

1 BY MR. DEVER:

2 Q. You testified in cases in which Doctor Adelson
3 testified for the other side; is that correct?

4 A. As I recall, just in that Glenville shootout. I
5 don't recall if there were any others. I was not in
6 the courtroom when he testified. However, let me
7 answer you, I have no reason to believe that he was
8 anything other than a good witness. I don't
9 hesitate. I'm sure he was a very good witness.
10 He's charming, he's articulate, and he's
11 knowledgeable. What more do you need?

12 Q. Mary Cowan, did you know Mary Cowan?

13 A. Yes.

14 Q. Did you formulate an opinion as to her skills
15 working in the trace evidence lab of the Cuyahoga
16 County Coroner's Office?

17 A. Yes, on a more limited basis, because of course she
18 was dealing with trace evidence, as you have just
19 said. So I had less direct experience, but I did
20 know Mary Cowan from the Academy, and from the
21 visits to the Coroner's Office. I had positive
22 feelings about her as a person, and as a
23 professional. She was gracious and friendly when I
24 saw her at the office, and when I saw her at the

1 Academy meetings. And as far as I know, she was
2 competent.

3 Q. Now going to the matter concerning the death of
4 Marilyn Sheppard.

5 - - - -

6 (There was a brief pause in the proceedings.)

7 - - - -

8 BY MR. DEVER:

9 Q. Doctor Wecht, I'm going to refer you to your report
10 now, and we'll get into some of those details, if
11 that's okay. First of all, dealing with Defendant's
12 Exhibit 2, which would be your July 29th, 1999
13 report; is that correct?

14 A. Yes.

15 Q. You have detailed your clinical summary. Do you see
16 that on page 1, and then it follows several pages?

17 A. Yes.

18 Q. What were your sources of information for that
19 particular summary that you put together?

20 A. I had received a large number of documents, and my
21 recollection is that I just extracted bits and
22 pieces. I had the transcribed testimony, I think,
23 from the original trial of Doctor Gerber and Doctor
24 Adelson. I had various other reports, the autopsy

1 report, of course, the photographs of the scene, the
2 sketch of the house. Coming up through the years,
3 then, I have the DNA reports of Doctor Tahir. I'll
4 just jump ahead, we've already referred to the
5 reports from Mr. Wentzel and Doctor Lovejoy. A
6 report from a police officer about the finding of
7 the flashlight. I think that was 1955. There was
8 some documents pertaining to the second trial of
9 1966.

10 I had looked at some photographs Doctor
11 Michael Sobel had, but that didn't come until after
12 that first report. So maybe I shouldn't mention
13 that in response to this question.

14 And what else? I know there were other
15 things. As I think of them or you question me about
16 them, I shall tell you.

17 Q. The trial transcript, then, you had Doctor Adelson
18 and Doctor Gerber's testimony; is that correct?

19 A. Yes, that was from the original trial.

20 Q. From the '54 trial?

21 A. '54, right.

22 Q. Did you have Mary Cowan's testimony?

23 A. No.

24 Q. From the '66 trial. Did you have Gerber and

1 Adelson's testimony from 1966?

2 A. No, I believe I did not.

3 Q. And Mary Cowan's testimony from 1966?

4 A. No.

5 Q. Doctor Paul Leland Kirk's testimony from 1966?

6 A. I don't believe I had the transcript. By the way,
7 that does remind me, I had these lengthy affidavits,
8 too, one of Doctor Kirk, which starts off with all
9 of the CV and goes into opinions. And then one of
10 Doctor Gerber of a similar nature. So those were
11 two other documents I recall that I had.

12 Q. The affidavit that you're referring to is the one
13 that was prepared by Doctor Kirk in 1955?

14 A. Yes.

15 Q. It was used as the basis for a motion for new trial?

16 A. I believe that's the case.

17 Q. And the response from Doctor Gerber, that's the
18 other document that you reviewed?

19 A. Yes.

20 Q. Did you review the testimony of Doctor Sam Sheppard?

21 A. I believe that there are some excerpts that were
22 given to me. By the way, I had different
23 chronologies, too. I'm not sure who prepared those.
24 Mr. Gilbert sent them to me. They were designated

1 as chronologies, one was a chronology of the overall
2 cases, and one was a chronology specifically of
3 Doctor Sheppard's actions, one was a chronology of
4 Doctor Gerber's involvement. So I had those
5 chronologies. I had that press packet that was
6 passed out on October 5th last year at the County
7 Coroner's Office in Cleveland.

8 Q. The exhumation?

9 A. The exhumation. So I had those things, too.

10 Q. But as far as the complete transcript of the
11 testimony of Doctor Sam Sheppard, have you read
12 that?

13 A. I don't believe I had that.

14 Q. Did you review the complete transcript of the
15 Coroner's inquest, conducted by Doctor --

16 A. Yes, I believe that is one of the documents, as I
17 recall.

18 Q. And did you also, then, inside of that transcript,
19 review the testimony of Doctor Sam Sheppard at the
20 Coroner's inquest?

21 A. If that's -- I could be wrong about having had,
22 then, the entire -- that would have been, you
23 mean -- Was it two, three days? I don't think I had
24 the whole -- no, I don't believe I had the entire

1 inquest transcript.

2 Q. And more specifically of the inquest transcript, the
3 testimony of Doctor Sam Sheppard?

4 A. No, I do not believe I had that.

5 Q. So then for the clinical summary that you've
6 detailed here as far as the events of the evening of
7 July 3rd, 1954 through the morning of July 4th,
8 1954, leading up to the discovery or till the time
9 the authorities are called to the Sheppard home,
10 what source information did you use to construct
11 that history that you've detailed as clinical
12 summary?

13 A. I can only tell you that I would have gotten it from
14 these various documents that I referred to, and
15 quite possibly some additional documents that I'm
16 not recalling at this time. But I got it from these
17 different documents. It was not, in other words,
18 from recollection, nor from newspaper accounts or
19 anything like that. It would have been from
20 documents and materials supplied to me by
21 Mr. Gilbert. I had nothing on this case other than
22 some vague memories. I had no file or collection of
23 materials on this case, until Mr. Gilbert consulted
24 me.

1 Q. So as far as the trial number one, the 1954 trial,
2 it's your recollection that the only things that you
3 received from the first trial as far as actual
4 transcripts of testimony would be Gerber and
5 Adelson's testimony; is that correct?

6 A. Yes, that's my recollection.

7 Q. So of the other number of witnesses who testified,
8 you've never reviewed their testimony as far as --

9 A. I don't believe that I have had the complete
10 transcripts of their testimony. There may be,
11 within the documents I received, some extracted
12 portions or references. But I don't believe I had
13 the complete transcripts.

14 Q. And those documents were, that would have contained
15 these extracted portions, were provided by
16 Mr. Gilbert; is that correct?

17 A. Yes. Everything, as I recall, came from
18 Mr. Gilbert.

19 Q. Did you ever request additional information?

20 A. Not specifically. Just told Mr. Gilbert anything he
21 wanted me to review, please send it. I don't recall
22 ever asking for anything specifically that I was
23 aware of or believed existed which I did not
24 receive.

1 Q. Do you continue to maintain all of those documents
2 and records that were provided to you by
3 Mr. Gilbert?

4 A. Yes, I've not thrown anything away.

5 Q. You didn't bring them down with you here today, did
6 you?

7 A. No.

8 Q. Then looking at the particular report, the history
9 as far as what occurred, that was based upon all of
10 the information that was provided to you by Attorney
11 Terry Gilbert; is that correct?

12 A. Yes.

13 Q. Now did you have, showing you now, looking at
14 Defendant's Exhibit 1, the autopsy protocol, have
15 you seen that document before?

16 A. Yes.

17 Q. Did you have an opportunity to review it?

18 A. Yes.

19 Q. You also had an opportunity to attend the exhumation
20 of Marilyn Sheppard; is that correct?

21 A. Yes.

22 Q. And you were present for some period of time where
23 you had an opportunity to physically view the
24 remains of Mrs. Sheppard; is that correct?

1 A. Yes.

2 Q. Now after having an opportunity to evaluate the
3 autopsy protocol of Marilyn Sheppard as it was
4 performed by Doctor Lester Adelson on July 4th,
5 1954, and then having an opportunity to view the
6 body yourself on October 5th of 1999, are there any
7 observations that you make as to the accuracy of
8 what is detailed in the autopsy protocol known as
9 Defendant's Exhibit 1?

10 A. Based upon the autopsy report correlated with what
11 could be seen on the exhumed body, I have no
12 specific disagreement. Obviously one cannot
13 identify many of these things such as soft tissue
14 injuries, the measurements are much different. But
15 I have no reason or basis to believe that the
16 injuries described by Doctor Adelson were not
17 accurately noted by him when he did the autopsy.

18 Q. After evaluating this case and taking a look at it,
19 and reviewing the testimony of these people, Doctor
20 Adelson, Doctor Gerber, and then reviewing the
21 affidavit of Doctor Paul Leland Kirk, as well as
22 affidavit of Doctor Gerber, do you have any
23 particular criticism as to the procedure that was
24 followed concerning the autopsy on Marilyn Sheppard?

1 MR. GILBERT: I'm going to object, because
2 that was a kind of a lengthy question, and I'm not
3 sure -- I didn't really understand it.

4 BY MR. DEVER:

5 Q. Of all of the documents, everything, Doctor Wecht,
6 all of the information that you reviewed in order to
7 bring us here today, do you have particular
8 criticisms as far as the procedures that were
9 followed by Doctor Lester Adelson in conducting the
10 external and internal examination of the body of
11 Marilyn Sheppard?

12 A. You're talking about the body --

13 Q. Right.

14 A. -- examination by Doctor Adelson?

15 Q. Yes.

16 A. Yes, of a specific and limited nature. I believe in
17 a case like this, one should take oral and anal
18 swabs also. We do that routinely. And I do not
19 hesitate to say that I believe it is done rather
20 universally and should have been done in this case.
21 Also in a case of this nature, I would have liked to
22 have had more detailed discussion and description of
23 the external genitalia, and the areas surrounding
24 the external genitalia, specifically comments about

1 the lower abdomen and pelvic region, the thighs, the
2 buttocks, and then of course the pubic escutcheon
3 and the mans pubis, and the vulva, and the vaginal
4 lips and the vaginal mucosa and so on. I think that
5 these are things that would have been good to
6 comment upon in a case of this nature. I don't want
7 to be incomplete, nor do I want to, however, go
8 beyond the confines of your question. You asked me
9 specifically about his examination of the body. You
10 stop me, please. I would, as a forensic pathologist
11 doing this case, then, with the injuries of the
12 teeth, I would have called upon a forensic
13 odontologist, but that, I would not, you know, have
14 done myself. So I don't know whether that's part of
15 the answer or not. I mention it, because I don't
16 want anything to be left out. Those are the things.
17 And I would have had an awful lot of pictures taken.
18 I don't know, maybe they exist. I don't know that
19 I've seen all the pictures. So again, it's not
20 something I would do myself, but I would see to it I
21 would have done. And then I also would have
22 submitted materials that I obtained from the vagina
23 for blood typing. At that time, of course, there
24 was no DNA and there was no HLA, there was just

1 traditional ABO and CDE, and also referred to as RH.
2 I would have submitted whatever I was able to
3 suction up from the vagina, for typing. I believe
4 that's appropriate in a case of this nature. So
5 those are the things that I think of, that would
6 have been applicable in 1954.

7 Q. So let's go through those particular items, then.
8 Basically what I'm asking you is the criticism of
9 Doctor Adelson's work as far as what he did on this
10 case.

11 A. Yes, I understand.

12 Q. So as far as you believe that Doctor Adelson should
13 have swabbed the oral and anal areas of
14 Mrs. Sheppard's mouth; is that correct, mouth and --

15 A. The anal and the mouth, yes. In a female in
16 homicides, I believe that should be done.

17 Q. You were aware that he did swab the vaginal cavity
18 of Mrs. Sheppard?

19 A. Yes.

20 Q. You were you aware also that he, upon swabbing the
21 vaginal area, he placed the -- prepared two
22 particular slides; is that correct?

23 A. Yes, I know that slides were prepared, and they're
24 referred to on the last page of his report.

1 Q. And then he, under microscopic examination,
2 determined, in viewing of those particular slides,
3 the lack of any evidence of sperm; is that correct?

4 A. Yes, I know that.

5 Q. Now as a forensic pathologist yourself, you have
6 from time to time handled cases involving suspected
7 sexual assault; is that correct?

8 A. Yes.

9 Q. And is it the common practice of the pathologist to
10 swab the vaginal area of a victim who apparently has
11 or may be the victim of a sexual assault?

12 A. That varies from one office to another. And it
13 probably has changed in larger metropolitan areas
14 over the past few decades. Traditionally, and
15 probably still today, there are some forensic
16 pathologists who may look at their own slides, and
17 years ago, many, many more who did it themselves.
18 Over the years, in larger offices, as more
19 specialists have been hired, to a great extent these
20 slides are then submitted to people in the
21 laboratory division, and the appropriate person
22 would look at the slides. So it varies. Nothing
23 wrong, obviously, with the forensic pathologist
24 doing it himself. And there's nothing wrong with

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1 having the slides submitted to a trained laboratory
2 technologist.

3 Q. You, yourself, have looked at the slides, haven't
4 you?

5 A. These slides?

6 Q. No, in past practices?

7 A. Oh, yes, sure, many times.

8 Q. Now if a person is a victim of a recent sexual
9 encounter in which sperm was deposited in the
10 vagina, and you did a microscopic examination of
11 those vaginal smears, what would you expect to see
12 under the microscope?

13 A. Well, if there has been, then, emission by a potent
14 sexual assailant, I would expect to see some
15 spermatozoa, along with whatever else may be
16 present, blood, mucous, debris, epithelial cells,
17 bacteria, fungi, parasites, whatever.

18 Q. And then upon observing the spermatozoa, what
19 significance would you attach to the fact that there
20 would be intact tails, what would that tell you?

21 A. Well, that gets to the timing of the emission.
22 There are ranges, and that is what they are, ranges,
23 it's not to the minute. When the sperms still have
24 their tails, they are of more recent vintage than

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1 when you find them without tails. Then you look to
2 see, you know, if you can get an idea of whether
3 they appear to be undergoing further degradation.

4 Q. When we say recency as far as intact tails, what do
5 you define that time frame to be?

6 A. Up to a few or several hours. That depends on
7 vaginal hygiene, the presence of or absence of
8 bacteria within the vaginal canal. So it does vary
9 greatly from one woman to another. And it also
10 varies, too, the amount of sperm.

11 Q. How many counts?

12 A. If there's several ccs with hundreds of millions of
13 sperms, or there's just a little dribble, or so and
14 so, these are all variables.

15 Q. So would it be fair to say that the trained
16 pathologist at the time that he makes -- that swabs
17 the vaginal cavity and then places these onto slides
18 and microscopically examines, if that pathologist
19 finds spermatozoa, with intact tails, he can opinion
20 that sexual activity is fairly recent; is that
21 correct?

22 A. Yes, that's correct. In fact there are special
23 slides that have a concavity, and you can put the
24 extracted fluid or semifluid material into the

1 concavity, the well. A cover slip goes over it.
2 And then you can examine, and in fresh cases, maybe
3 even see motile sperms.

4 Q. So if Doctor Adelson was the trained pathologist,
5 and found evidence of recent sexual intercourse, and
6 when I say recent, contemporaneous within those
7 several hour time frame you've given,
8 contemporaneous with Mrs. Sheppard's death, he
9 should have noted intact spermatozoa with tails; is
10 that correct?

11 A. Yes, given the time, estimated time of death, and
12 the time of the autopsy that same day, I would say
13 that if there had been full emission, that some
14 sperms, at least some, with tails, would have been
15 present.

16 Q. Your microscopic examination, if you were performing
17 an evaluation of these particular slides, how many
18 intact sperms with tails would you have to count on
19 the particular slide in order to call it recent
20 sexual intercourse?

21 A. I don't think any particular number. If you found
22 even --

23 Q. One?

24 A. A few, right, I mean because as I say, there are

1 variables as to the range. But if you even find,
2 you know, one or a few with tails, it just can't be
3 anything that's been hanging around for days.

4 Q. Those particular slides would even as of today, if
5 they were available, you could, if there were intact
6 tails on those slides, you could look at them today,
7 even after all of these years, and still see the
8 sperm; is that correct?

9 A. I'm not so sure about that. I might even -- I might
10 want to check that myself in the literature. It
11 depends on how many slides, how well preserved, and
12 how many such intact sperms there had been. If they
13 had been stained, and preserved appropriately, I
14 guess that you should be able to see them many years
15 later. So I guess it's within the realm of
16 likelihood, depending upon staining technique,
17 sealing of the cover slips, and appropriate
18 preservation in terms of temperature and light and
19 so on.

20 Q. Do the fact -- do epithelial cells disguise
21 spermatozoa?

22 A. They can obscure. Is that what you mean when you
23 say --

24 Q. Yes, disguise or obscure?

1 A. Yes, they can to some extent.

2 Q. So for instance, have you in the past had cases
3 where you have had suspected sexual assaults, and
4 have swabbed the interior of the vagina, and then
5 placed that upon a microscopic slide, evaluated it,
6 and only found epithelial cells and no sperm?

7 A. When sperms were there I assume?

8 Q. Yes.

9 A. Or were subsequently found?

10 Q. Right.

11 A. You know, it is possible. I can't tell you that
12 it's never happened. I don't remember a particular
13 case. But I hesitate to say no, because that would
14 confer upon me a mantle of perfection that I don't
15 think any scientist in our fields should do. So the
16 only thing I can say is it is possible. I don't
17 know of a particular case, but it is possible.

18 Q. How long does sperm remain in the vagina as far as
19 being able to detect it through scientific tests?

20 A. That varies greatly, as the literature will point
21 out. It's been found in some instances many days.
22 Most of the time after a couple of days or so,
23 couple to a few days, you won't find it. It depends
24 on the postmortem state, has the body undergone

1 decomposition, was it outdoors, did other bacteria
2 come to be involved, was the body refrigerated, was
3 there bleeding that would have obscured and even
4 actually perhaps produced some physical damage to
5 sperms? It varies greatly. You'll find some rare
6 cases reported in the literature, and they talk
7 about discovering it within the vagina of the
8 person, and I guess here we're talking about dead
9 women, not a woman who has, then, had some showers
10 or baths, or even just gone to the bathroom. But in
11 dead women some cases have been reported, I don't
12 know, even weeks. But generally speaking, it's a
13 matter of a few to several days, with the various
14 biologicals related to chemical and physical
15 factors.

16 Q. Now as far as in the living, how long does sperm
17 remain inside the vagina?

18 A. That'll vary, obviously, based upon what the woman
19 does. If she douches, bathes, then that's really
20 the end of it, at that point. Showering, a little
21 less effective for that purpose, depending upon how
22 the woman showers and so on. If there's no bathing,
23 no douching, no washing, then the breakdown period
24 would I think be faster, because you have more

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1 chemicals functioning, it's a dynamic process, as
2 opposed to a dead woman's vaginal milieu. But I
3 can't tell you, I have to really check that out, but
4 I think -- I don't see -- I would find it difficult
5 to believe that even in such a case, beyond a couple
6 of days or so, you would be likely to find sperms in
7 a live woman.

8 Q. Would it be fair to say, Doctor, that you can find
9 sperm inside the vagina even up to 36 to 48 hours
10 after sexual relations; is that correct?

11 A. Yes, I think that's possible.

12 Q. Now you say that one of the criticisms that you had
13 of Doctor Lester Adelson's part in the autopsy of
14 Marilyn Sheppard was that he failed to gather
15 material from Mrs. Sheppard's vagina for purposes of
16 doing blood typing; is that correct?

17 A. Yes.

18 Q. Now you indicated that there were two -- at least
19 two swabs of the vaginal cavity that were taken; is
20 that correct?

21 A. Yes.

22 Q. Now your criticism is that he should have also, in
23 addition, removed a sufficient amount of material
24 from inside of the vagina to do a blood typing; is

1 that correct?

2 A. Yes. What you do is sometimes you may have a
3 collection of fluid. I don't know if there was any
4 such collection. I cannot tell from his
5 description, and I'm not going to conjecture. What
6 you do is you squirt in physiological saline, which
7 washes down the walls, and then you extract that.
8 And then you can make your slides to look for
9 sperms. And you also, then, would submit that for
10 typing. As I say, in 1954 just the ABO, CDE typing,
11 which, you know, would have been done for
12 exclusionary purposes.

13 Q. On page 6 of his autopsy protocol, Doctor Adelson's,
14 he indicates that he had taken vaginal smears and
15 they're abundant for epithelial cells and bacteria;
16 is that correct?

17 A. You mean the last page?

18 Q. Yes, sir.

19 A. Yes, that's correct.

20 Q. Had there been -- or if there was a sufficient
21 amount of fluid found in that particular area, it
22 should have been noted at that point in time; is
23 that correct?

24 A. Well, the question of volume or quantity actually

1 would have been noted more at the time of the
2 examination. The smear is, by definition, just a
3 smear. A smear could be made from a material not
4 much more than what is on the slide, or it could be
5 a smear from a few ccs. If you look back in the
6 report, you'll see that he does say a moderate
7 quantity of creamy white exudate. That's under
8 internal genitalia on page 5. So there was some
9 material. What moderate quantity was, I do not
10 know, so I can't conjecture.

11 Q. Now your other criticism was concerning the external
12 examination of the body of Mrs. Sheppard; is that
13 correct?

14 A. Yes.

15 Q. More specifically down into the pubic region; is
16 that correct?

17 A. Pubic, pelvic, upper thighs, buttocks, perineum, the
18 area between the vagina and the anus. These are the
19 areas that are anatomically important in trying to
20 determine whether or not there has been any sexual
21 assault.

22 Q. In the autopsy protocol, Doctor Adelson lists 35
23 specific findings concerning his external
24 examination of the body with demonstration of

NO EVIDENCE
TRAM

1 injury; is that correct?

2 A. Yes.

3 Q. So had there been evidence of any type of trauma
4 caused to the pubic region, or to the thighs, or to
5 the lower stomach, that should have been detailed in
6 this -- in the section known as the external
7 evidence of injury; is that correct?

8 A. Yes, that's correct.

9 Q. And you would agree that there is no evidence --
10 there is no details or mention contained in this
11 autopsy protocol of any type of injuries being
12 sustained to the pubic region of Mrs. Sheppard's
13 body; is that correct?

14 A. Yes.

15 Q. So as far as any type of trauma sustained to the
16 body, or to the vaginal or pubic region of
17 Mrs. Sheppard, there is no evidence to suggest that,
18 is there?

19 A. Yes, that's correct.

20 Q. So had there been those type of injuries, then, and
21 Doctor Adelson failed to report those, then his
22 report would be incomplete; is that correct?

23 A. That's correct. I want to make it clear, I'm not
24 saying that there were. I have no basis to say that

1 there were. You asked me did I have any criticisms,
2 and I'm just telling you that in a case of this
3 nature, I believe some additional comments as to the
4 observations, albeit of a completely negative
5 nature, should be made. But I'm not, in saying
6 that, suggesting or intending to imply that there
7 were such injuries that he failed to note.

8 Q. So you're not saying that the failure to state the
9 negative indicates there's a positive finding?

10 A. That's correct.

11 Q. So just to get down, to cut to the chase, then,
12 Doctor, because I don't want to keep you here all
13 day long, as far as this evidence of sperm that
14 Doctor Tahir -- you're familiar with Doctor Tahir's
15 findings concerning presence of a sperm fraction on
16 the vaginal smears?

17 A. Yes.

18 Q. Is it your testimony, then, that you cannot draw,
19 if, in fact, Doctor Tahir does, in fact, find sperm
20 fractions on those vaginal smears, you cannot tie
21 the presence of that sperm fraction to be recent or
22 contemporaneous with Mrs. Sheppard's death, can you?

23 MR. GILBERT: I'm going to object, because
24 I'm not sure that's within his area of expertise,

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1 but go ahead.

2 BY MR. DEVER:

3 Q. Do you understand the question?

4 A. I understand the question. Obviously you're asking
5 me what if there had been sex sometime prior to this
6 fatal assault?

7 Q. Right, on the night in question.

8 A. The answer is now an extension or a correlate to
9 what you had asked me and what I answered before,
10 and the answer is no, I can't say that what was
11 there by way of spermatozoa, DNA, had to have come
12 from the time of the fatal assault on Mrs. Sheppard.

13 Q. And it could have been as remote up to two or three
14 days; is that correct?

15 A. Yes. You know, I don't know how many and what was
16 found, but that's a reasonable time frame, based on
17 what we've discussed.

18 Q. Fair enough. So in your evaluation of this
19 particular case, the only evidence to suggest that
20 there was a sexual assault that particular night is
21 the manner in which the body is discovered; is that
22 correct?

23 A. Well, that, with the possibility of the sperms,
24 depending upon what other information there may be.

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No
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1 I have no recollection, and hence no knowledge, you
2 gentlemen may, or the record may reflect as to
3 whether or not there had been sex between Doctor
4 Sheppard and Mrs. Sheppard in the two to three days
5 prior to her death. So I just, you know, leave that
6 as a possibility. Then moving on, you're correct, I
7 would agree with the statement that you made, the
8 way in which the body was found, the state of
9 undress, et cetera, are suggestive, at least, of an
10 attempt, but not necessarily the culmination or the
11 completion of an actual attack. In terms of, well,
12 certainly insofar as penis --

13 Q. Penetration?

14 A. Per vagina, or penile penetration is concerned, that
15 is correct.

16 Q. But it's clear from evaluation of the autopsy
17 protocol that there's no evidence of any type of
18 forced trauma to the vaginal area in Mrs. Sheppard's
19 body; is that correct?

20 A. That's correct, there's nothing in the report to
21 indicate that.

22 Q. We've also gone over the fact that the vaginal
23 smears, in looking at those vaginal smears, Doctor
24 Adelson does not note the presence of any sperm or

1 sperm with intact tails; is that correct?

2 A. That's correct.

3 Q. As far as Doctor Adelson's detail in the autopsy
4 protocol, does he indicate any type of injuries to
5 the breasts of Mrs. Sheppard, any evidence of cuts,
6 bruising, lacerations, trauma to the breasts, things
7 of that nature?

8 A. No, there were no injuries noted by him involving
9 the breasts.

10 Q. Now as far as in evaluating this case, did you
11 ascertain -- this was severe blunt force trauma; is
12 that fair to say, Doctor?

13 A. Yes.

14 Q. Do the particular injuries and particular wounds,
15 are they consistent with a single object being used
16 to cause these injuries?

17 A. Yes.

18 Q. So that we don't have more than one object; is that
19 correct?

20 A. You could have. I can't rule out two objects that
21 could produce similar injuries. But I have no
22 basis, and I'm not suggesting that there were two
23 instrumentalities.

24 Q. But the characterization of the particular wounds