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Q Now, then, after you had this conversation with him --
by the way, Doctor, that's the first time you had been
in that hospital?

A That's right, sir.

Q And you know that it is a hospital regulated by the State
Board of Health?

A Pardon?

Q It is regulated by the State Board of Health, just the
same as University Hospital or St. Luke's or anyplace else?

A I don't know anything about the regulations of the State
Board of Health for hospitals, whether it is Lakeside or
any other hospital.

Q Well, did you discover anything about this hospital, about
how it was conducted, and so forth?

A What I know about the hospital is what Mr. Petersilge told
me about it, how they acquired -- how they got money from
the Federal Government and how he -- and his opinion of it.

Q What?

A And his opinion of it.

Q Well, didn't you make any investigation about the hospital
at all except what Petersilge told you?

A That's all, sir.

Q What?

Aq That's all.

Q Well, of course, you were in it a number of times, were

you not?

A Yes, sir, at least three times.

Q You were in on this day and you were there on Thursday?

A I was there on Wednesday.

Q On Wednesday?

A And on Thursday.

Q And on Wednesday you had the consultation with Dr. Elkin?

A Yes, sir.

Q And you were there on Thursday?

A Yes, sir.

Q Now, does that cover the times that you were at the hospital?

A Yes, sir.

Q And you found it to be a rather large institution?

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

Q Well, did you find it was an institution of about 120 beds?

A To my recollection, it was about 100 beds.

Q 100 beds?

A It could have been about 120.

Q Well, that is a fairly large hospital, isn't it?

A That's fair. I wouldn't call it large.

Q Well, it isn't as big as Charity Hospital or some of the rest of them, but it is a fairly large institution?

A A large hospital, in my estimation, is 500 to 1000 rooms.

Q 500 to 1000 rooms. Well, those are very, very rare.

Now, you made no examination of the charts in the

hospital?

A What, sir?

Q You made no examination of the charts, c-h-a-r-t-s?

A On what day?

Q On the morning of July 4th.

A No, sir.

Q Did you ever examine the charts?

A Yes, sir.

Q What day was it you examined the charts?

A On Wednesday.

Q You made no inquiry of any of the doctors or the nurses when you went in that morning, did you?

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

MR. CORRIGAN: July 4th.

A Well, I talked to Dr. Stephen.

Q And did Dr. Steve tell you what had happened?

A To the best of my recollection, he related the same things that I had heard.

Q Did you discuss the condition of Dr. Sam with Dr. Stephen?

A No, sir.

Q Did you discuss the condition of Dr. Sam with anyone in that hospital, as to what his injuries were?

A Yes, sir.

Q That morning?

A I did, sir.

Q What?

A Dr. Stephen and Dr. Sam, himself, enumerated the injuries at that particular time that I was there.

Q What did Dr. Stephen say was wrong with Sam?

A First Dr. -- I asked Dr. Sam how he felt and what -- I can't remember the word right now, but anyway, what he was suffering from, and he told me of this eye, and Dr. Stephen pointed out the abrasions on the inner side of the lower lip on the right side.

Dr. Sam complained of a headache and Dr. Sam complained of a pain in the neck.

Q When he complained about a headache, did he tell you what kind of a headache it was?

A He didn't discuss -- I mean, the type of headache he didn't discuss.

Q Did he say it was caused from an injury to the base of the brain?

A No, sir.

Q He did not. Well, then, when you had this talk with him, at that time did you notice whether he had any sedation?

A If he had any sedation, it didn't appear to have any particular effect.

Q And that, of course, if he had been given a sedation that morning, in a properly regulated institution, it would

appear on the medical chart, wouldn't it?

A Yes, sir.

Q And that medical chart was just outside the door?

A Yes, sir.

Q You noticed that as in well regulated hospitals the charts are kept on the floor, by the nurse, a chart for each room?

A What?

Q A chart for each room is kept by the nurse on the floor so that the doctor can come in and he can see or anyone can that has visited there can go to that nurse's desk and --

A Mr. Corrigan, are you telling me this has happened, or are you asking me a question? Now, which is it?

Q I am asking you a question, if you will just be patient.

A Will you ask me the question, please?

Q I say, if you will just be patient, Doctor, we will get along.

Was there a place on that floor where the charts for patients in each room were kept?

A Yes, sir.

Q And was the chart of the room in which Dr. Sheppard was confined there at that place?

A I don't know. I didn't look.

Q You didn't look. All right. Now, then, you came back up the ward, the corridor of the hospital to some other point

from Dr. Sheppard's room. You left -- let me withdraw that and put it a little plainer.

You left Dr. Sheppard's room and went somewhere, didn't you?

A I did.

Q Where did you go?

A Down the corridor near the entrance to the yard.

Q And did you meet someone there?

A I met Dr. Sheppard, Sr., and I believe that Dr. Stephen Sheppard, he wasn't there at the time. He came there shortly afterwards, and so was Dr. Richard Sheppard, Jr.

Q Then you had some conversation with Dr. Sheppard, Jr. -- or Sr.?

A Sr., yes.

Q In regard to the clothes that Sam had been wearing and where they were?

A Yes, sir.

Q And you requested -- and Dr. Sheppard, Sr., told you that he had the clothes?

A That's right, sir.

Q And did you ask him to go and get them?

A Well, he got them.

Q He brought them to you. Somebody brought them to me.

I don't know whether it was Dr. Sheppard, Sr. or one of the boys. They brought them to me.

Q And it consisted of a pair of pants, undershorts, socks and shoes?

A Yes, sir.

Q And no T-shirt?

A No T-shirt, no, sir.

Q Now, then, they were wet at the time?

A Yes, sir.

Q Did you make an examination of those articles then and there?

A No, sir. I looked at them, but I didn't make any detailed examination.

Q You wouldn't classify it as an examination?

A No. cursory observation.

Q Were they wrapped in paper or were they just bundled up together?

A They were loose.

Q And you then made this examination to find out if anything was in the pockets?

A Yes, sir.

Q What?

A Yes, sir.

Q And you discovered nothing in the pockets, so you asked if there was any personal property that came with the clothes?

A I think I was told, almost in the same breath, instantly

by Dr. Sheppard that he had removed a billfold --

MR. DANACEAU: Which Dr. Sheppard?

THE WITNESS: Dr. Sheppard, Sr.

MR. DANACEAU: Go ahead. Pardon

me for the interruption.

Q And then you requested that those things be turned over to you, the things that were in his pockets?

A Yes, sir.

Q And that was done?

A Yes, sir.

Q Now, did you turn the pockets inside out?

A I know I looked at them. I don't recall whether I turned them inside out or not. I know -- I'm sure I didn't.

Q What?

A I'm sure I didn't.

Q But you remember that you did look at them?

A Yes, sir.

Q Put your hands in them, and so forth?

A Yes, sir.

Q Now, in addition to the billfold, was there anything else turned over to you?

A Three \$1 bills.

Q Now, then, did you determine -- or did you request this information as to who took the clothes off Sam Sheppard?

A No, sir. I don't remember asking such a question.

Q Do you know this day who took the clothes off Sam Sheppard?

A No, sir.

Q You do not. Now, there are three \$1 bills here, Doctor. Those were handled to you separately, they were not in the purse?

A That's right.

Q The \$60 that was in this purse, you didn't know it was in there, did you?

A That's right.

MR. PARRINO: Here it is,

Mr. Corrigan.

Q Did you later discover where it was? Can you show me where the \$60 was?

A No, sir, I can't show you.

Q I see. All right. Now, then, on that morning, did you examine this purse and the contents of it?

A I didn't examine the entire contents, no, sir.

Q Well, later you did make a thorough examination of it?

A Later, yes, sir.

Q And how much later, about what day?

A It was three or four days later, sir.

Q And that was made at the Morgue?

A Yes, sir.

Q I will ask you about that afterwhile. At the present I'll pass it.

MR. DANACEAU: Mr. Corrigan, you left it there.

MR. CORRIGAN: I left it there?

MR. DANACEAU: The money, you just left it on the Judge's desk.

MR. CORRIGAN: Nobody is going to bother it.

Q Now, then, after you had received these articles, you turned them over to Chief Eaton?

A Yes, sir.

Q When the examination of the pants was made, such examination of the pants that you made on the 4th of July, on the morning that you received these, did you notice this tear on the bottom of the right-hand pocket?

A Yes, sir.

Q That existed on the morning of the 4th of July when you received these trousers from Dr. Sheppard?

A Yes, sir.

MR. CORRIGAN: I want to show the jury what I am referring to, the tear on the right-hand pocket.

(Thereupon the trousers were exhibited to the jury by Mr. Corrigan.)

Q That was measured, was it not, Doctor?

A I didn't measure it, but I believe it was measured.

Q What?

A I believe it was measured.

Q Well, let's get the measurement of it now so that we have it in the record.

A It's about three and a half inches.

Q About three and a half inches extending from the bottom of the right-hand pocket, is that correct?

A Yes, from the outside seam of the right-hand pocket.

Q Now, the pants were taken to the-- were given to you when by Chief Eaton, when were they returned to you?

A Right away. I kept them.

Q Well, I understand -- am I mistaken about this -- that you turned the pants and the shoes and the undergarments and the socks over to Chief Eaton and told him to take them to the police station?

A Yes, sir.

Q What?

A That's right.

Q That's right. That is the way I understood it.

Now, then, later did you go to the police station and pick these articles up?

A No. Chief Eaton brought the pants and the other articles, the shoes and the socks, back to Dr. Sheppard's home, and we put them in the station wagon, but not the purse, just the pants and the belts and the shoes and the socks.

- Q So that they were taken by you in the station wagon that day when you went back to the Coroner's Office?
- A Yes, sir.
- Q And the purse remained over in --
- A In the custody of Chief Eaton.
- Q Until some days later?
- A Yes, sir.
- Q Well, when these trousers were taken to the Coroner's Office, you made a complete examination of them, didn't you?
- A The next morning, yes, sir.
- Q And you made a report -- and a report was made, an official report was made as to what was shown by the examination of those trousers?
- A I turned them over to someone to make an examination.
- Q Yes. But then an official report was made of it?
- A Yes, sir.
- Q And signed by you?
- A Well, I haven't got my signature on it, but --
- Q What?
- A I haven't got my signature on it, but it's there.
- Q Well, I don't know. I want to get that cleared up.

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Q Mr. Garmone went to the morgue, or the Coroner's office -- pardon me, sometime in September. You recall that, don't you, Mr. Garmone visiting with you in September?

A Oh, yes. I don't remember it was September. I remember Mr. Garmone coming out to visit with me.

Q Coming out on this particular case?

A Yes, sir.

Q And he requested at that time the laboratory reports of the examinations made of any articles that were submitted to the laboratory in this case, is that right, Doctor?

A That is pretty general. Your question is all-inclusive, and Mr. Garmone did not make any definite request.

Q Well, he was out there seeking information -- let's put it that way -- about this case, wasn't he?

A Yes, sir.

Q You knew at that time that he was representing Dr. Sheppard?

A That's right.

Q And one of the things he was seeking was a copy of the autopsy and a copy of the laboratory reports and the microscopic reports, is that right?

A Mr. Garmone asked for certain reports, and as far as I am able to understand, I believe that he got everything that he asked for.

Q And he asked -- let me put it this way:

Didn't he ask for the microscopic reports and the

laboratory findings in regard to anything that had been done in the examination of any of the articles that were connected with this case?

A I didn't get that understanding.

Q You did not?

A No, sir.

Q Well, here is your letter. Isn't it a fact that when he was there that day that neither the laboratory reports nor the microscopic reports were ready?

A That's right.

Q And you told him that you would mail them to him?

A That's right.

Q And on the 30th of September, 1954, you addressed this letter to Fred Garmone, attorney, Leader Building, "Dear Mr. Garmone: Enclosed are the photostatic copies of laboratory findings and microscopic examinations in the case of Marilyn Sheppard. Two pages at one dollar per page, two dollars. Please make your remittance payable to S. R. Gerber, MD. Coroner. Respectfully yours, S. R. Gerber, M.D."

A That's right.

Q That is your letter?

A Yes, sir.

Q And it was dictated by you?

A No, it wasn't dictated by me. That is a form used.

Q I notice down here appear the initials "SRG," then dash "SP."

So that indicates to anybody that would look at it that that was a dictation by Samuel R. Gerber to his stenographer whose initials are SP?

A I accept the responsibility for it.

Q Have you a stenographer named SP?

A Yes.

Q What is her name?

A Sylvia Pierce.

Q Now, accompanying that letter -- and I don't want to mark these yet -- were two sheets of paper.

MR. CORRIGAN: I guess so that we keep it clear I will mark it. I am not introducing it yet, but I am just going to mark it for identification.

Mark these Defendant's Exhibits U and V-1 and V-2.

(Defendant's Exhibit U, being a letter, and Defendant's Exhibit V-1 and V-2, being microscopic report and laboratory report, were marked for identification.)

Q So we have a record of it, that letter is marked Defendant's Exhibit U.

Now, I will ask you that is the letter, Defendant's Exhibit U, is that correct?

A Yes.

Q And then isn't it a fact that accompanying that letter were two sheets of paper which I have marked Defendant's Exhibit V-1, marked "Microscopic Examination"?

A Yes, sir.

Q And Defendant's Exhibit V-2, marked "Laboratory Findings"?

A Yes.

Q And on Exhibit V-1, marked Microscopic Findings, there is a recitation of findings, microscopic findings in regard to this pair of trousers?

A Yes, sir.

Q And on Defendant's Exhibit V-2, ahead of "Laboratory Findings," there is a statement as to the findings in the laboratory in regard to this pair of trousers?

A Yes, sir.

Q Now, then, when you went back to the house, conveyed there by Chief Eaton, you arrived back about what time?

A Shortly before 9:30.

Q Before you went to the hospital, you stated that Detective Grabowski and Detective Schottke and Gareau had arrived from the Cleveland Police Department?

A I stated that Detective Grabowski arrived alone, and that later on Detective Schottke and Gareau arrived.

Q Well, when you came downstairs after your first examination of the room of Marilyn Sheppard, Detective Grabowski had not arrived yet, had he?

A No, sir.

Q How long was it after you came downstairs that Detective Grabowski arrived with his camera and his fingerprint outfit?

A I'd say about 20 minutes, 25 minutes.

4 Q Then you spent some time with him?

A Yes, sir.

Q And directed him what pictures you wanted taken?

A I suggested.

Q Did you go upstairs with Detective Grabowski?

A Not until after I came back from the hospital.

Q Well, when you suggested these pictures to Detective Grabowski, he followed your suggestion generally and started to take pictures in the downstairs rooms?

A I believe that's correct, yes, sir.

Q Now, what I am trying to arrive at is when he went upstairs to take these pictures that show Marilyn lying on her bed?

A That was -- at that time I had found out that Officer Drenkhan had already taken some pictures, and then Detective Grabowski went up when I came back from the hospital, went upstairs.

Q Then the pictures taken by Grabowski of Marilyn in her bed, laying murdered in her bed, were taken after you came back from Bay View Hospital and the visit to Sam?

A Yes, sir.

- Q Were they taken in your presence?
- A Some of them were, some of them weren't.
- Q Now, then, when you came back -- or before you went to the Bay View Hospital, we have the evidence that Mr. Grabowski was working around the house.
- A Yes, sir.
- Q After you came down from upstairs, before you went to Bay View Hospital, did you see the Cleveland police officers, Detectives Gareau and Schottke?
- A Before I -- just about as I was ready to leave for the hospital, they had been there just a short while.
- Q Did they announce themselves when they came into the house to you?
- A Well, I believe they did, yes, sir.
- Q Well, did you go upstairs with them before you went to the hospital?
- A Not that I recall, no, sir.
- Q So any conversation that you had with them before you went to the hospital took place downstairs?
- A Yes, sir.
- Q Now, on returning from the hospital at about 9:30, I think you stated --
- A It was before 9:30. It was near 9:30.
- Q You then went up into the room of Marilyn Sheppard?
- A Yes, sir.

Q And how long did you remain in the room of Marilyn Sheppard on that occasion?

A I don't know.

Q Well, give me just an estimate. A minute, five minutes, ten minutes?

A Oh, no. It was quite a while.

Q Half an hour?

A It could have been 15, 20 minutes. About 15, 20 minutes, I'd say.

Q Now, then, when you went up the second time who was in the room?

A Detective Grabowski was in the room, and I think Detective Schottke was in there at least part of the time. There were some others --

Q Did you know whether Gareau was in there?

A I don't recall, but --

Q Drenkhan?

A (Continuing) -- but I wouldn't --

Q Now, then, did you make an examination of Marilyn Sheppard on that occasion?

A I made the examination of Marilyn Sheppard.

Q What?

A I say, the one examination I made of Marilyn Sheppard after Detective Grabowski had finished his photographs.

Q Had what?

A Finished his photographs, making photographs in this room. That's before the body was moved, and he had dusted the window sills for fingerprint identification. I had directed the Bay Village police to call the Pease Funeral Home, and just about the time that the men from Pease Funeral Home got to the house and were coming up the steps --

Q Just a moment. I want to ask you this, Doctor:

If you made an examination -- that was my question -- of Marilyn Sheppard's body on the occasion of your second visit to the home?

A Well, I was in and out of there, and it was later on. That's what I was just trying to tell you.

Q Well, did you make an examination at any time of her body?

A Yes, sir.

Q I don't mean just this visual examination, but did you lift the sheet up?

A That's what I was trying to get to.

Q Well, tell me what examination you made.

A Just before the examination was made -- the examination was made just before they were ready to lift her body off the bed. The covers were removed, the funeral -- the assistants to the funeral director --

Q The what?

A The assistants of the employees of the funeral director's,

I asked them to pull the body back onto the bed because the feet were hanging over the foot of the bed. They got her by the shoulders, lifted the head and put it back in the bed so that they could move the body into the stretcher, into the basket, and before they moved the body off the bed, I then made what examination I made.

Q Well, then, just so that I fix this time and who was there:

I understand that the examination that you made was when the men from the funeral parlor arrived to take the body away?

A Yes, sir.

Q Now, that fixes the time, doesn't it?

A Yes, sir.

THE COURT: Mr. Corrigan, could you start the details after the recess?

MR. CORRIGAN: Yes, I could, your Honor.

THE COURT: Thank you.

Ladies and gentlemen, we will have a few minutes' recess at this point.

Please do not discuss this case, not even among yourselves.

(Thereupon a recess was taken at 10:40 a.m.)

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(After recess, 11:05 o'clock, a.m.)

Q Doctor, the bed was not touched, nor was Marilyn's body touched by anyone until the men from the funeral home arrived, is that correct?

A That isn't my understanding.

Q Well, did anyone move the body or move anything on the bed?

A Dr. Sam Sheppard said he moved something and Dr. Richard Sheppard said that he had moved something.

Q When did you talk to Dr. Sam Sheppard when he told you he moved something?

A At the inquest.

Q What did he say he moved, at the inquest?

A He touched something.

Q He touched?

A Yes, and he pulled the sheet up over the body.

Q Yes. Well, now, at the inquest he told you he took her pulse and determined she was dead?

A He thought she was gone.

Q Yes. And you were also informed that he had pulled a sheet up over her body?

A Well, up to part of the body, I think he said.

Q Over part of her body, covering the lower part of her body?

A Yes.

Q Now, did he say he did anything else in regard to touching the body and moving the bed clothes, or anything like that?

A I don't recall him saying anything else on that.

Q What did Dr. Richard tell you that he disturbed in the room, if he told you he disturbed anything?

A Yes, he did.

Q What did he disturb in the room?

A The clothing on Marilyn's body.

Q On Marilyn's body?

A Yes, sir.

Q That is, the clothing -- which part of the clothing?

A If I remember correctly -- I remember definitely that he said that he re-arranged the upper part of the pajamas.

Q Did you take a statement to that effect?

MR. DANACEAU: Just a minute.

Permit him to finish.

A That was at the inquest.

Q What?

A That was at the inquest.

Q All right.

A And I think he said something about the sheets.

Q The what?

A The sheets.

Q You think he said something about the sheets?

A Yes.

Q Well, do you know?

A I'll have to look. I believe that he did.

Q

Well, will you check it, Doctor, so that you know what he said. I will ask you about it later.

But, as far as you are concerned, from the time you went in there in the morning, the first view of the body and when you went back in there after coming from the hospital, there was nobody disturbed anything on that bed?

A

I believe that's right, sir.

MR. DANACEAU:

Just a moment.

I object to that because of the form of the question. It starts out, "as far as you are concerned," and winds up, "did anyone disturb anything."

THE COURT:

Let the Doctor explain what he knows.

MR. DANACEAU:

I have no objection to the Doctor explaining what he did.

THE COURT:

Let the doctor answer your question.

A

In so far as I know, I didn't disturb anything and I don't know of anyone else disturbing anything.

Q

And when you came back from the hospital and went to the room the second time, the room was still in the same condition that you had left it?

A

I believe it was, yes, sir.

Q

And then before anything was disturbed on the bed, the

photographs were taken?

A Yes, sir.

Q And there was four photographs, or at least we have four photographs in Court here, two of which were taken by Mr. Grabowski and two by Mr. Drenkhan, all of which have been introduced in evidence. Have you seen these before, Doctor, these photographs?

A Let me take a look at them. I believe I have, yes.

Q Now, then, Exhibit No. 9 shows a photograph showing the right side of the bed, the lower part of the right side of the bed, including the body of Mrs. Sheppard, is that right, Doctor?

A Yes, sir. It shows part of the right side of the bed.

Q Well, it includes the entire figure of Mrs. Sheppard, as much of it as is exposed?

A Yes, sir.

Q And it shows the sheet that is coming up over the lower part of Mrs. Sheppard's body?

A Yes, sir.

Q And shows the crumpled bed clothing at the bottom of the bed hanging down onto the floor?

A It shows that the bed clothing has been disturbed.

Q No. I say, it shows the bed clothing hanging over the lower right side of the bed and hanging down onto the floor?

A Yes, sir.

MR. CORRIGAN: (To the jury.) I
want the jury to look at what I am talking about.
Do you all see it?

(State's Exhibit No. 9 exhibited to the
jury by Mr. Corrigan.)

Q And Exhibit No. 10, State's Exhibit No. 10, is a picture
with the camera to the west, placed at the west of the
second twin bed and pointed east over the top of the bed
towards the closet door, is that right?

A I believe that's right, yes.

Q And it shows the pillow that has been produced in evidence
here and shows Marilyn's body, the upper part of it, where
it lies, and also the bed clothing, the sheet over her
and the bed clothing, some of the bed clothing at the
bottom of the bed?

A Underneath her left leg.

Q Yes.

A Yes, sir.

Q It also shows the chair over in the northeast corner on
which the clothes that we have talked about in this case
were found?

A Yes, sir.

Q It also shows a part of the other twin bed with the fold
down of the upper coverings?

A

Yes, sir.

MR. CORRIGAN: I want the jury to look at this now so that they can follow what I am doing or what I am talking about. Do you all see it? If you can't, tell me.

(State's Exhibit No. 10 was exhibited to the jury by Mr. Corrigan.)

MR. CORRIGAN: I am calling your attention to particular things in the room.

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Q

Now, then, showing you State's Exhibit 20, Doctor, that is a picture taken from the angle northwest and pointing southwest showing part of the bed, the pillow, the location of the blood that flowed from Marilyn's body, the position of her lower limbs from the knee down, right?

A

Yes, sir. I don't know about the position of the camera, but --

MR. DANACEAU:

Mr. Corrigan, isn't that southeast? Didn't you mean to say from the northwest to the southeast?

MR. CORRIGAN:

Yes.

THE COURT:

You said southwest.

MR. CORRIGAN:

Did I? I'm a poor fellow on directions. I would be a poor sailor.

THE COURT:

Let's agree from the northwest to the southeast.

MR. DANACEAU:

That's correct.

Q

And it shows part of the covering, it gives some picture of the covering, and also something of the clothes that are at the end of the bed?

A

Yes, sir.

Q

And it shows the pillow that has been described and entered into the evidence here?

A

Yes, sir.

MR. CORRIGAN: Now I will move along slowly. If you don't see it, why, you tell me. I am asking these questions solely for the purpose of getting the location of the different articles in the room.

(Mr. Corrigan shows photograph to the jury.)

Q Now, Exhibit I -- or State's Exhibit 21 is another picture of Marilyn in bed. It shows the blood around her bed, it shows the lower part of the -- or it shows part of the bed looking at it toward the right side, it shows the sheet that has been described as covering part of her body, and shows the bed clothes at the lower end of the bed, hanging over onto the floor?

A Yes, sir.

(Mr. Corrigan shows the photograph to the jury.)

MRS. ORENSTEIN: (Juror No. 8):
Is that taken from the same direction as the first one?

MR. CORRIGAN: The juror asked if it was taken from the same direction as the first one.

Now, there is the first one that we introduced in evidence. Maybe you better take them and look

at the two of them. Pass them along, and then you will -- one is Exhibit 9, taken by Mr. Grabowski, and the other is Exhibit 21, taken by Mr. Drenkhan.

Pass them along and look at them and get the location of the bed clothes in your minds.

(Photographs passed among the jury.)

Q Now, Doctor, the pictures that I have shown you, Exhibits 9 and 10 and 20 and 21, are good pictures of the condition that existed in the room that morning, are fair representations of what was in the room that morning?

A Yes, sir.

Q Now, the first disturbance of the room or of the bed was on your orders, wasn't it, when the undertaker or the funeral director arrived to remove the body?

A The first disturbance after I arrived was under my direction.

Q I am talking about you, nobody else. And who was it came in response to your call or somebody's call to come and move the remains?

A Two men that worked for the Pease Funeral Home.

Q Do you know their names?

A I do know their names, but I just can't think of it now.

Q You have a record of it?

A Yes, sir.

Q And when you bring your other records this afternoon --

A Maybe it is on that report there?

MR. GARMONE: It is not on there.

THE WITNESS: One of the names
is Clair Griggs.

Q And the other one? Do you have the record of the other
man?

A Yes.

Q Somewhere?

A I'll probably recall the name.

Clair Griggs.

A Yes, sir.

Q Was it a wicker basket?

A It was a metal and a rubber bag basket.

Q I see. Now, who else was in the room when they came in?

A There was some of the Bay Village police and some of the Cleveland police, Cleveland detectives, myself. I think that's all, but I can't give you the exact -- I can't give you the names of all the individuals.

Q Now, then, you gave an order for Marilyn's body to be moved in the bed?

A Yes.

Q And who moved the body?

A I know there was -- I can't tell you which one of the funeral directors, assistants or employees, but I was on the left-hand side of the bed, I helped, and the funeral directors, and who else helped I can't tell you.

Q Now, you were standing between the two twin beds?

A Yes, sir.

Q And the other gentleman was standing on the right side of Marilyn's bed?

A That's right, sir.

Q Before you moved the body, did you remove the sheet that was covering the lower part of her body?

A Yes, sir.

Q Who did that?

- A I did.
- Q You did?
- A I think I did, yes, sir.
- Q You are not sure, though?
- A I am not positive.
- Q All right. Now, then, when you removed the sheet, which way did you remove it, towards the back of the bed or towards the side of the bed, do you recall?
- A Towards the back and the side of the bed.
- Q Towards the back and the --
- A Just lifted off the upper part of the -- that is, the part that covered the body, the lower part of the body, was lifted off the top of the bed.
- Q Now, the idea of moving the remains of Marilyn Sheppard was to get her entire body on the bed?
- A Yes, sir.
- Q Because as she lay there, from the knee down on the left leg was hanging over between the two bars?
- A On both legs.
- Q Well, one is over farther than the other?
- A Yes, but both legs were hanging over the bar, over the end of the bed under the bar.'

MR. CORRIGAN: (To the jury.)

Can you see what I am pointing to?

MR. DANACEAU: That has been shown

to them, Mr. Corrigan, several times.

MR. CORRIGAN:

All right.

Q The reason for moving her was because the two legs were hanging down over the bar?

A Over the end of the bed.

Q Over the end of the bed?

A Yes, sir. Not over the bar, it's under the bar.

Q Under the bar. You are correct.

The blood that had flown from Marilyn's head was situated at a point beginning about one-third down from the top of the bed?

A Approximately, yes, sir.

Q Now, then, when you removed the sheet that covered the lower part of the body, did you note anything about the pajamas?

A Yes, sir.

Q Or whether she had pajamas on?

A She had pajamas on one leg, on the right leg.

Q And how about the left leg?

A The left leg, the pajamas were -- the pajama leg was lying over against the right leg.

Q How far up on the right leg was the pajama drawn?

A The upper portion of the pajama was just below the hip, in the crotch of the legs.

Q The upper portion was just below the hip?

- A Yes, sir.
- Q And the left leg of the pajama, where was that?
- A Lying over against the right leg.
- Q Lying against the right leg?
- A Yes, sir.
- Q And the legs were apart, were they not?
- A They were in this position, yes, sir.
- Q Yes. Now, did you remove the lower pajama?
- A Yes, sir.
- Q Was there blood on it?
- A Oh, I didn't. Wait. I beg your pardon.
- Q What?
- A We left the pajama leg on, the one leg on, and also left the jacket or the upper part on the body. That was taken off when the body was delivered to the Coroner's Office.
- Q Now, the lower part of the pajamas, you didn't examine that?
- A Not at that time, no, sir.
- Q The upper part of the pajamas were as represented in this picture, rolled up over her breasts?
- A In the region of her breasts, yes, sir.
- Q Yes. Now, the upper part of her pajamas, when she was removed from the bed, was left on her, is that correct?
- A That's right.
- Q How about the lower part of the pajamas?

A They were also left on her.

Q They were left on her?

A Yes, sir.

Q Now, then, when you and -- withdraw that.

When you viewed the body there was blood all over the face?

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q And where else on the body did you notice blood?

A On the hands and there was some across the abdomen.

There was slight smears across the abdomen.

Q Whereabouts on the abdomen?

A About mid-abdomen.

Q What?

A About mid-abdomen.

Q About where the navel is?

A In that vicinity, yes.

Q Was the blood that was --

MR. DANACEAU: Just a minute.

Have you finished your answer?

THE WITNESS: Yes.

Q Was the blood that was on the abdomen above this section where this sheet ended?

A Yes, sir. It's visible on the picture.

Q What?

A It's visible on the picture.

Q What?

A It's visible on the picture.

Q All right. Now, I would like to see that. Take any one of these that demonstrates it the best.

Now, this is referring to Exhibit 21, and this refers to Exhibit 9, and the blood that was on the abdomen was just above where Marilyn's left hand is stretched across her abdomen, is that correct?

A I think you could say that, yes, sir.

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So that the jury know what you and I are talking about, would you come down for a moment, Doctor, and it will save sometime rather than showing these around.

(Witness leaves the witness stand and comes to the jury rail.)

Q The spot of blood that you are now referring to, Doctor, appears on Exhibit 21?

MR. GARMONE: Hold it higher, Bill, so Juror No. 6 can see it.

MR. CORRIGAN: Are you sure you can see it? If you can't see it, tell me.

Q It appears on Exhibit 21 just above Marilyn's hand, is that correct, Doctor?

A That's right.

MR. CORRIGAN: (To the jury)
Now, do you see what I am referring to, all of you? You all see it?

Q And referring to the same spot of blood, it appears on Exhibit No. 9 -- will you look at me, Doctor, so you can follow me -- it appears on Exhibit 9 just above Marilyn's hand, on the abdomen of Marilyn, where I am pointing, is that correct, Doctor?

A That's right.

MR. CORRIGAN: Now, do you all see it?

(Witness returns to the witness stand.)

Q When you took the sheet off and exposed the lower part of Mrs. Sheppard's body, was there any blood below that point on the body of Mrs. Sheppard?

A No, sir. That is, on the front we are talking about now?

Q Well, I am talking about the front, yes.

A Yes.

Q There was none that you could --

A There was a smear on the --

Q A what?

A A smear of blood on the right leg.

Q Now, we are referring to Exhibit No. 20. There was a smear on the right leg?

A Yes, sir.

Q But there was no wound there?

A No wound there, no, sir.

Q Well, we better show that to the jury. Will you come down again, Doctor?

(Witness comes to the jury rail.)

Q You stated, Doctor, that there was a smear of blood on the right leg, is that correct?

A That's right, yes, sir.

Q Now, indicating -- or calling your attention to Exhibit 20, and pointing to the right leg just above the ankle, there is a mark there that appears on the picture, is that correct?

A That's right.

Q And that mark that appears on the picture, is that what you refer to as being a smear of blood on the right leg of Marilyn Sheppard?

A Yes, sir.

MR. CORRIGAN: (To the jury)

Do you see it? Just about where my finger points.

Do you see it? Do you see it?

MR. DANACEAU: May I take a look,

Mr. Corrigan, please?

MR. CORRIGAN: Yes.

MR. DANACEAU: Thank you.

(Witness returns to the witness stand.)

Q Now, then, when you and this other gentleman pulled Marilyn's body up so that it was entirely on the bed, where was the head of Marilyn Sheppard in reference to the top of the bed?

A It was near the pillow.

Q Near the pillow?

A Yes, sir. The pillow had been removed.

Q The pillow had been removed?

A Yes, sir.

Q Well, who took the pillow off?

A I took the pillow off.

Q And when did you remove the pillow?

A It was just before we started moving the body.

Q And where did you put the pillow?

A On the other bed.

3 Q You laid it on the other bed?

A Yes, sir.

Q The other bed, as I understand, was all made up and had no sppearance of having been slept in?

A That's correct.

Q You made that observation?

A That's correct, yes, sir.

Q The covers had been turned down in a sort of an angle?

A Yes, sir.

Q As is usual when a person turns down the cover?

A Yes, sir.

Q And the pillow showed no marks, and the bed showed no sign of having been slept in?

A It showed no sign of having been slept in, but it showed marks of splashed blood.

Q Yes, but I am only referring now to the fact that whether anybody slept in that bed, not to any marks, and so forth.

A It didn't appear to have been slept in.

Q Now, then, did you remove the pillow before you moved the body or after you moved the body?

A Before I moved the body.

Q The first thing you did was turn down the sheet, is that

correct?

A I don't know whether I took the pillow off, or I took the sheet off, but --

Q But those two operations --

A Those two operations were done.

Q Those two operations were performed?

A Yes.

Q The sheet was turned down and the pillow was taken over and put on the bed?

A That's right, sir.

Q Then Marilyn's body -- how long is that bed, do you know? Did you ever measure it?

A I measured it. The mattress part is about six feet, thereabouts, or a little bit longer.

Q Well, you have a record of the measurement of the bed, the mattress?

A I believe so, yes, sir.

Q Will you bring it here so that we will have it exactly?

A If we have it I will bring it.

Q Well, you had the mattress in your office?

A Yes, sir.

Q During August?

A Yes, sir.

Q And you made measurements of it then?

A We didn't bring it for the purpose of making measurements

of the length of it, but I believe the measurement of the mattress I can obtain.

Q But you will find out whether you have it.

But your recollection of it now, independent of anything that was written down, was that it was about six feet long?

A That's right, sir.

Q And about how wide?

A About 40 inches.

Q And what was the length of Marilyn?

A About five foot-seven.

Q So that to have her lay out on that mattress, she would occupy almost the entire length of the bed?

A Not necessarily.

Q Well, I don't understand that.

A Because the body wasn't stretched out in its full length.

Q Well, now, what happened that it wasn't stretched out the full length? I understood -- I may be wrong, I just want ^{be} to/clear on this -- that you had moved the body up onto the mattress, you had pulled it up onto the mattress so that her legs would be pulled up onto the mattress from the position they were in, so that you could see the entire body?

A Yes, but it wasn't stretched right straight up and down.

It was slightly crossways of the bed so, therefore, it wouldn't take up -- it was on an angle on the bed.

Q How did you take ahold of her, what part of her body?

A By the shoulders and the head.

Q Where did the other gentleman take hold of her?

A The same way.

Q The shoulders and the head?

A Yes, sir.

Q And the two of you then moved her up along the bed?

A That's right.

Q Until her head was up within a short distance of the front part of the bed?

A Yes, sir.

Q Could you tell me how many inches?

A No, sir.

Q And then instead of her body laying in the middle of the bed, it stretched from the southwest corner to the northeast corner?

A Well, I don't know where you started from, but it was on an angle.

Q Well, where did the angle start?

A It depends on whether you start with the head or start with the feet.

Q Well, I will start with the head.

A Well, the head would have been --

Q Have you got the directions of the bed in mind, Doctor?

A That's what's bothering me.

Q Well, in order to clear that up, the bottom of the bed would be toward the north, and the top of the bed would be toward the south.

A Well, the way I remember it, that the head was over toward the southeast corner of the mattress or the bed, and then the feet and legs would be pointing to the southwest -- or the northwest corner.

Q Northwest corner, and then --

THE COURT: Mr. Corrigan, could you stop when you reach a point where you could do it?

MR. CORRIGAN: Are we at the noon hour already?

THE COURT: Yes. We have to quit just a little early today.

MR. CORRIGAN: Yes, I can stop now.

THE COURT: You can stop right there?

MR. CORRIGAN: Yes.

THE COURT: Thanks very much.

Gentlemen, the Coroner has just whispered to the Court a moment ago -- we ~~were~~ not discussing

this case -- but he tells the Court that he has a very important engagement that will take some little time this noon, and we ought to adjourn a little early to accommodate the Coroner, and perhaps adjourn until --

You can surely be back here by 2 o'clock?

THE WITNESS: Yes, sir.

THE COURT: So we will adjourn to accommodate the Coroner until 2 o'clock this afternoon.

Ladies and gentlemen, we will now adjourn until 2 o'clock.

Please observe the caution which the Court has expressed to you. Do not discuss this case.

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(Thereupon at 11:50 a.m. an adjournment was taken to 2 o'clock p.m., Wednesday, November 17, 1954, at which time the following proceedings were had):

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Wednesday Afternoon Session, November 17, 1954 (2:00 p.m.)

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

CROSS-EXAMINATION OF DR. SAMUEL R. GERBER (CONTINUED)

By Mr. Corrigan:

Q Doctor, before recess, you had just moved -- the testimony
that you had given ended at the point where you and the
man from the funeral home had moved the body up in the
bed so that you could examine it. Do you remember?

A Yes, sir.

Q Now, what examination did you make of the body on that
particular morning?

A Before I start, I would like to give you the name of the
other man that came from the funeral home. His name was
Edward Claridge.

Q C-l-a-r --

A i-d-g-e.

Q Now, I did ask you early this morning to bring with you
all the articles that had been taken from the Sheppard
home, either by yourself or by anyone else. Did you bring
those?

A I haven't been --

Q What?

- A No, I didn't, because I haven't been out to the Coroner's office.
- Q Well, are they so that you can telephone for them and have one of your employees bring them down to Court?
- A I can try. I don't know whether I'll make myself understood definitely. I could bring them down tomorrow morning.
- Q All right. We will leave it that way. You will have them here tomorrow morning?
- A Yes, sir.
- Q And your complete records in regard to this case?
- A I would like to find out from you what you consider complete records.
- Q Well, whatever records there are that are kept by you as Coroner, in your official capacity as Coroner of the County.
- A I would like to find out from Judge Blythin whether or not he considers work notes records.
- Q I may want your work sheets, too.

THE COURT: Well, those that are enumerated in the statute are public records.

MR. DANACEAU: There is no enumeration in the statute of what public records are. You will have to take the legal import of the meaning of the word public records.

THE COURT: Well, we will resolve that question later.

Q

Do you have any reluctance about bringing in your work sheets?

MR. DANACEAU: Just a moment.

There is no question about any reluctance here. The witness merely asks what is considered public records.

THE COURT: He may have memorandums, I don't know, but he may have memorandums that are not public records at all that may have something to do with this.

MR. MAHON: That's what he wants to know.

MR. DANACEAU: That's what he wants to know.

MR. MAHON: That's exactly what he wants to know.

MR. CORRIGAN: I think that we ought to determine that here in Court, not the Coroner's office.

MR. DANACEAU: Well, he has asked the judge to tell him just what you mean by public records.

MR. CORRIGAN: The judge doesn't know what they are.

MR. DANACEAU: Someone has to tell

him.

THE COURT: If you enumerate what you want, Mr. Corrigan, then we will determine whether we order the Coroner to bring them in.

MR. CORRIGAN: All the records that pertain to the Marilyn Sheppard murder.

MR. DANACEAU: That still leaves him in the dark as to what is meant by records.

THE COURT: Well, I suppose he means public records.

MR. DANACEAU: All right. He will bring in the public records, then.

THE COURT: All right.

THE WITNESS: The public records are here.

MR. CORRIGAN: Do you have them?

THE COURT: Are they all here?

THE WITNESS: Yes.

Q Do you have other records there that are not public records?

A We have work notes.

Q What?

A We have work notes.

Q Well, they are all public records?

MR. DANACEAU: They are not public

records.

Q THE COURT: No, they are not.
Will you --

MR. DANACEAU: The judge has just
said they are not public.

MR. CORRIGAN: Your Honor, will
you stop this man from interfering with my
cross-examination?

MR. DANACEAU: I am not interfering
with your cross-examination. When you make
statements that are not correct, I can state
what the correct statement is.

THE COURT: The Court will ask
Dr. Gerber to produce all records that are public
in character and that are on file for the inspec-
tion of the public.

MR. DANACEAU: That, he will do.

MR. CORRIGAN: Well, why don't
you let him answer. Are you the witness?

MR. DANACEAU: You are not the
witness, either, Mr. Corrigan. I have just as
much right to state what my concept of public
records is as you have.

You are no special character around here.

THE COURT: The only public

records are those that are open to the public.

All right.

MR. CORRIGAN:
completed?

Now, have you

MR. DANACEAU:

Have you completed?

THE COURT:

All right, let's

go, gentlemen.

MR. CORRIGAN:
will aid the jury a bit.

I don't think that

MR. DANACEAU:

I agree with you.

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Q Now, Doctor, when you made this examination of Marilyn Sheppard on the morning of July the 4th, after you had her remains in possession, what examination did you make?

A I felt the rigidity in the arms and legs.

Q You what?

A Felt --

THE COURT: Felt the rigidity
in the arms and the legs.

Q Yes, all right. The rigidity in the arms and the legs. What was the next thing that you noted?

A I noticed the condition of the congealing of the blood on the dependent portions of the body, which, in this instance, was the back part of the body -- it was the back and the buttocks and around the neck. That's it.

Q Now, are you talking about the blood that was shed or the blood that still was in her body?

A I am talking about the blood that was still in the body.

Q Now, you made that observation?

A Yes, sir.

Q That there was a falling of the blood to the back part of the body?

A There was settling in the dependent portions of the body.

Q That was in the neck?

A It was in the neck, in the back and the buttocks.

Q Now, what other examination did you make after you observed that?

A To see if there was any injuries on the back part of the body and the injuries on the front of the body.

Q Did you make an examination of the injuries on the head?

A I didn't handle them, no, sir. I looked at them, but I didn't handle them.

Q That is, your examination of those wounds was just visual?

A By observation, yes, sir.

Q And the examination of the wounds on the hands was just visual?

A Yes, sir.

Q Of course, at that time Mrs. Sheppard's face was covered with blood?

2 A Yes, sir.

Q And when you made this examination of the falling of the blood to the back of the neck, was the settling of the blood in the back of the body, did you turn the body over?

A Yes, sir.

Q On its face?

A No, sir.

Q In what way did you turn the body over?

A I had the men from the funeral home turn the body on its side so that I could see the back of it.

Q And who turned the body on its side?

- A The men from the funeral home.
- Q The two men that you have mentioned?
- A That's right.
- Q And what part of her body did they take hold of when they made that turn?
- A I don't remember.
- Q I see. You don't know. And you were standing then on the west side of the bed?
- A I was standing between the two beds.
- Q That would be the west side.
- A Yes, sir.
- Q And you made that observation?
- A Yes, sir.
- Q And when her body was turned over, did you notice that there was blood on the back of her body?
- A Yes, sir.
- Q And will you tell me the extent of the blood that was on the back of her body?
- A In places it was heavy, and other places it was thin.
- Q But I mean did it cover the -- what space of the back of the body did it cover?
- A It covered from the neck down to the buttocks.
- Q Neck down to the --
- A Buttocks.
- Q I am talking about the back.

A Well, that's the back.

Q The bust?

MR. MAHON:

The buttocks.

Q Oh, to the buttocks?

A Yes.

Q I didn't get that word. I must be getting hard of hearing, or something.

And was the entire back covered with blood?

A Well, not as if it was painted on. There were patches that shown there. The blood stain --

Q I am just wondering how you could tell about the falling of the blood down in the back, the blood that was inside the body, when the back of the body was covered with blood?

A I didn't say it was covered with blood. I could tell -- I have had a considerable amount of experience, and I know when we have livor mortis and when we don't have livor mortis.

Q When a person dies, of course, there is a tendency of the blood to flow down to the lowest point?

A The blood settles to the lowest point.

Q Settles in the lowest point, and that is what you call lividities?

A Lividity.

Q Lividity. Thank you. Now, will you describe the condition

of the front part of the body from the neck down? You say the face was covered with blood. How about the neck?

A There was some smears of blood over the neck here, the neck region, and where the jacket covered it, that portion of the skin I didn't see.

Q When you pulled the body up into the bed, of course, part of the body came in contact with that large blood spot that was in the middle of the bed, didn't it?

A That large blood spot was absolutely dry.

Q Absolutely dry?

A Yes, sir.

Q No stickiness about it?

A No, sir.

Q Was everything dry on the body then?

A Yes, sir.

Q Did you get any blood on your hands?

A No, sir.

Q Absolutely clean of blood?

A Yes, sir. My hands, yes.

Q What?

A My hands, yes, sir.

Q Your hands, yes. There was nothing adhered to your hands at all or to the hands of the undertaker?

A Not to my hands, and as far as I was able to observe, not to the funeral director.

Q But it is a fact that the part of the body, when it was pulled up over the bed, was pulled over that space in the bed where this large amount of blood had shed?

A Well, the body wasn't exactly pulled. It was lifted and pulled.

Q Well, I am just taking what you told me. This morning you told me that you got ahold of the shoulders and got ahold of the back of the head, and the other assistant got ahold of the shoulder and the back of the head, and the two of you brought that body up to the top of the bed?

3 A Well, that part that we had ahold of was raised.

Q Well, you had to pull her, didn't you?

A Well, we sure had to pull her, yes.

Q You couldn't lift that body up on the holds that you had on it?

A We didn't try, but we lifted the upper portion of the body up.

Q And brought the body up?

A Yes, sir.

Q So that part of the body was being dragged, wasn't it?

A Well, I'd call it dragged or pulled or --

Q Well, that's the only way I know how to describe it.

Now, then, what was the next examination you made, if any, Doctor?

A The body was then put back on its back, and then the

funeral directors put the body in the --

Q In the case?

A In the stretcher, in the litter, and the --

Q I want to be absolutely correct as to what you did. The first thing you did was take the sheet off -- take the pillow off the bed -- correct me if I don't say them right -- then you threw that top sheet back; you and the undertaker's assistant -- whatever he was -- grasped the body and placed it in some way so that it was entirely on the bed --

MR. MAHON: If your Honor please, I want to object at this time. The witness has testified to all of these details. Now, do we have to go back over all of them again?

THE COURT: Yes, I think we are repeating, but --

MR. MAHON: Well, that's exactly what you are doing. The witness has testified to all of these things. I am objecting at this time to the repetition, if your Honor please.

MR. CORRIGAN: I just want to see if I am correct. I want --

MR. MAHON: Well, you can't go back over all the evidence and see if you are correct.

Everybody else heard it.

THE COURT: We have to assume that it is correct unless you have a particular challenge to a particular portion of it. I think he has gone over this.

MR. CORRIGAN: I may have some challenge.

THE COURT: Go ahead, but let's try not to repeat if we possibly can.

MR. CORRIGAN: I won't repeat it.

THE COURT: Well, I have heard this already this morning.

MR. MAHON: I don't know what you call it. That is what I would call it, repeating.

Q Then you turned the body up and looked at the back?

A Yes, sir.

Q And then you looked at the wounds on the body?

A Well, I don't know whether you have the exact rotation.

I looked at the wounds before the body was turned.

Q Before the body was turned. Now, you found rigidity where?

A In both arms and legs.

Q In the arms and the legs?

A Yes, sir.

Q That is called rigor mortis?

A Yes, sir.

Q Where does rigor mortis start?

A In the face.

Q Did you feel the face?

A Yes, sir.

Q Well, you didn't tell me about finding any rigidity in the face.

A If you had let me proceed, I would have told you.

Q Well, I went over it. Mahon objected to my going over it.

MR. MAHON: Well, now, I object
to that.

Q Do you --

MR. MAHON: Now, wait a minute.
Wait a minute. There was no question asked about
the face before. That is something new.

MR. CORRIGAN: No question asked --

MR. MAHON: I am not objecting
to your going over this. I am objecting to your
going over the testimony that has been asked
about.

THE COURT: The jury will disregard
that remark entirely.

All right, Mr. Corrigan. Put your question.

Q You were questioned -- I questioned you about what you did,
didn't I, Doctor?

A About some of the things I did, yes, sir.

Q And I questioned you about what you did from point to point. I asked you what you did next and what you did next, didn't I? Didn't I?

A Yes, sir.

Q And you told me?

A Yes, sir.

Q Now, is there something else that you did that you didn't tell me?

A If you had given me an opportunity --

Q I give you every opportunity in the world. If I wouldn't give you the opportunity, the Court would give it to you.

A I will answer you. The body was then placed in the litter and the body was lifted off the bed, and at the time the body was lifted off the bed, two fragments of teeth were found underneath the body -- where the body had been. I then went around to the other side of the bed to see whether or not I could tell without manipulating the face too much if these fragments did come from Marilyn's mouth. The jaw was in complete rigor mortis, and I was only able to get one or two fingers because of the condition of the mouth at that time, and not wanting to disturb her, I first came to the conclusion that these fragments of teeth did not come from Marilyn's mouth, and that's the way I could tell that there was definite and complete rigor mortis in the face.

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Q Did I understand you to say that you came to the conclusion they did come from Marilyn's mouth?

A At that time, I couldn't tell whether they came from Marilyn's mouth.

Q I see. It was afterwards determined during the autopsy?

A Yes, sir.

Q That they did come from Marilyn's mouth?

A Yes, sir.

Q But on that morning you were not able to determine that?

A That's right, sir.

Q Now, was that after the body had been removed from the bed or before?

A That was after the body had been placed in the litter.

Q Now, then, where were those two pieces of teeth found, just what part of the body?

A As I recall, somewhere below the center of the bed.

Q You didn't make any particular mark of it?

A No, sir.

Q Or mark on the mattress?

A No, sir.

Q Are you quite sure that the pajama tops remained on the body?

A I certainly am, sir.

Q Now, then, what did you do with those two pieces of teeth?

A I wrapped them up in a piece of paper and put them in my

pocket.

Q And did you keep them?

A Yes, sir.

Q And they have been in the Morgue ever since, or the Coroner's office, except when they were brought down to Court?

A Except when they were brought to Court, yes, sir.

Q This is Exhibit --

THE COURT: B-1 and B-2, if
you are referring to the teeth.

Q Yes, B-1 and B-2 we marked those, Doctor. Now, at the time that those two pieces of teeth were found in the bed, was Mr. Schottke and Gareau there in the room?

A Mr. Schottke was definitely there.

Q Mr. Schottke was there?

A Yes.

Q And he saw the finding of these pieces of teeth?

A Yes, sir.

Q Now, after Mrs. Marilyn Sheppard's body was removed from the room, there were still the bed clothes there?

A Yes, sir.

Q Did you take all the bed clothes?

A All the bed clothes that have been shown here, I took and turned them over to Mr. Keefe, who put them in the station wagon.

Q And was Mr. Keefe up in the room when you gathered the bed

clothes together?

A If he was there at the immediate moment, I can't say, but he was there when I gave them to him.

Q Yes. And will you tell me how those bed clothes were gathered and -- did you, yourself, gather them up?

A I picked them up. Mr. Keefe folded them.

Q I see. They were folded in a bundle?

A They were folded individually.

Q Folded individually by Mr. Keefe?

A Yes, sir.

Q And put together?

A That's right, sir.

Q And taken by him to your station wagon and then transferred to the Morgue?

A That's right, sir.

Q Now, did you take all the bed clothes on that occasion?

A All the bed clothes that's represented here, yes.

Q Well, there is a chenille spread, that's right, isn't there?

A Yes, sir.

Q Showing you Exhibit No. 9, there is a chenille spread, Doctor --

MR. CORRIGAN:

(To the jury.)

Can you all see this?

Q -- right here. That was taken?

A Yes, sir.

- Q That was similar to the chenille spread that was on the other bed, is that right?
- A Yes, sir.
- Q There was an under sheet taken that was under Mrs. Marilyn Sheppard's body?
- A Yes, sir.
- Q And under that under sheet was a pad?
- A Yes.
- Q That was taken?
- A Yes, sir.
- Q There was the sheet that was over Mrs. Marilyn's body, over the left part of -- or, the lower part of Mrs. Marilyn's body?
- A Yes, sir.
- Q That was taken?
- A Yes, sir.
- Q There was also a sort of a colored blanket that is shown here?
- A We call it a quilted blanket.
- Q A quilted blanket. And can you indicate on this picture which one is the quilted blanket?
- A I believe this is it (indicating).
- Q The one that is falling down on the floor, is that right?
- A That's right, yes, sir.
- Q And those were all taken on that morning by Mr. Keefe?

A No. It was morning and afternoon.

Q Well, and the afternoon.

A And the pad.

Q And the what?

A And the pad.

Q And the pad that was under --

A Under the bottom sheet.

Q Under the bottom sheet?

A Yes, sir.

Q Now, at the time that you made this visual examination, did you make any written notes of it?

A No, sir.

Q Have you ever made any written notes of it?

A No, sir.

Q Have you ever made any written notes of what Mr. Keefe did in the room?

A No, sir.

Q You did not. Now, before that was done, before these -- what time in the afternoon were they taken out?

A They were taken out after the body was removed from the house and after some more photographs had been made. So that would be --

Q That was --

A That was before noon or right around noon before it was completed.

Q The body was taken out, as I understand it, at 10:30?

A 10:30.

Q Now, after the body was taken out, were there some more photographs taken?

A Yes, sir.

Q And were they taken at the house?

A Taken right there, taken of the bed.

Q And who took the photographs?

A Well, I don't know which one of the departments took the photographs, but they were taken.

Q Did you see the photographs?

A Yes, sir.

Q Do you know where they are?

A I suppose they are here.

Q Well, look through these exhibits, handing you all the photographs that are in evidence in the case, and tell me if any of them represent any picture that was taken after the removal of Mrs. Marilyn Sheppard's body?

A (No response.)

Q Now, when Mr. Keefe took the bundle of bed clothes out, in what form were they? Were they in a basket or were they --

A He carried them out just as --

Q He carried them out? Did he tie them together?

A No, he didn't tie them together at that time -- at no time

that I can recall.

Q And he carried them in his hand?

A Yes, sir.

Q Did he have the pillow, also?

A He took the pillow. I don't know if he took them all at the same time or not.

Q And where did he deposit them, do you know?

A In the station wagon.

Q In what part of the station wagon?

A Well, Mr. Corrigan, the station wagon. I don't remember what part, but right back of the seat.

Q Does the station wagon have seats in the rear of it?

I am not familiar with your station wagon. Or is it a delivery --

A They had to remove those seats and that day they weren't in it.

Q I see. Now, then, when did you see those sheets again?

A When he brought them into the Coroner's office at eight o'clock that night.

Q Now, was there some articles taken out of that home to the Pease Funeral Home?

A I don't know of anything taken to the Pease Funeral Home.

Q You don't know of anything taken there?

A No, sir.

Q Well, does your record show that some days later, that some

days later, that some of the articles out of the room were delivered to the Morgue by the Pease Funeral Home?

A I don't know of any such thing.

Q I see. All right. Now, then, after Marilyn's body was removed, did you go downstairs or did you remain upstairs for some length of time?

A I can't say how long I remained, but I remained after the body was removed and then went downstairs.

Q And where did you go, what did you do?

A I can't say definitely, but I might have gone over to Mayor Houk's to get a cup of coffee.

Q Well, was there a number of people around the grounds that day, that morning, that you noticed?

A What do you mean by grounds?

Q Well, just the Sheppard lot, the Sheppard lot. You are familiar with the Sheppard lot?

A There were some people out front on the lawn and in the driveway.

Q Was there any people in the rear?

A Not in the immediate rear but down over the bank.

Q Did you see quite a number of boys on the property?

A There were no boys on the property until they were permitted.

Q And what time was it they were permitted?

A That was around noon.

Q Well, did you see any before that?

A I saw very few boys.

Q Did you see Larry Houk?

A I saw him earlier in the morning.

Q He was in the house?

A He had been in the house, yes, sir.

Q And he was in the house while you were there?

A He was one of the individuals that I asked to leave.

Q Now, these boys that were around the property, they were in the property, weren't they?

A Not to my knowledge.

Q Well, do you remember one boy coming out of the garage with a rag with some red stuff on it?

A No, sir.

Q And it was handed over to you, and you took it to the Coroner's office and it was examined?

A No, no boy handed me any -- that I can recall -- handed me any --

Q Well, did there come into your possession on that day a rag that had some red substance on it?

A Yes, sir.

Q And what time did that come into your possession?

A Sometime in the early afternoon. I am not sure when.

Q Who gave it to you?

A I don't remember, sir.

Q You made no note of who gave it to you or who delivered it

to you?

A No, sir.

Q Or where it was found?

A I don't know where it was found. It was found in the garage.

Q It was found in the garage?

A Yes, sir.

Q Who did you get that information from?

A From the person that gave it to me.

Q But you don't know who he is?

A No, sir.

Q You don't know whether he was a boy or a man?

A I assume it was one of the policemen.

Q Well, I don't want you to assume, Doctor. If you don't know, why, the answer is "I don't know."

You remained there until what time, Doctor?

A Well, it must have been around seven o'clock.

Q Now, after the body of Marilyn Sheppard was removed, then there entered into the house a number of reporters and photographers?

A At the very outset there was just two people, two men representing the Press. One was Ray DeCrane, and I don't remember the name --

Q Well, he got in the house?

A I don't remember the name of the photographer.

Q But, I say, they did get in the house?

A Yes, sir, I permitted them in the house.

Q And they took pictures?

A Yes, sir.

Q And then later than that the Plain Dealer reporters and the News reporters and photographers came along?

A That was in the late afternoon, yes, sir.

Q And they got in the house?

A Yes, sir.

Q And they took pictures?

A Yes, sir.

Q They took pictures of you in the house?

A I believe they did, yes, sir.

Q There was one picture taken of you demonstrating the type of weapon that was used in the killing of Marilyn Sheppard, wasn't there?

A You might call it that. I don't.

Q Well, you were in a position where you had the weapon up in your hand, and you were bending over, weren't you?
Do you remember that picture?

A That was not in the house, sir.

Q Where was that?

A That was in the summer house or shed next to the house, summer kitchen, or whatever you want to call it. And that wasn't that day. I think that was the next day.

Q Oh, the next day. That was in that little building that is back of the garage?

A Yes, sir.

Q Where there is a lot of tools and so forth?

A Yes, sir.

Q And that was the next day. What was that that you had in your hand that you were demonstrating with?

A I think it was a piece of pipe.

Q A piece of pipe?

A Yes, sir.

Q And that picture was posed for the Plain Dealer, was it not?

A I don't know what -- I never saw it after that, so I don't know what paper it was in.

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Well, I have it here.

MR. CORRIGAN:

Mark this Defendant's

Exhibit W.

(Defendant's Exhibit W,
being a newspaper clipping,
was marked for identifi-
cation.)

Q Handing you, Doctor, what has been marked Defendant's
Exhibit W, will you look at that and state whether that
is a photograph of you?

A Yes, sir.

Q And ~~that~~ was taken, you say, in the summer house?

A I'm sure it was.

Q And that was on the 5th day of July?

A The 5th day -- I think it was the 5th day of July. This
was not for the purpose of demonstrating a weapon.

Q Wait a minute. Just answer the question, Doctor.

A You asked me that question, Mr. Corrigan.

Q No. I just want you to answer the questions. But you do
have in your hand some kind of an instrument, something in
your hand, is that correct?

A Yes. I think it is --

Q Do you know what it is that you have in your hand that day?

A I think it is a piece of wood, as I look at it.

MR. MAHON:

Keep your voice up.

Q You think it is a piece of wood.

MR. CORRIGAN: Pardon me a moment,
your Honor.

I desire to introduce that in evidence.

MR. DANACEAU: Just a moment.
Before you do that, may I see the portion that
was cut off? I insist that the bottom part
of this be annexed to it because it explains
just exactly the purpose of the picture and what
Dr. Gerber was trying to demonstrate. I will
read it to you, if you want.

MR. CORRIGAN: No, no.

MR. GARMONE: Introduce it all,
Bill.

MR. CORRIGAN: Make your application
to the Court, Mr. Danaceau.

MR. DANACEAU: I insist that this
portion here that was cut off of that picture
be attached to it, and with that we will have no
objection to its being admitted.

THE COURT: All right. Let
Mr. Corrigan see it.

MR. GARMONE: Put it in.

MR. CORRIGAN: Now, of course, that
refers to this part.

MR. DANACEAU: It refers specifically

to that.

MR. CORRIGAN: Well, it refers to both of them, to both pictures.

MR. DANACEAU: No. Dr. Gerber's picture is in one and that is not Dr. Gerber in the other.

MR. CORRIGAN: We know that --

MR. DANACEAU: But the statement refers to what Dr. Gerber was demonstrating.

MR. GARMONE: Don't shout. Just tell us.

MR. DANACEAU: I'm not shouting. I hope I'm not shouting.

THE COURT: Well, if it is being offered and it appears that a picture is being taken out of its context, the Court will not admit it. If the entire article is in, it is possible that it will be admissible.

MR. CORRIGAN: I was just trying to explain and I wasn't able to give the explanation, that there were two pictures --

MR. DANACEAU: I am not referring to the other picture. I am referring to the explanatory material at the bottom of Dr. Gerber's picture, and that is the only portion I care to

have in there.

MR. CORRIGAN: Will you let me talk?

MR. DANACEAU: I am not interested
in the other picture, Mr. Corrigan.

MR. CORRIGAN: Will you let me talk
to the Court?

MR. DANACEAU: Yes, but you are
talking about the other picture, and I am not
concerned about that.

THE COURT: Now, Mr. Corrigan,
I am talking about Exhibit W, is that a complete
picture and whatever was with it in the same
article?

MR. CORRIGAN: No. There were two
pictures.

THE COURT: Well, then, I don't
think it is admissible.

MR. GARMONE: Put them both in.

THE COURT: We are talking about
one now, W. That is the only one offered. That
is the only one before the Court.

MR. CORRIGAN: All right. Mark this,
that Mr. Danaceau wants put in, as Exhibit W-1.

(Defendant's Exhibit W-1,
being printed material at
bottom of Exhibit W, was

marked for identification.)

MR. CORRIGAN: Now I desire to show
this to the jury.

MR. DANACEAU: No objection.

THE COURT: Then I take it you are
substituting W-1 for W?

MR. CORRIGAN: No. W and W-1 together.

THE COURT: I see, and they make
one total picture?

MR. GARMONE: They make one exhibit.

THE COURT: All right.

(Defendant's Exhibit W
and W-1 were offered and
and received in evidence.)

(Thereupon Exhibit W and W-1 were
passed among the jury.)

MR. DANACEAU: I would like to request
that the witness be permitted to see the printed
matter at the bottom of that picture, W-1.

THE COURT: What?

MR. DANACEAU: That the witness be
permitted to read the printed matter at the bottom
of the picture which has been marked W-1, I believe.

(Exhibit handed to the witness.)

MR. DANACEAU: Have you seen that, Dr.
Gerber?

(Witness examines exhibit.)

Q Doctor, I want to go back just a minute to your examination of Marilyn Sheppard, and ask you, when you viewed the remains of this woman, if you did not consider the factor of shock in her death?

A Not at that time, no, sir.

Q You did not. You say that you could not determine whether the teeth were from Marilyn Sheppard's mouth or not?

A At that particular moment.

Q At that particular time?

A Yes, sir.

Q That was not determined until later by Dr. Adelstein -- or Adelson, when he made his autopsy?

A No, no.

Q When was it made?

A Dr. Adelson and myself made the determination on July the -- the morning of July the 5th. I took the teeth, and he and I fitted them into the broken portion -- the broken portions of the teeth in the upper jaw of Marilyn Sheppard.

Q Well, that morning couldn't you just lift the upper lip?

A I didn't just lift the upper lip. There was blood on the mouth, and so on, and I didn't want to disturb it.

Q Did you have a particular reason why you did not want to disturb the blood on the body?

A That's the way we handle things.

Q Now, was there a statement made in the room that morning that those pieces of teeth came from the slayer?

THE COURT: Came from where?

MR. CORRIGAN: Came from the slayer
of Marilyn Sheppard.

A There wasn't any definite statement made such as that.

Q What?

A No definite statement was made such as that.

Q Was there something along that line stated?

A That was a postulation of some individuals.

Q And who was it the postulation of?

A I don't know. It was spoken out loud.

Q What?

A It was spoken out loud. I don't know who spoke it.

3 Q When it was spoken out loud who was in the room?

A Quite a number. About the same group as I mentioned before.

Q Mr. Schottke was there?

A Yes, sir.

Q Mr. Gareau?

A I can't -- I don't remember about Gareau, but some of the Bay Village police. That was after the ambulance men had gone.

Q After what?

A After the ambulance men had gone.

Q But that was stated there, postulated, as you say?

A Yes, sir.

Q Now, then, did you have a boy with you on that day?

A A boy?

Q Yes.

A What sort of a boy?

Q Well, a small boy. 10, 12 years old.

A No, sir.

Q Did you see a small boy 10 or 12 years old around there during that day?

A The only one that I could think of is Mrs. Ahern's son.

Q Yes.

A That's the only one I can think of.

Q Well, did you meet Mrs. Ahern's son?

A Yes, sir.

Q Do you remember him?

A I don't remember him, but I remember of him.

Q Was Mrs. Ahern's son in the house in the afternoon?

A No, sir.

Q Did you see Mrs. Ahern's son in the yard in the afternoon?

A He went with me because there was a small animal that belonged to Chip, and I asked him if he'd take care of it, and I asked his mother whether or not he could take care of it, and he said yes, and he was happy to get it and take care of it for Chip.

- Q Did he go in the house?
- A Just on the porch.
- Q That was as far as he got?
- A Yes, sir.
- Q Do you know of any other people that went in the house in the afternoon besides the reporters and the police?
- A That's all I know of, and when you say reporters, there was two at one time, two at another time, and two at another time. There were just six.
- Q That was six. Were there any television men or radio men out there on that day that you noticed?
- A Well, there were a lot of people who were around there later on in the afternoon, and I can't give you any idea as to who they were.
- Q Were you aware that a guard was put over Sam Sheppard on that particular day?
- A Yes, sir.
- Q Did you have anything to do with that?
- A I suggested it.
- Q To who?
- A To the Chief.
- Q And do you know when the guard was put over Sam Sheppard?
- A No, sir. At what time, you mean?
- Q At what time, yes, sir.
- A No, sir.

Q What time did you suggest it to the Chief?

A Later in the afternoon.

Q You do know that Mr. Schottke and Mr. Gareau, on the 4th of July, made two visits to the hospital?

A Yes, sir.

Q One in the morning and one in the afternoon?

A Yes, sir.

Q And was it after the second visit of Schottke and Gareau that the guard was put on Dr. Sheppard's room?

A It was later on in the afternoon. It was after that, yes, sir.

Q You did see this green bag with the watch in it?

A Yes, sir.

Q And the key ring?

A Yes, sir.

Q And the other articles that had been shown to you?

A Yes, sir.

Q Sometime during that day?

A Probably -- around 1:30.

Q And that was shown to you by whom?

A By Schottke and Gareau.

Q And after it was shown to you, they took it to the hospital, didn't they?

A Yes.

Q And then it was returned and given to you?

A Yes, sir.

Q And you have had it ever since?

A Yes, sir.

Q No one of these law-enforcing agencies that have been engaged in this case have asked you to deliver that to them, have they?

A But they all saw it. Nobody asked me to deliver it to them, but they all saw it.

Q I say none of them asked for the redelivery of it from the Coroner's office?

A No, sir.

Q Now, Marilyn's watch, of which a photograph shows here, was in the study or in the den?

A Yes, sir.

Q Did you see it there?

A Yes, sir.

Q Was a photograph taken of it?

A Yes, sir.

Q Who took the photograph?

A As far as I know, it was Patrolman Drenkhan. I didn't see him take it, but that's --

Q But you know that he took the photograph of it?

A I have every reason to believe that he took the photograph.

Q Do you know whether he picked it up off the floor and placed

it on some place where it would be more convenient to photograph, or whether he photographed it as it lay on the floor?

MR. DANACEAU: We object to that.
He wasn't there when the picture was taken, he said.

THE COURT: If he knows, he may answer.

A The picture indicates that it was taken right on the floor.

Q And you have seen that picture, haven't you?

A Yes, sir.

Q At what time is the watch stopped in the picture that you saw?

A 8:05.

Q What time does the watch show as it appears in this courtroom as I hand it to you?

A Ten minutes to ten.

Q Now, there was also a picture taken of the watch of Dr. Sheppard, of the watch that he identified as being his watch?

A Yes, sir.

Q And did you see that picture?

A Yes.

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Q Who took the picture of Dr. Sheppard's watch?

I am not talking about the pictures taken in your office, but any other pictures that were taken?

A That's the only pictures that were made of it, that I know of.

Q You don't know of any picture that was made outside of your office?

A No, sir.

Q And the picture that was shown here in the court room shows the time to be 5:00 o'clock, is it, handing you Exhibit No. 36, 5:00 o'clock?

A That shows 5:00 o'clock, yes, sir.

Q And as it appears in the court room, what time does it show?

A Twelve minutes to 4:00.

Q Now, this picture, Exhibit 36, appears to be a print of another picture, does it not? That's not the original picture?

A As far as I know, it's the original picture, yes, sir.

Q Who took it?

A Mr. Johnson.

Q And he is connected with your office?

A Yes, sir.

Q Was there a smaller picture taken and developed?

A No. As far as I know, there was just one negative, and you can enlarge the negative to any size or reduce it to any

size.

Q Well, that's the original picture, then?

A As far as I know, that's the original picture.

THE COURT: Mr. Corrigan,
before you go to a new subject, would you
have a little recess?

MR. CORRIGAN: All right.

THE COURT: We started rather
late, ladies and gentlemen of the jury, but we
will have just a very short recess at this point.

Please do not discuss this case.

(Thereupon a recess was taken at 3:10 o'clock,
p.m., after which at 3:25 o'clock, p.m., the follow-
ing proceedings were had:)

Q Doctor, I want to go back a moment to the time in the
bedroom when you examined Mrs. Sheppard's body. Did you
make note at that time that her abdomen was swelled?

A I couldn't -- I didn't make any note and I didn't observe
any swelling of the abdomen.

Q Did you make any observation to determine whether she was
going to have a baby?

A I didn't at that time, no, sir.

Q You did not?

A No, sir.

Q Did you any time during that day?

A No, sir.

Q Now, the picture -- the pillow, rather, that has been introduced here in evidence and that shows, as you say, the mark of a surgical instrument, was examined by you first when? Did you get my question?

A Yes, sir. When I took -- before the body was removed, when I took the pillow off.

Q And then it was examined by you again at the Coroner's office later on July 4th?

A I looked at it again at about eight oclock, or thereabouts, when I got to the Coroner's office and we took it out of the station wagon.

Q And you examined it at that time?

A Yes, and then put it away. And the next morning I examined it again, and I ordered pictures be made of it and that no one was to cut it up for purposes of blood determination.

Q That was on the --

A That was on July 5th.

Q That would be on July 5th?

A Yes, sir.

Q But your examination was both in the house and at eight o'clock in the evening and the next morning at the Coroner's office?

A My observations, yes, sir, during those times, and then later on, too.

- Q Well, that was -- that observation was made before this picture was taken that I have just shown you and shown to the jury, that's correct, isn't it?
- A That's right, yes, sir.
- Q Yes. And when you went through the house on that day, you discovered in the hallway a case with surgical instruments in it, didn't you?
- A They were minor surgical instruments.
- Q What is that, please?
- A Minor surgical instruments.
- Q But they were surgical instruments?
- A Yes, sir.
- Q Yes. And there was also on the 4th of July a case in the jeep in the garage which had surgical instruments?
- A Yes, sir.
- Q Did you take either one of those cases to the Coroner's office?
- A No, sir.
- Q Or make an examination of the surgical instruments that were in those cases?
- A Casual observation.
- Q Casual observation. All right. Now, then, on the 5th of July, on Monday, how long were you there on Monday? Do you recall what time you arrived at the place and what time you left?

That would be the 5th of July. That was a holiday.

A It was in the early part of the morning around nine o'clock.

Q And was Mr. Schottke and Gareau there that day?

A They were there. I don't remember whether they were there when I got there or they came after I did, but they were there.

Q When did you first see their report, the report that those two men made of their investigation on July 4th?

A Sometime during the week of July 4th.

Q Was that delivered to your office?

A Yes, sir.

Q And it is part of the record in this case?

A It is not part of the record.

Q Well, why not?

A It's the police records. The police records are--

Q I know, but --

A The police records are available at the police station.

Q Well, this was delivered to you by the Police Department as the Coroner of this County?

A That's right, sir.

Q Yes. And you have it?

A Yes, sir.

Q That's one of the things I want you to bring to Court.

A That's not part of the record.

Q I don't care whether it is part of the record or not.

Bring it to Court.

A If his Honor, Judge Blythin, orders me to bring it to Court, I'll bring it to Court.

Q I want all those things brought to Court.

MR. MAHON: All what things?

Q Why don't you want me to see it?

MR. DANACEAU: What's all this shouting about?

MR. MAHON: Now, wait a minute. I want to object to the conduct of Mr. Corrigan in this matter, if your Honor please. Dr. Gerber is willing to bring any records which the Court orders him to bring.

THE COURT: All right. Now, that is certainly not a part of the Coroner's records, a copy of a report that he gets from the Police Department.

MR. GARMONE: Is it unfair, your Honor, that the request be made of the Coroner that he bring all the records that he has pertaining to this case and let the Court determine what comes under the public record as set out in the statute and what does not?

THE COURT: The Court will only order the Coroner to bring in anything

that is a public record.

MR. GARMONE: Well, how can your Honor determine, until you see what he has to offer, whether it is classified as a public record or not?

MR. DANACEAU: Well, that's using -- that's proceeding backwards.

MR. GARMONE: No, it is not.

MR. DANACEAU: Why should anyone bring everything in here and then take out what we don't want. Now, he will bring in here --

MR. GARMONE: We are not asking --

MR. DANACEAU: He will bring in here any record that the Court instructs him to.

THE COURT: We will not do that part of it by any process of elimination. We will do it by direct order, whatever that order may be.

Now, if you have a request for particular things to be brought in, the Court will rule on it.

MR. CORRIGAN: Bring in the public records in the Coroner's office that are available to the public. That is what I want.

THE COURT: The Coroner says,
and the Prosecutor supports him, that he will
produce everything that is in the Coroner's
office that is a public record.

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Well, Doctor, you do have the police report of Schottke and Gareau made on the 4th of July, don't you?

THE COURT:

Yes. He admitted

he had that.

A

I have that. I don't know whether it was written on the 4th of July, but I have the report of their work on the 4th of July.

Q

Yes, that's what I mean. And are you reluctant that I should read it?

MR. MAHON:

Objection now.

MR. DANACEAU:

There is no basis for that. We object to that and ask the jury be instructed to disregard the remark of counsel.

MR. CORRIGAN:

That is my question.

MR. DANACEAU:

It is no question at all. It is an outburst, and I ask the Court to instruct the jury to disregard Mr. Corrigan's outburst.

THE COURT:

The jury will disregard ~~that~~ entirely.

Q

Well, I will put it again. Are you reluctant that I should read that report?

MR. MAHON:

Objection.

MR. DANACEAU:

Objection.

THE COURT:

Objection sustained.

MR. CORRIGAN: Except.

Q Now, on the 5th of July you were in the bedroom again with Mr. Schottke and Gareau and some other officers?

A Yes, sir.

Q And that was the time that someone found some little things in the bed, or in the room?

A Yes, sir.

Q Now, State's Exhibit 44 --

A Your Honor, most of it is lost already.

THE COURT: What?

THE WITNESS: Most of the exhibit
is lost already.

MR. CORRIGAN: I didn't lose it.

It is the first time I had it in my hand.

Q There is some of the exhibit left here, isn't there?

A Very little.

Q Well, it has been in the hands of the stenographer. We will find out if he has lost some of it. But, anyway, there is something shown in this Exhibit 44?

A Yes, sir.

Q And that was in what form when it was picked up?

A That was in a thin wafer-like flat form.

Q What color was it?

A To my mind, it was pink.

Q And can you tell how large it was?

A It was --

Q Was a measurement made of it, rather?

A It was, yes.

Q And, of course, there is a record of the measurement?

A Yes, sir.

Q And you will bring that?

A You have it. I think it is on that report.

Q You mean on the microscopic report?

A One of those reports.

Q Wait a minute. I will see. Well, I have Exhibit V-1 and V-2. I don't see it there.

A No, it is not here.

Q And it isn't on the autopsy report?

A No, sir.

Q Well, those are the only two things I have received, so it must be on some other report, then?

A Yes, sir.

Q Well, we will wait until you bring that in, Doctor.

A Okay, sir.

Q But when it was received in the Coroner's office it was in one piece?

A Yes, sir.

Q And then you referred it to --

A Miss Cowan. This is it.

Q Well, I am not going into it to ask you about it until the

report comes in.

To Miss Cowan, and she in the course of time made a report on it?

A Yes, sir.

Q And, of course, it appears broken now into some small fragments?

MR. DANACEAU: Just a moment.

Which of those two exhibits are you referring to?

MR. CORRIGAN: I am referring to the nail polish.

Q It appears now broken into some small fragments, is that correct?

A Therewas nothing left but about two fragments that are almost microscopic in size.

Q Well, when it was brought in here yesterday, it was broken into small fragments, wasn't it?

A There were considerable there.

Q All I want to demonstrate is that it was broken up into small pieces when it was brought in by you?

A Yes, sir.

MR. CORRIGAN: Now, whether some of it is lost or not, you are the boy.

THE COURT: Or the other reporter.

Q You personally didn't make any examination of either the piece of leatherette or the nail polish other than a visual

examination?

A That's right, sir.

Q Was it determined whether it was leather or whether it was leatherette?

A Under the microscope it looks like it is leather.

Q Well, there has been a real determination of that fact, a definite determination as to whether it is leather or leatherette?

A The only way you could determine that is to take it to pieces. If you take it to pieces, if you ever find the object that it came from, you won't be able to fit it in.

Q Well, now, that doesn't really answer my question, Doctor. Was it ever determined in your laboratories whether that piece is leather or leatherette?

A Just that it appears to be leather.

Q It appears to be leather?

A Yes.

Q There was no further examination of it?

A No, sir.

Q And, of course, you can determine -- you know this, Doctor, -- whether or not an article is leather or whether a substance is leather, or whether it is a composition resembling leather? You know that can be determined?

A If you take it apart, yes.

Q You did not establish whether it was leather or leatherette?

A That's right, sir.

Q Did you coordinate it with anything that you found in Dr. Sheppard's house?

A We attempted to.

Q Well, did you?

A We were not able to.

Q But you made that attempt?

A Yes, sir.

Q And did you do that personally, or was that done by one of your professional chemists?

A I did that personally.

Q And what day did you do that?

A Right along whenever I saw --

Q That is, you made a continuing --

A Observation.

Q -- observation to determine if in any way you could fit this piece of leather or leatherette into any object connected with the Sheppard home?

A Yes, sir.

Q And in that connection what did you examine?

A Anything that -- well, in the first place, we tried to connect it with the shoes, and there wasn't any place missing on the shoes. We tried to connect it up with a quirt, and there was nothing -- no defect in the quirt that would fit into -- that it would fit into, and there was other

things that were observed at the house and not brought in.

Q Well, I suppose you found in that house a great many things?

A No. We found very few things that you could even consider had any possibility of it coming from.

Q Well, you found shoes, and you found some purses?

A And a quirt.

Q And you found a golf bag?

A It didn't come from the golf bag.

Q And you found leather grips on the golf club?

A Yes, sir.

Q And did you find any chairs around there that were covered with leather that you attempted to match it with?

A It had no appearance -- the chair had no appearance that it could come from.

Q You found there a leather quirt?

A Yes, sir.

Q A driving quirt?

A I assume that is what it is.

Q And you compared that?

A Yes, sir.

Q Well, you made a thorough search as far as humanly possible?

A We attempted to, yes, sir.

Q On Tuesday night you said that you were at a meeting at the Bay Village Hall in which Dr. Sheppard, Sr., and Dr. Richard Sheppard, and I believe Dr. Sheppard appeared?

A I think that is right, yes, sir.

Q On Tuesday night?

A Yes, sir.

Q And what time did you go there?

A Tuesday evening -- I had been there. I was there late in the afternoon.

Q And did you send for those men?

A I didn't send for them, but I believe that Mayor Houk called them.

Q And you were there when they came?

A Yes, sir.

Q And do you know or do you remember that on that night, Dr. Sheppard, Sr., and Richard Sheppard and Dr. Stephen Sheppard were interviewed by the police?

A I didn't know what time, but I know -- I knew they were being interviewed.

Q Well, they were accompanied by Mr. Petersilge?

A Yes, sir.

Q And you knew that by that time that he was the man that represented -- the lawyer that represented the hospital and represented the Sheppard family?

A I knew that he was the lawyer who represented the family. I knew that he was one of the lawyers that represented the Sheppard family -- represented the hospital, and I knew that he was one of the lawyers that represented the

Sheppard family.

Q I wasn't there? You didn't see me that night?

A No. You --

MR. DANACEAU: What was your answer?

THE WITNESS: You were not there.

Q I was not there. All right. Now, isn't it a fact, Doctor, that on that night that those three men made long statements to the police of Bay Village as to everything that they knew connected with Marilyn Sheppard's murder?

MR. DANACEAU: We object unless
he establishes that he was present.

THE COURT: Objection will be
sustained.

Q Well, you saw the reports, didn't you?

MR. DANACEAU: Just a minute.
We are not talking about reports.

THE COURT: He can say whether
he saw a report.

A I saw the reports later on.

MR. PARRINO: Just a moment.

MR. CORRIGAN: Where am I? You
get me confused, gentlemen.

MR. MAHON: Oh, no.

Q Did you see -- I am referring now to the statements that
were made by those three men in connection with this case.

Did you see those statements?

A Not at that time.

Q Well, any time?

A Yes, sir.

Q And were copies given to you?

A Yes, sir.

Q And do you have copies of them in your office?

A Yes, sir.

Q In connection with this case?

A Yes, sir.

Q Now, then, there was a discussion between you and the three doctor Sheppards and Mr. Petersilge as to the condition of Dr. Sam Sheppard, was there not?

A Yes, sir.

Q And they informed you, did they not, that he was under the care of Dr. Elkins?

A Yes, sir.

Q You knew Dr. Elkins, did you not?

A I knew -- not personally or not socially, but I knew him.

Q You knew that he was a man of reputation in the medical profession?

A Yes, sir.

Q And you knew that he was connected as a neurologist for Lutheran Hospital and some other hospitals in Cleveland?

A

Well, I knew he was connected on the West Side. I didn't remember which ones in particular.

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Q Well, as a result of that conversation, didn't they tell you to consult with Dr. Elkins about Sam's condition?

A I guess that's --

Q Yes. And isn't that the reason that you went to Bay View Hospital on Wednesday to talk to Dr. Elkins about --

A Yes, sir.

Q -- about the condition of Dr. Sam Sheppard?

A Yes, sir.

Q Dr. Elkins went over the charts with you?

A Yes, sir.

Q And he showed you his reports?

A Yes, sir.

Q And you were satisfied, were you not, after talking to Dr. Elkins, that everything that he knew about Sam's condition had been revealed to you? Did you get that? Well, I will withdraw the question.

I said, you knew after talking to Dr. Elkins at Bay View Hospital on Wednesday, that everything he knew about Sam's condition or everything that he had put down in the hospital records about Sam's condition was revealed to you?

A I believe that's correct, but you used the word satisfied and --

Q Well, I'll leave satisfied out and leave it stand as it is.

Now, then, there was a police guard in front of Sam Sheppard's door on that Wednesday when you went there?

A There was a policeman.

Q A policeman?

A Yes.

Q And did you go into his room?

A Not on Wednesday, no, sir.

Q What?

A No, sir.

Q While you were in there, in that hospital, where did this consultation with Dr. Elkins take place?

A In the X-ray room and at the nurses' desk.

Q And the nurses' desk was directly outside of the room in which Dr. Sheppard was confined?

A It's right near there, yes, sir.

Q And the X-ray room is right on the same floor?

A Well, I was lost. I don't know where the X-ray room is.

Q But, anyway, we have the nurses' desk located as being right opposite -- or right outside Dr. Sheppard's room?

A Yes, sir.

Q That's right. And you didn't go in?

A No, sir.

Q Or didn't attempt to go in?

A No, sir.

Q Or didn't request to go in?

A No, sir.

Q Now, that was Wednesday, and that was the day of

Mrs. Sheppard's funeral, do you remember?

A Yes, sir.

Q On Thursday you arrived at the hospital at what time?

A About 11 o'clock, sir.

Q And was there any newspaper reporters or photographers around there when you arrived?

A I believe there were quite a bevy.

Q Quite a number. A bevy?

A Yes, sir.

Q And you were accompanied by Mr. Rossbach and Mr. Yettra of Sheriff Sweeney's staff?

A I went alone.

Q But did you meet them there?

A Yes, sir.

Q Did you meet them there by arrangement?

A Yes, sir.

Q And when had you arranged with Mr. Sweeney -- oh, with Mr. Rossbach and Mr. Yettra to meet you at Bay View Hospital?

A I imagine it was that morning.

Q And there was also Mr. Schottke and Gareau there?

A They arrived later, yes, sir.

Q What?

A They arrived later, yes, sir.

- Q And did you know they were coming?
- A No, sir.
- Q But was there any of the Bay Village officers there?
- A Yes, I believe they were there, but not for very long.
- Q Now, then, you had this report from Dr. Elkins on Wednesday at what time?
- A I met him around -- it was after eleven, it was close to noon, and we --
- Q And he told you --
- A -- we discussed the X-rays and we discussed the chart. That brought us up to past the noon hour, and then Dr. Elkins accompanied me to the Sheppard home, Sam Sheppard home.
- Q Yes.
- A At that place we met Mr. Mahon and several other people. And Dr. Elkins had a discussion with them.
- Q Now, there was none of the Sheppard family there?
- A None of the Sheppard family was there, no, sir.
- Q And that was in the afternoon that you met Mr. Mahon?
- A Yes, sir.
- Q And Mr. Parrino?
- A Mr. Parrino, yes.
- Q Had you arranged with them to comethere?
- A No, sir.
- Q They were there?

- A They were there.
- Q And do you know how they got into the house?
- A You'll have to ask them. I believe it must have been the Bay Village police.
- Q I see. Well, then, on Wednesday afternoon there was you and Mr. Mahon and Mr. Parrino and Dr. Elkins and some of the Bay Village police there?
- A Yes, sir, and --
- Q And reporters?
- A No, sir.
- Q No reporters?
- A Not in the house, no, sir.
- Q No photographers in the house?
- A Not at that time, when we first met.
- Q I mean along sometime during the time you were there they came in?
- A Yes, sir.
- Q Yes. Because you had your picture taken in the house?
- A That's right, sir.
- Q And when you had your picture taken, you were leaning over the rail going upstairs looking down at the couch, and Mr. Mahon and Mr. Parrino were posed in front of the couch; do you remember that picture?
- A I remember that picture, yes, sir.
- Q Who took it?

A I haven't the slightest idea.

Q But it was one of the newspapers?

A Yes, sir.

Q Now, then, on that particular day, was anything taken out of the house?

A I don't believe so, no, sir.

Q Now, to refresh your recollection, was there some letters of Marilyn Sheppard taken from the desk in the living room or in the front room?

A You are asking me whether I took anything or whether I knew anything was taken out of the house?

Q Well, I will put it the other way. I will ask you if you knew of anything being taken out of the house on that day?

A No, sir.

Q Did you see any letters that were removed from the house of Marilyn Sheppard at any time?

A Not until the day of the inquest.

Q And who had them on the day of the inquest?

A I think they were given to me by the Cleveland police.

Q What?

A By the Cleveland police.

Q They were given to you?

A Yes, sir.

Q By the Cleveland police on the day of the inquest?

A On the second day of the inquest.

Q That would be on Friday?

A (No response.)

Q You started on Thursday, you started the inquest on Thursday, the 22nd of July, it continued on Friday, the 23rd, it was adjourned Saturday and Sunday and was continued on Monday?

A I would have to check that. It was either on Friday or Monday.

Q Yes. But, anyway, the letters were delivered to you, which were letters of Marilyn Sheppard, or addressed to Marilyn Sheppard?

A That's right, sir.

Q And who delivered those letters to you?

A I believe it was Inspector McArthur.

Q And you have them still?

A No, sir.

Q What has become of them?

A They were returned to the Cleveland police.

Q Returned to the Cleveland Police Department?

A Yes, sir.

Q Did you make the return?

A (No response.)

Q Did you return them?

A I'm just trying to remember whether I had somebody do it or whether I did it myself, but I know they were given back.

Q They were returned?

A They were returned.

Q And do you know whom they were returned to in the Cleveland Police Department?

A The Cleveland Detective Bureau.

Q But any particular person?

A Not that I recall.

Q I see. All right. Now, you do not know how those letters got into the possession of the Cleveland Police Department?

A No, sir.

Q Now, when you went down the hall on Tuesday following the 4th of July -- or when you came there, you and these other police officers gathered together at the entrance, did you not?

A I guess we tarried there or stopped there for a while, anyway.

Q Now, then you proceeded down the corridor to Dr. Sheppard's room?

A That's right, sir.

Q And did anybody interfere with your going down to Dr. Sheppard's room?

A No, sir.

Q What?

A No, sir.

Q Did you ask anybody's permission to go to Dr. Sheppard's

room?

A The nurse at the desk or in the hallway there, we told them that's where we were headed for.

Q Yes. Did you consult with any physician before you went into his room?

A I didn't, no, sir.

Q Well, did any of that group, that you know of, consult with any physician before you went into the room?

A Not to my knowledge. They may have.

Q But you did not?

A I did not, no, sir.

Q And there was nobody interfered with your entrance?

MR. DANACEAU: We object. He has gone over this several times.

THE COURT: He has already said no.

Q Now, then, when you went into the room, you knew, of course, that Dr. Sheppard had buried his wife the day before?

MR. DANACEAU: Wait a minute. We object to that. What date are you talking about, Mr. Corrigan?

MR. GARMONE: Thursday, July 8th.

MR. CORRIGAN: The 8th.

MR. DANACEAU: July 8th?

MR. GARMONE: Thursday, July 8th.

MR. DANACEAU:

All right.

A I knew that, sir, yes, sir.

Q And when you got into his room -- who went into the room?

A Sergeant Rossbach or Deputy Sheriff Rossbach, Yettra, myself and Gareau and Schottke and Dr. Stephen Sheppard.

Q And was there any Bay Village police?

A Not at that time, no, sir.

Q The Bay Village police hadn't been called by you or there was no arrangements made to have any Bay Village police there on that morning?

A That's right.

Q Now, that was a rather small room, an ordinary hospital-size room?

A Yes, sir.

Q Room enough for the bed and a chair or so and a stand?

A Yes, sir.

Q So that the room was fairly well crowded?

A It was more crowded later on.

Q No. Don't wait until later on, Doctor. Don't anticipate me, please.

It was fairly well crowded?

A Yes, sir.

Q And you gentlemen stood around this man's bed?

A No one stood around -- stood beside the bed except myself. The other gentlemen stood up against the wall. I stood on

Dr. Sam Sheppard's right-hand side, and if I remember correctly, Dr. Stephen Sheppard stood on the left-hand side.

Q And Sam was in bed?

A Yes, sir.

Q And he had an orthopedic brace on his neck?

A Yes, sir.

Q And he still had evidence, he had some evidence on the right side of his face of injury?

A He had some discoloration on the right side of his face.

Q At that time did you notice that the eye was swollen?

A There was some swelling of the right eye, yes, sir.

Q Did you notice that there was evidence of an injury above the eye?

A No, sir.

Q Did you notice evidence of injury below the eye?

A That discoloration was below the eye.

Q And in your check with Dr. Elkins on the Wednesday before, you had discovered that certain reflexes were absent when he was examined?

MR. PARRINO: I object to this, if the Court please, as to what Dr. Elkins stated to Dr. Gerber.

THE COURT: Yes, I think the objection will be sustained.

MR. CORRIGAN: Well, why is it

objectionable?

MR. DANACEAU:

It's hearsay.

You can bring Dr. Elkins in here. It's hearsay.

THE COURT:

Well, rephrase
your question.

MR. CORRIGAN:

All right.

Q Well, then, you started to question him, didn't you?

A Not immediately, no, sir.

Q Well, who started to question him?

A No one.

Q Well, you knew at that time that the two men that were
standing at the foot of the bed, Schottke and Gareau,
had on Monday morning -- or Sunday morning, July 4th,
accused this man of murdering his wife, didn't you?

A I don't know whether it was Monday morning or Monday
afternoon.

Q Monday morning or Monday afternoon, yes.

A Or, Sunday, Sunday morning.

Q Sunday morning, the date of the murder.

Now, then, regarding what occurred in that room, I
came in sometime after you gentlemen came?

A You came in immediately after we got in there.

Q Well, when I came in, you were in the process of questioning
the man, Doctor?

A Oh, no, we weren't.

- Q You hadn't said a word?
- A Yes, I had said something.
- Q Yes. Well, Mr. Petersilge and I came into the room?
- A Yes, sir.
- Q That is the fact, isn't it?
- A Yes, sir.
- Q And didn't this man say in that room this morning that he wanted to do everything he possibly could to help the police solve this crime?

MR. MAHON: Which man? Which man are you talking about said that?

MR. CORRIGAN: I pointed, so the Doctor knew, to this man.

MR. MAHON: Well, the record doesn't get it. Let's get it in the record.

THE COURT: The record shows that he is pointing to the defendant.

MR. CORRIGAN: Dr. Sheppard.

THE COURT: You may answer the question.

- Q Did he say that?
- A He said something to that effect.
- Q Yes. And he stated, also, to you that he was perfectly willing to talk to unbiased people but he was not going to talk to Schottke and Gareau, the men who had accused

him of murder?

A He stated more than that, and that isn't the way he said it.

Q Well, was that the substance?

A No, that's not the substance of it.

Q Well, what is the substance of it, then?

A The substance was that he had a lawyer and that he couldn't talk without his lawyer's permission, and that he would not talk to Schottke and Gareau but that he would like to talk to the Bay Village police, Officer Drenkhan by name, and that he would consider talking to Deputy Sheriff Rossbach and not Yettra.

Q Well, I don't care what the conversation was.

MR. MAHON: Wait a minute.

You have been asking for it here.

MR. DANACEAU: Wait a minute.

THE COURT: All right. That's his testimony as to --

MR. CORRIGAN: Will you allow me to finish my question before you all laugh? Put it in the record, the audience in the rear, the reporters, television men laugh in this case where this man is on trial for murder, for his life.

MR. MAHON: May we object to that comment, if your Honor please?

MR. CORRIGAN: I am entitled to make that comment.

THE COURT: The jury will disregard that entirely. Let's forget the whole incident. Mr. Corrigan, when a witness does answer, you ought not to comment on it.

MR. CORRIGAN: If I was allowed to finish my question, maybe they wouldn't laugh.

Q Regardless of the conversation, Doctor, this is a fact, is it not: That it was arranged that this man should talk to Detective Rossbach, Detective Yettra and Officer Drenkhan?

A Ultimately it was arranged that way, after a considerable --
Q I don't care what the considerable was. Was that arrangement made?

A That was the ultimate arrangement.

Q Yes. And after the arrangement was made, Officer Drenkhan of the Bay Village police appeared there and Officer Drenkhan and Yettra and Officer Rossbach went into the man's room and were there from one o'clock in the afternoon until about 3:30 or four o'clock that afternoon with him?

A I believe that you and I decided it was about 3:30.

Q Well, all right. You know as a fact, do you not, Doctor, that during the time that Officer Rossbach and Yettra and Drenkhan were talking to this man, that neither I nor

Mr. Petersilge were in that room?

A That's correct, yes, sir.

Q What?

A Yes, sir.

Q That's correct. Because I believe, if I remember rightly, that we ate lunch together?

A Yes, sir.

Q And remained until those officers came out from Sam Sheppard's room?

A That's right, sir.

Q And after they came out from Sam Sheppard's room, they reported to you what he had said?

A They reported very little. It had been impossible in a short space of time that I talked to them for them to report much to me.

Q Well, they did tell you in a general way what their conversation was?

A Yes, sir.

Q Without all the details?

A Yes, sir.

Q And what they told you was, in the main, the same story he had told on the 4th of July?

A They told me more than that.

Q Well, did he tell the same general -- did he give the same general outline?

- A There was some variation, but the general outline, yes, sir.
- Q The general outline. Now, then, after that conversation of those three officers with Dr. Sheppard in his room, did you remain in Bay Village or did you come back to the city?
- A I believe I came back to the city. I was out in the --
- Q Did you know that that evening Dr. Sheppard was removed from the hospital to the home of his father?
- A I heard of it, yes, sir.
- Q Did you know that that evening Detective Rossbach and Detective Yettra went to the home of his father and talked to all the relatives?
- A I don't recall that.

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Q You don't recall that. Now, I called him a detective.
You know Mr. Rossbach, don't you?

A Yes.

Q He has been a detective for around 30 years, hasn't he?

A A long time.

Q He was on the Cleveland Police Department on the Homicide Squad before he came over to the County Sheriff's office?

A I don't know whether he was on the Homicide Squad. He was a Sergeant in the Detective Bureau.

Q A Sergeant in the Detective Bureau for a great many years, a man of experience?

A Yes, sir.

Q Did they inform you that they talked to the little boy Chip that night?

A At a later date.

Q But you had that information. Now, the next day Dr. Sheppard came to his home, that would be on Friday?

A Yes, sir.

THE COURT:

When you refer to

Dr. Sheppard, you refer to Dr. Sam?

MR. CORRIGAN:

Dr. Sam Sheppard.

Q Dr. Sam Sheppard came to his home on Friday afternoon?

A Yes, sir.

Q Do you know anything about the arrangements, or who they were

made with, that he was to come to the home on that particular day?

2 A To the best of my recollection, it was between you and Mr. Petersilge and myself.

Q The arrangement was made that Dr. Sheppard should go to his home in charge of some police officers, and go --

A That wasn't the arrangements.

Q Well, what was the arrangement?

A That he was to come to the home, not in charge of some police officers.

Q Well, don't you know that Mr. Rossbach and Mr. Yettra had made the arrangement to meet him at that house on Friday afternoon?

A Mr. Petersilge and you and I made those arrangements.

Q Now, I am asking you this question, if Mr. Rossbach and Mr. Yettra did not make those arrangements?

A They made it unknown to me then.

Q I see. All right. But, anyway, on Friday afternoon, at 1:30 Dr. Sheppard did appear at that house?

A Yes, sir.

Q He was then still wearing the orthopedic collar?

A Yes, sir.

Q When he arrived there there was a great number of reporters and photographers around that house, wasn't there?

A Yes, sir.

Q Did you have the keys of the house?

A No, sir.

Q Who had the keys of the house?

A At that time the keys were in the custody of the Bay Village police.

Q Do you know when the keys of the house had been put in the custody of the Bay Village police?

A Immediately.

Q And was that by your order?

A Yes, sir.

Q And was there special locks put on any of the buildings, or any of the doors?

A Not that I know of.

Q Where did you get the keys? From whom?

A I never had the keys.

Q But you told the Bay Village police to take the keys and put the house -- and impound the home?

A No, I didn't say that. I told them to put the house into protective custody.

Q Now, it is still in protective custody?

A Yes, sir.

Q And the Bay Village police are still holding that home on your order?

A At the present time they are holding it under the County Prosecutor's orders.

Q When did you relinquish your authorization over it?

A After the indictment.

Q And from the 4th of July until the time of the indictment, Dr. Sam Sheppard has been allowed in his home on no occasion except when you or the Bay Village police permitted it?

A I believe that is fair, sir.

Q Now, when was the first time that he was in his home after the murder, as far as you know?

A As far as I know, on July the 9th.

Q That was on Friday?

A On Friday, yes.

Q Do you know whether -- now, I am just asking about what you, yourself, know -- do you know whether any other members of the family were in the house between the 4th of July and the date of the indictment?

A Yes, sir.

Q Who?

A I know that the sisters-in-law were in the house. I know that Dr. Stephen Sheppard was in the house.

Q Now, that was by permission of you?

A Or the Bay Village police.

Q Now, when the sisters-in-law went in the house, that was on the 5th of July, was it not? To refresh your recollection, did they go in -- request to go in to take some food out?

You remember that?

- A They first were there on the 4th of July, and to the best of my recollection they were in on the 5th of July and several subsequent days.
- Q Now, I want to fix the dates. I want to fix the purpose.
- A Well, I can remember those two days, and the occasions were to get some clothes for Chip, and also to get food so that it wouldn't spoil.
- Q Those were the two occasions the sister --
- A There were more occasions, because they came on several occasions to get clothes for young Chip.
- Q Sometime before the funeral, the brother, either Steve or Richard, was admitted to get some clothes for Dr. Sam?
- A That's right, sir.
- Q And during the occasions on which those members of the family entered, there was a police officer with them?
- A I wasn't there so I couldn't answer that question.
- Q But that was your order?
- A That was not my order.
- Q Now, then, on this Friday when he came to the house, Detective Rossbach and Yettra were there, is that correct?
- A Yes, sir.
- Q And you were there?
- A Yes, sir.
- Q And on that Friday, the medical bags were still in the house, weren't they?

STOP

A One medical bag was in the house.

Q And one medical bag was in the garage?

A That's right. *DeWitt*

Q Containing the medical instruments?

A There was a medical kit used for emergencies.

Q Now, they were medical instruments. And did you make an examination of the drawers of the house between the 4th of July and down to the present time?

A That is the police job.

Q I say, did you -- I don't care whether it was the police job or not. Did you?

A No, I didn't, but it was the police job.

Q Were any medical instruments turned over to you?

A No, sir.

Q Do you have any in the morgue that were taken out of Dr. Sheppard's house?

A No, sir. Oh, I beg your pardon. There was two orthopedic cast spreaders -- or, rather -- I'm trying to think of the name -- or two orthopedic instruments, wrenches or braces. Brace spreads.

Q When were they taken from the house?

A On Sunday.

Q July the 4th?

A Yes, sir.

Q Do they in any way fit these marks that you have shown to

the jury?

A No, sir.

Q So we can check them out?

MR. DANACEAU: Just a minute.

We object to that. Check them out of what?

MR. CORRIGAN: Check them out of
the pillow.

MR. DANACEAU: We object to that,
if the Court please.

THE COURT: Objection sustained.

Q But they don't fit the pillow, do they?

A No, sir.

Q Now, then, when Dr. Sheppard came into his home that day,
that afternoon, who took charge of him?

A On what day are you talking about, sir?

Q Friday.

A Deputy Sheriff Rossbach and Yettra.

Q And they questioned him?

A They talked to him. I don't know whether they questioned
him or not.

Q Well, did you go with them?

A No, sir.

Q Did you see where they went?

A They went about the house, and they went down toward the
beach house.

Q Now, you didn't stay with Dr. Sheppard and the two Deputy Sheriffs to overhear what they were saying?

A No, sir.

Q Or what they were discussing?

A The only place that I --

Q I will come to that, Doctor. Don't jump ahead of me.

During the time that they were passing through the house, during the time he was passing through the house, he was accompanied by Sheriff Yettra and Rossbach. You saw them go upstairs?

A Well, I know they went upstairs. I can't tell you whether I saw them go up.

Q You saw them go through the rooms downstairs?

A Yes, sir.

Q You saw them go into the kitchen?

A No. I didn't see them do all this. I know they were doing these things, but I didn't see them do all those things.

Q Did you see them go down into the basement?

A No, sir.

Q Did you see them go down to the lake and down the steps to the lake, to the boat house?

A Yes, sir, because I happened to walk down with them.

Q And they came back?

A Yes, sir.

4 Q And they were questioning him or they were talking to him?
There was a conversation going on between those two officers
and Dr. Sheppard during that time?

A Yes, sir.

Q That you didn't hear?

A No, sir.

Q And I happened to be there that day, too, didn't I?

A Yes, sir.

Q And I didn't go with them?

A No. You wandered around the house.

Q I wandered around the house and looked the house over?

A Yes, sir.

Q And then at the end of that tour of the house with those
two officers and Dr. Sam Sheppard, it was completed in the --
what has been referred to as the Doctor's den?

A That's right, sir.

Q There Dr. Sheppard sat down with the officers, and with you,
and there was a discussion between the four of you about
certain factors connected with the death of Marilyn Sheppard?

A The only discussion that I had at that time was the dis-
cussion about a certain number of Ampins which contain
morphine sulphate in a quarter grain in size, and the
question that we discussed was whether or not it was in
this bag or whether it was in the bag in the jeep, and the
size of the carton, and the number of Ampins that were

in the carton. It was my best recollection that they usually were sold in cartons of -- in five cartridges or five Ampins. Somebody else had a different idea.

Q And there was a discussion there about certain morphine that was missing?

A That is the missing -- whether or not -- that is the morphine that I am talking about.

Q And the Doctor, after looking through his bags, stated that certain -- what do you call them? Ampins?

A Ampins.

Q That is morphine?

A Well, that is a trade name.

Q Ampules of morphine, the doctor said after he looked through his bag, were missing?

A He said he didn't know whether he had them in this bag or whether he had them in the other bag. That was the discussion.

Q Well, he said that there was a box in both bags, did he not?

A No, sir.

Q He did not?

A Not to my knowledge, or not to my memory.

Q I see. All right. Then there was a discussion -- in addition to this discussion about the Ampins or the ampules, there was a discussion about the tools that were in the den there, and Dr. Sheppard looked through some drawers and

looked at some tools that were in some drawers in the den?
You remember that?

A He stated that he had recently bought some very fine surgical brain instruments, and he wanted to see if it was there, and there was a discussion about that, and I believe he came to the conclusion that they were all there, they were in the drawers there.

Q But there was some discussion about tools, also, wasn't there?

A Well, those are tools or instruments, which one you want to call it.

Q No. I mean tools such as you would use around the house, hammers, and screwdrivers, and things of that kind?

A I don't remember anything about a discussion of --

Q Now, see if I can refresh your recollection. Wasn't there discussion about an axe?

A Oh, yes, sir.

Q And that ^{when} /Dr. Sheppard looked around among these tools, he said the axe was missing?

A He didn't say it was missing. He said -- he thought it was a certain place and it wasn't there. Later on it was found.

Q And later on Mr. Rossbach, after searching around for a while, found the axe over in the garage?

A That's right.

MR. CORRIGAN: Do you want to go
any further, Judge?

THE COURT: Can you break off
here?

MR. CORRIGAN: Yes.

THE COURT: Ladies and gentlemen,
we will now adjourn to 9:15 tomorrow morning.

In the meantime, do not discuss this case.

- - -

(Thereupon at 4:35 o'clock p.m. an
adjournment was taken to 9:15 o'clock a.m.,
Thursday, November 18, 1954, at which time the
following proceedings were had):

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Thursday Morning Session, November 18, 1954 (9:15 a.m.)

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

CROSS-EXAMINATION OF DR. SAMUEL R. GERBER, (CONTINUED)

By Mr. Corrigan:

- Q Doctor, did you bring your records down?
- A The public records?
- Q The records I asked for.
- A You already have them.
- Q What?
- A You already have the public records.
- Q Well, do you have work sheets?
- A Yes, sir.
- Q Did you bring those?
- A No, sir.
- Q Well, did you take it upon yourself to decide what you would bring and what you would not bring?
- A I believe I'm following the Court's instructions.
- Q Did you have a private conference with the Court about this?
- A No, sir.
- Q What?
- A No, sir.

MR. CORRIGAN: I insist, your Honor, that he bring his records to Court.

THE COURT: The Court wants it understood clearly, Mr. Corrigan, that the Court has not talked to Dr. Gerber in any manner, directly or indirectly, since the start of this matter.

If he says he has all his public records here, that is as far as we can go at the moment.

Q Well, are there any other records in the Coroner's office of this County, in a public institution supported by the taxpayers, that you have not brought to Court?

A I have not brought the work records, nor have I brought --

Q Will you bring those to Court?

A I have not brought the work records, I have not brought the copy of the police report.

Q I say, will you bring those to Court, please, and let this Court decide what should go in evidence and what should not? Will you do that, Doctor?

A If the Court so directs me, I will.

MR. DANACEAU: Just a moment, please. May I make an objection to the Court to having the witness be asked to bring any work sheets or work papers. He has said he has brought all public records.

THE COURT: Those are not
public records, of course.

Q Did you bring the articles that were turned over to you by the police?

A I have here an over-and-under 4.10 gun.

Q All right. I'll take it. It isn't loaded, is it? Has it been examined as to whether or not it is loaded?

MR. PARRINO: Sergeant Lockwood
will do it.

SERGEANT LOCKWOOD: He's got it.

MR. GARMONE: You better point
it up against the ceiling here.

MR. CORRIGAN: What did you say?

MR. GARMONE: Point it up against the ceiling or take it out in the empty hall there.

MR. DANACEAU: The barrels have been taken out of it.

THE WITNESS: Here you are, sir.

THE COURT: You haven't answered the question, actually. You brought here what the police turned over to you?

THE WITNESS: Yes, sir.

MR. CORRIGAN: Will you mark that,
please, as an Exhibit?

(Defendant's Exhibit X,
being a rifle, was marked
for identification.)

Q Exhibit X, Doctor, is a rifle or a shotgun?

A It is an over-and-under 4.10 gun.

Q 4.10 gun?

A Yes, sir.

Q And when was that taken from the house?

A That was delivered to me -- oh, when was it taken from
the house?

Q Yes.

A It was taken on July 12th by Dr. Richard Sheppard.

Q Were you there?

A Yes, sir.

Q You saw him take it?

A Yes, sir.

Q And you gave him permission to take it?

A Yes, sir.

Q And afterwards you asked that it be returned?

A Yes, sir.

Q And Dr. Richard Sheppard returned it?

A Yes, sir.

Q Now, this is a piece of iron pipe.

(Defendant's Exhibit Y,
being a piece of pipe,
was marked for identification.)

Q It is marked for the purpose of identification Exhibit Y.

When was that taken from the house, Doctor?

A It wasn't taken from the house.

Q Where was it taken from?

A It came out of the Jaguar car.

Q In the Jaguar car. When was it taken?

A July 4th.

Q And who took it?

A It was given to me by one of the -- I think Deputy Sheriff Yettra.

Q All right. And will you give me the next article that you have?

(Witness hands exhibit to Mr. Corrigan.)

(Defendant's Exhibit Z,
being a quirt, marked
for identification.)

Q This is a -- what do you call this?

MR. DANACEAU:

What is the answer?

I didn't hear it.

A That's a quirt.

Q A quirt. And it has a dagger in it?

A It has a pointed metal rod in it.

Q Well, it looks like a dagger.

A A pointed metal rod, as far as I am concerned.

THE COURT:

It looks like an

ice pick. Does anyone know what the official
name of it is?

MR. DANACEAU:

He said a quirt.

How do you spell that, Doctor?

THE WITNESS:

Q-u-i-r-t.

Q And when was that taken from the house, Doctor?

A I can't recall the date on that.

Q Well, was there any record made of it?

A Yes, sir.

Q Have you got the record?

A I haven't got it with me.

Q Well, that is one of the records you didn't bring?

A No. I brought the record of the list of contents, but it doesn't have the date on it.

Q Well, when these articles are put into your possession, do you make some notation of where they come from?

A Yes. It's noted.

Q And when they were received?

A Yes, sir.

Q And who you received them from?

A Yes, sir.

Q Well, do you have that record?

A I will have that record for you.

Q You will bring that?

A Yes.

(Defendant's Exhibit AA, being a tie rod, was marked for identification.)

Q Now, then, Exhibit AA, a metal rod with a hook on it and bolt on the other end, when was that received by you?

A At the same time as the quirt. I'll have to give you the date.

Q And do you know where it came from?

A From the garage.

Q Do you know what it is?

A It's a tie rod.

Q Now, did you receive anything else from anybody in connection with this case?

(Material handed to Mr. Corrigan by the witness.)

Q This is a towel?

A It's two towels.

Q Two towels?

A Yes, sir.

THE COURT:

Two towels?

THE WITNESS:

Yes, sir.

(Defendant's Exhibit BB, being two towels, was marked for identification.)

Q That is marked Exhibit BB, and when were those received?

A They were received on July 4th, and they came out of the back end of the Jaguar.

Q And who did you receive them from?

A I believe Detective Schottke.

Q Did you make an examination of them?

A I made an examination of them and Miss Cowan made an examination of them.

Q And what was disclosed by the Examination?

A Dirt, rust, grease; no blood.

Q Did you receive anything else?

A This is a soap dish out of the bathroom upstairs.

Q And when was this taken from the bathroom?

A On the 26th of July.

THE COURT: The upstairs of the
house?

THE WITNESS: Upstairs of the
house.

Q Was that removed by you?

A Yes, sir.

Q On the 26th of July?

A Yes, sir.

Q From the bathroom?

A Yes, sir.

(Defendant's Exhibit CC,
being a soap dish, was
marked for identification.)

Q Did you receive anything else?

A That's all that we have.

Q Well, there was a pair of glasses found on the beach?

A Yes, sir.

Q Where are they?

A I didn't take those. Somebody identified them and they belonged to him, one of the boys.

Q Were they found on the beach?

A I don't know where they were found, but they were identified by some boy as belonging to him.

Q When were they found?

A On July 4th.

Q And who found them?

A I can't tell you that, sir.

Q Did you look at them?

A No, sir.

Q Are you sure of that?

A As far as I can remember, yes, sir.

Q Supposing I show you a picture of you examining them, would you change your testimony?

A I would have to, yes, sir.

Q Don't you remember a picture being taken of you examining the glasses in the house of Dr. Sheppard?

A No, sir.

Q You do not. So as far as those glasses are concerned that were found on the beach, you don't know who found them, you don't know where they are or what became of them?

A That's right, sir.

Q Was there also a handkerchief found on the beach?

A There was a handkerchief and glasses.

Q Do you know who found the handkerchief?

A No, sir.

Q You did see it, didn't you?

A I remember seeing it, yes, sir.

Q On the 4th of July?

A Yes, sir.

Q And you don't know what became of it?

A No, sir.

Q Was there an imprint of a woman's foot found on the beach?

A I didn't see it.

Q Was there a cast made of a woman's foot?

A I don't know.

Q Bare foot?

A I don't know.

Q You don't know?

A No, sir.

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- Q You don't know anything about the cast of the imprint of the woman's foot on the beach?
- A That's right, sir.
- Q Wasn't your attention called to it?
- A My attention was called to a picture, but not to the cast.
- Q Where is the picture?
- A I suppose the picture is here in evidence.
- Q No, we haven't any picture in evidence. Where was the picture when you saw it?
- A It was shown to me by the police.
- Q Schottke and Gareau?
- A No. Bay Village police, I think it was. It wasn't Schottke and Gareau, but it was shown to me by the police.
- Q Did you make any investigation of that?
- A That was up to the detectives and the police.
- Q Well, you were very active in this case all the while?
- A I was, yes, sir.
- Q The imprint of a woman's foot on the beach would be of extreme importance, would it not?
- A The detectives and the police investigated it, and you will have to get the answers from them.
- Q But you knew about it?
- A Yes, sir.
- Q Now, was there a T-shirt turned over to the morgue?
- A Yes, sir.

Q Where is that?

A It is here someplace.

(Defendant's Ex. DD mkd. for ident.)
(T.-shirt handed to the witness by

Mr. Parrino.)

A This T-shirt was turned over to the morgue. It was found near Schuele's pier, and it was turned over by Patrolman Smith from the Bay Village police department on the 14th of July.

3 Q It has some stains on it?

A Yes, sir.

Q Were the stains examined?

A Yes, sir.

Q And what was determined, as far as you know, about the stains?

A Rust and dirt.

Q What?

A Rust and dirt and soil.

Q Now, we have everything in court that was in your possession or that was in your possession in connection with this case?

A No, sir, we do not.

Q Well, what is it we do not have?

A We have the furniture that was in the house that was in our possession for about a month, and is now in the house again.

Q Well, outside of the furniture, do we have everything?

A To the best of my recollection, yes, sir.

Q Except such reports as there are on this case in the morgue?

MR. DANACEAU: Object to that.

He is talking about property that was taken out of the house, and now he is throwing in reports.

THE COURT: Objection will be sustained.

Q I say, we have all the property that came into your possession except the furniture in the house?

A No. You have all the property that was taken out of the house except that what was taken back. You have some articles that was not in the house, and there's a golf club that was found about a mile away that is not here.

Q Do you still have that?

A Yes, sir.

Q Well, you didn't bring it?

A It wasn't in the house.

Q Well, what I want, Doctor, is everything that you have that is connected with this Marilyn Sheppard case.

A Well, I decided that the golf club was not connected with it.

Q But it was received as a part of the investigation?

A It was received. Whether or not it had anything to do with the investigation was left to be determined -- it was determined that it had nothing to do with the investigation.

Q But you have it?

A Yes, sir.

Q Now, then, when did you take the furniture out of the house?

A August the 9th.

Q And that was on your own motion?

A That was at my direction.

Q And what was taken from the house?

A The bed in which Marilyn was found dead in; the mattress; the chair in the room; the piece of carpet; two chairs in the den; and a lamp.

Q That was August the 9th?

A Yes, sir.

Q Did you take the entire bed?

A Bed and mattress, yes.

Q Or was there a spring, or was the spring and the mattress?

A Well, that was all -- it was the entire bed. It was inner spring.

Q And you took those to the County Morgue?

A Yes, sir.

Q Now, who was it removed those from the house to the County Morgue?

A John Blocker.

Q One of your employees?

A Yes, sir.

Q Did you hire a van or a wagon or something?

- 4 A No. We have our own.
- Q What else was taken beside the furniture that you mentioned in Marilyn's bedroom? What else was taken?
- A I stated that the chair, the leather chair and a desk chair from the office, a lamp, and a rug from the hall.
- Q That is this desk chair here that is shown in this picture?
- A Yes, sir.
- Q And there was a red leather chair on the opposite --
- A Let's see that.
- Q There was a red leather chair on the opposite side of the desk?
- A Yes, sir.
- Q And those two chairs were taken?
- A Yes, sir.
- Q And the lamp, where is that located, that was taken?
- A Out of the office.
- Q What kind of a lamp was it? Just a --
- A Table lamp.
- Q Table lamp. Now, you have mentioned everything that was taken on that occasion? Was that all, Doctor, that was taken out?
- A I am trying to remember, sir. Two doors.
- Q What doors?
- A The doors in the bedroom in which Marilyn Sheppard was found dead.

MR. GARMONE: May I see what you
are reading from?

THE COURT: What is it you are
reading from?

THE WITNESS: This is a list of
all the things that we had in the investigation.

Now, there are some things which we
investigated because of reports by people that
I would not like to have publicized, because
it might embarrass the people who had nothing
at all to do with it. The names are in that
report.

THE COURT: Are they listed on
this list that you handed to Mr. Garmone?

THE WITNESS: Yes, sir.

Q Well, the couch was taken out, too, wasn't it?

A Yes, sir.

Q And those were all taken to the morgue on the 9th of August?

A On the 9th of August -- the couch and the cover and the
two pillows on the couch.

Q And later did you return those to the house?

A Yes, sir.

Q What date were they returned?

A September the 9th.

Q Now, on the 4th of July, when you were in the bedroom, did

you make an examination of the floor of the bedroom?

A I looked over the floor. I didn't go down on my knees and crawl around. I walked around, I looked at the floor.

Q Did you see blood on the floor?

A No, sir.

Q Did you make any examination for blood on the floor?

A I looked for blood. I didn't see anything that I thought was blood. I didn't see any stains.

Q Did you make any chemical examination?

A No, sir.

Q Well, it is a very simple thing, is it not -- what was the color of the carpet, by the way?

A Right now I can't tell you.

Q Well, to refresh your recollection, do you remember it was a red carpet?

A Yes, sir.

Q Did you compare the carpet in the bedroom with the carpet in the downstairs?

A The carpet --

Q In the bedroom and the carpet --

A It was a dark carpet downstairs.

Q No, but I say did you make a comparison between the carpet in the bedroom and the carpet in the living room?

A From my observation, yes, sir.

Q What was your observation about it?

A I couldn't see any blood stains that were visible to the naked eye in the bedroom. I saw a considerable discoloration on the carpet in the living room. I saw a considerable discoloration in the living room, which I asked about, and he said that there had been a fire there and that was the result of the fire.

Q Well, the carpet in the bedroom was of a lighter color than the carpet on the downstairs?

A I think you are right, yes, sir.

Q You made no test for blood stains on the carpet?

A I didn't, no, sir.

Q That day?

A That day.

Q Now, you are an experienced investigator, aren't you?
You are an experienced investigator?

A Along certain lines, I will agree with you, if you are talking about the same lines, that I am.

Q You know what should be done in the investigation of a murder case?

A I know what should be done, yes, sir.

Q You have lectured on it, haven't you?

A Yes, sir.

Q A great many times?

A Lots of times, yes, sir.

Q And you have written on it?

A Yes, sir.

Q And you have read the authorities on it? You have kept yourself up to date on --

A I have tried to.

Q You are familiar with Paul Kirk and the works of Paul Kirk, are you not?

A Some of them.

Q Well, you use his book out there, don't you, and you have it in your library?

A We have a lot of books.

Q Have you got Paul Kirk's book?

A Yes, sir.

Q On criminal investigation?

A Yes, sir.

Q And you have read that?

A No, I wouldn't say that I have read it entirely. I have read part of it.

Q And he is one of the foremost persons in the United States on the matter of criminal investigation and what should be done on criminal investigation?

A I wouldn't say that. He maybe is in your opinion. He isn't in my opinion.

Q Well, he is considered an authority, anyway?

A Not out in the East, and locally -- locally he is considered by certain people as an authority, locally he is not

considered as an authority by some people.

Q Well, you know this: That locally his work is used in Western Reserve Law School by the professors out there in the matter of teaching criminal investigation?

A It is used by them, not necessarily used as an authority.

Q But, I know, but it is used. Let's put it that way, that the University here in Cleveland uses his book.

You have a library, a fairly good library of medical books?

A We have a nice library. I wish it was better.

Q You have books on anatomy there?

A Yes, sir.

Q You have Cunningham's Anatomy?

A Right now I can't give you the names of the authors.

Q Well, there are two standard works used throughout the United States, are there not, on anatomy, Cunningham's and Gray's?

A That's right, sir.

Q You have them both, haven't you?

A Yes, sir.

Q Now, there is a very simple method of telling whether there is blood spots on an object like carpet, isn't there, Doctor?

A It might be simple in your estimation, not in mine.

Q Well, you are familiar with the substance known as luminol?

A Yes, sir.

Q And that is a substance that either can be manufactured in your laboratory or it can be purchased?

A That's right, sir.

Q And it doesn't require a P-h. D. to make the substance, does it, luminol?

A No, it doesn't require it.

Q An ordinary chemist --

A You have to mix the ingredients. You buy the ingredients and you have to mix --

Q You buy the ingredients, put them together, and then you spray them?

A That's right, sir.

Q You could spray this whole room?

A That's right, sir.

Q And all you have to do is darken this room and come in here at night and any spot that might be suspected of blood will glow under that luminol?

A Oh, no.

Q What?

A No, sir. If you read that from Kirk --

Q Well, --

MR. MAHON:

Let him answer.

A If you took that from Kirk, you are a hundred-percent wrong.

Q I didn't get it from Kirk.

A If you got it from anyone else, you are just a hundred-

percent wrong. Luminol is a test that must be used with absolute discretion, absolute care. There are so many things to take into consideration that will confound the issue which you are looking for, that if you base your conclusions on luminol, you can be a hundred-percent wrong.

Q Well, I may be. I don't know much about it. All I know is what I read, but I do know that you have a --

MR. DANACEAU: Just a moment.

We object to counsel stating what he knows. If you want to state that, take the witness stand and be sworn.

THE COURT: Yes. Please do not

make statements as to facts. Put your questions.

Q Well, is it a fact that if you spray luminol on a blood spot, that that will fluoresce in the dark?

A If you have a blood spot.

Q If you have a blood spot?

A But if you have Coca-Cola, it will fluoresce also.

Q Well, now, let's leave Coca-Cola out.

MR. DANACEAU: We object to that.

He is responding to the question.

Q I am just interested in blood spots. If you spray luminol on a spot where there is blood, that spot will fluoresce in the dark?

A If you put a spot of blood on some place, and you spray

6 luminol, and the luminol solution is not too old, that blood spot will fluoresce, but just because a blood spot -- a spot fluoresces where you go in some place and spray it on indiscriminately, you can't arrive at the conclusion that is blood.

Q Let me keep this on a particular spot, Doctor. Luminol, if you spray it on a blood spot will fluoresce in the dark?

A It may. It usually does, but it may not.

Q It may not. And the mixture of this luminol and the use of this luminol doesn't require any great training, does it, in chemistry?

A Oh, no, sir.

Q In fact, policemen over here in the city of Cleveland went out and sprayed luminol around that house, didn't they?

A You will have to ask them.

Q Oh, you know that?

A I don't know it.

Q Why, you were out there.

A No, I wasn't.

Q They reported to you?

A No, I wasn't.

MR. MAHON:

Wait a minute.

He said he wasn't out there.

THE COURT:

He said he was not

out there.

MR. CORRIGAN: All right.

Q But you didn't do that, anyway, did you?

A That's right. Then? You are talking about July the 4th?

Q I am talking about July the 4th, the night of July the 4th or the night of July the 5th.

A You first talked about July the 4th. I didn't do it on July the 4th.

Q You didn't do it. All right. When Mr. Grabowski from the Criminal Investigation Department, or the Bertillon Department, the scientific end of the Detective Bureau, arrived, he had two things with him, a fingerprint machine and a camera?

A You asked me what he had with him?

Q Yes.

A That is what I know he had with him.

Q Did he have a hand vacuum cleaner with him or not?

A I don't know whether he did or not.

Q Was there a hand vacuum cleaner or any kind of a vacuum cleaner used in that room on the 4th of July when you took charge?

A To my knowledge --

Q Yes.

A -- there was no vacuum cleaner to be used. It was not necessary to use it.

MR. CORRIGAN: I ask the latter part

be stricken out that it was not necessary.

THE COURT: The latter part will
be stricken out. The answer that no vacuum
cleaner was used will stand.

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Q Now, were any of the bed clothes or any things in that room taken to the Pease Funeral Home?

A No, sir.

Q Nothing?

A Nothing.

Q Now, will you show me the record of the arrival of all the articles in the --

A I have a list of the articles. I'll have the arrival of the articles, but I know definitely that nothing --

Q All right. You've answered it.

A (Continuing) -- was taken to the Pease Home because I had control of them.

Q I say, you've answered it.

Now, do you have the record of when these articles were taken to the County Building and who took them there?

A Yes. I told you that yesterday. I'll repeat it again.

Q Where is it? Where is the record?

A I took them on the record.

Q Didn't you note it down?

A It's noted down, yes.

Q Where?

A It's at the Coroner's office, and it will be here.

Q You know you wrote a book, and I am following your book.

A That's wonderful.

Q What?

A That's fine.

Q Yes. You are the author of this "Physician in the Court Room," or one of the authors, aren't you?

A I am one of four.

Q You state here, "The most frequent source of exasperation to the attorney is the apparant laxity many physicians seem to display in reporting records which is important evidence in criminal trials, in court trials," don't you?

A I say that, but I don't agree that I was lax.

Q Well, I don't say that you were lax, but I have been here since yesterday morning talking about bringing in records, haven't I?

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

THE COURT: Yes.

Q And I haven't got them yet?

MR. DANACEAU: You've gotten
every public record that there is, except
the record as to the time of the arrival of
the objects, and he said that he'll bring
that in.

MR. GARMONE: That is a matter
of opinion, and the Court hasn't determined
whether he brought in all the public records
yet.

MR. CORRIGAN: Mr. Danaceau, your Honor, is always talking that I should take the stand.

THE COURT: All right. Go ahead. We have records here. If there are any missing, let's find out.

Q And you say on Page 80, "The doctor should bring his records to Court. If he does not have them, the jury may think that he doesn't keep records or the records would contradict his testimony."

That is what you say in this book, isn't it, Doctor?

A That's what I say, but our records are here in Court.

Q Wait a minute, now. You just answer my question.

A Don't mislead the jury. Our records are in the Court.

Q I won't mislead the jury. They are smart enough to know if I am misleading them. They are intelligent people.

Now, this article is written by you to advise other physicians on how they should conduct themselves in testifying in Court?

A Yes, sir.

Q And one of the rules of conduct that you have here is, "Do not argue," isn't it?

A Yes, and I'm not arguing. I'm merely stating a fact.

Q "And do not talk too much"?

A I'm not.

Q Now, the autopsy was performed by Dr. Adelson, your chief pathologist?

A Yes, sir.

Q And you had nothing to do personally with the autopsy, other than --

A No, sir.

Q You didn't assist in it?

A No, sir.

Q You were not there when it was performed?

A That's right, sir.

Q And in the course of time, you received his report, which you examined?

A Yes, sir.

Q And approved?

A Yes, sir.

Q When was the report of the autopsy received by you?

A Well, I can't give you the exact date. It was received shortly -- within a few days after the autopsy was completed.

Q And before it was received, you had pretty detailed information --

A That's right, sir.

Q -- about what Dr. Adelson had done in his autopsy?

A Yes, sir.

Q When Mrs. Marilyn Sheppard was taken to the Morgue at

10:30, Dr. Adelson said it arrived about 11:30, about an hour later, did you have any conversation with Dr. Adelson that morning?

A No, sir.

Q Did you have any conversation with him that afternoon?

A No, sir.

Q Or that evening?

A No, sir.

Q When was the next time that you -- When was the first time you talked to him in regard to this case?

A On Monday morning, July 5th.

Q July 5th. You had no telephone conversation with him?

A I didn't personally, no, sir.

Q When you arrived at your office, you say about 8:00 on the night of the 4th of July --

A Yes, sir.

Q -- he was not there?

A No, he was not there, no, sir.

Q Now, when did you discover that Marilyn Sheppard was going to have a baby?

A When did I find out?

Q Yes.

A Sunday afternoon.

Q Sunday afternoon?

A Yes, sir.

Q Who did you find it out from?

A I found out through an intermediary.

Q Who was that?

A Mr. Keefe.

Q Mrs. who?

A Mr. Keefe.

MR. DANACEAU: Keefe.

THE WITNESS: K-e-e-f-e.

THE COURT: Keefe, K-e-e-f-e,

an employee of the Coroner's office.

MR. CORRIGAN: Oh, yes.

Q That would be on July 4th afternoon?

A Yes, sir.

Q And was that by a telephone conversation?

A Yes, sir.

Q Did you give orders that the baby should be kept?

A I didn't give any particular orders about that.

Q Well, did you later?

A Yes, sir.

Q And when was that that you --

A The next morning.

Q The next morning?

A Yes, sir.

Q And the baby was then -- or, the unborn baby was then kept
in the Morgue?

A It was a fetus, it wasn't a baby.

Q Well, to me it was a baby. Anything in a woman's body that is going to be born is a baby. It may be a fetus to you.

MR. DANACEU: We object to this argument. The witness has explained the medical term that is used, it is a fetus.

THE COURT: Yes, that is objectionable. Dr. Adelson also testified it was a fetus, whatever the difference is, I don't know.

MR. CORRIGAN: Well, they can call it a fetus. I call it a baby.

MR. MAHON: Well, we don't care what you call it.

THE COURT: I suppose Marilyn --

MR. MAHON: I am objecting to the comments, if your Honor please.

THE COURT: The jury will disregard that entirely. Let's find out what it was.

Q Well, it was an unborn child, wasn't it?

A It was an unborn fetus.

Q Well, it eventually, if it continued in its progress in its mother's womb and there was nothing to disturb the mother, it would be born a child?

A If you will include nothing to disturb the fetus, I can

agree with you.

Q I mean, it would follow the normal course of events?

A Yes, sir.

Q That takes place when there is conceived a child in a woman's womb, it would be born a boy?

A (No response.)

Q A boy?

A Are you talking about this specific case or are you talking in generalities?

Q No. I am talking about this particular situation.

A A boy would have been born.

Q A boy would have been born.

And how many months old or how many months was this unborn child, in your estimation?

A It was an unborn fetus.

Q All right.

THE COURT:

How many months

had she been pregnant?

A She was approximately four months pregnant.

Q Four months pregnant. And that was taken -- was that order given to Miss Keefe when she informed you --

MR. DANACEAU:

It's Mr. Keefe.

MR. MAHON:

Mr. Keefe.

Q Oh, Mr. Keefe. I thought Mr. Keefe was with you.

A He was.

Q But this lady at the Morgue who informed you, what was her name again?

A I said Mr. Keefe.

MR. MAHON: No lady informed him. He didn't say that. He never said anything about a lady informing him.

Q Oh, it was Mr. Keefe. I'm mistaken, Doctor. I thought it was somebody out there that called you up, but that wasn't the situation.

Where did you get the information from Mr. Keefe?

A Mr. Keefe got it on the telephone from Dr. Adelson.

Q At what time?

A In the afternoon.

Q Was that at the Sheppard home?

A Yes, sir.

Q Then did you give any orders to Dr. Adelson through Mr. Keefe?

A Nothing specific.

Q Well, did you say anything about what he should do with this unborn child that you call a fetus?

A I have every faith and confidence in Dr. Adelson. I know that he would do what was necessary to do.

Q No. That wasn't my question. I don't care whether you have faith or confidence in him.

My question was: Did you give any orders?

A Well, that's why I didn't give any orders.

Q You didn't give any orders. Now, then, did you begin to conclude, or did you assert in any way whatsoever that the murder had resulted as growing out of the pregnancy of Marilyn Sheppard?

A I never did.

Q You never did?

A No, sir.

Q Now, how did Dr. Adelson state that he knew about that?

MR. MAHON: Object to how he knew.

MR. DANACEAU: Objection.

MR. MAHON: Objection to that, if your Honor please.

THE COURT: Yes. The objection will be sustained.

Q Did you ever intimate to anybody that that was the cause of the murder of Marilyn Sheppard?

A I certainly never did.

Q Did you ever hear it?

A Never heard it.

Q Never heard of it?

A No, sir.

Q When you had your inquest on July 21st, you were delving into the question of the possibility of the sterility of Sam Sheppard, weren't you?

A Yes, sir.

Q What?

A Yes, sir.

Q And you were delving into the birth of the first child, Chip, weren't you?

A That's right, sir.

Q All right. Now, I'll come back to that and ask you some questions later about it.

The examination of the bed clothing was conducted in your laboratories by your chemists or professional workers there?

A Yes, sir.

Q And was ~~that~~ all carried on by Miss Cowan?

A Yes, sir.

Q And was that work performed on the 4th of July or later?

A Later.

Q Do you have a record of when Miss Cowan performed the various operations?

A She has a record.

Q She has a record. But they are the records of the Coroner's office?

A They are work notes, Mr. Corrigan.

Q Now, don't argue, you said.

A I'm not arguing.

MR. MAHON:

Wait a minute.

THE WITNESS:

I'm not arguing

with you. I just don't want you to attempt to put words into my mouth and try to get people to misunderstand the things that I am attempting to tell you.

Q No. I won't put any words into your mouth.

A You just ask me the questions and I'll answer you.

Q Where are the work notes?

A Miss Cowan has them.

Q But they are official records of the --

A They are work notes.

Q I see. All right. She is paid by the County, isn't she?

A When she is paid, she is paid by the County.

Q The budget is determined for your office by the County Commissioners?

MR. DANACEAU:

Object, if the

Court please.

MR. MAHON:

Objection.

MR. DANACEAU:

And I might state

to the Court that Miss Cowan will be here as a witness in this case.

THE COURT:

All right.

Q Now, I will take the pillow, Doctor, on which you have indicated that there is the representation of some type of a -- maybe a surgical instrument. Now, you don't know

who handled this pillow before you handled it, do you?

A The only ones that could have handled it were the ones in the room ahead of me.

Q Do you know who was in the room ahead of you? Did you make a record of that, or did you get a record of the number of people?

A There was Dr. Stephen, Dr. Richard Sheppard, there was Mrs. Houk and the Bay Village policemen.

Q Is that all that you know? Drenkhan?

A That's all, Bay Village policemen, Drenkhan and others.

Q Drenkhan and other policemen?

A That's all I know of, yes.

Q You don't know their names?

A I know definitely Drenkhan.

Q Yes. Now, you have --

A I would like to finish your question.

Q All right.

A And I asked all these individuals whether or not they had disturbed or touched or moved anything on that bed. The only two -- the only three individuals that touched or moved anything or did anything in that room was Dr. Sam Sheppard, Dr. Richard Sheppard, and Dr. Stephen Sheppard.

Q That was the way it was reported to you?

A No. That's what they told me.

Q This is marked State's Exhibit 32. There was no chemical

analysis of this pillow, was there?

A No, sir.

Q It was not sent to the laboratory?

A It was sent to the laboratory because it was photographed.

Q Well, it was sent to the laboratory for photographing, but not for chemical analysis?

A Not for chemical analysis.

Q And was there a microscopic examination of this?

A A microscopic examination was not necessary.

MR. CORRIGAN: I ask that be
stricken out.

MR. GARMONE: Ask that that
answer be stricken out and the witness
instructed to answer the question.

MR. DANACEAU: Wait a minute.
How many lawyers are there here?

THE COURT: Yes. The question
is: Was a microscopic examination made of it?
That is the question. You can answer that
question yes or no, if you know.

A as far as I know, there weren't any, because I didn't
direct one to be made.

MR. GARMONE: If the Court
please, may we have a direct answer to
Mr. Corrigan's question?

MR. DANACEAU: He has answered
as far as he knows --

THE COURT: Do you know whether
or not a microscopic examination was made of the
pillow? That is the question.

THE WITNESS: No, sir.

MR. CORRIGAN: Now, I don't get
that clear. Was it made or does he --

THE COURT: Was it made or
don't you know?

THE WITNESS: As far as I know,
none were made.

THE COURT: All right. As far
as he knows, none was made.

Q Then there is no record, of course, in the Coroner's office
of any examination having been made microscopically?

A That's right, sir.

Q All right. Now, looking at this part of the pillow, do
you want to infer or do you want to represent to the jury
in answer to the question of the Prosecutor, that there
was an instrument hit this pillow?

A I didn't say an instrument hit this pillow.

Q Well, you did not say that. You said there is an imprint
of an instrument on the pillow?

- A I said there's an impression.
- Q Impression. And that impression must have been made when the blood was wet?
- A That's right, sir.
- Q And there was quite a bit of blood at that particular point where this impression is shown?
- A I don't know what you mean by "quite a bit of blood."
- Q Well, it wasn't a few drops, it was a substantial amount of blood?
- A I don't know what you mean by -- by "substantial amount."
- Q Well, all right. Was it a quarter of an ounce of blood?
- A It was less than that, in my estimation.
- Q Now, let us take this pillow, Doctor, and I will take the cover off it, and the amount of blood that has gone through the pillow is shown on the pillow case.

MR. CORRIGAN: We ought to mark that somewhere in some way.

MR. DANACEAU: I don't see any need for marking anything. I suggest there be no marks on it.

MR. MAHON: Wait a minute.

MR. DANACEAU: Just a minute. You will get this exhibit all marked up and nobody will know who put them there or what those other marks are.

MR. MAHON: What is the necessity of marking it, in the first place?

THE COURT: I want to ask, Mr. Corrigan, what is the purpose of marking it?

MR. CORRIGAN: So that it will be distinguished one side from the other.

MR. DANACEAU: Well, it's distinguished by observation. All you have to do is look at it. May I show it to the Court? Here's a stain right in the center of the pillow on one side and here's one right near the bottom on the other side. That clearly distinguishes it.

THE COURT: I was going to say that perhaps either Dr. Gerber or someone could describe the mark on this side that is now being shown.

MR. DANACEAU: Mr. Corrigan has already put a mark of about two and a half inches with this pen of his right here in the center of this pillow slip. It was not on there before.

MR. GARMONE: Well, it was done in the presence of the jury.

MR. MAHON: We are objecting to the marking of the pillow.

MR. DANACEAU: We object to it.

THE COURT: I think we ought not to mark Exhibits, if we don't have to. If they can be described and made plain, that is all we need.

MR. CORRIGAN: Well, I guess we have it pretty well determined where the leaking through onto the pillow case is.

THE COURT: Yes. I think you can describe it, Mr. Corrigan.

MR. CORRIGAN: All right.

Q Now, then, Doctor, turning the pillow case inside out --

MR. CORRIGAN: How are we going to have this in the record without making some kind of mark on it, your Honor?

MR. DANACEAU: The jury can turn it inside out just as easily as you can, Mr. Corrigan.

MR. CORRIGAN: Your Honor, how are we going to keep this matter straight in the record without putting some kind of a mark on it?

THE COURT: Well, the Coroner is used to describing and seeing these things. Let him tell us just exactly what you are referring to and place it.

Q Now, I have turned the pillow inside out, Doctor, That is correct, isn't it?

A Yes, sir.

Q And I have the inside marking -- or the inside stain of blood that appears right directly beneath the place where you have indicated there is a mark of a weapon, is that correct?

A No, you don't have your hand on that part.

Q Well, where is it? Here?

A Yes, sir.

Q Right here. Now, I will mark that inside spot of my exhibit --

MR. DANACEAU: We object to any marking on the pillow.

MR. CORRIGAN: Well, then, I will get a card and put the card on here.

THE COURT: Let the reporter do it.

MR. GARMONE: Let the stenographer mark it.

MR. DANACEAU: No. We don't want any marking. He can put a card on it.

MR. GARMONE: As our exhibit. Let him mark it the way he wants to mark it, by card or otherwise.

MR. DANACEAU: Not the way the court reporter wants it. The Court will direct the reporter.

MR. GARMONE: All right. Let the Court direct the reporter, as long as it is marked as our exhibit.

THE COURT: It has already been marked as an exhibit.

MR. DANACEAU: It has also been received in evidence. There is no need to mark it.

MR. GARMONE: Not that side of the pillow.

MR. DANACEAU: All sides are in evidence.

THE COURT: The entire pillow cover is in evidence. I don't think there is any need of marking it at all. Let's refer to it by the number which it now has. Marking it won't add anything to it.

MR. CORRIGAN: Will you come here, Fred, a moment?

MR. GARMONE: Sure.

MR. CORRIGAN: Now, just hold that so that the jury can see it and the Doctor can

see it.

(Mr. Garmone holds pillow case in front of the jury.)

Q The inside stain, under the stain where you pointed out to the jury, shows a marking of some kind of an instrument is where I am pointing now, is that correct?

A Not where you are pointing now, no. You are pointing in general.

Q Well, will you come down and outline for the jury where the inside stain is that is just opposite the stain where the marks are on the outside of the pillow?

(Witness leaves witness stand.)

THE WITNESS: Mr. Garmone --

MR. GARMONE: Mr. Parrino ordered me to come down this way.

MR. DANACEAU: He didn't order you. He asked you to.

MR. GARMONE: He asked me to. Which way do you want me to go?

THE WITNESS: If you will give me the pillow, I'll take care of it.

MR. CORRIGAN: Here.

THE WITNESS: I'll do it myself.

MR. CORRIGAN: Wait a minute.

You do what I want you to do.

MR. MAHON: Oh, no.

Q Will you point out to the jury the inside stain?

A If you'll give me the pillow slip --

Q No. I want you to point it out.

A I can't point it out.

Q You can't point it out?

A I'll point it out, but I can't --

Q Well, point it out to the jury, sir.

THE COURT: Dr. Gerber, is it necessary for you to handle the --

THE WITNESS: It is necessary for me to handle it, sir.

THE COURT: -- the piece of goods in order to show what you want to show?

THE WITNESS: Yes, sir.

THE COURT: All right. Let him show it, Mr. Corrigan.

MR. CORRIGAN: (To the witness.) You seem to be mad at me.

MR. MAHON: But you, you're a little mad, too.

MR. CORRIGAN: No, I'm not.

MR. PARRINO: Bill never gets mad.

THE COURT: Mr. Corrigan, you

better put a direct question to Dr. Gerber as
to what you want him to do.

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I want you to show the jury the inside stain that is just below the stain that is on the outside of the pillow that you pointed out as being the impression of some kind of an instrument. I will let the jury have it. I just want you to point it out, that's all.

A

The impression --

Q

I just want you to point it out to the jury.

A

If the Court please, I can't answer this question because of the way he specifically wants me to answer it.

THE COURT:

Can you point out where it is? And then --

THE WITNESS:

No, because it is so indefinite. There's only parts of it on the inside. I can only give the general location.

THE COURT:

All right, that is your answer.

THE WITNESS:

It is right in the area of this heavy stain that seeps through from the other side.

Q

Right in the area of the heavy stain?

A

That's right, right in here.

MR. CORRIGAN:

I want the jury to look at this at this time. I think you better pass it around.

(Thereupon the pillow slip was passed among

the jury.)

Q Now, the inside stain --

MR. CORRIGAN: Mark this Defendant's
Exhibit EE.

(Defendant's Exhibit EE,
being the inside stain,
was marked for identification.)

Q Now, Doctor, right down the middle --

MR. DANACEAU: That is an indelible
pen, and I ask the Court to instruct counsel not
to make any further markings on the exhibit.

THE COURT: Let's not make any
markings on them, please. They may be very
important.

MR. CORRIGAN: Is everybody finished
now? That is not an indelible pen that I was
using.

MR. MAHON: It doesn't make any
difference what kind it is.

MR. CORRIGAN: Well, that was the
blunt end of the pen, and you can't mark with that.

MR. MAHON: Well, you shouldn't
rub anything on it.

MR. DANACEAU: You did it on the
pillow already.

THE COURT: Let's not touch these spots with anything. Just leave them intact.

MR. CORRIGAN: May I continue now with my question, your Honor?

THE COURT: You may point to them.

MR. CORRIGAN: Yes, that is all I was going to do.

THE COURT: All right.

Q Down the middle of that blood splotch, between the two openings or the two markings here, that you called the impression of an instrument, is a line, isn't there?

A Yes, sir.

Q And that line -- is that part of the instrument?

A No, sir.

Q What is that?

A That is the crease in the cloth caused by the weight of the blade on each side.

Q A crease in the cloth caused by the weight of the blade on each side?

A Yes, sir.

Q And, of course, the weight of the blade on each side, you have now seen, was not sufficient to make any impression on

the inside of the pillow, either the inside cover or the top of the pillow case?

A I don't say that.

Q Well, it isn't there, is it?

A I didn't say it wasn't there. I said it wasn't plain, and if you want to photograph it, you will see them there.

Q Well, you didn't photograph it?

A I didn't think it was necessary.

Q I don't care whether you thought it was necessary.

MR. CORRIGAN: I ask that be
stricken, that he didn't think it was necessary.

THE COURT: Yes. The jury will
disregard that.

Q You did not photograph that?

A No, because we have the pillow here.

Q But you took a photograph of the outside of the pillow?

A Yes, sir.

Q But not the inside of the pillow?

A That's right.

Q Or the pillow case?

A That's right.

Q That is a blood line, isn't it, there, that goes --

A Certainly it is a blood line.

Q Now, don't be pushing me, Doctor. I won't touch anything.

A I am not pushing you, sir.

Q Well, I know, you are pushing my hand as though I am going to do something to the pillow.

A You frighten me.

Q I what?

A Frighten me.

Q Frighten you?

A Yes, sir.

Q I don't think that I frighten you.

That shows a crease of blood there through the center, doesn't it?

A Yes, sir.

Q And that line was definitely created by blood that was in the center of the pillow case?

A In the crease.

Q It made a crease. Now, did you ever hear of the Rorschack -- I think that is the name of it -- R-o-r-s-c-h-a-c-k test?

A I have heard of them, yes, sir.

Q You know it was -- you know what it is, don't you?

A I know generally what it is.

Q Well, it is used by educators, by colleges, psychiatrists, and kindergarten teachers?

A Yes, sir.

Q To test personality?

A Yes, sir.

Q And the method in which it is used is, you take a piece of --

a bit of ink, and put it on a paper, and then crease the paper over the ink, and when you open it you will see all kinds of different images, but they will be the same on one side as on the other?

A Are you telling me this?

Q I am asking you if you know it.

A I know it generally, but I don't agree with your statement.

Q Did you ever try one of these tests?

A No, sir.

Q Were you ever shown it?

A I have seen it done.

Q You have seen it done?

A Yes, sir.

Q And that is exactly the same thing that has occurred on this pillow?

A Oh, no. You --

Q All right.

A You said the images exactly the same on both sides when you crease it. That is not so.

Q All right. We will come to that. There is a lady out at Western Reserve University that uses that in the University, Mrs. David Ralph Hertz. Do you know her?

A I have met her on occasions.

Q And she is connected with the University?

A I don't know whether she still is. She used to be.

Q

Now, --

MR. CORRIGAN: (To the reporter):

Will you come here now and tell me which is the first of these exhibits that were introduced of these bed clothes?

THE COURT: Perhaps we could break off here.

MR. CORRIGAN: All right.

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

Please do not discuss this case.

(Thereupon a recess was taken.)

MR. CORRIGAN: (To the rear of the courtroom): Did you bring those papers to me? Where are they?

Now, if the Court please, I wish you would instruct these gentlemen, any of them and all of them, not to touch these papers that are on these desks up here.

THE COURT: Oh, yes.

MR. CORRIGAN: I had a paper that I had on the desk here, and somebody came up here in the recess and took it off here and ran out with it.

THE COURT: The Court will order that under no conditions is anyone from the rear to enter into the center part of the courtroom, nor toward the front at any time while the trial is in progress.

MR. CORRIGAN: And not to touch these articles.

THE COURT: And not to touch anything belonging to any of the parties in this case.

By Mr. Corrigan:

Q Showing you State's Exhibit 37, can you tell me which is the top and which is the bottom of that bed sheet?

A I can't now. Let me see. I can't right now. No, sir. Well, yes, this is the top. The seam should be on the bottom. At the present time I can't -- I believe this is the top looking at it right now. The seam is on the bottom.

MR. GARMONE: The one that faces the jury?

THE WITNESS: The one that is facing the jury.

Q Is there any way we can describe it or can we mark it with a pencil?

MR. DANACEAU: Just a minute.

As I understand the witness, he said by the seam, is that correct?

THE WITNESS: That's right.

MR. DANACEAU: And by nothing else?

THE WITNESS: Nothing else.

MR. DANACEAU: Well, I object to that and ask that the answer be stricken.

THE COURT: But you cannot tell by the sheet itself other than --

THE WITNESS: No, sir.

Q When it was removed, the front part of the sheet and the back part of the sheet were not marked?

A That's right.

Q Now, can you tell me which is the end of the sheet that was toward the back of the bed, and which is the end that was toward the lower part of the bed, or the foot of the bed?

3 A The foot of it -- I will have to compare it.

I could have when it was taken off originally. Right now I can't.

Q But there was no mark made on it?

A This is the -- I know now. This is the top of the sheet.

Q And you identify that by the thickness of the stain that shows there?

A Where the clots are.

Q Where the clots of blood are.

Now, then, I am again back to the question of which is the head of the sheet and which is the bottom of the sheet, that is, which end of the sheet was at the top of the bed and which end was at the bottom of the bed?

Can you tell me that?

A I'd have to study it more to be able to tell. I believe that I know, but I wouldn't want to be --

Q All right. There was no accurate record made of that, was there, Doctor?

A No, sir.

MR. CORRIGAN: Hold that up a moment, Fred. I want to show the doctor something.

Q There is a hole in the middle of the sheet right where I have my hand, and there is a hole at the top of the sheet, both in the large blood stain where I have my hand.

Now, can you tell me what those holes are?

MR. GARMONE: Here is another hole.

Q And another hole at the far end of the sheet, three holes in all. Can you tell me what those holes are?

A Pieces of the sheet taken out, removed for testing.

Q Removed for blood testing?

A Yes.

Q There are different discolorations on that sheet, aren't there?
Here the discoloration is much lighter than in the center

of the sheet.

A Different densities of discoloration, yes.

Q Different densities of discoloration. Those were not examined, were they?

A No, sir.

Q When were the holes made in that sheet for the purpose of testing?

A Miss Cowan would have to testify to that.

Q Well, do your records show that? Your official records would show that, would they not?

A The official record shows the summary.

Q Shows what?

A The summary.

Q But now you can't tell when those holes were made in the sheet, can you, sir?

A No, that's right, sir.

Q No record that we have in court would give us that information?

A At the present time, no, sir.

Q Were those holes made in the sheet for the purpose of testing during the month of July?

A Yes, sir.

Q Now, indicating Exhibit 38, do you recognize this sheet?

A Yes, sir.

Q And what is it? What is this sheet, Doctor?

- A That is the top sheet on Marilyn Sheppard's bed.
- Q Is that the sheet that was over her body when you arrived there?
- A Yes, sir.
- Q And in that sheet there are a number of stains?
- A Yes, sir.
- Q Are there any holes in that sheet?
- A Yes, sir.
- Q How many?
- A I see one. I don't know if there are any more or not.
- MR. GARMONE: I will push this
out further.
- THE WITNESS: One.
- Q And where that hole is in that sheet, there is no stain?
- MR. DANACEAU: Just a moment.
How can you tell if there is a stain in a hole?
It is a piece of sheet that isn't there.
- Q Well, at least, we can tell that around the hole and no place around the hole is there any stain?
- A That's right, sir.
- Q And where the stains do appear on the sheet, there has been none of it taken out for testing purposes?
- A That's right, sir.
- Q Does your record show whether or not that sheet was tested?

No record that you have here in court?

A No record I have in court.

Q Showing you State's Exhibit 39, that is the pad that was under the sheet, is that right?

A That's right, sir.

Q And can you tell which is the part of the pad that was toward the front of the bed and which is the part of the pad that was toward the rear of the bed or toward the foot of the bed?

A I'd have to study that out to make sure.

Q You can't answer it now?

A No, sir.

Q There was no testing of anything on that pad, was there?

A No, sir.

Q Indicating Exhibit No. 40, Doctor, a checkered quilt, you recognize that as coming from the bed of Marilyn Sheppard?

A Yes, sir.

Q Again I ask you the question: Can you tell me which is the part of the quilt that was toward the top of the bed and which is the part of the quilt that was toward the foot of the bed?

A This whole quilt -- the whole quilt in itself, when I saw it, was at the foot of the bed.

Q Yes, but now I ask my question again: Can you tell me which part of the quilt was the foot part of the quilt and which

was the top part of the quilt?

A No, sir.

Q You cannot. There were no tests made of that quilt, were there?

A No, sir.

MR. CORRIGAN: Now the chenille
bedspread.

Q This also was at the foot of the bed, wasn't it?

A Yes, sir.

Q There was no test made of anything on that?

A No, sir.

Q There appears at various spots in it red stains. There is at various spots in it red stains?

A Yes, sir.

Q And at the top -- at the corner of the bedspread there is a yellow stain?

A Yes, sir.

Q No test was made of that?

A No, sir.

Q Now, you made a great many statements about this case, didn't you, at various places?

A If you tell me where and when, I will be glad to tell you.

Q Well, I am just asking you for your recollection. I can't tell you where or when, if you want me to put it that way.

A Well, I'd like to have you tell me where and when, yes, sir.

- Q Did you make them? That is all I know. Don't ask me where and when. I am just asking you a simple question. Did you make statements about this case after the 4th of July?
- A If you are talking about officially, yes.
- Q What?
- A Officially, yes. Unofficially, no.
- 4 Q Unofficially, no. Well, weren't you quoted many times in the newspapers?
- A If you call those statements --
- Q Yes. Those are statements, is that correct?
- A I was quoted, but I can't say that everytime I was quoted I made the statement.
- Q Well, you know that you gave out reports about this case; questions were submitted to you and you answered them?
- A That's right, sir.
- Q By the newspapers?
- A Yes, sir.
- Q And they appeared in the newspapers and you read them?
- A Well, they appeared in the newspapers. If you say that I read them, I will have to tell you.
- Q Well, did you read them?
- A I read very little.
- Q Well, did you at one time make a statement that the Sheppards

may have met someone who was a schizophrenic, without realizing it, and that Mrs. Sheppard had been built up in that person's mind as someone to be destroyed? Did you make that statement?

A I made a statement, but I don't know if those are the exact words, but at least the substance is correct.

Q Well, that substance that I stated there is correct?

A Yes, sir.

Q And when you say a schizophrenic, when you use that word, what does that mean? Somebody on the jury may not know what a schizophrenic is.

A To me, it means a person with a split personality.

Q It is a form of insanity, is it not?

A Yes, sir.

Q And it is a form that occurs usually in young men? It is a youth disease, is it not?

A Well, it is found frequently. I wouldn't say that it just appears in young men or young individuals.

Q What?

A I wouldn't say that it only appears in young men or young individuals.

Q Well, let's take the general picture. It usually occurs before 30, I say usually?

A From what I know about it, that is substantially correct.

Q

And it is a form of insanity whereby a person may appear -- or may be perfectly normal for certain periods, and then during another period of his life, or during the year, he suddenly assumes another personality?

A

That is my understanding, sir.