

SAMUEL H. SHEPPARD, having been first duly sworn, was examined and testified as follows:

EXAMINATION OF DR. SAMUEL H. SHEPPARD

By Coroner Gerber:

Q What is your name?

A Samuel H. Sheppard.

Q Where do you live?

A My home is at 28924 West Lake Road.

Q West what?

A West Lake Road, Bay Village.

Q How long have you lived there?

A Approximately three years this month.

Q 1951?

A Yes.

Q Where did you live before that?

A We lived in Los Angeles, California. Moved to this area in late May or June, early June, in the spring of '51. We rented a home until we could purchase one.

Q When you rented where did you live when you rented?

A It was a home in Rocky River that we rented just during the summer until we could get into the home that we purchased.

Q The address of that house and the street number?

A I can't recall the name of the street or the address. It was in Rocky River though. Part of this

time I spent with my --

Q You don't recall the address in Rocky River?

A No, I don't.

Q Was it Wagar Road?

A No, it was not. It was off of Wagar Road.

Q You don't recall the name?

A I don't recall the name or the street, no. It was the house of a football coach who was away for the summer and we rented it furnished.

Q Did you have a telephone number listed in your name?

A No.

Q What were the addresses in Los Angeles-- you said Los Angeles, didn't you?

A Yes.

Q What were the addresses?

A I cannot give you those specific addresses. There were two apartments that we lived in on Sichel.

Q How do you spell that?

A S-i-c-h-e-l.

Q And that is in Los Angeles proper or a suburb?

A That is in Los Angeles right across from Los Angeles County General Hospital, off of Mission Road, which borders the hospital.

Q Just opposite or across from Los Angeles County General Hospital?

A Yes, Mission Road borders the hospital and this little street, Sichel Street, is off of

Mission.

Q There are some apartment buildings there and that is where you lived?

A Yes.

Q What year did you graduate from high school?

A In 1942.

Q That was Cleveland Heights?

A Yes.

Q After that you went to what school?

A I spent the summer, that summer as a playground instructor and initiated my pre-medical work at Hanover College that fall.

Q Hanover, New York?

A Hanover, Indiana.

Q You went there in September of 1942, is that it?

A Yes.

Q You were in school there until what year?

A I attended summer courses the following summer at Western Reserve University and the following year at Hanover College. Due to the wartime restrictions the fact that I was a so-called frozen in my preparatory work I was not allowed to continue my complete four year pre-medical course.

Q When did you finish at Hanover?

A 1944, spring of 1944.

Q And then from there you matriculated in college, what was the name of the school?

A College of Osteopathic Physicians and Surgeons at Los Angeles.

Q That was in the fall of 1944?

A No, due to the wartime intensive program, that was as I recall early July or late June, I left from my pre-medic work at Hanover and went directly to Los Angeles.

Q How long did it take you to get through in Los Angeles, how many years?

A Well it is four and a half years in actual dietetic work. It was approximately four years chronologically going to school both summer and winter, with no actual vacation.

Q When did you graduate?

A Well that was the spring -- four years later, that was in 1948, 1944 to 1948.

Q From May 1948?

A May or June.

Q And then what did you do?

A Again due to the very restricted manpower and intensive war program I being fortunate enough to be among the first few in our class in intern rating, I was asked to start my intern duties in December of that year or January, which is about the time of the New Year.

Q Where was that?

A That was at the Los Angeles County General Hospital. That was actually before I graduated.

Q This was still 1948 you are talking about?

A Yes. I initiated my intern duties and continued the duties of the senior student at the same time.

Q This was December 1947 and January 1948?

A Actually the start was in January 1948.

Q Then how long did you continue in that?

A I completed a year's internship and was given the opportunity to take a residency in neuro and traumatic surgery.

Q When did you start that?

A I can't give you the exact date but I believe it was approximately a year later. I believe it was around December or January.

Q That would be December of 1949?

A I believe so.

Q Or December 1948 -- January 1949. How long did that take?

A Well I was in continuous residency until -- I terminated and planned to come back to Cleveland in 1951, June.

Q Did you take the State Board in California?

A Took the State Board in California shortly after I

completed my school work.

Q Did you get a reciprocity or did you take the State Board in Ohio?

A I took the Endorsement Board in Ohio the following year.

Q In lieu of the examination that you took in California?

A Well there are several courses that had to be taken here, three or four.

Q Extra?

A No, not extra but they are part of the Endorsement Board.

Q That is required by the Ohio State Board?

A Required by anybody, endorsement by the State.

Q When you came to Cleveland where did you start practicing?

A I practiced at Bay View Hospital. For one year, I served as a general surgical resident at the hospital.

Q That would bring you up to 1952?

A Yes.

Q And then in 1952?

A I just continued my duties and continued practicing as a neuro and traumatic surgeon.

Q But you didn't open an office?

A Well yes, I mainly used the offices of my brother and father which they had made available to me.

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Married
Nov. 1945?

Q What year were you married?

A I believe it was November of 1945. It was nine years ago last February.

Q Where were you married?

A We were married in Hollywood. I believe it was the First Methodist Church of Hollywood. I am not sure. We were married in the chapel.

Q You were married in the Hollywood Methodist Church?

A I believe it was the First Methodist Church of Hollywood. I am not absolutely sure of that but I believe that's true.

Q I take it this is your first marriage?

A My only marriage.

Q Your only marriage. When you were practicing in California did you have a narcotic license?

A Yes.

Q Do you recall the number, the registration number? Did you have it on a prescription blank, the registration number?

A I did not have it on the prescription blank, because I used the County Hospital prescription. I never had any of my own in California. I don't really -- I can't really recall. I do recall that at one time I did confuse it with a laundry number, the hospital laundry number, I got that mixed up. I was going to give you a number but

I believe that was my laundry number.

Q Was the number changed when you moved to Ohio?

A Yes.

Q Do you recall that number?

A 15481 I believe.

Q As of July 1, 1954 did you file with the Narcotic Registration Bureau a summary of the narcotics that you had on hand?

A I filed a summary of the narcotics only that I had purchased, not that I had on hand, which probably may have been a mistake but that is the way I did it.

Q Did you keep a duplicate which goes with the filing?

A I believe I have it somewhere.

Q Did you send the dollar in?

A Yes, I believe I did.

Q Did you get your return registration for the year of 1954 and 1955?

A I don't know.

Q Do you recall the time that you filed that, what time in June?

A I don't remember specifically.

Q Do you have in your possession a narcotic purchase book?

A No, not that I know of. I have a triplicate book that we used in California which is different than the

narcotics up here for writing prescriptions.

Q What you are referring to now is required by State law in California?

A Yes.

Q That is what you are referring to now?

A The triplicate.

Q Do you have the triplicate book required by the United States Government under the Federal Narcotics Act?

A For this state you mean?

Q For any state.

A For the purchase of narcotics?

Q Yes.

A Not that I know of. I have some books of blanks, of barbituate books.

Q Will you tell me the name of the personnel supervisor or director of Bay View Hospital?

A The administrator?

Q The administrator.

A Mr. Lease.

Q What is his first name?

A Richard.

Q Does he reside at Bay View Hospital?

A No.

Q Who is a Miss or Mrs. Giffin?

A Giffin?

Q Yes.

A I don't know.

Q Do you have such a person that works at the hospital?

A We may have. I know many faces around there whose names I cannot say that I definitely know.

Q Who is Daisy Dove?

A Daisy Dove is a girl, a negro girl who works as an attendant and also in the laboratory.

Q She is an attendant in the laboratory. What sort of an attendant?

A Well she has I think worked in various jobs but the last that I know of was helping in the laboratory cleaning up dishes, helping in any way that she can.

Q Who is Mrs. Bendix?

A Mrs. Bendix? That name I am not familiar with.

Q Who is Ruth Gahagan?

A Ruth Gahagan is one of the girls in the kitchen who more or less runs the food in its preparation for the doctors and attendants in the dining room.

Q Coming back to February 1945, you were married at that time to Marilyn Reese?

A Yes.

Q She was a resident of Cleveland Heights, Ohio?

A Well she spent some time with her father in University

Heights and she spent quite a bit of time with her grandparents in East Cleveland.

Q She was a resident of an eastern suburb of the City of Cleveland, is that right?

A Yes.

Q Where did you first meet Mrs. Sheppard?

A I met her at junior high school, Roosevelt Junior High School.

Q About what year?

A It was approximately 1938, '37.

Q From that time on you and Miss Reese were friendly and planned to get married, is that it?

A Yes as I told the officer that was down at the Sheriff's office, we were friendly in junior high school but she being a year and a half ahead of me in school went to high school before I did. During that period we did not see each other, a great deal, and did not go with each other as boyfriend and girlfriend, but kept in touch occasionally and still I think respected and liked each other.

And when I went up to high school we saw a great deal more of each other.

Q She went away to college when she got through high school?

A I beg your pardon.

Q She went to college when she got through high school?

A Yes. She remained in high school during the entire year of 1941 so that she did not graduate midyear as she was originally set up to do and the following year she went to Skidmore College.

Q When was your son born?

A Seven-years ago this spring.

Q This past spring?

A This past spring he was seven years.

Q Spring of this year?

A May.

Q '54?

A Yes.

Q Is there any reason that you can give that there were not more children?

A My wife had a rather difficult delivery with the first child. You can understand she had a posterior occiput which produced a rather painful situation during the time of delivery.

Q Did she have an uneventful pregnancy?

A Originally?

Q Yes.

A Relatively so. She had a lot of backache though.

Following the delivery she felt the responsibility of the child very greatly and she therefore requested to delay

any further family for a while.

Q What was her blood type, do you know?

A I don't know her specific blood type but the doctor who took care of her originally said that she was an RH negative. I think he found that there had been a number of patients that were RH negative and he rejected it and the last report, as I recall, she was not an RH negative.

Q Who was this doctor?

A Dr. Wayne Dooley.

Q What hospital is he connected with?

A Well he is chiefly connected with Glendale Community Hospital.

Q That is also in Los Angeles County?

A Yes.

Q What did you say her type was?

A I don't know her type.

Q She was never typed subsequently?

A She may have been.

Q Not to your knowledge though?

A Not to my knowledge. She was in our hospital for foot surgery two years ago.

Q What kind of surgery?

A Foot surgery on her toe but I don't believe the blood type had been done. I evaluated my own blood type in school but I can't remember what hers was.

Q Do you know whether she was an A, B, AB or an O?

A I don't know.

Q Do you know whether she was an RH negative or an RH positive?

A I don't definitely know. I felt she was an RH positive too, because I felt that Dr. Dooley had rejected it and if it had been negative he would have emphasized that to me.

Q In other words she was an M or N or MN?

A I don't know.

Q Do you know your blood type?

A No I don't.

Q You don't know whether you are an A or AB?

A As I say --

Q A B or an O?

A I checked myself years ago. I can't recall.

Q And since that you have not had occasion to have it checked?

A No.

Q Other than this posterior occiput presentation there were no other complications of birth?

A No, you mean as a baby?

Q No. I am talking about the birth, delivery.

A Nothing as far as complications are concerned.

Q Did she have to have an episiotomy?

A Yes.

Q With high forceps?

A She had an episiotomy of low forceps.

Q Low forceps?

A As I recall.

Q The baby, was there any damage to the head at the time of delivery?

A There was a slight birthmark on the baby's nose, on the tip, which was very slight and that eventually cleared up spontaneously.

Q Was that birthmark caused by misapplication of the forceps?

A No. That was a birthmark. There was no problem there. I will tell you the truth, I can't even recall the specific fact that forceps were applied, but it seems to me that there were low forceps used which is not uncommon in most cases.

Q What type of anaesthesia did she have?

A A saddle block.

Q Recovery was uneventful?

A Yes I would say so.

Q You say progress of the child was uneventful?

A Yes except that we were concerned about this little mark on his nose and the tendency to throw his right leg in eversion, as he sat and crawled and I was quite

concerned about a possible congenital dislocation of the hip. We took pictures of his hip, both hips, and consulted an orthopedic surgeon in relation to that possibility but it was deemed that it was merely a difference in hip growth development that had produced this.

Q How long did that persist?

A oh I can't say specifically. Probably six months.

Q From that time on except for childhood diseases was there any difficulty?

A With the child?

Q With the child.

A He fell and struck his head at one time and cut his head right here and my wife brought him over to the hospital and I was delivering a baby at the time, it was during my internship and she was very upset about that. Some of the other doctors took care of it.

Q When did you learn that your wife became pregnant?

A This last pregnancy?

Q Yes.

A well in approximately April I was hopeful and so was she.

Q April?

A Early April or late March, early April.

q When did you learn that she was definitely pregnant?

A Well I can't give you specific dates. Shortly after

I -- However, shortly after I asked Dr. Sheppard, Sr. to examine her and he made a definite diagnosis of pregnancy at that time.

Q Do you know what month that was?

A No. I think that occurred sometime in May but I am not sure.

Q When did you expect the birth of the baby?

A Well I had not really done a lot of figuring on it. She had mentioned something about December.

Q Was Dr. Sheppard, Sr. to take care of this pregnancy?

A Not necessarily. He had been asked to see her by me in relation to some convulsion that my wife had had from mild tremors to almost frank convulsive seizures on two separate occasions.

Q And what month was this, what time?

A That was late in March and early April. She had been increasing her habits of smoking, which many people do just gradually and it had been just a gradual increase and I felt that possibly the toxicity of nicotine plus her possible pregnancy might explain it. Also she had had both in California and here she had more or less chronic chest complaint which displayed itself in coughing and bringing up of bronchial -- cast of the bronchial. This was particularly bad during the bad smoggy weather in California and during the time she

smoked more heavily. I thought this might have some bearing. Dr. Sheppard, Sr. felt that way and he recommended she discontinue smoking. In fact I recommended it before he really examined her and she improved in almost every way.

Q Was her chest examined by X-ray?

A Her chest was not examined recently by X-ray. It had been examined in the hospital when she had been in before.

Q In May and June she was free of these symptoms?

A Which symptoms?

Q That you are talking about.

A Yes.

Q She had these mild tremor symptoms?

A Well she had only had two or three of these at the most but from then on she was definitely free, as far as I know, plus the fact that she felt better. She didn't have as much coughing.

Q There has been some talk for several years back that you and your wife were about to divorce each other. Is that true or untrue?

A That is not true.

Q Did you ever ask her for a divorce?

A No.

Q Did she ever ask you for a divorce?

A No.

Q Did you ever discuss divorce?

A No, not in a serious fashion. During and following my wife's first pregnancy, consistent with my period of completing my dietetic training in school I initiated my work in the hospital, which as you know projects a physician into contact with many women both in the work as far as patients and also fellow workers. During this period she became at times quite jealous and during this period I attempted to reassure her and suggested more children. She wished to wait, which was her decision to make and following this period of reassurance she improved steadily and there was no major difficult at all.

Q That was when you were living in California that this occurred?

A Yes.

Q Now what about when you arrived or moved back up to Cleveland, the western part of the county, did the same thing come up again?

A There were times when there would be like tendencies toward jealousy to arise and I would reassure at these times and her reaction was, if anything, to be much more tolerant than the average wife. After reassurance she would encourage me to be particularly nice to other women for instance. In fact I think I felt she was

more trying to make up for a little reaction that she may have had and not wish to express it.

Q Do you feel in your own mind that you ever gave her occasion to be suspicious of your actions?

A I beg your pardon?

Q Do you feel in your own mind that you have ever given her, given your wife occasion to be suspicious or to dislike your actions?

A No but I tried to understand her place. I had been away from home a great deal travelling to other cities, in our own town, out late at night sometimes and I could realize that she might want to know my whereabouts at times and I could realize that. In fact, I attempted as time went on to let her know where I was and how long I would be. My habit had been at the County Hospital, when I was in the hospital, I might be engrossed in a procedure or a particular problem for hours on end. But she knew that I was there and she knew that I was going to be away for 48 or 72 hours at a stretch and if I didn't call her or didn't come home she knew where I was, but if I was in Youngstown or Akron and was delayed more than usual she was concerned. It took me a little while to recognize her concern on that basis and as time went on I attempted to let her know when and if I was going to be delayed.

Q Are there any occasions when you would tell her you were going to the hospital or go someplace and she tried to find you at these places and she could not locate you and you had not been there. Did you ever have any discussion about such type of action on your part?

A There had been times at which she has not been able to find me for one reason or another but yet where I had told her that I was going to one specific place I didn't show up there.

One instance might be demonstrated by the fact that I had been in Youngstown several weeks ago and she knew that that was my day in Youngstown and I believe that I told her before I left that I would be late. That was my recollection. Which I was.

So before leaving Youngstown I had dinner in a restaurant on the way out. Realizing that I was late anyway I couldn't get home in time for dinner I stopped on the east side and saw one of her aunts and uncles and chatted with them and met some friends of theirs and then proceeded home. She was, when I got home, somewhat upset, because she had not realized where I was.

I don't know whether she called Youngstown or not but she had not known just exactly where I was and she was concerned. Of course I told her where I had been and she understood that I was going to be home for

dinner and I had not understood that.

Q Do you recall a party, some Halloween party given at the Bay View Hospital before the new wing was built?

A Yes. I remember one party. There was one given each year for Halloween up to this year.

Q There was a boat house at that time where the new wing is now located or a portion of it?

A Power house.

Q Power house?

A Yes.

Q I mean a boat house. In 1951 or 1952.

A I couldn't say the year but I recall there have been two in that period that I had been to.

Q You took your wife to this party?

A Yes.

Q Do you recall the other people that were at this party?

A Well, practically the entire staff that were not on duty at the hospital at that time were there and their friends.

Q What kind of a costume did you have on that night?

a (No answer.)

Q Did you have a gingham dress on?

A Yes. I think I did and I think I had on a monkey face. Some sort of a dress and a monkey face.

Q What happened to your wife that particular night?

A Nothing in particular. Except that she got tired and was ready to go home and she was -- and I was not necessarily ready to go home and she said well if you want to stay fine, I'll drive on home and someone can drop you off. So I stayed there if that is what you are referring to.

Q Were you paying more attention to some other party that night than you were to your wife?

A No. I wouldn't say so. I was paying attention to a lot of people.

Q Didn't you leave the crowd and walk down to the lake?

A No.

Q With some girl?

A No.

Q You don't recall that?

A No.

Q You don't recall leaving the party and walking to the lake with Sue Hayes?

A No I didn't.

Q Was Sue Hayes there?

A Yes.

Q You don't recall being off alone with Sue Hayes?

A No.

Q You better think. You know you are under oath.

A I know that.

Q What was Sue Hayes doing at the hospital?

A Before I go on with that if there was any question about any girl at that party it certainly was not Miss Hayes.

Q Who was it then?

A There were various -- there -- there was no girl that accompanied me to the beach.

Q Who was smoking your pipe that night?

A I don't know. I couldn't tell you. She might have been. I don't know.

Q Some girl was smoking your pipe that night wasn't she?

A That is possible. I don't know.

Q Who was Sue Hayes?

A She was a technician at the hospital.

Q Does she work at the hospital on Euclid Avenue that is located there?

A I believe she did but I can't say for sure.

Q Where did she get her training, do you know?

A I believe she obtained her training under Dr. Hartman at our hospital.

Q Where is the laboratory located in the hospital?

A It is located on the first floor or level, on the north side.

Q Were there other occasions when you and Miss Hayes would be in parts of the building, in parts of the hospital where she would not normally be and you were with her?

A No.

Q On any occasion whatsoever?

A Not that I can recall.

Q Did Miss Hayes come to your home and have you drive her to the hospital?

A When, now?

Q Anytime.

A Anytime? A couple of times. A few times when we were renting this home in Rocky River she asked me to drive -- she asked to ride to the hospital with me. And she did. That was in the morning.

Q Did your wife go out on one occasion and say the doctor is going to be late and you better go on and she said I would rather be late than walk or than take the bus. Did she tell that to your wife?

A That's possible but I don't recall.

Q She was an employee the same as any other employee of the hospital, is that right?

A Yes.

Q It was because of her friendship to you that she

could come and go as she pleased?

A Well I don't know that she could come and go as she pleased. She certainly was given the privileges that any other faithful and helpful person would be given, nurse, janitor, supervisor or anyone else, if they are unavoidably detained they are certainly given an amount of consideration.

Q Did you ever tell one of the employees at Bay View Hospital, "I went to school to be a boss and not to be bossed"?

A I don't believe I did. I might have stated that being a professional man I appreciate being my own boss.

Q Did you tell one of the kitchen help or one of the dining room help that you went to school to be a boss and not to be bossed and not to take direction from dining room help and kitchen help?

A No.

Q Now on numerous occasions haven't you gone to Miss Hayes ' house and picked her up and brought her to the hospital?

A I have on several occasions done that as have many of the doctors at the hospital, since she was very helpful on emergency problems and would come in when we had difficulty obtaining any technical help.

Q The reason for Miss Hayes leaving the institution

was because she was creating difficulty?

A No.

Q What was the reason for her leaving?

A Well I can't give you her reasons.

Q I mean so far as are known.

A The main reason that I know of is that she felt that she needed a rest and I happened to run into her father some months later. In fact from -- maybe six weeks or so ago and he indicated that he practically made her quit because he felt that she had been overworked at that time.

Q When did she go to California?

A I cannot give you a specific time.

Q When were you in California?

A In early March.

Q Did you write a recommendation for Miss Hayes to Dr. Hoversten when she went to California?

A A recommendation, what was that?

Q A recommendation about getting a job.

A A year or two ago Miss Hayes went to California before Dr. Hoversten came back here and I may have written to him then mentioning that as Miss Hayes would be coming out and if he could help her in any way that she was a reliable, good technician.

Q You bought car from the MG Motor Sales, didn't you?

A Yes.

Q A 1952 MG?

A I bought three of them.

Q You traded a 1952 Mercury convertible on a 1952 MG?

A No that was one that I didn't buy. I thought I would but I took the MG home and I had had a little mechanical trouble on the Mercury, nothing serious, and I went into the MG agency and made a deal and I took the MG home and I repaired it and I talked it over and she didn't want that car for her car and she wanted a Mercury.

Q You have a sales slip here dated January 30, 1954.

A Yes. But that night we took the car back to get the Mercury back.

Q Your sales slip did come from MG Motor Sales, is that right?

A Oh, yes. If he had wanted to he could have made me stick to the deal but he didn't, he allowed me to take the car, the MG back and take the Mercury.

Q Who is Mr. Rock?

A Mr. Rock is the name that Miss Hayes gave me along with another address hoping that I would look her up when I could visit California.

Q She gave you this subsequently to January 1954?

A It must be. Must be shortly before she left.

Q When did she leave?

A I cannot give you the exact date. I don't really know for sure.

Q Was it May or April or February?

A I don't know. It was some time after the first of the year.

Q Did you sign your name on here?

A I can't recall. I probably did. On the sales slip?

Q Yes.

A Probably did.

Q Who is Dorothy 11727 Julius?

A That's Mrs. Shabla.

Q Topaz 2-7338.

A I believe that is the telephone number.

Q Is that your handwriting?

A That's my writing, yes.

Q Is that your writing?

A That's my printing.

Q What is this here? Is this your writing?

A Over here?

Q Yes.

A No.

Q Whose writing is that?

A That says "still writing"?

Q Yes.

A I have no idea.

Q Whose writing is this?

A That's my printing.

Q When you say that's your printing what are you referring to?

A Dorothy, 11727 Julius, Downey, Topas 27338.

Q When you say it is your printing are you referring to over here?

A Rock 49 Libbitt.

Q Is that 49 Libbitt?

A I guess it is partially obliterated here. I guess it is 4944 Libbitt.

Q And the word "still writing", is that your handwriting, is that your handwriting?

A I have never seen it before.

Q Did you visit Sue Hayes when you went to California?

A Yes.

Q You went on February 26th this year, 1954?

A I cannot tell you the date.

Q You were there during the month of March?

A I was there during early March.

Q What date do you recall that you visited her?

A I couldn't give you specifically.

Q Had you been there a week a day or three weeks?

A Oh I was only there in Los Angeles 10 days to two

weeks. I cannot even give you the specific number of days that I was there.

Q You were gone a month and you only spent 10 days in Los Angeles?

A Yes. It takes six days to drive each way approximately, five or six days. I may have been there more than 10 days but not much more.

Q When you drove that time didn't you drive without any rest and without stopping so you get to California and didn't your wife get angry at you?

A No. In fact, she was quite pleased that I --

Q Didn't she want to rest?

A We stopped every night. On the way back on our trip in October I was asked to come back --

Q Are you talking about March of 1954?

A That's right.

Q You left here February 26th?

A That's possible. I'm not sure of the date.

Q How long did you stay at the Chapmans?

A Three or four days. I can't give you the exact number of days.

Q They lived in a suburb of Los Angeles?

A No. They lived up in northern California.

Q Did you and your wife both stay at the Chapmans?

A Yes, at the end of my work in Los Angeles.

Q No. I am talking about 1954.

A Yes, at the completion of my work in California I proceeded to the Chapman home where we stayed together.

Q Did you have any difficulty with the Chapmans?

A With Mrs. Chapman, yes.

Q What was that difficulty?

A Dr. Chapman and I had discussed the possibility of his coming back to this area to practice and in some way work together in this area, possibly some of the neighboring cities. Mrs. Chapman took a very sudden and vigorous turn on me and although she had been extremely friendly with my wife and me she even practically turned on my wife, because she would not take sides with Mrs. Chapman.

Q And that was because Dr. Chapman and you were thinking of setting up business here in Ohio, is that the reason for it?

A That is my understanding and she felt that his job was to stay there and continue and complete his work there. She felt that he should not leave.

Q He has been very successful financially, hasn't he? He owns a ranch and other things?

A Yes.

Q Wasn't your difficulty the fact that Mrs. Chapman did not like the idea of you running around with Miss Hayes?

A Certainly not.

Q Wasn't that disagreement with your wife because of the fact that she was not vigorous enough to your reaction to your running around with Miss Hayes?

A Certainly not.

Q What days did you visit Miss Hayes when you were there?

A I cannot give you the specific day.

Q You called the Rocks and found out that they were not home, is that right?

A No, I didn't call the Rocks.

Q You called this Dorothy, Topaz number, you called and found out that Sue was home?

A Yes.

Q When you left Cleveland what was the first stop you made?

A I can't remember specifically. You mean where we spent the night?

Q Yes.

A I cannot say. We made or four or five trips to Los Angeles and we had stayed at different places each time.

Q Approximately how many miles did you make?

A Well there again I cannot tell you for sure. I am attempting to answer.

Q Where did you stop the second night?

A I couldn't say. I do remember one thing as we were passing through Memphis, Tennessee and we heard they had a large snowstorm that was going on in Cleveland and we were sort of with mixed emotions because we both like snow and are both interested in being here if we had had a big storm.

Q Do you remember the day and date that you got to California?

A No.

Q How many days did it take?

A I can't say for sure. I think it took us five, but I am not positive, maybe four.

Q Other than Memphis, do you remember any towns that you stopped off over night?

A I don't believe we stopped off overnight in Memphis.

Q Other than Memphis do you remember any other towns?

A Well, I remember that we took a new road which was a south route and we went through Dallas and Fort Worth as I recall and went through the larger Texas cities in the lower portion of the state. I think Dallas and Fort Worth are together, are they not and then there is another one at the other end of the state. Houston something like that. Then I do recall going through Phoenix.

Q Did you go through Yuma?

A Yuma, I can't say for sure.

Q Where did you stop then when you got to Los Angeles?

A I went to Los Angeles and we got in touch with Dr. Chapman.

Q Was Dr. Chapman in Los Angeles at that time?

A Yes.

Q Where did you stop?

A Where did we spend the night?

Q Spend the night. Where did you register, did you register in the hotel?

A I stayed in the motel near the college where I had my work and my wife went with Mrs. Chapman.

Q You stopped at the motel and the wife went with Mrs. Chapman?

A Yes, because Mrs. Chapman didn't have room for all of us.

Q Who did you drive with other than your wife and yourself?

A Drive?

Q Yes.

A Where?

Q Who else was in the car?

A When?

Q From Cleveland?

A No one.

Q Mrs. Sheppard went with Mrs. Chapman and you went to the motel?

A Yes.

Q What is the name of the motel?

A I can't recall.

Q Do you have to register in that motel?

A Yes, I believe so.

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~~225~~

No
mention
by Marilyn
of

"Go & visit
Sue while
you're
there."

Q Did you register?

A Yes.

Q Where did Mrs. Chapman take Mrs. Sheppard?

A I believe they stayed in the office of Dr. Chapman.

Q His office in Los Angeles?

A In Burbank.

Q How long did she stay there with Mrs. Chapman?

A The next morning she and Mrs. Chapman came over to where I was and came in and brought me some luggage that they had taken with them and we said good-bye, embraced and she asked me to study hard and whatever I did to have a good time.

Q And where did she go?

A . She went with Mrs. Chapman.

Q What is the name of this place?

A Where they have their ranch.

Q What is the name of the ranch?

A Calero, it is called Ranch Calero.

Q Where is it located?

A Northern California.

Q In what county is it?

A I believe it is in Monterey County, it is right near Carmel.

Q That is about 250 miles north?

A Further than that.

Q 350?

A A little over 300 I think.

Q How long did you stay in Los Angeles?

A I am not sure how long I was there.

Q Then where did you go?

A Then we proceeded to the Chapmans.

Q During the time that you stayed in Los Angeles you stayed at the motel constantly?

A No, I hardly stayed there at all. I encountered an old friend of mine who insisted that I stay with him.

Q And who was he, what was his name?

A Dr. Miller.

Q And his first name?

A Arthur.

Q And the address?

A I can't give you the address.

Q The street?

A I can't even give you the street.

Q Does he have an office there?

A He has an office on Kingsley.

Q Dr. Miller is a classmate or year classmate then?

A He was a year ahead of me.

Q Is Dr. Miller married?

A Yes.

Q You stayed at his place?

A Yes.

Q Did you stay at any other place?

A No.

Q Other than the motel or Dr. Miller's?

A Not before I went up north.

Q I am talking about the days that you were in Los Angeles?

A No.

Q How many times during that time did you see Susan?

A I can't say for sure.

Q Once?

A More than once.

Q Five times?

A I would say less than that.

Q Three times?

A I can't say for sure. I can't. I am not real positive.

Q You are definite that you don't recall any particular number of times that you went out with Susan?

A I can't say for sure.

Q When you went out with Susan how long was she in your company or were you in each other's company?

A How long?

Q Yes.

A In one specific time?

Q Yes.

A Oh, probably the longest time was the trip to San Diego and that included a wedding and a dinner.

Q Where did you meet Susan that night or day?

A (no answer)

Q Did you go to the Shabla house?

A Yes, but we went there anyway to pick up ~~the~~ two. Mr. and Mrs. Shabla.

Q Isn't it a fact that Susan stayed at Dr. Miller's house the same time you were there. Didn't Susan stay there overnight at Dr. Miller's house?

A Susan, when?

Q Didn't she stay there during the time you stayed there?

A She stayed in his house, yes.

Q When you were there?

A When I was there.

Q She stayed there for about a week at the same time that you were carrying on this course at the hospital?

A I am not sure that it was a week.

Q How long was it?

A I don't know. I don't think that it was that long. Dr. Miller and his wife asked her to stay and the home that she was staying at was quite some distance from Los Angeles, or quite a distance.

Q Isn't a fact that you took her there?

A I took her there?

Q To Dr. Miller's place?

A Yes, at Dr. Miller's invitation.

Q You are making it very difficult. You know these answers and I am pulling them out just like teeth.

A I am trying to give you these answers.

Q I want you to tell the truth, that is all.

A That is what I am doing. I might add that Dr. and Mrs. Miller's suggestion that she stay was based on the fact also that they would be very grateful to have her there to help take care of the young boy that they had.

Q How did Mrs. Miller happen to meet Miss Hayes?

A Dr. Miller I think met her over a year ago in Los Angeles. At that time -- she visited Los Angeles before.

Q Isn't it a fact that you and your wife had some considerable discussion about Miss Hayes staying at Dr. Miller's place when you were at the Chapmans?

A No.

Q Isn't that one of the reasons for difficulties?

A What difficulty?

Q With Dr. Chapman and Mrs. Chapman?

A I had no difficulty with Dr. Chapman.

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Here is why
Mrs. Chapman
is mad
at Sam ...
"she has a
problem w/
her husband."

Q With Mrs. Chapman?

A Absolutely not. Mrs. Chapman's big problem was her problem with her husband.

Q You were just an innocent third party in the argument between them?

A Both of us were in fact.

Q This simultaneous visit of Miss Hayes and you at Dr. Miller's house created considerable difficulty?

A What sort of difficulty?

Q With everyone concerned. Did Dr. Miller make a statement to you that you ought to be psychoanalyzed for bringing her out there? Did he make that statement to you?

A Heavens no. Dr. Miller is the one that insisted -- in fact I felt and she felt that it was not a good idea and he and his wife insisted.

Q What would Miss Hayes do during the day?

A She helped Mrs. Miller take care of the child.

Q She gave up her job that she had?

A She did not have a job to my understanding.

Q When did you hear from Miss Hayes last before you went to California?

A When she left.

Q Did she telephone you?

A No.

Q Did you telephone her?

A No.

Q Did you telephone her in the last couple of weeks?

A No, I have not.

Q Have you had anyone telephone her for you?

A No, I have not.

Q Have you been in contact either by telephone or by letter with Miss Hayes since you left Dr. Miller's?

A No.

Q Has your wife, did she get a letter from Miss Hayes?

A Not that I know of. She may have, but not that I know of.

Q Did she send her a letter?

A I don't believe so.

Q The watch that you purchased for Miss Hayes, what did you have to pay for it?

A I can't say specifically, but around \$50.

Q When did you buy that?

A I bought it shortly after she lost it, a day or two.

Q Was that in March?

A I believe so, yes.

Q Where did you take this post-graduate course?

A At the college. It is part of a course of study that I initiated during my residency.

Q Was this a scheduled course or something extra

that you can set up any time?

A It is a part of a course which is designed to terminate in the Doctor of Medical Science Degree. It is a gathering of dietetic and clinical study which is initiated during the residency and this particular portion was to include certain special dissection. This was contemplated in October when I was in Los Angeles for a surgical convention and due to the fact that there were several urgent problems at that particular time I was called back earlier than I had contemplated.

Q Have you any correspondence relating to this course?

A You want me to finish your question?

Q Yes, I am sorry.

A At the time in October that I left Los Angeles I made tentative arrangements to come back and complete that work. It is special work and especially designed for a surgeon. It is not a course that is given for general practitioners on a regular basis or anything of that type.

Q Did you have any correspondence with anyone at the college that gives you any information at all about this course?

A You mean letters to me?

Q Letters to you and you sent letters to them?

A I am quite sure they have letters from me in regard to it.

Q You have to set up a particular time to be convenient for everybody concerned?

A That's right.

Q Who is the supervisor of this course?

A Dr. Richard Stewart who is a P.H.D. in charge of the anatomy department is the director of that study.

Q Did you have correspondence with him?

A I had in regard to my work.

Q No, I mean in regard to this particular time to set up the date in Los Angeles at this particular time?

A Yes.

Q You have correspondence asking you to be there at that time?

A I don't know that I have anything asking me to be there. I believe in my letters I would have something stating that they are expecting me for that particular time. I cannot say that I can produce it.

Q Where does Susan live?

A Now?

Q Yes.

A She is with Mr. and Mrs. Shabla I think.

Q Where was she when you visited, where did she live when you visited?

A At their home.

Q Before going up north, when you were ready to

leave the Miller home did you take Susan back to the Shabla home?

A Yes.

Q You took her back and then you went on up to visit the Chapmans?

A Yes.

Q This course that you took did that take any required number of hours in a day?

A Took work almost every day.

Q I mean the number of hours that you had to spend at it, did you spend five hours, six hours, ten hours or what?

A I couldn't say any specific number of hours.

Usually in that sort of a thing I spend more hours than necessary and thereby don't worry too much about requirements.

Q You can set your own time?

A As long as the work was done.

Q Yes.

A The main thing was not the number of hours spent in the laboratory or on the job, the main thing was production of a successful dissection. This work included an approach to the fifth nerve rootlet from the posterior-lateral approach, which was to be done in steps evaluated thereby and if the work can be done rapidly that is wonderful,

and if it is done more slowly that is up to the particular individual. There is also included some routine work of the exploration of the fossa from two different approaches which I was able to perform fairly rapidly because I had done some of this work before and it was not a particular problem to me.

Q I want to bring you up to July 3, beginning at six o'clock in the evening, can you tell us on July 3, what happened?

A Well, I have given a written statement on that. I can include that into the record.

Q No, what you have said previously does not mean anything?

A I cannot give you specific times. You say from six o'clock on?

Q Yes, put it this way, from the time you were over at the Aherns?

A From the time we were at the Aherns. We arrived at the Aherns as previously arranged and they were -- do you want me to take it from the time that we came back and had dinner?

Q Yes.

A My wife came ahead and started dinner and we came down and the children were playing and the girls were preparing dinner and Mr. Ahern and I were chatting. As I recall now, which I had not recalled up to now, which too is not particularly significant, I had mentioned the fact that I told him that I had a rather difficult day. I related to him about the youngster that had been run over by the utility truck and how I had been performing some work in the hospital with some other youngster and

the man ran in with this poor youngster that had been injured and we took him into the operating room and we did all that we could for him. Shortly after our youngsters evinced an interest in a punch bag that I had in my basement I went down with them and showed them something about how to turn to strike the bag to assume and reach some sort of a rhythm and because of their size of course they couldn't reach it. So I believe that I found a bushel basket and turned it over and allowed them to hit it.

Going upstairs shortly thereafter I believe the youngsters were fed in the kitchen and we then, the four adults, ate on the porch.

It was rather windy from the north, porch on the north, and we therefore thought that some sort of jackets or sweaters or something should be worn. I put on the brown corduroy coat.

May I have a drink of water?

CORONER GERBER: Oh, sure.

A (continued) I am not sure what the others wore, but we had a leisurely dinner on the porch.

Do you want me to continue on with the events?

Q Yes, please.

A I cannot remember the food that we ate except that we had pie. She made pie for me because that was my favorite

dessert. She made it.

Q Did you have a meat course?

A We must have. I don't remember. All I can remember is that we had berry pie.

Q Did you have a salad?

A We must have had a salad, but I can't remember.

Q I am talking about usually.

A Usually, yes. Almost always.

Q Did you have a meat course and a salad and vegetables?

A I wouldn't remember. Do you want to know what we usually ate?

Q Yes.

A Well, our standard was a meat course and vegetables and a salad, dessert.

Q May I ask you what time did you eat?

A That I couldn't tell you.

Q Approximately?

A I really don't know. It was either getting dark or almost dark. It must have been around nine o'clock. I can't say specifically.

Q And how long did it take you?

A Quite some time. We certainly didn't rush. We had nowhere to go. We were talking and chatting. One thing that held us up was the fact that I had been called to the hospital from the Aherns to examine a patient.

Q Did you go to the hospital?

A Yes, from the Aherns and following the dinner --

Q You didn't go to the hospital after you got home?

A No.

Q You went to the hospital while you were still at the Aherns?

A I went to the hospital from the Aherns.

Q You went back to the Aherns?

A I returned from the hospital. I saw no one was at home so we returned to the Aherns. Do you want me to go on?

Q Yes. Now, after dinner --

A After dinner, I am not absolutely sure about anything until we were seated watching television. I have a hazy recollection that I talked with Ahern, the girls cleaned up the dishes. I didn't remember until Mr. Rossbach mentioned it that Mr. Ahern had taken their children down to their house and put them to bed. My wife must have put my youngster to bed, but I cannot say that I remember those events specifically.

Q Do you remember looking at the -- watching the television?

A Yes. As I say, I remember.

Q What was on?

A I don't remember. I believe it was a movie.

Q A movie?

A Yes.

Q Did you listen to the ballgame?

A I didn't listen to the ballgame, but Mr. Ahern was over in a corner, in the northwest corner of the room with the portable radio turned up just high enough so that he could hear it and Mrs. Ahern and my wife and I were sitting watching the television and my wife and I were sitting in the same chair for some time, very close, and we have these chairs which -- in fact the Aherns let us use --

Q Go ahead and tell me.

A Mr. Ahern would speak up at various intervals and report as to what progress the game was making, what was going on. Shortly thereafter Mr. Ahern turned the radio off. I couldn't say whether the game was over or he just gave up, but I don't believe the game was over. And he came over and sat in one of the chairs watching television with us. Mrs. Ahern sort of laughing at my wife and me, sat in his lap for a few minutes and then both girls moved to other chairs.

Shortly thereafter my wife complained that sitting in a cramped position bothered her back. So she sat in another chair. I believe it was one on the other side of the table, or right next to it. We continued to watch for awhile. I became tired and went around the corner

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Watch is
worn on
his
left
hand

of the living room to the couch and laid down on the couch.

Q What did you have on at that time?

A I am not absolutely sure whether I at that time had on my cord jacket or not. I had on summer cord pants as I recall earlier in the evening and a T-shirt and loafer shoes, without shoe strings.

Q Did you have a watch on?

A I couldn't say for sure. I probably did.

Q Where do you wear your watch?

A- On my left arm.

Q Do you wear your watch with the back of your watch on the back of your wrist?

A Back here, on here (indicating).

Q Do you watch with the back of your watch at the back of your hand, at the back of the wrist, or do you wear it on the palm?

A I usually wear it on the back.

Q The same position I have it?

A Yes. However, sometimes it would slip, the band stretches and sometimes it would slip.

Q That was an automatic watch?

A Yes.

Q Do you wind it?

A Almost never.

Q You depended on its action for movement?

A Sometimes I wound it because it would run down and stop and that would happen from time to time, because I put my watch in my trousers during my surgery naturally and sometimes followig surgery I leave on my -- in fact I almost always while I am still in the hospital I leave my scrub clothes on and the watch may stay in the trousers for several hours without having any action to wind it but usually it would tick.

Q Well if you didn't wind it up would it run without stopping?

A I couldn't tell you.

Q Had the watch ever been damaged?

A She bought it for me because I had always been kind of hard on watches. I had gotten it in places and it had been knocked about. Nothing serious.

Q Was the band ever damaged, the watch band ever damaged that you know of?

A Well it had been separated a time or two and it had been fixed.

Q On occasions?

A Yes. Nothing, I would say nothing more than just being worn heavily.

Q Where did your wife wear her wat ch, on the left hand or the right hand?

A I believe on her left hand.

Q Was her watch in good shape?

A The last I knew it was.

Q Had it ever been lately repaired?

A I think that she had had it repaired lately. I am quite sure that she had a new band put on it fairly recently.

Q Where would it be repaired?

A I can't say for sure because she took care of all those things, but usually at Halle's.

Q At Halle's. Did you have your watch repaired?

A No. We had planned to have it repaired.

Q It had not been repaired lately?

A No.

Q I am sorry I interrupted you. Go ahead and finish your story. You went to sleep.

A Well I lay on the couch with my head toward the television set and watched the television for a while and evidently I went to sleep.

Q Try to recall what you had on when you went to sleep?

A I wish I could tell you for sure but I couldn't other than what I told you.

Q You had that corduroy jacket on?

A I really don't know.

Q And are you positive you had a T-shirt on?

A I had a T-shirt on earlier in the evening and I

don't know any reason why I would have taken it off.

Q It was cool?

A It was cool out on the porch.

Q What about the living room and dining room?

A It was very comfortable.

Q Did you have a fire on?

A In the fireplace?

Q Yes.

A No.

Q Go ahead then.

A The next thing I can remember in my hazy recollection was some thought that my wife had barely aroused me and indicated that she was going bed, for me to come on up. Evidently I was not aroused very much because I must have gone back to sleep. The next thing I know I heard her say my name loudly, screaming my name. It wasn't actually a scream. I really can't explain it. Once or twice possibly as I was going upstairs, I believe in the back of my mind, my subconscious reaction was that she was having a convulsive seizure similar to what she had during the earlier pregnancy.

I rushed into the room and several things happened almost simultaneously. I felt that I could see a white form of an individual. I was grappling with someone. I heard her moaning loudly some noises and I felt that

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I looked at
her and
felt her

245

Comes to
sitting
pos. w/ feet
facing door

I was struck down from behind but I can't say for sure. That was all.

Sometime after that, I have no way of knowing how long, I remember coming to a sitting position, facing the doorway. I somehow saw some sort of a glimmer of a reflection and I recognized the badge on my wallet. In picking that up and putting it in my pocket I recognized that I had been injured. I was fearful for my wife. I looked at her and felt her. Although it was difficult to see clearly I felt that she was gone. I am not sure. In evaluating that stage it is difficult to say because I was so hazy. I believe that I then rushed into my son's room to be sure that he was all right and I wanted to find out if anything happened to him. I am not sure how I determined it but I felt that I established the fact that he was relatively all right.

At that time, or in coming out of his room I thought that I heard a noise downstairs and I went downstairs as rapidly as I could. I somehow felt that this noise was toward the far and the front part of the house, the house part toward the lake. So I turned down on the north section of the stairway and rounded the L portion of the living room and went toward the dining table. At that time I saw the figure between the front door, the front door of the house and the front door of the

Also: ^{25/6}
where are
footprints
in sand
near base
of stairs
up to
house

Sam
bringing
himself to
his feet and
walking up
stairs and
have disturbed
sand

porch or possibly beyond that point, possibly towards -- slightly towards the yard. The prospective was very difficult as I think of it now. I pursued this form as best I could. I lost sight of it down the stairs and saw it again go down the stairs from the landing where the beach house is, down to the beach. I ran down those stairs from the landing down to the beach and at that time I thought that I could see a form of a, as I think of it now -- I thought -- I can't quite decide in my mind what brings me to this feeling, of a big man, whether it is because he struck me down so easily or whether I can definitely visualize a large form, but it seems to me that it was a form that was relatively large, large head, good size head. But I grabbed and tackled this individual. I thought I had him from behind. The clothing from behind was dark. I felt as though I was twisted or choked or struck and that's all I remember at that time. The next time I can remember in any clarity at all was coming to some vague sensibility on the water's edge at the beach, my head facing toward the bank and my feet into the water. And as I stated to Mr. Rossbach I felt like I was being wallowed back and forth by the waves. About the height of the waves I felt that they were medium. They were not huge yet they were not small. Slowly, how slowly I can't say, I drug myself up into the

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Felt
pulse
on neck

beach and came to some sort of sensibility.

During this period I believe I choked and coughed some. I started up the stairs and eventually I realized that something was wrong, that I had been injured, that my wife was probably, or had been injured. I went upstairs.

The time element here is difficult to estimate. I went into the room and I saw her. I felt her pulse on her neck. When I felt her I thought she was gone.

Then I -- I don't know, I can't explain my reaction. I thought I would wake up out of this horrible fantastic dream. I hoped I would. I may have walked around upstairs. I may have gone into other rooms. I may have gone in -- I don't know exactly what I did. Eventually I may have gone back in and seen her again.

I realized that this was at least momentarily real and I went downstairs searching my mind for what to do, where to turn, if I could run to get a number and the number came into my mind. That of Mr. Houk's. I dialed it and he answered and I said something but I don't remember what I said.

It was a short time that he and his wife arrived but it seemed like almost eternity and I was during that time pacing the house, not sure just where, trying to shake it off or wake up or something.

CORONER GERBER: I think we will

suspend until tomorrow morning at nine o'clock. Are you getting tired?

THE WITNESS: I will go on as long as you want to.

CORONER GERBER: No, no. We will suspend until tomorrow morning at nine o'clock.
