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(After recess, 10:50 o'clock, a.m.)

MR. MAHON: This witness
has not been sworn, your Honor.

Thereupon, the State, further to maintain
the issues on its part to be maintained, called
as a witness DR. LESTER T. HOVERSTEN who, being
first duly sworn, testified as follows:

DIRECT EXAMINATION OF DR. LESTER T. HOVERSTEN

By Mr. Mahon:

Q Will you tell us your name, please?

A Lester Hoversten.

MR. PARRINO: Just a moment,
John.

MR. GARMONE: Go ahead.

Q And where do you live, sir?

A Glendale, California.

Q And what is your business or profession?

A A physician and surgeon.

Q And how long have you been a physician and surgeon,
Doctor?

A Since my graduation from medical school in 1948.

Q You are an osteopathic physician?

A That is right, yes.

Q And what school did you go to, Doctor?

A I had my pre-medical work at the University of Iowa, finished my undergraduate work at the University of Southern California, took my medical work at the College of Osteopathic Physicians and Surgeons in Los Angeles.

Q Do you know Dr. Sam Sheppard?

A Yes, I do.

Q And when did you first meet him, Doctor?

A I first met Dr. Sam in the fall of 1944 as a freshman in medical school.

Q And that was in where?

A In Los Angeles.

Q And is that when he was a freshman?

A We were first year medical students at that medical school.

Q You started at the same time?

A Yes.

Q And did you go through school together?

A Yes.

Q And did you graduate together?

A Yes.

Q And when did you graduate?

A I graduated in June of 1948.

Q After you graduated, what did you do?

A I interned at the Los Angeles County Hospital for a year, then spent two and a half more years as a resident physician.

Q And where did Sam intern?

A Sam interned at the Los Angeles County Hospital.

Q You were both at the same hospital --

A Yes.

Q -- during that period?

A That is correct.

Q And what was your association with Sam during that period, Doctor?

A I would say my association was as a friend and as a colleague working together at the hospital.

Q Were you very close?

A Yes, I would say so.

Q Do you recall when he was married?

A I do not recall the exact date. I was not present at the wedding.

Q Do you know the year?

A I think it was in 1945.

Q Did you know his wife before he was married?

A No.

Q After his marriage, did you become acquainted with her?

A Yes, I did.

Q And when, how long after the marriage?

A I think it was probably a month or two.

Q And did you have social contacts with Sam and his wife after his marriage?

A Yes, that is correct.

Q You called at their home, did you?

A Yes.

Q Were you married at that time, Doctor?

A No, I was not.

Q You did later marry, did you?

A Yes.

Q And when did you marry?

A I was married February 22nd, 1951.

Q And did Sam attend your wedding?

A Sam was my best man.

Q Did you eventually come to Cleveland?

A Yes.

Q And when did you come to Cleveland?

A I came to Cleveland in the middle of July, 1952.

THE COURT: 1952?

THE WITNESS: Yes.

Q And where was Sam at at that time?

A Sam was on the staff at the Bay View Hospital.

Q That is in Bay View --

A In Bay Village.

Q I see. And he preceded you to Bay Village?

A Yes.

Q Do you know when he left Los Angeles to come to Bay Village?

A I do not recall exactly. I think it was near the early

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summer of '51, but I am not sure of the date.

Q And you came in July, did you say, of '52?

A July of '52.

Q And had you corresponded with anyone concerning coming here before you came?

A Yes.

Q And who was that with?

A With Dr. Sam.

Q And did you come here at his request?

A Not solely. The hospital had an opening for a position as a surgical resident, and I applied for that.

Q Now, after Sam's marriage, and specifically in 1950, did you ever have any conversation with Sam in reference to his marriage?

A Yes.

Q And can you tell us about when that was, Doctor?

A I do not recall the exact date. It was, I think, in the summer of 1950 because it was previous to the usual time the residents took their annual vacation.

Q And at the time you had some talk with Sam, did you?

A Yes, sir.

Q And do you know where his wife, Marilyn, was at the time that you had that talk?

A She had preceded him to Cleveland preceding his vacation. The residents have only two weeks' vacation, that's a

short time when you have to make a long trip, and she went a little ahead of time.

Q And was it while she was gone or after she had left on that occasion that you had this talk with Sam?

A Yes, that is correct.

Q Will you relate what that talk was about?

MR. GARMONE: Objection.

MR. CORRIGAN: Objection.

THE COURT: What is the basis of the objection?

MR. GARMONE: This was 1950.

MR. CORRIGAN: Too remote, 1950.

THE COURT: Oh, I don't think that is sufficient, at the moment, at least.

He may answer.

MR. CORRIGAN: Except.

A Dr. Sam asked my advice on a letter which he had written to Marilyn, and I asked him as a favor not to send it at that time but to wait until he could speak to her in person.

MR. CORRIGAN: Ask the answer be stricken.

Q Did you read the letter, Doctor?

A Yes, I did.

Q You said you did read the letter?

A Yes, that is correct.

Q And will you tell us the substance of the letter?

MR. CORRIGAN: Objection.

THE COURT: He may answer that.

A I do not recall the detailed substance of the letter.
It was to the effect that he was concerned about his
marriage and --

Q By the way, who was the letter directed to?

A The letter was directed to his wife, Marilyn. He was concerned regarding his marriage and wanted to tell her how he felt, and he felt, according to his views with me, that he wanted to consider the possibility of a divorce.

MR. CORRIGAN: Ask the answer
be stricken.

THE COURT: Overruled.

the 6 Q And after you read that letter did you have some talk with Sam?

A Yes.

Q Will you relate that conversation, please?

MR. CORRIGAN: Object.

THE COURT: He may answer.

MR. CORRIGAN: When was it?

MR. MAHON: 1950.

MR. CORRIGAN: Can we get the month?

Q Do you know about what month it was, Doctor?

A I'm sorry, I do not know the month.

Q Do you know the period of the year?

A It was in the summer.

Q In the summer of 1950. All right.

Now, will you relate the conversation you had with Sam in reference to the contents of that letter?

MR. CORRIGAN: Object.

THE COURT: He may answer.

A I read the letter and felt that --

MR. CORRIGAN: Object to what he felt.

THE COURT: Yes.

Q Not what you felt. What was said?

THE COURT: What was said?

MR. CORRIGAN: Object.

A I advised Dr. Sam not to send the letter, but to wait until he could see Marilyn and speak to her in person.

MR. CORRIGAN: Object to the answer as not responsive. "I advised Dr. Sam." We are interested in what was said, in what he said.

MR. DANACEAU: That is what he said.

THE COURT: That is what he said. He said he advised, it is true. That means speech, certainly.

Q Anything further, Doctor?

A And it is my impression that Dr. Sam did not send the letter.

MR. CORRIGAN: Object to what his impression was and ask it be stricken.

Q You can't give us your impressions, Doctor, but did you have any further conversation about that letter?

THE COURT: Yes or no.

A Not at that time.

Q Did you at a later date have some conversation with him about that letter?

A Yes.

Q And how long after this first conversation?

A It was within a week, if I recall correctly.

Q And what conversation was had then?

MR. CORRIGAN: Object.

THE COURT:

He may answer.

A

I don't recall the exact words, but Dr. Sam was disturbed over a telephone conversation he received from his father. I told him that he should realize that his father had his best interests at heart, and he calmed down and seemed to be more relieved.

MR. CORRIGAN:

I didn't get that.

"Calmed down." Object to that and ask it be stricken out.

THE COURT:

Oh, no. He has already testified that Sam was disturbed about some conversation he had with his father.

MR. CORRIGAN:

Well, "calmed down," that is a conclusion.

THE COURT:

Overruled.

Q

Did you tell him to calm down, or what was that about calmed down?

A

When I tried to make him realize that his father had his best interests at heart --

MR. CORRIGAN:

Object to that, when he tried to make him realize. I ask that the witness be confined to conversations.

THE COURT:

This is what you said to him?

THE WITNESS:

Yes. I told Dr. Sam

in plain English definite words that his father had his best interests at heart, and that he should realize that.

Q Did he tell you what his father had said to him over the phone?

A No. I do not recall exactly, except it was to this effect:

That he felt that Sam should realize his responsibility as a husband and a father in this marriage situation.

Q Do you recall anything further of that conversation, Doctor?

A No, I'm sorry, I cannot.

Q Do you recall when Chip was born?

A Not the exact date. I recall shortly after he was born.

Q And when Mrs. Sheppard came on to Cleveland on the occasion that you have just related, did she take Chip along with her?

A Yes.

Q Well, now, after that conversation that you had concerning a telephone call from his father, did you have any further conversation with him about that subject?

A No further conversation regarding his father's call, that I know of.

Q Was there any further conversation at that time or on or about that time concerning his wife, Marilyn?

A There may have been, but I don't recall any specific incident.

Q While his wife Marilyn was away on vacation at that time, did he associate with any other women in California?

MR. CORRIGAN: Object.

THE COURT: You mean did Sam?

MR. MAHON: Yes, the defendant.

THE COURT: Well, if he knows.

A I do not know of any specific instance at any time where I saw Sam with any other woman other than his wife.

Q Did you at any time go out with him and some other women?

MR. CORRIGAN: Objection.

MR. GARMONE: Objection. He has answered to a previous question that he does not know of any time when he ever saw Dr. Sam Sheppard with any other woman other than his wife.

THE COURT: Yes, but this question improves a little more. He may answer.

A Dr. Sam was my guest several times at my home, and one of those times is when Marilyn had already left for Cleveland. I took him along with me to visit other friends, and on such an occasion or occasions he undoubtedly met other women, friends of mine.

Q Do you know a Margaret **Kauzer**?

A Yes, I do.

MR. CORRIGAN: How do you spell that?

MR. PARRINO: K-a-u-z-o-r.

Q Do you know whether or not he was ever in her company or not?

MR. CORRIGAN: Object.

THE COURT: He may answer.

A He has been in her company, but as my guest. I have never seen him with her on a date or otherwise.

Q Now, after you came to Cleveland, which was July of 1952, you worked at the Bay View Hospital, is that right?

A Yes, that's correct.

Q By the way, when did you leave Bay View Hospital?

A I left Bay View Hospital approximately October 15, 1953.

Q Well, now, during the time that you were at Bay View Hospital, did you have any conversation with Sam in reference to his wife, Marilyn?

MR. CORRIGAN: Object.

THE COURT: He may answer.

MR. GARMONE: We object to the question as to its form. It is leading and includes an assumption.

THE COURT: He can answer that yes or no. He is asking if he had any conversation.

A Yes.

Q And can you tell us when that was, Doctor?

A Well, we had probably conversations at several times. Are you referring to --

Q Well, was there a conversation at any time concerning the

marital state?

A Yes.

Q And when did that conversation take place?

A The only one I recall was sometime in the spring of 1953.

Q And where did that take place?

A That took place in his office.

Q And where is the office at?

A Fairview Park.

Q That is separate from the hospital, is it not?

A Yes, that's correct.

Q Is there a clinic there in Fairview Park?

A Yes. I think it is listed as an Emergency Clinic.

Q That is on Lorain Road?

A Lorain Road.

Q And the hospital is on West Lake Road?

A That's correct.

Q Now, will you relate to the Court and jury the conversation that was had at that time?

MR. GARMONE: Objection.

THE COURT: He may answer.

MR. GARMONE: Exception.

A I don't know how the subject came up -- I do not recall exactly -- about the possibility of divorce, but I remember asking him if he had talked to his parents, and he said that he had, or that he intended to talk with them --

MR. GARMONE:

I didn't hear the

last part, Doctor.

A I do not recall how the subject came up, but I asked him if he had talked to his parents about it, and I remember distinctly advising him to go slow and be careful because he should realize that Marilyn was a wonderful wife in many respects, she was tolerant and considerate and probably more so than any other girl might be, and that he might actually be jumping from the frying pan into the fire.

Q And what was the conversation about, Doctor?

A It was regarding the possibility of a divorce.

Q Was there anything further said on that occasion?

A No. I know he agreed that she had many fine qualities. I don't recall anything further at the time.

Q Did you have any conversation on that same subject after that at any time?

A No, not that I recall.

Q When you first came to the Bay View Hospital, where did you live?

A When I first started there as a resident in July of '52, I stayed for a few weeks with Dr. Sam and Marilyn at their home on Lake Road.

Q And can you tell us how long you stayed there at the home?

A I think it was approximately six weeks.

Q And where did you live after that?

A I then moved to an apartment which they had prepared above the Emergency Clinic or the Sheppard Clinic in Fairview Park.

Q And was that Clinic in a two-story building?

A Yes, that is a two-story building. The apartment was on the second floor.

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Q The offices were on the first floor?

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A That is correct.

Q And who else lived there in that apartment?

A Dr. Stevenson, Dr. Sellink and myself were assigned to the apartment, as we were the only bachelors at the time at Bay View Hospital.

Q And those other doctors whose names you mentioned also worked at Bay View Hospital?

A Yes, they were interns at Bay View Hospital at that time.

Q And how long did you live at that apartment above the clinic, Doctor?

A I lived there until I left Bay View in October of 1953.

Q And where did you go when you left Bay View Hospital?

A I went to the Grand View Hospital in Dayton.

Q And how long did you remain there?

A I remained there until July 1, 1954.

Q During the period that you were at that hospital, did you visit here in Cleveland or Bay Village?

A Yes. I came up here several times.

Q And on those occasions, where did you stay?

A On every occasion except my last visit I stayed with Dr. and Mrs. Robert Bailey. They were then living in the apartment above the offices in Fairview Park.

Q Now, after you left the hospital in Dayton, did you come to Cleveland or to Bay Village?

A Yes. I arrived here Thursday evening, July 1st.

Q And before you came here had you had any talk or correspondence with Sam Sheppard?

A Yes, I had.

Q And what did that correspondence relate to?

A Well, I told him of my plans and that I was leaving Bay -- or Dayton, and that before going on to California I should like to stop up and visit him.

Q And did you hear from him?

A Yes.

Q And what did he say?

A He invited me to come up and spend a few days.

Q And when did you arrive in Bay Village?

A I arrived at Dr. Sam's house, at his home approximately 7:30 p.m. on July 1st.

Q That is July 1st of 1954?

A '54.

Q And who did you see when you arrived?

A When I arrived, Dr. Sam and his wife, Marilyn, and their son, Chip, were at home.

Q Did you come by automobile?

A Yes. I drove my car.

Q What did you do after you arrived?

A I visited him for about an hour, and I told him that I had a dinner date for that evening, so I asked him if he would

excuse me. And he took me upstairs and showed me my room, and then I shaved and got dressed, ready, and went out to keep my dinner date.

Q Now, the room that was assigned to you, where was that room, what location in the house?

A That was the far east bedroom on the second floor.

Q And do you enter that bedroom from the hall?

A Yes; not directly, however. There is a small room between the hall and the entrance to the bedroom proper.

Q Is that the room they call a dressing room?

A I think so.

Q And from the hall you enter into this dressing room?

A Yes.

Q Small room?

A Yes.

Q And from that room you enter into the bedroom?

A Yes.

Q And that is the bedroom that you occupied?

A That's correct.

Q And what luggage did you have when you arrived there, Doctor?

A Well, I had a great deal, too much. I had, if I remember correctly, three large pieces -- I know two large ones and a small cowhide leather case, and also a piece of luggage which I think they most commonly speak of as a val pack

wherein you place yoursuits and topcoats so they can hang out full length. I had a lot of other things, too, but I didn't bring them into the house. I stored some in the garage and the rest I left in my car.

Q Did you take all of your luggage up to the room?

A Yes.

Q Now, you left the house there at what time that night?

A Thursday evening I left the house approximately 8:30.

Q And when did you return?

A -- returned approximately 11:30 p.m.

Q And who was there at that time, if anyone?

A Dr. Sam -- well, the entire family was there. Dr. Sam was still up sitting in the living room looking at the TV.

Q And did you have some talk with him there?

A Yes. We talked briefly. I think I mentioned something to the effect -- or, he asked me if I wanted to -- I remember he asked me if I wanted to watch TV for a while, and I said, no, I was rather tired from my trip and I would just as soon go to bed. So we both went upstairs. I remember we went through the living room. I went over to the far corner and turned on a light, a floor lamp, and then we went on upstairs. I went on to my room and he to his room.

Q Now, what did you do the next day, Doctor?

A The next day we got up in the morning, I think it was about

8 a.m. or near there, and we had breakfast together and then drove together to the hospital, he in his Jaguar and I in my Ford. We parked and went on in, and I greeted old friends, the telephone operator and surgical nurse, and met a number of the doctors, observed some surgery out at the hospital.

Q How long did you remain at the hospital that day?

A It must have been a little after 11 a.m., because I had an appointment with Dr. Anderson, chiropodist in Fairview Park, for treatment of a foot ailment at 11:30, and I know I was there for that appointment.

Q When did you next return to the Sheppard home?

A I visited friends that afternoon and made some calls that evening, and then I returned late Friday evening at approximately 12:30 a.m.

Q And who, if anyone, was up at the home at that time?

A There was no one up at the time. I walked in the front door. It wasn't locked, as usual, and --

Q Now, when you say the front door, which door do you mean?

A The door leading to the road.

Q To the road?

A Yes.

Q Well, we have been designating that as the back door.

A Oh, pardon me.

Q It is the Lake Road door that you entered?

A Yes, the Lake Road door. And I remember turning on the halllight. The light switches had been changed since I last was there, and I wasn't sure whether the light was leading across from the hallway across the kitchen to the stairs.

I went through the kitchen. I petted the dog briefly and then went upstairs, and as I reached the top of the stairs Marilyn asked, "Is that you, Les?"

And I said, "Yes."

She asked me if I locked the front door and I said, "No, I didn't."

Then she said, "Well, that is good because I expect the maid in the morning to come here and clean the house and if she comes before we get up, I want her to be able to get in."

And I said goodnight and went on to my room.

Q And did you occupy the same room?

A Yes.

Q Tell us whether or not that bed was made up when you arrived there that night, Doctor?

A Yes. When I first arrived there, it was made up.

Q That was the first night. You arrived there on a Thursday?

A Yes, Thursday night.

Q It was made up then?

A Yes.

Q Now, on Friday night when you came in, was it made up?

A I think so. I don't recall for sure. I know it wasn't made up the other night.

Q What other night?

A Well, let's see, I came back Friday -- Saturday noon, that's when it wasn't made up, before I left for Kent.

Q Well, then, Friday night you slept there, and what time did you get up Saturday morning?

A Well, it was approximately 8 a.m. because I remember we had breakfast together again, and Sam and I again drove to the hospital, he in his Jaguar and I in my Ford.

Q And how long did you remain at the hospital on that occasion?

A I think before noon I may have driven off to visit -- sometime before noon, I don't recall for sure, but I do know that I had a late luncheon and talked with Mr. Lease the administrator, and then after luncheon I don't know what I did in the next hour or so, but about the middle of the afternoon I went out to Sam's home, dressed and packed my --

Q Now, when you went out to the home, about what time was it?

A I think it was between 3 and 4 p.m.

Q And who, if anyone, was there at that time?

A Marilyn was there. I don't recall seeing Chip, but he probably was out playing.

Marilyn was in the kitchen baking a pie.

Q And what did you do when you arrived there?

A Well, I went upstairs and cleaned up, shaved and packed my luggage ~~And~~ my small suitcase and got ready to leave. Marilyn asked me if I would be home for dinner and I said, no, I was going to Kent.

Q When you left there that afternoon, tell us whether or not that bed was made up?

A No, it was not.

Q What time did you leave the house then, Doctor?

A It must have been very close to 4 p.m.

Q And where did you go when you left the house?

A I went to a golf driving range on Brookside Park. I do not know the name of it. It's the only one there, I think.

Q At Brookside Park?

A I don't know whether that's Brookside Park Road or Brookpark Road.

Q Brookpark Road?

A That may be the name of it. I don't know. I stopped there and hit out two large buckets of golf balls. That took me approximately two hours.

Q And then where did you go?

A Then I drove directly to Dr. Stevenson's home in Kent, Ohio.

Q And what time did you arrive there?

A It must have been very close to seven. When I arrived

there, Mrs. Stevenson greeted me and said that her husband and son, Robert, were out at the golf course practicing putting, and if I wished to, I could go out to meet them there before dinner, which I did.

Q And you met -- are there two Dr. Stevensons?

A Yes. There's Dr. Stevenson, Sr., and his son, Dr. Robert.

Q And had you known both of them before that time?

A Yes.

Q And who was the first one that you knew?

A Dr. Robert.

Q That is the son?

A That's correct.

Q And how did you meet him?

A I met him while he was an intern at Bay View Hospital.

Q And did he live with his parents in Kent?

A Yes.

Q And then after meeting the two Dr. Stevensons at the golf course, where did you go then?

A Dr. Stevenson, Sr., rode back with me in my car to his home and Dr. Robert followed in his car.

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Q What time did you arrive at the Stevenson home at that time?

A From the golf course, I think it must have been approximately 7:30.

Q And then what did you do after that at home?

A We had a leisurely dinner, and visited, and then later in the evening we turned the radio to the Cleveland Indians-Chicago White Sox baseball game, and we stayed up a little later than we had intended because it went 15 innings, and we wanted to see how it would come out, so it was pretty close to 1:00 a.m., I think, when we retired in the morning.

Q Where do the Stevensons live in Kent?

A I do not recall their address.

Q Do you know what street it is on?

A No, I do not recall that, either.

Q How?

A I do not recall.

Q Do they have an office outside of the home?

A Yes.

Q And where is the office located?

A The office is located somewhere downtown in the business district.

Q And are both of the doctors in the same office, or do they have different offices?

A I have never visited their office, but it is my impression

that they have the same office.

Q Now, what time did you retire that night?

A It must have been very close to 1:00 a.m.

Q And what room did you occupy in the Stevensons' home?

A I occupied the guest room on the third floor.

Q And during the night, or sometime after you retired, did you do anything? Did anything disturb you?

A Oh, yes, definitely.

Q Tell us about that.

A After going to bed, why, their large Dalmatian dog, who ordinarily slept on the second floor in what is called the library or the den -- the library and the den was between the hallway at the head of the stairs, and the stairs leading to the third floor guest room -- so the dog -- my door at the foot of the stairs was open, and the dog came upstairs, so I patted him briefly, and he crawled under the bed, and I thought, well, that's all right, I don't mind that, I have got a dog myself, but after a while he made peculiar noises, or something like a dog when he yawns. I thought, well, after one or two yawns he will be asleep, but he kept it up, so I felt that if I was going to get any sleep, why, I had better put him back downstairs, so I got up and took the dog down the stairs and shut the door so he couldn't come back up, and went on back upstairs to bed.

Q And what time did you get up that morning, Doctor?

A Dr. Robert awakened me approximately a little before 8 a.m., I think it was.

Q What did you do after you got up?

A We got up and had breakfast, and then his father and I drove on out to the golf course where we played 18 holes of golf.

Q And what did you do after you completed your golf game?

A We then came back to the Stevenson residence, and it was approximately 2:15 p.m., and Mrs. Stevenson said that there had been some calls, and just at that time as we entered, a call came from Cleveland for me, ~~that~~ is, from Detective Gareau, and he told me of the tragedy in Bay Village and asked me to return as quickly as possible.

Q And what did you do following that?

A I had a quick lunch, and then got in my car and drove to the Chief of Police in Bay Village.

Q How far is Kent from Bay Village?

A I think it is approximately 40 miles. I haven't checked it on the speedometer, though.

Q What time did you arrive at the Bay Village police station?

A It was approximately 4 p.m.

Q And who did you see there?

A I do not recall the name of the officer, but he escorted me to Sam's home immediately, where I met Chief of Police Eaton and Dr. Gerber.

Q That was on the 4th of July, was it?

A Sunday afternoon, July 4th.

Q And what did you see at the house there when you arrived?

A Well, there were several cars in the yard. A police officer escorted me in the Lake Road door, took me immediately upstairs, and he introduced me to Dr. Gerber and Chief of Police Eaton.

Q And then what did you do?

A They asked me to examine my luggage and personal belongings in the room --

MR. CORRIGAN: Wait a minute.

Object to the conversation between Chief Eaton and Gerber and himself.

THE COURT: Objection will be sustained as to conversation.

Q You can't tell us the conversation, Doctor, but did they ask you to do something?

A Yes. They asked --

Q You can't tell us what they said to you. They asked you to do something?

A Yes.

Q And what did you do after they talked to you?

A I examined my luggage and I examined some of my personal belongings, including a leather secretary on the dresser on the north wall, and my suits in the closet, especially

the blue one in which I had some currency.

Q How much currency did you have in that suit?

A I think it was \$50.

Q And that was in there when you left on Saturday?

A Yes.

Q When you examined it on Sunday, the 4th, tell us whether or not it was there.

A Yes, it was there.

Q It was there. Now, you examined the secretary, you said?

A Yes.

Q What is that? What do you mean by secretary?

A It is a leather folding case to contain bills and envelopes and personal papers.

Q And had you left that at the house there?

A Yes.

Q And where had you left it?

A I had left it on the dresser, standing against the north wall.

Q What had it contained when you left?

A It contained one certified check and one insurance check.

Q What was the amount of the checks?

A The insurance check was \$40, and I do not recall exactly how much the certified check was. Not over a hundred.

Q Not over a hundred dollars?

A I don't think so.

Q Anything else in that secretary?

A It had a few small snapshots. There may have been a few other papers, I don't recall.

Q Now, when you examined that on Sunday, was any of that property missing?

A None of it was missing.

Q Did you examine anything else then there?

A Yes. I went through my luggage briefly and hurriedly. I usually know how I pack things, and I didn't see anything missing.

Q Did you observe the bed, Doctor, on that occasion as to whether or not it was made up or not?

A Yes, I did.

Q And tell us whether or not it was made up.

A It was not made up. The bed looked to me almost exactly as it did when I had left.

3 Q When you left on Saturday?

A Yes.

Q Did you have any of your luggage on the floor there, Doctor?

A Yes, I had nearly all my luggage on the floor. It was scattered all over all around the periphery of the room. The closets were quite full, and I was expecting to leave in just a few days, so that I didn't want to unpack my luggage. I just left it as it was.

Q Now, you say the closets were quite full?

A Yes.

Q You mean that they were full when you arrived there?

A Yes.

Q There wasn't room for your articles, is that what you mean?

A I hung my suits in the closet.

Q But your luggage you left in the room?

A Yes.

Q Out in the room in the open, is that right?

A That's right.

Q Now, what else did you observe about the house there on that occasion, Doctor?

A I observed immediately, as I reached the head of the stairs, the mattress on Sam and Marilyn's bedroom -- the mattress on the bed closest to the door, it was discolored almost the full length.

Q Did the police there or the authorities there talk to you about where you had been?

A Yes.

Q And you told them?

A Yes.

Q Where did you go after you left the house on that occasion, Doctor?

A I went to the home of Dr. Richard N. Sheppard, Sam's brother, and there I met Dr. Steve Sheppard's wife and Dr. Richard's wife, and shortly after that, within a matter of minutes, Dr. Sheppard, Sr., arrived.

Q Where is Dr. Richard Sheppard, Jr.'s home at?

A The first home west of the hospital.

Q That is on West Lake Road, also?

A Yes.

Q Well, now, after you met those people at his home, what did you do following that?

A Dr. Sheppard, Sr., asked me --

MR. GARMONE: Object to any
conversation.

Q Yes, you can't tell us the conversation. You had some conversation with Dr. Sheppard, Sr.?

A Yes.

Q And then what did you do, Doctor?

A Then Dr. Sheppard, Sr., and I drove over to his home, the first home east of the hospital, and he showed me his home. He had just moved in and I had never seen it before.

Q And then what did you do following that?

A Following that we went back to the hospital. Dr. Sheppard, Sr., made his rounds to visit patients, and I remember asking him if he thought it was all right for me to see Sam, and he said, well, Sam has been through considerable -- he has been through considerable today, I'd better wait until the next day.

Q So you did not see Sam that day then?

A I did not see Sam on that day.

Q That was Sunday, the 4th?

A Sunday, the 4th.

Q And then what did you do following that, Doctor? Where did you stay that night?

A I stayed at the hospital in the interns' quarters. Dr. Sheppard, Sr., had invited me to stay at his home, but I talked with Mrs. Sheppard and learned that the upstairs bedrooms had not been prepared yet.

Q So you remained at the hospital there that night?

A Yes.

Q The interns' quarters there?

A That's correct.

Q And then the following morning, that would be the 5th of July, Monday, what did you do -- what time did you get up?

A Well, I don't remember for sure what time. I usually arise fairly --

Q Approximately what time?

A Approximately 7, I think.

Q And what did you do following that?

A I had breakfast. I think I observed surgery for a while. I know later that afternoon I visited Dr. Sam.

Q Do you know about what time it was that you visited him?

A I think it must have been approximately 5 or 6 p.m.

Q And where was Sam when you visited him?

A Sam was in a room in the new unit. I do not recall the

room number.

Q Is that on the first floor?

A Yes.

Q And when you entered the room who did you see?

A I saw Dr. Sam lying in bed.

Q Was there anyone else in the room at that time?

A No one else at that time. There was just a guard just outside at the door.

Q How?

A There was a guard -- a police guard just outside at the door.

Q And did you have some talk with Sam when you entered?

A Yes. I walked up to his bed, and, as I recall correctly, I took his hand, and Dr. Sam started to cry, and I remember he said, "My God, I wish they'd have killed me instead of Marilyn. Chip needs Marilyn more as a mother than he does me."

Sam didn't say too much, and I tried to comfort him as best I could.

Q Is that about all that was said?

A No. I remember also saying that I didn't know how much it would benefit him, but I told him that when I had gone through the disappointment of my marriage and trying to recover, why, I had heard a radio broadcast speaker to the effect that he wanted to give his reasons why undue grief

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or giving way to undue emotion was detrimental both from the psychological standpoint and also a moral standpoint.

I remember telling him that excessive grief can tear you apart to the extent you cannot be at your best to serve your fellow-man or yourself, and that he should try to control his emotions and keep them on an even keel.

I remember just before I left, he thanked me, said that he felt that I had helped him.

Q Well, while you were in there talking to him, Doctor, did anyone else come in?

A Oh, yes.

Q And who came in?

A Dr. Steve.

Q Will you relate what happened after he came in?

A Well, Dr. Steve seemed very startled --

MR. GARMONE: Object to any
conversations now, or any conclusions as to what
may relate to Dr. Steve.

Q Was this in the presence of Sam?

A Yes.

THE COURT: Objection will be
overruled.

Q Tell us what occurred there, Doctor.

A Dr. Steve seemed startled to see me, and also provoked.

I do not remember his exact words, but it was to the

effect that, how I got in there, and that I should get out of there, and then Sam interposed and said, "Well, I asked him to come in," because previous to going in to see him, I had asked the nurse if I might stop in and see Sam, and he passed the word that he would like to see me, so Steve immediately walked out and came back shortly and apologized, saying that he had been under considerable tension, and that he had left strict orders that anyone who saw Sam, he was to be notified first.

Q Anything further said?

A Well, shortly after that I left the room. However, before doing so, Steve advised Sam to go over the sequence of events as they happened, so that he would be sure to have his story straight.

Q Steve said that in your presence?

A Yes.

Q And what did Sam say, if anything?

A I don't recall Sam saying anything. Sam was pretty quiet.

Q How long were you in the room there altogether, Doctor?

A Oh, I don't think over 20 minutes. I stepped out. I felt that they wanted -- might want to discuss something personal, and I stepped out.

Q And when you stepped out, did Steve remain in there?

A Yes, for a short while.

Q How long of that 20-minute period was it that Steve was

in the room while you were in there?

A Not very long. You see, I left shortly after Steve arrived. I think, if I recall correctly, before leaving on that day, Dr. Sheppard, Sr., walked in before I left. If I remember correctly -- yes, I remember now. Mrs. Sheppard also came.

Q That is Sam's mother?

A Yes.

Q And his father?

A Yes.

Q I see. And you and Steve were there at that time?

A Yes.

Q And did you leave before they did?

A Yes.

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Q Where did you go then, Doctor?

A I think I visited some friends in Bay Village.

Q And where did you stay that night?

A I stayed in the interns' quarters, Bay View Hospital.

Q At the hospital. By the way, when you went in to see Sam on that Monday, what was his appearance?

A His face was quite swollen and distorted, one eye was slightly discolored. He complained of a little pain. I remember he also complained of his hands or knuckles being sore.

And, of course, he was unusually quiet.

Q Where did he complain that the pain was, Doctor?

A Well, he complained of pain, sort of a headache as well as pain on the side of his face and slight pain in the knuckles.

Q Did you see Sam after the 5th of July?

A Yes. I saw him, I think, nearly every day until I left.

Q When did you leave, Doctor?

A I left Cleveland the morning of July -- I left on the Tuesday morning following. That was July 13th. Yes, that would be July 13th, Tuesday morning.

Q And where had you been staying just before you left?

A I was staying with Dr. Steve. I went to Dr. Steve's house the Wednesday evening preceding.

Q That would be the 7th of July you went to his house?

A Yes, that is correct.

Q And you remained there until you left on the 13th?

A Yes.

Q Is that right?

A Yes.

Q Where did Dr. Steve live?

A Dr. Steve lived on Englewood Street or Drive, I don't recall which, in Rocky River.

Q Now, the police questioned you, did they not, after you returned from Kent?

A Yes.

Q That was the Bay Village police?

A On Tuesday, July 6th, at approximately 4 p.m. I went over to the Bay Village Police Department and was interviewed and questioned by Deputy Sheriff Rossbach and his assistant, and I gave a deposition and sworn statement at that time.

Q And then were you later questioned by someone else?

A Yes. The following Friday, I believe it was, I was questioned in your office by you and Parrino, Detective Schottke and Gareau.

Q Anyone else question you?

A Yes. Then on Saturday again following my questioning in your office on Friday I was questioned in the County Jail by Deputy Sheriff Rossbach and his assistant.

Q Any further questioning outside of that?

A No. I do not recall any further questioning.

Q And then you left on the 13th of July, you left Cleveland or Bay Village, is that right?

A Yes, that is correct.

Q And where did you go?

A I left for Iowa, spent a couple days visiting an attorney friend of mine in Iowa City.

Q You were driving?

A Yes.

MR. CORRIGAN: What city was that?

THE WITNESS: Iowa City, Iowa.

MR. CORRIGAN: Iowa City?

THE WITNESS: University of Iowa.

Q And then did you eventually get to California?

A Yes.

Q And when did you arrive in California, Doctor?

A It was about 10, 12 days after leaving here, but I also stopped to visit relatives in central Iowa. I remember while there I became ill and stayed longer than I intended and then went on to California. But I think probably I arrived in California about July 25th, or something like that, I believe.

Q Now, did you return to Cleveland after that at any time?

A Yes. I returned to Cleveland on August 11, 1954.

Q And was that at a request that you return here?

A Yes. Two intelligence officers of the Los Angeles Police came to my home and said --

MR. GARMONE: Object to any
conversation.

Q You can't tell us the conversation, but at a request you came on to Cleveland here, did you?

A Yes.

Q And did you talk to -- when did you arrive in Cleveland?

A I arrived in Cleveland approximately 10 p.m., I believe, on I believe it was Wednesday, August 11th.

Q And what was the means of transportation that you used at that time?

A I came by United Air Lines plane.

Q And who did you see when you arrived in Cleveland on that occasion?

A On that occasion I saw County Prosecutor Frank Cullitan, Assistant Prosecutor Mr. Mahon and his assistant, Mr. Parrino; Dr. Gerber; Captain Kerr and Detective Lockwood and Chief of Police Frank Story; Inspector McArthur, who had requested me to come, he was there, also.

Q And how long did you remain in Cleveland on that occasion, Doctor?

A I believe it was nine days.

Q And while you were here on that occasion, did you testify

before the Grand Jury?

A Yes, I did.

Q And following that, did you return to California?

A Yes.

Q And when did you next come to Cleveland?

A I next came to Cleveland a week ago last Wednesday.

Q And you have been here since that time?

A Yes.

Q Now, after you came here on that occasion, have you talked to anyone?

A Yes.

Q Who have you talked to?

A I talked to the Assistant Prosecutor, Mr. Mahon, on two different occasions, the first time on Armistice Day and also last Saturday morning, as well as a number of detectives.

Q Did you talk to some detectives, also?

A Well, just "hello. How are you?"

MR. MAHON: If your Honor please, I think that is about all, but may we adjourn at this time? There may be a few questions that I might think of that I want to ask him.

THE COURT: Ladies and gentlemen of the jury, we will adjourn for the noon recess at this time and return at

1:15 this afternoon.

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

(Thereupon, an adjournment was taken until 1:15 o'clock. p.m.)

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Monday Afternoon Session, November 22, 1954.

(1:15 o'clock p.m.)

Thereupon DR. LESTER T. HOBERSTEN resumed the stand and was examined and testified further, as follows:

DIRECT EXAMINATION (CONTINUED)

By Mr. Mahon:

Q Doctor, do you know a young lady by the name of Susan Hayes?

A Yes, I do.

Q And when did you first meet her?

A I met her shortly after arriving as a surgical resident at Bay View Hospital.

Q And was she employed at the Bay View Hospital?

A She was employed as a laboratory technician.

Q Was she there all during the time you worked there?

A To the best of my knowledge, yes.

Q Was she there at the time you came to the hospital?

A Yes.

Q And she was there when you left the hospital?

A I don't know for certain. It is my impression that she was.

Q Now, Doctor, getting back to the visit that you had with Sam in his room at the hospital, I believe that was on the afternoon of the 5th of July?

A Monday afternoon, July 5th.

Q And while you were in the room talking to him, Steve came in?

A Yes.

Q Is that right?

A That's correct.

Q Did Steve leave at any time after he came in?

A Yes. After speaking sharply to me, he turned on his heel and walked quickly out of the room, and then he came back in just a few minutes.

Q And when he came back in, did he say anything?

A Yes. I remember I was sitting on the lefthand side of the bed, and Steve sat near the foot of the bed, and he advised Dr. Sam to go over in his mind several times a day --

MR. CORRIGAN: Object to that.

He has already testified to that.

MR. GARMONE: He has already testified to that conversation.

MR. MAHON: He hasn't given all of the conversation.

THE COURT: No, I think not.
All right. Go ahead.

MR. CORRIGAN: He says "go over the sequence of events so you have your story straight."
That is what you have testified to.

A (Continuing) As I recall, he said in words to this effect --

MR. CORRIGAN: I didn't hear you,

Doctor.

A (Continuing) As I recall, Dr. Steve addressed Dr. Sam, and said in words to this effect, "You should review in your mind several times a day the sequence of events as they happened so that you will have your story straight when questioned," and then he gave as an example, "You were upstairs, you went downstairs, and from here to there," and so forth.

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tk 11 Q Is there anything else that took place in there that you have not related up to this time, Doctor?

A Nothing that I can recall, except that I believe it was that first visit that late Monday afternoon when I was there, just before I left Dr. and Mrs. Sheppard, Sam's father and mother, came in, and I greeted them and then I left shortly after that.

MR. MAHON: You may inquire.

MR. GARMONE: Are you through,
John?

MR. MAHON: Yes.

CROSS-EXAMINATION OF DR. LESTER T. HOVERSTEN

By Mr. Garmone:

Q Doctor, on the 1st of July you arrived at the home of Mr. and Mrs. -- Dr. Sam Sheppard, is that right?

A Yes.

Q And I believe you testified it was about 7:30 in the evening?

A Yes, that is correct.

Q Do you recall at that particular time that Sam was on the front lawn picking weeds out of the grass?

A Yes.

Q And Marilyn was out there in the yard at the same time?

A They both were out there.

Q And Chip?

A Chip was nearby. I don't recall that he was --

Q Nearby?

A He wasn't picking weeds, I don't think.

THE COURT: Can I bother
you for the date of this?

MR. GARMONE: July 1st at 7:30
p.m., 1954.

THE COURT: Thank you.

Q Then after the usual greeting, you all went inside, is
that right?

A Yes, that is correct.

Q And Dr. Sam took you up to his room -- or took you up to
the room that you were to occupy?

A That is correct.

Q And that was the room on the east side of the house?

A Yes.

Q And then I believe that you said you had a date that eve-
ning?

A That is correct.

Q Do you recall you told Sam that you were meeting someone
at Cavoli's?

A That is correct.

Q Upon your return you saw Sam in the house, is that right?

A Yes.

Q Now, when you came back home that first night, the 1st of July, you walked right in the door, did you not?

A Yes.

Q I believe you said on direct examination the door was open, as usual?

A It was unlocked. It was closed but unlocked.

Q Unlocked as usual?

A Yes.

Q Then the following night you again went out by yourself?

A Yes.

Q And came back at about 12:30 in the morning?

A Yes.

Q Now, when you walked into the house, no one was downstairs, was there?

A There was no one downstairs.

Q And the door that you came in was unlocked but open?

A The door was unlocked.

Q And then you went up and do I recall right that Marilyn said, "Les, is that you"?

A Yes, that's correct.

Q And then she inquired as to whether you locked the door or not, and you said you hadn't?

A That is correct.

Q And then she said that the maid was coming in the next morning, she was glad that you had left the door the way

you had left it?

A That is correct.

Q Now, during the period from the 1st, Doctor -- I will withdraw that.

Now, the last time that you had any conversation with Sam regarding Marilyn and himself was in 1953, is that right?

A To the best of my knowledge, that is correct.

Q Now, during the period that you were at the Sheppard home, that is, the home of Marilyn and Sam, between the 1st of July, when you arrived, and until the time that you left for Kent, you had the occasion to observe Sam and Marilyn, did you not?

A Yes, indeed.

Q Will you tell the court and jury how they were getting along, from your observation?

A Well, they seemed to be quite happy and content. I did not see anything out of the ordinary or unusual whatsoever.

Q Their attitude toward one another was one of happiness and content, is that right?

A Very much so.

Q Doctor, you have never seen Sam Sheppard mistreat Marilyn, have you?

A No, never.

Q And, Doctor, you have never seen Sam Sheppard mistreat

Chip, have you?

A No, never.

Q Now, on the 5th day of July, that was the Monday following the 4th, I believe you said you went over to the hospital?

A Yes.

Q And you went into the room where Sam was?

A That's correct.

Q Was it on that occasion that the two of you shook hands?

A Yes.

Q And Sam started to cry?

A That's correct.

Q Then he said to you, Dr. Hoversten, "Why couldn't they have killed me instead of Marilyn because Chip would need Marilyn more than he would need me," is that right, or words to that effect?

A That's it exactly. He -- I think I can repeat almost identically what he said. It's quite vivid in my mind.

Q Well, would you repeat it, please?

A He said, "My God, I wish they had killed me instead of Marilyn because Chip needs Marilyn as a mother more than he needs me as a father."

Q Now, you and Sam cultivated a friendship over a period of years when you first met him out there in the L. A. County Hospital?

A Yes, that's correct.

Q And isn't it a fact, Dr. Hoversten, over all that entire period, that Sam Sheppard always displayed an even temperament?

A Definitely so.

Q Now, after he had made the statement that you have just related to the court and jury, from your observation as a doctor, what would you say his emotional state was at that time?

A I would say he was quite grief stricken, at least that's the impression I had at the time.

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And was it at that particular time that you had said to him, "Sam, quiet yourself down," and more or less propounded some psychology to him?

A Yes, that's correct.

Q Now, after the 5th of July you had seen Sam again, is that right?

A Yes.

Q In the same room?

A Yes.

Q Doctor, I will ask you if, whether or not on your first visit -- I don't know whether you did or you didn't, you can tell me whether you did or you didn't -- had the occasion to observe the chart in front of Sam's room?

A I knew there was a chart, but I did not go through it.

Q You didn't go through it. Now, when you saw Sam on the 5th day of July at the time that he made the statement that you have related to the jury, will you describe his physical condition, how he looked?

A The side of his face, from the frontal and ~~psychosomatic~~ ^{maxillo} arch bones, cheek bones, down on one side was swollen, slightly discolored. He seemed to have an aversion to turning his head too readily as though it were stiff or sore.

Q You made that observation?

A Yes.

Q During the conversation with Sam on that occasion, did you observe the condition of his mouth, Dr. Hoversten?

A No, except just a slight -- a seemingly slight swelling on one side.

Q And did you observe the difficulty he had in talking?

A Yes, slight.

MR. GARMONE: I believe that is all, your Honor. Thank you, Doctor.

MR. MAHON: That is all, Doctor.

Oh, just one moment. Just one question I want to ask you.

REDIRECT EXAMINATION OF DR. LESTER T. HOVERSTEN

By Mr. Mahon:

Q Doctor, when you first went to live with Sam and his wife, when you first came to Bay View Hospital, that was in July of '52?

A Yes.

Q And you lived at Sam's home for a short period of time. How long was that period?

MR. CORRIGAN: Six weeks. He has already answered it.

A Approximately six weeks.

Q The lights that are used to light up the hallway on the second floor, where are they turned on?

- A When I was there in July of '52, it is my recollection that they can be turned on in two places: At the foot of the stairs, and in the hallway near the head of the stairs.
- Q And if you turn on the light at the foot of the stairs can you put it out at the top of the stairs?
- A Yes.
- Q And you can also light it at the top of the stairs?
- A Yes.
- Q Or you can light it at the switch at the bottom of the stairs?
- A That is my understanding.
- Q Did you ever observe Sam, during that period of time you were living there, whether or not he turned on the light in the hall upstairs when he was going up?
- A I remember when I first came there it was quite warm in July, and I then had the west bedroom, and there were times when I retired for the evening before the rest of the family, and the door to my bedroom would be left open to permit a cool breeze to come through, and there were times after I had gone to bed I was still not asleep and I noticed the light turned on as they came upstairs.
- Q And then when they got upstairs --
- A They turned the light off.
- Q They turned the light off. That was a rather common custom?

A Yes, my impression.

MR. MAHON:

That is all.

RE CROSS EXAMINATION OF DR. LESTER T. HOVERSTEN

By Mr. Garmone:

Q The testimony that you have just related regarding the lights, Doctor, has to do with your visit in 1952, is that right?

A Yes, that's correct.

Q So you can't say that the same condition existed, as far as you know, from the period of July the 1st until the day that you went to Kent, Ohio, can you?

A No, I can't. I understand there was a fire and much of the house was rebuilt and reconditioned.

MR. GARMONE:

Thank you very

much. That is all.

MR. MAHON:

That is all.

(Witness excused.)

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