

THE COURT:

Counselor Bailey

or Sherman?

CROSS EXAMINATION OF SGT. HENRY DOMBROWSKI

By Mr. Bailey:

Q Is July 23rd the first time you were at the Sheppard home?

A Yes, sir, it was.

Q On July 4th did you learn that Marilyn Sheppard had been murdered?

A I did, just general information.

Q When did you first learn it officially?

A I don't know. I officially was asked to come into the case on July 23rd, 1954. Now, that perhaps would be the time when I officially learned it.

Q Were there other people in your department at the time this murder occurred, that did the same work as you do?

A Yes, sir.

Q Who were they?

A Detective Roubal, Detective Conley, Detective Abbeys, and Detective Peters.

Q Did any of those men go out to the Sheppard home prior to July 23rd?

A No, sir.

Q Was there some reason that the Scientific Investigation

was held off for 19 days, if you know?

A There was no official request for our participation in this case.

Q The Cleveland police were requested to assist or take over the investigation on July 4th, you knew that, didn't you?

A No, my understanding was just the opposite. There was a courtesy call that was answered that morning, but after that they were excluded from the case.

It was not until July 23rd that we were officially requested to come back into the case.

Q Who excluded the Cleveland police from the investigation?

A I know that there was no participation in it after just a matter of a few days within the --

Q You said they were excluded. I asked you who excluded the Cleveland police?

A Well, I should say they did not participate in it. Maybe that way it would be more accurate.

Q Of course, Detective Schottke and Gareau appeared on the 4th?

A Yes, there was a courtesy call by some members of the department in response to a call made, that was made that day, yes, there were some people from the department there.

Q To your knowledge, was the courtesy later revoked?

A I don't know.

Q Of course, Detective Grabowski was there on the first day?

A Yes, he was.

Q You knew that he made some examinations?

A That's right, sir.

Q And Detective Schottke and Gareau participated right along, didn't they?

A My understanding of it, now, this was -- that they did not participate after the first few days.

Q In any event, nobody ever asked you to go out and make tests and examinations until the 23rd day of July, nineteen days after the murder, right?

A That's correct, sir.

Q Sergeant Dombrowski, the wooden stairs that run from the first to the second floor, were they waxed or varnished?

A They were varnished.

Q Did they have a smooth or slick surface on them?

A I would say it was about normal.

Q Something like that surface right here (indicating)?

A Perhaps a little duller.

Q If blood is dropped on a surface like this which is non-porous, it will coagulate on the surface, won't it, and dry?

A Yes.

Q Whereas if it is dropped on a porous surface it may be absorbed by wood, to some degree, true?

A Yes.

Q Depending upon the extent to which it is congealed, that is, its viscosity at the time it dropped?

A That's true.

Q So that the treads that you examined for bloodstains had been walked upon by quite a number of people prior to your examination, hadn't they?

A That's right.

Q And the scuffling action of shoes going on and off the treads as people went up and down stairs, would have a tendency to obliterate any spots or wear them away?

A It may.

Q Now, of all the blood spots that tested out with benzidine, how many did you take back to the laboratory for precipitin test?

A Two.

Q And of the two that you took back to the laboratory, how many tested positive for human blood?

A One did.

Q Is there any way of telling whose blood that is?

A No, there isn't, no, sir.

Q Or what type of blood it is?

A We did not type it. It was used up in the precipitin test.

Q How long had it been where it was found, any way of telling that?

A No, no, sir.

Q Now, you found one spot of blood that was not human blood, is that right?

A No, it did not give a positive for human blood, which could be drawn that it was not human blood or perhaps that we did not have sufficient of the sample in solution to give a positive.

Q When you found a blood spot that tested negative, that is, that would not test out as human blood, did you seen information as to what other sources of blood might have existed in the house prior to July 4th -- I am sorry, prior to July 23, 1954?

A No, I did not.

Q Did you learn that the dog had been bleeding around the house?

A I did learn about that later, yes.

Q Is it possible that the blood spot you tested that was negative was dog blood?

A I don't know. It was on the riser.

Q Is it possible?

A Possible, anything is possible. But it was on the riser which is an unusual position.

Q Of course, the risers are vertical, aren't they?

A Yes.

Q So that any blood that was dropping and hit the riser would have to drop in some other than a vertical direction, or it couldn't possibly hit the riser?

A It would have to drop at an angle of some sort.

Q Doesn't each tread have a lip that extends over the riser?

A Yes.

Q So there is no way in the world that a vertical drop of blood falling perpendicular could hit the riser?

A That's right.

Q Furthermore, the spots you found were essentially what, essentially round in shape?

A Some. Some were elongated.

Q Were you able to make calculations from the elongation of the blood dropped as to the angle that it struck the vertical surface that you were examining?

A No, I did not make calculations. That is something-- the angle is not the only thing that would affect the pattern or the elongation.

Q The velocity?

A The velocity, also.

Q Now, on July 23rd were you in the murder room for any length of time?

A Yes, I was.

Q How many blood spots would you say you observed, just

roughly estimating?

A Oh, I would say probably close to a hundred.

Q Close to a hundred?

A (Witness nods.)

Q Of these spots did you test any?

A In that room?

Q Yes.

A Not -- we just tested our luminol solution, to see how active it was, but nothing beyond that.

Q There is no question in your mind at the time but what the substance you saw in droplets on the walls, and so forth, was blood, isn't that right?

A That's right.

Q You knew a woman had been pretty badly beaten in that room, probably with an instrument which was swinging while wet with blood, isn't that true?

A That's true.

Q That was the information you had?

A That's right.

Q Did you think to test to see whether all the blood in the room was that of the decedent or whether the blood of somebody else might be in that room?

A There was nothing to indicate that there was any blood that would be questionable about coming from anybody else.

Q You say there was nothing to indicate, and yet you full

well knew that Doctor Sam Sheppard said somebody had fought with him in that room, at least one person, maybe two, didn't you?

A That, I heard that, yes.

Q And you knew that Marilyn Sheppard's front teeth had been broken out of her mouth, true?

A Yes.

Q It could have been broken by her biting down on her assailant, could it?

A I couldn't say. I have nothing --

Q Did you think of that at the time?

A No, I did not think of that.

Q It didn't occur to you that the blood of whoever committed the murder might be right there in the murder room, then, I take it?

A Never -- there was nothing there to indicate that there was any blood that was strange in that room.

Q There was nothing there to indicate that there was any blood that was not strange in that room, either, was there?

A It all seemed to fit into a pattern as though it was all from the same source.

Q Marilyn Sheppard had O blood, didn't she?

A Yes, she did.

Q There isn't any way in the world that you can look at

a blood spot and tell what type it is?

A No, there is not.

Q If one of those blood spots had something other than the type of blood that Marilyn had in her body at the time she died, that would necessarily indicate the presence of a third person in the room?

A If it was of a different type, yes.

Q I say, a third person, that is, if it did not fit either Marilyn Sheppard, it would have to come from another human being?

A If it was of another type, yes.

Q And yet you tell us that to your knowledge no effort was ever made to see whether all the blood spatter in the room was all of Marilyn Sheppard, or whether there was another type?

MR. SPELLACY: Objection.

THE COURT: Sustained.

Q Was such an examination made, to your knowledge?

A No, there wasn't.

Q Now, who had charge of the scientific investigation of the murder room as between the Cleveland Police Department and the Coroner's Office?

A The Coroner's Office takes precedence.

Q Well, did you believe a minute examination of whatever evidence of blood in the murder room would disclose to the

Coroner, did you feel that this was their responsibility?

A I couldn't say, sir. I don't know that there was any clear cut decision ever made on that.

Q Did you ever have a conference with the Coroner to determine who would accept the responsibility for doing an adequate job of investigation in the murder room?

MR. SPELLACY: I object to the form of the question.

THE COURT: Sustained.

Q Did you ever have a conference with the Coroner about who would investigate the murder room?

A No, sir. I did discuss the murder room with a member of the Coroner's Office, where he did look at the various blood patterns in that room.

Q Was that through Mary Cowan?

A Yes.

Q Did you make a joint examination of the room?

A Yes, we did.

Q Did you photograph by change the blood spatter on all of the surfaces where it appeared?

A We photographed most of it.

Q Now, at the time you conducted your investigation, the mattress on which Marilyn Sheppard had been lying when discovered was still on the bed, was it?

A Yes, it was, sir.

Q Blood stain on the mattress?

A Yes, sir.

Q And did you have some information from photographs or history from other detectives as to the position in which her body was found?

A Yes, I did, sir.

Q And did you have some information about the injuries that she had suffered, the lacerations about the head?

A Yes, sir.

Q Were you able to visualize a pattern of blood spatter running around to the left of a position that you would take next to the bed, with the door on your left and the windows on your right? Did you see blood spatter in this general area?

A Oh yes, we saw blood spatter.

Q Were you able to arrive at a conclusion based on what you could see as to whether or not the person swinging whatever instrument caused that blood spatter was right or lefthanded?

A That is one conclusion that we discussed, and we could not arrive at a conclusion. There were points that would indicate that the swing was coming from the left. There were other points that were just as strong to indicate that the swing was coming from the right.

Q All right.

A And the only conclusion that we could come to was that there were swings from both the right and the left side, so it could have been with either hand.

Q Are you able to definitely say that some swings were made in a left arc, and some in a right arc?

A Yes.

Q So that as you stood, if you will just visualize, for demonstration, this table as the bed, with the headboard up here, you stood in the room adjacent to the spot where Marilyn's head was found, about a third of the way down from the headboard?

A Yes, sr.

Q And you observed the pattern of the blood spatter, did you not?

A Yes, sir.

Q Now, would you tell the jury where you found spatter from your visual observation, using this as a reference point, stand next to the bed?

A The spatter was quite heavy, just about the headboard of Marilyn's bed. There was spatter looking directly in front of you the way you are standing there, would be Doctor Sam's bed. The coverings were turned back on that. There was heavy spatter on the pillow and on the bed sheets themselves.

There was also some spatter on the spread.

There was also some finer spatter above the radiator.

There was also some spatter on the north wall, the curtains, on the windows of the north wall.

There was also some spatter going to just a few feet away from the northeast corner of that wall.

The northeast corner was void of spatter, there wasn't any spatter in that area.

Q The northeast corner was clean?

A Yes.

Q Now --

A There was heavy splatter --

Q Go ahead, excuse me.

A -- on the east wall which was mostly constituted of the open door leading into the bedroom that was opened up against that wall, and then a closet door that was right next to it. There was very heavy splatter in that area.

There was also a few particles that were outside in the hallway that were directly in line with the bed.

Q Is that all the spatter you found?

A To the best of my recollection, yes, sir.

Q Now, an instrument, whatever it might have been, swinging in the air with fresh blood adhering to it, because of the centrifugal force would tend to throw the blood off in droplets, would it not?

A Yes, it would.

Q Unless the blood were dry?

A Yes.

Q But while beating a bleeding body there would probably be some throw-out from the instrument?

A That's right.

Q In addition to that the impact of an instrument striking the scalp of Marilyn Sheppard in the condition in which it was found, and the pictures show it to be, would have an impact spatter in addition, would it not?

A That is true, sir.

Q Now, the velocity of the drops striking the wall, or such surfaces as they struck, would be determinable to some degree by the elongation of the droplets appearing, is that true?

A Here, again, the elongation is a factor or result of the velocity and the angle which it was struck.

Now, determining the velocity would be a comparative thing. You could say that this one struck at the same angle as this one, and this was somewhat more elongated than that one, you could say this was faster.

But to determine the exact speed, the exact velocity of that blood travel, I don't know of anyone that was ever able to do that.

Q Did you examine the droplets on the wall over the headboard, that is, the south wall of the room, to determine whether or not there was an elongation of the spatter drops?

A There were some that showed elongation.

Q Now, these elongated blood drops, were they parallel with the floor, or was the elongation in a vertical direction, or somewhere in between?

A They were both.

Q On the south wall I am talking about?

A Yes.

Q So that there were some that apparently had struck and run horizontally?

A That's right. There were a few that had a horizontal line of flight, indicating a horizontal line of flight. Most of them had the vertical.

Q Straight down?

A No, there were some, depending on what portion of that wall you were studying, that would be angling; farther away from the point of impact the greater would the angle be.

Q Of course, further away from the point of impact that the blood was found, the greater the velocity necessary to get it there, the initial velocity?

A That's true.

Q From the examination that you made of the blood spatter on the south wall, were you able to determine the point or approximate point at which the killer stood while swinging that weapon?

A That, no, sir. That could be easily determined, that at

some point the killer did stand at the lower section of the bed. This was determined by the fact that the northeast corner was practically clear of blood, which would indicate that the blood was intercepted by something which would be the killer standing at the lower section of the bed.

Q And this is because the blood which was flying off the body would be blocked by the killer's body, and leave a clear area behind the killer?

A That's right, sir.

Q Was this --

A But --

Q Yes, go ahead.

A But to make a determination of where he stood, with reference to the pattern of the drops, on the wall, that is another thing.

Q You said he; why do you say "he"?

A The killer, I just normally call "him".

Q You don't have any knowledge as to whether or not these bruises or wounds were inflicted by a man or a woman, do you?

MR. SPELLACY: Objection.

THE COURT: Sustained. Please
proceed, Counselor.

Q Were there any spots on the wardrobe door which looked unusual?

A Yes, there were some.

Q Now, did you take any of these for analysis as to blood type?

A No, I did not.

Q Did anyone else do it, to your knowledge?

A Not that I know of, no, sir.

Q Did you ever converse with the Coroner or anyone in his office as to whether or not this would be done by somebody in the course of the investigation?

A About taking the spots we did not. We had discussed the spots.

Q Was it decided by someone that there need be no testing of those droplets of blood on the wardrobe door?

A I don't know whether I would put it that way. It was decided there was no need to take them. We saw no cause for taking them.

Q Now, at least one of those spots was large enough to type, wasn't it?

A Oh, I would say that there were a number of spots that were large enough to type.

Q Is it fair to say then that the investigating officers, of both your unit and the Coroner's Office, just assumed that all of the blood apparent in the room would turn out to be that of Marilyn Sheppard, and for that reason no further typing was attempted?

A It is fair to say that way. Also at the same time

there was nothing that would indicate that any of that blood could come from any other place.

Q You didn't know, I take it, whether or not the person who killed Marilyn was bleeding, as he did so, for any reason?

A I didn't understand your question.

Q I say, from the information available to you, there was no way of determining, from the history of the case, whether or not whoever killed Marilyn Sheppard might have been bleeding with his or her own blood at the time the killing was being perpetrated?

A No, there was nothing that I knew about, no.

Q Now, from the examination that you made of the blood spatter and the pattern of the blood spatter, were you able to come to any conclusions about the length of the arm, and I mean the arm and the instrument combined, the length of the total mechanism that was swinging back and forth striking Marilyn Sheppard?

A No, I did not.

Q Could that have been done if you had tried to do so, calculate the length?

A I doubt it because there are too many variables and too many unknowns in the whole situation. We have, first of all, a curved surface, that is, the head itself, that is being struck with what we don't know what type of a weapon. We

don't know whether it is a flat weapon, whether it is a curved weapon, whether it is a cup-shaped weapon, and these factors are important in reproducing anything, because the surface, the curved surface striking a flat surface will produce one type of a splatter. A curved surface striking another curved surface would produce an altogether different pattern.

And here we have also the unusual condition of having a fluid distributed by the striking weapon that is of not the same viscosity and thickness throughout.

Here we have at times fresh blood that is very fluid, a thin liquid, that would scatter and deposit droplets of one type, with one velocity, with one size.

Then we have blood that is congealing, getting more viscous, and how do we know how much of this, and at what stage of viscosity this blood was struck, at what angle.

We have hair collecting certain blood that is being struck that would affect the pattern.

These are all things that I could see no way of controlling definitely to come at any definite certain conclusion.

Q Sergeant Dombrowski, was there a greater concentration of bloodspatter on the south wall than anywhere on the north wall?

A This is another factor that has to be considered, too. We have the --

Q Did you understand my question?

A Yes, and this is what I am trying to answer.

Q I understand, without volunteering anything, can you just tell me whether there was a difference in concentration between the blood spatter on the south wall as against the north wall?

A You have a different area, a different surface, and a distance factor to consider in that.

Q We will go into that. I am going to ask you once more,

A There was a greater concentration on the south wall.

Q How many spots did you find on the north wall that you could identify as blood?

A Just visual appearance, that's all. I didn't count any in any wall. I couldn't say that.

Q Well, on the north wall, would you say there was two or more than two?

A Oh, no, there were considerably more than that.

Q Ten, twenty?

A I couldn't, at this date, I couldn't even try to give you a number now.

Q You made no notes or records?

A No, I didn't count them.

Q Did you yourself photograph any of it or cause it to be done?

A I caused it, yes.

Q Do you have photographs showing all of the surfaces apparent that day?

A No, we did not go into that. We do show some of the walls in greater detail than others.

Q But you didn't have any of them individually photographed?

A No.

Q What about the ceiling, was there any blood on the ceiling?

A We noticed no blood on the ceiling.

Q None at all?

A We didn't notice any, no, sir.

Q Now, from your examination of the room, there isn't any question, is there, but what the door to the bedroom was open and folded back against the closet or east wall at the time that the blood spatter was occurring?

A That's true.

Q I take it then that the area behind the door where it was folded back was clear of blood?

A That's right.

Q And the door itself showed spatter?

A That's right.

Q Some of the spatter went right out the door into the --

A Into the hallway, yes.

Q Do you know biochemist named Doctor Paul Leland Kirk?

THE COURT: I am sorry, Counselor,
I didn't get that name.

MR. BAILEY: Doctor Paul Leland Kirk,
your Honor.

THE COURT: Thank you.

A Yes, I have heard of the gentleman, yes.

Q Have you ever read any of his books?

A Yes, we have his book, one of his books.

Q You keep Doctor Kirk's criminal investigation book in
your police library?

A We do.

MR. BAILEY: Thank you.

THE COURT: Counselor Spellacy?

REDIRECT EXAMINATION OF SGT. HENRY DOMBROWSKI

By Mr. Spellacy:

MR. BAILEY: I am sorry, your Honor,
may I ask this gentleman another question?

THE COURT: Please proceed,
Counselor Bailey.

By Mr. Bailey:

Q This tooth chip, was it ever matched up to anyone that
you know of?

A No. We tried, I took it to the Coroner's Office with
the other two previous tooth chips there, and we did go back

and try to see if it fit those broken chips, and it did not.

Q Was any effort made to your knowledge to match it to the broken chip in Doctor Sheppard's mouth?

A None to my knowledge.

Q Water will dissolve blood, will it not, and wash it away under certain circumstances?

A Yes, it will.

Q And under certain circumstances bloodstain will survive a pretty thorough washing or immersion in water, will they not?

A I imagine there could be some, yes.

Q Well, would you say it would rapidly dissolve if it were absorbed by cloth and the cloth were put in water?

A I think a factor of that would be how fresh it is. Fresh blood would tend to dissolve much faster than blood that would be considerably aged.

Q What about a piece of leather such as a belt, if that were bloodstained, wouldn't it be pretty difficult to wash the blood out of the leather belt, as compared to cloth, for instance?

A I don't know.

Q Did you ever examine Sam Sheppard's leather belt to see if there were bloodstains on it?

A I have never seen it.

Q You had no part of the examination of his clothing?

A No.

MR. BAILEY: Thank you.

THE COURT: Counselor Spellacy?

REDIRECT EXAMINATION OF SGT. HENRY DOMBROWSKI

By Mr. Spellacy:

Q Detective Dombrowski, you indicated that Mary Cowan also did blood work with regard to this case, is that right?

A Yes, she did.

Q Incidentally, this home that you visited was in the city of Bay Village, was it not?

A Yes.

Q And they do have their own police department there, is that correct?

A Yes, they do.

Q What is the area that you normally work in as a member of the Cleveland Police Department?

A Within the City of Cleveland limits.

Q You indicated before that you were called into this case officially on July 23rd, is that right?

A That's correct, sir.

Q And that is when you responded?

A That's right.

Q Up to this time, on July 4th it was a matter of courtesy from Cleveland to the city of Bay Village?

A That's right.

Q Now, Mr. Bailey asked you about the north and the south walls, and with regard to the blood on that, and you wanted to tell us something about that, the blood accumulation on the north wall and the south wall?

A Oh, I -- I just wanted to bring out the fact that the south wall was just a plain wall. We did not have any alcoves, any windows or anything in that, and that blood spatter would be much more obvious and detectible on that wall.

The wall was much closer to the point from which the blood was being splattered. So it would also be able to collect much more blood spatter that way.

The north wall had an alcove in it, it had two windows in it, there were curtains, there were drapes, and it was a considerable distance farther from the point of impact where the blood was splattered from.

Q Now, you indicated that you had discussions relative to the blood spots, splatters, on the east wall, is that correct?

A Yes.

Q And that you found no need to do anything with regard to those spots, is that right?

A That's right, sir.

Q Will you tell us why?

A There were some spots, as Mr. Bailey mentioned, that were large, and perhaps you could say unusual. However, they

were not unique. There were a group of those spots, and these spots seemed to be in one particular area. Some of these were, especially one large spot, appeared to be at least two or perhaps more spots accumulated together.

There is definitely in the lower section of the one spot an obvious loop that indicates that a second spot had struck in the same area.

These spots are dense. The possibility was considered that they may be some of the more viscous, more coagulated blood that hit in that area.

There doesn't seem to be the run-off that there is on some of the other spots that are fairly large. The angle of the spots, at which they struck, is the same.

Q Pardon me?

A The angle at which they struck upon that particular area is the same, leading to believe that they were all related to the same incident.

Q And what incident are you referring to?

A The fact of the blood splatter in connection with the murder of Marilyn Sheppard.

MR. SPELLACY: I have nothing further.

THE COURT: Counselor Bailey?

MR. BAILEY: Nothing further,

your Honor.

THE COURT: You are excused, Sergeant.