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## 54/11/23 Parade of Witnesses on Stand at Sheppard Trial

Cleveland Press

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**MSL**

ACADEMIC ENDEAVORS

# Parade of Witnesses on Stand at Sheppard Trial

First witness at the Dr. Sam Sheppard murder trial today was Earl Johnston, 511 Broadway, Bedford, assistant custodian at the coroner's office. He was on duty when Marilyn Sheppard's body arrived at the coroner's office on July 4.

Dr. Sam closed his eyes and refused to look as Assistant Prosecutor Saul Danaceau held up Marilyn's blood-stained pajamas and had Johnston identify the gray bottoms and the red and gray plaid top.

Johnston also identified the three rings that he removed from the second finger, left hand, of Marilyn.

**Q.:** Was the fingernail of that finger torn?

**A.:** Yes.

**Q.:** And you slid the rings over the torn fingernail to remove them?

**A.:** Yes.

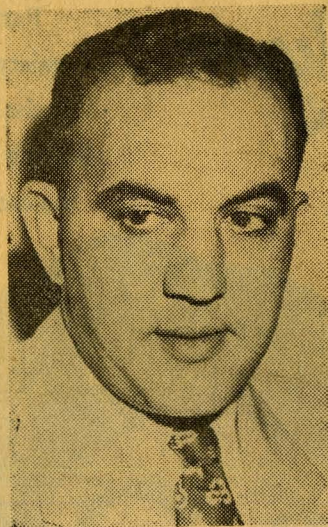
Chief Defense Counsel W. J. Corrigan cross-examined Johnston briefly.

**Q.:** Are visitors taken through the morgue?

**A.:** Yes.

**Q.:** Have you been there when the bed sheets and other articles connected with the Marilyn Sheppard murder case were shown to various people going through the building?

**A.:** No, sir, I never saw that.



**EARL JOHNSTON,**  
County Morgue custodian, was asked about Marilyn Sheppard's bloody pajamas.



**RICHARD SOMMER,**  
Bay fireman, testified about the woman's footprint on the Sheppard beach.



time the latch was hanging by a couple of loose screws.

**Q.: Did anything happen later?**

**A.:** Between 8 and 10 three other officers pushed open the door. The latch came off. It was on so loose they didn't even realize that it was locked.

### Other Duties

**Q.: In addition to the search did you have any other duties in connection with this case?**

**A.:** Yes. I was assigned to take turns on an eight-hour shift at Dr. Sam's door at Bay View Hospital, beginning July 5.

**Q.: What were your duties?**

**A.:** It was mainly to keep newspapermen out of the room. We were to use common sense about who we let in.

**Q.: Did you prevent any nurses, or the Sheppards, or doctors, or any of the defendant's lawyers from going into that room?**

**A.:** No, except there was just one lawyer I kept out but I didn't know he was a lawyer.

**Q.: Who was that?**

**A.:** That was young Corrigan. (W. H. Corrigan is the son of Chief Defense Lawyer W. J. Corrigan.)

**Q.: On July 7 do you recall anything happening on that day?**

**A.:** That was the day that Otto Graham and Mayor Houk called on Dr. Sam. They were



**CY LIPAJ**, Bay patrolman, testified in Sheppard trial about finding a T-shirt in the lake.

## Bay Fireman Called to Stand

The next witness was Richard Sommer, Bay Village fireman who lives at 27031 Lake Rd.

Sommer testified that he and a volunteer fireman, Callahan, arrived at the Sheppard home about 6 a. m., July 4. Sommer said he took a stretcher upstairs and stood by until Dr. Richard Sheppard arrived, about 20 minutes later.

## Teacher-Policeman Testifies on Latch

He was followed to the witness stand by Cyril N. Lipaj, 27895 Lincoln Rd., Bay Village. During the winter months he is a school teacher at Bay Village High School, teaches mechanical drawing and is assistant football coach. During the summer he is a full-time policeman.

**Q.: Did you have occasion to be at the Sheppard home on July 4?**

**A.:** I was assigned there after 5 o'clock that evening to keep people away from the house and to watch things.

**Q.: During the course of the night did something unusual occur in reference to the latch on the front door?**

**A.:** The night latch was broken off by one of the Bay Village police. I was sitting in the front room and Sgt. Hubach tried to come in through that door. He evidently thought something was wrong with me and he tried to break in the door. I called to him and unlatched the door but by that

taken in by Dr. Steve or Dr. Richard.

**Q.:** Anything else happen on that day?

**A.:** I think that was the day Dr. Steve brought in a record player.

**Q.:** What happened after that?

**A.:** Well, we seemed to have classical music played at all times after that by Dr. Sam.

### **Cross-Examination**

Defense Lawyer Fred Garmone cross-examined Lipaj.

**Q.:** How long have you been connected with Bay High School?

**A.:** I'm in my fifth year.

**Q.:** During that period, have you been acquainted with Marilyn and Sam Sheppard?

**A.:** Yes, since the first year I was there.

**Q.:** Did you see them at social functions?

**A.:** Yes, at the high school football banquets.

**Q.:** You have never seen Sam mistreat Marilyn have you?

**A.:** No.

**Q.:** Or lose his temper toward Marilyn?

**A.:** No.

**Q.:** You told of the many visits that Dr. Steve and Dr. Richard made, and Otto Graham, Mayor Houk and Hoversten made into Sam's hospital room. Now, how many times did you see Schottke and Gareau go in and out? (Bob Schottke and Pat Gareau are Cleveland homicide detectives.)

**A.:** Only once, and that was after they threatened with subpenas.

**Q.:** Schottke and Gareau?

**A.:** Oh, wait. I was thinking about Rossbach and Yettra. (They are sheriff's deputies.)

**Q.:** Did you talk to anyone about your testimony before you took the witness stand?

**A.:** What do you mean?

**Q.:** Did you talk to Mr. Mahon or Parrino (prosecutors) about what you were going to testify to?

**A.:** I talked with them, but not about testimony.

**Q.:** Well, why did you confuse Schottke and Gareau with Rossbach and Yettra?

(Objection—sustained.)

### **Sam Helped Athletes**

**Q.:** While you were engaged as coach at Bay High School, when a player was injured was he turned over to Dr. Sheppard for treatment?

**A.:** Yes.

**Q.:** Dr. Sheppard never failed when called upon regardless of the time of day?

**A.:** That's right, sir.

**Q.:** This service was rendered without charge?

**A.:** Yes, as far as I know.



# State Next Calls Housework Aide

Next witness after the morning recess was Mrs. Elnora Helms, 12211 Brookfield Ave. She had been doing housework for Dr. and Mrs. Sam Sheppard since February, 1952.

**Q.:** Would the family be up when you got there in the morning?

**A.:** Mrs. Sheppard and Chip would be.

**Q.:** Always?

**A.:** Once Mrs. Sheppard was ill. I believe it was Apr. 28, this year.

**Q.:** What happened when you arrived that day?

**A.:** I went to the street door and knocked. I tried the door. It was locked. I went around to the den door and knocked again. It was locked. I went around the side of the house to the French doors, and Dr. Sam apparently heard me there because he came to the door.

**Q.:** Do you recall an occasion last spring when the dog, Koko, had some difficulty . . . leaving blood around? And you had to wash and clean up the blood?

**A.:** Yes. I washed the floors wherever it showed and washed down the stairs.

**Q.:** With the exception of the rugs, did you wash it all up?

**A.:** Yes.

**Q.:** Do you recall the trip to California last spring made by Dr. and Mrs. Sheppard?

**A.:** Yes.

**Q.:** Before the trip what bedroom did the Sheppards use?

**A.:** They used the double bed in the room next to the garage. It has a little dressing room before you get into it.

**Q.:** What was the room with the twin beds used for?

**A.:** For guests.

**Q.:** When did Dr. Sam and Marilyn begin to occupy the room with the twin beds?

**A.:** A week or two after they came back from California.

Garmone then began cross-examination of Mrs. Helms.

**Q.:** Did you ever arrive at the Sheppard home before 8 a. m. for work?

**A.:** Yes.

**Q.:** Was the door left open for you?

**A.:** Yes. I would call or she would call me the night before to tell me which door she would leave open.

## Asked About Mayor

Further questioning about the change in bedrooms brought this answer from Mrs. Helms: "Mrs. Sheppard said that her husband had a bad cold and could not get rid of it so they decided to move into the other room."

**Q.:** Was that the first time during your employment that the room was occupied by Marilyn and Sam?

**A.:** Yes.

**Q.:** Had Mayor Houk visited



Mrs. Sheppard a short time before?

A.: Yes. At a time when she was ill in April.

Q.: How long were they at home and in this room prior to Mayor Houk's visit?

A.: About three weeks.

Q.: Had Mayor Houk been there previous to that occasion?

A.: Yes, he had coffee there quite a few times.

Q.: On occasions, had Mayor Houk been there after Sam Sheppard had already left the house to go to the hospital?

A.: I cannot say but Mayor Houk had been there to have coffee whether Dr. Sam Sheppard was there or not.

Q.: On the day that Mrs. Sheppard was sick, did Houk come to the home?

A.: Yes.

Q.: Dr. Sheppard had already left?

A.: Yes.

Q.: Mayor Houk went up to Mrs. Sheppard's bedroom?

A.: Yes.

Q.: Did he inquire of you as to what room Mrs. Sheppard was occupying?

A.: No.

Q.: Could you hear any conversation?

A.: I could just hear low mumbling.

Q.: Did Mayor Houk later come down?

A.: Yes.

Q.: Did he say anything to you?

A.: He did not say anything to me but he spoke to Chip. He told Chip that his mother was sleeping and for him to tell her that he would be back to see her later.

Q.: Mayor Houk had free run of the house, didn't he?

A.: I cannot say that.

Q.: Were you there at times when he would prepare breakfast?

A.: I never saw that.

Q.: Did you ever see Sam



**ELEANOR HELMS**, former Sheppard maid, told murder trial jury the front door usually was locked.

mistreat Marilyn?

A.: No.

Q.: Did you ever see Sam lose his temper?

A.: No.

Q.: During the period of your employment, did you notice an atmosphere of affection between Sam and Marilyn?

A.: Yes. I wasn't around Dr. Sam as much as Marilyn, though.

Q.: You did notice an atmosphere of affection, though?

A.: Yes.

Q.: Did you clean up any spots on the stairs to the basement?

A.: No. I didn't wash anything in the basement.

Q.: Did you wash away any blood spots on the porch?

A.: I didn't go out on the porch.

Q.: Did you tell the Police Department about the blood

spots relating to the dog?

A.: I did.

After Garmone had completed his cross-questioning of Mrs. Helms, Danaceau asked:

Q.: Did you ever talk to any of these men (indicating Corrigan and Garmone)?

A.: Yes. I talked to Mr. Corrigan and Mr. Garmone.

Q.: Did you talk to them about everything that you have testified to today?

A.: Yes, in Mr. Corrigan's office.

Q.: Who told you to go to Mr. Corrigan's office?

A.: I was telling my employer and she told me to tell Mr. Corrigan.

Q.: Who was your employer?

A.: Mrs. Richard Sheppard (wife of Dr. Sam's brother, for whom Mrs. Helms also worked.)

Garmone resumed his questioning of Mrs. Helms by asking her if the dog was friendly and she answered that it was.

Q.: Didn't you come to Mr. Corrigan's office as a result of an article in the papers about blood spots all over the house?

A.: Yes.

Q.: In that article you read about spots having been washed away?

A.: Yes, but the main thing I recall was the line of blood spots and I recalled that the dog had gone up and down the stairs.

Q.: Up to that day at Mr. Corrigan's office had Mr. Corrigan or I talked to you or seen you?

A.: No.

## Finger Printing Expert Testifies

The next witness was Michael S. Grabowski, 3813 E. 52d St. Under questioning by Prosecutor Parrino he said that he had been with the Cleveland Police Department for nine years, assigned to the scientific

unit. The unit has three divisions, photography, laboratory and finger printing and he has been with the finger printing division six years.

Grabowski testified that he took the Cleveland Police Department Bertillon car to the Sheppard home early on the morning of July 4. He said he made a quick tour of the home before doing any fingerprint or photographic work. He said he noticed a medical kit, with its contents spilled, in the living room. He said he saw contents of a drop leaf desk drawers strewn over the floor.

Q.: Did you test the desk for fingerprints?

A.: Yes.

Q.: Did you dust anything else in the living room?

A.: Yes, some letters on the floor, but there were no prints on them.

Q.: Did you see anything unusual about the desk?

A.: Yes. I noticed very peculiar lines throughout the desk. They were lines like as if I ran my hand through the whole desk. I saw them over the drawers, the front of the

desk, the back and the sides of the drop leaf.

Q.: What is this drop leaf you referred to?

A.: The drop leaf was down and partly resting on a chair in the big room. That had papers on it.

Q.: Were there any identifiable prints?

A.: No, sir.

Q.: Any place in the room, were there fingerprints?

A.: No, sir.

Q.: What did you see in the den?

A.: A desk with six drawers. Two drawers were on the floor in one part and three other drawers in the western part close to the wall.

Q.: Did you find any identifiable prints in the den?

A.: No, sir.

Q.: Did you dust one of those metal boxes in the den?

A.: Yes. I found no prints. It looked like a piece of sand paper or something coarse had been drawn across it, leaving marks.

Q.: Could those marks be

Continued on Page 11



# Prosecution Calls Parade of Witnesses

Continued from Page 10

created with a cloth?

A.: Yes.

Grabowski testified that he made a complete examination of the black leather medical kit and found no prints on it or its contents. He went upstairs and took pictures in Marilyn's bedroom. There he dusted one of the window sills for prints and found none.

He said that about 9:15 he went down to the beach and observed some barefoot prints.

Q.: Where were they?

A.: They started about 50 feet away from the steps coming down from the Sheppard place and came in an easterly direction. They looked like the water had been washing into them a little and around the edges they were rounded out.

Q.: Did you make any plaster casts?

A.: No. The condition of the soil was such that we would have lost all the detail.

Judge Blythin adjourned court for lunch.

As the afternoon session got under way Grabowski identified two photographs of the footprint. After the jurors looked at the photographs Defense Lawyer Corrigan cross-examined the fingerprint expert.

Q.: Any oil, dust, perspiration, if blood is on the hand, any of those things will show up on a fingerprint?

A.: Yes.

Q.: You know that a person committing a crime is likely to be perspiring?

A.: Yes.

Q.: One of the results then is the deposit of perspiration from the finger on a surface?

A.: Yes.

Q.: You know perspiration contains salt?

A.: Yes.

## Skin Construction

Corrigan conducted the witness on a tour of the construction of the skin on the finger and why it leaves a print when placed upon a surface. At the conclusion of this discussion, the defense counsel picked up all the photographs on the exhibits table, handed them to Grabowski and asked him to pick out those that he had taken.

The witness selected nine pictures.

Q.: In questioning you Mr. Parrino kept asking you if you had found any identifiable prints. Did you find any fingerprints that were not identifiable?

A.: Yes.

Q.: You found fingerprints then—but you didn't identify them?

A.: Yes.

Q.: Did you make a picture of that palm print? (Found on the desk.)

A.: Yes.

Prosecutor Parrino took the picture from an envelope and



## FINGERPRINT EXPERT

Mike Grabowski was called as a witness at Sheppard murder trial today.

Corrigan gave it to the witness.

In response to a series of separate questions, Grabowski admitted that he examined only one window in Mrs. Sheppard's bedroom. He also said that he did not make any check for fingerprints on the bed, any parts of the bed, a dresser, the second bed in the room, the night stand, lamp, or the telephone.

He also admitted to Corrigan that he did not look inside the clothes closet in the room.

## Went No Further

Q.: You didn't go any further in your examination of that room because you didn't want to disturb anything?

A.: Yes.

Q.: Did you see a lady's wrist watch?

A.: Yes, on the floor.

Q.: Did you examine it?

A.: Yes. I used powder on the bottom and sides for fingerprints. I didn't powder the crystal.

Q.: That was because there was blood on it?

A.: Yes.

Q.: If a fingerprint had been left on the crystal you would have found it with your powder?

A.: Yes, if there was one there.

## Detective Gareau Begins Testifying

Following the mid-afternoon recess Homicide Detective Pat Gareau was put on the witness stand.

His testimony was similar to that of Detective Bob Schottke who testified last week.

Schottke and Gareau worked as a team on the Sheppard murder investigation.