilyn Sheppard being bludgeoned, one would expect to see many small and medium size stains scattered over the entire surface of the watch. This is not what is observed on the watch.

Other mechanisms can produce small blood stains as observed on this watch. A likely mechanism is the removal of the watch with bloody fingers. This type of action can cause a few small round stains to be produced in association with the smears. In effect, the removal of the watch results in the production of a form of "impact spatter". The blood on the fingers impacts against the watch causing the blood to break up into small blood stains. See attached photographs showing the results of this type of action on a test watch.

It should also be noted that the 1954 photographs of Sam Sheppard's watch should be used for the evaluation of any blood stain patterns on the watch. Notes and testimony reveal that after July 5, 1954 Sam Sheppard's watch underwent numerous scientific tests for blood grouping which required the removal of blood from the watch. The photographs taken in 1966 are grossly different than the 1954 photographs of the blood stains on the watch. Therefore, the 1966 photographs of the watch are not reliable for making a scientific evaluation of blood stain patterns.



Barton P. Epstein
Criminalist



Terry L. Laber
Forensic Serologist