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MSL

ACADEMIC ENDEAVORS



DR. Samuel Gerber (Coroner)

$\frac{1}{\sqrt{2}}$

Cleveland, Ohio

November 7, 1966

To Samuel Gesher, Coroner
Cuyahoga County
Cleveland Ohio

Dear Dr. Geisler,

At the time of Sam Sheppard's first murder trial my impression was that he was an innocent man. However, I did not read the details of the case, so when I saw Paul Holmes book on the Sheppard case in the library several years ago, I took it home and read and reread it, each time more convinced that Sam did, indeed, kill his wife, although the point of the book was his innocence. The new trial renewed my interest in the case, so I read the book again last week, making notes of what I considered discrepancies, omissions, unanswered questions etc. based only on information in the book.

perhaps all of the points in my notes were brought
out in the ^{first} trial but were not mentioned in the book.

However I thought the state's preparation of the case in 1954 was very sloppy, and though Sam perhaps did not receive a fair trial, inasmuch as he was tried and convicted by public opinion, I think that if the state had prepared and presented the

case properly, they would have passed her guilty
without any doubts.

I had planned to send these notes to the prosecutor,
but I haven't seen her name in the short
articles in our local paper, so knowing that you, too,
feel Sam is guilty, I am sending them to you
for what they are worth.

I am sorry they aren't typewritten, which would
make for easier reading.

Sincerely yours



Why?

1

① When Sam called Mayor Hook why did he say "I think They've killed Marilyn?" The use of "they" is unusual and implies some idea of who "they" could be. Rather, a person would say "Someone" or "Somebody".

② Why was Mayor Hooks number the first that came into Sam's mind? Why not his brothers or his father, all doctors? In a close knit family like the Sheppards, whose family motto was "one for all and all for one", and in view of the fact that he needed medical help, wouldn't Sam automatically call a brother? Richard was there in less than ten minutes (he was called by Mayor Hook after 5:58 AM and arrived at the house by 6:10 AM) which was less time than it took the Hooks to reach the Sheppard home. Was it deliberately planned that an outsider, not a member of the family, be the first to arrive at the murder scene?

③ Both Hook and Drenkham's first words to Sam were, "What happened?" These words are invariably used to a person who is involved in any accident or tragedy. Yet ~~neither~~ brothers Richard and Stephen did not ask Sam this question when they first saw him. Because they knew?

④ Why did Richard and Stephen return to the house within half hour after taking Sam out of the house. Stephen testified that he examined Sam when they arrived at the hospital and "it was apparent to me that Sam had both a Brain and spinal injury". Stephen then called a specialist. If Sam's injuries and condition were this serious wouldn't it be natural for one or both brothers to stay in the hospital with him?

- ⑤ Why did Stephen stop to pick up Dr. Carver on his way to Sam's home. He knew Marilyn was dead and he knew his brother was there?
- ⑥ Dr. Stephen and his wife arrived at the house at 6:15-6:20 AM. Stephen said he received a call from Dorothy Sheppard "shortly before 6 AM". Dorothy testified she called Stephen after Richard left the house. If Hook called Drenkhan at 5:58 AM and then called Richard, how could Dorothy call Stephen before 6 AM and after Richard left. It must have been 6:05-6:10 AM at least, when Dorothy called Stephen. Could Stephen and his wife dress, stop at Bay View Hospital to pick up Dr. Carver and drive to Sam's home in 5 to 10 minutes?
- ⑦ Testimony mentions tracks of 2 men and a dog on beach. Were there no signs of a struggle in the sand on the beach?
- ⑧ Marilyn died between 3 and 5:52 AM. This does not mean she was beaten during those hours. She could have lived an hour or more after she was beaten. This would account for the fact that her watch was removed after the blood had dried, and for the extra time Sam would need to concoct his story.
- ⑨ In his statement to Dr. Gerber, Sam said he ran up the stairs to the bedroom and he could see a "form" but (at that time) could not determine whether it was a man or woman or any other details, because "it was too dark to see". Yet after regaining consciousness he was able to "look at his wife, take her pulse, run into Chip's room, and ascertain that he was all right." All this in the dark!
- ⑩ Sam testified that Cleveland detectives, when questioning him, had forced him to look at photos of his battered wife. Yet when Prosecutor Mahon wanted to show him photos of Marilyn, he said he had never seen these photos and didn't want to.
- ⑪ Sam testified he had never discussed divorce with Marilyn. Yet Marilyn told Nancy Ahearn Sam was considering a divorce. Miss X said that in Nov. 1953 Sam told her he had spoken to his wife about a divorce. Holmerson said Sam had discussed a divorce with him in 1950 and again in 1953, and that Sam had written to Marilyn in 1950 about a divorce, whereupon Sam's father talked to him about the inadvisability of this.
- ⑫ Why wasn't Dr. Chapman called to testify as to his conversation with Marilyn?

(13) Sam told Detectives Rockback and Schottke that he told Marilyn ^{III} about the watch he gave Miss X and "I wish to add, I told her of this voluntarily." Nancy Ahern testified Marilyn told her she had learned of the watch when she found the sales slip for it.

(14) How did Sam receive his facial injuries? When he ran upstairs he was immediately struck from behind. When he pursued the "forn" to the beach he "grasped him in some manner from ~~behind~~ the back" and had the "feeling of twisting or choking" and passed out again. He spoke of no blows to the face. How did he receive injuries to mouth, eye and forehead?

(15) It is almost impossible to rip a T shirt completely off of a person because of the neckband. And why would the intruder remove a wet T-shirt from him after knocking him out?

(16) Why did Sam's mother kill herself on January 7th when she knew her husband was dying? She must have known this would hasten his death. And why in Stephens home? In the early days of the trial the senior Dr. Sheppard was described as a "spruce and distinguished figure" yet in two short months he was dying from an "undetermined degenerative process", why these two deaths when there was hope for a new trial and the opportunity for the defense to obtain evidence previously denied them and helpful to their cause? Did Sam's father at some point learn or realize that his son was guilty? And knowing that he was dying, did he confide in his wife, or in his illness did he unknowingly reveal this to her?

(17) Were the Aherns questioned as to what clothing Sam wore the evening of the murder. Sam would most certainly have changed trousers if he was the murderer.

(18) What explanation or theory is there about the broken athletic trophy? If Sam and Marilyn had an argument in the den could she have hit Sam in the back of his neck with this trophy, thus inflicting his neck ~~and~~ wounds, thus precipitating a fight that led to her death? Could Sam have had the two desk drawers in his hands at the time and tossed them behind the desk when struck?

(19) Where were the tools that were in the green bag? Could one of these be the murder weapon? The murder weapon was not more than a foot long. Could there have been a flashlight in this bag?

(20) Dr. Gerber testified when he examined Sam's clothing in the IV hospital the pants were still wet. Were the shoes also wet? And the wallet with the \$1,000 check - were these soaked?

(21) If Marilyn had bitten intruder's hand hard enough to break her teeth when he yanked his hand away, her tooth chips should have been bloody. Were they? Isn't it possible that Marilyn grabbed this pillow and pulled it over her face to protect ~~it~~ herself from blows, or perhaps murderer held pillow over mouth to prevent screaming? In either case she could have clenched her teeth ^{tightly} on pillow and when it was pulled away ~~it~~ chipped her teeth.

(22) Who covered Marilyn's body with sheet from hips down? If her legs were under the crossbar at bottom of bed her body must have been completely uncovered ~~it~~ during the struggle.

(23) If the cries and screams of Marilyn were loud enough to awaken Sam, a sound sleeper according to testimony, and who was sleeping downstairs, why didn't Chip, sleeping upstairs, wake up?

(24) The most important evidence against Sam is his watch. If, as he claims, he must have gotten blood on the watch when he examined Marilyn, then the watch couldn't have been taken from him when he was knocked out in the bedroom because he had not yet examined his wife. If it was taken from him when he was knocked out on the beach (and would then presumably have Marilyn's blood on it) then how did the watch get into the green bag that was thrown over the bluff? And if the murderer removed the watch with bloody hands, there would have been blood on the keys and ring, also.

(25) Left Handed Murderer - In the book "The Surgeon" by W.C. Heinz, pub. 1963, it says "Ambidexterity is not an absolute essential in surgery, but it is an asset. It increases your speed and smoothes out your moves, and you can use your left hand almost as much as your

Right in working on a patient". Sam was a brain surgeon. My I husband is not ambidexterous, yet he's a left handed golfer. He does every thing else with his right hand, but because he pitched and batted ^{baseball} with his left hand as a child, he can only play golf left handed. So while Sam may not be ambidexterous, because of his work in surgery, he may have a certain amount of dexterity with his left hand. Also, a person who is naturally left or naturally right handed, when delivering blows such as hitting a person, would have an upright swing, more or less. But ^{if} a person who is naturally right handed, used his left hand to deliver these blows, his swing would not be upright, but would be slightly towards the horizontal, thus delivering angular blows. If you are right handed, try it yourself.

(26) the oval water of Nail Polish. Any woman can tell you nail polish never chips off like this - it comes off in small irregular shape pieces. I don't know if the polish was clear, or colorless, but I do know that colorless polish was used (before the advent of plastics) by many people to protect metal objects from rusting. If, for instance, the murder weapon was a tool that was in the green bag, and had been coated with clear polish, the oval water could have come from ~~the~~ ^a rounded part of the tool, ^{that was} held in the murderer's hand.

(27) If Sam is the murderer, ~~and~~ he could not have ^{covered up} ~~concealed~~ his crime without assistance, and the only logical persons to help him would be his brother or brothers. The key in the kitchen basket, the wallet (Marilyn's) in the kitchen, the t shirt in the water, even the large bloodstain found by Dr. Kirk, could have been put there by his brothers. There was an interval of several weeks between

the time the keys were returned to the Sheppards and ^{at} the time of DR Kirk's arrival. If a picture was taken by police of that section of the wall containing blood stains, was this checked to see if large spot found by DR. Kirk was there ^{then}?

(28) the lights were on in the den at 2:30. Who turned them off?

(29) the prosecution contends Marilyn's watch was removed after the blood on her arm had dried. If murderer, after knocking Sam out with one blow, took Marilyn's watch before taking Sam's keys and ring, the blood would not have ~~dried~~ been dry. If he searched Sam, and took his ring and keys before taking Marilyn's watch, he would not have left the wallet on the floor (his not taking the wallet would indicate that he left the room hurriedly for some reason)

(30) If Sam killed his wife, and used his left hand to wield weapon, why the left hand? Up to a point his story is true. She turned off the lights, roused him, went upstairs, undressed, + put the light on in his dressing room for him. She may have dozed, or slept, or perhaps she couldn't sleep. She went back downstairs to call him again. Perhaps he was still sleeping - more likely he was in his study - he was probably wide awake after his long nap. Since it was stated that he corresponded with Miss X after his return from Los Angeles he may have been writing a letter, he may have taken the green bag out of his desk, since no doubt he would take his boat out the next day at the picnic. An argument ensued - over money, over the watch he purchased for Miss X, over a letter Marilyn may have intercepted, ^{or} over something ^{DR} Hooverston may have said to Marilyn (Hooverston may have made advances to Marilyn and when rebuffed, told her something of Sam's romantic activities. He would certainly not reveal this in his testimony - nor would Sam want him to)

As the argument became more violent, Marilyn may have ^{VII} pulled open a drawer or drawers to show Sam proof of her accusations (i.e. a letter - the sales slip for the watch) Sam would try to stop her. Marilyn may have picked up the ^{closest} ~~first~~ object - the ~~broken~~ athletic trophy and struck Sam on the back of the neck as he bent over to close the drawers. Sam could have struck his head on the open drawer or a corner of the desk Marilyn would run from the study - Sam stunned momentarily - would pick up nearest weapon - a tool from green bag² - and pursue his wife upstairs. Marilyn would run into bedroom, slam the door, and try to hold it shut with her weight. If there was a key she might have tried to lock it. As Sam approached the door, which opened ~~into~~ ^{inwardly}, from left to right, with the knob on the left side of the door, he would find it difficult ~~impossible~~ to turn knob with left hand and through the weight of right side of his body against door while holding weapon in right hand. He may have shifted weapon to left hand, forced the door open, grabbed & held his wife with right hand and delivered angular blows with left hand. At some point during beating, his violent rage spent, he must have come to his senses, stopped, dropped weapon on pillow. Then, or shortly thereafter he examined the unconscious Marilyn and realized that though ~~not~~ ^{not} dead yet, she was dying. Being a brain surgeon he would recognize fatal injuries. He may have removed his t-shirt and pants and ~~cleaned~~ ^{wiped} as much of the blood as he could, ^{with them} washed his hands, and called his brother. When his brother arrived Marilyn may still have been alive. The police could not be called until she was dead and Sam's alibi must be established in relation to the time of her death. In this time the burglary could have been

simulated and the alibi or story worked up, Sam and his brother could then have walked on the beach to the fishing pier, ^{carrying} ~~taking~~ a clean pair of trousers, and Sam could have cleaned up in the lake, put on the trousers and swam back to his beach. OR his boat or his brother's boat could have been used to take him out in the lake to clean up - the bloody t-shirt and trousers could have been discarded here or taken away by his brother and disposed of in some other manner, and Sam could have swum in from the boat. The green bag could have been thrown onto blot on the way to beach. Incidentally, it seems that the footprints in the sand would clearly indicate if the person were walking or running. And the dog footprints would most certainly be Sam's dog. From here on his account of the events are probably true.

③1 The results of a lie Detector test would not be conclusive after several years, since this test measures emotional response, manifested physically - respiration - blood pressure, to questions. Our emotions change, i.e. a person who suffers grief at the loss of a loved one, may not be able to contain himself at the mention of the deceased person's name, but gradually, and in time, he can bring himself to speak of his lost one calmly. Time does heal all wounds. I ^{also} think that a person could take tranquilizers and fool the machine.

③2 If Sam's story is true, a reenactment of the crime would show that there had to be two people involved, and yet some of the facts are not compatible with the two person theory.