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54/11/22 Hoversten Pleases Defense

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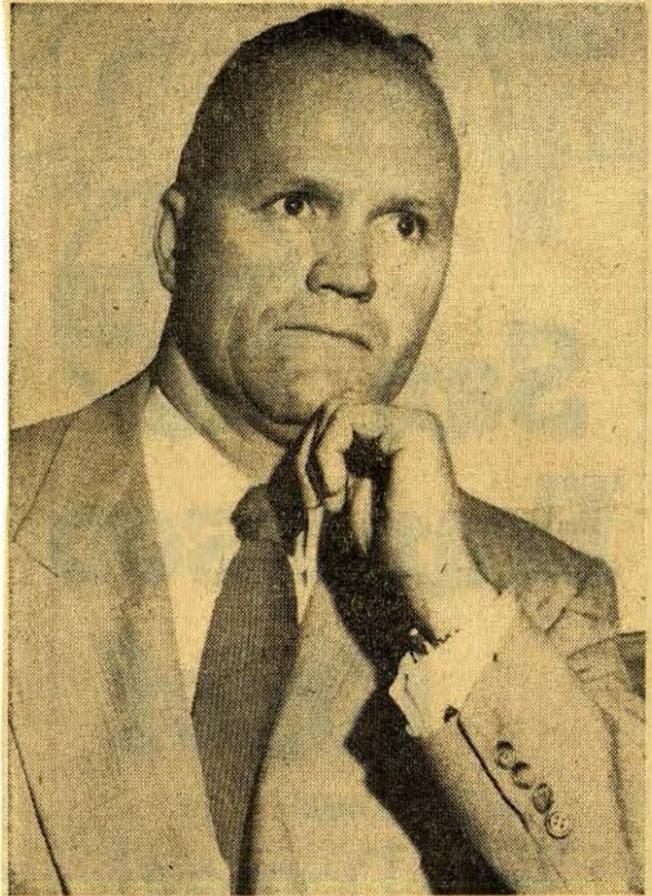
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Rossbach

HOVERSTEN PLEASES DEFENSE

Quiz Witness Only 10 Minutes



Dr. Lester T. Hoversten testified today as a prosecution witness at the wife murder trial of his former "best friend," Dr. Samuel H. Sheppard—but his appearance was hailed by defense attorneys as "the biggest boost yet for our side."

Dr. Hoversten was excused from the witness stand after only 10 minutes cross-examination by Associate Defense Counsel Fred W. Garmone.

It was the briefest cross-examination given any witness, and the first time the defense made no effort to challenge prosecution testimony.

Dr. Hoversten testified that Dr. Sam wanted to divorce his murdered wife, Marilyn, four years ago, and again last year—but was talked out of it by his parents.

But he also said that Dr. Sam was an even-tempered individual, that the Sheppards never locked the doors of their Lake Rd. home, and that the accused osteo-

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path told him on July 5:

"My God, I wish they'd killed me instead of Marilyn. Chip needs Marilyn as a mother more than he needs me as a father."

Dr. Hoversten said Sam and Marilyn "seemed happy and content" during their nine years of marriage, despite the talk of divorce.

But Dr. Hoversten and the next prosecution witness, Deputy Sheriff Carl Rossbach, painted a vivid verbal

picture of how Dr. Stephen Sheppard, Dr. Sam's older brother, had interfered with their attempts to talk to the young neuro-surgeon about the events of the murder morning.

Dr. Hoversten said Dr. Stephen had instructed Dr. Sam to "review in your mind several times a day the sequence of events so you will have them straight when you are questioned. . . . For example, you went upstairs and downstairs several times. . . ."

Rossbach told how Dr. Stephen repeatedly repulsed his efforts to question Dr. Sam until July 8, when Coroner Samuel R. Gerber broke down the "protective wall" by threatening his chief defense counsel, William J. Corrigan, with a subpoena.

Garmone became ill and was excused from the court-

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DR. LESTER T. HOVERSTEN testified today that Dr. Sam Sheppard had talked of divorcing Marilyn, the wife he is accused of having murdered.



ILLNESS forced Fred Garmone, lawyer for Dr. Sam, to leave court and go home shortly after the afternoon session got under way.



CARL ROSSBACH, a deputy sheriff, was called to the witness stand by the state at the Sheppard trial this afternoon.

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Hoversten's Testimony Pleases Defense

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room after completing his surprisingly friendly cross-examination of Dr. Hoversten.

The testimony of Dr. Hoversten was the beginning of the prosecution's efforts to nail down the state's theory of the motive for Marilyn's murder:

That Dr. Sam had tired of his wife's resentment over his extra-marital amours, and wanted to be rid of her so that he could pursue other romances.

The name of Susan Hayes, scheduled to be the final prosecution witness, cropped up in Dr. Hoversten's testimony only when he was asked if he knew her while both were on the staff of Bay View Hospital. He said he did.

Her name also appeared in the testimony of Rossbach and Homicide Detective Robert Schottke.

Rossbach related that Dr. Sam told him on July 8 that Marilyn had "made some objection" to his giving Miss Hayes a \$75 wrist watch, "but it didn't develop into any serious trouble."

Schottke testified that Dr. Sam admitted a closer liaison with Miss Hayes on July 31—after she had made a sworn statement to police admitting spending a West Coast week with him.

There was no exchange of greetings between Dr. Sam and his broad-shouldered confidante of the past 10 years as Hoversten testified. Dr. Sam squinted fixedly at the witness, and tears came into his eyes a few times. But Hoversten looked either at the floor or at his questioner, Assistant Prosecutor John J. Mahon.

Mahon said Hoversten would leave for his Glendale (Calif.) home "as soon as he can make connections—but I asked him to hold himself available for a return trip for possible rebuttal testimony."

Dr. Hoversten said Dr. Sam twice had confided divorce plans to him—first in 1950 at Los Angeles, and again last year at Fairview Park.

He advised his friend to "go slow and be careful, because Marilyn was a wonderful wife and probably more so than any other girl might be," the witness said, "and he might be jumping from the frying pan into the fire."

Schottke said Dr. Sam had admitted living with Miss Susan Hayes, former Bay View Hospital technician, in the two-bedroom home of Dr. and Mrs. Arthur Miller in Los Angeles.

Dr. Miller, like Dr. Hoversten, was a classmate of Dr. Sam's at the Los Angeles College of Osteopathic Physicians and Surgeons.

Dr. Sam first denied being more than a casual acquaintance of Miss Hayes—but admitted the closer association July 31, after this arrest for Marilyn's July 4 murder, Schottke testified.

The detective quoted Dr. Sam as saying he told his wife about "other affairs that he had" because "he didn't want her to get the wrong impression if someone else told her."

Hoversten, who was a house guest at the Sheppard home for three days prior to Mari-

lyn's murder, was turned into a prosecution witness when Dr. Stephen Sheppard, Sam's older brother, demanded that he be investigated as a suspect.

He was "completely cleared" by Police Chief Frank W. Story and Detective Chief James McArthur, and then testified before the Grand Jury which indicted Dr. Sam for first degree murder.

Dr. Hoversten told how he saw Dr. Sam in his room at Bay View Hospital on the evening of July 5, and was telling him to "take it easy—don't let your emotions get the best of you," when Dr. Stephen burst into the room and ordered him out.

Dr. Steve, he said, "advised Sam to go over the sequence of events so that he'd have his

story straight."

Hoversten related the incident of the yawning dog that completely affirmed his own alibi—that he was asleep at the Kent home of Dr. Robert Stevenson while Marilyn Sheppard was being murdered.

Dog Confirms Alibi

Q.: (By Mahon). During the night, some time after you retired, did anything disturb you?

A.: Yes. Their large Dalmatian dog slept on the second floor in a den near the stairway leading to the third floor. The dog came upstairs (Hoversten was in a third-floor bedroom). I patted him, then he crawled under my bed. He made peculiar noises, like yawns, so I put him back down the stairs and closed the stairway door.

That incident, in the small hours of the July 4 morning, was heard by others in the Stevenson home.

Dr. Stevenson Jr., also a college classmate of Dr. Sam's, was formerly engaged to Susan Hayes. They broke the engagement on amicable terms.

Hoversten told how Dr. Sam helped him get a position as resident physician at Bay View Hospital, which was founded by his father.

That was in July, 1952—two years after their first Los Angeles conversation concerning the divorce possibility.

Discussed Divorce

Marilyn, Hoversten said, had left for a Cleveland vacation, and Dr. Sam "asked my advice about a letter he had written to Marilyn. I don't remember all the details. It was to the effect that he was con-

cerned about their marriage, and he wanted to tell her how he felt. He felt he wanted to give consideration to the possibility of divorce."

Hoversten said he advised Sam not to send the letter, but to "talk to her in person."

Later, he continued, Sam received a telephone call from his father—"his father wanted him to realize his responsibility as a husband and father in this marital situation."

The other divorce conversation occurred at Dr. Sam's office in the Sheppard Clinic on Lorain Rd. in Fairview Park in the spring of 1953, Hoversten said.