

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

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

DIRECT EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Parrino:

Q Will you state your name, please, sir?

A Robert F. Schottke.

Q And where do you live?

A 24744 Florence Avenue, North Olmsted, Ohio.

Q What is your occupation?

A Detective with the Cleveland Police Department.

Q How long have you been a member of the Cleveland Police Department?

A Twelve years.

Q And are you assigned to any special duty in the Cleveland Police Department?

A I am assigned to the Homicide Unit.

Q And how long have you been a detective, sir?

A Ten years.

Q How long have you been a member of the Cleveland Homicide Squad?

A Ten years.

Q Now, will you tell the court and jury, please, as to what the specific functions are of the Homicide Squad of the Cleveland Police Department?

MR. CORRIGAN: Object.

A The Homicide Unit --

THE COURT: Did you object?

MR. CORRIGAN: Yes.

MR. MAHON: Wait a minute.

THE COURT: He may say what

the functions are that he performs as a member of that squad.

MR. PARRINO: Fine.

Q Would you tell us, please, what your duties are?

A My duties are to investigate homicides, suicides, shootings, cuttings, assaults, suspicious deaths, matters of personal violence.

Q Now, I want to call your attention to the early morning of the 4th of July of this year. Were you working on that morning, Detective Schottke?

A Yes, I was.

Q What time did you start your tour of duty that night?

A We reported to the Detective Bureau about 8:15.

Q On what day?

A July 4th.

- Q On the morning of the 4th?
- A Yes, sir.
- Q Now, did you receive an assignment that morning to go anywhere?
- A Yes, we did.
- Q And from whom did you receive that assignment?
- A From Captain Hauschild.
- Q And who is he?
- A He is the Captain that was in charge of the Detective Bureau on the morning of July 4th.
- Q The Cleveland Police Department?
- A Yes, sir.
- Q And what time did you receive that assignment?
- A About 8:15, when we reported for duty.
- Q And what assignment did you receive?
- A We were told by Captain Hauschild that there had been a homicide --

MR. GARMONE: Object to any conversation. Let him designate the assignment without the conversation.

THE COURT: Confine your conversation to what was said about your assignment, where you were to go.

- A We were assigned to assist the Bay Village Police Department in a homicide.

Q And did you go to Bay Village that morning?

A Yes, we did.

Q Were you alone?

A No, sir. I was with my partner, Detective Patrick Gareau.

Q And where did you go?

A We went to the Sheppard home at 28924 Lake Road.

Q Approximately what time was it that you arrived at the home of Sam Sheppard?

A About 9 a.m.

Q You had a police car with you, I suppose?

A Yes, sir.

Q Now, when you got there, will you describe, in a general way, the exterior of that home as you saw it from the road?

A There is a large lawn in front of the home, several trees on the lawn, driveway leading to a garage next to the home.

The home is rather large.

Q Now, where did you park your car?

A We parked our car in the driveway.

Q Did you see any people around the area there anywhere?

A Yes, there were several people in the area.

Q Where were those people?

A Some of them were on the driveway, some on the front lawn and some along the road.

Q Now, when you say the driveway and front lawn, which --

A Of the Sheppard residence.

- Q Now, I take it that you and Pat Gareau got out of the car, is that correct?
- A Yes, sir.
- Q And where did you go then?
- A We went up to the front door.
- Q And when you say the front door, what door do you refer to?
- A That's the door leading to Lake Road.
- Q That is on the south side of the house?
- A Yes, sir.
- Q And did --

THE COURT:

Let's tell the

officer, we refer to that as the rear door of the house. The rear is toward Lake Road and the front toward the lake. We have referred to it that way in this case so far, and I take it that is the fact.

So when you refer to that, refer to it as the rear door of the house. All right.

- Q So you entered the home then by way of the rear door?
- A Yes, sir.
- Q And did Gareau enter that home with you at that time?
- A Yes, sir.
- Q Now, as you entered the home, who was the first person that you saw?
- A Dr. Gerber.

Q And where was he when you saw him?

A He was just coming towards the front door -- or, the rear door as we were entering the home.

Q And did you have some conversation with him?

A Yes, we did.

Q And was Gareau with you at that point?

A Yes, sir.

Q Who was the next person that you saw?

A Some members of the Bay Village Police Department.

Q Now, what members of the Bay Village Police Department did you see in that home as you arrived?

A We later learned them to be Chief Eaton, Sergeant Hubach and Patrolman Drenkhan.

Q Was there anyone else in that home at that time, sir?

A There was also a Patrolman Cavanaugh.

Q Anyone else in the home at that time?

A There was Ray Keefe, the property clerk of the County Morgue, and also a Detective Grabowski of our Scientific Unit.

Q Now, was there anyone else that you recall?

A No, sir.

Q I see. Now, after you had this conversation with Dr. Gerber, what did you do next?

A I went with Dr. Gerber to the upstairs bedroom.

Q Is that the -- withdraw that.

How did you get to the upstairs bedroom?

- A We walked across the living room towards the west and made a left turn and went up the stairs to the upstairs bedroom.
- Q Now, before we get up to that bedroom, Officer Schottke, as you entered the home, did you observe anything unusual there on the floor?
- A Yes, I did, in the hallway.
- Q And what did you see?
- A There was a physician's grip that was overturned in front of a doorway.
- Q And would you describe the contents of that grip and the position of it, and so forth?
- A The grip was overturned with the contents spilled out, which consisted of a stethoscope, a few instruments, gauze bandages, several bottles, vials and a small black leather grip.
- Q Now, will you describe the grip, please?
- A The physician's grip consisted of a large compartment, and on the two sides was two other compartments which had covers over the top of them. One of the covers was snapped shut and the other cover was partly open.
- Q Now, immediately to the east of where you saw that grip there is a doorway, is that correct?
- A Yes, sir.
- Q Did you go into that room at that point?
- A No, I did not.

Q So then, as you have stated, you went upstairs with Dr. Gerber?

A Yes, sir.

Q And you went through the living room and up a stairway that was on the west of the room, is that correct?

A Yes, sir.

Q And will you describe that stairway, please?

A There is three steps leading up to the -- two steps leading up to the platform, you make a sharp left turn on the platform and there are 11 steps going up to the second floor.

The stairway is approximately three feet wide and has no carpet on the treads -- or on the stairway treads.

Q Now, will you describe the wall, please, at the base of that stairway?

A The west wall is part of a bannister going up. The east wall --

Q Is this an open or closed bannister?

A It is an open bannister. If you were walking up the stairs, you could look over and see part of the living room.

Q Yes.

A The east wall is a solid wall with a light switch at the bottom of the wall.

Q Now, immediately to the west of that staircase there, will you describe what, if any, objects are placed on the floor?

A Immediately to the west of that staircase is part of the living room, and if you would lean over the bannister, you could see a couch that was up against that wall.

Q And did you observe that couch as you went up the stairs?

A I observed it as I passed it before I started to go up the stairs.

Q And will you describe the couch and its contents?

A The couch consisted of two pillows, one pillow at the north end of the couch, one pillow at the south end of the couch leaning up against the wall; and there was a brown corduroy jacket with the upper part of the jacket against the pillow, the south pillow, and the bottom part of the jacket was overhanging the couch and it was neatly folded.

Q Now, then, you did go up to the second floor of that home?

A Yes, sir.

Q Into what room did you first go?

A Into the bedroom.

Q And will you describe what you saw in that bedroom?

A Prior to entering the bedroom, I was able to observe blood spots on the east and the north walls.

Upon entering the bedroom, to my left was a single bed and upon this bed was the body of a white female.

Q And did you later learn her identity, of course?

A Yes, I did.

Q It was Marilyn Sheppard, is that correct?

A Yes, sir.

Q Would you describe the east wall as you entered that bedroom, please?

A The east wall has a door that swings into the room, which is the entrance door to the room.

Q That would be, to make it more clear, that is the wall to the right as you enter the room, isn't that correct?

A Yes,

Q All right. Go ahead.

A There is a door that swings into the room. That door had numerous blood spots on it. Next to that door was the closet door, which had numerous blood spots on it, and then the portion of the wall which had blood spots on it.

And in the corner was a rocking chair with several garments on it.

Q And would you describe the position and appearance of Marilyn's body as you first saw it?

A The body was about a third of the way down on the bed. The head was to the south. The feet was to the north. The body was clad in a pajama top exposing parts of the breasts. The face and hair were covered with blood.

The arms were -- the left arm was resting on the body, the right arm was alongside of the body covered with a sheet. The sheet extended down over the lower

part of the body, and the knees were bent over the edge of the mattress.

Up over the knees was a crossbar from the bed. And the pajama bottom was pulled off of the left leg and was bunched at the right knee.

Q Was there another bed in that room, sir?

A Yes, sir, to the west of the bed which Mrs. Sheppard was on there was a night stand and then another bed.

Q What was the appearance of that bed?

A The bed appeared to be freshly made, nobody had slept in it. The covers were turned back, and there was a pillow on the bed.

Q Now, I think you stated there was a night stand between these two beds, is that correct?

A Yes, sir.

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Will you tell us the contents on top of that night stand?

A There was a telephone and a clock, a prescription pad, a pencil, and a wadded-up Kleenex.

Q Now, how many windows are there in that room?

A There are three windows in that room.

Q And describe the appearance of those windows, please.

A The two windows to the north, called double windows, the window to the right has no screen, the shade was pulled down all the way. The left window has a screen, the shade was pulled down to the opening of the window. The window was open approximately four inches, curtains on the window.

Q How many windows have you described, sir?

A Two. The third window faces the west, and it has curtains on it, and the shade was pulled down to the sill.

Q Now, while you were there that morning, did you make an examination of the room, sir?

A Yes, sir, I did.

Q And did you make an examination of the floor at any time?

A Yes, I did.

Q When was that? Was that the first time you were in the room?

A That was the first time I was in the room, yes.

Q Will you describe the type of examination you made of the floor?

A ~~I obtained a flashlight from one of the Bay Village~~

policemen. I got down on my hands and knees with the flashlight, searched under both beds, under the night stand, and searched the surrounding carpeting in the room.

Q And how much of the room did you examine with that flashlight from a position of being on your hands and knees?

A I examined all of the carpeting -- I was on my hands and knees all the time just to look under the beds, but I was in a stooped position to examine the other parts of the carpet.

Q Now, is there a light in that room?

A Yes, sir.

Q What was the condition of the light as to being on or off at the time you were making that examination?

A The light was on.

Q Now, after you left that room where did you go?

A I then went -- I then went downstairs.

Q Into what part of the house?

A I went down into the living room, and then from the living room I went into the den.

Q Now, during the time that you were searching through this room on your hands and knees, did you find anything that was unusual on the floor, any objects of any kind?

A No, sir, I did not.

Q Now, what did you next do?

A When I was through examining the floor, then I examined the windows.

Q In what rooms?

A In the bedroom.

Q Which one are you referring to?

A The upper bedroom, the one I had been searching.

Q What did you discover?

A I discovered that the one window to the right that faces the north was locked. The window to the left that had the screen on, the screen was undisturbed, there were no marks, there was still dust marks on the window sill, and the west window was locked and no marks on the window sill.

Q Any signs of forcible entry in that room whatsoever?

A No, sir.

Q Now, other than the appearance and condition of Marilyn Sheppard in the bed she was lying on, did you see any signs of a struggle in any other part of that room?

A No, sir.

MR. CORRIGAN: I object.

THE COURT: He may answer.

Q What was your answer, please?

A No, sir, I did not see any signs of a struggle.

Q Now, then, --

THE COURT: Change the word to

"evidence," Mr. Parrino.

You saw no evidence, you mean, of a struggle?

MR. CORRIGAN: I object to that.

THE COURT: All right, but the

Court will let it stand as it originally was.

Q What did you do next, sir?

A I went downstairs and walked through the living room and went into the den.

Q Now, as you were in the living room, will you describe what you saw there?

A In the living room against the north wall was a writing desk. This writing desk had the cover resting upon an easy chair. There were two small drawers on the top of this writing desk. The contents had been overturned and were on the lid and the top portion of the writing desk. The writing desk had four drawers underneath the lid, the top drawer was closed and the bottom three drawers were pulled about halfway out.

In front of the writing desk was scattered envelopes, writing paper, check book, sales tax stamps.

Q Now, at that time did you examine those three drawers that you stated had been pulled out, the contents of those drawers?

A I did not examine the contents, no, sir.

Q At that time?

A At that time.

Q Did you at a later time?

A At a later time I looked at them. I did not pull the drawers out or ruffle the contents.

Q But when was it that you looked at them?

A At that particular time when I noticed the secretary -- the writing desk.

Q Will you describe what you saw?

A The bottom three drawers were pulled out just about even, and the top drawer I could see into, and it was not ruffled in any manner. The bottom two drawers I had to get down on my hands and peer between the cracks of the two drawers, and the contents appeared not to be disturbed.

Q Will you tell us what, if anything, you saw on the floor there in the area of that desk that you described?

A There were papers strewn around the floor in the area near the desk, and they consisted of envelopes, writing paper, check book and sales tax stamps.

Q What did you do then?

A I then examined the windows, the door in the living room -- that would be the front door leading to the lake.

Q Yes.

A That door was open, but there was no forcible means of entry into that door. The chain lock was intact. There were no marks on the door frame. The windows on that downstairs portion of the living room were all locked. There was no

signs of -- visible signs of forcible entry of anyone of those windows.

2 Q And will you describe the back door, or the south door?

A It is a door, I would say, about three feet by six feet. It has a lock on it, and also a chain lock. The lock is part of the door mechanism. It is all in one piece.

The handle and the lock is all of one piece.

Q Will you describe the chain lock or the night chain?

A The night chain -- one part was hanging on the door jamb, the chain part. The other part was attached to the door.

Q Now, as you observed that night chain on the south door, did it appear to be disturbed?

A I am talking about the north door, Mr. Parrino, the front door.

Q Let's get to the back door now, sir.

A All right, sir.

Q Will you describe the back door, sir, or the door on the south side?

A The back door was open. The door, about the same size as the front door, had a key lock in the door with no key in it. It had a night chain on the door.

Q How high is that night chain off the floor?

A I'd say about two and a half to three feet.

Q Yes.

A The chain part was still attached to the door jamb. The

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other part, the slip part that the chain slips into was attached to the door.

Q And what was the condition of that night chain?

A It was in perfect working condition at that time.

Q Now, did you go into the den?

A Yes, I did.

Q And what did you see in the den?

A In the den was five drawers on the floor. The contents of one drawer had been spilled on the floor. Three of the drawers were to the west of the desk, the other two drawers were one piled on top of another in the southeast corner. The sixth drawer remained in the desk. On top of the desk was medical books, pipes, papers, things of that nature.

Q Will you describe what you saw on the floor, if anything, to the rear of that desk in the den?

A To the rear of the desk in the den was a green metal box which was tipped on its side. In front of this box was several tools. There appeared to be a plug wrench, hammer, some type of pins, and among these tools was a yellow gold lady's wrist watch.

Q And did you later determine ownership of that watch?

A Yes, sir.

Q And whose watch was that?

A We learned it to be Marilyn Sheppard's wrist watch.

Q Now, what did you do after that, Officer?

A Examined the windows and the doors in that room, and was unable --

Q What did you find?

A I was unable to find any forcible means of entry. The two windows were locked and the door was locked with a chain lock on it.

Q After you examined that room, where did you then go?

A I went outside for a while, conversed with Detective Gareau, and just about that time then, Coroner Gerber returned and he and I went upstairs.

Q Into what room?

A Into the bedroom.

Q And what did you do there?

A At that time the undertaker had been called and the body was moved from the scene.

Q And after the body was moved what did you do?

A I made some examinations of the other rooms upstairs. After I examined those rooms, I went -- made an examination on the outside.

Q Now, in your examination of the other rooms that you went through, did you find any evidence of forcible entry of any kind?

A The windows were all checked in the other rooms upstairs, and there was no visible means of forcible entry into those rooms.

Q Now, did you go down into the basement at that point?

A No, sir.

Q You went outside?

A Yes, sir.

Q And what did you do outside?

A Searched the area around there, and found Detective Gareau, and just about that time we left for the hospital.

Q What area did you search outdoors?

A The back yard, went down to the beach and it was down at the beach that I found Detective Gareau.

Q Now, it was at that point, I believe you stated, that a short while after that that you went to the hospital, is that correct?

A Yes, sir.

Q What time was that, approximately?

A It was approximately quarter to 11.

Q Did both of you go to the hospital?

A Yes, sir, we did.

Q And what hospital did you go to?

A Bay View Hospital.

Q Where is the Bay View Hospital located?

A On West Lake Road in Bay Village.

Q And I take it you used your police car to get there?

A Yes, we did.

Q When you and Gareau got to the hospital, what did you do?

A Prior to arriving at the hospital, we stopped at Dr. Richard Sheppard, Junior's home and had a conversation with him.

Q Where does he live?

A He lives a short distance from the hospital.

Q Does he live to the west of the hospital?

A Yes, he lives to the west of the hospital.

Q In other words, Dr. Richard's home would be between Sam Sheppard's home and the hospital, is that correct?

A Yes, sir.

Q And how long were you there talking to Dr. Richard, approximately?

A I'd say approximately 10 minutes.

Q Was Gareau there, too?

A Yes, sir.

Q And after your conversation with Dr. Richard, where did you go?

A We then went to Bay View Hospital.

Q And who did you first see when you went to Bay View Hospital?

A We walked in the door, and at the receptionist's desk there we asked the receptionist --

Q You spoke to the receptionist?

A Yes.

Q And after you spoke to the receptionist, where did you go?

A We went down the corridor to the nurse's desk.

Q And did you speak with her?

A Yes.

Q And after you spoke with her, where did you go?

A We went into Dr. Sam Sheppard's room.

Q And in what part of the hospital was his room located?

A That was on this corridor that we walked down to, at the extreme west end of the corridor.

Q Did you go into that room?

A Yes, we did.

Q And was he alone at that time?

A Yes, he was.

Q Was Gareau with you?

A Yes, he was.

Q And did you have some conversation with him?

A Yes, we did.

Q Now, about what time was it that you had this conversation with you -- withdraw that.

Approximately what time was it that you and Gareau and Dr. Sam Sheppard had this conversation?

A About 11 a.m.

Q Tell us what you said to him and what he said to you.

A We introduced ourselves, told him we were members of the Cleveland Homicide Squad, that we had been requested by the Bay Village Police Department to assist them in this homicide. We asked him to tell us everything that he knew

in regard to this matter.

Q And what did he say?

A At that time he told us that the evening before there was company over, the Aherns, and that later in the evening he had fallen asleep on the couch, and while the Aherns were still there, and that while he was sleeping on the couch he heard his wife scream, he ran upstairs --

Q Did he say where this couch was located?

A In the downstairs, in the living room.

Q Yes. Continue.

A He heard his wife scream, and he ran upstairs, and when he got into the room he thought he seen a form. At the same time he heard someone working over his wife. He was then struck on his head -- side of the head and knocked unconscious, and when he woke up he heard a noise downstairs.

He ran downstairs and he thought he seen a form going out the front door. He pursued this form down the steps, and when he got to the landing at the boat house, he does not know if he jumped over the railing or if he ran down the steps, but he half-tackled this form on the beach. There was a struggle and he was again knocked out.

When he regained consciousness, he was on the beach on his stomach being wallowed back and forth by the waves.

He then went up the stairs into the home, wandered around in a dazed condition. He went upstairs and looked

at his wife, attempted to administer to her. He felt that she was gone.

He then went downstairs again, was wandering around trying to think of a phone number. He called a number and it turned out to be Mayor Houk. Mayor Houk came over.

Later on his brother Richard came over, and he was taken to Bay View Hospital.

Q Do you recall any further conversation?

A We asked him questions after he told us his story.

Q I see. In other words, first he made a recitation to you of what happened, is that correct?

A Yes, sir.

Q And then you and Gareau asked certain questions, is that correct?

A Yes, sir.

Q And did he answer these questions?

A Yes, sir, he did.

Q Now, will you please this jury what questions you asked and what answers he made?

A We asked him how the screams sounded to him when he woke up. He said they were loud screams.

We asked him how long the screams lasted, and he stated all the while he was running up the steps.

We asked him if he was assaulted by the one he heard working over his wife, and he says, no, that he had the

impression that he was assaulted by someone else because he was assaulted just about the time he heard someone working over his wife.

We asked him how many times he had been assaulted. He said two or three times, at the most.

We asked him with what. He said with fists.

Q He said what?

A He said with fists. We then asked him if this was in both assaults, the one in the bedroom and on the beach, and he said yes.

We asked him if he could give us a description of the form that he seen running out the front door, and he stated that he was a big man, and we asked him if the man was white or colored. He said he must have been a white man because the dog always barked at colored people.

We asked him if he knew how tall the man was. He said he was bigger than what he was. He was about six foot ^a three. He was dressed in dark clothing, and he was/dark-complected white man.

We asked him if he had turned on any lights in the house. He stated no. We asked him if there were any lights on in the house, and he said he doesn't know, he doesn't recall.

We asked him about the beach, and he said that he was being wallowed back and forth by the waves, when he

regained consciousness on the beach, that he was stomach down.

We asked him about Dr. Hoversten. We had heard he was a house guest, and he says, yes, he was staying at the house for a few days, and then we asked him where Dr. Hoversten was at this time, and he said he had left yesterday afternoon to keep a golf engagement in Kent, Ohio.

We then asked him that we had heard rumors to the effect that Dr. Hovestern was infatuated with his wife. He said that he had heard those rumors, that they might be true, but he didn't pay any attention to them because he knew his wife was faithful to him.

We asked him if his wife had any men callers during the day while he was out.

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Just a moment.

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MR. PARRINO:

Do you want that

read back, Mr. Corrigan?

MR. CORRIGAN:

Yes. The noise

outside muffles his voice.

MR. PARRINO:

Read that back,

just the end of it, please.

(Answer read by the reporter as follows:

"We asked him if his wife had any men callers during the day while he was out.")

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He stated that there were several men who called during the day while he was out, but he didn't think anything of it, and we asked him if he knew the names of these men.

He stated that he could not recall them at this time.

We asked him if his wife was having any affairs with men, and he stated no.

We asked him if he was having any affairs with women, and he stated no.

At that time that was just about the extent of our conversation with him.

Q

And how long did that conversation last, approximately?

A

Approximately 20 minutes.

Q

Would you describe the defendant's appearance during that conversation?

A

He was lying there on the bed and he answered all our

questions in a normal tone. He did not ask us to repeat any questions. He answered all of the questions and spoke in a loud enough voice that we could hear. We was able to understand him.

Q And describe his physical appearance?

A He had a swelling under the right eye. There was a sort of a cotton guaze bandage around his neck, and there were no marks on him outside of the swelling to the eye, to the cheek, the right cheek.

Q Did you examine any other part of his body at that time?

A We were able to observe his legs from about better than the knee down, in other words, halfway up on the thigh.

We were able to see the upper part of his arms -- or, I mean, the forearms and the hands, and there were no marks, bruises of any kind on his arms or legs.

Q How about his hands?

A No marks on his hands.

Q After that conversation, where did you go, you and Gareau?

A We then went over to the Bay Village Police Station.

Q And did you speak to someone there?

A Yes, we did.

Q And who did you speak to there?

A There was Chief Eaton, Sergeant Hubach and Patroman Drenkhan.

Q And how long did you remain there?

A About 15 minutes.

Q After that, where did you go?

A We went back to the scene, back to the home.

Q Sam Sheppard's home?

A Yes, sir.

Q And what did you do there?

A While there we took and searched the surrounding area, made a search in the basement, searched the beach, the hillside, looking for a possible weapon.

Q Now, was there anyone else searching that hillside, sir?

A Yes. There was a group of boy scouts assisting in the search.

Q What were they doing?

A They were -- first of all, they were in the lake, up to about their waist or possibly higher searching for a weapon in the lake, and they then were searching on the hillside in back of the Sheppard home, cutting down weeds and tramping over the area there looking for a weapon or any possible evidence.

Q And was there something found on that hillside there that day?

A Yes, there was.

Q About what time was that?

A About 1:30.

Q And were you present at the time that that was found?

A No, I was not.

Q Did you later see someone with something that was found?

A Yes, I did.

Q And who was that?

A Detective Gareau.

Q Where did you see him?

A He was on the landing going down to the lake.

Q What did he have with him?

A He had a small green bag in his hand.

Q About what time was that, please?

A About 1:30.

Q Did you examine that green bag?

A The green --

Q Withdraw that.

What did you do when he showed you that?

A The green bag was opened up and we looked inside of the bag.

Q And what did you see?

A There was a man's wrist watch, a ring and a key chain with keys on it.

Q What did you and Gareau then do?

A We then went into the house and called Dr. Gerber.

Q Did Gerber come?

A Yes, he did.

Q What did you, Gareau and Gerber do?

A We then went over to the table in the living room and the contents was placed on the table in the living room and

examined by Dr. Gerber, Detective Gareau and myself.

Q What were the contents?

A A man's wrist watch and a ring and a key chain.

Q Showing you what is marked for identification as State's Exhibit No. 26, will you look at this cloth, please, and tell us if you recognize it?

A Yes, I do.

Q And what is that, please?

A That is the green cloth bag that was found on the side of the cliff.

Q And was this hole in it at the time that you saw it?

A No. There was no hole in the bag.

Q Showing you what is marked for identification as State's Exhibit 26-C, will you examine that, please, and tell us if you recognize it?

A Yes, I do.

Q What is that, please?

A This was the keys and the key chain that was found in the green bag.

Q Showing you what is marked for identification as State's Exhibit 26-B, will you look at that, please?

A This is the ring that was found in the green bag.

Q Showing you what is marked for identification as State's Exhibit 26-A, will you look at that, please, and tell us what that is?

A That is the yellow gold wristwatch that was found in the green bag.

Q And did you later determine the ownership of all of this property that I have just shown you?

A Yes, we did.

Q And to whom did it belong?

A Dr. Sam Sheppard.

Q Now, when you first -- withdraw that.

As you were in the living room, did you see what time it said on the face of the watch?

A We originally were able to determine on the stairway that the watch was face up in the bag, and we were able to determine at that time the time it said on the wrist watch.

Q And what time did it say the first time you looked at it?

A 4:15.

Q And what time did the watch say when you looked at it again there in the living room in the presence of Dr. Gerber?

A 4:15.

Q And will you state to the jury the condition of the watch as to whether it was running or stopped?

A The watch --

Q On both of those occasions?

A The watch was stopped on both of those occasions, the second hand was not sweeping around.

Q Now, did the watch remain in a stopped position or condition

the rest of that day, so far as you know?

MR. GARMONE: Object unless he knows of his own knowledge.

MR. DANACEAU: That is what he asked him.

MR. PARRINO: That was the question.

MR. GARMONE: I didn't hear the latter part of your question. I'm sorry.

A Yes. Later on that day the watch was examined and I noticed that it had started up again.

Q Now, approximately how much later was it that you examined that watch again, about?

A About three hours later.

Q And what was the appearance of the sweep hand of the watch at that time?

A The sweep hand of the watch was moving around the face of the watch.

Q Now, will you describe the appearance of the watch as you saw it there that morning?

A The watch had what appeared to be blood on the crystal.

MR. CORRIGAN: Oh, I object to that. That doesn't describe it.

THE COURT: He may say what the appearance was.

MR. CORRIGAN: How does he know whether it was blood or not?

MR. DANACEAU: He is merely stating the appearance.

MR. PARRINO: That is what he said, it appeared to be blood.

MR. CORRIGAN: What?

MR. PARRINO: He said it appeared to be blood.

MR. GARMONE: Well, unless he knew it was, I think you ought to classify it as a red substance.

THE COURT: All right. He may say what made him believe that.

Q Continue, please.

A What appeared to be blood on the crystal and on the band, it was a dark reddish color, and on the inside of the crystal and the face of the watch there were droplets of water and there was moisture collected on the underside of the face of the crystal.

Q Now, as you saw this red substance on the watch that appeared to be blood, what was the condition of that substance as to being wet or dry?

A It was dry.

Q What was done with the ring, the watch, and the key chain

after that?

A A small box was obtained and Dr. Gerber wrapped each article in an individual piece of Kleenex and it was placed in the box, the cover was put on the box and the box was placed in the green bag and left in the possession of Dr. Gerber.

Q What did you do then?

A We then went out to the lake side of the house and assisted the boys out there in furthering their search of the vicinity.

Q And how long did you do that?

A For approximately an hour.

Q After that hour, what did you do?

A Detective Gareau, myself and Chief Eaton went to Bay View Hospital.

Q Now, that morning, did you go down to the beach there?
I think you did say that you were down there, is that correct?

A Yes, sir.

Q Did you make an examination of the pier and the steps and the area beneath that, beneath the steps, near the boat house?

A Yes. I examined underneath the boat house, examined underneath the steps, examined the retaining wall on both sides of the steps.

Q And when did you first do that?

A That was that morning, somewhere around a quarter to ten. As I was searching down there I was called upstairs, that Dr. Gerber had come back, and I went upstairs with him.

Q I see. Did you see any gloves there at that time?

A No, I did not.

Q Then what did you do -- withdraw that.

Now, coming back to the point where you had examined this green bag, you were searching the area for about an hour, what did you do after that?

A Chief Eaton and Detective Gareau and myself then went to Bay View Hospital.

Q And how did you get there?

A We drove in our police car.

Q What time was that?

A About three o'clock.

Q What did you when you got to Bay View Hospital?

A We asked to see Dr. Sheppard and we found they had moved him from the room we talked to him in the morning up to another room.

Q Did you talk to him?

A Yes, we did.

Q Who was present during that conversation?

A There was Dr. Sheppard, Chief Eaton, Detective Gareau and myself.

Q Did you speak to anyone else before you went into that room, without telling us the conversation?

A Just the nurse, to where Dr. Sheppard had been moved.

Q Then you did go into the room, is that correct?

A Yes, sir.

Q Would you state again what time that was?

A About three o'clock.

Q All right. Now, would you tell this jury what you, Gareau, and Chief Eaton stated to the defendant at that point and what the defendant stated to you?

A At that time we told Dr. Sheppard that we would like to ask a few more questions. He said all right, and we asked him at that time when he lay down on the couch to go to sleep, what clothing he had on at that time.

He stated that he was dressed in a corduroy jacket, a T-shirt, trousers and loafers.

We asked him if -- what jewelry he had on at that time. He stated his wrist watch, a ring and a key chain with keys on it.

We asked him if he knew where his jewelry was at now. He stated no.

And we then showed him the green bag which we had brought along from the house and asked him if he had ever seen that bag before. He stated it looks just like the bag in which he keeps motor boat tools.

And we asked him where this bag was kept. He stated in the drawer in the desk of his study.

We then showed him the wrist watch and asked him to identify the wrist watch, and he stated that it looks just like his wrist watch, if it is not his wrist watch.

He was then shown the ring and asked if he could identify the ring, he stated that it was his class ring.

We showed him the key chain and the keys and asked him if he could identify them, and he stated that they were his keys and his key chain.

We then asked him how the moisture and the water got into the wrist watch. He stated that a few days before, that he had been playing golf with Otto Graham, that they were caught in a heavy downpour, and at that time the water got into the crystal of the wrist watch, that it was not running properly, his wife was going to take it back to Halle's where she purchased it.

We then told him that there was blood on the band and on the crystal of the wrist watch, asked him if he could tell us how the blood got on there. He stated that he remembered that at the time that he regained consciousness in the upstairs bedroom, that he had felt his wife's pulse at the neck, felt that she was gone, and at that time he must have gotten the blood on the wrist watch, and then he heard a noise downstairs and ran downstairs.

We told him that the jewelry had been found in a green bag about halfway down the hill near the lake, asked him if he could account how the jewelry got in this bag that was found on the side of the hill.

He says he didn't know how it got there, but someone must have taken the jewelry from him at the time when he was unconscious.

We then told him that we had examined his billfold and clothing at the Bay Village Police Station, and that his billfold was still in the hip pocket.

We said, "If a burglar or someone had taken your jewelry, why didn't they take your billfold?"

He said he remembered at the time when he woke up upstairs he seen the billfold lying on the floor, and that he put it in his pocket and ran downstairs.

We then stated to him that he told us before that he had been on the beach and when he regained consciousness he was being wallowed back and forth by the waves on his stomach, since he was on his stomach, his face would be down, and that he knew as well as we did that an unconscious person can drown in as little as two inches of water.

We asked him how could he account for the fact that he did not drown. He stated that he knew an unconscious person could drown in as little as two inches of water,

but that sometimes an unconscious person can help themselves, just like a football player who could play a half a game of football and after the game was over not realize that he was playing football.

We then stated to him that he had told us previously that he had been assaulted two or three times at the most with fists, but that he was wandering around the home in a dazed condition, and if he can account why he was wandering around in a dazed condition.

He said that he was just like a football player that could be injured in a game and play a half a game of football and not know that he was playing the game.

We then asked him when he had taken off his jacket. He stated that sometime during the night he very faintly remembers waking up and being too warm and taking the jacket off and either placing it on the floor or placing it on the couch and then going back to sleep.

We told him that the jacket was found on the couch folded neatly, that if he had placed the jacket on the floor, it would still be on the floor, and that if it had been on the couch and he went back to sleep, he would have laid on the jacket and wrinkled it up.

We asked him if he had turned on any lights at any time when he was in the house. He stated no.

We then told him that we had heard that he had been

keeping company with a nurse from Bay View Hospital, that this nurse had quit Bay View Hospital, and that she was now in Los Angeles, California, and that while he was in Los Angeles several months ago and while his wife was staying someplace else he was seeing this nurse.

He stated, "That is not true.

We told him we heard that he had also given this nurse a wrist watch, and he stated that it was not true.

At that time I said, "The evidence points very strongly towards you and that in my opinion you are the one that killed your wife."

And he said, "Don't be ridiculous."

He says, "I have devoted my life to saving other lives and I love my wife."

He was then asked if he would take a lie detector test and he said yes. He asked how a lie detector worked, and we told him it takes the reaction of the respiratory system --

Q Just a minute, Bob.

MR. CORRIGAN: I can't hear you.

THE COURT: Now go ahead.

A The respiratory system and the blood pressure and the activity of the sweat pores on the palm of the hand, and that's recorded on a graph and the operator interprets the graph.

He said that due to his present condition, that he

didn't feel as though this would be a fair test and that he would not want to take the test at this particular time.

We told him that he would be able to take the test, if he wanted to, at the time when he felt better.

Q Now, is that the entire conversation, as you recall it?

A That I can recall at this time, yse.

Q Now, at the time that you stated to him that in your opinion you thought that he killed his wife -- you recall that, of course?

A Yes, sir.

Q (Continuing) And he stated to you the words -- certain words, is that correct?

A Yes, sir.

Q What were those words that he stated to you?

MR. CORRIGAN: He just stated
them. Object.

THE COURT: What he has already
testified to?

Q Well, let me put the question this way. Withdraw that question.

As he stated to you, "Don't be ridiculous," would you describe and state to the jury the tone of voice that he used when he stated those words?

A It was the same tone of voice in which he had answered all

our questions.

Q And would you describe the manner in which he had answered all of your questions, as to his tone of voice and as to his apparent emotional state, and so forth?

A He answered all our questions in a voice loud enough that we could hear; his voice was not raised at any time; he did not appear to be angry at any time; he talked in a rather unemotional state and we were able to hear him clearly at all times.

MR. PARRINO: I think this would be a good time to adjourn for the noon hour, your Honor.

THE COURT: Ladies and gentlemen of the jury, we will now adjourn for the noon hour and we will reconvene at 1:15 this afternoon.

In the meantime, please do not discuss this case.

(Thereupon at 12:00 noon an adjournment was taken to 1:15 o'clock, p.m.)

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Friday Afternoon Session, November 19, 1954.

Thereupon ROBERT F. SCHOTTKE resumed the stand and was examined and testified further, as follows:

DIRECT EXAMINATION (CONTINUED)

By Mr. Parrino:

Q Now, Detective Schottke, referring again to the second conversation that you had with the defendant on the 4th of July, now, was there any other conversation other than that which you have already related? Yes or no.

A There was other conversation, yes, sir.

Q Will you state to the jury what that conversation was?

MR. CORRIGAN: Where was it?

MR. PARRINO: The second occasion on the 4th of July.

MR. CORRIGAN: Now, let me see, Tom. The second conversation on the 4th of July. Is there another one on the 4th of July?

MR. PARRINO: I will make it more clear.

Q Now, you say that on the 4th of July you spoke to the defendant on two occasions, isn't that correct?

A Yes, sir.

Q What time was the second occasion, approximately?

A About 3 o'clock.

Q You have already related that conversation, the substance of that conversation to the jury, isn't that correct?

A Yes, sir.

Q And at that conversation were you, Gareau, Chief Eaton and the defendant, isn't that correct?

A Yes, sir.

Q Now, was there any additional conversation than that which you have already stated?

A Yes, there was.

Q Now, will you tell us what that was, please?

MR. CORRIGAN: When was it?

THE COURT: You mean at that
time or some other time?

Q Was this additional conversation a part of the same conversation?

A It was part of the same conversation.

THE COURT: All right.

Q And this is conversation that you have not heretofore related, isn't that correct?

A Yes, sir.

Q All right. Tell us what that was.

A We told Dr. Sheppard that we were unable to find his T-shirt. We asked him if he had any idea where his T-shirt

was at. He stated no.

We told him that there were two teeth chips found underneath his wife's body at the time his wife's body was moved, asked him if those were his teeth chips. He said no.

But prior to asking him that question, we had asked him if he had any chipped teeth in his mouth, and he said yes. Then we asked him the question about the chipped teeth under his wife's body, if they were his, and he stated no.

We told him that his wife had been assaulted several times with some type of an instrument, yet he doesn't have any marks on him at all of an instrument, asked him how he could account for that. He stated he does not know -- he could not account for it.

Q Now, on this second conversation -- withdraw that.

Is that all the conversation that you recall?

A That I can recall at this time, yes, sir.

Q Now, on the second conversation, the defendant stated to you something about picking up his wallet from the floor in his wife's bedroom after he was rendered unconscious. You recall that?

A Yes, sir.

Q Had he stated anything to you about that wallet in the first conversation you had with the defendant that day?

A No, sir.

Q Now, you stated further at one point the defendant stated that he took his wife's pulse, is that correct?

A Yes, sir.

Q Did the defendant state how he took his wife's pulse?

A He stated that he had taken her pulse at the neck.

Q And did he state when he took his wife's pulse?

A On the first time that he told us -- he told us that two different occasions. The first time he told us that was on the first interview, when he regained consciousness on the beach that he went upstairs and took his wife's pulse at the neck, and felt that she was gone, and the second time he told us that was at the second interview when we asked him how the blood got on the wrist watch band, and he stated at that time that he remembered when he regained consciousness in the bedroom that he felt his wife's pulse at the neck and that is how the blood must have got on the wrist watch.

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Q Now, directing your attention again to the first conversation you had with the defendant, what time was that again, please?

A At about 11 o'clock in the morning.

Q Now, you have related the substance of that conversation to the jury, isn't that correct?

A Yes, sir.

Q Now, was there any additional conversation between yourselves and the defendant on that occasion which you have not already related?

A Yes, there was.

Q Would you state to the jury what that was?

A We asked him if the doors were kept locked in the house. He stated, "No, they were never locked."

We asked him if a great deal of money was kept around the house. He says, "No, just about sixty or seventy dollars."

We asked him if there was any narcotics kept in the house. He says, "No, but there may be a few samples in my desk."

We also asked him as to the condition of light and darkness at the time he woke up on the beach and he stated that when he regained consciousness on the beach it was just a little bit lighter than dark, it seemed as

though day was just starting to break.

Q I see. Is that all the conversation that you recall?

A That I can recall at this time, yes.

Q Now, that first questioning at or about 11 o'clock, that took place between you, Gareau, and the defendant, isn't that correct?

A Yes, sir.

Q Now, did any other person appear in that room at any time during that interview?

A Yes, sir.

Q And who was that, please?

A We were talking to Dr. Sheppard a little while when a man came into the room and introduced himself as Dr. Stephen Sheppard.

Q And was there any conversation between you police officers and Stephen Sheppard in the defendant's presence?

A Yes, there was.

Q Now, will you tell the jury what that was?

A We introduced ourselves, told him we were from the Cleveland Homicide Unit, we were assisting the Bay Village police investigating the crime, and that we were questioning his brother, and that we would like to question him alone.

And at that time he agreed, and he left the room.

Q And was that the only time that he appeared in that room?

A No, sir. On two or three other occasions he walked into the room while we were talking to Dr. Sheppard.

Q And did you state anything to him?

A On each occasion we told him that Dr. Sheppard was answering our questions, that we had no trouble receiving his answers, and the fourth -- about the third or fourth time that he -- it was the last time that he came into the room we asked him if he would please stay out of the room until we were through with our questioning.

Q Now, in this first interview with the defendant, at any time after he was rendered unconscious in his wife's bedroom and after he awoke, did he state that before going downstairs and seeing this form, that he went into Chip's room?

MR. CORRIGAN: Object.

THE COURT: The objection will be sustained.

Q Well, did the defendant say anything at all about Chip in the first conversation?

A Chip was never mentioned in the first or the second conversation.

Q Now, after the second conversation with the defendant, where did you go?

A We then went back to the scene.

Q And what did you do there?

A We searched the grounds again, searched the garage, upstairs of the garage and in the basement and in the general vicinity of the home.

Q And what time did you complete your duty that day?

A We left the Sheppard residence in the neighborhood of 6:30.

Q Now, did you do some work on this same matter on the 5th, or the next day?

A Yes, we did.

Q And what time did your work begin on the case the next day?

A We reported for duty to the Detective Bureau.

Q About what time?

A About 8 a.m.

Q Yes.

A We had conversation with Inspector McArthur, and we then left the Detective Bureau about 9 a.m. and arrived out to the Sheppard home about 9:30 or 9:45.

Q Did you see Sam Sheppard that day?

A Yes, we did.

Q What time was that?

A About 1:30 p.m.

Q Where did you see him?

A Bay View Hospital.

Q Who was present?

A County Detective Carl Rossbach, Detective Gareau, Dr. Sam

Sheppard, Dr. Steve Sheppard and myself.

Q And was this in Dr. Sam Sheppard's room there?

A Yes, sir.

Q And was there some conversation there?

A Yes, there was.

Q Among these people that you have described?

A Yes, sir.

Q Would you state to the jury, please, what that conversation was and who said what?

A We introduced Detective Rossbach to Dr. Sam and Dr. Steve Sheppard, and Detective Rossbach stated that he was from the County Sheriff's office, that he was sent to assist in the investigation and that he would like Dr. Sam to tell him what he knew in regards to the crime.

He asked Dr. Sam if he could give him a description of the man that he seen in the room, and Dr. Sam said that it had a light -- he had a light top on, and then asked him if he could give a description of the man that went out the front door or the one that he battled with on the beach, and he stated the man was tall, that he was heavier than he was, and had bushy hair.

Just about that time, Dr. Steve interrupted and stated that, "Due to the accusations made by the Cleveland detectives yesterday, we have hired legal counsel, and counsel has advised us not to answer any questions."

Detective Rossbach asked Dr. Steve if he could have the name of the legal counsel, and Dr. Steve said "Arthur Petersilge."

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Did you question the defendant, Sam Sheppard, on that occasion?

A

No, sir.

Q

Was there any further questioning of him in your presence on that occasion?

A

No, sir.

Q

You left the hospital then, I take it?

A

There was two more visitors came while we were in the room at the hospital prior to our leaving.

Q

And who were those visitors?

A

At that time, Mr. Corrigan and Mr. Petersilge walked in.

Q

And did either of these men say anything at that time?

A

At that time we were introduced to them, and Mr. Corrigan --

Q

You knew who Mr. Corrigan was, though?

A

I had seen Mr. Corrigan's picture in the paper, but I had never seen him in person.

Q

I see.

A

At that time Mr. Corrigan stated that he had come down as a friend of the family, and that his advice was that Dr. Sam was in no condition to be questioned, and that he would also advise Dr. Sam not to answer any questions.

Q

And were there any questions by anyone, that is to say, by any of the police officers, after that?

A

No, sir.

Q

And after that visit to the hospital, where did you go?

A We returned to the Cleveland Detective Bureau.

Q Did you see the defendant on the 6th?

A On the 6th?

Q Yes.

A No, sir.

Q On the 7th?

A No, sir.

Q On the 8th?

A Yes, sir.

Q Where did you see him on the 8th?

A In his room at Bay View Hospital.

Q Now, prior to going out to the Bay Village Hospital there on the 8th, where had you been that day?

A We had reported for duty at the Detective Bureau, and we were insigned by Inspector McArthur to go to the County Prosecutor's office.

Q And did you go to the County Prosecutor's office?

A Yes, we did.

Q And did you speak to someone there?

A Yes, we did.

Q And who did you speak to?

A We spoke to Mr. Mahon and we spoke to you.

Q And as a result of that conversation did you receive certain instructions?

A Yes, sir.

Q And after receiving those instructions where did you go?

A We went to Bay View Hospital.

Q Were you alone?

A With Detective Gareau.

Q When you got to Bay View Hospital who did you see?

A I seen Dr. Gerber, Detectives Rossbach and Yettra.

Q Where did you see them?

A We met them in the corridor at the hospital.

Q You spoke with them?

A Yes, sir.

Q Did you see Sam Sheppard on that occasion?

A Yes, sir.

Q Where at?

A In his room at Bay View Hospital.

Q And who was in that room at that time?

A Dr. Steve Sheppard and Dr. Sam Sheppard, and we -- Dr. Gerber, Detective Rossbach and Yettra, Detective Gareau and myself went into the room.

Q Was there any conversation there?

A Yes, there was.

Q Would you state what that conversation was and by whom it was related?

A Dr. Gerber told Dr. Sam that he would like to question him, and that he would like to have him questioned downtown, and that if he wouldn't come downtown, he would issue the

forthright subpoenas -- forthwith subpoenas, and Dr. Sam apparently agreed to the questioning, and he turned to Dr. Steve and he said, "Steve, what is your opinion?"

And Steve at that time --

Q Now, where was Steve at this time?

A He was sitting in a chair alongside of the bed.

Q Continue.

A At that time Steve said, "Well, Sam," he said, "you are over 21. This is your problem, something you are going to have to answer for yourself, but," he said, "I am satisfied the way the County Coroner is conducting the investigation. I am satisfied with the way Detective Rossbach and Yettra are conducting the investigation, and I am satisfied with the Bay Village Police Department." He says, "I have no objection if they question you, but," he said, "I do not think that Detectives Schottke and Gareau of the Cleveland Police Department are the type of men to question you."

Q And what else happened and what else was said?

A Just about that time, Mr. Corrigan and Mr. Petersilge walked into the room, and there was conversation between Dr. Gerber and Mr. Corrigan.

Q What was that?

A Mr. Corrigan wanted to know what Dr. Gerber was doing there, and Dr. Gerber stated he wanted to question Sam.

Mr. Corrigan stated that Dr. Sheppard was under -- in no condition to be questioned, and that if there was any questioning, he would like to be present.

Dr. Gerber --

Q Who said that, now?

A Mr. Corrigan.

Q I see. Okay. Continue.

A Dr. Gerber stated that he did not want Mr. Corrigan present at the time of the questioning, and Mr. Corrigan asked if he could confer with his client before the questioning, and it was apparently agreed on that he could converse with his client prior to the questioning, and at that time we left the room, Dr. Gerber, Detectives Rossbach and Yettra, Detective Gareau and myself.

Q I see. Now, as all of those left the room, who remained in Sam's room?

A Dr. Steve and Mr. Petersilge and Mr. Corrigan.

Q And Dr. Sam Sheppard?

A Dr. Sam Sheppard, yes, sir.

Q Now, did you see them again after that, that is to say, Mr. Corrigan, Mr. Petersilge and Dr. Steve?

A Yes, I seen them in the corridor of the hospital.

Q Now, were you permitted to question Sam Sheppard on that occasion?

MR. CORRIGAN:

I object to the question.

THE COURT:

Objection sustained.

Q Did you question Sam Sheppard on that occasion?

A No, sir.

Q So far as you know, did Detective Gareau question Sam Sheppard on that occasion?

A No, sir.

Q So far as you know, did any members of the Cleveland Police Department question Sam Sheppard on that occasion?

A No, sir.

Q When did you next see Sam Sheppard?

A On July the 10th.

Q Where did you see him?

A Here in the County Building.

THE COURT:

Where did you say?

THE WITNESS:

Here in the County

Building.

Q And he was questioned at that time, was he?

A Yes, sir.

Q Where in the building was he questioned?

A On the 4th floor in Detective Rossbach's office.

Q And by whom was he questioned?

A The first time that he was questioned, Detective Rossbach and Dr. Sam Sheppard, Mr. Petersilge, you, Mr. Parrino, Detective Gareau and myself were present.

Q And how long did that specific questioning take, that part

of it, approximately?

A Approximately an hour and a half.

Q And after that questioning, was there additional questioning?

A There was a statement obtained from Dr. Sheppard.

Q A written statement?

A Yes, sir.

Q And who was present during that written statement?

A It was Miss Bauer.

Q Who is she?

A She took -- she is one of the Assistant County Prosecutors.

She took the questioning down on the typewriter.

Q Yes.

A There was Detective Rossbach and Mr. Petersilge --

Q That is this gentleman here?

A Yes, sir. And Detectives Gareau and myself.

Q And a written statement was then taken from the defendant,
is that correct?

A Yes, sir.

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MR. CORRIGAN:

We have no

objection to it.

(State's Exhibit 48,
being a statement, was
marked for identifica-
tion.)

Q Now, you state that the defendant made a statement in
writing there on July 10, 1954, is that correct?

A Yes, sir.

Q And present at that statement were yourself, Pat Gareau,
Rossbach, that is, Deputy Sheriff Rossbach?

A Yes, sir.

Q Mr. Petersilge?

A Yes, sir.

Q The defendant and the stenographer, is that correct?

A That's right.

Q and the stenographer, I take it, as the statement was being
made by the defendant, was typing what was said, is that
correct?

A That's correct.

Q Was the defendant asked to give a narrative recitation of
certain events in that statement?

A He was asked certain questions first. First he was
apprised of his rights and then he was asked certain
questions, and then he was asked to give a narrative
statement.

Q And did he make a narrative statement?

A Yes, he did.

Q And as he made the narrative statement, what was the stenographer doing?

A She was typing as he was telling it.

Q Now, before the statement was commenced, was anything said to the defendant?

A He was told about his Constitutional rights.

Q And what was stated to him?

A It was stated that questions would be asked of him and that at a later date he may be tried -- charged with the crime of murder, and that the State gives him a right to answer questions as he sees fit, and that he would answer these questions at this time even though he may be charged with murder at a later date.

Q And did he state that he would answer questions?

A Yes, he did.

Q Now, after the defendant completed his narrative recitation of certain events, what is the fact as to whether or not then specific questions were asked of him?

A There were specific questions asked of him then.

Q And did the stenographer type the specific questions?

A Yes, she did.

Q And did the defendant make answers to these questions?

A Yes, he did.

Q And did the stenographer type those answers?

A Yes, she did.

Q And this statement consists of some nine pages, does it not?

A Yes, sir.

Q And was Mr. Petersilge, the defendant's lawyer, present during this entire statement?

A He was.

Q Now, I see here -- would you look at State's Exhibit No. 48. Do you recognize that instrument, sir?

A Yes, I do.

Q And what is that instrument?

A That is the statement made by Dr. Sheppard on July 10th.

Q Now, did he sign this statement?

A Yes, he did.

Q And did he sign this statement on each page?

A Yes, he did.

Q And did the persons present, including yourself and Mr. Rossbach and Mr. Gareau and Mr. Petersilge, also sign this statement on each page?

A Yes, they did.

Q Now, I see here, as you look, for instance, on Page 3 and Page 2 of the statement, that there are certain corrections.

Do you observe those, sir?

A Yes.

Q And possibly in other parts of the statement.

Now, by whom were those corrections made?

A By Dr. Sam Sheppard.

Q And here to the left of those corrections I see certain initials. Whose initials are those?

A Dr. Sheppard's initials.

Q That's S.H.S., is that correct?

A Yes, sir.

Q And by whom were those initials made?

A By Dr. Sam Sheppard.

Q Now, during the time that this statement was taken, were there any intermissions for any purpose?

A Yes, there were.

Q And what intermissions were there and for what purposes?

A There was coffee brought in, there was milk brought in. Dr. Sam Sheppard was asked if he wanted a sandwich. He didn't want any sandwich, but he did have some coffee, Mr. Petersilge had some milk, and we had coffee.

Q Now, did you see Steve Sheppard that day?

A I did see him outside of Detective Rossbach's office in another part of the floor.

Q At the time that this general questioning was taking place?

A Oh, no, I didn't see him at the time when the general questioning was taking place, no, sir.

Q Did you see him before or after the questioning or during

the questioning at any time?

A I seen him before the questioning and after the questioning.

Q I see. And you have stated that this State's Exhibit No. 48, is the statement of the defendant, Sam Sheppard, is that correct?

A Yes, sir.

MR. PARRINO: I wish to offer
State's Exhibit No. 48 at this time.

MR. CORRIGAN: I have no objection.
No objection to it.

THE COURT: It will be received.
(State's Exhibit 48
received in evidence.)

MR. PARRINO: May we have
Detective Schottke read that statement to
the jury at this time, your Honor?

THE COURT: Yes.

MR. PARRINO: Before he
commences that, your Honor, I have one point
I wish to bring out.

Q Of course, there were various copies of this statement
made, were there not?

A Yes, sir.

Q And what is the fact as to whether or not one copy of
that statement was given to either the defendant or his

lawyer after the questioning?

A One copy was given to them, yes.

Q Will you read it now, please?

THE COURT: Read it slow and distinctly towards the jury so they can all hear you.

THE WITNESS: Yes, sir.

A (Reading) "July 10, 1954, 11:40 a.m. Sheriff's Office, County of Cuyahoga.

Dr. Samuel H. Sheppard you are now being questioned and may be charged with the crime of murder at a later date."

THE COURT: Just one second.

Do you all hear?

All right, fine.

A (Continuing) "The law gives you the right to make a statement if you so desire. Anything that you may say here may be used either for or against you at the time that you are brought to trial in court.

Now that you understand these facts do you wish to make a statement telling us the truth about the facts that caused your questioning at this time?

"A Yes.

"Has any drugs or medicine been administered to you within the past 12 hours?

"A Just about 12 hours ago I did have a grain and a half of seconal, which is a short-acting barbituate and should have no effect on me at this time.

"Q Is there any doubt in your mind but what you can sit here and give us a true statement of what you know that occurred in your home on the night of July 3rd, 1954? at 28924 West Lake Road, City of Bay Village, Ohio?

"A I feel that at this time I can tell all that I know.

"Q Proceed.

"A After having a difficult morning and early afternoon at Bay View Hospital where I am in charge of the accident room and the head of the Department of Neuro-surgery, I made a couple of visits and then proceeded home. I arrived home at a time later than five o'clock, realizing this because I had hoped to work in the yard with my family and found that it was too late to do so. My wife informed me that we - correction - that she had planned to get together with Mr. and Mrs. Ahern that evening. We were to go to their home for a drink before dinner and then return to our home for dinner. We realized that there were a couple of business matters involving vouchers that we should record and we did this before leaving the house. We compared notes and my wife recorded the material on the Sheppard Clinic vouchers. We soon thereafter

went down to the Ahern's and drove our larger car as I recall. The Ahern's were both working in the yard with their children and we instructed them not to stop but to continue with their work as we chatted. My son was playing with youngsters in the yard. Mrs. Ahern insisted on going inside shortly thereafter and Mr. Ahern instructed his young son how to continue the lawn mowing with their power mower. We shortly went into their kitchen and some type of mixed drinks were prepared. I am not absolutely clear in regard to the exact nature of this drink since we often have done this in the past and I could confuse one incident with another. Shortly thereafter, or after being there for a short time, I received a telephone call from the hospital in regard to a youngster that had broken his femur which is the thigh bone. I had received this call as a result of reporting their number to the hospital in regard to my whereabouts. The type of fracture was described to me and I decided that I had best go to the hospital and evaluate the situation. I asked Mrs. Ahern to find me a clove so that I could put this in my mouth and overcome any slight odor. I got into the car and proceeded to the hospital where I examined the youngster and the X-rays that had been taken. This youngster, as I recall, was visiting here and lives in an area near Youngstown. I believe it was the father with

the youngster but I am not absolutely sure. I explained that the youngster should be treated in the hospital and we hoped could soon be transported to the Youngstown Hospital which I attend in the capacity of neuro-surgeon and traumatic surgeon. I then got in my car and returned toward my home, passing it since I did" -- and the bottom of the page is signed by Carl Rossbach, Deputy; Patrick A. Gareau, Detective, Robert F. Schottke, Detective, and Arthur E. Petersilge and Samuel H. Sheppard.

"Not see signs of the Ahern's, my wife and the children. So I returned to the Ahern's home. Mrs. Sheppard shortly left to start the dinner. I and the Ahern's followed soon thereafter. I believe the children went with us but they may have run over by themselves, I really don't know. At our home Mr. Ahern and I chatted and the children played while the girls prepared dinner. The youngsters somehow evinced interest in my punching bag in the basement so I took them downstairs and placed a bushel basket under it so that they might reach the bag in order to hit it. I spent a moment or two with them showing them how it should be properly struck. I recall now that the children were fed in the kitchen before we ate. Shortly thereafter we four adults had dinner on the porch. It was quite breezy, the wind coming from the north generally, it may have been northeast or northwest but since the

porch was cool, sweaters and jackets were in order and I put on my brown corduroy jacket. The others I am not sure of what they wore. I remember that my wife had baked pie which is my favorite dessert. The other types of food I can't truly remember.

"After we had completed a leisurely dinner, Mrs. Ahern made some mention of a movie but we recognized that it was too late to attend a movie so we kiddingly suggested the television movie. The girls must have cleaned up the dishes while Mr. Ahern and I went into the front room. I am not clear on anything from dinner to the time we watched television together, but the dishes were cleared up. I think Mr. Ahern took his children home and put them to bed and my youngster must have been put to bed by my wife but I don't remember. Mrs. Ahern, my wife and I started to watch the television movie or program, I think it was a movie and as I recall now, Mr. Ahern sat over in the northwest corner of the room, that's the side toward the Lake, with a small radio turned on just loud enough for him to hear it and listened to a ball game which was in progress. The three of us watched the movie and Mr. Ahern reported the progress of the game a couple of times. He then either turned the game off or it had terminated and he came over to sit and watch television with us. My wife and I were sitting quite close in one chair and that's the

last time I recall her in a relatively normal state, clearly. Mrs. Ahern seemed to be stimulated by our apparent affection and she sat on Mr. Ahern's lap for a short while.

"Some time within the next few minutes, my wife moved to the chair next to me because the cramped position as a result of the two of us in the chair, she said strained her back. Mrs. Ahern also moved either before or after that. We chatted as the program progressed and I became tired, relatively drowsy. I moved to the couch in the living room, situated on the west wall of the staircase and the east wall of the L portion" -- and here there is a correction made and the letters "El" are crossed out and one "L" is put in there and the initials "S.H.S." on the margin.

(Continuing) -- "east wall of the L portion of the living room which protrudes toward the road. I lay down with my head toward the television in a prone position, holding my head and watching television. The television is on the north side of the room. My head was nearer the television set than my feet. It was toward the television set. There may have been a pillow helping to hold my head. I evidently became very drowsy and fell asleep. I recall wearing summer cord trousers, a" -- there is a correction there where the word "white" is made over in back of the "a" and the initials "S.H.S." on the margin --

"a white T-shirt, mocassin type loafers with no shoe strings, I am not sure of the socks. I don't know whether I did at this time or not. The next thing that I recall very hazily, my wife partially awoke me in some manner and I think she notified me that she was going to bed. I evidently continued to sleep. The next thing I recall was hearing her cry out or scream. At this time I was on the couch. I think that she cried or screamed my name once or twice, during which time I ran upstairs, thinking that she might be having a reaction similar to convulsions that she had had in the early days of her pregnancy. I charged into our room and saw a form with a light garment, I believe. At that time" --

MR. PETERSILGE:

"At the same

time."

A --"grappling with something or someone. During this short period I could hear loud moans or groaning sounds and noises. I was struck down. It seems like I was hit from behind somehow but had grappled this individual from in front or generally in front of me. I was apparently knocked out. The next thing I know I was gathering my senses while coming to a sitting position next to the bed, my feet toward the hallway."

At the bottom of the page it is signed by Patrick A. Gareau, Detective; Robert F. Schottke, Detective, Arthur E.

Petersilge, Carl Rossbach, Deputy, and also Samuel H. Sheppard.

"In the dim light I began to come to my senses and recognized a slight reflection on a badge that I have on my wallet. I picked up the wallet and while putting it in my pocket, came to the realization that I had been struck and something was wrong. I looked at my wife, I believe I took her pulse and felt that she was gone. I believe that I thereafter instinctively or subconsciously ran into my youngster's room next door and somehow determined that he was all right, I am not sure how I determined this. After that, I thought that I heard a noise downstairs, seemingly in the front eastern portion of the house. I went downstairs as rapidly as I could, coming down the west division of the steps, I rounded the" -- the two letters "El" are crossed out and one large "L" is substituted, and the initials "S.H.S." on the margin.

MR. CORRIGAN: I didn't get that,

Mr. Schottke. What was it you said?

THE WITNESS: There's two

letters, "El," that were crossed out and one

"L" substituted in its place, and the initials

"S.H.S." on the margin.

A (Continuing) -- "the L of the living room and went toward the dining table situated on the east wall of the long

front room on the lake side. I then saw a form progressing rapidly somewhere between the front door toward the lake and the screen door, or possibly slightly beyond the screen door. I pursued this form through the front door, over the porch and out the screen door. All of the doors were evidently open, down the steps to the beach house landing and then on down the steps to the beach, where I lunged or jumped and grasped him in some manner from the back, either body or leg, it was something solid. However, I am not sure. This was beyond the steps an unknown distance but probably about ten feet. I had the feeling of twisting or choking and this terminated my consciousness.

The next thing I know I came to a very groggy recollection of being at the water's edge on my face, being wallowed back and forth by the waves. My head was toward the bank, my legs and feet were toward the water. I staggered to my feet and came slowly to some sort of sense. I don't know how long it took but I staggered up the stairs toward the house and at some time came to the realization that something was wrong and that my wife had been injured. I went back upstairs and looked at my wife and felt her and checked her pulse on her neck and determined or thought that she was gone. I became or thought that I was disoriented and the victim of a bizarre dream and I believe I paced in and out of the room

and possibly into one of the other rooms. I may have reexamined her, finally realizing that this was true. I went downstairs. I believe I went through the kitchen into my study, searching for a name, a number or what to do. A number came to me and I called, believing that this number was Mr. Houk's. I don't remember what I said to Mr. Houk. He and his wife arrived there shortly thereafter. During this period I paced back and forth somewhere in the house, relatively disoriented, not knowing what to do or where to turn. I think that I was seated at the kitchen table with my head on the table when they arrived but I may have gone into the den. I went into the den as I recall, either before or shortly after they arrived. The injury to my neck is the only severe pain that I can recall. I should say, the discomfort in my neck. I didn't touch the back door on the road side to my recollection. Shortly after the Houk's arrived, one of them poured half a glass of whiskey as they knew where we kept a small supply of liquor, and told me to drink it. I refused, since I was so groggy anyway. I was trying to recover my senses. I soon lay down on the floor. Mr. Houk and Mrs. Houk went upstairs, I am not sure of their actions. Mr. Houk called the police and the ambulance, this is in my recollection, and also my brother Richard. I am pretty sure that Mr. Houk called the police station from my study because he said

'bring an ambulance' - correction - he referred to the need of an ambulance and maybe two. He also called my brother Richard. I remember my brother, Dr. Richard, speaking with me for a moment and looking at me. I believe Officer Drenkhan spoke to me and asked how I had been injured. I can't recall my reply for sure. Soon thereafter I was on the floor trying to give my neck and head some support, when Dr. Stephen Sheppard assisted me to his car, which I think was his station wagon, which as I recall, was just behind the Bay Village ambulance. I remember no other specific vehicles. I was transported to Bay View Hospital."

Signed Samuel H. Sheppard; Patrick A. Gareau, Detective;
Robert F. Schottke, Detective; Arthur E. Petersilge; Carl
Rossbach, Deputy.

"I related some of the incidents to Mayor Houk and one or more of the Bay Village police officers. Later in the morning I was questioned by Dr. Gerber and at another time by two officers of the Cleveland Police Department, Officers Schottke and Gareau. Later, I believe, later in the day, I was again interviewed by Officers Schottke and Gareau in the presence of Chief Eaton of the Bay Village Police Department. At this time I was asked to explain some things that I had no explanation for. I was shown a green bag, a green cloth bag looked like heavy cloth. I thought it was eight or ten inches long and five inches wide. I was asked to identify it. It looked to me like a bag that is used to carry motor boat tools. This was similar to the bag, if not the same bag, that accompanied my Johnson outboard motor when I purchased it. I was also shown a watch that I identified as mine and questioned why there was blood on the band and crystal and why it had been found in this bag with some other articles in the weeds behind my house on the bank. I am not sure but I believe Officer Schottke said that there was also a ring and keychain, also in the bag but I don't believe that he showed me these articles. I told him, as I recall, that I had attended stock car races two or three days previously with my wife, Otto Graham and his wife, and I didn't mention the children as I recall, and was caught

in a drenching rain, at which time I wore no coat or jacket but I don't think I explained this at that particular time. I since recall having inadvertently water-skied with my watch on in the past few days and had noticed a great deal of moisture in the crystal. I had commented on this to my wife and some other people, I am not sure who. My wife planned to take the watch to Halle Brothers in the near future where she had purchased it.

"I was subjected to a period of questioning, all of which I can't recall at this time but was reminded of this morning, and then the officers left.

"Q. How long had you known your wife Marilyn?

"A. Since we were in Junior High School, approximately fifteen years, or slightly more, in 1937 or 1938.

"Q. From the time you met her until you were married, did you see one another quite frequently?

"A. I would say yes, however, there was a period when she entered high school that I remained in Junior High School, that we saw each other very seldom for being sweethearts. In other words, we were not going together but still saw each other and liked each other.

"Q. When did you first begin to keep steady company with her?

"A. When we were in Junior High School, when she was

in the ninth grade and I was in the eighth grade. She was a year and a half ahead of me in school. We had a so-called affair which, as I say, became inactive when she went to high school, but was revived when I reached high school and was able to assert myself. This continued throughout high school. She, as I say, was a mid-year but she took extra courses in order to stay in high school until June of 1941. Some time during my sophomore year, I had joined a fraternity and Hi-Y and I offered her my Hi-Y pin and eventually my fraternity pin, which at that time signified going steady. During the following spring and summer, she displayed the intent to have dates with other fellows. She was staying with her grandparents out at Mentor-on-the-Lake. Early in the fall the following year, which was 1941, we resumed our former relationship. The following year I was a senior in high school and she went to Skidmore College. From that time on we considered ourselves engaged although it was not publicly announced and the fraternity pin was the only representation of this fact. This was a high school fraternity but a national organization and part of the laws of the fraternity insisted that only mothers, sisters and engaged sweethearts should wear the pin" -- signed by Samuel H. Sheppard, Carl Rossbach, Deputy; Patrick A. Gareau, Detective; Robert F. Schottke, Detective, and Arthur E. Petersilge.

-- "other than the active member himself. My freshman year in college, I joined a national college fraternity and she got that fraternity pin as soon as it was available.

"Q. When and where were you married?

"A. In 1945, I believe, February 21st, in Hollywood, California, First Methodist Church.

"Q. Where did you take up residence after you were married?

"A. In a small apartment on Sichel Street in Los Angeles.

"Q. How long did you live there?

"A. We lived there on that same street until the spring of 1951.

"Q. During the time that you lived in California, did you and your wife Marilyn have a misunderstanding whereby either one of you thought it best to part or separate?

"A. During and following my wife's pregnancy up to approximately two years following the birth of the youngster, my wife became quite jealous. This was consistent with the termination of my didactic school work and the initiation of my work as a physician, which included contact with many women, both patients and fellow workers. This jealous reaction improved steadily until she became

seemingly much more tolerant than I would consider the average female to be.

"Q. Did she ever consult an attorney in reference to your domestic difficulties?

"A. Not that I know of.

"Q. Is it true that some members of your family communicated with her, asking her to be tolerant and reconsider her action?

"A. Not that I know of, but I think that some members of her family, however, may have.

"Q. Since your removal to the State of Ohio, what has been your home life?

"A. Well, I considered it to be ideal in that she seemed to make it her business to be agreeable, tolerant and I should say, livable. However, there were times when this little jealous streak would show up but I would always reassure her and she seemed to need no further support.

"Q. Did she ever directly or indirectly accuse you of having an affair with someone else?

"A. She indirectly may have in questioning me about my whereabouts at various times and in the form of reassurance I often took her with me when possible on visits to nearby cities or even the hospital.

"Q. How would these inferences affect you?

"A. Well, they affected me in the direction of reassuring her what seemed to satisfy her and thereby produce a reversed action, whereby she would encourage me to be friendly with other women at social gatherings, whereas at other times she might have resented the same action which she had encouraged before.

"Q. Is it true, Doctor, that on several occasions, when you were discussing your marital troubles, that you flew into a rage?

"A. Absolutely not, never."

Signed Carl Rossbach, Deputy; Arthur E. Petersilge; Patrick A. Gareau, Detective; Robert F. Schottke, Detective, and Samuel H. Sheppard.

"Q. Did you ever have an affair with a Sue Hayes?

"A. I wouldn't call it an affair but we have been good friends for some time, which was known to my wife.

"Q. Had she been employed at Bay View Hospital?

"A. Yes, I don't know the exact dates. She was employed there when I initiated my work at the hospital and she terminated her work there some time last winter or early spring in 1953. She returned some time later in that year and terminated her work again at the hospital some time early in 1954. She went to California.

"Q. In what capacity was she employed at the hospital?

"A. Laboratory technician.

"Q. While at work you had considerable contact with her, didn't you?

"A. Yes.

"Q. To what extent?

"A. She did a great deal of the technical laboratory work on all of the doctors' patients in the hospital and was the only technician practically that readily answered emergency calls on accidents or emergency surgical cases. I might also add that she was considered during her stay one of the authorities when special work was necessary.

"Q. Is it true that you socialized a lot with her?

"A. In the hospital, yes. I wouldn't call it socialized. We talked, we became good friends.

"Q. Nothing more than good friends?

"A. No.

"Q. What was the occasion for you purchasing a wrist watch for her?

"A. She was in California at the time I was there in March of 1954 and I had asked her with some of her friends to accompany me with a group of doctors and wives to a dinner, at which time or during the evening she lost her wrist watch. I paid the check for the dinner which, incidentally, amounted to more than the wrist watch was worth and knowing that she could not afford to purchase another one, I purchased one for her which was consistent

with the one that she had lost, in price range.

"Q. Did your wife Marilyn know that you were contemplating purchasing this wrist watch or did she know immediately thereafter?

"A. My wife didn't know of this until in casually discussing the trip some time during our trip home, that is, me and my wife, or after we had reached home shortly, at which time she became somewhat upset, failing to understand the intent. I wish to add, I told her of this voluntarily.

"Q. Do you own a Jaguar Sport car?

"A. Yes.

"Q. Where did you purchase it?

"A. I purchased it from M.G. Motors, which was at that time located on Lorain Road and has since been moved to Detroit Road."

Signed Arthur E. Petersilge, Patrick A. Gareau,
Detective; Robert F. Schottke, Detective; Carl Rossbach,
Deputy, and Samuel H. Sheppard.

"Q Do you recall the salesman's name that negotiated the transaction?

"A The only real salesman is the boss and that is Mr. Robert Lossman.

"Q Did you have occasion to meet his wife, Julie Lossman?

"A I took care of her as a patient about a year and a half ago when they were involved in an accident.

"Q Did you become very well acquainted with her?

"A As a doctor-patient relationship, yes.

"Q Now, is it true that a very close friendship resulted from this meeting?

"A I would say a close friendship with both the husband and the wife.

"Q Isn't it a fact that it developed into a love affair?

"A No, not on my part certainly.

"Q Of your own knowledge do you know whether or not there had been a discussion between Mrs. Lossman and her husband and you and your wife Marilyn, that there had been such an affair existing between you and Mrs. Lossman?

"A That is difficult to answer. My wife and I were present at a time when Mr. Lossman and his wife discussed some of their marital problems. He at this time did mention the belief that she had shown particular like to me. We merely attempted to act as referees, my wife and I.

"Q How did this affect your wife Marilyn?

"A She thereafter felt that it would be best that we not arrange frequent social affairs with the Lossman's and I agreed.

"Q How long ago was it that you decided not to see the Lossman's so frequently?

"A That was last summer in 1953 after the middle of the summer.

"Q Isn't it a fact that you have contacted Mrs.

Lossman by telephone since then?

"A I never contacted Mrs. Lossman by telephone. She contacted me always in regard to some medical problem in regard to her little girl or herself. I saw Mr. Lossman frequently at the car agency and I saw them both infrequently at gatherings of the Sports Car Club, which is a club that I am not very active in but attend functions of occasionally here in the city.

"Q Isn't it a fact that you dated Julie Lossman on several occasions?

"A Absolutely not. I know there was some rumor to that effect but it is not true.

"Q Did your wife Marilyn know of this rumor?

"A Yes.

"Q How did it affect her?

"A She made it known to me and I reassured her and agreed that we should minimize our social contacts with the Lossman's and that was all there was to it. She had no particular objections as long as we kept it on a very infrequent basis."

Signed Carl Roszbach, Deputy; Arthur E. Petersilge; Patrick A. Garea, Detective; Robert F. Schotte, Detective, and Samuel H. Sheppard.

"Q Since this agreement with Marilyn about the contacts with the Lossman's, did your wife Marilyn show

any coldness toward you?

"A No.

"Q Your home life was like an average normal couple's, had no bickerings or any petty quarrels?

"A No, because she respected my decisions on all matters.

"Q Directing your attention to the night of July 3rd, 1954, at which time your wife was murdered, are you directly or indirectly involved in this crime?

"A Absolutely not.

"Q Do you know of any reason why someone else would take her life?

"A Possibly.

"Q Will you state the possibility?

"A Well, I don't know but I have heard of individuals who are maniacal enough that when they start something, an act like that, it becomes a compulsion, a means of satisfaction like the ordinary man has from an orgasm or something of that nature. She has spurned lovers, potential lovers.

"Q How many of those potential lovers did she have?

"A Three that I know of and I am pretty sure, more. I am certain that there were more.

"Q Have you told the police about these three and revealed their identity?

"A Yes.

"Q The night of July 3d, 1954, when you reached the top of the stairs, after you heard Marilyn's outcries, you say you saw someone standing beside the bed occupied by our wife, were they standing or stooping over the bed?

"A I don't recall seeing anything from the head of the stairs, it happened so rapidly, it must have been when I entered the room and I don't know whether they were standing or stooping.

"Q Immediately upon entering this room, did you have an opportunity to make some examination of your wife?

"A No.

"Q Why?

"A Because as I told you, I seemed to be immediately engaged in grappling with someone.

"Q Do you know what portion of the body of this person you were grappling with that you had hold of?

"A I don't recall holding any portion of the body in the bedroom.

"Q You stated that you were assaulted from behind when you entered the room or" --

MR. PARRINO: Just a minute,
please. Just a little louder and a little
slower, please.

A

"Q You stated that you were assaulted from behind when

you entered the room or immediately thereafter?

"A I felt that I was engaged from a direction somewhere within 180 degrees in front of me and yet seemingly was struck from behind as I stated above."

Signed Robert F. Schottke, Detective; Carl Rossbach, Deputy; Arthur E. Petersilge; Patrick A. Gareau, Detective, and Samuel H. Sheppard.

"By Detective Robert Schottke:

"Q At the time you were assaulted on the beach, what was the condition as to light or darkness?

"A As I related before to Mr. Rossbach, it was just lighter than dark, it was not as dark as darkest night. There was a light seemingly starting, about the best way I can put it, as though daylight was just barely beginning.

"Q At the time when you and this man were tussling or fighting on the beach, about how many feet of beach was there?

"A I don't know.

"Q At the time when you were fighting with this man, could you feel any water in which you were fighting?

"A I can't say for sure but it seemed like the beach was firm, as though it had been washed over and packed somewhat.

"Q At the time when you woke up, will you explain

your position on the beach as to this retaining wall, how many feet you were from this retaining wall?

"A I don't know, I can't say, but I think I can say that I was between the easterly end of that retaining wall and the steps, but I cannot say how far I was north-southwise.

"Q At the time when you woke up on the beach, will you tell us as to the condition of the wind and the waves?

"A It seemed that it was somewhat windy and the waves were moderately high, I'll say too high to water ski and not too high to fish, not real high but moderately high.

"Q Is there anything else that you can tell us about this, Doctor?

"A Not that I can think of now. I wanted to say that I have come here of my own free will to help you in every way that I can to solve this tragedy and I hope that you will give me the opportunity to give you any additional information when and if I" --

MR. CORRIGAN: Pardonme. Just a minute. There has been so much noise here that that last part you read has been lost. Will you read it up louder so that everybody hears it in the jury box?

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(Continuing) "Q Is there anything else that you can

tell us about this, Doctor?

"A Not that I can think of now. I wanted to say that I have come here of my own free will to help you in every way that I can to solve this tragedy and I hope that you will give me the opportunity to give you any additional information when and if I shall be able to remember it or find it.

"Q Have you been treated fairly during the course of this questioning?

"A Yes, absolutely.

"Q Have you read the above statement and is it the truth?"

And it is written in ink, "Yes, it is the truth."

Signed Samuel H. Sheppard; witness, Patrick A. Gareau, Detective; witness, Robert F. Schottke, Detective; witness, Arthur E. Petersilge; witness, Carl Rossbach, Deputy.

"This statement taken by Gertrude Bauer and concluded at 4:15 o'clock, p.m., Saturday, July 10th, 1954."

MR. PARRINO: I have no further questions.

THE COURT: While it is a little early, perhaps we ought to have a recess now before you start on your cross-examination.

Ladies and gentlemen of the jury, we
will have a few minutes recess at this time.
Do not discuss this case.

(Recess taken at 2:35 o'clock, p.m.)

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CROSS-EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Garmone:

Q Officer, during the course of your testimony you have mentioned the names of John Mahon, Parrino, Mr. Corrigan and Mr. Petersilge. This is the first time that you have seen me in connection with this case, is that right?

A Yes, sir.

Q Now, you say you have been in the police department for a period of 12 years?

A Yes, sir.

Q And 10 of those have been spent with the Homicide Unit, is that right?

A Yes, sir.

Q So you have had a good, long time of experiences in the examination and investigation of cases that involve homicide, is that correct?

A I have had experiences, yes, sir.

Q Now, while this statement is fresh in the minds of the jurors -- I am now referring to what has been identified as State's Exhibit 48 that you have just completed reading -- what time of the day or afternoon did the examination of Sam Sheppard take place that is reduced in the statement which you have just completed reading?

A I don't --

Q What time did it first start? What time of the day was it that you started to take this statement?

A The time is on the statement, at 11:40 a.m.

Q And what time that morning did you first see Sam Sheppard in this building?

A About 9 o'clock.

Q And where?

A In Deputy Rossbach's office.

Q And who was present with him on that occasion in the office of Deputy Rossbach?

A There was Dr. Sam Sheppard, and Deputy Rossbach, and Deputy Yettra, Mr. Parrino, Detective Gareau and myself.

Q Mr. Petersilge wasn't in the room, was he?

A He was in the room originally, and then he left.

Q He was asked to leave, wasn't he?

A He left, yes, sir.

Q Well, he left, did he not?

A Yes, sir.

Q Now, what time was it that Petersilge was asked to leave the room on that morning?

A To the best of my recollection, probably about 9:15, 9:30.

Q Between the hours of 9:15 and 9:30, until the time that this statement that you have just finished reading was reduced to writing, Sam Sheppard was in that room alone with you, Tom Parrino, Gareau, Yettra and Rossbach, is that

correct?

A Yes, sir.

Q And he was subjected to an examination that took about two and a half to three hours, isn't that a fact, Officer Schottke?

A He was not being questioned all that time.

Q But he was being subjected to an examination at that time, was he not?

A Not all of that time, no, sir.

Q Well, about how much of the time would you say was spent in the course of examining this young man before he was taken and this statement was reduced to writing?

A I'd say about two hours.

Q And during that examination, isn't it a fact that Mr. Parrino was the one -- was the gentleman who was putting the questions to Sam and Sam was answering them?

A Not all of the questions, no, sir.

Q Well, who was it participated in the examination?

A Detective Rossbach asked some questions.

Q Yes.

A And Detective Gareau asked some questions. I asked some questions.

Q And who else?

A And Mr. Parrino asked some questions.

Q Then you all took a shot at him at that time, is that

correct?

MR. MAHON: Object to that.

MR. PARRINO: Object to that.

Q Well, then you all took a crack at the examination while he was in that room, is that correct?

MR. MAHON: Objection.

MR. DANACEAU: Objection.

MR. PARRINO: Objection.

THE COURT: Objection will be sustained.

Q Well, then, did you all participate in the examination?

A Yes.

Q And that was not in the presence of Petersilge, was it?

A No, sir.

Q It was not in the presence of Dr. Steve Sheppard, was it?

A No, sir.

Q It was not in the presence of Mr. Corrigan, was it?

A No, sir.

Q And there was no one there who is associated today with the defense of Sam Sheppard, in that room, was there?

A No, sir.

Q Did you make any records of the statement that was taken at that particular time?

A On the initial questioning?

Q Yes.

A No, sir.

Q Was there a stenographer brought in to take the questions and answers that were put to Sam Sheppard by you, by Mr. Parrino, Mr. Gareau, Mr. Rossbach or Mr. Yettra at that time?

A No, sir.

Q Did you at any time, from that day until this, submit to Sam Sheppard anything in writing that was said at that particular examination for his approval or disapproval?

A Did I submit anything to --

Q Did you, yes?

A No.

Q Do you know now, of your knowledge, whether there were submitted anything in writing by Gareau, Yettra, Rossbach, Or Parrino, of what the contents of that examination consisted of, to Sam Sheppard?

A From my own knowledge, I don't know what the other gentlemen done.

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Q Now, after that examination had been concluded, did you make a request of Sam Sheppard at that time? Did you ask him something?

A (No response.)

Q To refresh your memory, did you say to him, "Are you willing to have a stenographer called in?"

A I don't recall making that statement.

Q Was the statement made in your presence?

A If there was such a statement made, I don't recall it, to my knowledge.

Q And wasn't the answer that Sam Sheppard gave to that inquiry, he said, "I'm willing to have a stenographer called in?"

Did he say that to you or to anybody else that was there at that time?

A He must have been willing because a stenographer was called in.

Q You say he must have been willing. Now, you have made reference throughout the entire examination in your direct testimony about a stenographer.

The person you mean is Gertrude ~~Bauer~~, is that right?

A Yes.

Q Gertrude Bower is not a stenographer in the Prosecutor's office, is she, Officer Schottke?

A No.

Q She is an assistant prosecutor, is she not?

A Yes.

Q And she is active in the trial of cases in this court, is that correct?

A Not from my own knowledge.

Q Not from your own knowledge. Now, while this statement was being taken, there were one or two interruptions by Mr. Petersilge; is that a fair statement to make?

A I don't know what you mean by interruptions.

Q Were there any interruptions -- I will put it that way -- by any person in that room while this statement was being taken?

A Yes. We stopped for coffee, milk, to see if anybody wanted any sandwiches.

Q Was there any interruptions that were caused by Mr. Petersilge?

A To the best of my recollection, in some of the questionings -- questions he wanted them rephrased and possibly a couple of points cleared up.

Q And when he made that request, didn't Mr. Rossbach state in your presence, "I think that that's a fair request and it should be done"?

A I don't recall that.

Q Well, you wouldn't say at this time, would you, Officer Schottke, that that statement wasn't made by Deputy Sheriff

Rossbach?

A It could have been made, but I don't recall it.

Q You don't recall it. Now, what time was it first called to your attention that you should dispatch yourself to 28924 West Lake Road? That's the home of Sam Sheppard.

A About 8:15 on the morning of July 4th.

Q What time, Officer, if you know, did the call come into the Cleveland Police Station asking for assistance by the Bay Village Police of the Cleveland Police officers?

A I don't know.

Q Did you check the records?

A No, sir, I did not.

Q Have you ever checked the records?

A In regards to the call?

Q Yes.

A No, I have not.

Q Has it been called to your attention that the call came in at about 6:15 that morning?

A No, sir.

Q Has it been called to your attention that when the call first came in, that the officer who called the Cleveland Police Department was told by Captain Haushoot, is it?

A Hauschild.

Q -- Hauschild that he would have to wait until the next shift came on duty?

A I know nothing about it.

Q You know nothing about that. After receiving this call, I believe you said you talked with Inspector McArthur for a few minutes, is that right?

A Not on July 4, no, sir.

Q Did you go immediately to the Sheppard home?

A We talked to Captain Hauschild first.

Q And then you and Gareau got in your car and went out to the Sheppard home, is that right?

A Yes, sir.

Q What time did you first arrive at the Sheppard home?

A Approximately 9 a.m.

Q And you went in the door that's closest to the road side of the house?

A Yes, sir.

Q That would be, as we classify it here, the back door?

A The back door.

Q And who was the first person that you encountered when you walked inside that house?

A Dr. Gerber.

Q And where was he at that time?

A He was just about to come out of the door as we were going in the door.

Q And then did the two of you or three of you go back into the home?

A Yes, sir.

Q And what was the first place in that house that you three men went to after your arrival?

A To the living room.

Q And how long did you remain in the living room?

A Possibly two or three minutes while we were conversing with Dr. Gerber.

Q About two or three minutes. And then where did you go after you remained in the living room for a period of two or three minutes?

A We went upstairs.

Q And after you got up to the second floor of this home, which room was the room that you first went into?

A The room in which Marilyn Sheppard was in.

Q And who went in with you?

A Dr. Gerber, Detective Gareau and myself.

Q Was there anybody from the Bay Village Police Department there at that time?

A Not that I recall at that time.

Q And how long would you say you remained in that room on that occasion?

A I remained there with Dr. Gerber, Detective Gareau remained there a short time and then went downstairs, and I remained there a while with Dr. Gerber and Patrolman Drenkhan came up and Dr. Gerber left.

Q How long did you remain in the room?

A I'd say approximately 20 minutes to a half hour.

Q And during the course of time that you were in that room, you made this investigation that you testified to on direct examination, is that right?

A Yes, sir.

Q About the windows, the position of the curtains?

A Yes.

Q And the observation of the blood on the doors?

A Yes, sir.

Q The closet door and the door that led into the bedroom, is that correct?

A Yes, sir.

Q Now, when was it that you made the examination that you described while you were on your knees?

A It was during that time that I was in the room.

Q Now, when that examination was conducted, which side of the bed were you on?

A I was on all sides of both beds.

Q Of both beds?

A Yes.

Q And you used your flashlight?

A I borrowed a flashlight from one of the Bay Village policemen.

Q And threw the flashlight under the beds, is that right?

A On my hands and knees and with the flashlight, looking under the bed.

Q Under the bed. You at no time crawled under those beds, did you, Officer Schottke?

A No, sir.

Q And from the examination that you made by observation with this flashlight, your answer in response to a question that everything that you saw there was negative, you found nothing?

A I found nothing that I --

MR. DANACEAU: I didn't understand the question, your Honor.

MR. GARMONE: Well, he understood it. He answered it. He said he found nothing.

Q You found nothing under the bed that contained Marilyn Sheppard's body?

MR. MAHON: That contained her body, you said?

MR. GARMONE: That her body was on. Pardon me.

THE COURT: That's the English language.

MR. GARMONE: That's right. That her body was on.

A I don't understand your question.

Q Well, you looked under the bed?

A That's right.

Q Where Marilyn Sheppard was, is that right?

A That's right.

Q You found nothing under that bed?

A No, sir.

Q Then you looked under the empty bed that was in that room,
is that correct?

A Yes, sir.

Q And you found nothing under that bed?

A No.

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Did you make any further examination at that time of the room, or did you leave the room?

A No, I looked the rest of the carpet over in a stooped position with the flashlight, examined the windows to see if they were still locked.

Q Yes.

A Things like that.

Q Now, after you had completed this examination where was the next place you went to?

A I went downstairs and looked around the living room.

Q And what did you see in the living room?

A The secretary -- the writing desk up against the north wall had been disturbed; two small drawers that -- the lid was down, the two small drawers that were in there overturned, the third drawer was still in place.

Q Yes.

A Papers had scattered over the lid.

Q Now, these papers you speak of, what portion of that living room were they in?

A Well, there were papers in three different portions of the living room.

Q Well, describe to the jury the papers that you first saw in the living room.

A The papers that were on the floor in front of the writing desk --

Q And that would be on the north side of the room, is that correct?

A Yes.

Q And were they east or west of the writing desk?

A I'd say just about the center of the writing desk, possibly a little bit to the east.

Q And then where were the other strewn papers that you saw after you made that observation?

A There was some other papers on the easy chair which the lid of the writing desk rested on.

Q And where else did you notice strewn papers in the room?

A On the writing portion -- or the lid and the inner portion of the writing desk.

Q Now, was Grabowski there at that time?

A Yes, he was.

Q Did he take a picture of those papers?

A I didn't see him take pictures.

Q Did you instruct him to take a picture of the papers?

A No, sir.

Q Well, you went there more or less as the chief investigating officer with Gareau for the Cleveland Police Department, didn't you?

MR. PARRINO: Objection. He didn't say that.

THE COURT: Well, he may say whether

he did or didn't.

Q Did you?

A No, I did not.

Q Well, who was in charge? Were you in charge or was Gareau in charge?

A Neither one of us were in charge.

Q You both had the same amount of authority?

A Yes, sir.

Q And you didn't instruct Grabowski at that time to take any pictures of the strewn papers on the floor that you observed, did you?

A I learned from Grabowski --

Q No. Did you instruct him?

A No, I didn't instruct him.

MR. PARRINO: Just a moment, please.

Let him finish his answer.

MR. GARMONE: I will follow that up.

MR. PARRINO: I know you will follow that, but let the man finish.

THE COURT: He was not beginning

to answer the question. He has answered it now.

Q Were you going to say to me that you later learned that Grabowski had taken pictures of the pictures that were on the floor?

A I talked to Grabowski and I learned that he had taken all

the photographs that were necessary.

Q Did you ask him at that time whether he had taken the pictures of any of the strewn papers that you have described being in three different portions of that living room? You didn't, did you?

A I did, yes.

Q And what did he say?

A He said yes.

Q He said he had. Now, you went back there on the 5th, is that right?

A 5th of July?

Q Yes. July.

A Yes.

Q Those papers were in the same position that you saw them on the 4th?

A As far as I can recall.

Q You went back there on the 7th, did you?

A No, sir.

Q When was the next time that you went to that home?

A On the 8th.

Q The papers were in the same position that you had seen them on the 4th when you made your observation?

A I don't know.

Q Were they still there?

A There were papers there.

Q Well, tell the Court and jury if it isn't a fact that they were the same papers that you had observed on the 4th of July?

A They could have been the same papers, yes, sir.

Q You didn't order those papers taken down to Grabowski's office to determine whether any fingerprints could be taken off them, did you?

A I had no authority to order them down there.

Q Did you order him to take those papers down to the ballistic room to determine whether there was any fingerprints on the papers that you saw strewn around there on the 4th, 5th and 8th of July?

A I had no authority to order Grabowski to do that.

Q Will you answer my question, please?

THE COURT: You can answer that
yes or no.

A No, I didn't.

Q And you know now, as a matter of fact, that that request was not made in your presence by your fellow-officer, Gareau, was it, Schottke?

A It was not made in my presence, no, sir.

Q Now, after you had made this observation in the living room, describing the papers that you had seen, where did you next go?

A Into the study.

Q Now, how long would you say that you remained in the living room on the occasion of July the 4th?

A There was many times I was in the living room.

Q Well, how long on the particular time that you saw these papers on the floor at three different places about the living room?

3 A Approximately 10 minutes.

Q Did you make any other observation in the living room at that time other than the papers?

A I don't recall if I made any other observation at that time or not.

Q Well, then, can we assume that the 10 minutes that were spent in there was spent in the observation of the strewn papers about the floor and the desk?

A Yes.

Q Now, after that observation was completed, you say you went into the den?

A Yes.

Q Did Gerber go into the den with you?

A He was not there at that time.

Q He was not there at that time?

A To my knowledge.

Q Well, when you had come down from the bedroom that contained Marilyn's bed, was Gerber on the premises, to your knowledge, at that time?

A Not to my knowledge, no, sir.

Q Now, you went into the den. Who was in the den with you?

A Chief Eaton, Sergeant Hubach.

Q Anyone else?

A Not that I can recall at this time.

Q What did you do in the den at that time, if anything?

A Made an examination of the den, noticed the drawers, the condition they were in.

Q Did you touch anything?

A Touched nothing.

Q What was the condition of the drawers?

A One drawer had been tipped over, the contents tipped out of the drawer. Two drawers were lying on the floor, the contents in the drawers not disturbed.

Q Yes.

A There were two more drawers in the southeast corner of the den, one piled on top of the other, the contents not disturbed. Six drawers still remained in the desk. In front of the desk were some tools, a green tool box, and a lady's yellow gold wrist watch.

Q Now, as you walked into the den, was there anything in that hallway that drew your attention?

A Yes. The medical grip.

Q Where was it located?

A Just -- in the hallway almost in front of the door leading

into the study.

Q And what was the condition at that time that you first observed the medical grip?

A When we first walked into the house, that was the first thing you could see.

Q Was the medical grip?

A That's right.

Q Well, what was the condition of it when you made a more complete observation than the observation you made when you first walked into the house?

A The medical grip was tipped on the side; the contents were lying in front of the grip.

Q Now, you went back on the 5th, is that right?

A To the Sheppard home?

Q Yes.

A Yes, sir.

Q Then you went there again on the 8th?

A On the 8th, yes, sir.

Q And the medical grip was in the same position, was it not?

A As far as I can recall. I don't know for sure.

Q But it was there in the hallway?

A I don't know for sure.

Q Well, would you say that it was not there?

A I wouldn't say it was not there. I don't know.

Q You don't know. You didn't take the medical grip to the

ballistic department of the Cleveland Police Department, or division of the Cleveland Police Department, to determine whether there were any fingerprints on it that may have aided you in the investigation of this case, did you, Officer Schottke?

MR. PARRINO: Objection.

THE COURT: Yes. Let's not ask what he didn't do. Let's find out what he did do.

Q Well, did you take the medical grip to the ballistic division of the police department at any time during the course of your investigation?

A No, I did not.

Q And, as a matter of fact, you didn't take any of the tools that were strewn around the medical grip, to the ballistic division of the Cleveland Police Department, did you?

A I took none of the contents of the medical grip, no, sir.

Q Or any of the contents that were around the medical grip, did you?

A No, I didn't.

Q Well, do you think that that was the proper investigation?

MR. MAHON: Objection to what he thinks about it.

MR. GARMONE: Well, he is an experienced police officer.

MR. MAHON:

What did he do?

THE COURT:

Objection will be

sustained.

Q Now, after you had made this observation of the den, did you remain on the Sheppard property in or outside?

A Until about 11 o'clock.

Q Well, from the time that you had left the den until 11 o'clock, where did you go?

A Part of the time I was back in the living room, part of the time I was back upstairs, part of the time I was in the yard, part of the time on the beach.

Q And you conducted a search in and around the beach, is that right?

A Yes.

Q Conducted a search in and around the yard, is that right?

A I searched. I didn't conduct a search.

Q Well, I mean you searched?

A Yes.

Q Now, hadn't you searched the point where it was pointed out to you by the Houk boy where this green bag was found earlier before he had found the bag?

A I didn't know the Houk boy, never met him.

Q Well, did he turn a bag over to you that day?

A No, he didn't.

Q Did he turn it over to Gareau in your presence?

A Not in my presence, no, sir.

Q Did he at any time on the 4th day of July point out to you a spot where he allegedly found this bag?

A No, sir.

Q He did not?

A (Witness nods negatively.)

Q Well, when the bag was found was it called to your attention?

A Yes.

Q And you didn't make any inquiries where it was found?

A Yes, I did.

Q Who to?

A Detective Gareau.

Q And did he show you the point where it was found?

A Yes, he did.

Q Hadn't you searched that particular area prior to the finding of that bag?

A No, sir, I had not.

Q You had not?

A No, sir.

Q Now, coming back to the time that you went upstairs, you stated on direct examination that you went by the way of the front room, is that right?

A Is that the first time I went upstairs?

Q The first time.

A That's right.

Q That would take you around the L-shape of that room, is that right?

A Yes, sir.

Q And when you passed a point of the L you observed a couch?

A Yes, sir.

Q What was the first time that morning that you observed that couch?

A It was the first time when I walked upstairs.

Q What time of the day was that?

A It was shortly after 9 o'clock when we arrived.

Q So the coat that you have described as having been folded on that couch, you, of your own knowledge, don't know how it got there, do you?

A At that particular time, I don't know.

Q You didn't know. And you, of your own knowledge, at that particular time don't know whether anyone had handled the coat or not, do you?

A At that particular time, I didn't know.

Q What was done with the coat, aside from the picture that was taken of it?

A To my knowledge, the coat was left in its original position.

Q And was it there again on the 5th?

tk 16 A To the best of my knowledge, it was.

Q Was it there again on the 8th?

A To the best of my knowledge, it was.

Q Now, anytime in your presence, did Grabowski sprinkle anything on that coat that would bring out -- that would preserve any fingerprints that may have been on that coat?

MR. PARRINO: I object to that,
your Honor.

THE COURT: Yes. The objection
will be sustained.

Q Well, do you know, Officer Schottke, whether Grabowski, after taking the picture, had used the powder -- I don't know the scientific name of the powder -- that would preserve any foreign substance that might be on that coat? Do you know of your own knowledge whether he did that?

A From my own personal knowledge --

Q Yes.

A -- I do not know.

Q And can you now tell this court and jury, from your own personal knowledge, whether that coat was ever taken to the Bertillon or the Ballistic Division of the Cleveland Police Department?

A I don't know.

Q You don't know?

A No, sir.

Q And you from that day until this day have made no effort to find out, have you?

MR. DANACEAU: Object.

MR. PARRINO: I object to this,

Your Honor.

THE COURT: Objection sustained.

Q Now, when you went upstairs -- on the first occasion, I am talking about, that brought you around to the L part of the living room, those were the steps that you used to go upstairs in the room where Marilyn's body was found, is that right?

A Up those stairs, yes.

Q Up those stairs. The first three steps I think you said and then eleven steps up to the top of the second floor, is that correct?

A Yes, sir.

Q Mr. Parrino asked you a question on direct examination and your answer was that you would have to lean over the rail to see the couch. That was the correct answer, wasn't it?

A Could I clarify that answer now?

Q Well, was that your answer to Mr. Parrino, that you had to lean over the rail to see the couch? Was it or was it not?

THE COURT: The question is:

Did you say that in answer to Mr. Parrino?

MR. GARMONE:

I would like to

have a yes or no answer.

A I recall that that's what I said.

Q That's what you said. Now, you say you left the premises about 11 o'clock?

A Yes.

Q That would put you in and around the Sheppard home from a period of about -- let's take the hour of 9:15; you said it was between 9:15 and 9:30, but we'll put it at 9:15.

A We arrived there at 9:00.

Q 9:00?

A Yes, sir.

Q All right. You were in and around the Sheppard home, then, between the hours of 9:00 a.m. to about 11:00 a.m., is that right?

A I would say until about 10:45.

Q 10:45. So that would give you about an hour and 45 minutes?

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q During that period you were only in the bedroom on one occasion, is that right?

A No, sir.

Q How many times?

A I was there on the second occasion when Dr. Gerber returned.

Q When Dr. Gerber returned. Did he return before you had left for the hospital?

A Yes, he did.

Q Now, when Dr. Gerber returned, was the body of Marilyn Sheppard still at 28924 West Lake Road?

A Yes, it was.

Q And what time did he return, about?

A Somewhere around 9:45 to 10:00.

Q And how long would you say you spent in that bedroom, then?

A Possibly 15 minutes.

Q Did you conduct the same type of inspection or investigation of the room on that occasion that you described that you did on the first occasion?

A No, I didn't.

Q Now, in response to one of Mr. Parrino's questions, he asked you about the clothing that Marilyn had on; do you recall that?

A Yes, sir.

Q And you described the upper portion of her pajamas, do you recall that?

A I said it was --

Q The position of them?

A Yes.

Q And then you described the position of the lower portion of

her pajamas, do you recall that?

A Yes.

Q And you said that her -- which leg was it that was bare?

A The left leg.

Q The left leg. And am I right in recalling your testimony that the pajama leg of the left leg was over on the -- about the right knee of Marilyn's -- or, about Marilyn's right knee?

A That's right.

Q You saw that?

A Yes, sir.

Q When did you take the sheet down that made that observation possible to you?

A I didn't take the sheet down.

Q Who did?

A Dr. Gerber.

Q When?

A At the time the body was going to be moved.

Q Had the people from the undertaking parlor arrived?

A Yes, they did.

Q And that was the first time that that was taken down?

A The sheet was taken down?

Q The sheet.

A Yes, sir.

Q Were you there when the body was removed?

A Yes, sir.

Q And who removed it?

A Dr. Gerber and the men from the undertaking parlor.

Q And at that time, isn't it a fact that the bed clothing was bundled up?

A No, sir, it is not.

Q What was done with it?

A The bed clothing was folded and taken to the Morgue station wagon.

Q Are you sure of that?

A To the best of my knowledge.

Q If Fred Drenkhan testified in this court room that when the body was removed, that the people from the undertaking parlor bundled up the clothing and took it along at a given time with them, would he be giving a correct statement as to what transpired in that room that morning?

MR. DANACEAU: Objection.

MR. MAHON: Objection.

THE COURT: Sustained.

Q Now, after leaving the premises, you went over to the hospital at 11 o'clock?

A We arrived in the hospital about 11 o'clock.

Q About 11 o'clock. And the first person you saw was a receptionist?

A Yes, sir.

Q And she referred you to a nurse?

A Yes, sir.

Q And the nurse pointed out the room that Sam Sheppard was in?

A Yes, sir.

Q And you spent about 20 minutes with him on that occasion, is that your testimony?

A About 20 minutes.

Q During that period, you examined him, did you not, questions, answers, to a certain extent?

A We didn't examine him, no.

Q Well, you conducted an examination -- well, I'll put it this way: During that period you talked to him, didn't you? That was the first conversation you had with Sam, wasn't it?

A That morning about 11 o'clock.

Q And you talked with him in the presence of whom?

A Dr. Sam Sheppard, Detective Gareau and myself.

Q And during that entire period, if I recall your examination, you were not interrupted by anyone, were you?

MR. PARRINO: Object to that.

THE COURT: He may answer yes

or no.

A Yes, we were.

Q By whom?

A Dr. Steve Sheppard.

Q And when was that?

A That morning when we first talked to Dr. Sam.

Q Well, you didn't tell the jury this morning that Dr. Steve Sheppard was in that room the first time you were there for 20 minutes, did you?

MR. DANACEAU: We object to that because he specifically did tell about those interruptions.

MR. GARMONE: Well, you find that in the record.

MR. DANACEAU: I will leave it to the court if he didn't tell about --

MR. GARMONE: I am not leaving anything to the court. You point it out to me in the record.

MR. DANACEAU: You go and look at the record yourself.

THE COURT: The objection will be sustained.

Q Now, at that point, did you put anything in writing?

A No, sir.

Q Did you at any time in the presence of Sam Sheppard reduce to writing the questions you asked him in that room that morning and the answers that you received?

A No, sir.

Q How long, would you say, if there was an interruption by Dr. Steve Sheppard, how much time did that interruption consume?

A The first interruption could possibly have consumed about three minutes.

Q Three minutes. Is that on the first visit?

A That's on the first visit, yes, sir.

Q When you first walked into the room, Steve Sheppard wasn't in the room, was he?

A No.

Q You introduced yourself to Sam?

A That's right.

Q Told him who you were?

A That's right.

Q That you were from the Cleveland Police Department, is that right?

A We told him we were from the Cleveland Police Department and we were sent -- asked by the Bay Village authorities to assist them in the investigation of this homicide.

Q And didn't you say to him, "Sam, are you willing to talk to us?"

A No, sir, I did not.

Q Well, did you start right in to talk to him?

A In fact, I didn't say "Sam," I said, "Doctor."

Q Well, "Doctor, are you willing to talk to us?"

A I said, "Doctor" --

Q Did you say that or didn't you?

MR. MAHON:

Give him a chance

to answer.

A No, sir, I did not.

Q What did you say?

A I said, "Would you tell us everything you know in regards to this homicide that would be of any assistance to us?"

Q Now, when you made that request, Dr. Steve Sheppard wasn't in the room, was he?

A No, he was not.

Q And didn't Sam say to you that, "Yes," he will tell you, is that right?

A That's right.

Q And he started to tell you, didn't he?

A Yes, sir.

Q And when he started to tell you, the only people in that room were you, Gareau and Sam Sheppard, isn't that right?

A That is right.

Q And the only people in that room when he started to tell you, for the first 15 minutes of that conversation, were you, Gareau and Sam Sheppard, isn't that a fact?

A No, sir, it is not.

Q Well, how long were you in there with him before the

interruption from Steve Sheppard took place?

A I would say about five minutes.

Q Five minutes. Then did Steve leave?

A After the first interruption, yes, sir.

Q Did he leave on your request?

A Yes, sir.

Q And Sam didn't insist that he stay, did he?

A No, he didn't.

Q So he was willing to cooperate with you to the fullest extent on that day, wasn't he?

MR. MAHON:

Objection as to

what he was willing to do.

THE COURT:

Objection sustained.

Q Now, Officer, when you went there the first time, you didn't have in your possession the contents of Exhibit -- you didn't have in your possession on that occasion what has been identified as State's Exhibit 26-A, B and C?

A On the first occasion, no.

Q You hadn't seen it yet, had you?

A No, sir.

Q During this conversation, didn't he say to you, Officer Schottke, in the presence of Gareau, that after he had made the observation that you have described that he told you about, of Marilyn, that Chip came to his mind?

A On the first --

Q On the first visit?

A Chip was never mentioned.

Q Chip was never mentioned. Did you at any time mention Chip?

A No, sir, I did not.

Q Now, you talked with him for this 20 minutes, is that right?

A With interruptions, yes.

Q How many interruptions?

A Three or four.

Q Three or four. During those three or four interruptions, did Sam ever insist that his brother, Dr. Steve, remain in the room?

A Not to my knowledge.

Q Not to your knowledge. Well, you were there and you would know if he had, wouldn't you?

A That's right.

Q And he didn't, did he?

A No, he didn't.

Q So from your observation and from the course of your investigation at that particular time, this young man afforded you his fullest cooperation, didn't he, Schottke?

MR. MAHON: Objection.

THE COURT: Objection sustained.

Q Now, after you left the hospital -- on the first occasion that you were there you put some questions to Sam, didn't

you?

A We asked him some questions, yes.

Q And he answered every question that you asked of him, didn't he, to the best of your recollection and knowledge?

A To the best of my recollection.

Q He did, didn't he?

A To the best of my recollection, yes, sir.

Q And on that occasion you made no mention of the contents of Exhibit 26-A, B and C, did you?

MR. MAHON: Wait a minute.

A On the first visit to him, no, but --

Q I asked you if on that occasion you made any mention of the contents of this bag?

THE COURT: His answer is obviously no,, Mr. Garmone.

MR. MAHON: You asked him that before and he said no.

MR. GARMONE: Well, it may be obvious but --

THE COURT: Why doesn't he say no?

MR. GARMONE: Why doesn't he say no? That is all I want him to say, is no. The question is simple.

MR. PARRINO: You just asked

him two minutes ago, Fred.

MR. GARMONE: I may have a thought
in mind that I want to develop.

MR. MAHON: You already asked
him that.

Q Did you show him the watch on that occasion?

A No. On the first occasion?

Q Yes.

A No.

Q You didn't have the watch, did you?

A No.

Q You didn't show him the ring? You didn't have the ring,
is that right?

A That's right, we didn't have the ring.

Q And you didn't show him the chain that carried the keys
and any other objects that may be on the chain because
you didn't have it, did you?

A That's right.

Q Now, then, you left the hospital and you went back to the --
where did you go?

A I went to the Bay Village Police Department.

Q And who was the first person that you saw at the Bay Village
Police Department?

A There were three people we seen.

Q Who did you see?

A Chief Eaton, Sergeant Hubach and Patrolman Drenkhan.

Q Now, will you tell me, Officer Schottke, the amount of time from the time that you first started your investigation at the Sheppard home until the time that you got to the Bay Village Police Department involved, compile it all, including your travel from the home to the hospital, from the hospital to the Bay Village Police Department?

A I'm afraid I don't understand that question.

Q Well, how much time was consumed from the time that you first arrived in or about the Sheppard home until the time that you got to the Bay Village Police Department?

A We got to the Bay Village Police Department in the neighborhood of 11:30, 11:45.

Q So that would be about two and a half hours, or two hours and 45 minutes, is that right?

A About that.

Q 20 minutes of that time was spent on the first occasion in the bedroom where Marilyn's body was found, is that right? That's what you said to me.

A About 20 minutes.

Q And some of that time was spent in the den, is that correct?

A Yes, sir.

Q About how much of that time?

A Possibly 10 minutes.

Q And some of the time was spent in and around the surrounding

grounds that are on Sam's home, is that right?

A Some of the time, yes, sir.

Q About how much?

A Possibly another 15 minutes.

Q So that would give us about 50 minutes all told, is that right?

A From the time that we arrived?

Q Right.

A Yes, sir.

the 17

- Q Then you went to the hospital, is that correct?
- A Not 50 minutes after we arrived at the home, no, we didn't go to the hospital.
- Q Well, how soon after you arrived at the home did you go to the hospital?
- A We left for the hospital about a quarter to 11.
- Q Well, then, how much time did you spend in and around Sam Sheppard's home before you went to the hospital?
- A About an hour and forty-five minutes.
- Q Then you went over to Bay Village to the police department?
- A Yes.
- Q And you saw Chief Eaton, Sergeant Hubach, and who else?
- A Patrolman Drenkhan.
- Q And didn't you say at that time to Chief Eaton, "You don't have to look any further. You can stop with Sam Sheppard"?
- A I absolutely did not.
- Q You did not. Now, after you left the Bay Village Police Department where did you next go?
- A We went back to the Sheppard home.
- Q What was the first thing you did at the Sheppard home?
- A Started searching around the home and the area.
- Q Had you found anything on that search that you had already described that you had observed or found on the first search?
- A The second search we found nothing.

Q Now, about what time would you say that that particular search was conducted?

A The search was being conducted at the time when the green bag was found.

Q Well, how much time did you spend in the search, if any, when you went back there after you had left the Bay Village Police Department?

A I didn't spend any time in the search of the bank and the weeds.

Q All your time was consumed inside the home?

A Inside the home, the surrounding lawn, down on the beach.

Q Now, when you first saw this bag and its content, what time was it?

A About 1:30.

Q Will you step down from your witness chair a minute, please?

(Witness leaves the witness stand.)

Q Will you take this bag and describe to the Court and jury the type of an examination that was made by you, Gareau and Gerber of it, and the time? Will you turn around to the jury?

A At that time, this was the living room of the home, there was some papers put on the table and the contents were slowly taken out.

Q Out of the bag?

A Out of the bag.

Q And where were they placed?

MR. DANACEAU: Just a minute.

Let him do it.

(Witness demonstrates.)

MR. MAHON: In that manner?

THE WITNESS: It had been pushed

also --

MR. MAHON: In that manner?

THE WITNESS: Just about that manner.

MR. MAHON: Can the jury see?

I better get out of the way.

Q Now, who handled the bag?

A I don't recall whether Detective Gareau or Coroner Gerber handled the bag.

Q Did you handle the bag at any time?

A I did not, no, sir.

Q Would you state to the Court and jury now that the bag wasn't handled by both Gerber and Gareau?

A You mean at the time the contents were being dumped out?

Q Yes.

A One or the other.

Q Well, when did Gareau handle the bag if he didn't handle it at the time that the contents were being dumped out?

A Gareau had the bag from the time that Larry Houk gave it to him until we turned it over to Dr. Gerber.

Q Where was Grabowski when the bag was found?

A Grabowski was not at the scene.

Q Did you send for him?

MR. DANACEAU: Just a minute.

If there is going to be any more demonstration,
let him do it, or else let the witness take
the seat.

MR. GARMONE: There is going to
be another demonstration.

MR. DANACEAU: Let's have it.

MR. GARMONE: Can I conduct my own
cross-examination?

MR. DANACEAU: It is not proper to
have the witness stand.

Q What was done as far as the examination of this bag was
concerned?

A The contents were looked over, and were picked up by Dr.
Gerber, wrapped in tissue paper. A pencil was used to pick
up the objects. Each object was wrapped in tissue paper,
placed in a box, and the box was then put back in the bag.

Q Back in the bag?

A Yes, sir.

Q Now, when the contents were first picked up by Gerber, how
were they picked up?

A They were picked up with a pencil. This would be examined.

The wrist watch was picked up. (Demonstrating.)

Q That way?

A With a pencil.

Q Yes.

A So they were able to take and see the size of the wrist watch; and the key chain, I don't recall whether it was picked up with a pencil or whether it was still left on the table, and the pencil used like that (demonstrating).

Q All right. You can go back to the witness stand.

(Witness resumes witness stand.)

Q Now, after the examination of the bag and its contents were made, what happened to the bag? Did you retain possession of it?

A The bag was given to Dr. Gerber until the time we made our second visit to the hospital.

Q And after you made your second visit to the hospital, what happened to the bag and its contents?

A We gave the bag to Dr. Gerber.

Q Have you seen that bag since that time until today, anywhere?

A Not that I can recall at this time.

Q Did you at any time, after this bag was turned over to you, take it to the ballistic division of the Cleveland Police Department for a scientific examination?

A The bag was not turned over to me.

Q Well, since it came into your knowledge, did you at any time

take it to the ballistic division of the Cleveland Police Department?

A I did not take it there, no.

Q Did you at any time ever request Dr. Gerber that the bag or its contents be turned over to the ballistic division of the Cleveland Police Department?

A No, I did not.

Q Now, when you first observed blood on the watch, where was that?

A Blood was on the band and on the face.

Q Was that at the home of Sam Sheppard, or was that at the hospital when you showed him the articles that are contained in the bag?

A At the home.

Q Now, Officer, you have been in the police department now for 12 years, and you have been connected with the Homicide Division for the last 10.

Blood first becomes sticky, doesn't it, before it dries?

A Yes.

Q Well, didn't you think it was necessary, after you made the observation of blood on this watch, to see whether there was any substance or prints that may have remained there, if it was handled while the blood was sticky?

A The watch and contents -- or the bag and contents were

turned over to Dr. Gerber. We took no evidence.

Q You took no evidence?

A That's right.

Q But you were there assisting the Bay Village Police Department, were you not? Is that right?

A Yes, sir.

Q And Dr. Gerber is the Coroner of the County, is that right?

A Yes, sir.

Q And your experience investigating homicide matters is far more-reaching than that of Dr. Gerber, isn't it?

MR. MAHON: Objection to that.

THE COURT: Sustained.

Q Well, when you were called in to investigate -- or to assist the Bay Village Police Department, did Chief Eaton say to you, "We felt we needed someone with experience. This was too big for us," or words to that effect?

A Words to that effect. I don't remember what the exact words were.

Q So you and Gareau were more or less the chief operating investigators in this matter, weren't you?

MR. MAHON: Object to that.

THE COURT: Objection sustained.

Q Now, you took the bag over to the hospital, is that right?

A Yes, sir.

Q Now, when you took the contents out to show Sam, you didn't

handle it with a pencil, did you?

A The contents were wrapped in Kleenex.

Q And did you unwrap the Kleenex that was around them?

A We took the contents out of the box one at a time and placed it on the palm of my hand, opened the Kleenex and showed the article to Sam.

Q Did you at any time take it out of your hand?

A No, sir, I did not.

Q Did you at any time hand it to Sam?

A No, sir.

Q Now, at that time you had some other objects along with you, did you not, other than the contents of Exhibit 26-A, B and C?

A No, I didn't.

Q When did you find the two teeth or chips of teeth?

A At the time when the body was moved.

Q Did you have those with you when you went over to see Sam?

A No, I didn't.

Q You did not?

A No, sir.

Q Now, on that occasion, you talked with Sam, did you, the second time?

A The second time, yes.

Q About what time was that?

A About 3 o'clock.

Q And about how long a period would you say that that conversation took?

A Approximately 20 minutes to half an hour.

Q You asked him some questions?

A Yes, sir.

Q He answered them?

A Yes, sir.

Q He didn't say that he refused to talk to you, did he?

A No, he didn't.

Q And then there was some interruptions by Steve, is that right?

A No, sir.

Q No interruptions on that occasion?

A No, sir.

Q Was that when you had instructed Steve that you didn't want him in the room?

A On the second visit, I didn't see Dr. Steve.

Q You didn't see Dr. Steve. You say you were only with Sam, then, from what time to what time?

A Anywhere from 20 minutes to a half-hour.

Q Now, did you reduce to writing any of the questions and answers that you received on that occasion?

A Not at that time.

Q When did you reduce them to writing?

A Within a few days later.

- Q About how many days later?
- A Approximately three days later.
- Q Three days later. Did you at any time after you reduced to writing three days later that you remember of what transpired there, take a copy of it over and show Sam Sheppard?
- A No, I didn't.
- Q You didn't get his signature on every page of that statement, did you?
- A No, sir.
- Q And you didn't turn it over to him for his approval to see whether it contained the conversation as it was had, or whether it contained material -- conversation that wasn't had, did you?
- A No, sir.
- Q Now, when you walked into the hospital on the second occasion, do you remember saying to Sam, "Why don't you confess? We found your teeth under your wife's body"?
- A Those were not the words used.
- Q Did you use the word "confess"?
- A No, sir.
- Q You didn't?
- A No, sir.
- Q Did you say to him that you found his teeth under his wife's body?

A Those were not the words used.

Q Did you inquire about his teeth?

A Yes, sir.

Q Did you ask him if he had some chipped teeth?

A I did.

Q You then had knowledge that there had been teeth found under Marilyn's body, is that right?

A That's right.

Q And that was the purpose of that inquiry as you put it, is that correct?

A That's right.

Q You didn't first determine, did you, Officer Schottke, whether those teeth belonged to Marilyn or not before you inquired into Sam about the condition of his teeth, did you?

A Someone else determined that.

Q When?

A At the time when the body was moved.

Q Well, then, why did you say that you had found -- or did you say that you had found under Marilyn's body Sam's teeth?

MR. MAHON: We object to that.

MR. GARMONE: I will withdraw that.

Q Let's get to the part that you say the teeth was determined when Marilyn's body was removed. Who determined it?

MR. MAHON: Was he there?

Q Were you there?

A Yes, I was.

Q Who determined it?

A Determined what?

Q That the teeth that you are talking about belonged to Marilyn?

A It wasn't determined at that time.

Q Well, did I understand you to say that it was determined?

A I said someone else took and determined where the teeth possibly could have come from.

Q Possibly could have come from?

A That's right.

Q Where? At the home?

A Yes.

Q Well, when was the determination made at the home, if the teeth were found after her body was removed?

A The determination was made before the body was moved.

Q Well, the teeth weren't found until after the body was removed, is that right?

A I am talking about the time -- when I am saying the body is moved, it is moved from the bed and put in the basket, and at that time the teeth were found where the body had been resting on the bed.

Q Well, who took charge of the teeth?

A Dr. Gerber.

Q Did he make any examination at that time of the teeth, to your knowledge?

A He examined Marilyn's teeth, yes.

Q At that point?

A He made a preliminary examination, yes.

Q Well, what did his examination consist of?

A I was standing in such a position at the time when he was bent over the body, I couldn't see what he was doing in the region of the mouth.

Q Well, after he had been doing that in the region of the mouth, what you couldn't see, did he say to you then that the teeth belonged to Marilyn Sheppard?

A No, sir, he did not. He said he couldn't find any chipped teeth in her mouth with the examination he was able to make.

Q He couldn't find any chipped teeth in her mouth?

A That's right.

Q Now, you say you didn't say to Sam, "Why don't you confess? We found chips of your teeth under Marilyn's body"? You didn't use that language?

A No, sir.

Q You made no record of that conversation, did you?

A At a later date.

Q Three days later?

A Yes, sir.

Q Have you ever shown it to Sam?

A It is an official police report.

Q Official police report?

A Yes.

Q Well, Exhibit 48, you participated in this report, didn't you?

A Yes, sir.

Q And this is an official police report, too, isn't it?

A It is not an official Cleveland police report.

Q Well, then, it is an official police report in conjunction with the County Sheriff's office, is that right?

MR. MAHON: I will object now.

It is not a Cleveland report at all.

THE COURT: It is not a police report at all.

MR. GARMONE: What is it?

THE COURT: It is a statement of the defendant.

MR. GARMONE: Well, a statement -- what is the difference between a statement and a report?

MR. MAHON: Lots of difference.

THE COURT: It is a statement of

the defendant, Sam Sheppard.

Q Well, the statement that you took at the hospital on the second visit was never shown to Sam Sheppard, we are agreed on that, is that right?

MR. MAHON: Wait a minute.

I object now. He never took any statement.

He never said he took a statement.

THE COURT: Objection sustained.

Q Well, what did you say to Sam about the teeth, Officer?

A We asked Sam if he had any chipped teeth in his mouth.

Q Yes.

A He said yes. We told him there were two teeth chips found underneath Marilyn's body at the time it was moved.

Q Yes.

A And we asked him if those were his chipped teeth.

Q And what did he say?

A He said no.

Q That is the way the conversation was, as far as you can remember, relating to his teeth, without first looking at your report, is that right?

A As far as I can recall, yes.

Q Now, how many pages of the report that you later made out as a result of that conversation make up?

A Of the conversation about the teeth?

Q On the second visit that you had with Sam Sheppard, how

many pages did it consist of?

A I don't recall offhand.

Q Do you have the report with you?

A No, sir, I do not.

Q Now, after you spent that time with him on the second occasion, you left the hospital?

A Yes.

Q Where did you go?

A Went back to the home.

Q And how long did you remain on the premises?

A Until about 6:30.

Q Now, on the second occasion was Chief Eaton in the room with you and Gareau?

A Yes, sir.

Q And did you turn to Chief Eaton and your partner, Pat Gareau, and say, "I don't know what you fellows think, or how you feel about it, but I am satisfied that this is the man that murdered Marilyn Sheppard," or words to that effect?

A Those were not the words used.

Q Well, will you relate to the jury what the words were, to the best of your recollection?

A To the best of my recollection, I stated that "the evidence points strongly towards you, and that, in my opinion, you are the man that -- you are the one that killed your wife."

Q And up until that time, you had spent about how much time in the investigation of the murder of Marilyn Sheppard?

A Approximately six hours.

Q And you had come to that conclusion?

A Yes, sir.

Q Is that right?

A Yes, sir. At that time I was of that opinion.

Q That was your opinion?

A Yes, sir.

Q Now, then, did you go back on the 5th of July?

A Yes, sir.

Q What did you do on that occasion?

A We went back to the home, and later that day we met Deputy Sheriff Carl Rossbach.

Q Now, were you present, Officer Schottke, when there was substances that were identified as nail polish found in the bedroom of Marilyn Sheppard?

A No, I was not.

Q Did you ever see that substance?

A No, I didn't.

Q Was it ever shown to you?

A No, sir.

Q Were you present when there was a small piece of leather about five-eighths of an inch by five-eighths of an inch found in the bedroom of Marilyn Sheppard?

A No, I was not.

Q Was it ever called to your attention?

A I heard about it, yes.

Q Now, when you made an observation of Marilyn, did you notice that she had some polish on her toenails?

A Yes, I did.

Q Did she have any polish on her fingers, to the best of your recollection?

A No, she didn't.

Q She did not. Only on the toenails?

A On the toenails.

Q Now, when you first went to the hospital, did you observe Sam's physical condition?

A I observed parts of his body.

Q What parts did you observe?

A I was able to observe his head, parts of his arms, parts of his legs.

Q Now, I will hand you what has been marked for identification Defendant's Exhibit S, and ask you if that is a fair representation of the observation you made of Sam Sheppard in that room?

A The observation of his head is a fair representation. I never saw him with his mouth in that position.

Q You never saw him with his mouth in that position?

A No, sir.

Q But the upper part is a fair representation?

6 A A fair representation.

Q Had you learned on the first trip to Sam that he had been given a sedation?

A No, sir.

Q Did you learn on the second trip that he had been given sedation?

A No, sir.

Q At no time were you told by any doctor that is associated with BayView that he had been given some morphine or other form of sedation?

A Not that I can recall at this time.

Q Not that you can recall at this time.

Well, the report that you made out as a result of the visit the second time on July 4th, would that report contain it, if the statement was made to you?

A If the statement was made to me, yes.

Q Well, will you check it and find out and see whether it is in there or not?

A Yes, sir.

Q About what time did you finish your inspection and investigation on the 4th day of July?

A About 10:30 p.m.

Q And then you went back there the following day, is that right?

A July the 5th, yes, sir.

Q Where did you go?

A We went to the home.

Q About what time did you get there on the 5th?

A I'd say about 9:30.

Q And how much time did you spend around the place either in or outside?

A Well, we met Deputy Rossbach at about 10:30, and we had quite a bit of conversation with him.

Q And after the conversation with Deputy Rossbach, did you go somewhere?

A We went around the house, the yard, and that with him, and then we went to Bay View Hospital.

Q Did you talk with Sam on that occasion?

A No, sir, I did not.

Q Did Rossbach and Yettra, to your knowledge, talk to him?

A Yettra was not there on July the 5th.

Q Did Rossbach talk to him?

A He asked him a few questions.

Q But you weren't present?

A I was present.

Q You were present?

A Yes, sir.

Q And about how long would you say that talk lasted?

A From the time we got into the hospital room until we left the hospital room, about 20 minutes had passed.

Q Now, on the 4th of July did you go into any other rooms upstairs after you left Marilyn's room?

A Yes, I did.

Q What rooms did you go into?

A The rest of the rooms that were upstairs.

Q Will you describe them or locate them for the jury?

A To the -- as you go up the stairs, the first room to the left of the hallway, just prior to entering Marilyn's room, appeared to be a guest room. There was a bed in there, and the curtains on the windows, nothing was disturbed in any manner. The windows were locked.

Q Was that on the east side of the house?

A No, that would be on the west side of the house.

Q You made an investigation of that room?

A Yes.

Q Saw nothing?

A The contents of the room.

Q With the exception of the contents of the room?

A No signs of forcible entry, no signs of a struggle.

Q Then which room did you go into next?

A I don't recall the exact way I went into the rooms. I can't say exactly which room I went in first or which room I went in next.

Q Did you go into any of the rooms that were on the east side of the house?

A Yes, I did.

Q Which rooms did you go into that are on that side of the house?

A On the east side of the house there is a little room that you walk into, and in there is a cedar chest and a chest of drawers, and other furniture, and then beyond that room, just east of that room, is another bedroom.

Q Did you notice anything unusual about that bedroom?

A The bedroom there -- the bed was not made. It appeared as though somebody had slept in the bed. The bed was not made.

Q Yes.

A There were men's clothing in there, men's shoes, and --

Q Anything else?

A There was a billfold-type holder on top of the chest of drawers there.

Q Anything else?

A There was furniture in the room, a chest of drawers, chairs.

- Q Now, this clothing that you described, was it on the floor?
- A No. It was hung up on a chair, on hangers.
- Q Did you go into the washroom at any time?
- A Yes.
- Q Did you observe anything in the washroom?
- A There were two bathing trunks in the bathtub that were wet.
- Q Yes.
- A And inside the clothes hamper in the bathroom was a pair of boy's socks, a pair of boy's shorts, and what I would describe as sort of a terrycloth shirt.
- Q Did you see a cigarette butt in the toilet bowl?
- A Not to my knowledge.
- Q Not to your knowledge. Now, that morning when you arrived there, did you see any footprints in or out of the house?
- A No footprints.
- Q Did you see any prints of any kind in or out of the house?
- A Not to my knowledge.
- Q Was there a picture turned over to you that you made part of this police report that you prepared after your second visit with Sam that showed some footprints that were on the beach?
- A Picture turned over to me on July 4th?
- Q Well, either on the 4th or sometime thereafter, before you made up the report three days later?
- A There were pictures taken of footprints on the beach, but

they were not turned over to me.

Q Were they called to your attention?

A At the time when they were found, no, sir. At a later time.

Q Did you do anything about them at any time?

A Myself personally, no.

Q Do you have a picture of the footprints that were taken?

A I don't have the picture.

Q Were you ever shown a picture of the footprints that were taken?

A I have seen pictures of the footprints.

Q Who showed you the pictures?

A Right offhand, I don't recall.

Q Were the pictures shown to you by Officer Grabowski?

A I don't know.

Q Well, would your report that you made three days after your second talk with Dr. Sam disclose who showed you the pictures?

A I don't think so.

Q Would it disclose where the pictures are today?

A That report wouldn't, no, sir.

Q It would not. Well, did you make any notation of any kind as to where the pictures came from and what they disclosed? Did you reduce it to writing at any time?

A I didn't, no.

Q You did not. Do you know whether Gareau did or not?

A To the best of my knowledge, he didn't.

Q Now, this report that you say that you prepared, do you have it with you?

A No, I don't.

Q Is it available to you?

A It is an official police report.

Q Will you bring it over so that we can look at it?

A It is one of the official Cleveland Police reports.

Q My question to you, Officer Schottke, is: Will you make the report available to us so that we can look at it?

A If I am ordered to by the Judge.

Q What was your answer?

A If I am ordered to by the Judge.

Q Unless you are ordered to by the Judge --

MR. MAHON:

"If I am ordered

to by the Judge," he said.

Q Well, if the Judge doesn't instruct you to bring it over, then we won't have access to it, is that it?

A It is one of our official reports.

Q Well, that report contains the statements that you reduced to writing of Sam Sheppard, doesn't it?

A Not the original investigating report.

Q Pardon?

A Not the original investigating report.

Q Well, now, what report am -- am I talking about the same

report that you are talking about?

A Evidently not.

Q Well, let's clear it up. I asked you earlier in my examination about your conversation with Sam Sheppard on the second visit, is that right?

A Yes, sir.

Q And I asked you if any time during that examination you made any notations, and your answer was no?

A That's right.

Q I asked you if you prepared a report, and you said you did?

A Yes, sir.

Q As a result of that conversation, and you said you did?

A That's right.

Q That that report was prepared three days later?

A Yes, sir.

Q Now, doesn't that report contain the statements relative to the footprints that were found in and around the Sheppard home on the morning of the 4th of July?

A To the best of my knowledge, it does not.

Q Well, can we have that report here that you reduced to writing that you made three days after your conversation with Sam Sheppard tomorrow morning?

A It is an official Cleveland Police report.

Q Is your answer no?

MR. MAHON:

Well, now, I

object to this, if your Honor please. He said, "It's an official report."

MR. GARMONE: Well, I haven't had an answer. He doesn't say I can have it or can't have it.

MR. MAHON: Well, we are objecting to it now.

THE COURT: This is a report which he made, I take it, to his superior officers, is that right?

THE WITNESS: That's right.

MR. GARMONE: Well, that is the Court's assumption. How do I know whether it is a report that --

MR. MAHON: That's what he is telling you.

THE COURT: I am asking him now, and he says it is.

MR. GARMONE: I don't know that, this jury doesn't know that.

THE COURT: I know, but he says it is. If you asked him that originally, then we would have known.

MR. GARMONE: Well, when we started the trial of this lawsuit, the state-

ments were being thrown around here, "Let the chips fall where they may" --

MR. MAHON: Wait a minute.

MR. GARMONE: -- and we want the chips to fall where they may, and we insist on the report.

MR. MAHON: Wait a minute.

MR. PARRINO: I don't think it is time for final arguments yet.

THE COURT: The jury will disregard that entirely.

MR. PARRINO: It is a little early.

THE COURT: Let's go ahead with the questioning, Mr. Garmone.

Q Then I am not -- the report is not going to be made available to me, is that right?

MR. MAHON: I object to that, if your Honor please.

THE COURT: The jury will disregard that question entirely.

Q Now, the pictures that you saw of this footprint, were they in the police station of the department that you are a member of?

A As far as I know, they are official police reports -- official

police photographs.

Q Can you make those pictures available to this jury tomorrow -- or Monday, rather?

A The official police photographs are part of the official reports.

Q And they are not available to us?

THE COURT: Let's find out if he is in charge of them. I don't know whether he is or not. Perhaps he couldn't produce them if he wanted to.

Q I will hand you what has been marked for identification State's Exhibit 12. Do you know what that represents?

A Yes. It is the hallway in the Dr. Sheppard home.

Q Is there any notation on the back of that picture?

A "Sheppard," and there appears to be a number here.

Q Anything else in a circle here?

A "Do not copy unless authorized. This is a Cleveland Police Department photograph."

Q And that is a picture that you would classify as an official police picture, isn't it?

A With that stamp on the back, yes, sir.

Q With that stamp on the back. Well, why is it, officer, that this picture is made available to this jury and the picture of the footprint is not available to the jury?

MR. MAHON: Objection.

MR. PARRINO: Objection.

THE COURT: Objection sustained.

Q Now, there was a picture shown to you this morning, Officer Schottke, that represents the watch of Sam Sheppard. Do you recall that exhibit?

THE COURT: I don't think he saw the picture, Mr. Garmone.

MR. MAHON: He was never shown that picture.

MR. PARRINO: I didn't show him any pictures.

MR. DANACEAU: He wasn't shown any pictures. That was shown to Dr. Gerber.

Q When you first saw the watch of Sam Sheppard, did you testify what time the watch disclosed?

A Yes, I did.

Q What was the time?

A 4:15.

Q Do you have a picture in your files that discloses that fact?

A Not to my knowledge.

Q When you saw that watch, wasn't Officer Drenkhan present?

A No, sir.

Q Who was?

A When I first saw the watch, Detective Gareau was present.

- Q And was anyone else present after you first saw it?
- A We then took the watch into the house and called Dr. Gerber.
- Q And then who else saw it after Dr. Gerber saw it?
- A There may have been other police officers standing around. I didn't pay particular attention.
- Q Was Grabowski one of the police officers standing around?
- A Grabowski was not there at that time.
- Q Was Drenkhan one of the police officers standing around?
- A I don't know for sure.
- Q Well, you saw Drenkhan take some pictures on that property that morning, didn't you?
- A I seen Drenkhan take no pictures.
- Q You saw him take no pictures. When you first saw the watch, did you make a request of anyone to take a picture so that the time that you are testifying to could be determined?
- A No, I didn't.
- Q Were you present when this picture was taken?
- A No, sir.
- Q Do you know when this picture was taken?
- MR. MAHON: What picture are
you talking about now?
- MR. GARMONE: State's Exhibit 36.
- A No, sir, I do not.
- Q Is that a fair representation of Sam Sheppard's watch?

A It is a fair representation.

Q You don't know when the picture was taken?

A No, sir.

Q Do you know whether it was taken on the 4th day of July or not?

MR. MAHON: He said he
didn't know when it was taken.

Q Has it come to your knowledge whether it was taken on the 4th day of July or not?

MR. MAHON: I object to
whether it has come to his knowledge or not,
your Honor.

THE COURT: Yes. He says
he doesn't know, Mr. Garmone.

MR. GARMONE: All right.

Q Now, this report that you prepared, Officer Schottke, you say you prepared it for a superior officer?

A Which report are you referring to, Mr. Garmone?

Q The one that I have asked you to bring here Monday morning, and you said to me it's an official police report and you would not bring it unless you were so instructed by the court.

A Is that the report you are referring to in regards to the interviews with Dr. Sam Sheppard?

Q On the second occasion, yes.

THE COURT:

And made about

three days later.

Q And reduced to writing three days later.

A That report was made for a superior officer.

Q Will you tell me the name of the officer?

MR. DANACEAU:

Object to this.

THE COURT:

He may answer,

if he knows.

A All our reports are made out to a superior officer.

Q My question to you, Officer Schottke, is: Will you tell me now the name of the officer that you made that report out to?

A Captain David E. Kerr.

Q Was he in town on that day?

A To the best of my recollection, he was not.

Q Well, who was the acting superior, then, if Captain David E. Kerr wasn't in town?

A I'm afraid I don't understand your question the way you put it.

Q Well, maybe I will rephrase it.

THE COURT:

Find out who it

goes to.

MR. GARMONE:

I will. I will

clear it up.

THE COURT:

It is just a detail.

Let's not take too much time on it. Find out who he gave the report to.

Q Who did you give the report to if Captain Kerr wasn't in town?

A The reports are then turned over to Deputy Inspector McArthur.

Q Did you give him this report?

A Yes, sir.

Q When did you turn it over to him, Officer Schottke?

A The report was not turned over by me to him personally. The reports that were made were turned over to Inspector McArthur. The reports were made out to Captain Kerr and then Deputy Inspector McArthur reviews the reports.

Q Through a channel they finally reach Deputy Inspector McArthur, is that right?

A Yes, sir.

Q That is the chain in the operation of the Police Department, is that correct?

A That's right.

(Thereupon a discussion was had between court and counsel outside the hearing of the jury, after which the following proceedings were had within the hearing of the jury:)

THE COURT: Ladies and gentlemen of the jury, we will now be adjourned

until 9:15 on Monday morning, and will you be kind enough over the weekend not to discuss this matter in any way, shape or form, or any part of it, with anyone, and particularly not among yourselves.

Without any formality at all, we will be adjourned until 9:15 Monday morning.

(Thereupon, at 4:20 o'clock, p.m., the hearing was adjourned to Monday Morning, November 22, 1954, at 9:15 o'clock, a.m.)

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Monday Morning Session. November 22, 1954

(9:15 o'clock, a.m.)

Thereupon, the following proceedings were had in the Court's chambers, outside the hearing of the jury:)

MR. CORRIGAN: I desire to renew my motion for a change of venue and a continuance of this case. Ever since we have started in this case, the halls and the rooms surrounding the Court House -- or, surrounding the court room have been filled with reporters and photographers and television operators.

The assignment room and the witness room have been occupied entirely by newspaper reporters, radio and television operators. On each morning the defendant has been brought into court at least 10 minutes before the beginning of the trial, and then for that period of time has been subjected by many photographers and television cameras, against his will, to be photographed.

This morning -- what is today?

THE COURT: The 22nd.

MR. CORRIGAN: November 22nd, there

was erected : in front of the Court House television

cameras, WNBK. They were there when the jury was entering the Court House. The judge participated in being televised, as did Mr. Mahon and Mr. McArthur.

We, therefore, renew the motions heretofore made, ask for the withdrawal of a juror and a continuance of the case.

THE COURT: Of course, that will be overruled and exceptions noted.

MR. CORRIGAN: Now, then, we request the court that the rights of the defendant be protected in this court room, and that he be not compelled to submit to photographing and the television camera as he has been every morning with the knowledge of the court.

We request that the Sheriff be ordered not to bring him into court until such time as the jury is seated.

THE COURT: Well, that is more than one request. The court will make his position clear.

First, there has been no photographing in the court room except upon strict orders of the court that it was to be done before court hours in the morning or after court hours in the evening

and with the consent of counsel for the defendant.

MR. CORRIGAN: I have given no consent to that.

THE COURT: And let the record show that counsel for the defendant and the defendant, himself, have been voluntarily photographed in the court room from time to time during the progress of this trial.

MR. CORRIGAN: I haven't been voluntarily photographed. Neither has the defendant. We have been compelled to be photographed. We can't escape it.

THE COURT: Oh, no, I don't think that is so, Mr. Corrigan, and the court will say to you that the defendant is not to be photographed in the court room at all without your consent.

MR. CORRIGAN: Well, if there has been any consent by anybody in this matter, the consent is withdrawn.

THE COURT: All right. Now, as to the defendant being brought into the court room he is to be brought into the court room prior to the opening of the trial each day and just before the jury enters. That has been our effort since

the beginning of this trial.

Now, the Court wants to say a word. That he was told -- he has not read anything about it at all -- but he was informed that Dr. Steve Sheppard, who has been granted the privilege of remaining in the court room during the trial, has been trying the case in the newspapers and making rather uncomplimentary comments about the testimony of the witnesses for the State.

Let it be now understood that if Dr. Steve Sheppard wishes to use the newspapers to try his case while we are trying it here, he will be barred from remaining in the court room during the progress of the trial if he is to be a witness in the case.

The Court appreciates he cannot deny Steve Sheppard the right of free speech, but he can deny him the right of the privilege of being in the court room, if he wants to avail himself of that method during the progress of the trial.

MR. CORRIGAN: The statement of the Court about Steve Sheppard making uncomplimentary remarks about the testimony of witnesses is paralleled by the tremendous amount of publicity that is put in the Cleveland newspapers,

especially headlines, since the beginning of this case, which has misrepresented entirely the testimony.

I add as a further reason for my continuance of the case that last night on WHK at 6:30 the Omaha Life Insurance Company, in the broadcast sponsored by them, their broadcaster, Bob Considine, who has been in this court since the beginning of the trial, announced over the radio a comparison between the defendant and Alger Hiss, who has received notoriety through his betrayal of his trust as an official of the United States, and that the denial of Dr. Sheppard as set forth by Officer Schottke paralleled the denial of Alger Hiss when he was confronted by Whittaker Chambers, without putting in the fact that Alger Hiss at the time that he made his denial was strong mentally and physically and standing in an office room in New York, while the conversation between Schottke and Dr. Sheppard was while Dr. Sheppard was in bed in the hospital shortly after an assault had been committed upon him, in which he was seriously injured.

I would like to have the court ask the jury if they heard that broadcast.

THE COURT: This is the first I ever heard of it, even had a suggestion of it.

MR. CORRIGAN: You say you don't read it and you don't listen to it, and so forth, but --

THE COURT: Over what did it go?

MR. CORRIGAN: It came over WHK last night at 6:30.

MR. PETERSILGE: I heard that broadcast. It was highly prejudicial to the defendant, I would say.

MR. CORRIGAN: Oh, extremely prejudicial.

THE COURT: Somebody usually tells me about these things, but that is one they missed. I haven't heard a word about it until this moment. I didn't know there was any such thing.

Well, I don't know, we can't stop people, in any event, listening to it. It is a matter of free speech, and the court can't control everybody. ✓

MR. MAHON: I think that the court has instructed the jury that they are not

to read about it or listen to the broadcasts.

It was a general instruction that was given ✓
at the time the trial started.

THE COURT: We are not going
to harass the jury every morning. ✓

MR. CORRIGAN: I can't help it,
Judge. If you don't, that's all right with me.
I make my exception.

THE COURT: It is getting to ✓
the point where if we do it every morning, we
are suspecting the jury. I have confidence in
this jury, and we must have confidence or the
jury system is of no value whatever to anybody.

MR. CORRIGAN: The jury are
human beings and this situation around here ✓
is unprecedented in the history of trials
in the United States.

THE COURT: You claim this
trial is unprecedented, too.

MR. CORRIGAN: There is a murder
case going on down here in the next room, a
man on trial for first-degree murder, and there
isn't a line in the newspaper about it.

THE COURT: All right.

the 2

(Thereupon the following proceedings
were had in the presence of the jury):

Thereupon ROBERT F. SCHOTTKE resumed
the stand and was examined and testified further,
as follows:

CROSS EXAMINATION (CONTINUED)

By Mr. Garmone:

Q Officer, Friday, during my examination, I failed to ask you
a question about the teeth. As a preliminary question,
the teeth were seen on the bed after the removal of
Marilyn's body, is that right?

A At the time she was removed from the bed and placed in the
basket on the floor, yes.

Q By the people that were summoned there to carry out that
work?

A By Dr. Gerber and myself, yes, sir.

Q Now, when that took place wasn't there a statement made
there in your presence, "We found teeth of the murderer"?

A I heard no statement like that.

Q Not at all?

A No, sir.

Q Was that statement made by Dr. Gerber in your presence?

A No, sir.

Q It was not. However, it was after that incident that you went back to the hospital and had this discussion with Dr. Sam Sheppard about the teeth, is that right?

2 A That was in the afternoon discussion.

Q It was after you had found the teeth on the bed.

Now, you have related in detail your conversations with Dr. Sam Sheppard, both on direct examination by Mr. Parrino and the examination that I conducted Friday.

You had other talks with him, did you not?

A You mean after July the 4th?

Q Yes.

A Yes.

Q Did you have any talks with him in the County Jail?

A Yes, sir.

Q What day was that?

A The first time was on July the 31st.

Q And where did that conversation take place?

A The fourth floor of County Jail.

Q And it took place in the same office where this statement that has been introduced in court here, that you have identified, was taken from him, is that correct?

A The same room, yes, sir.

Q Deputy Rossbach's room, is that correct?

A Yes, sir.

Q Now, during that conversation you asked him about the lie ✓

detector again, didn't you?

A I don't recall at this particular time whether I did or not.

Q Well, to try and refresh your memory, did you say to him,
"Doctor, are you still willing to take a lie detector test?" ✓

A I don't recall at this time, sir.

Q And did he say to you that, "I am willing, but not one that
will be conducted by the Cleveland Police Department, because
you have already accused me"?

Did he answer you that way?

A I don't recall.

Q And did he add that, "If you can find somebody that is
competent in a community far removed from the city of
Cleveland," that he would be willing to accompany you and
take the test that you requested of him?

A I don't recall that conversation.

Q You don't recall that. But you wouldn't say to this Court
and jury, under the oath that you have accepted to tell the
truth, that that conversation didn't take place, would you,
Officer Schottke?

A I don't recall at this time the conversation that you state.

Q Now, was Gareau with you on the occasion that you examined
him on the 31st of July?

A Yes, he was.

Q And what time was that?

A We first seen Dr. Sheppard about one in the afternoon.

Q And how long did you remain with him in Rossbach's office?

A Until about 4:30, 4:45.

Q And during that entire period there wasn't any interruptions, were there?

A Yes, there was.

Q Who by?

A Attorney Corrigan.

Q Mr. Corrigan interrupted you?

A Yes, sir.

Q And about how long did his interruption take place?

A About ten minutes.

Q How long had you talked to Dr. Sheppard before you were interrupted by Mr. Corrigan?

A About twenty minutes to a half hour.

Q Now, prior to your interruption did you and Gareau talk about the various degrees of homicide with Dr. Sam?

A As I recall, it could have been part of our conversation.

Q It could have been part of your conversation. And did you say to him that, "If you give us a confession we will recommend that the charge placed against you should be manslaughter"?

A We cannot make a recommendation --

Q Did you say that to him, Officer Schottke?

A No, sir.

Q And did he say to you, "Would you be willing to accept

a confession from an innocent man?"

A No, sir.

3 Q He didn't. Now, on the 30th of July, that is, the day before you had this conversation with him upstairs in the jail, did you see some golf clubs?

A I seen a golf club, but what date it was, I can't recall.

Q Well, to refresh your memory, the golf club that you saw, was it taken by you or a member of your office out to Mrs. Ahern's residence?

A I didn't take any golf club to Mrs. Ahern's residence.

Q Well, did you later learn that there was a golf club taken out to her residence?

A Not to my knowledge.

Q Where was it that you saw this golf club?

A I seen the bag of golf clubs originally at the Sheppard home.

Q Well, you said that you saw a golf club later on. Now, where did you see this golf club?

A These were golf clubs that had been brought down to our ballistics.

Q And when were they brought down?

A I don't know.

Q You don't know. Now, when you went in to see Dr. Sam on the second occasion, that is, the 4th of July, that was your second trip there, where you had this 20-minute

conversation with him, as you testified to Friday, did you notice some blood around his mouth?

A No, I didn't.

Q After you had talked to Dr. Sam, did you leave the hospital?

A On the second occasion?

Q Yes.

A Yes.

Q Did you make any inquiry of any persons that may have attended him when he was first brought into the hospital?

A No, sir.

Q Did you ~~make~~ any effort to find out who was responsible for the removal of Dr. Sam Sheppard's clothes when he was first brought into the hospital?

A We learned later on.

Q Did you on that occasion make any effort to find out?

A On the second visit?

Q Yes.

A Well, we knew prior to the second visit that his clothes had been removed from the hospital.

Q Now, the clothes removed from his person when he was brought into the hospital, did you try to determine who took his clothes off? I will put it that way.

A Took his clothes off at the time he was brought into the hospital?

Q Brought into the hospital.

A No, sir.

Q Did you ask to see the charts that were prepared on his physical condition when he was brought into the hospital?

A No, sir.

Q When you walked into the door of the room that Dr. Sam was in, did you see a chart on that door before you entered?

A On the outside of the door?

Q Yes.

A Not to my knowledge, no, sir.

Q But you made no effort to determine whether there was a chart or not, did you?

A No, sir.

Q Well, do you think that that was proper investigation?

MR. MAHON: Objection to what
he thinks.

THE COURT: Objection sustained.

Q Did you inquire of anyone in the hospital who may have been in attendance in the X-ray room when he was taken in there?

A No, sir.

Q Then can we assume that all you did on that second occasion was have this 20-minute conversation, is that right?

A On the second --

Q And then left?

A On the second occasion, yes, sir.

Q Now, coming to the 21st of July, regarding the conversation

that was held upstairs in the jail here on the fourth floor, Mr. Rossbach's office, did you reduce any of that conversation to writing?

A No, sir.

Q Did you at any time have it prepared and submitted to Dr. Sam Sheppard to determine whether that was the things he said or hadn't said?

MR. DANACEAU: Objection. He
said he did not reduce it to writing.

THE COURT: Objection sustained.

Q Now, how many times after the 31st did you see him upstairs?

A Twice after that.

Q What days were they?

A August 1st and August 3rd.

Q And did you ask him on August 1st to again give you a confession?

A No, sir.

Q Did you ask him on August 3rd to give you a confession?

A No, sir.

Q Did you make an attempt, Officer Schottke, to determine whether there had been any form of narcotics administered to Dr. Sam Sheppard upon his arrival at the hospital on the 4th of July?

A No, sir.

Q When you talked to him, he was laying in bed, is that

right?

A Yes, sir.

Q I will hand you what has been identified earlier as Defendant's Exhibit L, and ask you if this is a fair representation of Dr. Sam Sheppard's condition when you saw him, either on the first visit or the second visit at the Bay View Hospital the 4th day of July?

A It is a fair representation of how he looked that day.

Q Now, the 31st of July, you say you spent about four hours with him, is that right?

A About four hours.

Q With the exception of the ten-minute interruption by Mr. Corrigan, is that right?

A Yes, sir.

Q Was there another team of officers that came in after you and Gareau had left?

A To the best of my knowledge, there were.

Q Who were they?

A Offhand, I don't know unless I check the reports.

Q Was one of them Officer Becker?

A I don't know.

Q And have you since learned how long a time they spent with him on that day?

A No, sir, I have not.

Q Now, on the 1st day of August, how much time did you spend with him?

A Approximately three hours.

Q Was there any interruptions on that occasion?

A No, sir.

Q And after you had completed your three-hours with Dr. Sam Sheppard, was there another team of officers that came in?

A To the best of my knowledge, there were, yes, sir.

Q Was Mr. Becker a member of that crew?

A I don't recall.

Q And on the 3rd day of August how much time did you spend with him?

A 45 minutes.

Q Were you interrupted on that occasion?

A No, sir.

Q And after you had completed your conversation with him on that occasion, was there another team of officers that came in to examine him?

A No, sir.

Q There was not?

A No, sir.

Q Was that the last time that you have seen Dr. Sam Sheppard until you came into the courtroom on the 3rd of August?

A To the best of my knowledge, yes, sir.

Q One more question, Officer. You testified here that you

had asked Sam in substance whether he had committed this crime. Do you recall that?

A At one time or other we asked him that, yes, sir.

Q Was that on the first or second occasion that you interviewed him?

A You mean on the 4th of July?

Q Yes.

A It was on the second interview.

Q And your answer was that he said, "Don't be ridiculous," or words to that effect?

A Yes, sir.

Q Didn't he say, "My God, don't be ridiculous"?

A No, sir, he did not.

Q He did not. You are certain of that?

A I am positive of that.

Q Who was present at that time?

A Chief Eaton and Detective Gareau.

Q Anybody else?

A No, sir.

Q And I did ask you about the cigarette butt in the water bowl, and you said you had not seen it?

A I said I did not recall seeing it.

Q Did not recall seeing it. Have you seen the cigarette butt since?

A You mean that was in the toilet?

Q Yes.

A No.

Q Has it been brought to your attention at any time?

A No, sir.

MR. GARMONE: That is all. You
may examine.

REDIRECT EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Parrino:

Q Do you recall, Officer, the day on which the defendant was
arrested in late July?

A Friday, July the 30th.

Q Now, when did you first question the defendant after that?

A On July 31st.

Q About what time, approximately?

A Approximately 1:15 in the afternoon.

Q What time did you start your duty that day?

A 8:30 that morning.

Q Now, at 8:30, after you -- withdraw that.

Immediately after you started your duty that day
where did you go?

A We came over to the County Prosecutor's office that morning.

Q And you spoke to someone?

A Yes.

Q Now, at what time did you first attempt to get into the County Jail to see Dr. Sheppard that day on the 31st?

A On the 31st, we went up there, like I said, about 1:15.

Q That is the first time you went there that day?

A It was the first time I went there that day, yes, sir.

Q Now, Mr. Garmone asked you about some conversation that you had with the defendant on the 31st and following days, is that correct?

A Yes, sir.

Q Would you state to the Court and jury what that conversation was that you had with the defendant on the 31st?

A On the 31st we had conversation with him in regard to Susan Hayes. We had conversation with him of the reasons why we were of the opinion that he was the one that had killed his wife.

Q Tell us what was said, what was the conversation.

A We asked him about Susan Hayes, and he said, yes, that he had lied about her, and that he did stay with her at Dr. Miller's, that he did give her a wrist watch, and that his -- when he was down in Los Angeles that his wife had told him to see Susan Hayes, and that he should have a good time while he was in Los Angeles, and he also said that he had told his wife about Susan Hayes before somebody else would tell her about Susan.

We asked him about other affairs, if he told his wife

about other affairs he was having with women. He said, yes, he always told her about that.

We asked him why. He said because that he didn't want her to get the wrong impression in case somebody else told her about those affairs.

Q I see. Now, did you attempt to question him regarding the events of the morning -- of the night of the 3rd and the morning of the 4th of July of 1954?

A Yes, we did.

Q And tell us what happened in that regard.

A He refused to any questions in regard to that.

Q In other words, as to what happened on the 3rd of July and on the morning of the 4th of July, you did question him on that subject, is that correct?

A Yes.

Q On the 31st?

A Yes.

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Q Did you question him on that same subject at following times?

A Yes, sir.

Q Would he give you any information or conversation whatsoever?

MR. CORRIGAN: I object.

Q In regard to --

MR. CORRIGAN: I object.

MR. PARRINO: I haven't finished my question yet.

THE COURT: Yes. Wait until he finishes his question.

Q On the 31st and the following times that you questioned him concerning the events of the 3rd and the early morning of the 4th what did the defendant do and say regarding that?

A He stated that he refuses to answer those questions upon the advice of his attorney.

Q Now, Officer Schottke, Mr. Garmone stated or asked you, did he not, as to whether or not you did certain things at the home there on the 4th concerning fingerprints. Do you recall those questions?

A Yes, sir.

Q Are you scientifically trained in fingerprint detection, Officer Schottke?

A No, I am not.

Q And what part of the department of the Cleveland Police Department is trained in that field?

A Our Scientific Identification Unit.

Q And specifically, was there anyone at the scene there at the Sheppard home on the 4th of July trained in that field?

A Yes, there was.

Q And who was that, please?

A That was Detective Grabowski.

Q Now, I want to direct your attention again, if I may, please, to July 10, 1954, when Sam Sheppard made the nine page statement that has been introduced here in the evidence. You recall that, of course?

A Yes, sir.

Q Now, after that statement was completed and Mr. Petersilge and Sam Sheppard were about to leave, do you recall anything further that happened there that day?

A At that particular time you, Mr. Parrino, were in the room just as they were about to leave.

Q And who was there, if you recall?

A There was Detective -- Deputy Sheriff Rossbach, Detective Gareau, Dr. Sheppard, Mr. Petersilge, you and myself.

Q And what, if anything, was said by myself there to Dr. Sheppard and his lawyer on that occasion in your presence?

A If Dr. Sheppard would be willing to take a lie detector test. ✓

- Q And what was said?
- A He stated, no, that he would not.
- Q Who stated that?
- A Dr. Sheppard.
- Q The defendant?
- A Yes, sir.

MR. PARRINO: That is all.

RE CROSS-EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Garmone:

- Q Now, that statement that you have just concluded in response to Mr. Parrino's questions, does that appear in this nine page statement?
- A No, it does not.
- Q You spent some two hours with him before you took him in and had him make a written statement, didn't you?
- A Approximately two hours.
- Q And during that two-hour period you never once mentioned anything about lie detector to Dr. Sheppard, did you?
- A I don't recall.
- Q And during the period that this nine page statement consumed, you never once mentioned anything to Dr. Sheppard about the lie detector, did you?
- A No, sir.
- Q And now you say to this court and jury that after you had

spent two hours taking an oral statement from him and the hours that were consumed taking this written statement, that the parting shot as he was leaving, that Mr. Peter-silge had something to do with the lie detector test? ✓

MR. PARRINO: Just a minute.

That is not what he said. He said I asked the defendant to take a lie detector test.

MR. GARMONE: That's right, sir.

That the parting question by Mr. Parrino was, he asked him whether he would take a lie detector test?

A Mr. Parrino asked him that, yes, sir.

Q And he said no?

A Yes, sir.

Q Now, let's go back to the 31st of July. You didn't deny in my examination that you inquired from him whether he would take a lie detector test, you said you didn't recall? ✓

A I didn't recall, no, sir.

Q And you didn't recall that his answer was that "I will not take it in this community. If you can take me to a place where I can be treated fairly and under proper circumstances," that he was willing to go along? You didn't recall that answer either, did you, Schottke? ✓

A No, sir.

Q But you do remember specifically on the 10th of July, after

you spent some 12 hours with this man, that the final question by Mr. Parrino had something to do with a lie detector test, is that right?

MR. PARRINO: I object to that.

THE COURT: Yes. The objection will be sustained. That isn't just what he said.

Q Now, was he called back into the room and asked that that question and answer be incorporated in that statement?

A No, sir.

Q There was no request made of him, was there, at that time?

A You mean to recall him back into the room?

Q Yes, and incorporate in the statement the question that was asked by Mr. Parrino and the answer that he gave?

A No, he was not called back.

Q Now, in response to one of the redirect questions put to you by Mr. Parrino, you said that on the 31st day of July upstairs, that he refused to talk to you about the events of the early morning of the 3rd and the events of July 4th; was that your answer?

A Yes, sir.

Q Did he say that he didn't think that you were fair?

A Is that the end of your question?

Q Yes.

A No, he never said anything like that.

Q Did he say that you were unfair?

A No, sir, he didn't say anything like that.

Q Did he say to you, "Why, you accused me on the 4th day of July"?

A No.

Q He didn't make any statement like that?

A No, sir.

Q Now, from the time between the 4th of July and the 31st, you had never inquired from Dr. Sam Sheppard any further in regard to the lie detector test, had you, Officer Schottke?

A No, sir.

Q And it wasn't until the 31st day of July that the subject matter, as far as you are concerned, pertaining to the lie detector test was again engaged in, isn't that correct?

MR. PARRINO: I object.

THE COURT: Objection sustained.

Q Did you at any time in all your conversations use the word "confession"? And if so, on which occasion?

A I don't recall.

Q You don't recall. Now, the conversation regarding the first day of August -- I will withdraw that.

You don't recall, that was your answer to my last question about the confession, is that right?

A Yes, sir.

Q But you have recalled specifically, even though you had

made no written notes and even though you had not reduced until three days later the conversations that you had on the second occasion with Sam Sheppard on July 4th at Bay View Hospital?

MR. PARRINO: Objection.

THE COURT: Yes. The objection will be sustained.

Q Is your memory convenient in that regard, Officer Schottke?

MR. PARRINO: Objection.

THE COURT: Objection sustained.

Q Now, the conversations of the 1st of August that Mr. Parrino went over with you on redirect, did you ever make a record of those conversations?

A No, sir.

Q And you spent how much time on the 1st?

A The 1st of August, about --

Q I think you said 45 minutes?

A No. That was the 3rd of August. On the 1st of August we spent from about 1:15 until about 4:30.

Q About 4:30. And the 31st day of July you spent about four hours?

A That's right. From about 1 o'clock until about 4:30.

Q And on the 5th of August you only spent 45 minutes?

A On the 3rd of August.

Q The 3rd of August?

A Yes, sir.

Q Have you at any time since those conversations reduced anything to writing as to what transpired between yourself, Officer Gareau and the defendant, Dr. Sam Sheppard?

A No, sir.

Q It is not part of any file that you have?

A No, sir.

Q Not part of any file that may be over at the Cleveland Police Station?

A No, sir.

Q Now, the imprint that was found in the sand was that of a woman, wasn't it, the picture that you saw?

A To the best of my knowledge, yes, sir.

Q And was your attention called that morning, Officer Schottke, to some other footprints that were on the beach adjoining the Sheppard home?

A Yes, sir.

Q And where were they located?

A Near the so-called woman's footprint.

Q Did you do anything about that, you personally?

A Myself personally, no.

Q Did Gareau, in your presence, do anything about it?

A Not in my presence.

Q Well, you were out there to investigate this homicide, were you not?

MR. DANACEAU: We object to that.

THE COURT: Objection sustained.

Q And you did nothing about either of the footprints, is that correct?

A Myself personally?

Q Yourself.

A Personally, no.

Q Well, do you think that that is good police investigation?

MR. DANACEAU: Objection.

THE COURT: Objection sustained.

Q Were you fearful that if you did anything regarding those footprints, that they wouldn't correspond with the conclusion that you came to on your second trip to the hospital on the 4th day of July? Was that your concern, Schottke?

A I'm afraid I don't understand your question.

Q Well, I will rephrase it. Your failure to do anything regarding the footprints that you saw in the vicinity of the Sheppard home on the 4th, did that make you fearful that you would have to retract the statement that you made to Sam Sheppard that, "I think you killed your wife, Marilyn"?

A No, sir. That did not make me fearful.

Q Then why didn't you do some investigating regarding those footprints?

A There was investigation done in regards to the footprints.

Q Did you conduct any investigation?

A Myself personally, no.

Q Did Gareau, in your presence?

A Not in my presence, no, sir.

Q Was there an arrangement made by Captain Kerr, who is in charge of the unit that you are connected with, that when Sheppard is arrested, then he would put on some teams to work around the clock with an effort of obtaining a confession?

MR. MAHON: Objection now.

THE COURT: Objection sustained.

MR. GARMONE: That is all I have at this time. Thank you.

FURTHER REDIRECT EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Parrino:

Q Officer Schottke, these footprints which Mr. Garmone is talking about, did you see some footprints on the beach later that morning at any time?

A Yes, I did.

Q What time did you see these footprints that Mr. Garmone is talking about, please?

A Somewhere around 10:00 to 10:15 a.m.

Q And was that at or about the time that there were people there in the area?

MR. GARMONE: Objection.

MR. PARRINO:

Withdraw that.

MR. GARMONE:

All right.

Q What was the time that you saw those footprints in relation to the time the boy scouts started looking for the missing weapon?

A That was prior to the time the boy scouts were looking for the weapon.

Q You say you personally did not do anything about those footprints, is that correct?

A That's correct.

Q How many footprints were there there on the beach?

A There were the bare footprints and possibly two or three other sets of footprints.

Q Sets of footprints?

A Yes, sir.

Q Now, what time was it that -- withdraw that.

Were you down on that beach earlier that morning?

A No, sir. That was the first time.

MR. PARRINO:

All right. That

is all.

FURTHER RECROSS-EXAMINATION OF ROBERT F. SCHOTKE

By Mr. Garmone:

Q I questioned you Friday regarding this report that was reduced to writing three days after your second visit on

the 4th. Did you bring that report with you today?

A I have it in my possession.

Q May I see it?

MR. PARRINO: If the Court please, at this time I wish to state that Mr. Garmone well knows that the information contained in police reports, many times being highly confidential, the defense counsel are not entitled to those reports as a matter of law, but under the circumstances of this case, since Detective Schottke has that report with him, we have no objection to counsel seeing that particular report that counsel wishes to see at this time.

(To the witness.) Give it to him.

Q Is it the complete report?

A It is the report in regards to the conversations we had with Dr. Sheppard.

MR. PARRINO: Mark that, please.

Q Is it a complete report that you made three days after your visit with Dr. Sheppard on the 4th of July?

A It is not a complete investigating report of everything we done that day.

Q This is only a partial report, is that right?

A Yes, sir.

Q Officer Schottke --

MR. PARRINO: Will you mark that
please?

(State's Exhibit 49,
being a police report,
was marked for identification.)

Q On the 19th day of July in the Cleveland News, did you
see the report that you prepared on about the 8th of July,
printed in detail and in full?

A No, sir.

Q If I would show you a copy of the Cleveland News of on
or about the 18th or 19th of July, 1954, would you be
able to tell from the contents whether that was the
complete report that you prepared three days after your
second visit with Sam Sheppard?

A It could be possible.

Q Well, if the report is so sacred, how come the newspapers
were able to print it and this jury can't be afforded
the complete report at this time?

Mr. DANACEAU: Objection.

MR. MAHON: Wait a minute,
wait a minute. Mr. Garmone says how come they
cannot have the complete report at this time?

It is here, if he wants it.

MR. GARMONE: Well, he says that

this isn't the complete report.

MR. MAHON: Of the conversation it is the complete report.

THE COURT: He says this is the report, but he says it does not contain all the detailed operations of that day.

MR. PARRINO: And if the court please, I believe Mr. Garmone's original question to Detective Schottke was this: Does he have his report relating to the conversations that he had with the defendant on the 4th of July? And that is exactly what this report is.

THE COURT: That's right, and he referred to it as a complete report and the Officer said it was not a complete report, did not contain all the details of their operations of that day.

That is his testimony. Is that right?

THE WITNESS: That's right, sir, yes, sir.

MR. GARMONE: I am through with this witness with the exception of reading this report, and after I read it, it will probably only take me a couple of minutes to examine him

on it.

May I have the opportunity of reading this?

MR. CORRIGAN: Now, wait a minute,
Fred.

THE COURT: Do you want him to
stay here?

MR. GARMOME: Not necessarily.

MR. CORRIGAN: I say, just wait
a minute.

MR. PARRINO: At this time, your
Honor, while we are waiting a moment for
Mr. Corrigan, I wish to offer State's Exhibit
26, 26-A, 26-B and 26-C.

THE COURT: Let me see what
they are.

MR. PARRINO: That is the bag,
the wrist watch --

THE COURT: Just one moment.
26 is the green bag, 26-A is the watch, 26-B is
the ring and 26-C is the chain, et cetera?

MR. PARRINO: Yes.

THE COURT: They will all be
received.

(State's Exhibits 26, 26-A
B and C were received in
evidence.)

THE COURT:

Now, gentlemen,

are we through with Mr. Schottke with the possible exception of having a word from him if you find something in this report that you want to ask him about?

By Mr. Garmone:

Q I will ask you to read this article here, and then I will ask you some questions.

MR. MAHON:

You mean read it

to himself?

MR. GARMONE:

To himself, that's

right.

Q Did you read it all?

A Yes, sir.

Q Well, will you read this to yourself?

(Document handed to the witness by Mr. Garmone.)

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Q Have you read this?

A Yes, sir.

Q You have read the article that is in the Cleveland News as of August the 2nd, 1954?

A Yes, sir.

Q There is a good deal more in the News than there is in this report, isn't there?

A Yes, sir.

Q Were you responsible for releasing that to one of the Cleveland newspapers?

A I was not.

Q You had knowledge that it was released, had you not?

A I did not.

Q Well, it wasn't private and confidential files when your report was printed verbatim in the Cleveland News on August 2nd, 1954, was it, Officer Schottke?

MR. MAHON: Objection to that.

THE COURT: Objection sustained.

Q Now, these two reports here, one designates your first visit and the other your second visit, is that right?

A Yes, sir.

Q Well, you didn't tell this Court and jury Friday that you had reduced both of those conversations to writing three days later? You made only reference to the --

MR. MAHON: Objection.

MR. GARMONE:

May I finish?

MR. MAHON:

He was only asked
about the one.

MR. GARMONE:

May I finish my
question?

THE COURT:

Objection sustained.

MR. MAHON:

Pardon me if I
interrupted.

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Q

You only made reference to the conversations that you had
had on your second visit, July the 4th, is that right, in
your examination Friday?

MR. MAHON:

Objection, if your
Honor please. He was only asked concerning the
second one on Friday.

THE COURT:

Objection will be
sustained.

Q

Now, these two reports are questions and answers, is that
right?

A

Yes, sir.

Q

In the form that this report is in, these questions weren't
put to Sam and then put on paper in his presence, were they?

A

No, sir.

Q

And the answers to those questions are answers that you
remembered to the best of your recollection, is that right?

A

Yes, sir.

Q Did you ever take either one of these reports over to Dr. Sam Sheppard at any time from the time that you reduced them to writing up until the present day and ask him to look them over and see whether or not that was the conversation in full that was had on those two occasions?

A No, I did not.

Q Is his signature on either one of these reports?

A No, sir.

Q The only signature on them is yours, is that right?

A Yes, sir.

Q Are you sure now, Officer Schottke, that these reports were prepared on the 7th of July, 1954? Take a look at them again.

A Yes, sir.

Q Well, is there any designation on page 3, the second questioning of Dr. Sam Sheppard on July 4th, 1954, in company with Chief Eaton, as to when that was prepared?

A No, sir.

Q Did you ever show Chief Eaton a copy of either one of these reports?

A I never did, no, sir.

Q And the reports that you have brought into this court this morning are depleted of many statements that are contained in the Cleveland News as of August 2nd, 1954?

MR. PARRINO:

I object.

Q

Was that correct?

MR. MAHON: I object.

THE COURT: Objection sustained.

MR. GARMONE: Can I mark this a defense exhibit?

MR. PARRINO: I have already marked it as State's Exhibit No. 49.

MR. GARMONE: I was going to say I would offer it without taking the time of reading it to the jury.

MR. PARRINO: At this time we wish to offer State's Exhibit No. 49, with, I believe, the agreement of defense counsel.

MR. GARMONE: No objection.

MR. CORRIGAN: Well, then, we want the rest of the report, if your Honor please.

THE COURT: It will be received.

(State's Exhibit 49 was offered and received in evidence.)

MR. CORRIGAN: I say, we would like now for this officer to bring in the remainder of his report.

MR. GARMONE: We make that request of your Honor, Judge Blythin.

THE COURT: I don't know what you

mean "remainder of the report."

Gentlemen, I can't order anything I know nothing about.

MR. CORRIGAN: Well, we have just shown, and if the Court wants to read it, that this man's report was published in the Cleveland News on August 2nd. We have it here. He has read it and admitted it.

Now, we want that report brought into court that has been publicized in the Cleveland News.

MR. MAHON: Well, now, wait a minute, I want to object to that. We have the report here that the officer said that he made of conversation that took place. I don't care what is in the Cleveland News or any other newspaper. This is his report that is here.

MR. CORRIGAN: This is only part of his report.

MR. MAHON: The conversation -- all of the conversation. This is his report.

MR. PARRINO: This is exactly what they asked for.

MR. MAHON: And that is what they asked for the other day.

THE COURT: I don't know what the reference is to the Cleveland News. Does the Cleveland News article purport to be a copy of this?

MR. DANACEAU: No.

MR. PETERSILGE: It is a copy of another report.

THE COURT: Now, Mr. Petersilge says now that the Cleveland News article is the copy of another report.

MR. PETERSILGE: Made by this man.

THE COURT: Made by this officer, and that is the report that counsel for the defense is now requesting be brought into court. What is the situation on that?

MR. DANACEAU: We would like to inquire of the witness whether there is any other report on this conversation. If there is any other report on this conversation, we will have no objection to it. If, however, it is a report of a confidential nature between himself and superiors on the progress of the investigation, we will object to that. We would like to ask the witness --

MR. GARMONE: Will you ask him
the question?

REDIRECT EXAMINATION OF ROBERT F. SCHOTTKÉ

By Mr. Parrino:

Q Now, this report, State's Exhibit No. 49, that you have brought into the courtroom this morning, is that a complete report of the conversation you had with the defendant on the first and second occasion of July 4th?

A To the best of my knowledge and recollection, yes, sir.

Q And did you make a report of that conversation in any other reports other than what you have recorded there?

A No, sir.

Q This, then, in the single report that you have brought into the courtroom contains all of the information as to those conversations, and that conversation is not contained in any other police report, so far as you know, is that correct?

A Yes, sir.

MR. GARMONE: I have no further questions of this officer at this time, but I reserve the right to recall him if we so desire.

MR. CORRIGAN: We request, your Honor, that the report as prepared by him of his investigation of July the 4th, and which has been referred

to in this trial, and which he has read now in the Cleveland News and acknowledges is his report, be brought in for the defense attorneys to examine, and I base my request on the holdings in Montgomery versus The United States, 203 Federal, page 784 --

THE COURT: What is the number?

MR. GARMONE: 894.

MR. CORRIGAN: 203 Federal, 2d, page 894; Lenin versus the United States, 20 Federal 2d, 490 and 493; Little versus The United States --

THE COURT: I didn't get that second citation.

MR. CORRIGAN: Lenin versus The United States, 20 Federal 2d, 490 and 493. Little versus United States, 93 Federal 2d, 401; Montgomery versus United States, 203 Federal 897, all cited with approval in Montgomery versus The United States, the first case that I cited to your Honor.

MR. GARMONE: That is all, Officer.

THE COURT: Let me have a question to the officer now.

Officer, you read that article in the
Cleveland News that was shown to you?

THE WITNESS: Yes, sir.

THE COURT: Is that a copy of a
report made by you?

THE WITNESS: No, sir.

MR. GARMONE: Is the Court finished
with the witness?

THE COURT: Yes.

RE CROSS EXAMINATION OF ROBERT F. SCHOTTKE

By Mr. Garmone:

Q Who was the report made by?

A Detective Gareau.

MR. CORRIGAN: Your partner.

Q Well, you read the article, did you not?

A Yes, sir.

Q Did you see where it stated that "This is a report made
by Robert Schottke and Gareau" in that article?

A If I can recall correctly, I believe it did say that.

Q And Gareau was the young man that worked with you from the
4th day of July in this investigation, is that right?

A We worked together before that.

Q Well, I mean --

A Oh, yes, he and I worked together.

Q You were sent out with Gareau, is that correct?

A Yes, sir.

Q And you worked in conjunction together on this case, is that right?

A Yes, sir.

Q Every time you questioned Sam, you testified here, on the 31st, the 1st of August, the 3rd of August, Gareau was always with you, wasn't he?

A Yes, sir.

Q Gareau was with you on the 4th on both occasions, wasn't he?

A Yes, sir.

Q And Gareau was with you every time you did anything relative to the investigation and the murder of Marilyn Sheppard, wasn't he?

A He wasn't with me at all times. In other words, we weren't side-by-side together at all times.

Q But you went out on the assignment together, didn't you?

A Yes, sir.

MR. GARMONE: That is all.

MR. PARRINO: That is all.

(Witness excused.)

THE COURT: We are close enough to a recess. I suppose we better have a few minutes' recess at this point, and please do not

discuss this case, ladies and gentlemen.

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(Thereupon a recess was taken at 10:35
o'clock a.m.)

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