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54/11/22 Hoversten Reveals Warning to Sam: 'Get Story Straight'

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HOVERSTEN REVEALS WARNING TO SAM: 'GET STORY STRAIGHT'



Dr. Lester Hoversten . . . on witness stand today.

Hoversten Testifies At Trial

Dr. Lester T. Hoversten, former house guest and friend of Dr. Samuel H. Sheppard, was called to the stand today to testify in the latter's first-degree murder trial at the Criminal Courts Bldg.

He was questioned by Assistant County Prosecutor John J. Mahon.

Dr. Hoversten said he now lives in Glendale, Cal. He testified he had been a physician and osteopath since October, 1948.

His schooling he said, was undertaken at the University of Wyoming, the University of Southern California and the College of Osteopathic Physicians and Surgeons at Los Angeles.

Met Sam in 1944

Q.—When did you first meet Dr. Sam Sheppard?

A.—I first met him in the fall of 1944 when we were both freshmen in Los Angeles.

Q.—You both interned at the same hospital?

A.—Yes, the Los Angeles County Hospital.

Q.—What was your association with him?

A.—Friend and colleague working together.

Q.—After Dr. Sam's marriage, did you become acquainted with his wife?

A.—Yes, about a month or two after their marriage in 1945.

Q.—Did you have social contact with Sam and his wife?

A.—Yes, I called their home.

Q.—Were you married at that time?

A.—No, I got married on Feb. 22, 1951. Sam was my best man.

Q.—Did you ever come to Cleveland?

Came Here in 1952

A.—Yes, in July of 1952, Sam was on the staff of Bay View Hospital in Bay Village. He left Los Angeles before I did—in the early summer of 1951.

Q.—Did you correspond with anyone before coming to the hospital?

A.—Yes, Dr. Sam—not solely—

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Hoversten Tells of 'Divorce Letter'

Continued From Page 1.

position was open and I applied.

Q.—Did you have a conversation with Dr. Sam in reference to his marriage?

A.—Yes, sir. I don't recall the exact date, but it was at the time the residents took their annual vacation.

Q.—Where was Marilyn at the time you had this talk?

A.—She had preceded Dr. Sam to Cleveland. It was at the time the residents had their two-weeks' vacation.

Objection Overruled

Q.—Will you relate what your talk was about?

(Corrigan's objection was overruled.)

A.—Dr. Sam asked my advice on a letter he had written to Marilyn and I asked him, as a favor, not to send it.

Q.—Did you read the letter?

A.—Yes, sir.

Q.—Relate what the substance of the letter was?

A.—I do not recall the details, but the substance was to the effect that he was concerned about their marriage and he wanted to tell her how he felt. He felt, according to his views to me, that he was considering the possibility of divorce.

Q.—After reading the letter, did you talk with Dr. Sam?

A.—Yes.

(Corrigan objected on all questions related to the letter, saying that the "alleged conversation" took place in 1950. Judge Blythin allowed the questioning to continue.)

Q.—State the conversation with reference to the contents of the letter.

A.—I read the letter and I felt

(Corrigan's objection was sustained.)

Q.—Tell us what you said, doctor.

A.—I advised Dr. Sam not to send the letter—to wait until he could see Marilyn.

Q.—Did you have any further conversation regarding the letter?

A.—It was my impression that Dr. Sam did not send . . .

(Objection sustained.)

Dr. Sam 'Disturbed'

Q.—Did you have a conversation at a later date?

A.—Yes, within a week, if I recall the correct date. I do not recall Dr. Sam's exact words, but he was disturbed over a telephone conversation he had with his father.

Q.—What else was said?

A.—I told him that his father had his best interest at heart. He calmed down then . . .

(Corrigan's objection to the phrase "calmed down" was overruled.)

A.—(Continuing) When I tried to make him realize . . .

(Corrigan's objection sustained.)

Q.—Tell us what you told him?

A.—I told him in plain English that his father had his best interest at heart and he should realize it.

Q.—Did he tell you what his father had told him?

A.—No, but his father said something to the effect that Sam should realize his responsibilities as a husband and father.

Q.—Did you have an further conversation about that subject?

A.—No further conversation that I can recall.

Q.—Did you have any conversation concerning his wife, Marilyn?

A.—There may have been. I don't recall any specific instance.

Knew of No Affairs

Q.—While his wife Marilyn was away on that occasion, did Dr. Sam associate with other women?

A.—I don't know of any specific incident when I saw him with a woman other than his wife.

Q.—Did you go out with him when he was with another woman.

A.—Dr. Sam was my guest several times at my home. I took him along with me to visit friends. On such occasions, he undoubtedly met other women.

Q.—Do you know Margaret Kaurzor?

A.—Yes, I do.

Q.—Will you state whether you saw him in her company, or not?

A.—He has been in her company only as my guest. I never have seen him with her on a date or otherwise.

Q.—When did you leave Bay View Hospital?

A.—Oct. 15, 1953.

Q.—During the time at Bay View Hospital, did you have any conversation with Sam referring to his wife Marilyn?

A.—Yes, we probably had several conversations.

Discussed Marital Status

Q.—Was there anything said about his marital status.

A.—Yes, in the spring of 1953 in his office in Fairview Park at the clinic on Lorain Ave. I don't know how the subject came up, but the possibility of divorce arose. I asked him if he had talked to his parents. He said he had. I remember advising him to go slow, to be careful. That he should realize that he had a wonderful wife—tolerant and considerate, more so than any other woman he might get. He might be jumping from the frying into the fire.

Q.—Anything further said?

A.—He agreed she had many fine qualities.

Q.—Was there any further conversation after that?

A.—Not that I can recall.

Lived With Sheppards

Q.—When you first came to Bay View Hospital where did you live?

A.—For about six weeks at Sam and Marilyn's home on Lake Rd. After that I lived in an apartment above the clinic with Dr. Stephenson, Dr. Selznick and myself. We were the only bachelors at that time interning at Bay View Hospital. I lived there until October, 1953, when I left for Grandview Hospital in Dayton. I stayed there until July 1, 1954.

Q.—During the period you

were there, did you visit Bay Village?

A.—Several times. On those occasions, I stayed with Dr. and Mrs. Bailey.

Q.—After you left Dayton where did you go?

A.—I arrived here Thursday, July 1.

Q.—Before you left Dayton, did you have any conversation with Dr. Sam?

A.—Yes. I told him of my plans and that I wanted to see him before going to California. He told me to come on up. I arrived at 7:30 p. m., July 1st.

Q.—Who did you see when you arrived at the Sheppard home?

A.—Dr. Sam, Marilyn and their son Chip. I came by automobile—my car. I visited about an hour. I told them I had a dinner date. They showed me to my room. I shaved, got dressed and went out.

Q.—Where was your bedroom located?

A.—It was the far east bedroom on the second floor. You enter it from the hall—not directly. You go through a dressing room before entering the bedroom.

Q.—What luggage did you have with you?

A.—A great deal—too much. Three large pieces and one small. Also a pack for my suits. Some I took to the garage and some I left in my car.

Dr. Sam Up at 11:30

Q.—What time did you leave the house?

A.—About 8:30. I returned at 11:30 p. m. Dr. Sam was still up, looking at TV. We talked briefly. He asked me if I wanted to watch TV. I told him no, that I was tired, so we both went upstairs. I went to the far end of the room, turned on the lights and went upstairs.

Q.—What did you do the next day—Friday?

A.—I got up at 8 a. m., had breakfast, then went to the hospital. Dr. Sam went in his Jaguar and me in my Ford. I met a lot of old friends at the hospital.

Q.—How long did you remain at the hospital?

A.—Until a little after 11 a. m. I had an appointment with a Dr. Anderson at 11:30. I returned to the Sheppard home late Friday—at about approximately 12:30. No one was up. I walked in the front door that was open.

Dr. Hoversten explained that by the front door, he referred to the door which up to this time has been referred to as the back door—the door opening onto Lake Rd. It was agreed that the door would be referred to as the "back door."

Turned Lights On

Q.—Then what did you do?

A.—I turned on all the lights. The light switches had been changed since I was there last. I went to the kitchen, petted the dog for a minute, and from the top of the stairs Marilyn called to me and said, "That you Les? Did you lock the front door?" I said no, that I had left the door unlocked. She said, "That's good. I expect a maid in the morning and I don't want to get up." I then went to my room and went to bed.

Q.—Tell whether your bed was made when you arrived.

A.—Yes, it was made up—that is, on Thursday, I think it was made up on Friday. I don't recall. At Saturday noon, it wasn't when I left for Kent.

Q.—And what did you do the next day—that would be Saturday?

A.—I got up at 8 a. m., had breakfast and went to the hospital. I believe I was there all forenoon, although I might have driven off. I had a late luncheon engagement. I talked with the hospital administrator. I went back to the Sheppard home in the middle of the afternoon, between 3 and 4 p. m., and I dressed.

Q.—Who was there at the time?

A.—Marilyn was there in the kitchen, baking a pie.

Talked to Marilyn

Q.—What did you do when you arrived at the Sheppard home?

A.—I went upstairs, packed my suitcase. Marilyn asked me if I was going to leave. I told her I was going to Kent.

Q.—What time did you leave for Kent?

A.—Around 4 p. m. I drove to a golf driving range on, I believe, Brookpark Rd. I stopped there, got two large buckets of golf balls and was there about two hours. I then drove to Dr. Stephenson's at Kent. I arrived there close to 7 p. m. and Mrs. Stephenson greeted me and said that the others were at the golf course and told me I could go there if I chose to.

The witness then said that he met the two Stephensons, father and son, at the Kent golf club and returned with them to their home at approximately 9:30 p. m. He said that they had retired at 1 a. m., staying up later than they intended, because they wanted to hear the end of a Cleveland - Chicago baseball games.

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Hoversten Tells Of Divorce Talks

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Q.—What room did you occupy during the night?

A.—The guest room on the third floor.

Q.—During the night, did anything happen?

A.—Oh, yes, definitely. Their large Dalmation dog ordinarily slept in the second-floor den at the bottom of the third-floor stairs. I had left the door open, so the dog came upstairs. I patted him briefly and he crawled under the bed. I thought that was all right, but he made peculiar noises like a dog would make yawning. I thought that was all right, too, but he kept it up. I got up and put him downstairs.

Q.—At what time did you get up?

A.—Dr. Stephenson Jr. woke me a little before 8 a. m. We had breakfast and we drove out to the course and played 18 holes.

Q.—What did you do then?

A.—We returned to the Stephensons at approximately 2:15. Just as we entered, a call came from Cleveland. Detective Gareau told me of the tragedy and asked me to return as quickly as possible.

Dr. Hoversten said he had a quick lunch and left for Cleveland, arriving at the Bay Village police station at 4 p. m. He said he was escorted to the home where he met Dr. Gerber and Chief Eaton.

Q.—What did you do then?

A.—I examined my luggage and personal belongings and a leather secretary that was up against the wall. I had a blue suit in the closet that had \$50 in it and it was still there. In my leather case, there were some papers and two checks—a certified check and an insurance check for \$40. They were both still there. There was nothing missing. The bed looked exactly as I left it.

Q.—What else did you observe about the house?

A.—I observed, as I reached the head of the stairs, that the mattress in Marilyn's room was discolored almost the length of the bed.

Q.—Where did you go after leaving the house?

A.—To the home of Dr. Richard N. Sheppard where I met Dr. Richard's wife and Dr. Steve's wife and then Dr. Sheppard Sr. arrived. I drove over to his home with him. Then I went to the hospital with Dr. Sheppard Sr. while he made his rounds around the hospital. I asked him if I could see Sam that day. He told me to wait until the next day because Sam had been through too much.

Stayed at Hospital

Q.—Where did you stay that night?

A.—In the hospital in the interns' quarters. Dr. Sheppard Sr. wanted me to stay at his home, but we learned the beds had not been prepared as he had just moved into the house.

Dr. Hoversten told of going to see Dr. Sam at approximately 5 or 6 p. m. July 5 after receiving the latter's permission. He said he had a conversation with the defendant.

Q.—When you walked in the room, what did you see?

A.—Dr. Sam lying in bed. He was alone. There was a police guard outside the door. I walked over to his bed and took his hand. Dr. Sam started to cry. "I wish they had killed me instead of Marilyn," he said. "Chip needs Marilyn as a mother more than me." Sam didn't say much. I told him I had been through disappointment at the time of my divorce and tried to help him regain his spirit. He thanked me.

Dr. Steve Entered

Q.—Did anybody else come in?

A.—Yes, Dr. Steve Sheppard. He seemed very startled to see me, and also provoked. I don't remember the exact words, but he wanted to know how I got in and told me to get out. Sam interposed, "I asked him to come in." Steve walked out and later came in and apologized and said he left strict orders that if anyone was to come into the room, he was to be notified immediately. As I was leaving Steve advised Sam to go over the events in sequence to see if he had his story straight.

Q.—What did Sam say?

A.—I didn't hear him say anything.

Q.—Where did you go then?

A.—To visit friends at Bay View. I stayed that night at the hospital.

Q.—When you were in the room on that Monday, what was his appearance?

A.—Face swelled and distorted. He complained of pain and complained of hands and knuckles being sore.

Complained of Headache

Q.—Where did he say the pain was?

A.—He complained of a headache and pain over the side of his face.

Q.—Did you see Sam after July 5th?

A.—Nearly every day until I left on the 13th of July.

Q.—Where had you been staying just before that?

A.—From the 7th of July I stayed with Dr. Steve on Ingle-side Dr.

Q.—Did the police question you?

A.—Yes, the Bay Village police on Tuesday, July 6, at the Bay View police station. I gave them a statement and deposition. The following Friday, in your office, while Parrino and Detectives Schottke and Gareau were there, I also gave a statement. I also talked to Deputy Rossbach Saturday.

Q.—Then you left Cleveland on the 13th of July?

A.—Yes, sir.

Drove to California

Dr. Hoversten said he arrived in California July 25th after a motor trip, during which he stopped in Iowa to visit a friend.

The witness said he returned to Cleveland Aug. 11th at the request of the Cleveland police department, arriving here at 10 p. m. by airplane. He said he was questioned by Prosecutor Cullitan, Mahon, Parrino, Dr. Gerber, Capt. Kerr, Detective Lockwood, Chief Story, and Inspector McArthur. It was McArthur, he said, who requested his return.

Q.—How long did you remain in Cleveland?

A.—Nine days. I testified before the grand jury.

Dr. Hoversten then testified that he returned to California, and came back again to Cleveland Nov. 10 for the purpose of testifying at the trial.

He said that on his arrival he had talked to Mahon on two occasions—the last time on Saturday morning. He said he had talked with detectives, but only to say "Hello," and "How are you."

The court then ordered a recess.

Knows Susan Hayes

After the noon recess, Mahon resumed his questioning of the witness.

Q.—Do you know Susan Hayes?

A.—Yes, I do. I met her shortly after arriving as surgical resident at Bay View Hospital. She was a laboratory technician.

Q.—Was she there all the time you worked at the hospital?

A.—To the best of my knowledge, yes. I don't know if she was there when I left but my impression was that she was.

Q.—Now, getting back to July 5th. You were talking to Dr. Sam when Dr. Steve came in?

A.—That's correct.

Q.—Did Dr. Steve leave you any time after he came in?

A.—Yes, he spoke sharply to me, turned on his heels and went out. Then he came back in shortly.

Q.—When he came back in, what did he say?

Briefed by Dr. Sam

A.—Dr. Steve was addressing Sam and he said: "You should review the sequence of events in your mind several times a day so that you will have your story straight when you are questioned." He gave examples—"You went upstairs, then you came downstairs," and so on.

Q.—Did anything else happen on July 5?

A.—Late Monday afternoon while I was still there Dr. and Mrs. Sheppard, Sam's father and mother came over.

Dr. Hoversten then was dismissed by Mahon and Defense Counsel Fred W. Garmone took up the cross-examination.

Under questioning by Garmone, Dr. Hoversten repeated his testimony on his actions from the time he arrived at the Sheppard home July 1.

Sam, Marilyn 'Happy'

Q.—How did Sam and Marilyn Sheppard get along during the time you stayed at their home?

A.—They seemed happy and content. I didn't see anything out of the ordinary.

Q.—Did you ever see Sam Sheppard mistreat Marilyn or Chip?

A.—No, never.

Q.—After he made the statement to you at the hospital about wishing it were he instead of Marilyn, how did he appear?

A.—He was quite grief-stricken.

Garmone then dismissed the witness.

Deputy Rossbach Called to Stand

Deputy Sheriff Carl Rossbach followed Dr. Lester T. Hoversten to the witness stand today in the Sheppard murder trial.

He was questioned by Assistant County Prosecutor Thomas J. Parrino after Judge Edward Blythin informed the jury Defense Counsel Fred W. Garmone was being excused for the afternoon because of illness.

Rossbach said he had been a deputy sheriff in charge of general police duty for two years and prior to that he had been a member of the Cleveland police department for more than 25 years, part of the time as a sergeant in the homicide squad.

Called to Bay

He testified that his attention first was called to the case on July 5 when he read the Cleveland Plain Dealer, and then received a telephone call to respond to the Sheppard home. He said he arrived there at about 9 a. m. on the 5th.

He said that on his arrival there he talked with Dr. Gerber and police officers who briefed him on what had occurred and



Deputy Sheriff Carl Rossbach on way to courtroom.

what they had learned. He said he then went to Bay View Hospital, where he saw Dr. Sam Sheppard and his brother, Steve.

Rossbach testified that when he attempted to talk to Dr. Sam, he was interrupted by Dr. Steve. He said Dr. Steve told him Dr. Sam was in no condition to be questioned and that he did not want him questioned at that time.

Rossbach said Dr. Steve told him he wanted counsel to be present before his brother underwent questioning.

Q.—What happened after that?

A.—Petersilge and Corrigan came in. Mr. Corrigan stated that he did not want Sam questioned because he was emotionally upset.

Rossbach said he then left and did not return again until the next day. He said he saw Dr. Steve at the hospital that day and was refused admittance to the room. He said he returned again July 7 and was unable to see the defendant because he was attending his wife's funeral.

Rossbach said he was finally admitted to see Dr. Sam about 3:30 p. m. on July 7, but that the doctor had been given a sedative and he was unable to question him. He said he was told to return on July 8th.

Rossbach testified that he informed the prosecutor's office of the refusals the next day, then went out to the hospital. He said he and Deputy Sheriff Dave Yettra met Dr. Gerber and Detectives Schottke and Gareau at the hospital and all went into Dr. Sam's room.

He confirmed Dr. Gerber's testimony of how he, Yettra and Bay Village Patrolman Fred Drenkhan finally were permitted to question the defendant after the coroner threatened to have Dr. Sam subpoenaed and removed from the hospital.

Rossbach said he and Drenkhan did all the questioning of Dr. Sam. He said that under questioning Dr. Sam repeated his account of the happenings on July 3 and July 4, immediately preceding and following the murder.

Rossbach said the defendant

was asked "10 or 15" times to take a lie detector test, but that he refused because, he said, his family was against it.

The deputy said he made arrangements to question Dr. Sam again on July 9 at the Sheppard home. He said Corrigan and Petersilge accompanied Dr. Sam on a tour of the home in company with Rossbach and Yettra.

Rossbach said the tour lasted two hour and that nothing of consequence was turned up.

Rossbach said he questioned Dr. Sam about Susan Hayes on July 8 and that Dr. Sam said he had met Susan at a party in California and purchased her a watch because she had lost one of her own. He said, according to Rossbach, that he told his wife of the purchase the day before they left California, that she was unhappy about it, but that nothing came of it.

Quizzed About "Loves"

Rossbach said that he questioned Dr. Sam about his relationship with Julee Lossman. He said Dr. Sam denied an affair with Mrs. Lossman, but admitted that her husband had accused her of paying too much attention to Dr. Sam.

Rossbach said that the July 9 meeting at the Sheppard home it was arranged for Dr. Sam to come to the Criminal Courts Building on July 10 to make a complete written statement.

(This statement was entered in evidence during the questioning of Detective Schottke.)

Q.—After the defendant made his statement at County Jail, did you see him again?

Suggested Lie Test

A.—I did on July 12 at his home. He was accompanied by his brothers, Mr. Corrigan and Mr. Petersilge. I again asked about the suggestion I had made to him that he should try to eliminate himself as a suspect. He stated he wanted to help every way he could to solve the crime, so I said, "Why don't you meet me at an undesignated spot, unbeknownst to anyone, and take this lie detector test?" I said I'd take him anywhere he wanted for the test.

Q.—What did he say?

(Petersilge objected to questions pertaining to the lie detector test. Judge Blythin overruled the objection.)

A.—He said: "No, I'll be guided by the advice of my family and my attorneys."

(Judge Blythin then informed the jury that no one is obliged to take a lie detector test, and ordered the jury not to draw any inferences from the defendant's refusal.)

Parrino asked the witness if he had examined the garage at the Sheppard home on July 5th, 6th and 7th. Rossbach replied that he had not.

Corrigan Begins Quiz

Corrigan then took up the cross-examination of the witness.

Q.—Didn't you go into the garage with me on Friday, July 9th?

A.—I don't know the date that you are referring to.

Q.—Where did you find the ax?

A.—The ax was found in the garage by Mr. Yettra.

Corrigan then questioned Rossbach about his long experience in the Cleveland police department and his work in the homicide squad.

Q.—You learned in your conversation that Schottke and Gareau had gone to Bay View Hospital and had accused Dr. Sam of killing his wife?

A.—I learned that at the hospital from Dr. Stephen Sheppard.

Q.—Did you have a conversation with Dr. Sam Sheppard at 1 p. m. on the 5th of July?

A.—Yes. I told him what office I was from. I told him I wanted to get a motive for the crime and a description of the suspect, if possible. Dr. Steve interrupted and said that Dr. Sam was in no condition to be questioned and that they wanted counsel to be present.

Dr. Sam Was "Upset"

Q.—It was true, was it not, that when you went in there Monday Dr. Sam did look in bad shape?

A.—I can't say.

Q.—He had a collar on?

A.—No, sir.

Q.—Did you notice any movement about the mouth?

A.—No, sir.

At that point, Corrigan asked the defendant to stand.

Q.—Did he look like he does today?

A.—No, sir.

Q.—Dr. Sam was emotionally upset?

A.—Yes, sir.