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## 54/11/22 Bares Talk of Divorce by Sheppard

Cleveland News

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**MSL**

ACADEMIC ENDEAVORS

# Bares Talk Of Divorce By Sheppard

BY HOWARD BEAUFAIT

Dr. Stephen Sheppard warned his brother, Dr. Samuel H. Sheppard, that he would have to get his story straight before being questioned about the murder of his wife—

Dr. Sam Sheppard, despite his assertions that his marriage was ideal, talked about divorce on three occasions—

These two points were scored for the state today by testimony of Dr. Lester Hoversten, friend and former classmate of the Bay Village doctor on trial for the brutal July 4 killing.

Dr. Hoversten was on the witness stand only an hour and 15 minutes. Defense counsel asked a half dozen questions on cross-examination before releasing him to return to his home in Glendale, Cal.

County Detective Carl Rossbach was the next state witness. He traced the early days of the investigation, and described the difficulty detectives had in getting into Bay View Hospital to question Dr. Sam after the crime.

Deputy Rossbach testified that on July 12 he said to Dr. Sam Sheppard "Why don't you meet me at a designated spot, unbeknown to anyone, and take a lie test, if you want to eliminate yourself as a suspect. He said 'No, I'll be guided by the advice of my family and my attorneys.'"

Rossbach said that Dr. Sam was asked to take the lie detector test 10 or 15 times, under any conditions, or any place he named, but he always refused on the grounds that his family was opposed to it.

Dr. Hoversten, examined by Assistant County Prosecutor John Mahon, testified he was visiting Dr. Sam in his room at Bay View Hospital the day after the murder. When Dr. Stephen came in.

## Dr. Steve "Startled"

"Dr. Steve seemed very startled to see me, and also provoked," Dr. Hoversten said. "I don't remember the exact words but he wanted to know how I got in, and told me to get out.

"Dr. Sam interposed and said he had invited me in. Dr. Steve walked out and came back and apologized and said he left strict orders that if anyone came into the room he was to be notified immediately.

"As I was leaving the room Dr. Steve said to Sam: '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 ques-

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tioned." Steve gave him examples such as "You went upstairs, then you came downstairs" and so on."

Mahon said that Dr. Hoversten's testimony was brief because all the state expected him to testify was about the divorce conversations and the scene between Drs. Steve and Sam in the hospital. The prosecutor said there was no truth to a rumor that Dr. Hoversten had "backed down" from original statements he made to police.

### Turns to "Motive"

In placing Dr. Hoversten on the witness stand the state suddenly turned to "motive" in its efforts to send Dr. Sheppard to the electric chair for the crime.

As early as 1950, Dr. Sheppard was considering a divorce from his wife, Dr. Hoversten told the jury over heated objections from Chief Defense Council William J. Corrigan.

### Had Conversation in 1950

Dr. Hoversten said that he had a conversation with Dr. Sam in California in 1950 after his wife had preceded him to Cleveland.

"Dr. Sam asked my advice about a letter he had written to Marilyn, and I asked him as a favor not to send it," Dr. Hoversten testified.

"I do not recall the details of the letter, but the substance was 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 a divorce."

Dr. Sheppard has maintained during extensive police questioning since his wife was beaten to death in their Bay Village home July 4 that he was in love with her and their marriage was marred only by petty quarrels that the average couple engages in.

Dr. Hoversten testified that Dr. Sam had discussed divorce with him on two other occasions.

### Talked Again of Divorce

"I do not recall the date, but Dr. Sam was disturbed over a phone conversation he had with his father, (Dr. Richard A. Sheppard.) I told him that his father had his best interests at heart, and he calmed down then."

"In the Spring of 1953 at the Sheppard clinic on Lorain Rd., in Fairview Park Dr. Sam again talked about divorce, and I asked him if he had talked it over with his parents. I advised him to go slow and be careful because Marilyn was a wonderful woman. I pointed out she was more tolerant than most women and told him he would be jumping out of the frying pan and into the fire."

On the latter occasion, Dr. Hoversten said Dr. Sam agreed that "Marilyn had some fine qualities."

Dr. Hoversten was questioned about Dr. Sheppard's association with other women in California after his wife had left for Cleveland and he said he did not recall any "specific women."

"I recall one instance where I asked Dr. Sam to visit friends with me and he undoubtedly met other women there," he said.

"Do you recall Margaret Kauzor? Was Dr. Sam ever in her company?" Mahon asked.

### Recalls No Dating

"Yes. But to my knowledge Dr. Sam never dated her."

Dr. Hoversten said he first met Dr. Sheppard at the osteopathic college in Los Angeles in 1944 and that he met Marilyn Sheppard there after their marriage in 1945.

Dr. Hoversten said he was a house guest at the Sheppard home, 28924 West Lake Rd., from the afternoon of July 1 until Saturday afternoon, July 3, when he went down to Kent to visit friends and retired there at 1 a. m.

Mrs. Sheppard was murdered in her Bay Village bedroom between 3 and 4 a. m., July 4.

Dr. Hoversten testified that after he retired at the home of Dr. Stephenson in Kent he got up once to take his host's Dalmatian dog from his bedroom downstairs to the den.

### Learned of Murder

Early the next morning he said he and Dr. Stephenson played golf and when they returned at 2:15 p. m. that afternoon he learned in a phone call from a Cleveland detective that Marilyn

# Testifies Dr. Sam Talked of Divorce

Sheppard had been murdered.

Dr. Stephen Sheppard, brother of the defendant, last August mentioned Dr. Hoversten as a suspect in the crime, but Cleveland police said he completely cleared himself through a lie test and circumstances of his visit in Kent.

Hoversten testified that he had been asked to leave Dr. Sam's hospital room on July 5 by the defendant's older brother, Dr. Stephen Sheppard, even though he had been invited to enter by his former classmate.

"As I was leaving the room I heard Dr. Steve advise Dr. Sam to go over the sequence of events in his mind so that he would have everything straight."

"Dr. Steve said that?" Mahon asked the witness.

"That's right," Hoversten answered.

## Can't Recall Reply

"What was Dr. Sam's reply?" Mahon asked.

"I don't recall that he said anything at that time," Hoversten answered.

Hoversten said most of his conversation with Dr. Sam at that time concerned his grief over the death of his wife. He said he explained to Dr. Sam that he should "control your emotions and keep on an even keel." Dr. Sam said he thought he had helped him.

"It was at this time that Dr. Steve entered the room and seemed very startled to see me. He was also provoked. He asked me how I had been able to get in, and suggested that I leave," Hoversten explained.

## Never Saw Him Angry

Defense Counsel Fred W. Gar-

mone asked in cross examination if Dr. Hoversten had ever seen Dr. Sam in a temper and what his attitude had been when he talked with him at Bay View Hospital July 5.

"I never saw him in a temper," Dr. Hoversten said. "At the hospital he seemed grief stricken. He said 'I wish they had killed me instead of Marilyn . . . Chip (their seven year old son) needs Marilyn more as a mother than me.'"

"How did Marilyn and Sam get along during the time you stayed at their home?" he was asked.

"They seemed happy and content," he replied.

Dr. Hoversten followed Detective Robert F. Schottke, Cleveland homicide expert, to the witness chair.

## Scores for State

A moment before Schottke stepped down from the witness chair and a drilling cross examination, he scored another point for the state.

Asked about a conversation he had with Dr. Sheppard in County Jail, July 31, by Assistant County Prosecutor Thomas Par-

rino, the detective testified:

"We asked him about Susan Hayes. We told him why, in our opinion he had killed his wife. And he said, yes, he had lied about his affair with Susan Hayes, that he had bought Susan Hayes a wrist watch and had stayed with her at Dr. Miller's in Los Angeles while his wife was visiting in Monterey.

"Dr. Sheppard said he told his wife about Susan Hayes and other affairs he had with women so she wouldn't hear about them first from some one else. He said he did not want her to get the wrong impression.