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54/09/11 Deputy tells of quizzing Dr. Sam

Cleveland Press

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Deputy Sheriff Carl Rossbach testified today at Dr. Sam Sheppard's hearing on his request for freedom on bail. He was questioned by Attorney W. J. Corrigan, one of Dr. Sam's lawyers.

Q.: When did you first begin working on the Sheppard case?

A.: At 11:15 a. m. on July 5.

Q.: Did you see Sam Sheppard on that day?

A.: I did, at Bay View Hospital in a private room.

Q.: Did you see him subsequent to July 5?

A.: Yes, on the sixth.

Q.: Was he wearing an orthopedic collar?

A.: Yes.

Q.: Did you question him about the Marilyn Sheppard murder?

A.: Yes.

Q.: On Friday, July 9, did you have another conversation with him at his home on Lake Rd.? Did you tour the premises and go over the grounds?

A.: Yes.

Q.: Did Dr. Sheppard cooperate readily?

A.: Yes.

Q.: Do you remember the following morning Dr. Sheppard appeared in your office?

A.: Yes, with Dr. Stephen Sheppard and Lawyer Petersilge.

Q.: How long was he in your office?

A.: About eight hours.

Q.: Was he questioned in regard to this crime?

A.: Yes.

Q.: At the completion of your questioning did you request a written statement?

A.: Yes.

Q.: What time did the questioning end and the statement start?

A.: 11 a. m. It was finished at 4 p. m.

Q.: He did not at any time admit the murder of his wife, did he?

A.: No.

Assistant County Prosecutor John Mahon then began cross examination.

Q.: Who was present on the fifth when you tried to question Dr. Sam?

A.: Dr. Steve Sheppard and Attorney Corrigan.

Q.: What did Corrigan say?

A.: Corrigan said he would like to talk with him before he made any statement.

Q.: Did Dr. Stephen Sheppard do anything?

A.: He said Dr. Sam was under sedative and could not give a statement.

Q.: Did you return the next day?

A.: Yes but Dr. Steve told us Sam could not give a statement because he was not feeling well.

Q.: Did you see him on the ninth?

A.: Yes, we tried to interview him but he was instructed by Mr. Corrigan not to make a statement unless he was present.

Dr. Gerber had a discussion with Corrigan and said that if we could not see Dr. Sam he would subpoena Sam and have him removed from the hospital. Dr. Gerber gave me a subpoena and I was in the process of serving it on Dr. Sam when the lawyers agreed to leave.

Q.: Was objection raised about the Cleveland police participating in any questioning?

A.: Yes by Dr. Steve Sheppard. He said that Sam would much rather be questioned by Deputy Sheriff Yettra, Bay Patrolman Ted Drenkhan and myself because he thought the Cleveland police would not be fair. I asked Dr. Steve why he said the Cleveland police practically accused the man of the murder of his wife.

Corrigan then resumed questioning Rossbach.

Q.: Do you recall that the person who made the decision that Petersilge and myself should leave the room was Dr. Sam Sheppard?

A.: I don't recall.

Q.: Let me refresh your recollection. Do you recall Sam Sheppard tossing about on the bed and saying, "Let me talk. Get out and let me talk."

A.: I recall him complaining of a headache and asking us to get out.

Coroner Sam Gerber was the next witness, describing for Corrigan how Dr. Sam was a witness at the inquest on July 21, 22 and 23.

Q.: What was the length of



CORONER S. R. GERBER was a witness today in Dr. Sam's bail hearing.



MENTION OF MARILYN—the pregnant wife he is accused of killing—caused Dr. Samuel H. Sheppard to close his eyes and twitch his fingers at bail hearing.

time he was on the stand answering questions?

A.: Approximately five hours.

Q.: Do you have the record of that testimony with you?

A.: Yes.

Q.: I'd like to mark it and introduce it in evidence.

Prosecutor Mahon here objected on the grounds it was a self-serving declaration. After a bitter argument between Mahon and Assistant Prosecutor Saul Danaceau and Corrigan, Judge Blythin refused to admit the transcript into evidence. During the argument Danaceau said:

"The statement cannot be used on direct examination. The way to do it is to put him on the stand. If Corrigan thinks it's important let him put Dr. Sam on the stand and testify before this court."

Corrigan next questioned Dr. Richard N. Sheppard, oldest of the three Sheppard brothers, and Dr. Stephen Sheppard. Dr. Richard was on the witness stand only a few minutes. Parts of Dr. Steve's testimony were:

Q.: Since your brother's indictment have you made any effort to find the murderer?

A.: Yes.

Q.: Did you contact anyone

in recent days who admitted the murder?

A.: Yes.

Q.: When?

A.: On Thursday, the ninth at Trenton, N. J.

Q.: Who was the man?

A.: Mr. Billie O. Williams.

With me at the time was Arthur A. Salvatore. He's the secretary to the mayor of Trenton.

Q.: Did you offer this information to the police?

A.: Yes.

Q.: Do you recall a dinner party which was a little unusual because of some occurrence?

A.: Yes. At Sam's house where Marilyn announced that she was pregnant.

At this point, Dr. Sam had his hands over his eyes. Tears began to roll down his cheek.

Q.: Do you know if any preparation had been made by Marilyn and Sam for an outing on July 4?

A.: Yes. Thirty or 40 guests, some doctors from Bay View Hospital and others from this area were coming to a swimming and water skiing party.

Dr. Stephen described how he was called to the home of his brother on the morning of July 4 and how he found Sam in the study and the body of Marilyn in her room.

Q.: Did Dr. Sam say anything to you on the way to the hospital?

A.: Nothing coherent but something like, "My God, how could this happen? Marilyn is dead. Why couldn't it have been me?"

Q.: Did you then return to the house?

A.: Yes.

Dr. Stephen described Marilyn's room, saying there was blood on the walls and door.

Q.: Where did the level of the bed come in regard to your height?

A.: The bed was about at my knees.

Q.: So the top of your pants would be above the bed level?

A.: Yes.

Q.: Were there any flecks of blood on Sam's pants?

A.: No.

* * *
Following is a resume of yesterday's proceedings and testimony in the hearing which started at 3 p. m. and continued until 5 p. m.

Don Ahern, 41, of 29146 Lake Rd., neighbor and friend of the Sheppards, was the first witness.

Q.: Were there any arrangements made between your wife and the Sheppards for the evening of July 3?

A.: There were a couple of phone calls between our wives. They were to come to our house for cocktails, and we were to have dinner later at the Sheppards.

Q.: What time did you depart from your home for the Sheppards?

A.: Between 8 and 8:30.

While drinking cocktails, Ahern said, they discussed Marilyn's progress in golf and an operation Dr. Sam performed on a young boy that day.

The meal's dessert, Ahern said, was home made boysenberry pie—"I think Marilyn made it for Sam . . . it was his favorite dessert." Dinner was finished about 10:30 p. m.

He took his three children home, Ahern said, and then returned.

Dr. Sam laid down on the couch and dozed off between 11:30 and 11:45. Ahern said.

* * *
Bert R. Winston, foreman of the Grand Jury which indicted Dr. Sheppard, said he is president of the Mutual Finance Co. and lives at 2749 Ashley Rd., Shaker Heights.

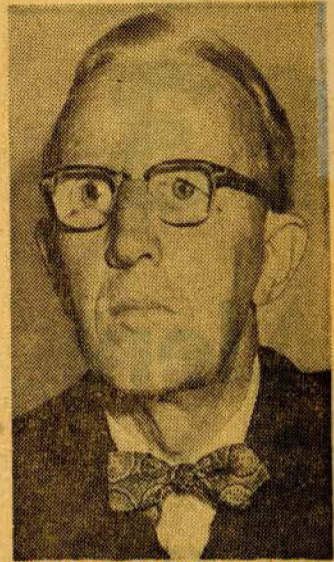
Q.: You made the statement that "pressure on us has been enormous."

A.: That was part of a statement that I made.

Q.: What was this pressure?

Winston said he meant the

Jurors were under pressure to discuss the case, but Common Pleas Judge Arthur H. Day had instructed them not to do so. "Myriads of people" wanted to talk to him about it, he said, "on the street, on the phone and at clubs."



JUDGE EDWARD BLYTHIN made clear that he has full authority to release Dr. Sam Sheppard on bail — if the facts presented by the defense dispel the "presumption of guilt."



BERT WINSTON, foreman of Grand Jury which indicted Dr. Sam, testified he and other jurors were under "heavy pressure" to discuss case with curious friends, neighbors, acquaintances and even strangers.



LAST living hours of Marilyn Sheppard were described by Don Ahern, neighbor and friend. He said Dr. Sam Sheppard was wearing a now missing T-shirt when he dozed off on downstairs couch.