

DR. STEPHEN ALLEN SHEPPARD, being  
first duly sworn was examined and testified as  
follows:

EXAMINATION OF DR. STEPHEN ALLEN SHEPPARD

By Coroner Gerber:

Q What is your name?

A Stephen Allen Sheppard.

Q Where do you live?

A 19027 Inglewood Drive, Rocky River.

Q What is your profession?

A Physician and surgeon.

Q How long have you been a physician and surgeon?

A Since 1944.

Q Where did you graduate?

A The Los Angeles College of Osteopathic Physicians  
and Surgeons.

Q In what year?

A 1944.

Q When were you licensed to practice in the State of  
Ohio?

A 1946.

Q Were you licensed in any other state?

A The State of California.

Q And in what location did you begin to practice?

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A Downtown. First of all after completing the four years of medical school, I obtained my license in California and practiced in California for two years. When I returned to Cleveland I started out downtown at 3146 Euclid Avenue.

Q Then you moved over to the west side?

A Yes, sir.

Q I mean the office.

A I then in 1939 opened an office in Fairview Park.

Q You are connected with Bayview Hospital in Bay Village?

A I am on the staff at Bayview Hospital, yes.

Q Do you hold any official position at Bayview Hospital other than on the staff?

A I am the director of the hospital practice. I am also head of the Department of Urology.

Q Do you hold any position on the management staff of the hospital?

A No, sir.

Q Are you a director or anything of the hospital?

A No, sir. I presume you mean governing body, the Board of Trustees. No, I am not a member of that.

Q How old are you?

A 34.

Q And how old is Dr. Richard Sheppard?

A 38.

Q How old is Dr. Sam Sheppard?

A 30.

Q Calling your attention to the morning of July 4, 1954, were you notified of anything wrong at the home of Dr. Sam Sheppard?

A Yes, sir.

Q By whom?

A Mrs. Dorothy Sheppard, my older brother's sister called me in my home at about six o'clock that morning.

Q Mrs. Dorothy Sheppard?

A That's right.

Q You said sister?

A Dr. Richard's wife. Did I say sister?

Q Yes.

A I am sorry.

Q What time is this?

A I didn't look at my watch but it was close to 6:00 A.M.

Q Before or after?

A I would say six and that is about as close as I can come. Possibly shortly after.

Q What were you told?

A Well, I was awakened from a sound sleep and as I recall it she said, "We just got a call from Spence Houk that something terrible has happened up at Sam's house and

they think Marilyn has been killed."

Q Did she tell you who gave her the information?

A As I recall, she said that Spence Houk called and as I say --

Q Did he talk to her?

A I have no idea whom he talked to.

Q Is there anything else that she repeated?

A No, sir.

Q Anything else that she told you?

A No, sir.

Q What did you do then?

A Well, I arose and dressed and my wife asked if she could go along and I cautioned her about taking too long to dress and for once she got dressed fast and we went.

Q How long did all this take you, to get dressed and get out there?

A I think we got out there within fifteen minutes.

Q From the time you received the telephone call?

A Yes, sir.

Q Until you arrived at Dr. Sam's house?

A Yes, sir.

Q Then what did you see?

A Well, I opened the screen door and let my wife go in first which was a foolish thing to do.

Q Which screen door was this?

4 A The back door, what we call the back door, the door that faces Lake Road. We saw a Bay Village ambulance in the driveway. We had remarked on our way over to the house why don't we see the ambulance and she asked me what I thought about it and I said, "Well, either they have already taken her in and she must be beyond help or--" of course, as soon as we saw the ambulance in the driveway I concluded that she was beyond help. And as I say I opened the screen door and we both went in. She had preceded me in the hallway and I recall seeing her point into the den. I walked through the back hallway and as I did so I saw the doctor's bag upturned on its side, with the paraphernalia, bottles and instruments strewn about the area.

I proceeded immediately to the door of the studio and looked into the studio and saw my brother Sam lying on the floor. He was bare from the waist up. I went in and spoke to him briefly. I thought he was dead.

Q What did you say?

A I said, "What happened?" "How are you?" Things of that sort. I certainly can't tell you exactly what I said, but it is my impression that I spoke to him and said what happened and he responded, so I immediately left.

Q What did he say when he responded?

A He said, "I think they have killed Marilyn."

Q Did he say anything else?

A No, sir.

Q At that time?

A No, sir.

Q Did you say anything?

A No, sir.

Q In answer to his statement?

A No, sir, I left the room immediately and ran upstairs.

Q Did you go through the kitchen upstairs?

A No.

Q Or around the living room?

A No, sir, I went through the living room and around through the little L-shaped place where the fireplace is and up the stairway.

Q Proceed, please.

A I reached the top of the stairway and I saw my sister-in-law Marilyn lying on the twin bed, next to the door, in the northwest bedroom. Her head was approximately the middle of the bed. She was partially covered by a sheet. Her legs extended beyond the end of the bed. It was an old-fashioned four post bed with a bar across the foot of the bed and her legs extended underneath that bar. I could see the feet and legs up about as far as the knees.

She was completely battered. I believe that I

touched her wrist. Her head, face, shoulder were covered with blood. It was a horrible sight. I noticed multiple deep penetrating wounds, mostly limited to the area above the eyebrows. I disturbed nothing. I determined that she was dead. I returned immediately to the downstairs studio.

Q Was Dr. Richard ahead of you in examining the sister-in-law?

A I am confident that he was. His car was there when I got there and he has later told me that he had been up. I didn't see him. I don't remember seeing him in the house.

Q At the time that you made the examination were you aware that Dr. Richard had examined her?

A I don't think so.

Q You say you touched her?

A I touched her wrist.

Q Did you touch her head?

A No, sir, I couldn't.

Q Did you notice the blood, you said over her face and head?

A Yes, sir.

Q What was the condition of the blood?

A When I saw her the blood was beginning to clot. It was still wet in some areas, areas about the shoulder and

on the face where it was thin it was completely dry, but in the hair and other places where it was thick and matted it appeared to me that it was still of a moist consistency. It was not dry. It was not completely clotted.

Q And the neck?

A I didn't examine the neck. I have no specific recollection of the neck. As I try to visualize and remember this thing the whole area down about this level was bloody and I made no attempt to evaluate the neck or examine it or turn the body or touch the body or anything like that.

Q Just now you pointed to the level of the shoulders?

A That was as I recall it the extent of the discoloration of the blood and so forth. That apparently had involved the head and face and I seem to recall some scratches or some dry blood on the area above the clavicle, but believe me I didn't stay there very long, and my memory is at best insecure on that point.

Q What part of her body was covered?

5 A As I recall she had two sheets which were drawn up to about the waist. The legs as I have described extended out on either side of this sheet and under the bar at the foot of the bed.

Q Did you see the pajamas?

A No, sir.



Q Did you see pajama tops?

A I did not.

Q About the shoulders?

A I didn't see it. I am advised that she had it on, but I just didn't see that.

Q Did you notice the rest of the room?

A Not at that time.

Q After you saw the body what did you then do?

A As I said I went directly back down to the studio and began to speak to my brother Sam.

Q What did he say? What did you say to him?

A I asked him if he thought he could walk. He was lying on the floor still holding his neck. He had his arm up with his hands at the base of his skull. I made a cursory examination looking for lacerations and injuries and that sort of thing. I questioned him with regard to whether he thought he could walk or should we get a stretcher or an ambulance. And he said, "Well," in an incoherent and hesitant manner indicated that he thought he could walk. He said he had been staggering around the house. I said well, let us see if we can't get you over to the hospital. You are obviously hurt. And at that time Dr. Carver, one of the internes in the hospital came into the room.

Q Which room?

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A The study.

Q He came to the house, Dr. Carver?

A Yes.

Q Do you know how he got there?

A I understand he came with Dr. Dozier who is a resident in surgery there.

Q Were they sent for?

A I presume they were. I don't know how else they would have known about it.

Q Dr. Thomas Dozier?

A D-o-z-i-e-r and Robert Carver, C-a-r-v-e-r.

Q They are residents?

A No. Dr. Carver is an interne, who since has finished his internship and in practice and Dr. Dozier is on a training program in surgery.

Q They were in the house you say when you came down from being upstairs?

A I didn't see Dr. Dozier, but as I say I did see Dr. Carver. I understand Dr. Dozier went upstairs and I don't know what else.

Q Go ahead.

A We are at the point where Dr. Carver entered the room?

Q That is right.

A Dr. Carver entered the studio and I asked him to give me some help getting Dr. Sam out to the car. I asked

my wife to get some clothing out of the closet in the hallway. Dr. Sam was shaking and chilling. His clothes were wet. When I checked his head and scalp for evidence for injury his hair on the top of his head dry, but the hair on the back of his neck in the area where it is thick it was wet and the hair on the top of his head is sort of thin and it was definitely dry. He had on some cord trousers and he had on gym socks and loafer-type shoes, and as I say he was obviously cold and apparently suffering from shock. I spoke to my wife and asked her to get something out of the closet and she said, "Well, what should I get?" and I said, "For heavens sakes get anything." Then Dr. Carver and I practically lifted him to his feet and with one arm half-dragged him to the car and carried him out through the hallway. At this point my wife was still trying to decide what garment she should get so I reached forward to the closet and grabbed a cravinet topcoat, a type of a raincoat affair and we threw it over his shoulders and we then took him out and put him in my car.

Q Was there any police there when you took Dr. Sam out?

A Yes.

Q Do you recall who?

A Well, Chief Eaton was there and Officer Drenkhan was

there and then Officer Cavanaugh was there. I am not certain about Officer Cavanaugh. It seemed to me there were police and firemen all over the place, but I can't be sure.

Q Did you speak to any of the policemen?

A No, I don't recall speaking to any of the policemen. I do recall hearing Officer Drenkhan coming in and making a telephone call in the studio while we were taking Dr. Sam out but I didn't interrupt that or say anything at that time. I think we may have said is it okay if we take him to the hospital, or we are taking him to Bayview Hospital, or words to that effect, but I have no definite recollection.

Q Do you recall asking permission from any of the policeman to take Dr. Sam to the hospital?

A No, but in a situation of that sort, at least to my experience the patient comes first and I have been associated with the Fairview Park police for five years and I am the police department surgeon out there and whenever we have an injured person the doctor on the scene sees to it that proper care is administered to the patient. If the patient is obviously injured ordinarily we take the patient to the hospital.

Q Did anyone permit you to take Dr. Sam to the hospital?

A No, sir.

Q Did Dr. Sam have any conversation with you during that time?

A No, sir, none whatsoever.

Q Did he have any conversation with you after you took him to the hospital?

A Not at that time, no, sir. He was, as I say, in apparent shock. We administered sedatives and the nurse immediately undressed him and took his clothing and put a marker on it to identify the fact that it was his. I ordered hot water bottles and we contacted an x-ray technician, had a technician come in to take pictures of various things. We did not discuss this at all at that time. He was not in shape to discuss it.

Q Did he tell you anything as to how it happened?

A Not at that time, no, sir.

Q Did you examine him before he left the house?

A I examined him while he was laying on the floor in the studio briefly after I went downstairs and came back down.

Q What did you find?

A Well, as I say, he was bare from the waist up. He had on summer cord trousers and gym socks and loafer type shoes. Shoes and socks and trousers were fairly wet. His skin appeared to be dry. It was cold to the touch, somewhat moist, as is frequently encountered in a patient

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Sam's blood  
leaving his  
body.

who is in shock.

Q Did you see any physical injuries?

A I did.

Q What were they?

A He had a contusion involving the right side of the face, the right eye. There was blood issuing from his mouth. There was blood on his teeth. There was blood on the outside of his face, on his lips. There was evidence of early superficial contusion about the base of the neck on the left.

Q Where was this located?

A At the base of the neck on the left anteriorly.

Q In the hairline?

A Anteriorly.

Q In the hairline?

A No, sir, I am coming to the hair line. It involved the left sternocleidomastoid muscle, which is, as you know, the big muscle that runs from the mastoid into the clavicle. We then made him take his hand away from the back of his neck and there was evidence of muscle spasm and edema and contusion there.

Q What was the extent of this condition that you talk about on the back of his neck?

A There was an area of approximately -- you asked me about the size?

Q Size?

A I would say three inches across, approximately two inches up and down right at the base of the skull. That is when I found this in his hair.

Q Was the type of the condition that you describe such a condition as would remain in evidence for four or five or ten hours?

A I would think so. I would say it was deep. In other words, there wasn't a discoloration as ultimately developed over the side of his face and eye, but it was a deep muscular tenderness type of thing.

Q A contusion is an external manifestation of an injury, is that right?

A If it can be palpated as well as seen.

Q You said you saw this?

A I saw evidence of it. I saw swelling.

Q And if that type of a condition was in evidence at six o'clock in the morning, or 6:30 in the morning, would it still be in evidence at four o'clock in the afternoon?

A I believe so.

Q Then if Dr. Hexter did not see a condition at this location, would one of you be wrong?

A Well, I cannot speak for Dr. Hexter. I don't know Dr. Hexter personally. I know that he is a licensed physician and surgeon of the State of Ohio and he must be



good to have passed the examination. I assume that he is a conscientious physician, and I was present when he made his examination. I know that he did not palpate the neck. I think I would say that he looked at it.

Q If Dr. Elkins did not see a contusion when he examined the neck is it possible that you could be in error?

A I have utmost confidence in Dr. Elkins if he says he did not see a contusion, then he did not. I am equally confident that I saw what I described.

Q In this particular area there is legitimate reason to believe there is some difference of opinion, is that right?

A You are referring to this area?

Q Of the neck.

A Where I found evidence of injury at the base of the skull and in the hair line and so forth. Yes, sir.

Q And two other doctors did not?

A I don't know that they did not.

Q Their reports stated they did not?

A Then I assume that they did not.

Q Did you notice any breaking of the skin on the back of the neck or around the neck or in the hair line?

A There was no skin broken at any time except mucous membrane inside the mouth on the right that I saw.

Q Did you see any, notice any skin break on any other

part of the body?

A No.

Q Did you notice any scratching of the face, any areas of contusion?

A No, sir.

Q Or anywhere else?

A No, sir.

Q What did you do after you took Dr. Sam to the hospital?

A I got back in my car and took my wife over to Dr. Richard's house, which is next door to the west, and Dr. Richard and I discussed the possibility of returning to Dr. Sam's house.

Q Did you return?

A We did.

Q What did you do there?

A As I recall at this time there were even more cars, more officers and neighbors and friends, crowd gathering and that sort of thing. We entered the house --

Q What time was it when you got back?

A This was about 7:30. As I recall. Again I didn't look at my watch, but it certainly must have been about 7:30.

Q Go ahead.

A We entered the house and this time I began to notice

the upturned medical kit. I reentered the studio, saw the desk with the drawers dumped on the floor, went into the living room. I saw Marilyn's desk had been gone through, was in disorder, and a ledger or check book had been thrown on the floor and possibly a dozen or so Ohio State sales tax stamps had been flung on the floor. The writing level of the desk was propped up on the back of the chair in an odd angle, which sticks in my memory.

I remember the door facing the lake was open, and the screen door was open.

There were officers here and there about the house. Dr. Richard and I went upstairs and again looked at Marilyn, and at this time I looked at the room and I saw blood on all four walls of the room. I got down on my hands and knees and looked under the bed, and as I did so I placed my left hand in an area on the rug, which was moist and cold and which I presume was water and remarked to one of the officers that was present that I thought it was water.

Q Where was that located?

A Right by the side of her bed.

Q Where with regard to the length of the bed?

A I would say about the middle. We then looked into the spare room, which the door was open, and there was nothing out of order there. We looked into Chip's room

and there didn't seem to be anything out of order there. He of course had been gone for some time by then.

We went down the hall and looked into the guest bedroom, and at this time as I recall Mayor Houk's son had come up into the hall or was someplace up there, and Dr. Richard and I discussed with one of the officers that Dr. Hoversten's luggage seemed to be undisturbed. We commented on the fact that the bed was unmade. We checked with the guard as to when it had been last slept in.

We went back toward the hall and the stairway. We stepped into the bathroom. Talked to one of the officers about a cigarette butt which was in the toilet bowl, which he said had to be preserved for investigative purposes.

I went back downstairs then and went into the kitchen, and it occurred to me that the basement might or might not have been looked at. I asked Chief Eaton if anybody had been down the basement, and he said no. I said is it all right if we went down. He said let's go. I led the way, and he went down and found all the lights on down there. I saw nothing of any significance in the basement. Except that the fact that the lights were on, which was not terribly out of the ordinary in that household.

Then I asked him if it would be all right for me to use the lavatory facilities down there, and one of the

officers said it would be all right, which I did. I then went out and down to the beach. The officers were trudging up and down the beach. I noticed that the wind was from the northeast. There were small waves, but there were little or no whitecaps. I looked about on either side of the stairway, and I looked under the deck of the beach house at which time I discovered two pairs of gloves, one was a pair of white cotton work gloves that had reddish brown stains on it, and the other pair appeared to be leather driving gloves. I went immediately back to the top of the hill and asked for Chief Eaton, and upon finding him I told him of my discovery, and he asked me where they were and I told him that I had not touched them. I asked him to come back down with me and he did and he pulled the gloves out from under the deck of the beach house. Where they are now, I have no idea. He took them with him.

Q Anything else?

A Well, after some time had elapsed, I went around to the side of the house which faces the road, and I saw Chief Eaton and my brother Dr. Richard coming out of the garage, and I went into the garage and looked around and didn't see anything and came out again.

Q How long did this take?

A Well, in between there was a lot of talk. We sat

around on the front steps and looked out over the lake. Smoked several cigarettes while waiting for the Coroner of Cuyahoga to arrive and I think possibly it was about an hour, as I recall -- again I didn't look at my watch but as I recall, I don't know, about eight-thirty, quarter to nine and immediately he threw everybody out and sealed up the house. I mean you asked everyone to leave.

Q Did you touch anything while you were in the house?

A I touched nothing.

Q Did you remove anything?

A No, sir.

Q Did Dr. Richard and you when you were together touch anything? Did he touch anything in your presence?

A No, sir.

Q Was he continuously in your presence?

A No, sir.

Q When you were in the house?

A No, sir.

Q As long as he was in your presence you don't recall him touching anything or removing?

A I recall that we were both meticulously cautious not to touch anything.

Q When you were together precisely did you look at the contents of the medical bag?

A We looked.

Q Did you handle anything?

A Nothing.

Q You said that the bag was on its side?

A End, I meant to say, upturned on its end.

Q You want the record to be corrected to read on its end instead of on its side. Did you notice the contents on the floor?

A Yes, sir.

Q Did you handle any of the contents on the floor?

A No, sir.

Q Did you touch the bag?

A Not at all.

Q Did you attempt by looking at it or viewing it to see whether or not anything was missing?

A No, sir, I made no attempt. You are referring to the medical kit? I made no attempt to evaluate the contents. I just noticed a large number of ampoule vials were strewn about.

Q Did you examine the stuff?

A I did not.

Q Did you go into Sam's study?

A Yes.

Q Did you kick over anything unintentionally?

A I didn't kick over anything. I had my attention

turned to one of the things in the bookcases and I had a pair of blue denim trousers. They were a little long for me and I turned the cuffs up and I stepped over toward the bookcases and as I did so the cuff on the left trouser leg caught on one of the drawers that was upended and setting precariously and toppled down. I ofcourse realizing what I had done I said a rather short unrepeatable word and I immediately apologized to Chief Eaton and left.

Q Did you attempt to replace it?

A No, sir. I had already done more than I should, I thought.

Q Did you see what was in this drawer that you accidentally upset?

A No, sir. I thought I had better leave as soon as possible.

Q Who was present when this drawer was upset?

A Chief Eaton was there I know because he was somewhat unhappy about it naturally, and there were some other officers there but I can't name them. I think Officer Drenkhan was there. I don't know who else was in. Chief Eaton was there in the room at the time.

Q Since that time has any clothing or anything been taken out of the house?

A Yes, sir.

Q Would you repeat it for the record?

A I should tell you what clothing was taken out?



Q Yes.

A Well, I don't remember the exact date but I remember that Dr. Sam didn't have anything to wear but the first clothing that was taken out was obtained I believe by my wife and Mrs. Richard Sheppard, that is Dorothy. They got an oxford gray suit and some shirts and socks and shirts and ties and various items of apparel and they brought them down in a small handbag with the knowledge and approval I believe of this Officer Rossbach.

Q Who were they for?

A Dr. Sam. This is while he was still in the hospital and it was expected that he would be going to the funeral on Wednesday, you see. When we took him in of course he had just what he had on and we did not take anything else with us.

Q By the way, was anything taken out of the house?

A Yes, late -- sometime in the morning on Monday the 5th I believe it was Dr. Sam had not shaved and he was pretty uncomfortable and he wanted his toothbrush and that sort of thing. So I went down to the house and asked them if I could get some of the personal effects and one of the officers accompanied me to the bathroom and got an electric razor and one of these travelling kits toothbrush and toothpaste. That's it.

Q Were there any other things taken out of the house?

A Did I take anything else?

Q No. Was anything else taken out?

A That I know of?

Q That you know of.

A Yes, sir. Roughly a week after the incident --

Q I mean immediately.

A Oh, no. No, sir. I thought you meant when we went up and got the suits and that sort of thing when you were present.

Q Did anyone take anything out of the house for Chip?

A Well, I didn't have anything to do with Chip. I understand that Mrs. Houk and Dr. Richard woke him up and removed his chin strap and took him over to Dr. Richard's house. They may have taken something then or possibly Mrs. Dorothy Sheppard and my wife may have gone down to pick some things up. I know when it came time for him to go to camp they couldn't get anything, they had to go out and buy some things for him.

Either Dorothy or Betty must have gone with the consent of the officer and got something for the boy to wear.

Q They did get something as far as you understood?

A I presume they did. He had clothes on.

Q What time did you retire on the night of July 3rd?

A This was the night before, Saturday night?

Q Saturday night.

A Mrs. Sheppard and I had guests in for dinner and we had planned to go out and watch the fireworks that were being displayed on the breakwater. We sailed off until about 9:30 or possibly 10:00. We spent 45 minutes or so and then sailed right back in again and we went back downstairs and sat around to listen to the ballgame, which as I recall ended up somewhere between 12:30 and 1:00 and everybody was so exhausted that we could hardly finish it up and we followed it up that long so we stuck it out. Everybody went home and it must have been shortly after 1:00 that we cleaned up.

Q You say everybody. Who is everybody?

A Do you want me to name the guests?

Q Yes.

A Dr. Clifford Foster, Mrs. Ida Kaneles. Mrs. Charles M. Davis and Mr. Charles M. Davis.

Q This was around one o'clock Sunday morning?

A When they left.

Q When they left.

A Yes.

Q Did you get a call on the phone after one o'clock in the morning?

A No, sir. Marilyn, I talked to her at 9:30 that night. It was my habit when we were thinking about going out in the boat to call her and ask her how the weather was on the lake and she would look out on the

lake and describe it and I did call her about 9:30 p.m. but I neither called her-- nor did I receive a call from that time until 6 o'clock in the morning.

Q There has been a lot of talk about a Susan Hayes that was in the employe of Bay View Hospital. At any time to your knowledge was there a family gathering, that is of yourself and your father and other members of your family to come to some decision that Susan Hayes should be retained as an employee or not?

A Do I know that there was such a meeting?

Q Yes.

A I know there was not.

Q To your knowledge?

A No, sir.

Q Do you know whether any such action was taken by any member of the directors or governing board of the hospital?

A Not to my knowledge.

Q Was there any gathering of your personal family to discuss the conduct of Dr. Sam and Susan Hayes?

A No, sir.

Q Is it correct that Marily Sheppard thought very highly of you and she confided in you on many occasions?

A I believe that's correct.

Q Did she ever confide in you that she was having

difficulty with Dr. Sam?

A Yes. We all had difficulty with Dr. Sam of the type that she described. Certainly nothing out of the way. I wouldn't even say it was a confidence. I mean she talked to me on several occasions that he was working too hard, he was at the office too much, was at the hospital too much. My wife said the same thing to her and I am sure Dr. Richard's wife said the same thing to her on many occasions, particularly during the early phase of the practice. I presume that's what you are referring to.

Q Did she ever ask you or seek advice from you about Dr. Sam's inattention to her and chasing around with other women?

A Not to my recollection. She said and indicated that he was away from her a great deal and she asked me if I thought he could be involved with another woman and I said no, there are only so many hours in a day and I know how much he is at the hospital and how much he is at the office and let's face it. There just isn't time. I mean those are my words.

Q did she ever confide or tell you that Dr. Sam was seeking a divorce from her?

A No, sir.

Q Or whether or not she should go through

with a divorce because conditions were becoming unbearable?

A I don't recall such a confidence. Our entire family group is and has been always rather casual and inclined to joking about things and discussing things and it is entirely possible that one of the girls would say well that's cause for divorce, when we say we will be home at six o'clock and we will get there about eight or something of that sort, but certainly nothing that is serious in any way.

Q So far as you can recall there wasn't any specific conversation about divorce by either one?

A No, sir.

Q I am given to understand that Dr. Sam respected your family very highly and you in particular, particularly attached to you, more so than the other members of the family. Is that correct?

A I don't believe so. I think he thought a great deal of his father and a great deal of the other brother. It happens that he and I were closer in age and we grew up together more than Dr. Sam and Dr. Richard and that may be that what you say is true but I have never felt that we were particularly close. We were all close.

Q Did he ever ask you or say to you that he had been having difficulty with Marilyn and that it would be a good idea for them to break up?

A May I answer that in two parts?

Q Yes.

A With regard to did he ever say that they were ever having any difficulty the answer is yes. In regard to whether or not he thought or anybody else thought it would be a good idea for them to break up, the answer is no.

At no time to my knowledge was there any discussion about breaking up. These two people were completely engrossed in one another. They were deeply in love. To my knowledge there was no serious consideration or even discussion about any breaking up or divorce in the way I presume you mean.

With regard to difficulty, he on several occasions indicated that she was more sensitive than he would like and that she apparently felt insecure and that the time that he spent away from her during the early phases of practice building, she was a little unreasonable I think possibly.

I know that there were times when she felt the burden of the responsibility of her child just like any other normal mother does and those were the difficulties that were described to me.

Q Do you know when Marilyn became pregnant?

A I have no idea.

Q When did you find out that she was pregnant?

A The week prior to her murder. We had an announcement, we had a party at my home on Friday night, that would be the Friday before Sunday, we had a family party at my home on Friday. Dr. Richard and his wife were there and Marilyn and Dr. Sam was there and my wife Betty was there. We had one of those rare occasions when we could all find some free time simultaneously and we referred to it as an announcement party. That was the first time that she had more or less come out and indicated to the family that she was expecting, even though my father knew it some weeks back but had not mentioned it to me. And my wife as far as I know did not know anything about it. But that was a completely happy occasion.

We were all proud and thrilled because we knew that particularly Dr. Sam had wanted children for years. Apparently they had achieved at least the initial phases of this goal.

We went through the usual practices of making sure she was comfortable and you know, overdoing it, like families often do and tending to her slightest whim and that sort of thing as is frequently done with a woman during the early months at least when it is first announced.

Q Do you know of any condition or happening that could



have happened to Dr. Sam that would cause him to be sterile?

A No, I do not. I do have some information with regard to Marilyn but she had sought my help medically and I don't feel that I am free to discuss that at this time.

MR. DANACEAU: About herself personally?

THE WITNESS: Yes, sir.

Q About herself?

A Yes.

Q I wouldn't ask you that.

A Well, you asked me about Sam.

Q Yes.

A But he wasn't a patient.

Q He was not a patient?

A Not at that time.

Q He is a patient of yours now, since the time he is under investigation?

A Well I understood you to ask me if I knew anything in the background with regard to this other stuff.

Q Yes. There is not anything that you know of that you have heard or anything from your knowledge?

A Which would produce him sterile?

Q Yes.

A No.

CORONER GERBER: That is all,  
thank you.

THE WITNESS: Thank you.

Q Do you have anything you want to offer?

A Well I can only say that I would like to say this to the spectators that I know that most of you people who are here are here not just as morbid curiosity seekers but as members of the community you are interested. I know that you are shocked. Certainly this was a hideous crime. But this could happen to you. And you also could be completely innocent. And you also could be subjected to the hours and hours of interrogation. And you too could be brought into a gymnasium and your entire family subjected, possibly necessarily and possibly not, to this type of thing.

But I know that Dr. Sam is innocent. Dr. Sam knows he is innocent. And try -- it won't be too easy -- but try to, every one of you, in your hearts put yourself in the position of this man and this family for a minute.

That is all I ask.

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