

Thereupon, the State, further to maintain the issues on its part to be maintained, called as a witness, DR. SAMUEL R. GERBER, who being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF DR. SAMUEL R. GERBER (10:05 a.m.)

By Mr. Danaceau:

Q You are Dr. Samuel R. Gerber?

A Yes, sir.

Q Coroner of Cuyahoga County?

A Yes, sir.

Q And where do you live, Doctor?

A Tudor Arms Hotel.

Q And how long have you been Coroner of Cuyahoga County?

A I was elected in November, 1936, and took office on January 4, 1937.

Q And you have been elected each time thereafter?

A Yes, sir.

Q You have been Coroner ever since?

A Yes, sir.

Q Doctor, what medical school did you go to?

A I graduated from the Cincinnati Eclectic Medical School in 1922.

Q And what other medical experience have you had of a school

nature?

A I took internship at the Cumberland Street Hospital in Brooklyn, New York, and then was a resident at Columbus Hospital in New York City. I took a course in obstetrics in Lying In Hospital in New York City. I took some post-graduate courses and seminar courses at the Harvard Medical School.

Q Where did you first start to practice medicine, Doctor?

A In Cincinnati, for a few months.

Q And then where did you go?

A I went to Scott, Ohio.

Q Where?

A Scott.

Q Where is that?

A Well, that's on the boundary line between Van Wert and Paulding County. Half of it is in Van Wert County and half of it is in Paulding County.

Q I take it that you took a medical examination in the State of Ohio?

A Yes, sir.

Q And when was that?

A That was in the latter part of June, 1922.

Q And you received the -- what is it you receive, a diploma of some sort from the state?

A I received a license.

Q To practice what?

A To practice medicine and surgery.

Q Medicine and surgery?

A Yes, sir.

Q And have you practiced medicine and surgery in the State of Ohio since then?

A With the exception of the time that I was in New York City.

Q When did you first start to practice medicine and surgery in Cleveland or in this vicinity?

A I came to Cleveland, Ohio, in November of 1925 to work for the Department of Welfare of the City of Cleveland. My assignment at that time was the Chief Resident Physician of the Warrensville Correction Farm, to relieve Dr. Reed at the aged home or the Infirmary Home when he was away, and he was supposed to relieve me.

Q And after that, where did you practice medicine and surgery?

A In 1928, I transferred to the Department of Health, University of -- City of Cleveland. From there I was Acting Head of the Examination of school children in the parochial schools, which the City of Cleveland handles.

At the same time I was required to relieve in the Tuberculosis Clinics, in the Well Baby Clinics and on occasions to relieve as a District Physician.

Q Now, after that, where did you practice medicine and surgery?

A After that, why, I was put in charge of the medical care for the unattached individuals in Cuyahoga County. That was in about 19 -- the latter part or the middle part of 1932.

Q Is that run by Cuyahoga County?

A That at that time was the Cuyahoga County Relief Association. It later on became the Ohio State Relief Association.

Q Well, is that a public or a private organization?

A That is public.

Q By the County of Cuyahoga?

A By the County of Cuyahoga, yes, sir.

Q Under the jurisdiction of the County Commissioners?

A It is now. At that time there was some liason between the City of Cleveland and the Associated Charities.

Q Well, while you were so engaged in that work, was it by the City of Cleveland and the Associated Charities?

A And Cuyahoga County.

Q And Cuyahoga County, also?

A Yes.

Q Now, after that, what did you do by way of practicing medicine and surgery?

A Well, at that time I was -- during that time I had an office and was practicing medicine and surgery, and I --

Q That was part-time work then?

A Part-time work.



Q And the other part of the time you practiced medicine and surgery you had a private office?

A Private office.

Q And where was that at?

A I took patients to Huron Road Hospital and to Polyclinic Hospital, and the office was at 8608 Hough Avenue.

Q And how long did that continue?

A Up until the time I was elected Coroner, and I continued to practice.

Q And you continued to have that office?

A Yes.

Q And how long did you continue that office?

A Up until about three years ago.

Q Do you at the present time have an office other than that at the -- what do they call the County place now, not County Morgue, but it has some other name?

A Coroner's Office.

Q Coroner's Office.

A That is the only office I have now.

Q That is the only office you have now. Now, Doctor, as County Coroner, you have a staff, do you not?

A Yes, sir.

Q Will you tell the jury just what that staff consists of?

A Yes, sir. The staff consists of three doctors that do pathology, it consists of one consulting doctor who consults

on X-rays, three medical technologists that do mostly histological anatomy. That is the type of anatomy that is done in the histology laboratory, and it is the preparation of sections for the pathologists to look at. It is mainly that.

These medical technologists are called tissue technicians on occasions. I have one person who does trace evidence. Her position is to do blood counts, blood typing, to try to identify foreign particles, such as hair, dust or fibers or anything that may present itself.

I have a chemist and an assistant to the chemist. Their duties are to determine whether or not there are drugs or poisons or any chemicals present in solutions or preparations that are presented to them for examination.

I have one part-time photographer, two persons who handle property of the deceased's and seven men who work around the -- that is, two work around the clock, two on each shift. They take telephone calls and check in a deceased person when he is brought to the Coroner's Office.

I have two individuals, two men, who assist the doctors at autopsies. Then a clerical staff. I have a secretary --

Q The clerks -- pardon me. Go ahead.

A Secretary and four other girls who the secretary is in charge of, and then two medical secretaries that take the

dictation or take off of the machine which has been dictated onto.

Q Now, Doctor, every one of the staff is employed by you and act under your direction and supervision, is that correct?

A Yes, sir.

Q Now, you have facilities that you call the Coroner's Office?

A Yes, sir.

Q On Adelbert Road?

A 2121 Adelbert.

Q That is on what is generally known in Cleveland as the campus grounds of Western Reserve University?

A Yes, sir.

Q And it is right next to the Western Reserve University Medical School, is that right?

A Yes, sir.

Q Will you tell the jury in a general way, and as brief as you can, the facilities that you have available to you at the Coroner's Office and building?

A We have, of course, the place to receive bodies, a place to store these deceased individuals, laboratories to do autopsies in, laboratories to take photographs, laboratories to do X-ray work, laboratory to do chemistry and laboratories to do trace evidence work, and a laboratory to do histology.

Then general offices. Then the --

Q Now, there is a -- excuse me, I thought you were through.

MR. CORRIGAN: Is that histology,  
Doctor, you said?

THE WITNESS: Histology.

Q Are you through?

A No. These offices or laboratories are not necessary in the examination of every deceased person that is brought to the Coroner's Office, but on occasion all the facilities that I have enumerated are used.

6 Q Now, there is a room there with a number of chairs in a sort of a circular position. Can you tell the jury what that room is and what it is used for?

A Yes. That is what we call an ampitheater. It has 42 stationery chairs, has an autopsy table in it, it has surgical lights, it has a blackboard, and with a projector and a screen.

That room is used in conjunction with the University, Western Reserve University, for post-graduate classes and for instruction to police, and for doing autopsies, and on occasion we have conferences with physicians on a particular type of case.

Q About how many autopsies go through your office during the year?

A We average about 1,000, slightly better, autopsies a year.

Q Now, Dr. Gerber, directing your attention to the morning of July the 4th of this year, did you receive a call that morning?

A Yes, sir.

Q And at what time?

A It was around 6:40 a.m.

Q Where were you when you received the call?

A I was in my room at the hotel, sleeping.

Q That is where you live?

A Yes, sir.

Q And who called?

A Mr. Keefe.

Q Who is Mr. Keefe?

A Mr. Keefe is an employee of mine.

Q And was that a call pertaining to some tragedy on the West Side in the Village of Bay?

A Yes, sir.

Q And you responded to the call?

A Yes, sir.

Q Where did you go?

A I asked Mr. Keefe to pick me up, and all he knew about it at that time was that he was supposed to proceed out Lake Road on Route 6 and go into Bay Village and continue through Bay Village until the road narrowed down, and he would see some police cars and there to stop, and that is what we did.

Q And did you see some police cars there?

A Yes, sir.

Q And did they direct you to some place?

A We stopped and got out of the car -- that is, after driving in the driveway -- and was met by Mrs. Houk and a patrolman by the name of Drenkhan.

Q At about what time was it that you arrived at the Sheppard property?

A About 7:50, 7:50 a.m.



Q Ten minutes to eight in the morning?

A Yes, sir.

Q And did you then go into the house?

A Drenkhan and -- Patrolman Drenkhan and Mrs. Houk mentioned the fact --

MR. GARMONE: Object to any  
conversation. It is not responsive.

THE COURT: The question is:

Did you then go into the house?

Q You had a talk with Patrolman Drenkhan and Mrs. Houk, is that correct?

A After talking to Mrs. Houk and Patrolman Drenkhan, I went into the house.

Q Did they also go in the house with you?

A Yes, sir.

Q Did they or either one of them direct you anywhere?

A As I walked -- not immediately, no. As I walked into the house from the lake side and crossed --

Q From the lake side. You mean from the Lake Erie side or the Lake Road side?

A The Lake Erie side.

Q Go ahead.

A After crossing the porch, I met Chief Eaton and Mayor Houk.

Q Did you have a talk with them?

A I hesitated and talked to them, yes, sir.

Q Then what did you do?

A I asked them --

MR. GARMONE: Object to any  
conversation, now.

Q Please answer the question. What did you then do?

A Well, I asked a question.

2 Q You asked a question. All right.

A Yes, sir.

Q Of whom?

A Of all of them.

Q You mean of Mayor Houk and Chief Eaton?

A Mayor Houk, Chief Eaton, Drenkhan and Mrs. Houk.

Q And they answered a question, is that correct?

A Yes, sir.

Q And then what did you do?

A The question was -- then I went upstairs.

Q You went upstairs?

A Yes.

Q Where did you go upstairs?

A Right at the head of the stairs into the room directly in front of the head of the stairs, where a body was lying on the bed.

Q Now, at about what time in the morning was it that you went into that room?

A It was within a few minutes after I arrived at the scene.

Q That would be still before eight o'clock?

A It was near eight o'clock, yes.

Q Will you now describe to the jury what you saw in that room at that time?

A As I looked and walked into the door, I noticed a bed right next to the left side of my body, a single bed. On this single bed was a woman. Her head was about one-third of the way down from the head of the bed. There was sort of a pajama jacket that was pushed up around her breasts exposing the middle part of the chest. The abdomen was bare, and over the lower part of the body, beginning about the hips or slightly down, was a sheet and a sort of tufted quilt.

The left hand of the body was under these covers or sheet, and the right hand also was under the -- was on the right side of the body was also under the sheet or the tufted quilt -- spread.

The face was turned slightly to the right. There was a considerable amount of dry blood over the face and over the hair, and above the eyes there was a number of wounds.

Q Was there a pillow on the bed?

A There was a pillow at the head of the bed up against the head of the bed, sort of half upright and half pushed down.

Q Did you see whether or not there was any blood on the pillow?

A As I looked at it, there was some splatters of blood on the surface of the pillow that I could see, and on the lefthand side there was a sort of -- peeking out from creases on the pillow was a big blood stain.

Q Did you at that time touch any of the bed clothing?

A No, sir.

Q Did you at that time touch the body that was on the bed?

A No, sir.

Q You later ascertained that that was the body of Marilyn Miller -- Marilyn Sheppard?

A Yes, sir.

Q I hand you what has been marked State's Exhibit 9, and ask you if that is a fair representation of what you saw on the morning of July 4th when you first went into that bedroom?

A Yes, only I saw -- on the pillow you could see more blood.

Q This picture does not show the entire pillow?

A No, sir.

Q But apart from the upper part of the bed where the pillow was, that is a fair representation of what you saw?

A Yes, sir.

Q What else did you observe about the room?

A The door was splattered with blood and the wall was splattered with blood. There was curtains on the windows, and the

window shades were down, and the left window on the north wall, as I looked at it, was slightly open.

There was a rocking chair directly in front of me in the corner at the wall, and between the -- there was another bed in the room with the sheet and spread turned back on the side nearest to the bed on which Mrs. Sheppard was on. There was a pillow in undisturbed condition at the head of that second bed. Between the two beds was a night stand, and on it was a clock and a telephone.

Over on the righthand side where I was standing, in the corner was a dresser with a picture that was folded open and had a picture of Dr. Sheppard and Mrs. Sheppard, if I remember correctly.

Q Was there a rocking chair there?

A The rocking chair was right directly ahead of me as I stood in the door.

Q What was on the rocking chair?

A On the rocking chair there was some female clothes, some shorts and a bra. There was a sweater, and on the corner, on the upright of the rocking chair was a shirt. On the floor was some sneakers, woman's sneakers.

Q Anything else that you recall at this moment you observed?

A Outside of the body, on the side of the bed -- on the side of the room on which I was standing you could see blood on the bed on the top sheet of the bed.

Q Now, these pillows that were on the bed, they were where on the bed? On the bed in which Marilyn Sheppard's body was, on what portion of the bed were they?

A At the head of the bed.

Q Up against the bed posts, the bed rail?

A Yes, sir.

Q Now, these pillows were made up, were they not, of a pillow with a pillow sheet over them, over the pillow?

A There was a pillow slip on top of a pillow.

Q I see. And on the bed upon which Marilyn Sheppard was, in what direction was the opening?

A The opening was next to the position which I was standing, which would be to the east.

Q Now, how about the pillow on the other bed? What direction was the opening of the pillow on the other bed?

A That opening of the pillow was to the west.

Q In the opposite direction?

A In the opposite direction, yes.

Q Did you look at the floor?

A Yes, sir.

Q Other than the articles that you have mentioned, shoes, I believe you said were on the floor --

A Sneakers.

Q Did you see anything else on the floor?



A No, sir.

Q Now, when you were in there at that time, was there anybody else in there with you?

A It was one of the patrolmen that took me upstairs, but I don't remember which one.

Q Was he in the room when you were there?

A Yes, sir.

Q And he stayed there during the time you were there?

A Yes, sir.

Q How long were you there at that time?

A I don't recall a definite time. I'd say about three minutes.

Q And then where did you go?

A I went back downstairs to the living room.

Q And who was in the living room at that time?

A The Chief and the Mayor and the Mayor's wife and the patrolman of the Bay Village Police Department.

Q Were Dr. Steve Sheppard and Dr. Richard Sheppard there that morning?

A Not at that time, no, sir.

Q When did they arrive?

A I don't know what time they arrived.

Q Now, other than the persons that you named, do you recall anybody else that was inside the house at the time you came

down from upstairs?

A No, sir.

Q There were a number of people, though, on the outside, is that correct?

A Yes, sir.

Q Had you issued any instructions as to who should be in the house and who should not be in the house?

A Yes, sir.

Q And what were they?

A I instructed the Chief of Police --

Q Chief Eaton?

A Chief Eaton, the Chief of Police of Bay Village, and the others present, that no one except the Bay Village police, or others that had authority should be the only ones permitted in the house and on the grounds.

Q And when was it that you gave those instructions?

A That was before I went upstairs.

Q That was when you first arrived there, is that correct?

A Yes, sir.

Q Now, you say that later Dr. Steve Sheppard and Dr. Richard Sheppard arrived?

A They arrived, but I can't tell you --

Q You don't know just when it was?

A Just when, no, sir.

Q Did they arrive just before you left the house?

A Yes.

Q And at what time did you leave the house?

A Shortly before 9.

Q And where did you go?

A I asked Chief Eaton to drive me to the Bay View Hospital.

Q Now, when you arrived, Dr. Sam Sheppard had already been removed, is that right?

A Yes, sir.

Q And Chip Sheppard had been removed?

A Yes, sir.

Q And you learned that Sam Sheppard was at Bay View Hospital?

A Yes, sir.

Q Now, when you left with Chief Eaton to go to Bay View Hospital, did Dr. Steve Sheppard and Dr. Richard Sheppard also leave to go to Bay View Hospital?

A I don't know.

Q Did you have any talk with Dr. Steve Sheppard and Dr. Richard Sheppard before you went to Bay View Hospital?

A Not that I can recall.

Q What time did you get to Bay View Hospital?

A As I said, just around 9 o'clock when I got to Bay View Hospital.

Q And, Dr. Gerber, I believe you said that Police Chief Eaton drove you there?

A Yes, sir.

Q Did he go in the hospital with you?

A He went to the entrance.

Q He went to the entrance?

A To the back entrance.

Q Left you out of the car?

A Yes, sir.

Q What car was it?

A One of the Bay Village cars. I --

Q Not your car?

A Not my car, no.

Q Well, you went inside and he drove away, is that correct?

A It didn't happen like that.

Q Well, tell us how it happened, then.

A As we drove up to the -- drove into the parking lot, was getting out of the car, Dr. Stephen Sheppard and Dr. Richard Sheppard drove up right alongside of us. We all arrived near the entrance at the same time. Chief Eaton asked Dr. Steve Sheppard --

MR. GARMONE: Object to any  
conversations now.

A To take me --

MR. GARMONE: Just a minute, Doctor.  
There is an objection before the Court.

THE COURT: You are not giving  
conversation, are you?

A No. I am just telling what happened.

THE COURT: All right.

A (Continuing) -- Dr. Steve Sheppard to take me to Dr. Sam Sheppard's room.

Q And did Dr. Steve Sheppard take you to his room?

A Yes.

Q And was Dr. Richard Sheppard there, too?

A He was there, but didn't immediately come -- go back to the room with us.

Q At any rate, you entered into the room at Bay View Hospital where Dr. Sam Sheppard was, along with Dr. Steve Sheppard?

A Yes, sir.

Q Then tell us what occurred in the room.

Before you get to that: Who else was present besides yourself, Dr. Sam Sheppard and Dr. Steve Sheppard in that room at that time?

MR. GARMONE: He hasn't said that Steve -- pardon me.

THE COURT: Mr. Danaceau, now that you are entering the hospital matters, could you suspend for a recess at this time and pick up right there again?

MR. DANACEAU: Certainly.

THE COURT: Ladies and gentlemen of the jury, we will have a minutes' recess at

this point.

Please do not discuss this case.

(Thereupon a recess was taken at 10:40 a.m., after which the following proceedings were had):



(After recess, 11:00 o'clock, a.m.)

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Q Dr. Gerber, just before this recess we were at the hospital. Now, I want to take you back to the house before you left. While you were there and before you left, did any officers of the Cleveland Police Department arrive?

A Yes, sir.

Q And who were these officers?

A The first one to arrive was Detective Grabowski. Grabowski is attached to the Identification Department or Bureau of the Cleveland Police Department.

Just as I was getting ready to leave with Chief Eaton, Detective Schottke and Gareau arrived.

Q At what time was it that Grabowski arrived?

A I place that time somewhere in the vicinity of 8:30.

Q And how soon after he arrived did the other Cleveland Police officers arrive?

A About a half hour.

Q About a half hour later?

A Yes, sir.

Q Now, did Grabowski have any equipment with him?

A Yes.

Q What type of equipment?

A He had a camera with the necessary equipment for a camera and he had fingerprint equipment.

Q Did you make any suggestions to him as to what pictures

should be taken?

A Yes, sir.

Q And were those pictures taken?

A Yes, sir.

Q Now, Doctor, when you first went upstairs, from what room did you go upstairs?

A From the living room.

Q Did you observe a couch in the living room as you went upstairs?

A Yes, sir.

Q And did you at that time observe anything on the couch?

A Yes, sir.

Q I show you what has been marked State's Exhibit 8 and ask you if that picture is a fair representation of what you saw on that couch on that morning?

A Yes, sir.

Q Were you there when the picture was taken of that couch with a coat on it?

A Yes, sir.

Q With a corduroy jacket on it?

A Yes, sir.

Q Do you recall at about what time in the morning that picture was taken?

A I am associating that with a lot of other pictures and I am trying to remember the time, but I was present when it

was taken.

Q And it was before you left for the hospital?

A Yes, sir.

Q Now, did you observe anything done with respect to fingerprints at that time?

A Not at that time.

Q Later on in the day?

A Yes, sir.

Q That is, after you had been at the hospital?

A Yes, sir.

Q Now, we are back at the hospital where we were when we had the recess. You went into the room where Dr. Sam Sheppard was at Bay View Hospital?

A Yes, sir.

Q And who else went in the room with you?

A At that time I believe that it was only Dr. Stephen Sheppard and myself.

MR. GARMONE: I will ask that his answer be stricken and the jury instructed to disregard it, unless he is certain.

MR. DANACEAU: Well, now, the answer will speak for itself, Mr. Garmone.

THE COURT: That is his best recollection at the moment. All right.

Q And did you observe Dr. Sam Sheppard?

A Yes, sir.

Q Was he in bed?

A Yes, sir.

Q What did you observe?

A I walked around to the -- to his right side and told him who I was, and he acknowledged the fact of knowing who I was.

I asked --

Q I did not ask you what the conversation was.

A I asked him how --

Q Just a moment, Doctor. I did not ask you the conversation. I asked you what did you observe.

A I observed Dr. Sheppard in bed, Dr. Sam Sheppard in bed with a bruise on the right side of the face near the eye.

Q Did you take his pulse?

A I felt of his pulse.

Q You felt of his pulse?

A Yes, sir.

Q And what did you find?

A I didn't count it. It was of good volume.

Q It appeared to be normal?

A Yes, sir.

Q Did you make any further examination other than feel of his pulse?

A No, sir.

Q Did you have a conversation with him?

A Yes, sir.

Q Now, will you please relate the conversation?

A I asked him if he could tell me what happened, that is, I asked Dr. Sam Sheppard if he could tell me what happened. He said he would try to.

And his conversation was as follows:

That he was sleeping on this couch or davenport, and that he thought he heard someone call him, "Sam." That he immediately jumped off of the couch and rushed upstairs. When he got to the head of the stairs, something clobbered him on the back of the neck or head, and that he was rendered unconscious. He doesn't know how long, he stated he didn't know how long he was unconscious, but that when he came to he thought he heard a noise in the living room.

That he rushed back down the stairs to the living room and that he was -- he thought that he saw some form going out of the door going towards the stairs that lead to the beach.

That he rushed after the form, and that when he got to the foot of the stairs that lead actually to the beach alongside of the boat house or bath house, he got in a wrestling match or hassle with the form, and that he was rendered unconscious again and he woke up later and went back up to the house, and then went into -- up the stairs --

went into the living room, up the stairs to the second floor and into his wife's bedroom and felt of her pulse at the neck; realized that there was something wrong with her, something seriously wrong with her, that she was probably dead.

That he came back downstairs and sometime later called Mayor Houk.

I asked him if he could see this form as he went up the stairs from the couch. He said, "No, it was too dark to see." He couldn't see anything except a form.

I asked him if he could see the form going down the stairs to the beach. He said, "No, just a form, just an outline."

I told him I wouldn't ask him anymore questions, and left. At the time that I was -- he was talking to me and I was asking these questions, Dr. Richard Sheppard came in and another doctor at the hospital came in and took, this doctor, other doctor, took Dr. Sam Sheppard's blood pressure.



tke 8

Q Did you observe what the blood pressure was?

A Yes.

Q What was it?

A I observed the upper portion where it stopped.

Q What was that?

A At 128.

Q And is that a normal blood pressure?

A That is normal systolic blood pressure.

I then left the room.

Q Now, do you recall at this time anything else that was said by Dr. Sam Sheppard or any other question that you asked him?

A I asked him if he could recognize this form. He said no, it was too dark to see anything.

Q Now, at this first conversation you had with Dr. Sam Sheppard that morning at the hospital, Bay View Hospital, did you say that Dr. Sam stated to you that he was clobbered at the head of the stairs?

A Just as he got to the head of the stairs.

MR. CORRIGAN: Object to leading  
the witness, your Honor.

MR. DANACEAU: He has already  
testified to that.

Q Is that what you testified to, sir?

MR. CORRIGAN: Object.

A Yes, sir.

Q Did Dr. Sam Sheppard at that time, at that conversation at the hospital that morning, give you any further description of either form, either the form that was in the bedroom or at the top of the stairs, or the form that went down the stairs toward the beach?

A No, sir.

Q And you have related whatever description he gave you, is that correct?

A Yes, sir.

Q Did Dr. Sheppard have any difficulty in talking to you at that time?

MR. CORRIGAN: Objection.

THE COURT: Did Sheppard what?

MR. DANACEAU: Have any difficulty in talking to him at that time.

MR. CORRIGAN: Object.

THE COURT: Well, he may answer that.

MR. CORRIGAN: Let him tell what he observed.

MR. DANACEAU: Well, he can tell it in his own way. I have no objection.

THE COURT: That would be part of his

observation, I would say.

Q Go ahead.

A No, sir.

Q You then left, is that correct?

A Yes, sir.

Q By the way, did Dr. Stephen Sheppard say anything while you were in that room in the presence of Dr. Sam Sheppard?

A I don't recall him saying anything.

Q Did Dr. Richard Sheppard say anything that morning in the room in the presence of Sam Sheppard?

A I don't recall him saying anything.

Q You then left, is that correct?

A Yes, sir.

Q And where did you go? Oh, just a minute. Mr. Mahon reminded me.

Did you make a request that morning of the clothes of Dr. Sam Sheppard?

A Yes, sir.

Q At the hospital?

A Yes, sir.

Q And did you receive the clothes?

A Yes, sir.

Q From whom?

A From Dr. Sheppard, Sr.

Q That is the father of Sam Sheppard?

A Yes, sir.

Q At the hospital there?

A Yes, sir.

Q And what did the clothes consist of?

A It consisted of a pair of pants, shorts, socks, a pair of shoes, and a belt and a handkerchief.

Q I will show you what has been marked State's Exhibit 25, and ask you whether these are the pants that you received from Dr. Richard Sheppard, Sr., that morning at the hospital?

A Yes, sir.

MR. GARMONE: I didn't hear his  
answer.

MR. DANACEAU: "Yes, sir."

THE WITNESS: Yes, sir.

Q And what was the condition of the pants the morning you received it?

A They were wet.

Q And did you receive a billfold? I will show you what has been marked thus far Exhibit T, and which now will be marked State's Exhibit 27, and which differs from the defendant's exhibit in that there is also attached thereto a check in the sum of \$1,000 dated June 30, 1954, from the Sheppard Clinic to Dr. S. H. Sheppard, and three one-dollar bills,

and three \$20 bills, and ask you whether or not you received that billfold with those items from Dr. Richard, Sr., that morning, at the hospital?

(State's Exhibit 27, being a billfold and contents, was marked for identification.)

A I received this billfold and this check was inside the billfold. These three one-dollar bills were handed to me singly.

Q By whom?

A By Dr. Sheppard, Sr., and as far as these three \$20 bills are concerned, I don't know anything about them.

Q There has been testimony that they were found in an inside part of the billfold.

Now, is this the billfold that you received from Dr. Richard Sheppard that morning?

A Dr. Richard Sheppard, Sr.

Q Senior, yes.

A Yes, sir.

Q And in what condition was it?

A It was wet.

Q And was it handed to you by Dr. Richard Sheppard, Sr., or was it in the pocket of the trousers?

A It was handed to me by Dr. Richard Sheppard, Sr.

MR. DANACEAU:

Mark these State's

Exhibits 28, 29, 30 and 31.

(State's Exhibits 28, being shoes; 29, being shorts; 30, being socks, and 31, being a handkerchief, were marked for identification.)

Q I will hand you what has been marked State's Exhibit 28, shoes, State's Exhibit 29, shorts, State's Exhibit 30, socks, State's Exhibit 31, handkerchief, and ask you to examine these and then tell us whether these articles were given to you at that same morning by Dr. Richard Sheppard, Sr.?

MR. GARMONE: Are you looking for a marking on them, Doctor?

Q Did you answer the question?

A I will now. Yes, sir.

MR. DANACEAU: We offer in evidence State's --

MR. GARMONE: May we see them?

MR. DANACEAU: I thought you did.

Excuse me.

We offer in evidence State's Exhibits 25, 27, 28, 29, 30 and 31.

THE COURT: 27 is the same as Defendant's Exhibit T?

MR. DANACEAU: Plus the check and the



items of money.

THE COURT: Yes.

MR. DANACEAU: 28 is the shoes,  
29 the shorts, 30 the socks, and 31 the  
handkerchief.

THE COURT: They will be received.

(State's Exhibits 25, 27,  
28, 29, 30 and 31 were  
offered and received in  
evidence.)

Q By the way, Doctor, when you observed Dr. Sam Sheppard  
in the hospital that morning, did you observe any bleeding  
around the mouth?

A No, sir.

Q You did see a swelling around one of the eyes, is that  
correct?

A On the right side, yes.

Q You then left the hospital, didn't you?

A Yes, sir.

Q And where did you go? You were picked up by car, I take it?

A I was picked up by Chief Eaton.

Q Who had returned in uniform, is that correct?

A Yes, sir.

Q And where did he take you?

A Back to Dr. Sam Sheppard's home.

Q

At about what time did you arrive at Dr. Sam Sheppard's home?

A

Around 9:30.

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Q And when you got there, who was in the house?

A Some of the Bay Village police, the Mayor, Detective Grabowski, and at one time or another, both Detective Schottke and Gareau.

Q And what did you do then as you came back to the house?

A I inquired from Detective Grabowski whether or not he had any more pictures to take within the house, whether or not he had any more fingerprinting to do and if he was going to take any pictures --

MR. GARMONE: I will object if anything is classified as conversation.

Q Just tell us what he did there?

THE COURT: Yes, what was generally done. He objects to the conversation.

A Well, that's part of the things that I did, the conversation was part of the things that I did.

Q Well, you can state that you talked to somebody.

THE COURT: Yes. You may say what you did, any instructions you gave you may say.

A And I told him that I wanted to remove the body of --

MR. GARMONE: I object to any conversation, now, if the Court please.

THE COURT: He may say that. That was his action as the Coroner, I take it.

Q Go ahead.

A I told him that I wanted to remove the body as soon as possible.

Q Did you then make arrangements to remove the body, sir?

A Yes, sir.

Q With whom did you get in touch with?

A I asked Chief Eaton.

Q You directed Chief Eaton to call someone?

A To call the Pease Funeral Home in Westlake.

Q Did someone from the Pease Funeral Home come there that morning?

A Yes, sir.

Q And was the body removed?

A Yes, sir.

Q And about what time that morning?

A At around 10:30.

Q And had you --

THE COURT: 10:30?

THE WITNESS: 10:30 a.m.

Q And where was it removed to?

A It was removed to the Coroner's office, 2121 Adelbert Road.

Q And had you directed that it be removed to the Coroner's office?

A Yes, sir.

Q Then what did you do?

A After the body was removed from the bed, I directed that some photographs of the bed be made.

Q To whom did you give those directions?

A To Detective Grabowski and the Bay Village police.

Q Patrolman Drenkhan?

A There were several of them there. I directed the Bay Village police.

Q You don't know the names of them?

A No.

Q All right.

A They took their pictures. Then I turned over the pillow that was at the head of the bed and found a blood stain on the opposite side of the pillow, a large blood stain.

Q And what else?

A And on that pillow was an impression of an instrument.

Q What type of an instrument?

A The type -- a surgical instrument.

Q Did you take that pillow to the Coroner's office?

A Yes, sir.

Q And under your supervision and direction was a picture taken, a colored slide of that pillow?

A Yes, sir.

Q Both sides?

A Yes, sir.

Q And you have that with you?

A Yes, sir.

Q And does that picture fairly represent what you saw that morning?

A Yes, sir.

MR. DANACEAU: I would like at this time to have arrangements made to show the slide.

THE COURT: Pardon?

MR. DANACEAU: I would like to show the slide at this time.

THE COURT: All right.

MR. CORRIGAN: We object. Has he got a picture of it?

MR. DANACEAU: It is a colored slide.

THE COURT: Wouldn't the picture be sufficient?

MR. DANACEAU: No. The colored slide shows the color of it.

THE COURT: All right. You may show it.

MR. CORRIGAN: We object to the movie pictures.

THE COURT: Objection overruled.

MR. DANACEAU: It is not a movie



picture, just a slide.

MR. CORRIGAN: Well, the colored pictures.

(State's Exhibit 32, being a pillow, was marked for identification.)

Q While the slide apparatus is being set up or the projection apparatus is being set up, I will show you what has been marked State's Exhibit 32 and ask you whether this is the pillow that you saw there that morning and that you took to the Coroner's office?

A Yes, sir.

MR. DANACEAU: I wish to introduce into evidence State's Exhibit 32.

THE COURT: It will be received.

(State's Exhibit 32 was received in evidence.)

MR. DANACEAU: Now, can we have that set up, please?

Q Do you have anyone here to help set that up, sir?

A I will set it up myself.

Q Before you set it up, will you point out where on that pillow slip the surgical instrument that you speak of appeared?

MR. GARMONE: Now, if the Court please, I am going to object to the use of

"surgical implement." Let him describe --

MR. DANACEAU: He did.

MR. GARMONE: No, he did not.

He did not give a description of what the pillow portrayed.

THE COURT: That's right.

MR. DANACEAU: Well, I am getting to that very thing.

MR. GARMONE: Let's not use any leading innuendoes.

THE COURT: The jury will disregard that question for the moment. Now, rephrase your question.

Q Will you explain to the jury what this imprint is?

MR. GARMONE: May we first have the position that the pillow was in?

MR. DANACEAU: Now, just a moment. I will conduct this examination.

THE COURT: You give us exactly as you saw it and then describe what you are going to describe.

A This is the first -- this is the pillow as I first looked at it. That clot on the side that I could see first was -- not a clot but bloodstain that I could see first was in this position.

When I turned the pillow over later I saw this stain, and in this portion of the stain I saw this imprint. It is the imprint of what I believe to be a surgical instrument.

MR. GARMONE:                      Object to this and ask that it be stricken and the jury instructed to disregard it. Let him give a description.

MR. CORRIGAN:                    Let him tell what he saw.

MR. DANACEAU:                   Will you please get off the witness chair and let him testify?

(To Mr. Garmone.)

MR. GARMONE:                    Well, I can't see. I don't want to get in the way of the jury.

THE COURT:                      He is testifying on the other side.

You go ahead, Doctor, and tell us what you saw.

Q        Go ahead, Doctor.

A        This impression here represents the blades, and the blade on each side is about three inches long and the two blades together, its widest part, measure about two and three-quarter, and there is a space between the two blades indicating the fact that these blades do --

MR. GARMONE: We will object to all this about indication.

MR. CORRIGAN: Just tell what you saw.

MR. GARMONE: Just let him testify as to what he saw.

MR. CORRIGAN: We don't want your conclusions. You are a lawyer, too.

MR. DANACEAU: We object to this sort of conversation.

THE COURT: Let's have no comment, please.

MR. CORRIGAN: Well, let's keep the testimony confined not to opinions but to what he saw.

MR. DANACEAU: Well, he is stating what he saw. He is a physician and surgeon, too.

THE COURT: He may state what he saw. Go ahead.

THE WITNESS: There is no overlapping of the blades. The impression of these blades indicate a distinct impression of two blades, one on either side.

Q Now, will you --

A And there is a tooth-like, a tooth-like indentation at the

end of each blade.

Q Now, you had this in your possession some four months, is that correct?

A Yes.

Q Now, on July 5th I believe you said that you had a slide made, a colored slide?

A Yes.

Q Of both sides of the pillow?

A Yes, sir.

Q And those are the slides that you are about to show, is that correct?

A Yes, sir.

MR. CORRIGAN: We object to the slides.

MR. DANACEAU: The Court has already ruled on that, sir.

MR. CORRIGAN: Well, I can object again.

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MR. DANACEAU: While that is being set up, if the Court please, may I have this passed on and shown to the jury?

(Thereupon the pillow was passed among the jury.)

Q Now, Doctor, will you point out where the blood spot that you found on the pillow was, and also state which side of the pillow that slide shows?

MR. CORRIGAN: Just a moment.

I want the record to show that Dr. Gerber has stepped down from the stand; that the courtroom has been darkened; that there has been erected a screen in front of the jury, which is about 15 feet from the jury box; that there is erected on the table a projector that is operated by Dr. Gerber; that the pillow introduced in evidence, and which has been passed around through the jury, a picture of it now is being shown on a screen, a colored picture is being thrown on the screen a distance about 12 feet from the aperture of the projector; that the projection is --

Have you got a tape measure, Doctor?

Would you tell me the size of that picture that



is projected? What is its size?

THE WITNESS: On the screen?

MR. DANACEAU: The picture itself?

MR. CORRIGAN: The picture, yes.

MR. DANACEAU: I judge about a yard  
by a yard. Is that about right? Approximately  
a yard by a yard.

MR. GARMONE: A square yard.

THE WITNESS: About a yard. About  
34 inches.

MR. CORRIGAN: A square yard.

That the picture of the pillow is not a  
picture of the pillow in the condition that it  
was found on the 4th day of July. That the  
picture was taken on the 5th day of July, and  
that it was handled by Dr. Gerber and other  
persons before the picture was taken.

We object to the picture. We object to  
the projection.

THE COURT: The objection will be  
overruled. The Court will not subscribe to the  
fact, at the moment, at least, that it is not the  
same as the pillow was on the 4th day of July.  
We have no evidence on that question yet.

MR. GARMONE: We have no evidence on the question that it was, and I think that is very pertinent to the issue.

THE COURT: Well, I know, but that is a matter of proof.

MR. GARMONE: Until such time as there is presented to your Honor for the Court's consideration evidence on the question of the pillow, that it was in the same condition and had not been handled by anyone prior to the taking of the picture, I think it becomes highly prejudicial to give it to this jury for their consideration.

THE COURT: All right, gentlemen. The Court is going to rule that the statement may go into the record, but the Court does not want it stated that this is not the same as it was on the 4th day of July until we have some proof on it. That is open to proof, and the record may show the physical set-up as we have it now, that the pictures are being shown.

Exceptions noted.

MR. GARMONE: If the Court please, I don't want to quibble with your Honor -- you know that is not my policy. However, from your Honor's

statement just concluded, you say that until there is some evidence given to your Honor and this jury that the pillow is in the same condition when the picture was taken as it was in on the 4th of July --

THE COURT: I am not saying that. I don't know anything about it.

MR. GARMONE: Well, then, isn't it proper, in protection to the interest of this young man, that there first be proof --

THE COURT: Just a minute. Let's get this clear. The Court has already stated that he is not willing to have it just merely stated by counsel that this is not as it was on the 4th day of July until we have some proof. The Court knows nothing about it, but the Court simply has no proof before him now that it is not the same. Therefore, we don't want mere statements put in the record.

All right. Let's go ahead with the projection.

MR. DANACEAU: May we proceed, please?

MR. GARMONE: Then may we be given the opportunity to cross-examine at this point?

MR. DANACEAU: Well, this is highly irregular.

THE COURT: Let's go ahead.

MR. DANACEAU: May we proceed?

THE COURT: Let's go ahead and let's see what the proof is, and then you can cross-examine to your heart's content.

MR. GARMONE: Exception.

Q Now, Doctor, which side of the pillow does that slide show?

MR. CORRIGAN: Objection.

A This is the side of the pillow that I first looked at when I looked at the bed in which Marilyn Sheppard was lying in.

Q And there is a ruler at the top. Is that an ordinary foot showing inches?

MR. CORRIGAN: If the Court please, may I have an objection to each and every one of these questions without repeating them?

THE COURT: Yes. Let the record show a general objection to these questions.

A Yes, sir. That is an ordinary foot ruler.

Q So that by looking at the ruler you can determine the size of the pillow and the various parts of the pillow?

A Yes, sir.

Q

Now, anything on that slide that you wish to point out to the jury?

MR. CORRIGAN: Object to that.

There is the picture. Let them look at it.

MR. DANACEAU: May we proceed without these -- I understand that he has a general objection.

THE COURT: Overruled.

MR. CORRIGAN: I don't think he has any right to point out anything on that picture. The pillow is here, the original is here. This is a picture.

MR. DANACEAU: May we proceed?

MR. CORRIGAN: The jury can look at the pillow.

THE COURT: All right.

MR. GARMONE: If the Court please, may we object at this point --

THE COURT: Of course, there is objection at this point. There is objection to this entire line of questioning, and you may take your exception.

MR. GARMONE: And may the record show that it is on the basis that the best evidence has been offered, accepted, and shown to the jury.

and whatever follows is only a substitute to the best evidence rule?

MR. DANACEAU: May we proceed?

THE COURT: All right.

MR. GARMONE: Exception.

Q Proceed, sir.

MR. CORRIGAN: What is the question?

Q Will you proceed, sir?

A What is the question?

(Thereupon the question was read by the reporter, as follows: "Now, anything on that slide that you wish to point out to the jury?")

MR. GARMONE: Object to the question. It it is too general as to form.

MR. DANACEAU: Objection has been made and overruled. Can we proceed here, sir?

THE COURT: He is going to explain the slide now. Certainly he may do that.

MR. CORRIGAN: I object to explaining the slide.

THE COURT: Of course you do. There is no question about your objection. That is already in the record.

MR. CORRIGAN: What right has he to



explain the picture to the jury? Let them look at it and draw their conclusions, not his conclusions.

MR. DANACEAU: May we proceed?

THE COURT: Mr. Corrigan, you know very well that this is in the nature of expert testimony, and as such it will be received.

Let's proceed, gentlemen.

MR. CORRIGAN: Except.

Q Proceed, sir.

A Mr. Corrigan --

MR. CORRIGAN: Am I in the way?

THE WITNESS: Yes.

MR. CORRIGAN: All right.

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Will you proceed, sir?

This stain here is the stain that I saw originally when I looked at the pillow. These are other blood splashes. This ruler here will give the indication of the size of the pillow and identification mark.

MR. CORRIGAN:

Ask the answer

be stricken out.

Q

Will you show the other side now?

Will you explain to the jury what that slide shows?

MR. GARMONE:

The same objections,

if the Court please.

A

This is the other side of the pillow. It has the identification mark. Here are the imprints of the two-bladed instrument --

MR. CORRIGAN:

I object to that.

MR. GARMONE:

Object to the use of "the two-bladed instrument."

MR. DANACEAU:

May we have the witness testify?

MR. CORRIGAN:

Well, it is a conclusion, isn't it?

MR. GARMONE:

That is a conclusion.

MR. DANACEAU:

No, it is not a conclusion. It is an observation, sir. "the two-bladed instrument" is clearly an

observation. Whether it has one blade, or two blades, it is clearly an observation and not a conclusion.

MR. CORRIGAN: It's two marks, two blood marks, that's all it is.

MR. DANACEAU: That's right, and that is an observation, not a conclusion.

MR. CORRIGAN: Two marks of blood.

MR. GARMONE: Let him say two marks.

THE COURT: Please, let the Coroner testify. The Court rules that he may so testify. The objection is overruled.

MR. GARMONE: Exception.

A In the largest stain is the impression of a two-bladed instrument that has teeth on each end of the blade, and the other marks here are blood splashes.

Q Will you point out where those teeth are?

A Right at this extreme end of each blade.

Q And when you first saw the pillow, was that on the bottom side or on the top side of the pillow?

A Well, it would be the bottom side. It was the side that was against the head of the bed.

Q So that when you first entered the room and looked on the bed, you could not see those spots --

A No, sir.

Q -- that you now have shown on the screen?

A No, sir, you could not see them.

Q And what is the size of that impression?

A The actual size is three inches from here to here and two and three-quarter inches from here to here (indicating).

Q Now, Doctor, do you have with you, also, a slide of the watches?

A Yes, sir.

Q Now, what date was the picture of this slide taken?

A July 5th.

Q And was that the appearance -- is that a true representation of what you saw on the pillow on July 5th?

A That is a true representation of what I saw on July 4th.

Q On July 4th?

MR. GARMONE: Object and ask the answer be stricken. It wasn't responsive to the question.

MR. DANACEAU: Well, I will substitute July 4th, then, for July 5th, sir.

MR. GARMONE: You do whatever you want to, Saul.

Q Is that a true representation of what you saw on the morning of July 4th on that pillow?

A Yes, sir.

Q That is all.

A Do you want to see the watches?

Q Well, I will have to ask you some preliminary questions about the watches.

MR. CORRIGAN: Ask the entire matter be stricken from the record, ask that a juror be withdrawn and the case continued because of the prejudicial evidence introduced in this matter.

THE COURT: Overruled.

MR. CORRIGAN: Exception.

Q Doctor, do you have some white and black photographs of the same object?

A Yes, sir.

Q Do you have them with you?

A Yes, I have them in the room out there.

Q Would it take you long to get them?

A No, sir.

Q Would you please go and get them?

A Yes.

MR. CORRIGAN: You are not taking that out, are you?

INSPECTOR McARTHUR: No.

MR. CORRIGAN: Leave that here because I want to examine it. The pillow is

introduced in evidence now, isn't it?

MR. PARRINO: Yes, it is,

Mr. Corrigan.

MR. CORRIGAN: All right.

Q Will you hand me now the white and black photographs of the slides that you just showed to the jury?

(Photographs were submitted to Mr. Danaceau by the witness.)

MR. DANACEAU: Will you mark these, please?

(State's Exhibits Nos. 33 and 34, being photographs, were marked for identification.)

Q I will hand you what has been marked State's Exhibit 33 and ask you whether or not that is a black and white photograph of the picture that was just shown on the screen to the jury of one side of the pillow, the top side of the pillow?

A Yes, sir.

Q I now hand you what has been marked as State's Exhibit 34, and ask you whether that is a black and white photograph of the color slide that was shown to the jury as to the other side of the pillow?

A Yes, sir.

MR. DANACEAU: We offer in evidence

State's Exhibits 33 and 34.

THE COURT: They will be received.

(State's Exhibits 33 and 34 received in evidence.)

MR. DANACEAU: And may we pass these two exhibits to the jury?

MR. CORRIGAN: Wait a minute. I object to them.

MR. DANACEAU: The Court has already said they may be received.

MR. CORRIGAN: Well, I want to make my objection. You have the pillow here.

THE COURT: The objection will be overruled.

(Thereupon State's Exhibits 33 and 34 were passed among the jury.)

MR. DANACEAU: May we have a recess at this time, sir?

THE COURT: All right. Ladies and gentlemen of the jury, we will now be recessed until 1:15 this afternoon. In the meantime, please be careful not to discuss any phase of this case at all.

(Adjournment at 12:00 until 1:15 p.m.)



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Tuesday Afternoon Session, November 16, 1954.  
1:15 o'clock p.m.

Thereupon DR. SAMUEL R. GERBER resumed the stand and was examined and testified further, as follows:

DIRECT EXAMINATION (CONTINUED)

By Mr. Danaceau:

Q Dr. Gerber, can you tell us what, if anything, the colored slides show that the black and white photographs do not?

MR. CORRIGAN: We object to the question.

THE COURT: I didn't quite get the connection.

MR. DANACEAU: What, if anything, the colored slides show which the black and white do not.

MR. CORRIGAN: Object.

THE COURT: He may answer.

A The colored slides show the color of the blood and the dryness, and the fact that the impression -- blood impression is overlaid on an original blood stain, and the colored slide also has a ruler, a marker from which you can indicate the size.

Q That is, you took an ordinary foot ruler that has the

inches shown on it, and you superimposed that on top of the pillow and had the slide taken, is that correct?

A Yes, sir. We have special -- they are our markers, not our ruler.

Q Going back to the first visit you made to Bay View Hospital when you first saw Dr. Sam Sheppard, was he in bed at that time?

A Yes, sir.

Q What, if anything, did he have about his neck?

A I call it a stocking bandage.

Q Will you tell us more particularly what that is, what you mean by that?

A It is a bandage that is made out of cotton -- I think they call it balbriggan cotton -- and it is about six inches wide -- approximately six inches wide, and it is wrapped around the neck.

Q I believe this morning you were also shown some trousers which you identified as being the trousers of Sam Sheppard that were given to you by his father?

A Yes.

Q Did you have a colored slide made of those trousers as they appeared to you on July the 4th?

A Yes, sir.

Q And do you have that slide available?

A Yes, sir.

Q When you first observed the trousers, did you observe any stain of any kind on the trousers?

A Yes, sir.

Q Where was the stain?

A The stain was on the right leg.

Q Where on the right leg?

A Around the knee.

THE COURT: What in relation  
to the knee?

THE WITNESS: Around the knee.

Q What type of a stain was it?

A It was a blood stain.

Q Did you have a ~~section~~ of those trousers cut out?

A Yes, sir.

Q And analyzed?

A Yes.

Q What was the finding?

MR. CORRIGAN: Objection unless  
he did it himself.

Q Was it done under your direction and supervision?

A Yes, sir.

THE COURT: He may answer.

A I will have to look at the record.

Q Who did that examination for you?

A Miss Cowan, Miss Mary Cowan.

MR. DANACEAU:

I will withdraw the

question because we will have her here later.

Q Now, in addition to the pillow and the pillow slip, did you remove any other items of clothing, bed clothing from the bedroom of Marilyn Sheppard?

A Her clothing.

Q I am talking about the bed clothing, the bed sheet.

A The bed sheet, and there is a small sheet that protects -- a small pad that protects the mattress and a spread and the pillow.

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Q I am sending for those articles, and we will get them a little later.

And what else did you remove that morning? Was it during the morning, by the way, that you removed these articles, or the afternoon?

A During the morning.

Q What other articles did you remove that same morning?

A From the bedroom that same morning, that was a pair of moccasins and sneakers.

Q And where did you remove these articles to?

A Put them in the station wagon.

Q And where did you take them in the station wagon?

A To the Coroner's office.

Q Well, what did you next do at the Sheppard home after Marilyn's body was removed? Let me put it this way, and let me withdraw the question at this time.

After Marilyn's body was removed, did you make any search for any further items in or around the bed?

A Yes, sir.

Q What, if anything, did you find?

A Nothing -- oh, on the bed there was -- as the body was removed, you could see a couple chips of teeth.

Q And what was done with those chips of teeth?

A I took them.

Q And you took them down to the Coroner's office, is that

correct?

A

Yes, sir.

MR. CORRIGAN: Object to counsel leading.

MR. DANACEAU: I am not leading. I am merely asking him if that is what he did, what you have done a thousand times in the last couple of weeks.

MR. CORRIGAN: It doesn't make any difference.

MR. DANACEAU: You can do it but I can't, is that your theory?

MR. CORRIGAN: I am going to object to that statement.

THE COURT: Do I understand your statement is that you took the two chips of teeth to the Coroner's office?

THE WITNESS: Yes, sir.

THE COURT: All right.

Q What, if anything else, did you find in that room that day, that you recall at this time?

A In the study of Dr. Sam Sheppard --

Q No. I am talking about the room, the bedroom where the body of Marilyn Sheppard was. Is that all that you can recall?

A That is all that I can recall that was removed from there.

Q All right. Now, after you left that room, did you go into any of the other rooms?

A Yes, sir.

Q What rooms did you go into?

A (No response.)

Q Sir?

A I went over the whole house.

Q Did you receive any articles from anybody else that day, that you recall?

A I can't recall at the present moment.

Q All right. Did you go into the den?

A Yes, sir.

Q At what time did you go into the den then?

A Around 10:00 o'clock.

Q And what did you observe in the den?

A I noticed that there was some drawers that had been taken out of the desk and they were on the floor. I noticed that some of the contents of the drawers were spread on the floor. I noticed that the chair that -- that the chair was pushed away from the desk, desk chair pushed away from the desk, and beside that I noticed some tools. There was a wrench and a screwdriver and some other tools. I also noticed a watch.

Q Did you later ascertain whose watch that was?

A Yes, sir.



Q Whose was it?

A It was Marilyn Sheppard's watch.

Q I show you what has been introduced in evidence -- has this been introduced in evidence?

MR. GARMONE: Yes.

Q -- as State's Exhibit 19 and ask you whether that is the watch that you saw on the floor that day?

A Yes, sir.

Q Did you examine that watch that day?

A Yes, sir.

Q Will you tell the jury what you observed?

A I observed blood on it.

MR. CORRIGAN: Object to that and ask it be stricken out.

THE COURT: He says he saw blood on the watch.

MR. CORRIGAN: You can't tell blood that way, just by looking at it.

MR. DANACEAU: Well, let him testify.

THE COURT: Well, that is his testimony, in any event. He may answer.

A I observed blood on the watch and on the band, on the face of the watch, on the band and where the band connects.

Q Was it wet or dry blood?

A Dry.

Q Did you have a slide made that or the following day of that watch, colored slide?

A Yes, sir.

Q At the Coroner's office?

A Yes, sir.

Q And does the colored slide fairly represent what you saw on that watch on July 4th?

A Yes, sir.

Q What else, if anything, did you see in the den?

A I saw a shotgun and an over-and-under -- I forget the technical name for it, but it was a small gun.

Q Now, Doctor, there has been some testimony of a gun of some sort being returned later by Dr. Richard Sheppard. What can you tell us about that, if you know?

MR. CORRIGAN: I didn't get that question.

(Question read by the reporter.)

A Dr. Richard Sheppard took the over-and-under gun from the house of Dr. Sam Sheppard, and I requested the Bay Village police to get the gun from Dr. Richard Sheppard and bring it to the Coroner's office.

Q When did he remove the gun from Dr. Sam Sheppard's home?

MR. CORRIGAN: Wait a minute, now.

Is this something somebody told him or is it

something that he knows himself?

A The --

MR. GARMONE: Just a minute.

We are objecting unless it is of his own knowledge that he is going to testify to.

THE COURT: Will you give me the question again?

(Last question read by the reporter.)

THE COURT: He may answer that.

A The date was July 12th.

Q And when was it returned?

A About the 19th.

Q Now, getting back to July 4th, do you recall the time when the bag was given to you, the green bag?

A Yes, sir.

Q What time of the day was it?

A Around 1:30 in the afternoon.

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A

And where were you when you received the bag?

I was in the kitchen talking to Mayor Houk and Chief Eaton.

THE COURT:

That was on the 4th?

THE WITNESS:

On the 4th, yes.

Q

And who gave you the bag?

A

Detective Schottke and Gareau and Mr. Keefe.

Q

Who is Mr. Keefe?

A

Mr. Keefe.

Q

Oh, your deputy.

THE COURT:

In his office.

Q

Excuse me. Did you examine the bag?

A

Well, yes, sir.

Q

I will show you what has been marked State's Exhibit 26 and ask you if that is the bag that was given to you?

A

Yes, sir.

Q

Now, there is a hole here. Can you tell us what that is?

A

Yes, sir.

Q

Go ahead.

A

This hole was -- a piece of cloth was removed, leaving the hole, by Miss Cowan of our office.

Q

To make an examination?

A

To make an examination, yes, sir.

Q

When it was given to you, that hole was not in there, is that correct?

A

No, the bag was intact.

Q And did you examine what was inside the bag?

A Yes, sir.

Q And what did you find?

A I found a watch, a chain, some keys and a ring.

Q You have just taken out the contents of that bag. Will you tell us whether those are the articles that you saw at that time?

2 A Yes, sir.

Q Did you examine the watch?

A Yes, sir.

Q Did you later ascertain whose watch that was?

A Yes, sir.

Q Whose watch was it?

A Dr. Sam Sheppard.

Q And what did you see when you examined the watch?

A The watch was stopped, it was 4:15, and there was blood over the band --

MR. GARMONE: Now, if the Court please, we will object to the use of the word "blood" unless he made some examination at that particular time to determine what was on there.

THE COURT: You can cross-examine him on that question. He says it is blood. That is his testimony.

MR. GARMONE: Exception.

A (Continuing) Blood on the band, blood over the face of the watch, and blood on the part of the watch that holds the band. There was water underneath the crystal of the watch.

Q Did you have a colored slide made of that watch?

A Yes, sir.

Q On what date?

A On July the 5th.

Q That is the next day?

A Next day.

Q At your office?

A Yes, sir.

Q And does the colored slide fairly represent what you saw on that watch on July the 4th?

A Yes, sir.

MR. DANACEAU: At this point, if the Court please, I think those are the remaining objects which we have colored slides on, and I would like to have these colored slides shown. This will cover all of the slides.

THE COURT: I suppose counsel will want the same objection to run to this?

MR. GARMONE: That's right.

THE COURT: All right. Let the record show that counsel for the defense object,

overruled, and that the objection is to continue to the general line of questioning.

Q While we are waiting for that to be set up -- is it all set up? Excuse me.

MR. MAHON: It is all set up.

MR. DANACEAU: If the Court please, we would like to have Mr. Keefe assist Dr. Gerber in running of the machine.

THE COURT: Let's have it quiet, please.

MR. DANACEAU: Just a moment. Do you need Mr. Keefe to help you run this?

MR. MAHON: No, he don't need him.

MR. DANACEAU: Then Mr. Keefe will leave the room, because we may -- is he in the room?

MR. PARRINO: No, he isn't in the room.

MR. DANACEAU: Pardon me.

MR. CORRIGAN: Will you just wait a moment, Doctor?

I want the record to show that again there is set up in the courtroom a machine throwing a reflection on the screen about four feet by four;



that the screen is set directly in front of the jury; that there is a projecting machine which is about to project a colored slide from a distance of about 15 feet.

THE COURT: The record may so show.

MR. CORRIGAN: That the witness has left the witness stand and is now operating this machine.

THE COURT: The record will so show.

Q Doctor, will you put on the first slide? What does that represent?

MR. CORRIGAN: My objections go to all of these questions without interrupting.

A This photograph represents a lady's Hamilton watch, and the stains, which are blood, on the band, and some on the hooks that hold it. This here and this. Around here, and blood here.

MR. CORRIGAN: Let the record show that the doctor is now with a pointer at the screen pointing out various pictures on this reflection that is shown on the screen.

Q And is that the watch that you saw on the floor in the den?

A Yes, sir.

Q What does this slide represent?

A This slide represents the trousers of Dr. Samuel Sheppard

given to me by his father, Dr. Sheppard, Richard Sheppard, Sr.

Q You stated in your testimony that you saw a spot. Will you point out --

MR. GARMONE: On the right leg, he said in his testimony.

MR. DANACEAU: I have asked him to point it out on the slide.

MR. GARMONE: All right. Let's complete your question that you asked him on the stand.

MR. DANACEAU: I will frame my own questions, thank you, Mr. Garmone.

MR. GARMONE: All right.

A This spot that I mentioned, as I said, was blood, is actually on the left pants leg, and it is in the position of the knee.

MR. CORRIGAN: Ask the answer be stricken and let the record show that Dr. Gerber has been pointing in answer to that question to a reflection of a colored slide that is shown on this screen previously described.

Q By the way, that picture was taken before anything was cut off for purposes of examination, is that correct?

A Yes, sir.

Q What does this colored slide show?

A This shows the watch that was taken out of the green bag. It shows the moisture, the water underneath the crystal. It shows the blood spot on the face, and it shows blood on the band, blood on the rim of the watch, and blood on the fastener of the watch.

MR. CORRIGAN: I ask the answer  
be stricken.

Q And that watch is whose?

A Dr. Samuel Sheppard's watch.

Q And that picture was taken on what date?

A On July the 5th.

Q And that is the date following the day you first saw it?

A Yes, sir.

MR. CORRIGAN: Will you let me  
see No. 1 again, just for a moment? That's  
what I want to see, the lady's watch.

Q At the request of Mr. Corrigan, you have now shown the lady's watch, is that correct?

MR. PARRINO: Is that the one you  
want?

MR. CORRIGAN: Yes.

MR. DANACEAU: Did you want to see it  
any further, Mr. Corrigan?

MR. CORRIGAN: Nothing further.

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Q Now, Dr. Gerber, do you have black and white photographs of these slides that have just been shown?

A I don't have them of the trousers, I have them of the two watches.

(State's Exhibits 35 and 36, being photographs, were marked for identification.)

Q I will return you now that which you have handed to me and which has now been marked State's Exhibit 35, and ask you whether or not that is a black and white photograph of the slide that has just been shown and referring to Marilyn's watch?

A Yes, sir.

Q And I return to you now what has been marked State's Exhibit 36 and ask you if that is the black and white of Sam Sheppard's watch which was just shown on the colored screen, colored slide?

A Yes, sir.

MR. DANACEAU: We offer in evidence State's Exhibits 35 and 36.

MR. GARMONE: Objection.

THE COURT: They may be received.

MR. GARMONE: Exception.

(State's Exhibits 35 and 36 were received in evidence.)

THE COURT: I would like to have one question clear. It is not clear in my mind.

Doctor, when you make these colored slides, does the machine itself produce the colors or are the colors produced by some other means, the camera I am speaking of?

THE WITNESS: No. The colors are in the negative.

THE COURT: I see. So they are brought out by the process of photography?

THE WITNESS: Yes, sir.

THE COURT: All right.

Q Now, will you state, Dr. Gerber, what the colored slides show that are not shown by the black and white photographs?

MR. GARMONE: Objection.

THE COURT: Well, I think he has somewhat answered that before.

MR. DANACEAU: He has with reference to the other pictures. I was going to ask him if it was the same as to these pictures.

THE COURT: He may answer.

A It shows the intensity of the color of blood which the black and whites do not portray.

Q Now, Doctor, you testified that you brought to the Coroner's

office the bed sheeting, bed covering?

A Yes, sir.

(State's Exhibit 37 was  
marked for identification.)

Q I will hand you what has been marked for identification  
State's Exhibit 37, and ask you whether or not that is  
the bedsheet which you have referred to?

A Yes, sir.

Q I notice that there is a small part cut out. Was that  
later cut out?

A There were several parts cut out. That was cut out by  
Miss Cowan.

Q Later on for purposes of examination?

A Yes, sir.

Q At the time you saw the sheet, took it down to the Coroner's  
office, it did not have those portions cut out, it was  
whole?

A No, sir, but it had this identification tag on it, "Marilyn  
Reese."

Q This Marilyn Reese was on there at the time -- at the home  
at the time you picked it up?

A Yes, sir.

Q That is her tag, not yours?

A That's right.

MR. DANACEAU:

We offer in



evidence State's Exhibit 37.

MR. CORRIGAN: Object to it.

THE COURT: It may be received.

(State's Exhibit 37, being a sheet, was received in evidence.)

MR. CORRIGAN: I say, I object to it.

MR. MAHON: Judge, there is an objection to the introduction of that.

THE COURT: Well, it has been received. It will be overruled. Exception.

(State's Exhibit 38, being a sheet, was marked for identification.)

Q Now, is State's Exhibit 37 the bottom or the top sheet?

A That's the bottom sheet.

Q That is, the one that has already been received?

A Yes, sir.

Q I will now hand you what has been marked State's Exhibit 38 and ask you if that is the other sheet or the top sheet that you took at the same time?

A Yes, sir.

Q Is any part of that cut out?

A Yes, there is some cut out.

Q For purposes of examination?

A Yes, sir.



Q And that was after you had received it?

A Yes, sir.

MR. DANACEAU: We will offer  
in evidence State's Exhibit 38.

MR. GARMONE: Object to the  
introduction of it.

THE COURT: It will be received.

MR. GARMONE: Exception.

(State's Exhibit 38 was  
received in evidence.)

Q I believe you mentioned something about a pad that you  
took?

A Yes, sir.

Q What part of the bed was the pad on?

A It was underneath the bottom sheet.

Q Underneath the bottom sheet?

A Right on top of the mattress.

(State's Exhibit 39, being  
a pad, was marked for  
identification.)

Q I am handing you what has been marked State's Exhibit 39  
and ask you if that is the pad that you refer to?

A Yes, sir.

Q Is any part of that cut out, Doctor?

A I don't believe so.

Q And you took this from Marilyn Sheppard's room to the

County Coroner's office?

A Yes, sir.

MR. DANACEAU:  
State's Exhibit 39.

We offer in evidence

MR. GARMONE:

Objection.

THE COURT:

It may be received.

MR. GARMONE:

Exception.

(State's Exhibit 39 was  
received in evidence.)

Q You also mentioned some covering that was taken. What  
part of the bed was the covering on?

A On the top.

Q On the top, at the lower part of the bed?

A Well, first the covering of the mattress and then the two  
sheets and then this covering right here.

Q On top?

A Yes, sir.

(State's Exhibit 40, being  
a quilt, was marked for  
identification.)

Q I will hand you what has been marked State's Exhibit 40  
and ask you if this is the covering that you just referred  
to?

A Yes, sir.

Q And was any part of that cut out for examination?

A No, sir.

Q You don't notice any?

A No, sir.

MR. DANACEAU:  
State's Exhibit 40.

We offer in evidence

MR. GARMONE:  
your Honor.

Same objection,

THE COURT:

It will be received.

MR. GARMONE:

Exception.

(State's Exhibit 40 was  
received in evidence.)

Q Now, was there a bed spread on the bed?

A Yes, sir.

Q And was that on top of everything else?

A Yes, sir.

(State's Exhibit 41, being  
a bed spread was marked  
for identification.)

Q I hand you what has been marked State's Exhibit 41 and ask  
you if that is the bed spread that you just referred to?

A Yes, sir.

Q Do you know whether anything was cut out of that for  
examination?

A I don't believe so.

MR. DANACEAU:  
evidence State's Exhibit 41.

We offer in

THE COURT:

It will be received.

MR. GARMONE:

Objection to it.

(State's Exhibit 41 was  
received in evidence.)

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Now, Doctor, did you also take with you the clothing of Marilyn Sheppard that you found in the bedroom that morning?

A Not all of it. Some of it.

Q Did you take with you the pajamas that Marilyn Sheppard had on her when you first saw her in the bedroom on the morning of July the 4th?

A That was left on the body.

Q That was left on the body?

A Yes, sir.

Q And where was it taken off?

A At the Coroner's office.

Q And when was it taken off?

A Immediately after she was brought in.

MR. CORRIGAN: Wait a minute.

Was he in there? Object to it unless he was there.

Q Were you there when it was taken off?

A No.

MR. CORRIGAN: Ask it be stricken out, then.

MR. DANACEAU: All right. We will get it through another witness.

Q Would that be equally true of the other clothing of Marilyn Sheppard?

A No. Not those shoes. I brought those in.

Q You brought those shoes in?

A Yes, sir.

Q Did you bring in two pairs of shoes?

A Yes, sir.

Q And you got these where?

A On the floor of the bedroom of Marilyn Sheppard.

MR. DANACEAU: Mark these State's  
Exhibits 42 and 42-A.

(State's Exhibits 42 and  
42-A, being shoes, were  
marked for identification.)

Q I will hand you what have been marked 42 and 42-A, and  
ask you if these are the two pair of shoes of Marilyn  
Sheppard that you took with you from the home to the  
Coroner's office that morning?

2 A Yes, sir.

MR. DANACEAU: We offer in evidence  
42 and 42-A.

THE COURT: They will be received.

(State's Exhibits 42 and  
42-A were offered and  
received in evidence.)

Q Did you bring with you at the same time some of the clothing  
of Marilyn Sheppard?

A No.

Q Who brought that in?

A That was brought in by Mr. Blocker on August 9th.

Q Who is Mr. Blocker?

A He works for me.

Q I believe you testified that when you saw Sam Sheppard's watch it had stopped at 4:15?

A Yes, sir.

Q Did the watch later start again?

A Yes, sir.

Q What type of watch was it?

A It is marked Automatic.

Q One of these automatic watches?

A Yes, sir.

Q It doesn't wind, is that correct?

THE COURT: It winds itself.

MR. DANACEAU: Well, that is what

I am getting at.

Q Movement will cause it to wind, is that correct?

A Movement will cause it to wind, or you can wind it.

Q Or you can wind it?

A Yes, sir.

Q Now, what time was it when you first saw the watch moving?

A I didn't see it move.

Q Well, when was it when you first saw it when it was moving?

What time of the day was it when you first saw the watch?



MR. GARMONE: Which watch?

Marilyn's or --

MR. DANACEAU: Sam Sheppard's watch.

A About 1:30 in the afternoon.

Q As you looked at it it had stopped at 4:15?

A Yes, sir.

Q Doctor, from what you observed, can you tell us when, in your opinion, Marilyn Sheppard died?

MR. GARMONE: Objection.

MR. CORRIGAN: Object.

THE COURT: He may answer.

MR. GARMONE: Exception.

A Yes, sir.

Q Tell us.

MR. GARMONE: Objection.

THE COURT: He may answer.

A Between 3 and 4 o'clock in the morning.

Q And will you tell us on what you base your judgment?

MR. GARMONE: Objection.

MR. CORRIGAN: Objection.

THE COURT: He may answer that.

A I base the charges -- I base --

MR. GARMONE: What did you say?

You base it what?

MR. DANACEAU: Give him a chance.

MR. GARMONE: I didn't hear him.

MR. DANACEAU: Well, he is trying  
to say it.

A I base the time of death on the fact of my observations  
of the body, on the report of Mrs. Ahern and Mr. Ahern  
at the time of the inquest, and on the autopsy report.

Q Do I take it --

MR. GARMONE: Object and ask that  
his answer be stricken.

THE COURT: Overruled.

MR. GARMONE: And the jury be  
instructed to disregard it.

THE COURT: Overruled.

Q I take it, then, you ascertained what was eaten the night  
before at dinner?

MR. GARMONE: Object to the question  
as to its form.

THE COURT: He is only asking if  
he determined what she had eaten the night before.

MR. DANACEAU: That's right.

MR. GARMONE: He is assuming that  
he made an examination along those lines, and  
there is no testimony before this Court or jury  
on that subject.

THE COURT: He can answer that yes

or no, certainly.

Q Did you?

A Yes, sir.

Q Sir?

A Yes, sir.

Q And what was eaten at dinner that night?

A The main meal --

MR. GARMONE: Objection.

THE COURT: He may answer.

MR. CORRIGAN: How would he know,  
your Honor, except what somebody told him?

MR. DANACEAU: He has already  
testified that it was based on what the Aherns  
testified to and told him.

MR. GARMONE: Well, that is hearsay.

MR. DANACEAU: And we have had that  
in court. They have testified here, too.

MR. CORRIGAN: That is hearsay  
evidence. We object to it.

THE COURT: Let him answer.

A The main portion of the meal was ham and dessert.

Q Do you recall what the dessert was?

MR. CORRIGAN: Object.

A It was pie. There was several other -- there was a vegetable  
and bread and potatoes.

Q Now, upon your later examination and the autopsy, did you determine whether or not there had been complete digestion?

A From my examination of the autopsy report, yes, sir.

MR. CORRIGAN: I object.

THE COURT: He may answer.

Q There had been complete digestion?

A Yes, sir.

Q And what period of time does it take for a meal of that sort to digest?

A Around five hours.

Q Now, you also stated that you based your judgment in part upon your observation. What do you mean by that? What did you observe?

A Just before the body was removed by the men from the funeral director's parlor, I determined the amount of rigidity --

THE COURT: The amount of what?

THE WITNESS: Rigidity in the face,  
in the arms and in the legs.

A (Continuing) I came to the conclusion that --

MR. CORRIGAN: Object.

THE WITNESS: (Continuing) -- that  
rigor mortis had set in.

Q Did you, Dr. Gerber, pronounce Marilyn Sheppard dead?

A Yes, sir.

Q When was that?

A About 8 a.m. on July the 4th, 1954.

Q And where were you when you pronounced her dead?

A When I first looked at her and I first went up the stairs to her room.

Q In her room in Bay Village, is that correct?

A That's right, sir.

Q At 8 o'clock that morning?

A Yes, sir.

Q When did you next see Dr. Sam Sheppard? I believe you testified this morning that you saw him at the hospital that morning?

A Yes, sir.

Q When did you next see him?

A I saw him on July the -- it was on a Thursday.

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Q Well, now, going back to July 5th, did you go out -- were you out at the house, the Sheppard home?

A Yes, sir.

Q Did you meet anyone out there?

A I met Mayor Houk, I met the Chief of Bay Village and the other policemen of Bay Village. I met Detective Schottke and Gareau, and I met the Deputy Sheriffs Rossbach and Yettra.

Q Now, after the body of Marilyn Sheppard had been removed, after Mr. Grabowski of the Cleveland Police Department and Mr. Drenkhan of the Bay Village Police Department had taken pictures, were others there to take pictures?

A Yes, sir.

Q And when was that? What part of the day was it?

A I permitted a representative of the Cleveland Press to take some pictures at about 11:30 in the morning.

Q And that was after these other pictures had been taken after the body was removed?

A Yes, sir.

Q And did this party go into the bedroom to take a picture?

A I believe he did, but wherever he went, I was with him.

Q And later in the course of that day, did others come into the house?

A In the late afternoon there was some representatives of the Cleveland Plain Dealer and the Cleveland News.

Q And did you also permit them to go throughout the house and take pictures?

A I went with them when they took pictures.

Q You accompanied them?

A Yes.

Q And they took pictures?

A Yes.

Q And they went into the various rooms?

A Yes, sir.

Q Including Marilyn's bedroom?

A Yes, sir.

Q Now, that was all on July 4th?

A Yes, sir.

Q Now, you came back to the premises on July 5th?

A Yes, sir.

Q And that is when you say you met these other gentlemen that you have just named?

A Yes, sir.

Q By the way, did you see the physicians or doctor's medical bag up-ended?

A Yes, sir.

Q And where was that?

A That was in the hallway or corridor leading to the lake side -- the door on to the Lake Road, and it was right near the entrance of Dr. Sam Sheppard's office or den.



- Q Did you notice whether or not the bag had been emptied?
- A The contents of the center of the bag were on the floor.
- Q And were there two wings to the bag?
- A Yes, sir.
- Q Were those wings disturbed?
- A No, sir.
- Q I will hand you what has been marked State's Exhibit 11 and ask you whether that photograph fairly represents what you saw on July 4th in respect to this bag, medical bag?
- A Yes, sir.
- Q What did the bag contain, in general, can you tell us that?
- A It contained articles and equipment generally used by a physician.
- Q In other words, it was a typical physician's bag?
- A Yes, sir.
- Q Anything unusual about it?
- A No, sir.
- Q Were there any medicines of any kind in the bag?
- A There were.
- Q What type?
- A There were some medicines.
- Q Sir?
- A There were some medicines.
- Q What kind?

A There was some --

Q Did you examine the two compartments that were unopened before you got there? Did you examine these two wing compartments?

A After I looked at the bag?

Q Yes.

A After Detective Grabowski had dusted it for fingerprints, yes.

Q And what was in those wings?

A There was some bandages and some instruments, small instruments, and I don't recall, again, what the other articles consisted of.

Q Now, surgeons also have what they call an instrument bag, is that correct?

A They have a bag that they can carry instruments in, yes.

Q Carry surgical instruments in?

A Yes, sir.

Q Well, that was not that type of bag, was it?

A No, but this bag could be used for the same purpose.

Q Were there other bags in or about the premises?

A There was one other bag, in the garage.

Q Of the same type?

A Of the same type, yes, sir.

Q And where in the garage?

A In the jeep. --

Q And what did that bag contain?

A The same type of equipment and articles that were in the bag that was in the house.

Q And was there a third bag?

A I didn't see a third bag, no.

Q You didn't see any?

A No.

Q Did you later learn of a third bag?

A Yes, sir.

Q And what type of bag was that?

MR. CORRIGAN: Wait a minute.

Is it in existence, or did he just learn there was a third bag?

THE COURT: If he knows, he may say. Do you know of your own personal knowledge?

THE WITNESS: No, sir.

MR. DANACEAU: All right.

Q What became of those two bags?

A They were turned over to Dr. Sam Sheppard.

Q And when were they turned over to Dr. Sam Sheppard?

A The bag in the house was turned over on July 9th.

Q And how about the bag in the jeep?

A That was turned over on July 12th.

Q Now, was any other bag turned over to Dr. Sheppard?

A Not that I know of.

Q Now, to get back to July 5th, when you say you met Mr. Rossbach and Mr. Yettra and certain other police officers, what time of the day was that?

A It was around 10 o'clock in the morning.

Q And did you again go up into the bedroom?

A Yes.

Q And was anything picked up at that visit?

A Yes.

Q And what was picked up?

MR. CORRIGAN: Well, wait a minute. Was he there when it was picked up?

MR. DANACEAU: Yes. He just said so.

MR. CORRIGAN: All right.

A There was a piece of nail polish and a piece of -- a very small piece of what appears to be leather or leatherette.

Q And do you have those with you?

A Yes, sir.

Q May I have them, please?

(State's Exhibit 43 was marked for identification.)

Q 43 contains this brown fragment that you just referred to?

A Yes.

THE COURT: 43 is what?

MR. DANACEAU: A brown fragment.

Is that the nail polish?

THE WITNESS: No. That is leatherette or leather.

Q It is a little triangular piece about a quarter of an inch on each side of the triangle, approximately?

A Approximately, yes.

Q With a hypotenuse slightly longer, is that correct?

A Yes, I guess.

MR. CORRIGAN: Is that loose or is it attached?

MR. GARMONE: It is loose.

MR. DANACEAU: It is loose.

Q Who picked this up?

A A policeman by the name of Nichol from Bay Village.

MR. MAHON: Which one are you talking about now?

MR. DANACEAU: This piece of leatherette, Exhibit 43.

Q And he gave it to you?

A He gave it to Detective Gareau and Gareau gave it to me.

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Q Now, this piece of nail polish --

A Better let me handle it. You'll sneeze and blow it away.

Q What is that?

A It is a piece of nail polish.

MR. DANACEAU:

Mark this Exhibit 44.

(State's Exhibit 44, being  
piece of nail polish, was  
marked for identification.)

Q Will you take apart the piece of paper that you have it  
enclosed it in and show us what State's Exhibit 44 is?  
And will you describe what State's Exhibit 44 consists of?

A It is a piece of nail polish. It is very friable, and  
a piece of it was taken off to test it, and just this  
carrying it around --

Q Has crumpled it up?

A Has crumpled it up.

Q And what was the size of it when you first got it?

A About a quarter of an inch.

Q In diameter?

A In width and length.

Q Will you please put that back so it won't fall out?

Did you have these exhibits, these items that are  
in the exhibits, 43 and 44, analyzed?

A The last one.

Q The nail polish?

A The nail polish, yes, sir.

Q And 43, you say is a piece of leatherette?

A Leather or leatherette. We didn't disturb that.

Q And those items you say were picked up on the next day, July the 5th, after newspaper photographers and others had been in and out of that room, is that correct?

A Yes, sir.

2 Q Who gave you the nail polish?

A Detective Gareau?

MR. GARMONE: Can we establish  
the time of day when the nail polish was given  
to him?

Q What time of day did you receive these two items?

A In the morning.

Q At what time in the morning?

A About 11 o'clock.

Q Now, going to July the 6th, the next day, that would be on Tuesday, I think it is, is that correct?

THE COURT: Is it the 6th or 5th?

MR. DANACEAU: The 6th.

MR. GARMONE: Tuesday.

Q Did you go back to the house?

A Yes, sir.

Q Who did you meet there?

A I met the Bay Village police and the Mayor and the Sheriff's men.



Q And did you on July the 6th meet any of the members of the Sheppard family?

A Yes, sir.

Q And whom did you meet?

A I met Dr. Sheppard, Sr., and one of the -- either Richard or -- one of the sons.

Q Where did you see them?

A In the Mayor's office at the Bay Village Town Hall.

Q Did you have a conversation with them?

A Yes, sir.

Q And what was it about?

MR. GARMONE: Objection.

MR. DANACEAU: I am not asking  
for the conversation itself.

MR. GARMONE: Well, you are asking  
what it was about. Certainly that is the crux  
of it.

THE COURT: He may state just  
the subject of it.

Q What was the --

A About whether or not the Bay Village police and Sheriff's  
office would be able to talk to Dr. Sam Sheppard.

MR. GARMONE: Well, now, --

Q The meeting related to whether or not the members of the  
Sheriff's office and the members of the Bay Village Police

Department could talk to Dr. Sam Sheppard, is that correct?

A Yes, sir.

Q And were arrangements made for that to be done?

MR. CORRIGAN: Object.

A No, sir.

MR. CORRIGAN: What has Dr. Sam Sheppard got to do with this, some conversation that this Coroner had with some other people up in the City Hall? What has this defendant, who is sitting here on trial, got to do with that?

THE COURT: Let's get this straight.

This is the Coroner making inquiry.

MR. MAHON: We have had evidence by questions by Mr. Corrigan of the availability of Sam all the time, and that his brothers didn't interfere with them going into the room.

MR. CORRIGAN: Supposing his brothers did interfere? What has that got --

MR. MAHON: That is what this is all about, too.

THE COURT: So far, certainly, it is proper inquiry for the Coroner to determine whether or not public officials were going to be able to see Sam Sheppard if he thought he ought to be seen.

MR. CORRIGAN: What does Sam Sheppard have to do with it? Did he ever refuse to see anybody?

THE COURT: This goes to what the Coroner was doing, not Sam Sheppard.

MR. DANACEAU: The question is about his being available at all times, and that his brothers did not interfere, and cooperated --

MR. CORRIGAN: The whole thing is whether Sam Sheppard --

MR. GARMONE: The Coroner has already testified that the only time that he made a request to talk with him, he was given the opportunity without anybody interfering with him.

MR. PARRINO: That is what he is asking him.

MR. DANACEAU: That is what I am asking him about. The subsequent events.

THE COURT: He is now telling us what he is doing as Coroner. I understand that.

MR. DANACEAU: That's right.

Q Now, you say you had this meeting with Dr. Richard Sheppard, Sr., and Dr. Steve Sheppard, and that you could make no arrangements to see him?

A And Mr. Petersilge.

Q That is the attorney here?

A Yes, sir.

Q And that you could make no arrangements to see him, is that correct?

MR. CORRIGAN: Object to that.

A That's right.

MR. CORRIGAN: Object to that and ask it be stricken out and the jury instructed to disregard it.

THE COURT: It will be overruled.

Q What, if anything else, occurred at this meeting?

A Only what I told Dr. Sheppard, Sr., and other persons present, what I intended to do if we did not get cooperation.

MR. CORRIGAN: Object to all that, your Honor.

Now, aren't we going far afield?

MR. DANACEAU: You went far afield, sir, and we are simply --

MR. CORRIGAN: Now, wait a minute.

Is it a fact that this man here is to be bound by conversations that somebody else is having with the Coroner?

MR. DANACEAU: You spent hours examining --

THE COURT: We have had no conversations here, Mr. Corrigan. This is action by the Coroner.

MR. CORRIGAN: We except to it all.

THE COURT: Overruled.

Q Tell us what else occurred.

MR. CORRIGAN: When?

MR. DANACEAU: At this same time.

THE COURT: What was done?

A There was nothing accomplished. Nothing was accomplished.

MR. CORRIGAN: Object to that and ask it be stricken from the record, "nothing accomplished."

THE COURT: That is a conclusion. The jury will disregard the statement "nothing accomplished."

Q On Wednesday, July the 7th, where did you go?

A I went to Bay View Hospital.

Q And what occasioned your visit there?

A I had an appointment with Dr. Elkins.

Q And who is Dr. Elkins?

A Dr. Elkins was a physician in Cleveland, and he was consultant for Dr. Sam Sheppard.

Q And you learned that he was a consultant for Dr. Sam Sheppard, is that correct?

A Yes, sir.

Q And is that why you want to see him?

A I made an appointment with him.

Q Where did you see him?

A At the Bay View Hospital.

Q Well, had Dr. Elkins examined Dr. Sheppard before that appointment was made?

A Yes, sir.

Q And you saw Dr. Elkins at the hospital, and you had a discussion with him?

A Yes, sir.

Q Did you see Sam Sheppard on that occasion?

A No, sir.

Q Did you, as a result of your consultation, conference and talk with Dr. Elkins, learn of any reason why you could not see Dr. Sam Sheppard, talk to him?

MR. CORRIGAN: Object to that.

THE COURT: Was there any reason why he couldn't see him?

Q Did you request to see Dr. Sam Sheppard that day?

A I requested that the police be able to see him.

Q And of whom did you make the request?

A Dr. Elkins.

Q Was permission given?

A No, sir.

MR. CORRIGAN: Object to that.

Now we got the request of Dr. Elkins about Sam Sheppard.

THE COURT: It will be overruled.

MR. CORRIGAN: Except.

Q. Now, on July 8th, the next day, did you visit the Bay View Hospital?

A Yes, sir.

Q By yourself?

A Detective Rossbach -- Deputy Sheriff Rossbach, Yettra, and Detective Gareau and Schottke.

Q What time did you get there?

A About 11 o'clock in the morning.

Q Did you make a request to see Dr. Sheppard at that time?

A Yes, sir.

Q And did you get to see him at that time?

A Yes, sir.

Q And who was there beside the persons you have named?

A Dr. Stephen Sheppard.

Q And where did you see him?

A In his room in the hospital.

THE COURT: Steve's room, you mean?

THE WITNESS: Dr. Sam's room.

THE COURT: Oh, yes.

Q And was there anybody else other than the persons you have



named, yourself, and Dr. Stephen Sheppard, and Dr. Sam Sheppard, in the room at the time?

A Not at the very beginning. A few minutes later.

Q A few minutes later someone else came in?

A Yes.

Q Who was that?

A Mr. Corrigan and Mr. Petersilge.

Q And were you permitted to continue to question --

MR. CORRIGAN: I object.

Q -- Dr. Sam Sheppard?

MR. CORRIGAN: Object.

THE COURT: Well, he may say what they did, if anything.

MR. CORRIGAN: "Was he permitted to question him?"

MR. DANACEAU: I will withdraw that.

Q When Mr. Corrigan and Mr. Petersilge came in the room what happened?

A I don't have an adjective to explain it.

Q Well, tell us what happened.

A But Mr. Corrigan stated very flatly and definitely that we could not talk to his client. I advised Mr. Corrigan that we were there for the purpose of talking to Dr. Sam Sheppard, and that if he did not want to permit this inquiry to go on, ~~that~~ I would issue subpoenas and take Dr. Sam Sheppard

somewhere else where we could talk to him.

Mr. Corrigan said I have no right under the law to do that. I disagreed with Mr. Corrigan and said I did have a right under the law to do it.

I told Dr. Sam Sheppard that the police were here to ask him questions, and that he could follow the advice of his counsel. I further told him that when you have a person that is sick, they look for a doctor to try and take care of the problems; if you have a legal problem, you look for a lawyer to take care of your legal problems.

Dr. Sam Sheppard agreed with that.

I advised Dr. Sam Sheppard that he could make up his own mind whether or not he wanted to talk to the police and the Sheriff's officers there at the hospital, or else be subpoenaed and be brought into the Coroner's office, or downtown to the Courthouse to talk to the police in the Sheriff's office.

There was quite a bit of conversation that went on between -- mostly between Dr. -- Mr. Corrigan and myself.

Dr. Steve Sheppard said some things. I cannot recall just at the present time what he did say.

Mr. Petersilge said some things. I can't recall what he said.

But most of the conversation went on with Mr. Corrigan and myself. I wasn't getting any place. I

stepped out into the hall, into the nurses' room, and wrote out a subpoena and gave it to Detective -- Deputy Sheriff Rossbach to serve on Dr. Sam Sheppard.

As he was about to serve it, why, Mr. Corrigan said, "Let's not -- let's straighten this out. Let's not serve this."

I agreed to hold off the subpoena. In fact, I tore up that subpoena.

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Q And you then proceeded to question Dr. Sam?

A No. Wait a minute.

Q I beg your pardon.

A I tore up that subpoena and we started in all over again. I then issued another subpoena, and then Mr. Corrigan agreed to let Dr. Sam Sheppard talk to the deputy sheriffs, and Dr. Sam Sheppard agreed but he objected to the presence of the Cleveland detectives.

Q Schottke and Gareau?

A Schottke and Gareau. He said that he would like, if Deputy Sheriff Rossbach and Yettra do the questioning, he would also like to have present Patrolman Drenkhan.

Q Of Bay Village?

A Of Bay Village, whom he knew well.

Q That is what Dr. Sam Sheppard said to you?

A Yes, sir.

Q And that he would talk only under those conditions?

A Yes, sir.

MR. CORRIGAN: I object to that.

Let him tell what was said.

THE COURT: Yes.

MR. CORRIGAN: Ask that be  
stricken out.

THE COURT: Yes. It will be  
stricken out. The jury will disregard it entirely.

Q Well, did I understand you to say that those were the conditions that Dr. Sam Sheppard laid down to you before he would answer any questions?

A That's the conditions he stipulated.

Q And was Patrolman Drenkhan brought in?

A We then left the room and sent for Patrolman Drenkhan, and that took about an hour because at that particular time Patrolman Drenkhan was at the Coroner's office. I learned that he was at the Coroner's office.

Q It took about an hour before he got there?

A Yes, sir.

Q And in the meantime, was there any questioning?

A No, sir.

Q And about what time did he get there?

A Around 12:45.

Q And when did the questioning start?

A Just about that time.

Q And what happened to Schottke and Gareau? Were they there during the questioning or did they go?

A No, they disappeared.

Q After the conditions were laid down they disappeared?

A Yes.

Q Now, the next day we come to is July 9th, is that correct?

A I was not -- I want to go back to that. I was not present.

Q You were not-present during the questioning on July 8th?

A That's right.

Q In other words, when the questioning started, you left?

A I left before.

Q Before the questioning was started?

A Mr. Corrigan and I left the room before the questioning started.

Q I see. And you left the others behind?

A Yes.

Q Who was left in the room to do the questioning?

A There was nobody left in the room immediately. They all came out and then they went back in.

Q Well, who went back in?

A Rossbach, Yettra and Drenkhan.

THE COURT: Rossbach, Yettra  
and whom?

THE WITNESS: Drenkhan.

Q Did Mr. Petersilge leave with Mr. Corrigan and you?

A Yes, sir.

MR. CORRIGAN: Did he what?

MR. DANACEAU: Leave with  
Mr. Corrigan and you.

MR. GARMONE: He asked if you  
and Mr. Petersilge left, and he said yes.

Q Where did you go?

A Why, we had a very pleasant chat and had something to eat.

Q The three of you?

A Yes, sir.

Q Now, the next day, did you return to the house? That was on July 9th.

A Yes, sir.

Q And what time did you get there?

A In the morning.

Q What time?

A Or towards noon.

Q Near noon?

A Yes, sir.

Q And did you meet anyone out there?

A Yes. I met the Bay Village police and the same deputy sheriffs, and later on, Dr. Sheppard and his brothers, and Mr. Corrigan and Mr. -- I think Mr. Petersilge, also.

Q By his brothers, you mean Dr. Steve Sheppard and Dr. Richard Sheppard?

A Yes, sir.

Q What time did Dr. Sam Sheppard, his brothers and Mr. Corrigan and perhaps Mr. Petersilge get there?

A Shortly after we arrived. It was in the latter part of the morning.

Q Had there been any arrangements for such a meeting?

A Yes, sir.

Q Who made those arrangements?



- A If I remember correctly, Mr. Corrigan and I made the arrangements.
- Q And when did you make those arrangements?
- A The day before.
- Q And you were to meet there for what purpose?
- A To have Dr. Sam Sheppard go over the house with the police and the sheriff officers to point out anything that may be missing, anything that may be out of the ordinary or anything else that he might observe.
- Q I see. And did he go through the house?
- A He went with the -- through the house and about the house with the police and the sheriff officers.
- Q And with his attorney?
- A Yes.
- Q And he was not under arrest at that time, was he?
- A No, sir.
- Q And did he also go down to the beach?
- A Yes. I went as far as the landing. I don't know whether they went on the beach or not.
- Q They went through the various rooms of the house?
- A Yes, sir.
- Q And did Dr. Sam Sheppard examine these bags?
- A Yes, sir.
- Q And he was in the various rooms?
- A I wasn't with him constantly, but --

- Q But he went from room to room?
- A Yes, sir.
- Q Were you with him in the bedroom?
- A No, sir.
- Q Were you with him in the den?
- A Yes, sir.
- Q Did he point out anything to you that was missing from the den?
- A No, sir.
- Q Did he point out to you anything that was missing anywhere in the house?
- A No, sir.
- Q Did he tell you of anything that was missing?
- A No, sir.
- Q After he had concluded the entire going through the premises, both in the house and on the lot?
- A Didn't point out --
- Q He didn't point out anything at all?
- A He did not tell me of anything that was missing.
- Q Now, I believe you related that there were two bags, one was inside the house, and one was in the car in the garage?
- A Yes, sir.
- Q And was there anything that occurred with reference to some matter which was claimed to be in one bag should have been in the other?

- A There was something about some demerol.
- Q Well, tell us about that, what occurred?
- A According to Dr. -- according to -- I don't know which Dr. Sheppard it was, but according to one of them, there was supposed to be some -- there was supposed to be demerol in both bags, one in the house and one on the jeep. It turned up that there was demerol in one bag. That was in the bag in the house.
- Q That was in the bag in the house?
- A Yes, sir.
- Q And was there any in the bag in the jeep?
- A No, sir.
- Q Was there anything said it should have been in the other bag, or vice-versa?
- A Yes, sir, but I didn't get that conversation. I haven't I haven't got it straight yet.
- Q Now, at that same visit -- this was at the Sheppard home?
- A Yes, sir.
- Q And was Dr. Sheppard, Dr. Sam Sheppard, asked to re-enact the scene the night of July 3rd-4th?
- A Not by me.
- MR. CORRIGAN: I object.
- Q You don't know anything about that?
- A No, sir.
- Q You didn't see anything of that nature, did you?

A

No, sir.

MR. DANACEAU: May we have a  
recess at this point?

THE COURT: Yes. Ladies and  
gentlemen of the jury, we will have a few  
minutes' recess at this point. Please do not  
discuss this case.

(Recess taken at 2:45 p.m.)

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THE COURT: Before we proceed further, it has been brought to the attention of the Court that some persons have undertaken on their own behalf to examine some of the exhibits in this case.

Will all persons be kind enough to be warned now that there is no one to touch the exhibits or get near to them during the progress of this trial other than counsel in the case?

Please observe that from now on. ✓

Q Now, before the recess, I believe you stated that this medical bag with all of its contents were turned over to Dr. Sam Sheppard?

A Yes, sir.

Q And that when he left he took them with him, is that correct?

A Yes, sir.

Q Now, besides yourself, who else was there at that time, that was at the house at that time, besides yourself, Dr. Sam Sheppard, Mr. Corrigan, who else was present?

A The Deputy Sheriffs and the Bay Village policemen.

Q By Deputy Sheriffs, you mean Carl Rossbach and Dave Yettra?

A Yes, sir.

Q And by the Bay Village police officers, whom do you mean?

A Well, there were some of them. I can't give you their names definitely.

Q Did anyone object to his taking those articles?

A No, sir.

Q Now, there were some contents that were strewn on the floor from the center of the bag?

A Yes, sir.

Q Who put them back into the bag, if you know?

A I don't know.

Q But, at any rate, everything was in the bag, and Dr. Sheppard left with the bag and its contents, is that correct?

A Yes, sir.

Q Now, did he leave with anything other than the bag at that time?

A There was a book.

Q What kind of a book?

A A book on surgery. I think it was surgery of the brain.

Q And he took that book with him, too?

A Yes, sir.

Q Did anybody object to his taking that book?

A No, sir.

Q By the way, prior thereto, had there been any of Chip's clothing taken out?

A Yes, sir.

Q And when was that?

A That was on the first day and various other days.

MR. CORRIGAN:

Was he there, now?

Q Were you there when the clothing was taken?

A Yes. That's why I say that was on the first day and various other days.

Q And who came there to take the clothing?

A His aunts.

Q His aunts. You mean Mrs. Richard Sheppard and Mrs. Stephen Sheppard?

A Not together, but on --

Q On different occasions?

A On different occasions.

Q And you permitted them to take Chip's clothing, did you not?

A They asked me about it, and the police of Bay Village asked me about it, and I said -- I listed it, and they took it.

Q Now, anything else taken up to July 9th other than what you have listed, enumerated?

A Yes. I gave -- rather, Mr. Petersilge asked me if he could take the wills --

Q Two wills?

A Two wills.

Q Had you read those wills?

A I gave them a -- I gave them a casual glance, yes, sir.

Q Where did you find those wills?

A They were in a strong box.

Q And whose wills were they?

A The will of Mrs. Marilyn Sheppard and a will of Dr. Sam



Sheppard.

Q Did you notice the date or dates?

A It was the early part of this year.

Q Sometime in the early part of this year?

A Yes, sir.

Q And you turned those wills, the will of Marilyn Sheppard and a will of Dr. Sam Sheppard over to Mr. Petersilge, is that correct?

A Yes. Mr. Petersilge thought they -- he could guard them and keep them for safekeeping, and I agreed with him.

Q When was it that you turned those wills over to Mr. Petersilge?

A I think that was the -- on the 9th -- I think it was on the 9th, on the 9th of July.

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Q Now, anything else up until the 9th day, up until and including the 9th day of July that was turned over to either Dr. Sam Sheppard or any member of his family or his attorneys?

A I can't recall anything.

Q Now, you stated, also, that there was another bag in the jeep?

A Yes, sir.

Q Was that turned over to either Dr. Sheppard or any member of the family, his brothers?

A That was turned over to Dr. Sam Sheppard.

Q When was that?

A On July 12th.

Q And the other bag was in the jeep?

A I don't know if I follow you now.

Q Well, the jeep was turned over to him?

A Yes.

Q Well, wasn't there a bag in that jeep?

A Yes, sir.

Q And when he took the jeep, did he also take that other bag?

A Yes, sir.

Q Anybody object to his taking the jeep and the other bag?

A No, sir.

Q As far as you know?

A Not as far as I know.

Q It was with your consent?

A Yes, sir.

Q Now, Dr. Gerber, when you examined the body of Marilyn Sheppard on July 4th, did you observe anything on her left hand in the vicinity of her wrist?

A Yes, sir.

Q What did you observe?

A I observed some dried blood that had the impressions of the bracelet of a watch on the left wrist.

Q And where on the wrist was that impression?

A Down towards the back of the hand.

Q Will you show on that wrist where that was?

A Right across this way (indicating).

Q I hand you what has been marked State's Exhibit 9, and ask you to point out --

THE COURT: Let's get the record clear on that. Show indicating over the base of the thumb. Is that right?

THE WITNESS: Beginning back at the wrist, at the bone.

THE COURT: Beginning back of the wrist bone and extending over --

THE WITNESS: Coming across the back of the hand.

THE COURT:

-- diagonally across

the base of the thumb.

Q Handing you what has been marked State's Exhibit 9, and facing the jury, will you point out where you observed this impression?

A This is the left hand, and if you look closely right at the base of the thumb, and extending backward, extending up across and up towards the other side, you can see dried blood and you can see the imprint of the bracelet, of a stretch bracelet, over this particular area.

(State's Exhibit 45, being a photograph, was marked for identification.)

Q And was that on the left hand, sir?

A Yes, on the left wrist extending down to the hand.

Q I will hand you what has been marked State's Exhibit 45 and ask you whether or not that is a fair representation of what you saw on the hand, the left hand and wrist of Marilyn Sheppard?

A Yes, sir.

MR. DANACEAU:

We offer in evidence

State's Exhibit 45.

MR. GARMONE:

Object to it.

THE COURT:

It will be received.

MR. GARMONE:

Exception.

(State's Exhibit 45 was received in evidence.)

MR. DANACEAU:

I ask that the jury

be permitted to see it.

(State's Exhibit 45 was passed among the jury.)

Q Now, Dr. Gerber, coming now to July 11th, was that on a Sunday?

A Yes, sir.

Q Did you go out at the house on that day?

A Yes, sir.

Q And did you go by yourself?

A Yes, sir.

Q Did you meet anyone there?

A Yes, sir.

Q Who was it?

A The Bay Village police.

Q By Bay Village police, can you give us their names, if possible?

A Well, I can remember Deputy -- two of them was Sergeant Hubach and Officer Drenkhan. There were others there, too, but those two I remember.

Q Anyone else?

A Not at that immediate moment.

Q What was the purpose of that particular visit?

A I went out --

MR. CORRIGAN:

I object to that,

what the purpose of it was. What did he do?

- Q All right. Tell us what you did? I thought I would get it through quickly that way. Go ahead, tell us what you did out there?
- A I tried to locate over again blood spots on the stairway, stairways and then other places where I originally believed or thought there might be some blood.
- Q and was there anyone from your office there that day aside from yourself?
- A After I got out there, I called Miss Cowan to come out.
- Q That is Mary Cowan of your office?
- A Yes, sir.
- Q And what position does she occupy in your office?
- A She is senior technologist.
- Q And you called her up and she came out?
- A Yes, sir.
- Q And was the matter of these bloodstains turned over to her?
- A Yes, sir.
- Q And she has made a study and examination of them and reported to you?
- A Yes, sir.

MR. DANACEAU: I wish to state to the Court that we will have Miss Cowan here later on to testify.

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And I believe the next day is the day that the car in the garage was turned over to Dr. Sam Sheppard?

A Two cars.

Q Which cars were they?

A One was a Jaguar and a jeep.

Q Who drove away the Jaguar?

A Well, one of Dr. Samuel Sheppard's brothers. Now, I don't know which one.

Q And who drove away the jeep?

A Also one of the brothers.

THE COURT: Was that on the 11th?

THE WITNESS: It was on the 12th.

THE COURT: The next day?

THE WITNESS: Yes, sir.

Q Now, there has been some testimony here about a meeting on July the 17th. Do you recall what meeting that was?

A Yes, sir.

Q Where was that?

A That was a meeting held in the Coroner's office.

Q Out at the Coroner's office?

A Yes, sir.

Q Who was present?

A Mr. Cullitan, Mr. Mahon, Mr. Parrino, Mayor Houk, Chief Eaton, Officer Drenkhan, Sergeant Hubach, Chief Story,



Dr. Moritz, Sheriff Sweeney, Deputy Sheriff Rossbach, Deputy Sheriff Yettra, Dr. Adelson, myself, and a number of newspaper men.

Q And in what part of your office was this meeting had?

A That was in the ampitheater.

Q Was that the meeting at which these colored slides, that were shown here, with reference to the injuries that Marilyn Sheppard received, were shown?

A Yes, sir.

Q Now, when those slides were shown, were the newspaper men present?

A I believe they were, yes.

Q And was there any discussion had?

A While the newspaper people were there, there was no discussion except the discussion of the newspaper persons themselves.

Q There was no discussion between the officers and the newspaper men?

A No. They asked Dr. Adelson and myself some questions, but there was no discussion back and forth between the newspaper people and the people --

Q Well, was there a time when the newspaper people were asked to leave?

MR. GARMONE:

May we determine who

was asking the questions? I don't know whether it

was the newspaper men or other people in the room who were asking questions.

MR. DANACEAU: The Coroner was trying to explain that.

MR. GARMONE: Well, you didn't give him a chance to complete his explanation.

Q Well, go ahead. Complete your explanation.

A The newspaper men asked the questions of Dr. Adelson and myself. There was no exchange of information or questions between the officers of the County and Bay Village, and the City of Cleveland, nor myself or Dr. Adelson, except the direct questions that Dr. Adelson and myself answered to the newspaper men.

Q In other words, if I get you right, the officers of the County and the City of Cleveland and the Village of Bay did not discuss the matter with any newspaper men?

A That's right, sir.

Q Now, were they asked to leave, and then did a discussion take place?

A Yes, sir. They were asked to leave and a discussion then took place.

Q Who asked them to leave?

A I did.

Q And did they then all leave?

A Yes.

Q And after they left, then you had the discussion?

A Yes, sir.

Q Now, with whom did you have the discussion after the newspaper men left?

A Everyone in the room -- I shouldn't tell you that -- not everyone, but quite a number of people. I can't give you the names of the individuals.

THE COURT: Do I understand  
there was general discussion of --

THE WITNESS: Yes, sir.

Q Was anything else done? Now, please do not relate any conversation.

A Well, --

Q The defendant was not there. I am not asking you to relate any of the conversation. Was anything else done other than what you have related?

A No, sir.

Q Did you say that Dr. Moritz was present at this meeting?

A Not during the whole time, no, sir.

Q At what time was he present?

A He came after the newspaper men had left.

Q Then did he remain with the others?

A That's right.

Q And did he participate in the discussion?

A He participated in part of the discussion, yes.

Q Who is Dr. Moritz?

A Dr. Alan Moritz is Professor of pathology of Western Reserve University.

Q And is he generally known in certain fields? Does he have a reputation in certain fields?

A Yes.

Q And will you tell us about that?

A He was Professor of legal medicine at Harvard University, and chairman of the Committee of Legal Medicine of the American Medical Association.

Q And did he make certain suggestions to the persons present?

A Yes, sir.

Q Anything else that occurred? Now, please do not relate any conversation.

A I can't recall a particular thing.

Q Now, coming to Wednesday, July the 21st --

THE COURT: 21st?

MR. DANACEAU: Yes.

Q Wednesday, July the 21st, was anything done in between July 17th and July 21st that you can recall?

A Nothing in particular, but it was continuous activity, continuous work.

Q Now, what occurred on Wednesday, July the 21st?

A On Wednesday, July the 21st, I met with the Chief of Police of Bay Village, Chief Eaton, and the Mayor of Bay Village,

and we had a lengthy discussion. At that --

Q Don't tell us what was said.

A No, I am not telling you what was said.

Q Just tell us what was done, what happened.

A At that time I set up the procedures for an inquest.

Q An inquest concerning whom?

A The death of Marilyn Sheppard.

Q And you proceeded to set up such an inquest?

A Yes, sir.

Q And was a date fixed?

A Yes, sir.

Q What was the date?

A Thursday, the 22nd, was the date.

Q Did you fix a place for the inquest?

A Yes, sir.

Q And where was a place fixed?

A Normandy School in Bay Village.

Q Had you met with anyone before that to make arrangements for the use of Normandy School?

A Yes.

Q With whom did you meet?

A The Superintendent of Bay Village Schools.

Q And arrangements were made for the use of Normandy School?

A Of Normandy School.

Q And what part of Normandy School was to be used?

A The auditorium.

Q Mr. Corrigan has frequently referred to that as the gymnasium. Will you describe this place that you call the auditorium?

A Well, it is used for a gymnasium, too, but it is an auditorium.

Q It has a little stage, a platform?

A It had a stage at one end, and then it had a floor where you put in movable chairs.

Q That is on the first floor of the school building, is it not?

A Yes, sir.

Q And it is the first large room to your left as you come in the building?

A Yes, to the building. We are in the building. Yes.



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Q Now, will you tell the Court and jury why the inquest was held in the auditorium in Normandy School rather than at your office on Adelbert Road?

MR. CORRIGAN: I object.

MR. DANACEAU: You object?

MR. CORRIGAN: Yes.

THE COURT: He may answer.

Q Go ahead.

A Because practically all of the people that were going to testify or that I was going to have as witnesses were from Bay Village, and the affair had created quite an atmosphere in Bay Village, and I wanted the people of Bay Village to know what was happening.

Q And did you have subpoenas then issued to various persons who were to testify?

A Yes, sir.

Q And when did the inquest or inquiry start?

A On the 22nd, in the morning.

Q And where did it start?

A At Normandy School.

Q And what time did you arrive there?

A It started at 9:00 o'clock.

Q And I believe I accompanied you to this meeting?

A Yes, sir.

Q That was my first appearance in the matter in the case,



was it not?

A Yes, sir.

Q I was not at the previous meeting at the Coroner's office that you related?

A No, sir.

Q Now, you had a reporter there taking down the testimony, just as this gentleman here is taking down the testimony in this case?

A Yes, sir.

Q And you and I were seated on one side of the table and the court reporter on the other, is that right?

A Yes, sir.

Q And the witnesses were all sworn in and took a seat opposite the court reporter and on the same side of the table that you sat on, is that correct?

A Yes, sir.

Q Was Mr. Corrigan at these sessions of the inquiry?

A Yes, sir.

Q Was Mr. Petersilge there?

A Yes, sir.

Q Now, Dr. Sam Sheppard was called and testified, did he not?

A Yes, sir.

Q Sworn in like all the other witnesses?

A Yes, sir.

Q Was Mr. Corrigan and Mr. Petersilge there throughout his

questioning?

A Throughout Dr. Sam Sheppard's questioning?

Q Yes.

A Yes, sir.

MR. CORRIGAN: I didn't hear that  
question. Was he what?

MR. DANACEAU: Were you present  
throughout the questioning of Dr. Sam Sheppard.

Q Now, do you recall who the other witnesses were who appeared  
and testified?

A Mr. and Mrs. Ahern; Mayor and Mrs. Houk; Bay Village police-  
men, practically all of them, and some firemen; Larry,  
Lawrence or Mrs. Houk's son; Dr. Sheppard, Sr. and Mrs.  
Sheppard, Sr.; Dr. Richard Sheppard; Dr. Stephen Sheppard;  
Mrs. Stephen Sheppard and Mrs. Richard Sheppard; Dr. Sam  
Sheppard and Mr. Reese, Marilyn Sheppard's father; and  
the superintendent or the head of Bay View Hospital. And  
that is all at that particular time. There were some others  
later.

Q Now, when the inquiry started, that was on July 22nd, do  
you recall what day of the week it was?

A Thursday.

Q Thursday morning?

A Yes, sir.

Q At what time in the morning?

A Nine o'clock.

Q Was Mr. Corrigan present?

A Yes, sir.

Q Was Mr. Petersilge present?

A Yes, sir.

Q And the inquiry went on throughout that day, did it not, except for a lunch recess?

A Yes, sir.

Q And then it continued on Friday starting at about nine o'clock in the morning?

A Yes, sir.

Q And continued that entire day except for the lunch recess, did it not?

A Yes, sir.

Q And were Mr. Corrigan and Mr. Petersilge there throughout that day?

A Yes, sir.

Q And then it was adjourned until Monday?

A Yes, sir.

Q And reconvened on Monday morning at about nine o'clock?

A Yes, sir.

Q And continued until noon, did it?

A Yes, sir.

Q And there was a recess again?

A Yes, sir.

- Q And were Mr. Petersilge and Mr. Corrigan there during that morning?
- A Yes, sir.
- Q And after it reconvened -- what time did you reconvene, do you recall, on Monday?
- A About 1:15 or 1:30.
- Q And it continued until what time?
- A Before three, shortly before three.
- Q And was there then a recess until some other time and other place?
- A Yes, sir.
- Q And it was recessed to where?
- A To the Coroner's office.
- Q And at any particular time, or was that left indefinite?
- A That was left at my election.
- Q Now, do you recall when it was that Dr. Sam Sheppard testified?
- A He testified the first day, starting in the afternoon.
- Q And then he came back the next day?
- A Came back the next morning, Friday.
- Q And testified until what time, do you recall?
- A He testified about five to five and a half hours.
- Q That's both days?
- A Both days, so I think it was around 10:30 in the morning.
- Q And during all of this testimony and during all of the time

he testified, both Mr. Corrigan and Mr. Petersilge were there?

A Yes, sir.

Q And that was on Thursday and Friday?

A Yes, sir.

Q Now, coming to this Monday afternoon when you reconvened after one o'clock or 1:15, were Mr. Corrigan and Mr. Petersilge both there?

A Yes, sir.

Q And did something occur later that afternoon just before the recess, just before the adjournment?

A Yes, sir.

Q At about what time did that occur?

A It was after two.

Q Sir?

A It was after two, between two and three.

Q Well, how long was it before the adjournment that the occurrence took place?

A About ten minutes.

Q About ten minutes before the adjournment?

A Yes, sir.

Q And who was on the stand at the time?

A Dr. Richard Sheppard's daughter.

Q And tell us what occurred there.

MR. CORRIGAN:

Object.

THE COURT:

He may answer.

A Mr. Corrigan kept interrupting the proceedings by attempting to get the stenographer to put something into the record. I asked Mr. Corrigan to sit down and be quiet, that he could not put anything into the record. He insisted that he was going to put something into the record, and conversation went back and forth, and Mr. Corrigan became more and more insistent. I then ordered him to sit down and he wouldn't sit down. He kept interrupting more.

I asked the deputy sheriffs Rossbach and Yettra to escort Mr. Corrigan out of the room.

Q And did they then escort him out?

A Yes, sir.

Q Now, at your inquiry -- is this the first time that an inquest was held by you, or did you hold previous ones?

A I think it's the fifth time.

Q About the fifth time. Now, at this inquest, were all the witnesses sworn as they are sworn in court here to tell the truth, the whole truth, and nothing but the truth?

A Yes, sir.

Q And did you individually swear these witnesses?

A Yes, sir.

Q Did you swear them individually?

A Yes, sir.

Q And you did all the questioning?

A Yes, sir.

Q Now, there are no attorneys, are there, representing anybody in these inquiries?

A No, sir.

MR. CORRIGAN: I object to that.

Q You do all the questioning, and when you are through, the witness is through?

MR. CORRIGAN: I say, I object to that, no attorneys permitted. That's a question of law.

THE COURT: He is merely showing the nature of the hearing.

MR. CORRIGAN: That is where I disagree with the Coroner.

THE COURT: It is merely a questioning by the Coroner of the witnesses?

THE WITNESS: Yes, sir.

MR. DANACEAU: That's right.

Q Now, attorneys may be there, but just as any other spectator, is that correct?

A Yes, sir.

Q And Mr. Corrigan and Mr. Petersilge, as far as the Coroner was concerned, were there as spectators, is that correct?



A Yes, sir.

Q You knew, however, that they were the attorneys for Dr. Sam Sheppard?

A Yes, sir.

Q Now, you say you questioned Dr. Sam Sheppard about what took place the night of July 3rd and the morning of July 4th?

A Yes, sir.

Q Will you tell the Court and jury what questions you asked him, to the best of your recollection, and what answers he gave?

A I asked Dr. Sam Sheppard to describe to me what had happened on the night of July 3rd and the morning of July 4th.

He told me that earlier on the night of July 3rd, he and Mrs. Sheppard, Mrs. Marilyn Sheppard, had gone to visit the Aherns, and they had some cocktails and came back to the -- to their own home, that is, the Sheppard home, and were going to have dinner.

That in the interim, though, that he had a call and had to go to the hospital. He had gone to the hospital, and as he came back by his own home he didn't see anyone in and he went to the Aherns again, and then he came back with the Aherns to his own home.

That he took the-- or at least took the children

down the basement and showed them a punching bag and had general conversation with Mr. and Mrs. Ahern and his wife.

Mr. Ahern and Dr. Sheppard went down to the -- down the steps towards the beach. Then dinner was ready at around nine o'clock, or thereabouts, and they proceeded to have dinner on the porch.

After dinner was completed, they retired to the living room and the women cleaned up the dishes and cleaned up -- and took care of the kitchen. Mr. Ahern took his children home and put them to sleep and then came back.

At approximately around 10:30 or later they began to either watch the television or listen to the radio, to a ball game.

That for part of the evening he and Mrs. Sheppard sat on a chair together and Mr. and Mrs. Ahern also sat on a chair together.

Later on he got up and stretched out on the couch or davenport, or daybed, whichever one you would call it, put the pillow under his shoulders, lay on his stomach facing the television, and there he fell asleep.

He stated he does not remember when Mr. and Mrs. Ahern went home, nor could he remember when Mrs. Sheppard went upstairs to bed, but that he did recall or faintly recalled that she may have awakened him and tried to get him to go

to bed, but he didn't do it, but he didn't recall that definitely.

Then later on in the night he thought he heard a call, a call from his wife calling, "Sam, Sam."

That he got off of the daybed and rushed up the stairs, and as he looked up the stairs he could see a form. And when he got on the landing, he was clobbered on the back of the head.

That he then became unconscious, and later on he remembers sitting up, becoming partly conscious and sitting up, and that he then went over -- got up, stood up and went over and took a look at Marilyn.

At that time the place was dark, he stated the place was dark, that he didn't turn any lights on, and that as he was looking at Marilyn, feeling of Marilyn, he thought he heard something.

He rushed downstairs and he saw some sort of a form, a phantom, on the porch, that is, between the door that leads into the living room and the door that leads off the porch that leads out to the yard on the lake front side.

That he rushed after this form. He couldn't tell definitely what this form was, couldn't tell whether it was a human being or whether it was a man or a woman, whether or not it had a hat on, whether or not he could see any hair, whether or not it had a coat or trousers on.

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Q

You say "whether or not." Will you explain that, please, what you mean by that?

A

He couldn't ascertain -- he told me he couldn't ascertain which.

Q

All right. Go ahead.

A

(Continuing) -- whether or not this person or this form, rather, was wearing a coat or a hat or any clothes whatsoever. When he got to the foot of the stairs by the beach house, something -- this form grappled with him, and he was hit again, rendered unconscious on the beach, and then later on came to, and then made his way back to the house and into the living room and up into the bedroom, and then after that, he doesn't know exactly when, he called Mayor Houk.

Q

Now, when he came up to the bedroom this last time, did you question him, or did he say anything about taking Marilyn's pulse?

A

Yes, sir.

Q

What did he say?

A

He said that he took the pulse at the neck.

Q

Was he asked whether he determined whether or not Marilyn was dead?

MR. CORRIGAN:

Object to that, now.

He hasn't said that he has exhausted his recollection of what was said. Let him tell what was said.

THE COURT:

Was he asked anything

else? He may answer that.

A Yes, sir. He stated that there was something definitely wrong, that he thought she was dead.

2 Q Now, do you recall anything else that you asked him and what he answered pertaining to the incidents at the house and on the premises the night of July the 3rd and the morning of July the 4th?

A Yes. I asked him about the dog. He couldn't remember anything at all about the dog. He couldn't -- I asked him about a brown corduroy jacket. He couldn't remember anything at all about a corduroy jacket. I asked him about a T-shirt, and he could not remember anything at all about the T-shirt.

Q Anything else that you can recollect concerning the same matters that I have questioned you about, that is, what occurred there that night or early morning?

A No, I can't -- at this time I can't recall anything else.

Q Well, to refresh your recollection, did he say anything about how he found himself down in the water?

A Oh, yes.

Q Well, tell us what he said.

A He said that he found himself on the beach, on the sand; that his feet were sticking out towards the lake, and that his head was up against the bank, the embankment, and



that he could feel the rush of the water on the lower part of his body.

Q Did he tell you just where on the bank it was with respect to the Sheppard premises, that he was?

A There was no definite -- it was no definite location except that it was somewhere near the stairway that leads to the beach.

Q Do you recall his being asked whether or not he had ever washed himself during that entire night or early morning?

A Yes, I asked him that.

Q What was his answer?

A His answer was "No."

Q Do you recall asking him whether or not there was any sand in his hair?

A Yes, sir.

Q Did you receive a reply, an answer?

A No, sir.

Q He did not answer?

A I did not receive a reply.

Q Now, when he was grappled down by this form -- withdraw that.

Did you ask him to describe this form with which he grappled down at the lake?

A Yes, sir.

Q What description did he give?

A He was unable to give -- well, the description he gave me,

he didn't know whether it had clothes on, didn't know whether it had a hat on, didn't know whether it had a coat on, didn't know whether it had trousers on. He didn't know what he felt when he grappled.

Q I believe you stated you asked him whether the form had any hair on it?

A Yes, sir.

Q What was his answer?

A He couldn't answer.

Q Did you ask him whether it was a human being?

A Yes, sir.

Q What was his answer?

A He didn't know.

Q Did you ask him where he was hit when he was hit down at the beach?

A He didn't remember.

Q Now, going back to the time when he says he went up the stairs and was clobbered there, did he say where he was clobbered -- withdraw that. I mean, put it this way:

Did he say where on the stairway he was clobbered?

A No, sir.

Q Did you ask him to tell you exactly where he was when he was clobbered?

A Yes.

Q Or hit?



A Yes, sir.

Q What was his answer?

A There was no definite answer. He couldn't tell.

Q Did you ask him whether he was hit with an object?

A Yes, sir.

Q What was his answer?

A He didn't know.

Q Did you ask him whether he was hit with a fist?

A Yes, sir.

Q What was his answer?

A Didn't know.

Q Did you ask him just what part of his body received the blow?

A Yes, sir.

Q What was his answer?

A It was up around the head.

Q Sir?

A Up around the head.

Q Did you ask him to point out exactly where on the head it was?

A I don't remember that.

Q You don't remember whether you asked him that or not?

A No, sir.

Q Do you recall any other questions that you asked him and what answers he gave concerning the same subject matter?

A No, sir.

Q Now, did you question him at all concerning his marital life?

A Yes, sir.

Q What questions did you ask and what answers did you get?

A I asked Dr. Sheppard if his marital life was -- if there was any difficulties in his marital life, and his answer was no.

Q Did you ask him any questions pertaining to a young lady in California?

A Yes, sir.

Q What questions did you ask him and what answers did he give you?

MR. CORRIGAN: Objection.

THE COURT: He may answer what questions he asked him and what his answers were.

MR. CORRIGAN: Except.

A I asked him -- Dr. Sheppard if he knew a Susan Hayes in Los Angeles, California. He said yes. I asked him if he had recently been in Los Angeles, and the answer was yes.

I asked him if he had seen Marilyn Hayes --

THE COURT: Susan Hayes.

A -- Susan Hayes in California while he was there. He said yes.

I asked him how often he had seen Susan Hayes. He said

about two times.

I asked him whether or not he didn't live in the same bedroom with Susan Hayes at a Dr. Miller's house, and he said no.

I asked him whether or not he had stopped at a gasoline station with Miss Hayes, and whether or not she had lost anything in the gasoline station, and he said, "I had stopped and she had lost something," and that he had left the prescription pad asking the person to return it, and it was later on returned to his office.

I asked him why Miss Hayes went to Dr. Miller's house, how she happened to go to Dr. Miller's house. He said she went of her own accord, and --

MR. CORRIGAN: I object to it,  
your Honor. It is all incompetent testimony.  
There was nobody there --

MR. DANACEAU: Well, Dr. Sam  
Sheppard was there, and Dr. Sam Sheppard is the  
one who answered these questions.

THE COURT: He is talking about  
Dr. Sam Sheppard.

MR. CORRIGAN: I know, but he could  
ask any question in God's green world he wanted to  
and nobody could stop him in that inquest, and I  
don't think it competent here in this case. We

are dealing with competent testimony.

MR. MAHON: It will be competent in this case, too. It will be produced here, too.

THE COURT: The objection will be overruled.

MR. CORRIGAN: I except to all this testimony and ask it be stricken out and the jury disregard it.

THE COURT: Overruled.

MR. CORRIGAN: It refers to something out in California that involved a young lady named Susan Hayes.

Q Proceed, please.

A I asked him -- or he told me that Susan Hayes was a baby sitter for Mrs. Miller, and that is the reason she was there.

I asked him where he stopped when he got to Los Angeles. He said he stopped at a motel, but he couldn't remember the location or the name.

I asked him whether or not Susan Hayes met him at the hotel. He said no.

I asked him how many days he stayed in Los Angeles. He couldn't remember the definite number of days.

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Q Do you recall anything else that you asked him and what his

answers were, at this time?

A No, sir.

Q You had a court reporter there take down all your questions and all your answers?

A Yes, sir.

Q And you have a copy of the transcript of that testimony at your office?

A Yes, sir.

Q Available to the public?

A Yes, sir.

Q And I believe Mr. Corrigan has a copy of that, has he not?

A He has a copy.

Q At this inquest he asked for the privilege of having a copy made by the court reporter, did he not?

A Yes, sir.

Q Before you started?

A Yes, sir.

Q And I believe that he would pay the court reporter for it?

A Yes, sir.

Q Anything else you recall at this time with respect to the questioning of Dr. Sam Sheppard at the inquiry?

A I asked him -- Dr. Sheppard whether or not there had been any question of divorce between he and his wife.

Q What was his answer?

A His answer was no.

Q Did you ask him anything about X-rays having been taken of him while he was at the hospital?

A Yes, sir.

Q What did you ask him and what was his answer?

A He said there had been X-rays taken of him while he was confined to the hospital.

Q And did you ask his permission to have those X-rays turned over to you?

THE COURT: You mean X-rays  
after the incident of July the 4th?

THE WITNESS: The 4th, yes, sir.

Q These are X-rays of himself at the hospital after July 4th?

A On July 4th.

Q On July 4th and after July the 4th?

A Yes, sir.

Q And he gave you permission?

A I subpoenaed the X-rays.

Q Now, you subpoenaed the X-rays, and they were produced where?

A At the Coroner's office by Dr. Flick.

Q Was Mr. Petersilge there at that time?

A Yes, sir.

Q And I was there also?

A Yes, sir.

Q And those X-rays were each numbered and identified?

A Yes, sir.

Q Who is Dr. Flick?

A Dr. Flick is the X-ray man of Bay View Hospital.

MR. CORRIGAN: Who has got the  
X-rays now?

MR. DANACEAU: That will all come  
out. That is what I am getting to.

Q And those X-rays were each numbered and identified?

A Yes, sir.

Q And Mr. Petersilge was there and took down a list of each  
one by number?

A Yes, sir.

Q And they were turned over to you?

A Yes, sir.

Q Did you look at them?

A Yes, sir.

Q And examine them?

A Yes, sir.

Q And did you find any breaks at all in the neck or anywhere  
else in the body of Dr. Sam Sheppard?

A Not anything that I thought was a break.

MR. CORRIGAN: What was that?  
I didn't hear.

MR. DANACEAU: "Not anything I thought  
was a break."

Q Did you subsequently turn those X-rays over to anyone for



further examination and study?

A I let -- didn't turn them over. I took them to a doctor.

Q You took them to whom?

A Dr. Wallace Duncan.

Q Spell his name.

A D-u-n-c-a-n.

Q Where is his office?

A I took them to his home. His office is --

Q You took them to his home?

A Yes, sir.

Q Well, he has an office, I take it?

A Yes, sir.

Q Where is that office?

A Well, I am trying to remember. I think it is the Carnegie Medical Building.

Q And did he examine them?

A Yes, sir.

Q And was he in agreement with you?

MR. CORRIGAN: Object.

MR. GARMONE: Object to the question,  
please.

MR. DANACEAU: All right. I will  
withdraw the question.

Q He examined them, did he not?

A Yes, sir.

Q And where are those X-rays now?

A I have them.

Q Do you have them with you?

A Yes, sir.

Q About how many X-ray -- what do you call those? They aren't sheets? Plates?

A You can call them plates.

Q You call them plates?

A Yes.

Q About how many are there?

A I don't know. I'd have to -- I better count them. I have them out in the other room.

Q Will you get them, please?

(Thereupon Dr. Gerber left the courtroom to get the X-rays.)

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(Dr. Gerber returns to the witness stand.)

MR. DANACEAU: May I suggest  
that Mr. Petersilge examine these X-rays at  
the table there? It will take a little time.

THE COURT: All right.

MR. DANACEAU: While he is  
examining those, I can go on to another matter  
that will take a few minutes.

THE COURT: All right.

Q Dr. Gerber, I believe you testified that a Dr. Hexter  
testified at the inquiry?

A Yes, sir.

Q And who is Dr. Hexter?

A Dr. Hexter is a physician who lives in Bay Village and  
he has his office someplace on the west side of the county,  
west side of Cleveland.

Q And did he make an examination of Dr. Sam Sheppard?

A Yes, sir.

Q At Bay View Hospital?

A Yes, sir.

Q And do you know when that examination was made?

A At four o'clock on July 4th.

Q And can you tell us how it was that Dr. Hexter went out  
to examine him?

A I suggested to Mayor Houk and Chief Eaton that they have a

doctor examine Dr. Sheppard. They chose Dr. Hexter.

MR. GARMONE: I didn't hear  
the first part of his answer. Did you say  
that you suggested to Houk and Eaton?

THE WITNESS: Yes, sir.

THE COURT: Yes. He suggested  
to them that they have a physician examine  
Dr. Sam and they selected Dr. Hexter.

MR. GARMONE: And what date  
was that?

THE COURT: July 4th at 4 p.m.

MR. DANACEAU: The examination was  
at four o'clock.

MR. GARMONE: Yes.

MR. DANACEAU: The selection must  
have been earlier.

THE COURT: The examination  
was at four o'clock, yes.

MR. GARMONE: All right. Just  
so we have it straight.

Q And was a written report of that examination made to you?

A Yes, sir.

Q And Dr. Hexter also, you say, testified at the inquest?

A And he talked to me personally.

Q And were you present while the examination was being made?

A

No, sir.

MR. DANACEAU: Counsel agree that  
subject to a later check of these plates --

THE COURT: How many are there  
of them?

MR. DANACEAU: There are 16 here.  
We will check them later on to see if they are  
a complete list of the X-ray plates that were  
turned over to Dr. Sheppard by Dr. Flick at  
the meeting at which Mr. Petersilge and I were  
present.

MR. MAHON: Turned over to  
Dr. Gerber.

MR. DANACEAU: To Dr. Gerber.  
What did I say?

MR. MAHON: You said Dr. Sheppard.

MR. DANACEAU: We will have these  
numbered as 46-A, B, C, D, et cetera, to include  
all 16.

MR. CORRIGAN: What is that now?

MR. DANACEAU: 46-A, B, C, D, et  
cetera, to include all sixteen.

That is, they will all be under 46 with  
the letter of the alphabet designating each one.

THE COURT: Let's start with

46 and then move to 46-A, B, C.

MR. DANACEAU: 46 will be the first, 46-A the second, 46-B the third, and so on. We will put them all in the envelope for a moment and you can mark the envelope.

Just a moment. I may have another suggestion.

Is this the envelope in which they came?

THE WITNESS: Yes, sir.

MR. DANACEAU: May I suggest that we remark these and have the envelope 46 and then each plate, beginning with 46-A and 46-B and so on?

MR. GARMONE: We have no objection to that.

THE COURT: All right. Then the envelope will be 46 and the plates will be 46-A to P, both inclusive.

MR. MAHON: Well, A, B, C, D, E, and so forth. There's 16 plates.

(State's Exhibits 46 and 46-A to P, being an envelope and X-rays, were marked for identification.)

Q Now, Doctor, were these X-rays taken on two separate dates?

THE COURT: Taken what?

MR. DANACEAU: On two separate dates.

A Yes, sir.

- Q Whose writing is this on State's Exhibit 46?
- A It is not mine. I don't know whose writing it is.
- Q It was on there at the time Dr. Flick turned these exhibits to you?
- A Yes, sir.
- Q And what dates were these X-rays taken on?
- A The dates marked here are 7-4 and 7-7.
- Q That is July 4, 1954 and July 7, 1954?
- A Yes, sir.
- Q Now, do you recollect whether any of these X-rays were taken while Dr. Sam Sheppard had on his stocking bandage that you spoke of?
- A Yes, sir.
- Q And that subsequent X-rays were taken after the stocking was removed?

MR. CORRIGAN: Oh, I object,  
unless Dr. Gerber was there and participated  
in the X-rays.

THE COURT: If he knows.

MR. DANACEAU: If he knows from  
the X-rays.

- A I know from the X-rays, yes.

MR. DANACEAU: We wish to offer  
in evidence, subject to this check which  
Mr. Petersilge will make, Exhibits 46 and 46-A



and the 16 inclusive, that is, A, B, C, D and so on.

THE COURT: To 46-P, inclusive.  
They will be received.

(State's Exhibit 46 and 46-A to 46-P were received in evidence.)

MR. DANACEAU: May we have a recess at this time, your Honor?

THE COURT: Ladies and gentlemen of the jury, we will now be adjourned until 9:15 tomorrow mornine. Please do not talk about this case at all to anyone.

(Thereupon, an adjournment was taken to 9:15 o'clock a.m., Wednesday, November 17, 1954.)

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Wednesday Morning Session, November 17, 1954.

9:15 o'clock a.m.

Thereupon DR. SAMUEL R. GERBER resumed  
the stand and was examined and testified further,  
as follows:

DIRECT EXAMINATION OF DR. SAMUEL R. GERBER (CONTINUED)  
(9:15 o'clock, a.m.)

By Mr. Danaceau:

Q Dr. Gerber, I questioned you yesterday concerning the  
inquiry at Normandy School in Bay Village, at which time  
you questioned Dr. Sam Sheppard?

A Yes, sir.

Q And you stated he couldn't tell definitely what this form  
was, couldn't tell whether it was a human being or whether  
it was a man or woman?

A He couldn't.

MR. PETERSILGE: I didn't hear him.

MR. PARRINO: He couldn't hear  
your question.

Q You testified yesterday that "he," referring to Dr. Sam  
Sheppard, "couldn't tell definitely what this form was,  
couldn't tell whether it was a human being, whether it  
was a man or woman" --

MR. CORRIGAN:                   Where are you  
reading from?

MR. DANACEAU:                   I am reading from  
Page 1499 of the transcript of these proceedings  
that was given to me this morning by the court  
reporter.

MR. GARMONE:                   Yesterday's testimony?

MR. DANACEAU:                   Yes.

MR. GARMONE:                   All right.

Q       Let me repeat the question again, sir. You testified here  
yesterday concerning this inquiry you held at Normandy School  
at which time you questioned Dr. Sam Sheppard, and you stated  
that "he," referring to Dr. Sam Sheppard, "couldn't tell  
definitely what this form was, couldn't tell whether it was  
a human being or whether it was a man or woman."

Do you recall that?

A       Yes, sir.

Q       Did you specifically ask him whether it was a human being?

A       Yes, sir.

Q       And what was his answer?

A       He thought it was.

MR. GARMONE:                   Objection. He has  
already answered the question yesterday.

THE COURT:                   He has in a very  
general sense.

MR. DANACEAU:

That's right.

What was his answer?

THE COURT:

Let him answer.

A He thought it was.

MR. CORRIGAN:

It was what?

MR. DANACEAU:

He thought it was.

Q Well, to refresh your recollection, did you ask him whether or not he had examined or felt the pulse of Marilyn Sheppard after he returned from the beach?

A Yes, sir.

Q And what was his answer?

A He says that he felt her pulse and felt her neck and felt her face.

Q To refresh your recollection did you ask him on what hand or arm he had his -- carried his wrist watch?

A Yes, sir.

Q And what was his answer?

A On the left wrist.

Q Now, Doctor, you had previously questioned him at the hospital, had you not?

A Yes, sir.

Q On what day was that?

MR. CORRIGAN:

Object. He said

it was on July 4th.

MR. DANACEAU:

Well, that's pre-

liminary. I am just getting these dates.

Of course, he said it was July 4th.

THE COURT: Let's try not  
to repeat what he has already testified to.

MR. DANACEAU: I am just getting  
these dates lined up.

THE COURT: All right.

A On July 4th.

Q At which time you say he recounted what occurred, what he  
said occurred?

MR. CORRIGAN: Object to the  
question.

A Yes, sir.

Q And when was this questioning that took place at the  
inquiry, what date was that?

A On July 22nd and 23rd.

Q Now, on July 22nd and 23rd at the inquest, at that time  
did you ask him where he was hit, referring to the first  
encounter?

MR. CORRIGAN: Object.

A Yes, sir.

MR. CORRIGAN: He has already  
testified to that.

THE COURT: You mean where on  
his body?

MR. DANACEAU: I am referring  
to his body, yes.

THE COURT: I think he has  
already testified to that. Let him answer.

A Yes, sir.

Q And what was his answer?

A He says he didn't know definitely where he was hit.

MR. GARMONE: Is this at the  
inquest, now, that you are talking about?

MR. DANACEAU: Yes, that is  
what I am getting at.

Q Now, at the first time that you questioned him at the  
hospital, what did he say?

A That he was hit in the back part of his head.

Q Now, at the inquest, did you ask him whether he was hit  
by a fist or an instrument or a weapon?

A Yes, sir.

Q And what was his answer?

A That he doesn't know.

Q Now, at the inquest, to refresh your recollection, did you  
ask him what the form was on the beach?

A Yes, sir.

Q And what was his answer?

A That he couldn't tell.

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Q Now, Doctor, there was introduced here into the evidence yesterday a pillow slip with the pillow inside.

A Yes, sir.

Q Did the pillow inside have blood in it?

MR. CORRIGAN: We will object.

It is here. Let's see it.

THE COURT: You mean the covering of the pillow inside the slip?

Q What does the pillow itself inside the slip -- what does it consist of?

A The pillow is linen, it is cloth.

Q Linen with down inside?

A Oh, no.

Q What is inside?

A The pillow slip is -- I don't know what you are --

Q I am talking about the pillow inside the pillow slip.

A The pillow is pillow ticking and down on the inside of it.

Q And was there blood on the inside?

A There was blood on the ticking.

Q I have in my right hand the pillow slip, is that correct, and I have in my left hand the pillow ticking with the down on the inside, is that correct?

A Yes, sir.

Q And one side there is a stain. What is that? On this side there is a stain. What is that?



A The stain on this side corresponds to a portion of the stain where the impression is located on the pillow.

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MR. GARMONE: Object and ask that the answer be stricken and the jury be instructed to disregard it.

THE COURT: The question is: What is the stain? That is the question.

THE WITNESS: Oh, I'm sorry. The stain is blood.

Q And where is the stain in relation to the imprint on the pillow slip?

A It corresponds to the imprint of the stain -- the stain and imprint on the pillow slip.

MR. GARMONE: I ask that that answer go out and the jury be instructed to disregard it. It is not responsive to the question.

MR. DANACEAU: It certainly is.

THE COURT: Oh, yes. Overruled.

MR. GARMONE: Exception.

Q And is there another stain on the other side of the pillow ticking?

A Yes, sir.

Q And where is that in relation to the pillow slip?

A It corresponds in part to the stain on the pillow slip on the opposite side of the original one that I was talking about.

Q By the way, Dr. Gerber, was that pillow slip shown to any of the counsel for the defense?

A Yes, sir.

Q To whom?

A Mr. Garmone.

Q Where?

A At the Coroner's office.

Q When?

A About a month ago.

Q Doctor, reverting to the morning of July 4th, before the body of Marilyn Sheppard was removed from the Sheppard home, did you examine the hands of Marilyn Sheppard?

A Yes.

Q Did you notice a ring or rings on any of her fingers?

A Yes.

Q On which hand and which finger?

A On the left hand and on the ring finger. That is the finger next to the little finger.

Q That is on this finger (indicating)?

A Yes, sir.

Q And one or two rings?

A Two rings.

Q And where were the rings?

A Near the knuckle.

Q Near the knuckle. Which side of the knuckles?

A The upper side.

Q That is toward the hand?

A Yes.

Q Now, did you notice anything else on that finger?

A Yes.

Q What did you notice?

A The fingernail was torn at the base.

Q Doctor, after blood flows from a wound and comes in contact with air, what happens to it?

A It begins to dry.

Q Will you explain to the jury that drying process, how long it takes?

A When it first begins to dry, it becomes sort of tacky, sticky, and that will happen within a couple minutes. To be absolutely dry, it could go anywhere from 15 minutes to 20 minutes.

Q Does it first become sort of sticky?

A Yes, sir.

Q And then depending upon the amount of blood, the length of time for which it would all be dry would depend upon the amount of blood?

A The whole blood clot or blood smear, whatever it may be,

would depend on the length of time.

Q Would it also depend on the amount of blood?

A Yes.

Q A larger amount of blood would take a longer time to dry?

A It would dry from the -- it would dry right straight through, but the outside would be dry faster than the inside.

Q A thin smear would dry more quickly than a thick smear of blood?

A Yes, sir.

Q Handing you back what has been marked State's Exhibit 45, which was shown you yesterday, will you state to the jury what you see on that picture with reference to blood impression at the wrist and the lower part of the hand?

A This picture right --

THE COURT: What is this a picture of?

THE WITNESS: This is a picture of the left hand.

MR. MAHON: Left hand of who?

THE WITNESS: Marilyn Sheppard.

MR. GARMONE: Will you identify it by the exhibit number?

MR. DANACEAU: Yes. I gave that exhibit. 45.

A Right beginning at the base of the left thumb and extending

across the hand and back towards the wrist are impressions of the bracelet which held the watch in position.

MR. GARMONE: Object to that.

It is a conclusion. The picture speaks for itself, and I think that is a matter for the jury to determine.

THE COURT: The question is what he sees in the picture.

MR. DANACEAU: That's right.

MR. GARMONE: How would he know what he sees in the picture if the watch wasn't there when he saw it?

THE COURT: It will be for the jury to believe or disbelieve it.

Q Proceed, please.

MR. GARMONE: Except to the Court's ruling.

A And the lines of the impression indicate that this bracelet was in position when the blood stains that are seen there was wet, and remained in position until the blood -- till the blood was dry.

MR. GARMONE: Object and ask that that answer be stricken and the jury be instructed to disregard it.

THE COURT: It will be overruled.

MR. GARMONE: Exception.

MR. DANACEAU: You may inquire.

THE COURT: Just one moment,  
please. I would like to have a question to the  
doctor.

Doctor, on yesterday when you were testifying  
as to this pillow and the stains upon it, and so  
forth, you testified that you found an impression  
on the pillow, and I understood you to say that  
it was the impression of a surgical instrument.

Is that what you said?

THE WITNESS: Yes, sir.

THE COURT: All right.

Do I understand you to say, then, that it  
could not have been made by anything other than  
a surgical instrument?

THE WITNESS: No, sir.

THE COURT: You didn't mean that?

THE WITNESS: No, sir, I did not  
mean that.

THE COURT: It could have been  
made by any other instrument?

THE WITNESS: Similar to this type of

a surgical instrument.

THE COURT:                      So that you didn't  
mean to confine your testimony to a surgical  
instrument?

THE WITNESS:                      No, sir.



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CROSS-EXAMINATION OF DR. SAMUEL R. GERBER

By Mr. Corrigan:

- Q Doctor, will you give me a list of the articles that were taken out of the Sheppard home beginning on July 4th, and that were either taken by you or delivered to you by someone else?
- A The --
- Q You have a record, I suppose, haven't you?
- A Yes.
- Q Well, get it.
- A I don't have the record with me. I'll tell you.
- Q You don't have what?
- A The record with me. I'll tell it to you.
- Q Well, you will get the record. I want the record.
- A Well, all right, I'll get the record, but I'm telling it to you now.
- Q No. I don't want memory at all. I want records.
- A Okay, sir.
- Q You are obliged by law, as the Coroner, to keep records, complete records of everything that you do as a Coroner?
- A Yes, sir.
- Q And everything that is received in the Coroner's office?
- A Yes, sir.
- Q So at the recess time, you send for your records, will you?

I want them all. And that will include the original autopsy. One thing that we received here wasn't very clear.

THE COURT: They have just  
come in.

MR. GARMONE: May I look at them?

THE COURT: Yes. All of them  
are there, so you will have to take them and  
compare them.

MR. GARMONE: Is this the new  
sheet?

THE COURT: The new and the  
old are there, I think. So that you can compare  
them there.

Q I want the records of what you received, from whom they  
were received and where they are, and if you have any  
material or property of any kind that was taken out of  
the Sheppard home that is in the Morgue, I want it brought  
to the Court.

Now, then, Doctor, there isn't any question but what  
you have a very excellently equipped Morgue, is that  
correct?

A Are you asking a question or making a statement?

THE COURT: Do you have an  
excellently equipped Morgue?

Q I am asking you a question. Everything I ask you is a question.

MR. DANACEAU: Oh, now, I object to that. That isn't true.

THE COURT: No, that isn't quite true.

The question now, as I understand it is: Do you have an excellently equipped Morgue?

MR. CORRIGAN: Let me put my questions. I will get them --

THE COURT: All right.

Q Do you have an excellently equipped Morgue?

A We have an excellently equipped Coroner's office.

Q Well, it's a Morgue, isn't it?

A We have an excellently equipped Coroner's office.

Q Why do you distinguish between a Morgue and a Coroner's office?

A Because the Morgue is part of the Coroner's office.

Q The Morgue was formerly on Lakeside Avenue, wasn't it?

A Yes, sir.

Q And it was called the County Morgue?

A Yes, sir.

Q For the reception of people who came to death by violence or who died under suspicious circumstances that required an examination?

A Yes, sir.

Q Now, you are familiar with the laws of the State of Ohio governing the Coroner?

A Yes, sir.

Q They are embodied in the Code between Section 313.01 to 313.99, is that correct?

A Yes, sir.

Q And Section 313.07 provides that, "There shall be established in the County Seat of justice suitable quarters, laboratories, equipment necessary for the performance of the duties of the Coroner.

"Such quarters shall be known as the Coroner's Office, Laboratory and County Morgue"?

A Yes, sir, that's what I said.

Q Well, you were talking about the Coroner's Office.

MR. DANACEAU: That is exactly  
what the statute says.

MR. CORRIGAN: Let's not get  
into an argument about it.

MR. DANACEAU: You are the one  
who --

THE COURT: He did say that  
the Morgue was included in the Coroner's Office.  
He did say that.

Q Well, now, I am talking about the fact that you do have a

very well equipped County Morgue and County Office,  
Coroner's Office and Laboratory?

A Mr. Corrigan --

Q Do you?

A I can't answer your question.

Q Well, go ahead and answer it.

A We have a very well equipped Coroner's Office, we have  
well equipped laboratories and we have a well equipped  
Morgue.

Q And you have the latest equipment necessary to make proper  
examinations covering murder cases?

A We feel that we have excellent equipment.

Q Yes. And the building that was placed out on Adelbert Road  
and which was equipped in this excellent manner, was placed  
there so that you would have the advantages of the facilities  
of Western Reserve Medical School in addition to your  
own facilities?

A We have the advantages of any facilities --

Q No. I say, that was one of the reasons it was put out  
there, wasn't it?

MR. MAHON: Let him answer.

THE COURT: Let him tell what  
the association is, if there is any such association.

A We have close association for consultation with the

University and the University Hospitals. We very seldom have occasion to use any of their facilities.

Q But you can if you want to?

A Yes.

Q The same as they use, Western Reserve Medical School uses the facilities of your department?

A On occasions, yes, sir.

Q And when the building was built, there was a room built in the building for assembly?

A Yes, sir.

Q Where a number of people could gather together. Up to how many?

A About 42.

Q And are the seats in tiers?

A Yes.

Q What?

A They are in tiers, yes.

Q And if there is a number of other people that want to sit in there besides the already placed seats, you can bring in chairs and add to them?

A Yes, sir.

Q The principal work of a Coroner under this law is to determine the cause of death, isn't it? That is the number one obligation of a Coroner?

A To determine the cause, mode and manner.



Q And also in the event that he desires any further information, he has the authority to call upon the police to get the information for him?

A Yes, sir.

Q And if he secures any information with regard to the cause, manner and mode of death, that is made of record in his office, isn't it?

A Yes, sir.

Q And that record is a public record?

A Not all of the records, no, sir.

Q The record -- Section 313.10, you are familiar with this Section: "The records of the Coroner made by himself or by anyone acting under his direction or supervision are public records, and such records or transcripts or photostatic copies thereof, certified by the Coroner, shall be received as evidence in any criminal or civil suit in this case as to the facts contained in such record. All records in the Coroner's office shall be open to the public, and any person may receive a copy upon payment."

That is the law, isn't it?

A That is the law of the record.

Q What?

A That is the law of records, yes.

Q I say, what you do as a Coroner, you are doing as a public official?



A Yes, sir.

Q And you, as a public official, must serve all the people, must you not?

A I do.

Q Well, are there some records that you keep secret from all the people?

A I don't keep any records secret from any people.

Q Well, you just said to me that you didn't make records, you didn't make public all your records, didn't you?

A I don't consider some of the things records.

Q What?

A I don't consider some of the things records.

Q Well, everything that you do, you do as a public official, don't you?

A Yes, sir.

Q And every act is your act as a public official?

A If I am acting as a public official at that time, yes.

Q What?

A If I am acting as a public official at that time, yes.

Q Well, are there some times that you do not act as a public official?

A There are probably many instances when I don't have to act as a public official.

Q Well, you are a full-time Coroner?

A No, I am not.

Q What?

A No, I am not.

Q Well, you are the only Coroner in this County, aren't you?

A The law says that I shall be a practicing physician, but I don't choose to practice.

Q I am not referring to what records you have in your private practice. That is understood. But I am talking about any act that you do in the performance of your duty as a Coroner of this County, the records that you make and the acts that you perform are matters of public concern, aren't they?

A The records that we make.

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Q And the acts that you perform?

A The law doesn't say anything about acts.

Q Now, are there some things -- and I am talking about you as a Coroner -- are there some things that you do that you conceal from the public?

A No, we don't conceal anything.

Q What?

A We don't conceal anything.

Q You didn't conceal anything here?

A I haven't, no, sir.

Q And you have told the truth here in your testimony, haven't you?

A To the best of my knowledge and believe I have told the truth, yes.

Q Absolutely. All right.

Now, then, you say that you perform about a thousand autopsies a year?

A Yes, sir.

Q Do you recall a case recently on the West Side, shortly after the murder of Marilyn Sheppard, where a woman was murdered in her room?

A I don't know what case you are talking about.

Q A case on the West Side where a woman this summer, where a woman was murdered in her room?

A I'd have to look up the records. I don't recall.

2 Q Will you look it up, please?

A Well, tell me what case you are talking about.

Q I think it was in August -- there was only one case of that kind outside of Mrs. Sheppard, as I remember -- where a woman was murdered in her room.

A I can't remember the case, Mr. Corrigan. If you will give me the name or the date or the location --

Q All right. I will give you the name and the date.

A The name and the date or the location, I will be glad to look it up for you.

Q Maybe I can give you some information about it. Somebody crawled in the window of a room and murdered her with her little boy sleeping in the bed beside her. Do you recall a case like that?

A I'd have to look it up. I don't recall.

Q I see. All right. Well, that was quite a parallel case, in some extent, to Mrs. Sheppard's case, but you don't remember it?

MR. DANACEAU: Just a moment.

Object to that.

THE COURT: Yes. Objection will be sustained.

Q Now, then, Doctor, since you came to the city of Cleveland in 1925 you have been a public employee, haven't you?

A Yes, sir.

Q Throughout the entire time?

A Yes, sir.

Q And you became elected Coroner in 1937?

A '36.

Q And took office in 1937?

A Yes, sir.

Q And you have successfully campaigned each election since that time?

MR. DANACEAU: We object. The objection is on the campaign part of the question.

THE COURT: Will you read the question?

(Question read by the reporter.)

THE COURT: Objection will be sustained.

Q Well, you have been elected at each successive election?

A Yes.

Q And you have been a candidate on the Democratic ticket against the opposition on the Republican ticket?

A Yes.

Q And you recognize the value of publicity, don't you?

MR. DANACEAU: Object.

MR. MAHON: Objection.

THE COURT: Objection sustained.

Q Now, Doctor, you have not avoided publicity in this case, have you?

MR. MAHON: Objection.

THE COURT: Objection sustained.

MR. CORRIGAN: Except.

Q On the 4th day of July, when you received this notice to go to the home of Dr. Sheppard, you were not acquainted with Dr. Sheppard, were you, with the Sheppards?

A I didn't know where I was going, and I was not acquainted --

THE COURT: No. The question is:

Were you acquainted with the Sheppards

at that time?

THE WITNESS: No, sir.

Q Did you know Dr. Sheppard, Sr.?

A No, sir.

Q Did you ever hear of him?

A Yes, sir.

Q You did hear of him?

A Yes, sir.

Q And did you know any of his sons?

A No, sir.

Q But did you hear of them?

A No, sir, except one -- I beg your pardon -- yes, one.

Q What?

A I had heard of one, yes, sir.

Q Which one?

A Stephen.

Q Now, you knew that they were doctors of osteopathy?

A I never gave it a thought.

Q I say, did you know that they were doctors of osteopathy?

A I said I never gave it a thought.

Q That doesn't answer my question.

A That's the only way I can answer it.

Q You didn't know it, then?

A I might have known it, but I never gave it a thought.

Q Were you familiar with Bay View Hospital?

A No, sir.

Q Had you ever been there?

A No, sir.

Q Prior to this time?

A No, sir.

Q Now, when you arrived at the residence of Dr. Sheppard was there anybody in the lot on the grounds at the time that you arrived?

A Yes, sir.

Q And will you tell me who they were?

A The first person that I saw was Mrs. Houk and Patrolman Drenkhan.

Q Were there people outside the house?



A I don't recall anybody other than those.

Q Were there any automobiles stopped there?

A The only thing I can recall is the police car.

Q In the driveway?

A In the driveway, yes, sir.

Q You went around to the lake door side to go in?

A Yes, sir.

Q You, of course, at that time knew absolutely nothing about the murder of Marilyn Sheppard except that a woman had been murdered?

A That's right.

Q And was there anybody on the outside, on the lake side, before you entered the house?

A I don't recall anybody.

Q When you walked in you say that there was Chief Eaton there?

A Yes, sir.

Q And Mrs. Houk?

A No. Mayor Houk.

Q Mayor Houk and Mr. Drenkhan?

A Well, he followed -- he came in with me.

Q And those are the only people that you remember?

A There was another policeman. I don't remember his name.

Q Did you see Richard Sheppard there?

A No, sir.

Q Did you see Steve Sheppard there?

A Not at that time, no, sir.

Q Now, how did you learn the names of these people?

A Officer Drenkhan told me.

Q Did you make any notations that morning?

A No, sir.

Q Before you went upstairs, did you make any inquiry of the people who were downstairs as to what had happened in that house?

A Yes, sir.

Q Where did you make that inquiry? Did you note it down in any way?

A No, sir.

Q How long did you spend --

MR. DANACEAU: Just a minute.

He hasn't answered the last two questions, where and what.

MR. CORRIGAN: Well, it is over.

Do you want to go back?

MR. DANACEAU: No. You have asked the questions, sir. Give him a chance to answer.

Q How much time did you spend in conversing with those people as to what had occurred in that house?

A A few minutes.

Q Who did you talk to and who gave you the information?

A I talked to them all. That was Officer Drenkhan, the Mayor, his wife, Chief Eaton, and another person.

4 Q Well, you spent a few minutes with them?

A Yes, sir.

Q And then you proceeded upstairs?

A Yes, sir.

Q Accompanied by whom?

A I believe it was Officer Drenkhan.

Q Was there anybody that accompanied you to the scene of the --

A Yes, sir.

Q Who was it?

A An employee of mine. Raymond Keefe.

Q Did he come in the house?

A He stayed on the porch.

Q Now, you went upstairs. Were the curtains up at that time in the room?

A The curtains --

MR. MAHON: Curtains or shades.

Q Shades.

A The curtains were up.

Q The shades.

A I remember two shades being down.

Q They were both down?

A Yes.

Q Was there a light in the room?

A No, sir.

Q No light?

A You mean --

THE COURT: Artificial light.

A You mean artificial light?

Q Yes.

A You mean a lamp, or what do you mean?

Q A light.

THE COURT: Was the room lighted up?

THE WITNESS: There was an electric  
light bulb in the ceiling.

THE COURT: And was it going?

That is the point.

THE WITNESS: Yes.

Q Was it lit?

A Yes, sir.

Q And you could see the body of Marilyn Sheppard very plainly?

A Yes, sir.

Q Now, as I understand, you remained there about three minutes?

A To the best of my recollection, yes.

Q And did you make an examination of the body?

A Not at that time, no, sir.

Q You viewed a person that was covered with blood?

A Yes, sir.

Q A woman?

- A Yes, sir.
- Q And you made no examination?
- A No, sir.
- Q Of her. And did you lift -- there was a sheet that partially covered her body. Did you lift that up?
- A I didn't touch anything until pictures were taken.
- Q You didn't touch anything until the pictures were taken?
- A Yes, sir.
- Q And what time were the pictures taken?
- A Around 9:30.
- Q And in the meantime, everything lay the same as it was?
- A Insofar as I know, yes, sir.
- Q After that three minutes' observation, you went downstairs?
- A Yes.
- Q And where did you go then?
- A I looked around the house.
- Q You made an examination --
- A Inside the house, and then outside the house.
- Q Was there anybody with you when you made the examination of the inside of the house?
- A The patrolman from Bay Village, and part of the time Chief Eaton; part of the time the Mayor.
- Q And after making that survey of the house, do I understand it was then that you left for Bay View Hospital?
- A I first looked around -- walked around the house on the

outside.

Q And you were driven down there by the Mayor?

A No.

Q By the Chief?

A By Chief Eaton.

Q When you arrived, you had no difficulty getting in to see Dr. Sam Sheppard, did you?

A No, sir.

Q You talked to him as long as you wanted to talk to him, didn't you?

A Yes, sir.

Q You accomplished whatever mission you had in your mind that morning, did you not?

A Yes, sir.

Q When you went into his room did you make an examination of him?

A No, sir.

Q Did you look at his fingernails?

A No, sir.

Q To see if there was any blood in the fingernails?

A No, sir.

Q Did you look at his hair?

A Only as I looked at him.

Q You didn't feel it or examine it to see if there was any blood in his hair?

A No, sir.

Q Or if there was any sand in his hair?

A No, sir. I did not look.

Q He had told you that the second assault had taken place down on the lake shore?

A Yes, sir.

Q And, of course, you had a general idea of what had occurred before you went to the hospital from the conversations that you had with Mayor Houk and Chief Eaton out at the house?

A Yes, sir.

Q So that you had the general information that he had fallen asleep on the couch; that he heard his wife call; that he ran upstairs; that when he got to the room he was knocked out; that when he recovered he heard a noise downstairs; that he went downstairs and he saw a form going out the back door, and that he followed the form down to the beach, and that when he got down to the beach he was knocked out again, and when he recovered he came up the stairs to his wife's bedroom.

Now, that was generally the information you had, wasn't it?

A With one exception.

Q What?

A With one exception.



- Q What is the exception?
- A The exception is you said that he was in his wife's room. I didn't get that information.
- Q Well, at least, he was in the vicinity of his wife's room?
- A Yes, sir.
- Q When he was knocked out somewhere at the top of the stairs?
- A Yes.
- Q But without going into the details, that is generally a brief outline of what the story was that morning?
- A That's correct, sir.
- Q Now, then, did you notice his physical condition, whether there was anything about him that indicated that he had been injured?
- A Only his face.
- Q Only what?
- A Only about his face.
- Q And where was it about his face?
- A Around his right eye -- the right side of his face near the right eye.
- Q Was it below the right eye or above the right eye?
- A The part that I noticed -- the discoloration that I noticed --
- Q The part you noticed.
- A The discoloration that I noticed was below the right eye on the right side of his face.

Q That would be on the cheek bone?

A In the vicinity of the cheek bone, yes, sir, the upper edge of it.

Q The upper edge of this bone that sticks out over the eye?

A Yes, sir.

Q And you saw what there?

A Discoloration.

Q Did you see any discoloration above the eye?

A No, sir.

Q You did not. Now, when you went into the hospital and --

A I want to say further that Dr. Stephen pointed out some abrasions on the mucous membrane on the inside of his lip on the right side.

Q Did you see those?

A Yes, sir. I saw those, yes.

Q So that, was there blood coming there?

A No, sir.