

NS
MAG
2

Thereupon, HENRY DOMBROWSKI resumed the stand and testified further as follows:

THE COURT: Let the record show that this witness is --

THE WITNESS: Henry Dombrowski.

MR. PARRINO: Henry Dombrowski.

THE COURT: Yes. And testified on Wednesday.

DIRECT EXAMINATION OF HENRY DOMBROWSKI (CONTINUED)

By Mr. Parrino:

Q Now, Detective Dombrowski, I think I asked you -- I am not sure -- as to the total number of blood spots that you found on the steps leading to the basement. Did I ask you that?

A Yes.

MR. CORRIGAN: Yes, and he said nine.

MR. PARRINO: Thank you. So I won't go into that again.

Q Now, coming from the basement going to the kitchen, as I understand it, there are three steps that lead to a landing, is that correct, sir?

A Yes, sir.

Q Now, did you make an examination of those steps at any time?

MR. CORRIGAN: Object. He has already testified to that.

THE COURT: Yes, he has already testified to that.

Q And did you then make another examination of the steps leading from that landing to the second floor?

A Yes, I did.

Q And what, if anything, did you find on those steps?

MR. CORRIGAN: Object to that. He testified to that.

THE COURT: I am not quite sure.

MR. PARRINO: I don't remember, Judge, If he did, I --

MR. CORRIGAN: "26 drops of blood on the stairs" --

THE COURT: Did you testify to that?

THE WITNESS: Yes.

THE COURT: All right. He says he did.

MR. PARRINO: All right. Thank you.

Q What steps, if any, did you take in reference to the steps leading to the second floor?

- A We made the benzidine test, that is, first locating the spots that had the appearance of blood by using a strong spotlight, and then after the suspicious spots were located, we then checked them with the benzidine, the testing solution.
- Q I see. Now, what is luminol, Officer Dombrowski?
- A It is a testing reagent that can be sprayed onto suspected spots. It is used in total darkness, and when it is sprayed on a blood spot, the blood will then cause the luminol solution to glow, give it sort of a bluish-green fluorescence that will be noticeable in the dark.
- Q And is blood the only spot that will cause the luminous solution to glow?
- A No. There are some other substances that will cause luminol to glow.
- Q Now, at any time did you use luminol at that home?
- A Yes, I did.
- Q And was that during the day or not?
- A That was during the night.
- Q Were you present when you did that -- withdraw that.
- Were you alone when you did that?
- A No, I was not.
- Q And as the result of using luminol -- withdraw that.
- Describe to the jury how you used it?
- A We made the solution up, a fresh solution was made up just

at the scene preparatory to using it. We would then put it into a quart bottle with a screw type top on which was screwed a rubber and plastic type vaporizer. We would then spray this solution over the surfaces that we were examining, and then after -- when we would locate a spot that would glow, indicating that it could be blood, we would then mark this spot.

Q Then what would you do?

A Then we would further check this spot with the lights on with a benzidine solution to verify our suspicions in the first instance.

Q And what did you discover as a result of that, sir, in the living room?

A In the living room we discovered the trail of blood leading from the steps, that is, the base of the steps going to the second floor around to the door at the north end of the building, that is, the door leading to the porch, and then from that door there was a trail leading towards what is called the office, and the mat in front of -- or rug that was placed in the hallway leading out to the door at the south end of the building.

Q Now, as I understand your testimony, then, the luminol, when used at night, will cause a particular spot to glow, is that correct?

A Yes, sir.

Q And could you see such a spot with the naked eye during daylight?

A No, we couldn't.

MR. PARRINO: Will you mark
these, please?

(State's Exhibits 61 and 62, being photographs,, were marked for identification.)

Q Now, Officer Dombrowski, showing you what is marked for identification as State's Exhibit 61, will you look at that picture, please, and tell us if you recognize it?

A Yes, I do.

Q And what does that picture show?

A That picture represents most of the living room and showing the north door leading on to the porch at the north side of the home.

Q And I see that there are some circles on the floor in that picture, small white circles. What do those represent?

A Those are the spots that we had discovered with the luminol and then further checked and received a positive reaction with the benzidine solution.

Q Are those the chalk marks on the floor, the white circles?

A Those are the chalk marks that we marked the spots with.

Q Does that picture fairly represent the positions of the chalk marks in the room at the time that you first discovered these spots?

A Yes, sir.

Q Showing you what is marked for identification as State's Exhibit No. 62, will you look at that picture, please, and tell us what that represents?

A That represents the hallway between the office and the kitchen connecting to the living room.

Q I see certain circles, chalk marks, apparently, on that photograph also, is that correct, sir?

A Yes, sir.

Q And what do those represent?

A Those represent the spots that were first located with luminol and then checked with the benzidine solution from which we received a positive reaction.

Q For blood?

A For blood, possible blood.

tke 3
mg

MR. PARRINO:
Exhibits 63 to 71.

Mark these State's

(State's Exhibits 63 to 71, inclusive, being photographs, were marked for identification.)

MR. PARRINO:
73, 74 and 75.

(State's Exhibits 72, 72-A, 73, 74 and 75, being photographs, were marked for identification.)

Q Now, Officer Dombrowski, showing you what is marked for identification as State's Exhibit 63, will you tell us what that is, please?

A That is a photograph showing the two stairs that are going from the kitchen to the landing of the stairway that leads to the second floor.

Q And does that have certain chalk marks in it?

A Yes, it does.

Q And what do those represent?

A Those represent spots that were tested by us with benzidine solution, in which we had a positive reaction for possible blood.

Q Showing you what is marked for identification as State's Exhibit 64, what does that represent, please?

A That represents a photograph of the same steps going from the kitchen to the landing of the stairway going to the

second floor. They also have chalk marks on them representing the areas which were tested with benzidine solution and for which we received a positive reaction for possible blood.

MR. CORRIGAN: Are 63 and 64 pictures of the same location?

THE WITNESS: They are, with the one photograph showing a little more of the steps taken at a different angle.

MR. PARRINO: Do you want to see them, Mr. Corrigan?

MR. GARMONE: No, that's all right.

Q Showing you what is marked for identification as State's Exhibit 65, will you look at that, please, and tell us what that represents?

A That represents the threshold and part of the -- that is the threshold of the doorway in the living room on the north side of the living room, and part of the porch onto which this doorway leads, and in the photograph there are chalk marks representing areas that had been tested with benzidine solution, and we received a positive reaction for possible blood.

Q State's Exhibit No. 66, what does that represent?

A That is another photograph of the stairway, that is going from the kitchen to the first landing of the stairway going

to the second floor, and there are pencils pointing to dark areas that were tested with benzidine solution, and we received the positive reaction for possible blood.

MR. CORRIGAN: Let's see if I have got that right. Stairway from the kitchen to the landing?

THE COURT: To the first landing.

THE WITNESS: First landing.

That is another shot of the --

MR. CORRIGAN: That is another view, the same as 63 and 64, then?

THE WITNESS: Yes.

MR. PARRINO: That is right.

MR. CORRIGAN: All right.

Q State's Exhibit No. 67, what does that represent?

A That represents a portion of the hallway that is between the kitchen and the office running between the door on the south side of the building and living room, and it shows the portion of the baseboard in that hallway with a pencil pointing to a spot that was suspected of being blood, tested with benzidine, and we received a positive reaction saying that it could be possible blood.

There also is shown a swinging door that leads to the kitchen from that hallway, and on that door there is another spot of suspected blood which was tested, and a

positive benzidine reaction was gotten on that for possible blood.

Q State's Exhibit 68, what does that show and represent, please?

A That represents the threshold of the --

THE COURT: Represents the what?

A -- the threshold of the doorway in the second floor hallway, that is the doorway -- it is called Chip's room, and in there are pencils pointing to some of the spots that were tested with a benzidine solution and a positive reaction for possible blood was received.

MR. CORRIGAN: Does that just show the threshold, or does it show part of Chip's room in that picture?

THE WITNESS: It shows the rug, a particular part of the rug that is in Chip's room.

Q State's Exhibit 69, what does that show, please?

A That represents part of the office at the southeast corner of the building, and it shows the mat, chair mat that is right at the desk, and on that mat there are five chalk marks representing suspected spots of blood that we received a positive luminol test for, and then a positive benzidine test for, indicating that it could be blood.

Q State's Exhibit 70.

A This represents the stairway leading from the kitchen down to the basement, and on that are pencils pointing to some of the blood spots which had been tested -- suspected blood spots which had been tested with benzidine and a positive reaction had been obtained indicating possible blood.

Q State's Exhibit 71.

A This represents the top three treads and the three risers of the stairway leading to the second floor, and on it are chalk marks that represent spots of suspected blood that were tested with benzidine solution and a positive reaction was obtained indicating possible blood.

Q State's Exhibit 72.

A Is another photograph of the same stairway. However, it shows more -- practically the entire stairway from the first landing to the second floor hallway, and on it are chalk marks representing suspected blood spots which were tested with benzidine solution and a positive reaction was obtained indicating possible blood.

Q Showing you what is marked for identification as 72-A, what does that represent?

A That represents an area of the second floor bedroom located in the southeast corner of the building, and it shows a rug, and on that rug are two chalk marks representing suspected blood spots that were first located

with a luminol solution, and then checked with a benzidine solution, and a positive reaction was obtained for it indicating possible blood.

NS
IAG
K 4

Q State's Exhibit 73?

A That represents a portion of the landing on the second floor above the garage, and there are chalk marks representing suspected blood spots that were checked with benzidine solution and a positive reaction was obtained for indicating possible blood.

Q State's Exhibit 74?

A That represents a portion of the stairway leading from the garage floor to the second floor above the garage, and on three of the risers in that stairway there are chalk marks indicating suspected blood that was tested with a benzidine solution and a positive reaction was obtained for indicating possible blood.

Q You say that was in the garage?

A Yes, sir.

Q State's Exhibit 75?

A That indicates the first landing a few inches above the garage floor, and on that landing are five chalk marks indicating suspected blood that was checked with a benzidine solution and a positive reaction was obtained for indicating possible blood.

MR. CORRIGAN: Will you pardon
me? I didn't get the location. That's the
first landing where?

THE WITNESS: It's just a few

inches above the garage floor, that is, of the stairway leading to the second floor above the garage.

MR. GARMONE: That is the last picture you looked at?

THE WITNESS: Yes, sir.

MR. CORRIGAN: That's going upstairs?

THE WITNESS: Above the garage, yes, sir.

MR. GARMONE: All right.

MR. PARRINO: At this time, your Honor, I want to offer State's Exhibits 61 through 75.

MR. GARMONE: If the Court please, we have no objection to the exhibits that have been offered at this time by Mr. Parrino, with the exception of Exhibit 66, 67, 68 and 70.

THE COURT: You object to those on the ground that they are of the same general location?

MR. GARMONE: That, and that there is other things in the picture other than what was at the place at the time the pictures were taken, pencils and a hand pointing to

certain spots.

THE COURT: For instance, what do you claim that they show?

MR. GARMONE: Pardon?

THE COURT: What to you claim, for instance, that any one of them shows?

MR. GARMONE: On the basis that they are duplicates of exhibits that have already been offered and accepted without objection.

THE COURT: Do they, Mr. Parrino, represent additional information other than you have in other pictures?

MR. PARRINO: As I understand it, Judge, although they may represent the same general area in some respects, they are shot from different angles so that some spots that may be apparent in one picture might not be readily apparent in another of the same area.

THE COURT: Let the witness tell what they show as distinguished from the others.

Q Referring to State's Exhibit 66, is what is shown in that picture, sir, represented in any other pictures that we have here?

THE COURT: That is the

stairway from the kitchen to the first landing?

MR. PARRINO: Yes.

A This spot here is not too discernible on this photograph.

Q Referring to State's Exhibit what?

A 64 and Exhibit 63. There is this spot here that is quite prominent in this one and it is barely visible in either the photographs State's Exhibits 63 or 64.

THE COURT: Does the picture where they are visible show everything that the previous picture shows? Does the one that shows them plainly include everything that the one that is not plain discloses?

THE WITNESS: No, it does not. In fact, it shows much less, but it does bring these spots out much clearer than they are in the other two pictures that show more.

THE COURT: But is there anything in those that show them less distinct? Is there anything in those that is not in the picture that shows them where they are distinct?

What I am trying to get at, if I may put it this way: Why isn't the one where they are distinct, why isn't that picture sufficient?

THE WITNESS: Because in the photograph where they are distinct there are

other spots that are not shown. It is a close-up --

THE COURT: That is exactly
what I was trying to find out.

THE WITNESS: It is a close-up
picture just showing these spots, concentrating
on those and not including some of the others.

THE COURT: And is that true
in each of these cases?

THE WITNESS: The other photo-
graphs of the same scene show more spots but
they do not show as much detail of these spots
that are taken at a close-up shot of this area.

Q Now, showing you what is marked for identification as
State's Exhibit 68, that picture shows certain spots that
are located where, please?

A At the doorway to Chip's room.

Q And is that the only photograph we have of that particular
area? I believe it is.

A That is the only one I can recall that has been shown to me.

Q All right. And State's Exhibit 67, will you look at that,
please?

A I believe that is the only photograph that has been shown
to me of this particular area.

Q All right. State's Exhibit 70, what does that show, please?

A That shows the basement stairway. I think there are

other photographs of that.

THE COURT: From the kitchen
to the basement?

THE WITNESS: That's right, sir.

MR. GARMONE: Judge, I think
that one of those exhibits has already been
admitted.

MR. PARRINO: These are all
our photographs.

THE COURT: There is only
one of those.

MR. PARRINO: So far as I know,
this is the only one we have that I have shown
you?

THE WITNESS: That's right.
And I think it is the only one showing the
blood spot that a positive precipitant test
was obtained for before it was removed.

Q Do these pictures fairly represent the scene as you
observed it while you were making these tests, sir?

A Yes, they do.

MR. PARRINO: I want to reoffer
them.

THE COURT: They will be
received.

(State's Exhibit 61 to 75,
inclusive, received in
evidence.)

MR. GARMONE: Exception.

THE COURT: Exception noted.

MR. PARRINO: May I distribute
these to the jury, please, Judge? Your Honor,
may I distribute these to the jury?

THE COURT: Yes.

(State's Exhibits 61 to 75 were passed
among the jury.)

tke 5
mg

Q

Now, Officer Dombrowski, you have testified that you did make a precipitant test for the presence of human blood as to one of the steps leading to the basement, isn't that correct?

A

Yes, sir.

Q

Now, did you make any other tests for the presence of human blood as to the spots in any other portion of the home?

A

There was another spot tested taken from the stairway leading from the kitchen to the landing going up to the second floor. However, there was no reaction obtained on that spot.

Q

Was there any other test made by you?

A

On the precipitant test?

Q

Yes, for human blood.

A

Taken of the scene?

Q

Yes.

A

No, there was no other test.

Q

By you, that is?

A

That's right, sir.

Q

Did you go into Marilyn Sheppard's room with those spotlights that you have described, sir?

A

Yes, I have.

Q

Describe what you did in that room.

4289



tooth
chip
under
bed.

A In that room we examined the walls, the furniture and the floor, looked at the ceiling, also, for any possible evidence that could be there in connection with the crime, any foreign particles or particles that might in any way be connected with the incident.

Q Now, will you describe what, if anything, you found?

A Among some of the articles that we found there was a chip that of a tooth/was located under the bed. There was a match stub of a burnt match. There was a piece of foil --

MR. GARMONE: What is that?

Piece of foil? Is that what you said?

THE WITNESS: Yes.

MR. PARRINO: I think so.

Q A little louder.

A A minute particle we believe to be a paint chip. There was some particles of insects.

Q Now, you say that you found a chip --

MR. GARMONE: I didn't get the last.

THE WITNESS: Insects.

Q Did I understand you to say that you found a chip of a tooth somewhere?

A Yes.

Q Where did you find that?

A That was found at about eight inches under the bed as you

enter it, that is, on the west side of the bed, and about one-third of the way down from the head.

Q And were you using the spotlight when you found this, sir?

A Yes, we were.

Q And do you have that with you here today?

A Yes, I do.

MR. PARRINO:

Mark this State's

Exhibit 76.

(State's Exhibit 76,
being a tooth chip, was
marked for identification.)

Q Showing you what is marked for identification as State's Exhibit 76, will you look at that, please, and tell us if you recognize it?

A Yes. This is the particle that was found under the bed, the tooth particle as it was described earlier.

MR. PARRINO:

I want to offer

State's Exhibit No. 76 at this time, your Honor.

MR. GARMONE:

Object to the

introduction of it.

THE COURT:

You object? It will

be received.

(State's Exhibit 76 was
offered and received
in evidence.)

MR. PARRINO:

I think that is all.

You may inquire.

ns
mag
-k 6

CROSS-EXAMINATION OF HENRY DOMBROWSKI (10:15 o'clock, a.m.)

By Mr. Corrigan:

Q Mr. Dombrowski, do I understand that you visited the house on two different occasions?

A No, sir.

Q Or More?

A More.

Q Now, the date of your first visit was July 23rd?

A Yes, sir.

Q You have been in the Detective Department for quite a number of years, isn't that so?

A Yes, sir, since '46.

Q And the head of that department is who?

A Detective Inspector McArthur.

Q That sits in the court room here?

A Yes, sir.

THE COURT: He is the head
of the division, not the department, I take it.

MR. CORRIGAN: Yes. He is the
head of the division.

Q Then is the Detective Bureau divided into different departments?

A There are other units in the Detective Bureau.

Q And you are in the Scientific Department?

A Yes, sir.

Q And who is the head of your department?

A Superintendent Cowles..

Q Did he participate in the examinations that you made of the Sheppard home?

A No, he didn't. He was away sick at the time.

Q While you have different departments in the Detective Department, it is all coordinated so that when you work on a case, you know what kind of a case you are working on?

A Yes, we do.

Q And who else has worked on it, you know who else has worked on it or is working on it, don't you?

A We have a general idea, enough so that we know what we are doing.

Q And, of course, you don't work on a case blindly, you are briefed on what the case is about?

A To some extent, yes, sir.

Q And you were briefed on the matter of the murder of Marilyn Sheppard and what part you would play in the investigation?

A You are briefed on the -- as to the case, the facts that are pertinent, and then we are free to go ahead and conduct our own examination.

Q Yes. But what I wanted to make clear, Mr. Dombrowski, is that you don't go out blind on a matter, you are briefed in the department as to what you are working on and what

you are looking for?

A Yes, sir.

Q And you were in this case?

A Yes, sir.

Q Who did the briefing of the facts in the Marilyn Sheppard case for you?

A The first day I arrived at the scene there was Sergeant O'Malley and other detectives at the scene who took us throughout the home.

Q But didn't you know about it before you arrived on the scene?

A Yes, I did.

Q Yes. And you had information that you had obtained in the police headquarters before you went out there?

A No official information, no, sir.

Q What?

A No official information.

Q Well, surely they didn't just tell you to take your equipment and go out to this place on West Lake Road without you knowing something about what you were going out to investigate, did they?

A That was the case.

Q What?

A That was the case.

Q It was the case. So one morning, on July 23rd, somebody

told you to go out to the Sheppard home, is that right?

A Yes, sir.

Q Who was it?

A Sergeant Lockwood.

Q Who?

A Sergeant Lockwood.

Q The Sergeant here?

A Yes, sir.

Q He didn't tell you anything about it?

A No. He was leaving -- in fact, he met me in the hallway and he was leaving to --

Q And what was his order to you?

A He said, "Henry, get whatever equipment you think you might need and come out to the Sheppard home."

Q All right. And what equipment did he tell you to get?

A I think the only piece of equipment he specifically mentioned was the ultra-violet light.

Q The ultra-violet light?

A Yes.

Q Well, I suppose you had been reading in the paper, like everybody else, about the murder of Marilyn Sheppard, hadn't you?

A Yes.

Q And when you heard that you were to go to that place, you knew you were going out to Marilyn Sheppard's home?

A That's right, sir.

Q But as far as information, factual information, other than what you had read in the newspaper, and I might say, investigative information that had been obtained by the department in which you work, you had received no knowledge?

A No, sir, none officially.

Q So you took the ultra-violet light with you?

A Yes, I did.

Q And what else did you take with you?

A We took some of the reagents, the benzidine reagents, some vials, envelopes, the cotton tip applicators, and we had the portable spotlights.

Q Yes. Now, when you arrived at the Sheppard home, it was about 9:15 in the morning?

A That's right, sir.

Q There were other police officers there?

A Yes, sir.

Q Will you give me the list of the police officers that were in that house when you arrived, as you remember them?

A I don't exactly recall. Throughout the day I would say --

Q Well, let me put it -- will you pardon me, Mr. Dombrowski -- let me put it this way: There are other men connected with the Scientific Investigation Department with you?

A Yes, there are.

Q Did some of those men accompany you on your trip to Bay

Village?

A Yes, they did.

Q Who was it that went along with you?

A Detective Poelking and Detective Elmer Roubal.

Q Mr. Poelking has testified here. He is the fingerprint man?

A Yes, sir.

Q And Mr. Roubal?

A He is in the laboratory of the Scientific Unit.

Q He is a chemist, also?

A Yes, sir.

Q And did he perform any of the tests in the laboratory on any of the spots that were found in that house?

A No, I don't believe he did because he was away on furlough soon after,

Q You are the person --

A I conducted the test, the precipitant tests.

Q You were the person that conducted the tests that were made in the police laboratory?

A Yes, sir.

tke 7
mg

Q Now, then, Mr. Roubal and Poelking and you went, and who did you meet at the Sheppard home?

A There was quite a group of detectives there at that time, and, as I said before, Sergeant O'Malley was the one that took us through the home and gave us a briefing on what the different parts of the home were, the scene --

Q Did you --

MR. PARRINO: Just a moment, please.

I don't think he finished.

Q I beg your pardon. Did I interrupt you?

A I believe that was it.

MR. PARRINO: I didn't get the last part.

THE WITNESS: I said he took us in, showed us the room in which the incident was supposed to have happened, and the rest of the home, and told us to go ahead, then, and conduct our investigation.

Q Perhaps I better get over here where you will talk directly to the jury.

Sergeant O'Malley was in charge?

A Yes, sir.

Q And will you tell me what other officers you remember, that you remember were there?

A Officer Drenkhan of the Bay Village Police Department was

there; Sergeant Hubach of the Bay Village Police Department; Sergeant Lockwood was in there during the course of the day; Detective Naso; I believe Detective O'Hara. I can't think of the fellow's name. I know him well.

There were several others. They were in and out that day.

Q Now, did you have a meeting there with the other officers when you arrived at the house?

A We did not participate in the meeting.

Q You did not?

A No, sir.

Q At that time when you arrived to make a scientific investigation of the house, had you been informed of the fact that there had been many men, many people through that house, and many people in the bedroom where the lady was murdered?

A No. Nobody mentioned that to me.

Q Nobody gave you any information at all in that regard.

Now, then, you didn't use the ultra-violet light, did you, Mr. Dombrowski?

A We used it several times, yes.

Q What?

A We did use it several times, yes.

Q Well, as I understood you, you used a bright light?

A That's right.

Q Was that the ultra-violet light that you are referring to?

A No.

Q It was not. All right. Now, then, did you have any information -- was there any information supplied to you about any investigations that had been made by the Detective Department of the City of Cleveland, or any other organization in the County, regarding the setup of the household that you were to examine?

A I don't quite know what you mean by "the setup of the household."

Q Well, the history of who lived there, and how long they lived there, and who was in the household, and so forth, that would give you a picture of the life of the family that lived in that house before you started your examination.

A Well, that was what I meant when I was taken through the house. In other words, we were told -- taken upstairs and told, "This was the room that was Marilyn's room, this other room was Chip's room."

We were taken throughout the bedrooms, and told, "This was the room where Dr. Hoversten had stayed."

That was the history we were given.

Q You were shown rooms, but as to the activity of the family, did you know anything about that?

A No, because that is not of interest to the Scientific Identification Unit.

- Q Did you know there was a dog in the house?
- A Yes. We were told there was a dog, yes.
- Q And did you know the sex of the dog? Were you told that?
- A Not at that time, no, sir.
- Q Now, then, you were ordered around to see if you could find some blood spots?
- A We were looking for any evidence that we could find.
- Q Well, now, you started on the stairway, not in the room where the murder had happened, didn't you?
- A That's right.
- Q And you found in the bedroom, among other things, when you did make the examination of the bedroom, you found a burned match?
- A That's right, sir.
- Q Did you keep it?
- A Yes, we did.
- Q Of course, there were many detectives in that room before you found the burned match, weren't there?
- A I believe so.
- Q And there was smoking of cigarettes while you were at work, was there not?
- A I couldn't answer. I never paid attention to it. It is just natural that there might be.
- Q Now, the first thing that you examined was the stairway leading from the second floor to the landing?

A That was the first of the stairways that we had examined.

Q Was that the first thing you examined?

A No. We did examine the room, too.

Q What?

A We did examine the room.

Q Did you examine the room first?

A Yes. We did go over the room.

Q Did you make any scientific investigation of the room first?

A We conducted the whole investigation in what we believed to be in a scientific manner. In other words, whatever called for any scientific work, we would do it. If there was none that demanded it, we would not -- did not do any.

Q The reason I put my question the way I did is because you, in your testimony on Wednesday, you began to talk about the blood spots on the stairway leading from the second floor to the landing.

A Yes, sir.

Q That is the way your testimony started, so I assumed that you started there.

Now, did you start first someplace else?

A Yes. We conducted an investigation, an examination of the room that day, too.

Q Was that the first thing you did?

A That is the first thing, yes, sir.

Q So the first thing you did was go into Marilyn's bedroom and examine that room?

A Yes, sir.

Q Now, tell me how you examined that room.

A We had these two spotlights, and we got down on our hands and knees, that is, examining the floor where we did locate the evidence, and would have a bright illumination at the particular spot that we were looking for any foreign particles, or any evidence that we thought might be of any value.

Q So you examined the carpet?

A Yes, sir.

Q Did you find any blood spots on the carpet?

A We did not check for blood spots on the carpet.

Q Well, you didn't test for blood spots on the carpet in Marilyn's room?

A That's right, sir.

Q Wouldn't it be that, as a scientist, making an investigation, wouldn't that be the very first place that you would make a test?

A We did not think so, because there was obviously so much blood in the room.

Q Then may I assume, Mr. Dombrowski, that you did not examine the carpet because you assumed, because of the condition of the murder, and the amount of blood that had been

spilled, that there was blood on the carpet in Marilyn's room?

A That, plus the fact that it would be of no significance to prove whether there was or wasn't.

MR. CORRIGAN: I ask that be stricken out, "to be of no significance."

MR. PARRINO: Yes, I know, but please let him finish his answer.

Will you finish your answer, please?

Q Was there something I interrupted you on, Mr. Dombrowski?

A Well, that, plus the fact that it would be of no significance to prove there was blood in that room or wasn't.

Q Well, anyway, there was no examination made of the carpet in Marilyn's room for the presence of blood on the carpet, is that correct?

MR. DANACEAU: We object to that.

It is the third time he has asked the question.

THE COURT: Well, was any --

A There was no detailed examination made for that particular purpose. There was what we call a control examination made.

For instance, I tried out luminol re-agent to see -- just to check it. We call it a control, using a known blood, and I checked it in that room just for the sake of

control, but there was no detailed examination made, just to say that we have examined that particular rug.

Q Well, I want to get the facts, Mr. Dombrowski, nothing else.

You made no marks on the carpet there?

A No, sir.

Q You took no photographs?

A Of the carpet?

Q Of anything in that room.

A There were photographs taken of that room.

Q Have you got them here? We have a lot of photographs. Now, did you take some other photographs that we haven't got in the courtroom?

A I believe -- that's right, there were other photographs taken.

Q Well, will you bring the rest of them?

A Yes.

Q Now, then, did you photograph the walls?

A Yes. There were some photographs taken of the walls.

Q You photographed all the walls?

A I couldn't say positively.

Q Now, then, after you had left your examination of Marilyn's room, which consisted of a visual examination under this bright light and photographs that you took, is that correct?

A Yes, sir.

Q Then you went where? What was the next thing?

A I proceeded down the stairway.

Q Now, I suppose that is a -- you are a Master of Science, you say?

A No, sir. Bachelor of Science.

Q A Bachelor of Science?

A Yes, sir.

Q And did I understand -- I thought that you had stated that you took some work which gave you a degree of Master?

A No, sir.

Q Well, did you take some additional work after you obtained your degree of Bachelor of Science?

A None toward the degree, no, sir.

Q What?

A None toward any additional degree.

Q But you did keep -- you did take some extra studies?

A Yes, sir.

Q And I suppose you are still in the process of educating yourself in your particular field?

A It is necessary.

Q It is a never-ending process of education, isn't it?

A Yes, sir.

NS
MAG
TK 8

Q Now, then, as a Bachelor of Science and a man of education and training, you did keep notes of what you did, or did you?

A We kept notes on the significant incidents or tests.

Q During the process of what I will call your field examination and your examination in the laboratory, did you enter into a book, so that you would be sure of what you said when you were called upon to testify, the steps you took in your examination?

A Not the steps. We would make a report on what was done. Then there is a lab report made on the items that had been examined, the ones of any significance.

Q Now, for instance, when you went out to the house of Marilyn Sheppard, when you returned at any time did you write down a history of what you did at her house?

A Not a detailed history, no, sir.

Q Not a detailed history. So that in respect to many things, you are testifying from memory, is that correct?

A That's right, sir.

Q And you know as a scientist that memory is sometimes very deceptive, don't you?

A Yes, sir.

Q Now, then, let me follow through with the next thing that you remember after you left the room of Marilyn Sheppard. Where was the next place you went to, Mr. Dombrowski, as

your memory serves you?

A As my memory serves me, we went down and examined the stairway leading down.

Q That would be the stairway leading from the first floor to the landing?

A That's right, sir.

Q Now, that was daylight?

A Yes, it was.

Q But you used, in addition to the daylight that was coming in, these bright lights?

A Yes, sir.

Q Now, what are those bright lights?

A They are --

Q Are they --

A Pardon me.

Q Are they something like the bright light that is used by television or newsreel cameras, and so forth, that gives a very bright result? Is that what you mean?

A No, they are not a flood light. They are a portable spotlight that has a self-included wet battery.

Q It is a bulb, I take it?

A Yes.

Q An electric light bulb?

A That's right.

Q And it is in what kind of a carrier?

A A sealed beam, similar to -- it would probably be about five inches in diameter, the lens on it.

Q And do you know the power of it?

A I can get that.

Q What?

A I'll have to get that.

Q The lights which we use in our home are 50, 75 and 100.

A Well, this is not a flood light. It is used to illuminate a spot, give you a concentrated light in an immediate area.

Q Well, you check and tell me what power light it is.

A Yes, sir.

Q Now, then, during that day did you use an ultra-violet ray?

A Yes, I did.

Q What?

A Yes, I did.

Q But did you use it on the stairway?

A No, I didn't.

Q You did not?

A No, sir.

Q Well, now, as you put this light on the stairway, you discovered, as I recall your testimony, nine spots, the stairway leading from the --no, it was more than that; it was 26 spots. Do you recall that?

A Yes, sir.

Q Did you mark that down?

A Yes, I did.

Q Have you got notes on it?

A Yes, I have.

Q And did you refresh your recollection from your notes before you began to testify?

A Yes, I did.

Q Do you have your notes with you?

A Yes, I do.

Q And I may look at them after a while if I so desire?

A I believe it is up to the Court.

Q No. I am asking you. It isn't up to the Court.

MR. DANACEAU: Well, now, wait
a minute.

A I have no objection.

MR. DANACEAU: We object to that
statement. The witness has a right to make --

MR. CORRIGAN: I'll pass it.

MR. PARRINO: The witness says
he has no objection, it is up to the Court.

MR. CORRIGAN: I think he testi-
fied 26 spots of blood on the stairs and the
risers.

Q Now, that, I think, is shown in Exhibit 62. Isn't that
correct?

MR. GARMONE: I'll get it for

you in a minute. No, 62 is the hallway.

(Thereupon a discussion was had between Court and counsel, after which the following proceedings were had:)

THE COURT: Mr. Corrigan, would you like to have a recess and then you can take up with Mr. Dombrowski just exactly what you want so that he will have in mind the same thing that you do?

MR. CORRIGAN: All right.

THE COURT: Ladies and gentlemen of the jury, while these two gentlemen are getting together and determining just which pictures they are talking about -- it is rather confusing, there are so many of them -- we will have a few minutes' recess. Will you please observe the caution which the Court has expressed to you, do not discuss this case.

(Recess taken at 10:40 o'clock, a.m.)

tke 9
mg

Q Now, Mr. Dombrowski, before recess I was asking you about two pictures. We picked them out, didn't we?

And this is Exhibit 72, which shows a picture -- you look at it now -- now, wait a minute, look at it and I will turn it to the jury so they will know what I am talking about -- which shows a picture of the stairway going from the landing up to the second floor, is that correct?

A Yes, sir.

Q And on that stairway under this light you discovered there were 26 spots?

A Yes, sir.

Q Now, were the spots visible to you without the light?

A Yes, some of them were.

Q And some smaller ones were not?

A That's right, sir.

Q And then you proceeded to draw chalk marks around those spots?

A After they had been tested.

Q You tested them first?

A Yes, sir.

Q And then you drew chalk marks around them?

A Yes.

Q And took the picture. Now, then, this Exhibit No. 60, is a picture -- you look at it, so when I turn it around the

jury will know what I am talking about -- is a picture looking down the basement steps, is that correct?

A Yes, sir.

Q And there again you found some spots which you tested and later marked with a chalk circle?

A Yes, sir.

Q Now, on one of these steps, you testified that you took from it a piece of wood on which there was a spot of blood, and found on that piece of wood a spot $3/8$ by $3/8$?

A Yes.

Q Have you a picture, or does the picture show where you cut that spot out?

A The picture there shows where the spot was cut out.

Q Now, will you kindly indicate to me where you cut out the spot?

A This spot here on the third tread from the basement floor and just below the two chalk marks.

Q Now, I want you to show that to the jury so they will know. This is the third step from the basement floor that I am pointing at?

A Yes.

Q Will you come down here for a moment.

(The witness leaves the witness stand and stands in front of the jury.)

NS
MAG
TK 10

Q Mr. Dombrowski, the place where you cut out the piece of wood on which you later made a test is shown on the third step from the basement floor just below the two chalk marks, is that correct?

A Yes, sir.

Q The two circles.

MR. CORRIGAN: (To the jury.) Can you all see that?

THE WITNESS: It was a white square.

MR. CORRIGAN: What?

THE WITNESS: It was a light -- white square there.

MR. CORRIGAN: Now, we have located that spot for the jury.

(To the jury.) Do you all see it?

Q Now, then, after you had made your examination of the steps going from the upstairs -- or the stairs going upstairs and made your location of spots, where was the next place that you went to make an examination on that day, as far as your memory serves you?

A The basement stairs.

Q The basement stairs was the third place you went to?

A Yes, sir.

Q And there you found, I think you stated, nine spots that reacted to this test that you applied?

A Yes, sir.

Q After you had examined those three places that I have designated that you had designated, what else did you examine on that day?

A There were various pieces of equipment that were also submitted by the detectives who were in the house.

Q Would you look at your notes, if your notes tell you, and tell me what was the next place you went to and what you examined?

A I also covered the short stairway leading from the kitchen to the landing, also that from the living room to the landing.

Q The steps leading from the living room -- from the landing to the kitchen there are three risers and two treads, that means there are two steps?

A Yes, sir.

Q And you examined that and you found on those 12 stains?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q That is what you testified to. You wrote these down, I suppose, did you not?

A Yes, sir.

Q When did you write them down? At the time that you made the examination or after you got back to the office?

A No. The notes were taken there at the scene.

Q As either you were making the examination or Mr. Roubal making the examination, you were making some notes?

A That's right, sir.

Q And then you examined on the opposite side, the risers and steps going down into the living room, and you found two drops on the edge of the first tread and one on the second riser?

A Yes, sir.

Q And you marked those?

A Yes, sir.

Q And took photographs of them?

A Yes, sir.

Q Now, then, you made an examination of what else after you got through with these stairways?

A The examination there was conducted over a period of several days before we had all the detailed notes and measurements on that. Then we conducted an examination upstairs in the --

Q Wait a minute. I didn't hear you. You say the examination took several days?

A Yes.

Q Now, these examinations that took several days, do I understand you that the room upstairs and the stairs that we have been talking about, that the examination of those

was accomplished on the first day?

A Yes. The examination of the room upstairs and a general examination of the stairs, that is, locating blood spots, suspected blood spots, on the stairs was all accomplished on the first day.

Q On the first day?

A That's right, sir, and the tests were conducted.

Q Now, then, did you cut the piece of wood out of the basement stairway on the first day?

A Yes, that was cut out the first day.

Q And can you tell me how thick -- you got the lineal dimensions, but how thick was the piece of wood?

A From about a sixteenth to about one-eighth of an inch.

Q Do you still have it?

A Yes, we do.

Q Will you bring it to Court?

A Yes, sir.

Q When you examined that particular piece of wood on that day, was the steps painted?

A Yes, they were painted.

Q Do you know what kind of wood it was?

A I made no definite check on the wood.

Q And that was the only piece of wood that you cut out of that stairway?

A No, it wasn't.

Q What?

A No, it wasn't.

Q Where was the other piece of wood cut out?

A There were three other pieces of wood cut out.

Q What is that?

A There were three other pieces of wood cut out.

Q And where were they cut from?

A The two were cut from the risers and one was cut from the top step.

Q From the top step?

A Yes.

Q And were they blood spots?

A No.

Q They were not. Now, indicate where on this Exhibit No. 60 you cut out other pieces of wood.

A That is not shown on the photograph.

Q It is not shown on these photographs. Is it shown on any photograph that you have?

A No, I don't believe so.

Q What?

A No, it is not shown on any photograph. No photograph was taken to show those spots.

Q No photograph was taken to show the other pieces of wood which were cut out?

A That's right.

Q And you can't see them here?

A No, sir.

Q Have you got them?

A Yes, sir.

Q What do your notes show on that? Let me see. You are testifying from memory, and I would like to go now to your notes.

THE COURT: Do I understand that that photograph was taken before you took the pieces of wood off or it just doesn't show them?

THE WITNESS: No. This particular photograph was taken before the other pieces were taken, but it was taken after the suspected blood spot piece was taken.

Q When were the other pieces of wood cut out?

A They were cut out --

Q Your notes would show that. I don't want your memory now, I want your exact notes.

A They were cut off on the 23rd of July.

Q The 23rd of July?

A Yes, sir.

Q And are these the pieces of wood that were cut out on the 23rd of July?

MR. MAHON: What is your answer?

A Yes, sir.

tke 11 Q
mg

Now, referring to this envelope, you have a notation on it "Top step, one inch from the east side" -- what does that mean?

A That is "X." That is an identification mark.

Q And what is this here?

A "Precipitant negative."

Q "Precipitant negative," and that was -- you have no note on here that it was cut on the 23rd of July?

A No, there isn't any.

Q Are you trusting to memory on that?

A Well, it was submitted with all the evidence that was --

Q What?

A It was submitted with all the evidence that was picked up on July the 23rd.

Q Well, I will just leave these for the moment, and I will come back to it eventually.

But no pictures were taken of those things, and I wish you would bring your notes, and if you have your notes --

MR. MAHON: Let's get an answer to this. You say no picture was taken of those things.

MR. CORRIGAN: I will withdraw it. It isn't a correct question.

Q There was no picture taken of the pieces of wood that you took out of the step other than the picture shown here of the one piece of wood where the blood spot was?

A There was another picture that I submitted of those steps in court.

Q That shows where --

A No. There was no picture that shows the spots where these pieces of wood in question have been removed, no, sir.

Q Now, where do your notes show as to when they were taken from the steps?

A The date is on this envelope.

Q Oh, no, I don't mean the envelope. That is something else. I mean your scientific notes, your notes as a scientist.

2

MR. MAHON: You say that is something else. Is there an answer to that?

THE WITNESS: Yes. That happened to be made by Detective Elmer Roubal. That is in his handwriting, but it is submitting evidence that was picked up by both Detective Roubal and myself.

Q Well, I am not looking for handwriting of somebody outside of your scientific group. I am looking for your scientific notes that were made as to the taking of this wood out of the stairway.

Now, do you have any notes on that particular point

as to when they were taken out?

A You have the notes -- notations right on the envelopes that you had in your hand, these small envelopes.

THE COURT: No. Do you have a note other than that?

THE WITNESS: No, I have no note other than that.

Q The envelopes that you hand me, that is your handwriting?

A Yes, that is my handwriting.

Q It gives no day or date, does it?

A No, sir.

Q And your records, your scientific records do not show anything as to day or date, do they?

A Nothing, just what is on the envelope there.

Q The envelope was not made by you. This was made by you?

A Yes, sir.

Q These three items here.

MR. CORRIGAN: Mark them as exhibits.

(Defendant's Exhibits VV, WW and XX, being envelopes containing pieces of wood, were marked for identification.)

MR. CORRIGAN: Put them back in there.

I just wanted to mark them so we will be able to identify them.

Q What was the next day -- I believe that you told me that those were the things you did on the first day, your examining the stairs, and the room, the various stairs in the house and the room. Did you do anything else on the first day?

A There were implements that were submitted by members of the police department there, that were also examined right at the scene.

Q Now, what implements were submitted by the police department?

A There was the hatchet that was submitted that was to be examined right at the scene. A hammer --

Q A hatchet?

A A hammer.

Q A hammer.

A And the fireside implements.

Q The what?

THE COURT: The fireside implements.

Q Fireside implements?

A Yes. There was nothing -- after it was checked, there was nothing that proved a positive check.

Q No. I just want to find out what was done and what scientific investigation was made.

Those were submitted, the hammer, and the axe, the hatchet, and the fireside implements were submitted to you on the first day?

A Yes, sir.

Q And who submitted them to you?

A They had been various members of the Cleveland Police Department while we were working would come up and say, "Would you check this and see if there is any stains or anything of value on this?"

Q And you applied the benzidine?

A We would examine it, and then if there was any spot that looked suspicious, we would apply the chemical re-agent to it and check it.

Q Now, were those implements brought to you while you were making your examination of the stairs, and were you interrupted and asked to look at this and make a test on it, and so forth?

A That was generally about it.

Q That was the way it was carried on?

A Yes.

Q At that time, the number of detectives that were in the house at the same time as you were were going through the house and picking up various articles and bringing them over to you where you happened to be working, and asked you to test them?

A Yes. They were each, I guess, assigned to certain areas to examine.

Q Now, then, did you examine the wood, the sticks of wood

in front of the fireplace?

A There were several of those that were brought to be examined.

Q Clubs, like clubs?

A That's right, sir.

Q Now, I will ask you if you remember, Mr. Dombrowski, -- you were in the house quite a number of times -- do you remember the mantle or the fireplace in the southwest corner of the living room in the L?

A Yes. I remember there was a mantle there, a fireplace there.

Q Do you remember that in front of that mantle or that fireplace were fireplace tools and a number of -- several baskets of wood that had -- that were so that you could easily take it in your hand?

A Yes, sir.

Q Small pieces of wood like clubs?

A Yes, sir.

Q Did you examine those?

A We made examination of the iron fireside tools, and there was some particles of wood that were examined.

Q Well, that was examined. Now, then, does that complete the work that you did on the first day?

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

Q Did you make notes of what you examined in that house that was brought to you by various detectives that were in

there on the first day with you?

A No. There were no notes made on anything on which there was nothing found.

Q So you are depending on your memory now in that regard?

A Yes, sir.

Q Now, what was the next day that you came to the house?

A The 26th of July.

Q The 26th, that would be three days later.

Now, when you departed from the house on that particular day, the first day, what did you take away with you?

A We took away the evidence that is in this envelope.

Q That is, you took away the spot that you found on the third step?

A That's right, sir.

Q And you took away some other pieces of wood that you had cut from the steps?

A Yes, sir.

Q Now, will you describe to me or to the jury the spot that you cut out of the third step in the basement?

A The spot was a quarter-inch in diameter, reddish-brown appearance --

Q Reddish-brown --

A Appearance, in color, and uniform in density, and gave a positive reaction with benzidine.

Q Now, I just want you to describe it to me, not the reaction. Was it a spot that appeared to have been there for some time?

A Yes. It was dried.

Q Was it a spot that was sunk into the wood or into the paint?

A I would say it was adhering to the wood. Now, as to penetration into the paint itself, I made no test on that.

Q You made no test?

A No, sir.

Q Did you examine it under a microscope?

A No. I had no reason to examine it under a microscope.

NS
MAG
TK 12

- Q In your scientific research, do you know that a drop of blood will give off secondary splatters?
- A Yes, it will.
- Q And that the size, the type of the secondary splatters that are given off will determine the distance from which the blood fell?
- A That is possible, if you have all the conditions.
- Q And you did not examine it for secondary splatters?
- A There were none noticeable.
- Q Well, I say, you didn't examine it for that?
- A We examined it, yes, sir, we examined the spot and did not notice any secondary splatters.
- Q There were no secondary splatters?
- A We didn't notice any, no, sir.
- Q Well, you would see them if they were there, wouldn't you?
- A That is dependent on the condition -- it depends on the conditions that we have. If you don't have a background that will blend with the secondary splatters, you will not be able to notice them; they are very fine.
- Q You did no microscopic work on it?
- A No.
- Q Now, then, does the stain still show on the piece of wood that you have?
- A Yes, some of it is still visible.
- Q So that we can see what kind of a stain it was, is that

right?

A You can see parts of it, yes, sir.

Q Was there any way in which you could determine how long that stain had been there?

A I know of none.

Q You know of none. And in the benzidine test that you applied to that stain, what kind of a reaction did you get?

A You get a blue-green color.

Q And it was quite definite?

A Yes, sir.

Q Strong?

A Yes, sir.

Q Now, did you take any other blood spots out of the house to the laboratory?

A Yes. We made a scraping of two spots on the stairway leading from the kitchen to the landing.

Q And when did you make the scrapings of those two spots?

A Those were made the same day, the 23rd.

Q On the first day?

A Yes, sir.

Q Now, does it show on any of these pictures which were the spots that you scraped off?

A Yes, I believe some of them are shown there, yes.

Q They were scraped off the steps that lead from the kitchen to the landing?

- A Yes, sir.
- Q Did you take any other samples from any of the other spots?
- A No. There were no other blood samples taken, no.
- Q So that I have you correct, Mr. Dombrowski, you took the sample from the stairs in the cellar?
- A That's right.
- Q And you took the two samples from the kitchen steps?
- A I believe there were three samples taken from the kitchen steps.
- Q Three samples from the kitchen steps?
- A Yes.

MR. CORRIGAN: Mr. Garmone, will you give Mr. Dombrowski the pictures so that he can identify where the blood was scraped from?

MR. GARMONE: Are these the kitchen steps here?

THE WITNESS: Yes. That's one of them.

MR. GARMONE: That is Exhibit 64. Is this the other one?

THE WITNESS: No.

MR. GARMONE: How about this one?

THE WITNESS: No.

MR. GARMONE: How about this one?

THE WITNESS: Yes, that's one.

MR. GARMONE: That is Exhibit 63,
State's Exhibit, that is. 63 and 64, Judge.

THE COURT: 62 and 63?

MR. GARMONE: 63 and 64.

(Thereupon the witness left the witness stand
and stood before the jury.)

Q Now, Mr. Dombrowski, talking about the scrapings which
were made of the steps, here is a picture that has been
introduced in evidence as State's Exhibit 63, and that, I
believe you testified, is a picture of the steps going
from the kitchen to the landing?

A That's right, sir.

Q And will you indicate on this picture the places from which
you scraped some blood, or some substance that looked to
you like blood?

A One spot was removed from here.

Q I guess you can mark it.

A This spot here.

Q Will you mark it with a "1".

A Is it all right?

MR. MAHON: That is all right.

MR. CORRIGAN: They all agree.

(Witness complies with request.)

Q And the next spot that you scraped some blood away from,
will you indicate where that is?

A I think it will show a lot better in another photograph.

Q See if this is a better photograph.

A It does show it, but this one doesn't show it as good as that one.

Q Wait a minute. That shows the first riser better than this photograph?

A Yes, sir, that's right.

Q That is, 63 shows the first riser better and 64 shows the second riser better, is that it?

A That's right, sir.

Q Well, let's put number 2 on the second riser, then, on this exhibit.

(Witness complies with request.)

Q Now, there was a third spot?

A That's right, sir. That was taken from this riser here.

Q Do you know where?

A To the best of my recollection, that was this spot here.

Q All right. Mark it.

(Witness complies with request.)

Q Now, so that we have the record straight and the jury understands it, I will go over this just briefly.

MR. CORRIGAN: (To the jury.) Can everybody see what I am doing here?

JUROR NUMBER ONE: Yes.

Q The first spot where you scraped some substance away is shown

on Exhibit No. 63 where there appears the figure one, is that right, Mr. Dombrowski?

A Yes, sir.

Q The second spot is shown on Exhibit 64. I can't find it now myself. Where did you put it?

A Right here.

Q (Continuing) On Exhibit 64 where you have marked the figure two?

A Yes, sir.

Q And the third spot is shown on Exhibit No. 63 where you have marked the figure three?

A Yes, sir.

Q All right. Thank you.

(Witness resumes the witness stand.)

Q Now, those were taken off on the first day?

A Yes, sir.

Q How did you take off each one of those spots?

A We took a knife blade that was clean and gently tried to ease those or scrap those off on to a clean piece of white filter paper.

Q And after you had taken them off on a piece of filter paper, did you carry them to your laboratory?

A Yes, we did.

Q And later make an examination?

A Yes, sir.

Q What kind of an examination did you make?

A One of those there was included in a precipitant test and the other two we made an attempt of typing those.

Q Of what?

A Of typing, blood typing those.

Q Which one did you make a precipitant test of, spot number 1, 2 or 3?

A The spot that is marked number 3.

Q Number 3?

A Yes, sir.

Q That would be the spot on the --

A Third riser.

Q On the third riser?

A Yes, sir.

Q And have you got them in an envelope?

A Yes, sir.

Q And did you keep any record of this other than what appears on this envelope?

A Yes. There's a record kept in the laboratory files.

Q You have a laboratory record of the tests that you made?

A Yes, sir.

Q And the steps that you took?

A No. Just the test made and the results of the test.

Q I see. Well, now, when was the test made on that particular substance?

A That test was conducted together with the other tests of the basement stairs.

Q I see. They were all made on the same day, then?

A No, not all. The typing test was conducted at another time by a member of the laboratory.

Q But there was only one other precipitant test besides the precipitant test that you have described you made on the spot on the basement steps, is that right?

A That's right, sir.

Q And that precipitant test was made of this spot that appeared on the third riser?

A Yes, sir.

Q Or the top riser of the kitchen steps?

A Yes, sir.

tke 13 Q
mg A

And you have here "Blood, top riser, kitchen, pos neg"?

"Precipitant negative." It is my abbreviation for it.

Q That is your abbreviation that indicates to you that at sometime you made a precipitant test and you got a negative result?

A That's right, sir.

Q What does that mean, that you got a negative result?

A That could mean several things. It could mean that the blood was not human. It could mean that I did -- that it was human blood, that I did not have a sufficient quantity of blood.

Q Could it mean anything else?

A On the basis of the test, those are about the only two conclusions that I could draw.

Q Well, as a scientist -- when you say negative it means that you didn't get anything, you couldn't tell anything about it?

A That's right, sir.

Q You could draw no conclusion, you didn't find anything?

A No. I just say it is negative.

Q Now, when you went back on the 26th -- that was the next time you went back?

A Yes, sir.

Q Between the 23rd and the 26th, did you work on this case?

A No, sir.

Q And between the 23rd and 26th, beyond bringing these samples

into the laboratory, you didn't do anything with them at that time, did you?

A No. I was not working in the days in between.

Q Just marked them and they remained there until you got to a point where you wanted to do something?

A Yes, sir.

Q Now, you say that your process in getting the blood samples off the risers in the kitchen was by means of scraping them with a knife?

A Yes, sir.

Q Well, now, Mr. Dombrowski, in getting blood samples -- have you gotten blood samples before in other cases?

A Yes, I have.

Q You know the accepted scientific method of taking a blood sample off a piece of wood or off a step or off a hard surface, don't you?

A There are methods -- the accepted method might be one man's opinion, and it varies, depending on the surface, the condition of the blood and the surface on which it is found.

Q Well, there is a method of getting blood from a surface without involving in that blood sample any other foreign material, isn't there?

A I don't know of any, sir.

Q You don't know of any. Well, did you ever hear of the method of using -- and which is quite common -- of using

the litmus paper, and putting the paper over the blood spot, and then putting a sponge over the paper, and having the paper and the moisture from the sponge evaporate that blood into the litmus paper?

A Yes, I have heard of that method, but that is not absolutely -

Q Have you --

MR. MAHON: Let him finish his answer. Go ahead.

A (Continuing) But that is not an absolute guarantee of getting nothing but a blood sample.

Q Well, it is a better method than just scraping it off a surface, isn't it?

A Depending on what tests you are going to conduct, depending on what material you are taking the blood sample from.

Q Well, isn't this certain: That when you scrape a piece of blood off a surface, the remains of blood from a surface, with a knife, you run the danger of getting some other chemical ingredients mixed up with that blood?

2 A There is that danger.

Q Just as when you took this 3/8th inch of wood, you got with it a coating of paint?

A Yes, sir.

Q Well, you adopted that method of scraping it off, and not the other method of using the litmus paper?

A Due to conditions, I thought that was the most practical method.

Q And you are familiar with that method that I have just stated, are you not?

A That's right, sir.

Q And you have used it?

A I have never used it, not in that particular technique. I have used variations of it when we had cloth samples I wanted to extract blood from, I would use variations of that.

Q Now, on the 23rd or the 26th, when you went there, who did you go out with?

A The same detectives, Elmer Roubal and Jerry Poelking.

Q And was that in the day or the nighttime?

A That was in the daytime.

Q And were there other detectives there when you got out?

A I really didn't pay much attention to them. There were others out there, I believe.

Q Who did you receive your orders from on the 26th, do you recall?

A No. We received no orders at the scene. We were just told by Inspector McArthur to continue on with our investigation.

Q And you arrived at what time on the 26th?

A It was shortly after 9 o'clock.

Q And how long did you remain there?

A I don't recall whether we had stayed beyond 4 o'clock or not that day, but it was close to 4 o'clock, if it wasn't beyond 4.

Q And what did you examine on that day?

A We continued to make an examination of the second floor hallway.

Q Have you got any records --

MR. DANACEAU: May we have the completion of the answer before the second question is asked?

THE COURT: Yes. I take it he has not finished what he examined that day.

MR. CORRIGAN: All right.

THE COURT: Any item other than the second floor hallway?

A Yes. And we took -- I should say first, we continued to make more detailed notes and measurements on the spots on the stairway that were located previously.

Q If I don't let you finish your answer, you tell me, will you, Mr. Dombrowski, because I don't want your answer to be interrupted?

Now, did you make records of what you did on the second day, on the 26th?

A There was a police report made that day, or the following day, giving a general coverage of what we had done that day.

Q Did you make it?

A It was made either by me or Detective Roubal.

Q And did you refresh your recollection from that police record before you testified here?

A I have looked at it, that's right, sir.

Q And what did you say -- what does your police record show, as you remember it, that you did on the second day? Give me the detail of it that you remember.

A Continued the examination of the Sheppard home with Detectives Roubal and Poelking, and made detailed examination of the stairs. I believe it was mentioned in that report that the blood spots were found in the doorway, in the room that was known as Chip's room.

To the best of my recollection, that is generally just about what the report covered.

Q It was a re-examination of what you had done on the 23rd, then, wasn't it?

A No, because --

Q A little more detail?

A That's right. It was more detail, but the doorway to Chip's room had not been examined, to my recollection, on the 23rd.

Q Now, the doorway in Chip's room, did you photograph that on the 26th?

A I don't know when that was photographed.

Q Well, there was a photograph taken?

A Yes, there was a photograph of that.

MR. CORRIGAN: Will you get that photograph, Mr. Garmone, of the door to Chip's room?

Q While he is looking for that, you stated that you applied on the 23rd what is known as the benzidine test. Is that the right name, Mr. Dombrowski?

A No. It is benzidine.

Q And that is a substance, a chemical substance -- did you use it before in any cases?

A Yes.

Q You are familiar with it?

A Yes.

Q Familiar with its reaction?

A Yes, sir.

Q It is a chemical that you apply to a spot, and when so applied you get a reaction of some kind?

A Yes, sir.

Q And what is the reaction you get when you apply it?

A The reaction is a strong blue-green color.

Q So that if we had a spot here that was, say, visible or invisible, and you would apply the benzidine liquid, if it was blood, you would get a reaction?

A Yes, sir.

Q So that you could see a luminous spot there?

A No luminous spot, not with the benzidine.

Q What kind of a spot would it be?

A You'd see the color change of a blue-green color.

Q Now, it is a fact, is it not, that you get that same reaction from a great many other things than blood?

A You get it from some other things, not a great many.

Q Well, do you know what other things you get the reaction from?

A Yes. I know of some of the other things that are commonly known to give that reaction.

Q Will you tell the jury what other things you know that you get the same reaction as you get from blood?

A There are certain vegetables that are in the fresh state, vegetable stains in a fresh state, though, that could give that same reaction: Carrots, parsnips, radishes are some of them, orange pulp. There are also some chemicals.

Q Some what?

A Chemicals that will give that. However, those can be detected by our method because they will give the reaction before the final step of our method is used.

MR. PARRINO: I am sorry, I didn't hear that. Will you repeat that, please?

(Answer read by the reporter.)

Q Now, you know that it has been scientifically determined

in the use of benzidine that you will get a reaction from horseradish, from the pulp of oranges, lemons and melons, is that right?

A Yes, sir.

Q From apples, berries and grapes, is that right?

A That's right, sir.

Q Tomatoes, carrots, radishes and lettuce?

A I'm not -- I don't recall the tomatoes, but the others, that's right.

Q From certain chemicals?

A Yes, sir.

Q Such as the chemicals that contain an iron base?

A Yes, sir.

Q And can you tell the jury any of the chemicals that come into your mind that contain an iron base?

A Oh, any of the ferrous-cyanide group of chemicals, or ferrous-sulphate. Any of that type would be in that group.

Q Are you familiar with the chemicals that make up the group used by doctors in treating cuts and bruises, and so forth, mercurochrome and chemicals of that kind?

A I don't know of any specific items.

Q Do you know what reaction the benzidine is to those particular chemicals?

A Yes. There are a number of them, as I stated previously, that would give a positive reaction. However, that

reaction would come before the final step of our test, indicating that we are getting a false reaction.

Q And do you know what the reaction is to lead oxide?

A That gives a positive reaction.

Q What?

A That would give a positive reaction.

Q And you had paint on the stairs, did you not?

A That's right.

Q Or varnish?

A That's right, sir.

Q And on the cellar steps you had this rather thick coating of some sort of a blue paint?

A Yes, that's right.

Q Now, the step, on the 23rd, where you took this spot from, you could see that that had been walked over many times?

A Yes. There was evidence of, like any steps, of having been used.

Q Of people using it, and you know that people walking up and down the basement steps carry on their shoes various organic matter that is deposited on the steps, don't you?

4 A It depends on the condition of the shoes, that's right.

Q Well, even in our own houses we get that, no matter how neat and clean we are, we will carry things in our shoes?

A That's right, sir.

Q Now, did you examine any of these spots under a microscope?

predicating it on an assumption that is not correct.

MR. CORRIGAN: I am not assuming anything.

MR. DANACEAU: You certainly are.

THE COURT: You don't even know that they were carried down there?

THE WITNESS: I don't know, no, sir.

Q Did you have any information about that at all?

A No, sir.

Q As to what had happened to the bloody bedclothes that were in the room of Marilyn Sheppard?

A No, sir.

Q Well, as a scientist, don't you think you ought to have had some information on that subject?

A No, sir.

Q You don't. Now, I want to go to the 26 spots of blood on the stairs and the risers, and I want, Mr. Dombrowski, for you to show me your record as to the size of each one of those spots, your measurement.

A Did you want me to read each spot off?

Q Yes. I want to put them in the record. I want to make a record of them, and I am going to ask you about every spot that you found. When did you --

MR. CORRIGAN: Maybe before I go

into this, we might as well take our luncheon, your Honor. It is five minutes to 12.

THE COURT: We are a little early, but you are going into a new matter.

MR. CORRIGAN: I am going into a rather long examination on this particular subject.

THE COURT: All right.

Ladies and gentlemen of the jury, we will now adjourn for the noon hour and return at 1:15 sharp, if possible.

Will you please observe the caution that the Court has expressed to you, do not discuss this case?

You may assume that that clock is four minutes fast, still --

MR. CORRIGAN: If your Honor please, just a moment. There was so much noise that I standing here could not hear your instructions.

THE COURT: Gentlemen, and ladies, too, if we do not have silence, the Court is going to make a fixed rule that there will be no entering or exit excepting at recess time. The Court has called attention to it on two or three

occasions before. This is the last time he will do it. The rule will be, unless we have perfect quiet, that there will be no entering or exit by anybody excepting at recess times.

All right.

- - -

(Thereupon at 11:55 o'clock a.m. an adjournment was taken to 1:15 o'clock p.m., Friday, November 26, 1954, at which time the following proceedings were had):

NS
MAG
TK 14

Friday Afternoon Session, November 26, 1954 (1:15 o'clock)

Thereupon, HENRY DOMBROWSKI resumed
the stand and testified further as follows:

CROSS-EXAMINATION OF HENRY DOMBROWSKI (CONTINUED)

By Mr. Corrigan:

Q Mr. Dombrowski, before we went to lunch I was asking you about your notes on the size of the blood spots, and I will come back to that, but I want to ask you something else.

Have you made any study of blood?

A I have made some, not too much detail.

Q Do you know this: That when blood is shed, that there is a change in the constituents of the blood which makes the difference between its flowing in the human body?

A Yes, sir.

Q Do you know that blood is a liquid in which there is floating many millions and billions of red blood corpuscles?

A I know there are red blood corpuscles. I don't know the number or the quantity.

Q You don't know the number?

A No, sir.

Q Do you know that the red blood corpuscle in the blood contains hemoglobin?

A Yes, sir.

Q And do you know what the base of hemoglobin is?

A It's an iron.

Q Iron?

A Yes, sir.

Q Now, then, when blood is shed and dries, do you know that the serum or the liquid part of the blood is evaporated?

A I imagine there is some evaporation. It separates from the rest of the whole blood.

Q And after a time you have in that stain the separation of the hemoglobin from the corpuscle?

A I don't know that, Mr. Corrigan.

Q You don't know that?

A No, sir.

Q Well, you do have a red stain, don't you?

A Yes, sir.

Q And that red stain, you know, is the hemoglobin from the blood corpuscle?

A That is generally accepted as the staining material.

Q And that has a high percentage of iron, that stain, doesn't it?

A I have never gone into that detail, sir.

Q But you know the base of hemoglobin is iron?

A Yes, sir.

Q But you have never gone into the fact that a high percentage

of that stain is iron?

A I don't know even if it is a high percentage or not.

It is a science that is a lifetime study in itself, and we have no training for it.

Q But you do know that there is iron there?

A Yes.

Q And that iron will give a reaction, or anything that has iron in it will give a reaction to benzidine? Do you know or don't you?

A I wouldn't say that -- you eventually get a reaction with benzidine without anything.

Q I say, will iron or peroxides of iron give a reaction to benzidine?

A Yes, they will.

Q All right. Now, when I say peroxide of iron, will you explain what that word peroxide of iron means so that the jury, if anyone on it does not understand that word, will understand it?

A Most commonly, iron oxide is an ore, iron ore, put it that way. Some of your rust material is an iron oxide.

Q It is an excess of oxygen in the iron, isn't it?

A Not necessarily so, no, sir. It is iron -- oxygen that is bound to the iron molecule, but it is not an excess. There are different things that can be made with iron oxide.

Q But the oxygen, such as we have in the air, combines with

the iron?

A That's right, sir.

Q And then you get peroxide of iron?

A Yes.

Q Like if you throw a piece of pipe out into the field, it will rust in the course of time?

A Yes, sir.

tke 15 Q
mg

It will even rust in your basement where there is no dampness in the course of time, you know that?

A Yes, sir.

Q And that is the result of the action of the air on the iron?

A Yes, sir.

Q That is why we use paint?

A Yes.

Q Now, then, in examining the house, going through the house, did you notice a great many samples of medicine in drawers?

A No. I did not examine the drawers for their contents.

Q You didn't make any note of the fact that there were medicines around that house?

A No, I didn't, sir.

Q You do know as a chemist that a great many medicines contain iron?

A Yes.

Q And a great many common medicines that are advertised contain iron, it is good for the blood, you know that, don't you?

A Yes.

Q Are you familiar with tannic acid?

A Yes. I have encountered it -- I have heard about it.

Q And tannic acid is found in tea, it is also in Coca-Cola?

A I don't know whether it is found in --

Q You don't know that. But you do know that Coca-Cola,

when it is dropped, will form a stain?

A Yes, sir.

Q On your clothes or on the carpet or on the table or on wood, that's right, isn't it?

A Yes, sir.

Q And in the benzidine test, or the luminol test, Coca-Cola will react similar to blood, won't it?

A That I have personally tried, and I have not gotten a positive reaction.

Q What did you say?

A I have personally tried Coca-Cola stains and have not gotten a positive reaction. There is also literature on other men writing scientific articles that have tried the same thing and have not gotten positive tests with Coca-Cola stains.

Q And there is literature on the subject where a positive test has been obtained, isn't there?

A It has been mentioned by one man, and has been more discredited since then.

Q Who is he?

A I couldn't recall the name offhand. I know it is mentioned in Kirks.

Q What?

A I know it is mentioned in Kirks and disproved in that same book.

Q I didn't get that.

A Kirks Crime Investigation Book.

Q What does he say?

A He mentions that someone had mentioned that Coca-Cola gave a positive, and he goes on to say that he has not been able to get a positive test with Coca-Cola.

Q But Kirk in his book says that he has found that some crime investigators have gotten a positive test on Coaa-Cola, doesn't he?

A That's right.

Q And Kirk, he is somewhat of an authority in the United States on crime investigation?

A All I know is I have seen the book that he has written.

Q Do you have the book?

A Yes, we do.

Q You have it in the police library?

A Yes, sir.

Q Do you refer to it?

A We use it as a reference once in a while.

Q So he is recognized, then, by you as an authority or you wouldn't have his book over there?

A That's right, sir.

Q Now, then, one of the things that will interfere with a positive reaction in a precipitant test is tannin, isn't it?

A Yes, it will. It sometimes will, let's put it that way.

Q And tannin is found in wood, isn't it?

A Sometimes.

Q That is where it comes from, doesn't it?

A I don't know whether it does come from wood or not. I don't know just -- offhand, I can't tell you what the origin of tannic acid is.

Q Let me refresh your recollection from back in your school days. Did you learn, or have you ever learned that the substance that is used for tanning is tannin, and that they get it from -- they get concentrations of it from the bark of trees?

A That could be. I don't recall it, though.

Q And that is why we say that the shoes are tanned or the leather is tanned?

A I know it is used in the leather industry.

Is it the bark of any trees or just the bark of the tree --

Q But it is one of the things that interferes --

MR. GARMONE: He asked a question,

Bill.

Q Did you finish?

A Yes. When you asked if it came from the bark of the tree, I wondered if it was the bark of a specific tree or just in the bark of the tree, of any tree.

- Q Well, do you know anything about -- have you made any study of what is in wood?
- A No detailed study, no, sir.
- Q You have made no study of that?
- A No, sir.
- Q But you do say to the jury, and you have said, that tannin is one of the things that interferes with the precipitant test?
- A It can sometimes interfere.
- Q I see. All right. Now, I will go to the question I started once before we went to lunch, and I would like to take up with you the records that you made of the blood spots on the stairway leading from the second floor down to the landing, and will you give me information as to what your notes show on the first step?
- A On the top step there was one spot, one-sixteenth inch in diameter, 12-3/4 inches from the east wall, 5 inches up from the edge of the tread.
- Q That spot was 1/16 in diameter?
- A That's right, sir. There was --
- Q Wait a minute, now. Was there any residue of blood that you could scrape off on that spot?
- A I will answer that question -- you could say, yes, to any residue, any spot that you test that there might be something that you could scrape off. Whether you could do

anything with it afterwards or not -- whether it is practical, why, that is another point.

Q Well, I am trying to get this across to the jury, if I can:

That when a drop of blood falls, then, of course, you have a sort of a little lump of blood there, don't you, that is, there is an elevation above the surface?

A Well, there is. There would have to be -- well, it depends on how fine a film --

Q Well, now, was this a film that was even with the surface so it looked as though it had evaporated the liquid out of it?

A Oh, yes. It was a dried spot.

Q Dried spot?

A Yes.

NS
MAG
16

- Q Now, go to the next spot. $1/16$ that was.
- A $1/8$ inch diameter spot 16 inches from the east wall, 9 inches up from the edge of the tread.
- Q Now, give me the third.
- A That was on the first step. Both those spots were on the first step.
- Q Well, you go right through them now, without me interrupting you, and tell me where they are located and the size of each spot.
- A Well, the riser, the top riser, that would be the riser just above the tread, there was a $1/16$ inch thin streak that was 14 inches from the east wall and 2 inches up from the tread. There was another $1/16$ inch thin streak $14 \frac{1}{2}$ inches up from the east wall and 3 inches up from the tread.

The number two tread: There was a $3/8$ inch spot 5 inches from the east wall, 5 inches up from the edge of the tread. There was a $1/4$ inch thin spot $4 \frac{3}{4}$ inches from the east wall, and that was right on the edge of the tread. There was another spot on that same tread $3/16$ inches in diameter comparatively dense to the other two on that same tread and one-quarter in from the east wall and on the edge of the tread. There is a $3/16$ inch diameter, that is, $3/16$ inches wide and 2 inches long, and it starts, the spot that starts 2 inches up from the tread and $15 \frac{1}{2}$

inches from the east wall. It's a heavy crust, and there is a light ring on the tread face above this spot.

The number three tread, that is, coming down from the top: There were 4 spots in line all 6 inches from the east wall. The first one was $3/8$ inch spot 2 $3/4$ inches up from the edge of the tread. The next one was $1/4$ inch spot 7 inches up from the edge of the tread. The next one was a $1/16$ inch spot 8 $1/2$ inches up from the edge of the tread. The fourth one was a $1/8$ inch spot 9 inches up from the edge of the tread. And these spots are all comparatively dense.

Q Comparatively what?

A Dense, heavy.

The number three riser: There was a spot 4 $3/4$ inches from the east wall on the face of number two tread, $3/16$ inch diameter, and it was $1/4$ inch from the east wall on face of number three tread. And the baseboard, the runner right at the step, had fine sprays at this spot.

The number four step: There were no spots found on either the tread or the riser.

The number five tread: There was a $1/8$ inch dense spot 4 inches from east wall and 8 inches up from the edge. There was $1/4$ inch oblong elongated spot 9 inches up on the east wall above the tread edge at this point. There was nothing on the riser.

Number six tread: There was $1/4$ inch drop $8\frac{1}{2}$ inches up from east wall, 8 inches up from the edge of the tread. Another spot, an eighth inch, comparatively dense spot 12 inches from the east wall on the edge of the tread. The riser had a $1/8$ inch elongated drop.

Q You say slender drop there.

A Slender drop, it's the same thing.

Q It isn't the same thing, slender and elongated.

A (Continuing) 24 inches from the east wall on face of number 5 tread, also on riser veering about $1/4$ inch to the west. Top of drop starts at $3\frac{1}{2}$ inches from the tread.

Number seven step: There were none on the tread. The riser, there was a $1/8$ inch dense drop $15\frac{3}{4}$ inches from east wall, 2 inches up from the tread.

At the number eight step on the wall there was, that is, the runner and the wall, at that point there was a $1/16$ inch wide long drop angled downward and slightly forward. It is $1\frac{1}{2}$ inches above the tread and $5\frac{1}{4}$ inches from the tread edge and over, above this drop there is another elongated drop on the wall 10 inches above the tread.

Now, the riser had a $3/16$ inch dense drop $11\frac{1}{4}$ inches from east wall on the bottom face of number seven tread.

Number nine step: There was nothing on the tread.

The riser had a $1/32$ thin streak $21\ 1/2$ inches from the east wall and $2\ 1/2$ inches up from the tread.

The number ten step --

Q Wait a minute. How many steps are there?

A 10 treads, 11 risers.

Q Yes.

A There was nothing on the tread, and the riser, there was $1/4$ inch dense spot pointed downward and to the left $20\ 1/2$ inches from east wall, 5 inches up.

Then we have the 11th riser: There was nothing on that.

Q Now, those were all determined by the application of benzidine?

A Yes, sir.

Q Could you tell from your examination of those spots how long they had been there?

A No, I couldn't.

Q And did you take any samples of those spots and subject them to a laboratory test?

A No, I did not.

Q You did not. Now, then, the next spots that you found were on the risers from the kitchen?

A Yes, sir.

Q And the steps from the kitchen?

A There were none found on the steps, just the riser -- on

the treads, rather.

Q They were all on the risers?

A Just on the risers.

Q On those steps, you say you took three samples by scraping?

A Yes, sir.

Q And one sample you submitted to a precipitant test and got no reaction, so you don't know what it is, is that right?

A That's right, sir.

Q And the other two samples that you took, what kind of a test did you give to those two samples? I believe you have your --

A There was a typing test conducted on that by another member of the laboratory while I was there.

Q Well, did you go through it with him so that you can testify about that?

A No. I was just given the result of the test.

Q You were just given the result?

A That's right, sir.

Q So that was done by another man?

A That's right, sir.

Q And what was the result of the test?

A That there was no type obtained on that.

Q Will you explain to the jury what you mean by a typing test?

A There are four commonly accepted blood types in human beings,

and they are distributed throughout -- people might have any one of the four. An attempt was made to determine if it was possible -- what type that blood may have been that was found on that stairway.

Q Are you familiar with blood typing?

A I have never done it, sir.

Q What?

A I have never typed blood, sir.

Q All you know is that you have been told that there are four different types, is that so?

A That's right, sir, common types. There are more than that, but I mean those are the commonly accepted ones.

Q Well, as a matter of fact, there are many, many types, aren't there?

A That's right, when you get down to detail, break it down, that's right, sir.

Q It goes all through the alphabet, doesn't it?

A Practically.

Q And even when they exhausted the alphabet on the types of blood, then they began to use names, did you know that?

A That's right.

Q The Kelly group and the Smith group, and so forth?

A That's right.

Q And that came out of the blitz in London, did you know that?

A I knew that some English scientist was doing considerable

work on that.

Q Well, at least the other two samples, the only test that was performed on them was to see if you could get a type, and you couldn't get it?

A No, sir.

Q Now, then, on the one piece that you cut out of the cellar steps, you performed a test on that on the 11th of August, what is known as a precipitant test?

A It was sometime after the 11th of August.

Q Sometime after?

A Yes.

Q Well, now, so that I get it clear, there was only two spots of blood that you performed a precipitant test on?

A That's right, sir.

Q Out of all the spots that you saw on those stairways that reacted to this benzidine?

A Yes, sir.

Q And one was negative, and the other, you say, showed it was human blood?

A That's right, sir.

Q All right. Now then, all the other blood spots that you followed through the house and as shown by the pictures here are the spots that you concluded were probably blood, that is as far as you will go, isn't it?

A That's right, sir.

Q They were submitted to no tests?

A I did not test them, sir.

Q Did anybody?

A There were other tests made, sir.

Q Who made them?

A The Coroner's office, sir.

Q Well, the tests made by Miss Cowan?

A Yes, sir.

Q And you have seen her report?

A No, I have not, sir.

Q You have never seen it?

A No.

Q Well, I know what those are. But that's the only tests that you know that were made, or any other tests that were made of any spots in that house which might be blood?

A That's right, sir.

Q Were made by Miss Cowan?

A As far as I know, sir.

tke 17
ig

Q When you went there on the 23rd, I believe that you told us that you made a re-examination of -- the 26th, you made a re-examination of what you did on the 23rd, and did it a little more accurately.

Now, when was the next time that you went to the house after the 26th?

A I went there on the 27th.

Q Was that day or night?

A Day.

Q By the way, on the 23rd and the 26th and the 27th, when you made this examination and the other officers were there, were there reporters in attendance?

A No.

Q Were there any around there?

A Not on the premises.

Q But they were somewhere in the vicinity?

A There was always a reporter parked out in front of the house on the street.

Q And when you went on the 27th, was it with the same man, Mr. Roubal?

A Yes.

Q Were there officers there then, other officers?

A I don't recall. We usually had, with about one or two exceptions, I would say, to be exact, had at least one

officer from the Bay Village Police Department with us.

Q Now, what did you do on the 27th?

A On the 27th we continued the examination at the second floor. We went through the dressing room, or the room that is located directly east of the washroom up on the second floor, and the bedroom east of that.

2 Q Now, that was described here as the bedroom that Dr. Hoversten slept in. Did you get that designation?

A Yes, sir.

Q So the jury will know what bedroom you are talking about.

Now, what did you do in that bedroom?

A We examined the entire room to see if there might be any evidence that would be connected with this crime.

Q How did you examine it?

A We examined it visually with the use of spotlights, that is, going over the windows, the floors and the walls.

Q Did you find anything in that room that you made a note of, or that you considered worthy of note?

A No. There was nothing found that day that would be --

Q And did you find anything on that day that you considered worthy of note as a scientific investigator?

A Where are you referring to?

Q On the 27th.

A But in what room?

Q In any room.

- A Yes. We did find in the dressing room, we found three drops of blood in that room.
- Q In the dressing room?
- A Yes.
- Q And were they on the floor or on the carpet?
- A They were on the floor.
- Q And were they determined by the application of this benzidine?
- A Yes, sir.
- Q Or luminol?
- A Benzidine.
- Q What further did you do in regard to those three spots other than determine that those three spots reacted under the application of benzidine?
- A Nothing else.
- Q Nothing else. Did you take a picture of them?
- A Yes, we did.
- Q Could we have that picture?
- A Yes.
- Q Whether that was human or animal blood, you can't say?
- A No, I can't say.
- Q By the way, Mr. Dombrowski, did anybody tell you that there had been an animal in that house?
- A Yes, they did.
- Q When did they tell you?

- A Well, I believe I heard that the first day there.
- Q The first day you were there?
- A Yes, sir.
- Q Did they tell you -- were you informed that that animal had dropped blood in various rooms in the house?
- A No, I wasn't informed, sir.
- Q Who was it informed you that there was an animal in the house?
- A I don't remember the name of the individual.
- Q But was it a dog?
- A Yes, sir.
- Q And nobody told you through all this examination that the dog at various times had -- and after March -- had been in heat and had dropped blood all around the house?
- A No, they did not tell me at that time.
- Q What?
- A No, they did not tell me.
- Q When was the first time you learned of that fact?
- A I believe it was sometime in September.
- Q In September?
- A Yes, sir.
- Q And that was after you had completed all your examinations, wasn't it?
- A That's right, sir.
- Q I'll bet it comes as a surprise to you.

MR. MAHON: I object to that.

THE COURT: Yes. Objection will be sustained.

MR. CORRIGAN: I withdraw it.

MR. DANACEAU: Thank you very much for withdrawing it.

MR. CORRIGAN: Well, if you object to it --

MR. MAHON: Well, you know it is objectionable. You shouldn't have asked it.

MR. CORRIGAN: You disturbed my train of thought.

Q Now, on the 27th -- I am on the 27th of July -- you said you went to Hoversten's room but you didn't find anything there?

A That's right, sir.

Q Well, I have a picture here, which is marked State's Exhibit 72-A, which I will show you, and ask you if it refreshes your recollection, and can you state whether that is a picture of the carpet in Hoversten's room?

3 A Yes, sir.

Q And, by the way, who took this picture?

A Detective Poelking, I believe, sir.

Q Now, Detective Poelking was along with you on all occasions and took the pictures as you went along and made the

examinations for blood spots, is that correct?

A He was taking them sometime after they were located.

Q And this shows two spots in Hoversten's room on the carpet which are circled with apparently a chalk mark?

A Yes, sir.

Q I will turn that around so the jury can see what we are talking about. The two white spots that appear are the chalk marks.

Now, when you said you found nothing in Hoversten's room --

MR. PARRINO: On the 27th.

Q -- on the 27th, was this found on the 27th?

A No, sir.

Q What date was that found?

A That was found either on July the 30th or August the 2nd.

Q Now, from the dressing room, from where did you proceed then? And you can refer to your notes if you want to refresh your recollection.

A I believe --

Q The 27th.

A I believe that was as much as we covered on the 27th, sir.

Q What did you say?

A I believe that was as much as we covered on the 27th.

Q That one room?

A I believe that's right, sir.

Q Now, when was the next time you returned to the house?

A On the 30th of July.

Q On the 30th of July?

A That is correct.

Q And what time did you go to the house on the 30th of July?

A That was in the evening.

Q Who went with you?

A Detective Connally, Detective Roubal and Detective Poelking.

Q And Detective Connally is another man from the Scientific Department?

A Yes.

Q And that was the time that you brought the luminol?

A That's right, sir.

Q Now, on the 30th, when you went to the house after dark, -- you have to work in the dark with this luminol, don't you?

A Yes, sir.

Q And that is a test for determining blood spots, is it not?

A Yes, sir.

Q And there are other substances that will fluoresce under luminol, are there not?

A There are some, yes, sir.

Q Now, luminol, as I understand it -- well, benzidine is a liquid that you apply, luminol is a spray?

A Yes, sir.

Q Is it not?

A Yes, sir.

Q And it is used especially for examining large surfaces, and you spray this luminol on the surface and within a certain time you get a reaction?

A Yes, sir.

Q From the spray. Now, did you spray the house on more than one night?

A Yes, we did.

Q Now, the first night that you went there, what part of the house did you spray?

A We covered the upstairs portion of the house, the second floor.

Q Did you cover the room in which Marilyn was murdered?

A Not for detailed test. Just to check our solution.

Q Well, why did you avoid that particular room?

A Well, it was our opinion that it was --

Q What?

A It was our opinion that, just from the appearance of the blood in the room, it would add nothing to the investigation.

Q Was it your opinion from the appearance of the blood in the room that there was blood on the carpet anyway, and you didn't have to look for it?

4 A No. I just --

Q Why --

MR. MAHON:

Let him answer.

MR. GARMONE: Let him finish his answer, Bill. We want him to finish.

THE COURT: Let him finish his answer.

MR. GARMONE: We want you to finish your answer.

Q Was there something I interrupted you on?

A I just said, I just formed no opinion about the carpet at all, just it would be of no significance to find blood in that room. It was just there, as far as we were concerned.

Q It was just there, you knew that?

A Just from our familiarity, our experience with blood.

Q Well, I want to go back just for a moment on that room, because that room is important in this case.

There was no examination of the carpet in that room?

MR. DANACEAU: We object to this repetition. He has been over and over and over it.

THE COURT: He has already answered that there was not.

Q Well, then, I am trying to find out why the investigators in this case passed up the carpet in that room?

MR. DANACEAU: I object.

MR. MAHON: I object. He has

answered that, too.

THE COURT:
sustained.

The objection will be

Q The luminol will disclose seminal stains, too, won't it?

A No, I don't believe so.

Q You don't believe so?

A I have never tried it, but I don't believe so.

Q Do you know anything about the literature on the subject in the matter of the discovery of seminal stains by the use of luminol?

A There is a phosphorescent luminant for semen,, seminal fluid, but it is not the same reagent that this one is.

Q Well, you didn't try it anyway, that is the fact?

A That's right.

Q So if there had been an assault in that room and some seminal fluid had been spilled on the carpet, you don't know anything about it?

MR. DANACEAU: Objection.

THE COURT: Objection will be
sustained.

MR. CORRIGAN: I except.

Q Was there any examination by the Cleveland Police Department as far as you know, or your department, of the location of any seminal fluid in that home?

A We made an examination of the room, a detailed examination

of the room using the portable spotlights, and seminal fluid of its nature would have been disclosed as a stain in that examination.

Q Well, that would be true of blood, also, wouldn't it?

A No, it would not. The blood would not leave the discoloration the same type as the seminal fluid would. It would leave a whiter crust, whereas the blood would leave more of a blending with the carpet.

Q Well, blood would leave a stain?

A Yes, that's right.

Q You can see that under the light if it was there, couldn't you?

A You might if you were --

Q Now, you said you made an examination of that room on the 23rd and found what you state is a piece of a tooth, a match and some kind of a piece of tinfoil?

A Yes, sir.

Q You saw that visually?

A Yes, sir.

Q Had you been informed at the time that you were making that examination, information as to the number of people that had been in that room before the 23rd?

A No, we hadn't.

Q Did you at any time use a vacuum cleaner?

A No. It --

Q All right. That answers it.

MR. DANACEAU: Just a moment.

He has an explanation.

THE COURT: He has answered no.

MR. DANACEAU: I thought I heard
him start to say something.

THE COURT: Well, he may have
wanted to explain, but that is the answer.

Q Now, the next time you went was on the 30th after the 27th,
the 30th, and you examined with this luminol spray what
rooms?

A The hallway on the second floor, we examined the room known
as Dr. Hoversten's room, we examined Chip's room, we
examined the spare bedroom, I believe it is known as, the
room at the southwest corner of the home.

Q And that completed your work?

A And the -- pardon me?

Q And that completed your work of that night?

A There was the washroom, the bathroom right across the
hallway, it was also examined.

Q By the way, was there ever submitted to the Scientific
Department of the Cleveland Police Department a cigarette
butt that was found in the toilet bowl of the Sheppard
home on the morning of the murder of Marilyn Sheppard?

A Not to my knowledge, there never has been.

- Q Now, when did you come again after the 30th? When was the next time you came?
- A August the 2nd.
- Q And what did you examine on August the 2nd?
- A We examined the circular rug that was on the landing.
- Q Wait a minute until I get that location. The circular rug?
- A The circular rug that was on the landing between the dining room and the kitchen on the stairway leading up to the second floor.
- Q Did you find some spot that luminesced under your spray there?
- A Yes, we did.
- Q And I believe you took a picture of it, didn't you?
- A Yes.
- Q And where else did you go on that particular night?
- A We covered the L-shaped western end of the living room.
- Q And did you find some marks on that part of the carpet?
- A Yes, we did.
- Q And you took a picture of that?
- A Yes.
- Q And then where did you go?
- A That was as far as we covered that night.
- Q Now, did you come back on the 1st of August?
- A No, we didn't.

Q When was the next time that you came back?

A The 2nd of August.

Q The same four gentlemen, Connally --

A That's right. I think Detective Peters, also from the laboratory, was along with that group.

NS
MAG
TK 18

- Q But these were all detectives from the Scientific Department of the Detective Unit that were there?
- A That's right, sir.
- Q Now, that was the third night you were there?
- A That's right, sir.
- Q And what did you examine on the third night?
- A I'm sorry.
- Q That would be the 2nd of August.
- A That was the second night. The 30th was the first night, August 2nd was the second night.
- Q I see. Well, what was the third night?
- A The third night was August 4th.
- Q Now, when you are telling me about these things, they are the result of refreshing your recollection about what you did each night, is that correct?
- A That's right, sir.
- Q And you have notes on them?
- A I have on some phases of them.
- Q Now, on the 4th of August the same men went there?
- A That's right, sir.
- Q And what did you examine on the night of the 4th of August?
- A We examined the porch at the north side of the building. We examined the --
- Q Wait a minute, now. I didn't get that.
- A The porch at the north side of the building. We examined

the remainder of the living room, that is, the eastern section of it.

Q That was the part from the L over?

A Well, it was more than that. It was from the door, the door leading out on the north side of the living room, from that door over to the east and south.

Q Yes.

A And we examined the hallway on the first floor right from the living room between the office and the kitchen.

Q And did you find some spots on the porch?

... A Not with the test, luminol test. We did not accept what we had there. We were getting a little false, what we call positive, so we did not continue the examination on the mat on the porch.

Q Well, the luminol test, when it is used in the open air, is liable to disperse and not be effective, isn't it?

A That's right, sir.

Q So that you didn't think it was feasible to use the luminol test out there on the porch?

A That's right. We wouldn't take anything doubtful.

Q Now, then, that would be the third night you were there. In the examination of the rear -- or the front porch, did you use any other tests?

A Yes. I used the benzidine test on some spots on that threshold.

- Q Did you find some spots on the porch?
- A Just beyond the doorway, on the wooden portion, the painted portion of the porch.
- Q And then when was the next night you came?
- A That would be August 5th.
- Q And was your examination completed on August 5th? Was that the last night you were there?
- A That's right, that was the last night we were there.
- Q And the 5th of August, what part of the premises did you examine then?
- A We examined the office and the garage.
- Q The downstairs of the garage?
- A The entire garage.
- Q The entire garage?
- A Yes.
- Q Where the cars were parked?
- A That's right, sir.
- Q Did you find some blood in there?
- A We had difficulty with that. We were getting what we call false positive, so we did not take any definite --
- Q I don't understand, Mr. Dombrowski, the false positives. That seems to be a contradiction, doesn't it?
- A No, it is not. In prior experience in using the tests, we became accustomed to the speed of the reaction. It is practically instantaneous, and it is spread, the intensity

of the color. Now, sometimes you check a spot and you get a reaction that is slower. It might be slower by a matter of three or four seconds, but in your experience, it just seems slower to you, it is not as fast, instantaneous, as you are accustomed to getting, and it is not as intense, but you do sometimes get them that way, and that is what we call a false positive.

Q Well, your normal reaction in an interior of the application of luminol to a spot will be about 10 seconds, isn't it?

A No. Luminol?

Q Luminol.

A No. It is practically instantaneous. If you don't get it within two seconds or so, you just don't bother with it.

Q You don't bother with it?

A No, sir.

Q But there was something that you found in the garage that you didn't take note of, isn't that correct?

A That's right, sir.

Q Did you find anything outside of the garage leading to the garage that indicated there was something there that you didn't take note of?

A Well, the outside was -- frankly, that night was an unusually windy night and --

Q I can't hear you.

A That night was an unusually windy night and we couldn't

even try spraying the material. We tried it and it was not practical to continue to test.

Q Now, that night you went into the garage, into the upstairs of the garage, did you not?

A Yes, sir.

Q And at the entrance of the garage, the door that leads upstairs is on the side of the garage towards the lake?

A That's right, sir.

Q Isn't that so?

A Yes.

Q And you open the door and you go up a straight stair, and then there is a couple of rooms upstairs in that garage?

A Yes, sir.

Q And at the entrance of that garage you found some spots?

A Yes, we did. Pardon me, I shouldn't say yes. Just what do you mean by the entrance there?

Q Well, just as you go inside the door.

A I have entered a picture stating that before. If you are referring to that, yes.

Q I am referring to the space right at the bottom of the steps.

A That's right. There is a little raised landing there.

Q Yes. And you found some spots there?

A Yes.

Q That reacted to luminol?

A Yes.

Q And then did you find some spots on the steps going upstairs that reacted to luminol?

A Yes, we did.

Q And then you found some spots upstairs that reacted to luminol?

A Yes.

Q Of course, you couldn't tell whether that was dog blood or human blood, could you?

A No, I couldn't.

Q None of these spots which we have been talking about now that you examined on the 30th or the 1st, the 30th of July, the 1st of August, the 2nd of August and the 4th of August, were examined in any other way except by getting the reaction of the luminol?

A No. They were all checked with luminol and the benzidine test.

Q And what?

A The benzidine test.

Q They were checked?

A Yes.

Q But beyond that, there was no examination of them?

A No, sir.

Q Neither the luminol nor the benzidine test, even if you have a blood reaction, will inform you as a scientist what kind

of blood it is?

A That's right, they will not inform you.

Q Yes. Now, then, in the application of this luminol spray, and you get this reaction, that is all done in the dark?

A Yes, sir.

Q And then did you make your chalk marks in the dark?

A We had the portable spotlight right with us as we were moving along in the dark, and when we would get a spot that glowed, we --

Q And as you moved along, you turned the spotlight on and then looked for your spots?

A That's right.

Q That carpet downstairs, did you notice what the texture of it was, what the color of it was?

A Yes.

Q What color was it?

A It's a rose or red color with a flower design.

Q It was the type of color that, for instance, blood could blend into it and you wouldn't see it unless you made such an examination as you did?

A Yes, sir.

Q Did you have any information -- did the Detective Department of the City of Cleveland in the investigation that was being conducted by you at the Sheppard home furnish you with any information as to how long that carpet had been

on that floor?

A No, they did not.

Q Do you know now how long the carpet was on the floor?

A No, I don't know. I did hear that there was a fire, but I couldn't say when that was.

Q Did your investigation disclose if anybody had bled on that carpet during the period it was on the floor?

A I had no information.

Q Didn't give you much information about it at all except to tell you to go and locate these spots?

A Well, that's --

Q That's all you had to do.

MR. PARRINO: Objection. Just
a moment, please.

MR. CORRIGAN: All right.

Q Now, I want to get these pictures that show the examination by your luminol test. Will you pick them out, Mr. Dombrowski?

MR. GARMONE: They are on the
bottom.

MR. DANACEAU: Those are all the
exhibits.

MR. GARMONE: I say, they are
on the bottom of that pile.

Q Have you got them, Mr. Dombrowski?

A Yes.

Q Now, these pictures, Exhibit 75, 67 -- I'll get them in order.

Picture 67 shows your luminol test in the hallway downstairs?

A Yes, sir.

Q And 61 shows your luminol test in the living room, that is, the north part of the living room?

A It shows part of it, yes, sir.

Q Where the television set is, and it shows the eastern part of the living room, is that right?

A Well, it doesn't show the entire eastern part.

It shows more or less the center north part, I'd say.

Q And 67 shows the little rug that was at the bottom -- where is that little rug?

A That is at the desk in the office.

Q That is at the desk. And 72-A shows part of the home that we have described as the Hoversten room?

A Yes, sir.

Q And 73 shows -- I don't recognize it. What is it?

THE COURT: Stairway, first

landing to the second floor.

A That is of the garage. That is the landing just at the top of the stairway above the garage.

Q Above the garage?

A Yes, sir.

- Q That is part of the garage then. And 75 is the landing at the bottom of the stairs in the garage?
- A That's right, sir.
- Q Those were all the result of the luminol test that we have just discussed?
- A You mean those were all the pictures that we have here to show.
- Q Yes. But I say, these are the pictures of the spots marked out that you discovered under the luminol test?
- A Yes, sir.
- Q Now, during the course of your scientific investigation, or the scientific investigation of your department, was there submitted to you or to your department a piece of leather or leatherette?
- A No, there was not.
- Q Did you ever see it?
- A I did have a glimpse of it once, yes, sir.
- Q I didn't hear you.
- A Yes, I did.
- Q Where did you see it?
- A I saw it at the Coroner's office once.
- Q Did you make an examination of the articles that were in the Coroner's office?
- A No, I didn't, sir.
- Q Were they ever brought from the Coroner's office to the

Cleveland Police Department's Scientific Bureau?

A No. All the articles were never brought in, no.

Q Did you make an examination of a pair of glasses and a handkerchief?

A No, I did not, sir.

Q Did you make an examination of a green bag?

A No, I did not, sir.

Q Did you make an examination of two watches?

A No, I did not, sir.

Q Did you make an examination of any of the bed clothes that were taken out of Marilyn Sheppard's room?

A No, I did not, sir.

Q Was anything that was gathered up in this case by the Police Department or by anybody else submitted to the Scientific Department of the Cleveland Police Force?

A Yes, there were articles submitted.

Q What?

A At the Coroner's office -- we had the two orthopedic wrenches that were brought from the Coroner's office to the police laboratory.

Q Two orthopedic wrenches were brought to you from the Coroner's office?

A Yes, sir.

Q When was that?

A I would have to refer to my notes.

(Witness refers to notes.)

- A That was on August 4, 1954.
- Q And who brought them to your office?
- A Detective Schottke and Gareau.
- Q You made an examination of them?
- A Yes, sir.
- Q Did you find anything on them?
- A Nothing, sir.
- Q Was a golf club submitted to you?
- A Yes, they were.
- Q When was the golf club submitted to you?
- A We had several submissions of golf clubs, sir.
- Q Well, you were out there on the 30th of July?
- A Yes, sir.
- Q Do you remember a great hunt for a golf club going on that day?
- A I don't recall.
- Q You don't recall it. Well, when does it show that the golf club was submitted to you?
- A We had several golf clubs that were submitted.
- Q Who brought them in?
- A On August 11th there was a black golf bag containing 13 clubs submitted.
- Q Containing what?
- A 13 golf clubs submitted by Sergeant Lockwood.

Q Sergeant who?

A Lockwood.

Q And where did that golf bag come from?

A That came from the home of Dr. Sheppard.

Q And did you learn it was Marilyn Sheppard's golf bag?

A No, I didn't learn anything about it, except it was submitted in connection with this case to be checked.

Q That was the 13th of August?

A 11th of August.

Q On the 11th of August Sergeant Lockwood here carried into the office --

MR. DANACEAU: We object to this repetition. The witness has testified. There is no need for counsel to repeat everything, every answer he has given.

MR. CORRIGAN: Sometimes repetition is necessary.

MR. DANACEAU: We know, Mr. Corrigan, but there is no need for that.

MR. CORRIGAN: I didn't get the answer to the question. I don't know what it is now.

MR. DANACEAU: Mr. Reporter, will you please read the question and answer?

(Thereupon the record was read as follows:

"Q And did you learn it was Marilyn Sheppard's golf bag?

"A No, I didn't learn anything about it except it was submitted in connection with this case to be checked.

"Q That was the 13th of August?

"A The 11th of August.

"Q On the 11th of August Sergeant Lockwood here carried into the office" --

Q -- a golf bag for your inspection?

A That's right, sir.

Q And you inspected it?

A Yes, sir.

Q And you found nothing about it that connected it with this case, did you?

A No, sir.

Q Now, then, the test that you made, the precipitant test, was not made until what date, on the piece of wood three-eighths inches in diameter that was brought in by you on the 23rd of July?

A It was not made until some time -- it was days afster, I would say, the 11th of August. I know that I did not start any laboratory examinations until after the 11th of August.

Q Do you have a record of when you did it?

A No, I don't have any record of the exact date.

Q What?

A I don't have a record of the exact date.

Q Do you have a record of how you did it?

A No. Just my own information, knowledge of running the test.

Q Isn't the accepted thing that when a scientist and a chemist makes a test, that he keeps a running notation of what he does?

A No, not every step, because after all, it is a standard procedure that we follow and --

Q Well, it is a standard procedure in a precipitant test, but it is a test that must be made with great care?

A That's right, sir.

Q What?

A That's right, sir.

Q And isn't it the accepted practice among chemists when they are making a test that requires great care, that they note with great care each step that they take?

A If it was some test that had been new, the first time performed, yes, but after you have performed a test, why, you just mark the running of the test and the results.

Q I am asking you now as a chemist --

MR. DANACEAU: We object to the repetition. He has gone through this over and over again. The witness has answered it.

THE COURT: Well, there is
no question now. Let's get the question.

tke 19 Q
mg

I am asking you now as a chemist, is it not the established and accepted practice of a chemist, when he is making a test that requires great care, to keep accurate account of what he does step by step?

MR. DANACEAU: Objection.

MR. MAHON: Objection.

THE COURT: Sustained.

MR. CORRIGAN: Except.

Q Well, do you ever keep any notes of your tests?

A On the cards we mark what test was performed and the results of the test.

Q Now, if you didn't keep an accurate account of your test, of this precipitant test, there is no way I can check you, is there, as to whether you did it properly?

MR. PARRINO: I object to that,
your Honor. The witness is here.

MR. CORRIGAN: The witness is here.
I asked the question, "There is no way I can
check you?"

What is wrong with the question?

MR. PARRINO: You can ask him
about it and he can tell you.

MR. CORRIGAN: I am asking him if
there is any way I can check his test, outside
of his memory.

MR. PARRINO: Well, you can test his memory right from the witness stand, sir.

MR. GARMONE: May we have an objection to the Court?

MR. MAHON: We do have an objection to the Court.

MR. GARMONE: Will you ask the Court for a ruling on your objection?

THE COURT: You may answer.

A Yes, you can question me on that.

Q How can I check you other than asking -- depending on your memory?

A Just question me.

Q What?

A Just question me.

Q But what have I got to check you on whether your answer -- whether you are answering correctly or not? Anything?

A If you are referring to a step by step procedure, no.

Q No, that's right. So I have got to depend upon your memory in giving me the account of this precipitation test, haven't I?

MR. DANACEAU: We object to that. He has given the account of it, but not the step by step procedure.

THE COURT: Objection sustained.

MR. CORRIGAN: Why is the objection sustained?

MR. DANACEAU: Because he has given the account. He has made a notation that he gave the test and of the result. That is an account of it.

MR. CORRIGAN: Yes, but --

MR. DANACEAU: You didn't ask about step by step. You asked for him to give an account of it.

THE COURT: All right. Let's get a question.

MR. CORRIGAN: Are you through interrupting me?

MR. DANACEAU: I am not interrupting you. I made my objection.

THE COURT: There is nothing before the Court now. Let's have a question, please.

Q Now, then, in making the precipitant test on this piece of wood that you took out of the second last step -- that is correct, isn't it -- it was taken out of the second step from the bottom, or the third step?

A The third step.

Q The third step from the bottom. That was kept in your laboratory until sometime after August 11th?

- A Yes, sir.
- Q The date it was kept there and how long it was kept there, you cannot now state, can you?
- A I would say that it was within the week after August 11th that the test was run.
- Q That is a guess?
- A No. That is --
- Q What?
- A No. That is my recollection of it.
- Q Well, I say it is your recollection, but you might be wrong?
- A About a day or two, at the most.
- Q But the accurate date you can't give us, can you?
- A No, sir.
- Q That is not scientific, is it?

MR. DANACEAU: Objection.

THE COURT: Objection will be sustained. He has already stated within a couple of days of the particular time.

- Q That is not scientific, was my question, and a couple of days in science is not scientific?

MR. MAHON: The objection has been sustained.

THE COURT: That is his testimony. That is what he did.

MR. CORRIGAN: Well, all right. That

was my question. It wasn't scientific?

Now can I have an answer to my question?

MR. MAHON: We objected and the Court sustained it.

THE COURT: He has already answered.

Q Now, then, who was it told you to make the test of the piece of wood?

A No one, sir.

Q How did it come about that you got it on the 23rd, and you did not test it until this unknown date in August?

A Because that was my immediate impression was to get a sample that was the most likely sample and most significant spot, and further run that sample down; either say it was or wasn't human blood, to either eliminate the consideration of that, or else make it more positive, and I had no reason to run it until after the complete examination of the home.

I was tied up working at the examination of the home up until the 11th of August, and after that I returned to the laboratory, stayed there, and continued on with tests in the laboratory. There was no way in which the sample would be altered, affected by keeping it there, since it has already been dried blood, and would in no way be affected physically or in any other chemical way.

Q Now, did you bring the sample with you? I believe I asked you to bring it over.

A Yes, sir.

Q Can I see it now?

A Yes, sir.

Q Now, this sample that we are now referring to that you made the precipitant test on sometime in August is contained in an envelope marked "7-23-54," and written on that envelope "On top third step tread, from basement to kitchen, approximately center of the step" -- what is that word there?

A "Wood, paint gray."

Q "Painted gray."

A That is "Positive."

Q P-o-s. Positive. And what is this "D" here?

A That is just an identification mark.

Q And that envelope contains a small bottle -- a vial containing a piece of wood showing a stain on one side of it and paint on one side of it, is that right?

A A stain on the paint, is that what --

Q Well, I don't know whether it is on the paint. The stain and the paint are there together, aren't they?

MR. MAHON: On the paint side.

THE WITNESS: That's right.

Q On the paint side, is that right?

A That's right.

Q A stain on the paint side.

MR. CORRIGAN: I will mark that
bottle and envelope as Defendant's Exhibit ZZ.

(Defendant's Exhibit ZZ,
being an envelope and a
vial, was marked for
identification.)

MR. CORRIGAN: I think that I will
ask the jury to look at it now, your Honor.
Just this bottle. I will keep the envelope.
Pass it along.

THE COURT: You have offered it,
have you?

MR. CORRIGAN: I am going to offer
it, yes.

MR. MAHON: Are you offering it now?

THE COURT: Well, it ought to be
offered before the jury sees it.

MR. MAHON: Well, the jury shouldn't
see it until it is offered.

MR. DANACEAU: Wait a minute, now.
He either offers it or doesn't offer it. Not
eventually. We want to know if he offers it or not.

MR. PARRINO: If he doesn't offer
it, we will offer it.

MR. GARMONE: Offer it, Bill.

MR. CORRIGAN: Hold it, gentlemen.

MR. PARRINO: Yes.

MR. MAHON: You want things in a regular way. Now you conduct them in a regular way, too.

THE COURT: Are you going to offer it now?

MR. CORRIGAN: I beg the Court's pardon. I should have offered it in evidence before I handed it to the jury, and I was in a little error there. Now I offer it in evidence.

THE COURT: It will be received.
(Defendant's Exhibit ZZ was offered and received in evidence.)

THE COURT: One of those little errors we make, Mr. Corrigan.

MR. CORRIGAN: Yes. Well, it is the day after Thanksgiving, too, you know.

(Defendant's Exhibit ZZ was passed among the jury.)

MR. CORRIGAN: I wonder if we could have a recess now, your Honor?

THE COURT: Yes.

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

Please be careful, do not discuss this
case.

(Thereupon a recess was taken at 2:45
o'clock p.m.)

(After recess, at 3 o'clock p.m.):

Q Now, in making a test of this kind, of course, you have a
control?

A Yes, sir.

Q And when did you secure that control?

A The exact date that I secured that control, I believe --
I rechecked myself at noon, I will correct that statement
made previously. It was taken on about the 13th -- no,
it was about the 16th of August.

Q On the 13th of August?

A The 16th of August.

MR. GARMONE: The 16th of August.

Q The 16th of August?

A Yes.

Q You said this morning that you had taken it out on the
23rd of July.

A That's right. I checked that. It was listed with the stuff
that came in on the 23rd, but that was taken and added to

it later. It was on the 16th of August.

Q So that error is now corrected?

A That's right, sir.

Q Did you go out there alone on that day to take the control?

A Detective Poelking.

NS
MAG
TK 20

- Q And do you recall now where you took the control from?
- A Yes. That same spot where I mentioned before.
- Q That was on the top step?
- A It was taken -- there were three different spots that were taken.
- Q That is, you took three different pieces of wood?
- A That's right.
- Q Now, we are talking about the term control, and someone on the jury may not understand what we are talking about. Would you kindly explain to them what we mean when we say control, or what you mean?
- A In running some tests, to be sure that you do not get a reaction when you are testing -- in this particular case, I will be specific with the test that we were running -- to be sure that when I soaked that piece of wood, that the suspected blood spot on it -- and I had a positive reaction with the precipitant test -- to be sure that that was not -- possibly couldn't have come from the contamination, that is, the wood and the paint that was in it -- that was soaking in the solution with the suspected blood spot, we will then take a piece of light material, that is, in this case, that we have good reason to believe has no blood on it, and take that piece and run that through the test in the identical way as the suspected spot is run. And that is what we call a control.

If we would get a positive with that, then we would be suspicious of our original result. If we get a negative with that, then we can say that the positive that was gotten on that other piece of wood was merely due to the suspected spot of blood that was on it and could not have come from the wood and paint that were mixed with it.

Q Now, then, did you get your control before or after you soaked the little piece of wood that we have shown to the jury?

A No, I got the control before.

Q And you then took this piece of wood and you soaked it for three days?

A Two days.

Q Two days?

A Yes, sir.

Q There was paint on it?

A Yes, there was.

Q It was wood itself, and you have stated that you do not know what wood contains?

A That's right, sir.

Q So you got a solution as a result of soaking that wood?

A Yes, sir.

Q Did you make a chemical analysis of that solution?

A No. I was merely interested in using it as a control.

Q That did not answer my question. My question was: Did you

make a chemical analysis of that solution?

A No, I did not.

Q The water that you soaked it in was distilled water?

A Yes, sir.

Q Now, then, that tube, that was a test tube that you used, and was that a new test tube?

A Yes, sir.

Q Were all the test tubes new test tubes?

A Yes, sir.

Q Never used before?

A That's right, sir.

Q Was your pipette?

A Yes, sir. It is our policy in precipitant tests to use all new glass work.

Q This is your recollection of it, anyway?

A No. That is exactly the way I ran it.

Q I say, you are remembering what you did?

A That's right, sir.

Q And you are not referring to any notes?

A No, sir.

Q And you have no notes to refer to?

A That's right, sir.

Q You say that you broke open a vial of anti serum, anti-human serum?

A Yes, sir.

Q And do you know what kind of anti-human serum it was?

A What exactly do you mean by what kind?

Q What classification, what type, from what animal?

A Oh, it came from a rabbit.

Q From a rabbit?

A Yes, sir.

Q So that you used rabbit anti-human serum?

A Yes, sir.

Q In making this test?

A Yes.

Q Do you know how to produce anti-human serum?

A I have never produced it.

Q Do you know how it is produced?

A Yes, I have an idea of how it is.

Q This animal, rabbit anti-human serum, there must have been injected into it, from your knowledge, some human serum?

A That's right, sir.

Q Into the rabbit?

A That's right, into the blood stream.

Q And by the injection of that human serum into the rabbit, there is produced in the blood of the rabbit certain anti-bodies?

A Yes, sir.

Q You know that, don't you?

A Yes, sir, that's right.

Q And that is because the food that produces the protein that feeds the nerves of the body of a rabbit is different than the food that produces the protein that feeds the cells of a human being?

A I don't know the cause. I know that a reaction takes place.

Q You don't know the cause. All right. I am not going to ask you about it if you don't know what it is.

But, anyway, it produces in the blood stream of a rabbit a counter-acting influence?

A That's right, sir.

Q Is that right?

A That's correct, yes, sir.

Q And then the blood is drawn off from the rabbit and put in vials?

A The serum is extracted.

Q Serum, yes.

A This happened to be dried serum, that is, processed.

Q Now, then, you produce anti-human serum in dogs, do you not, or there is produced in dogs anti-human serum?

A Yes, there is.

Q In fact, you have anti-human serums in classifications almost -- well, in all the domestic animals?

A You mean that has been produced in a domestic animal from human blood?

Q Yes. Anti-dog serum, anti-cow serum, anti-horse serum,

anti-sheep serum, anti-chicken serum, anti-rabbit serum?

A It is not common, but it is possible to get them.

Q Well, they are all sold commercially, aren't they, and the agriculturists use them all the time?

A They are, I believe, prepared specially on demand or request.

Q Of course, you had not learned about the dog blood until sometime in September, long after you made this test?

A That's right, sir.

Q And do you know that dog blood and human blood are pretty closely related?

A No, I do not know that. That is not the case.

Q You do not know that. Do you know that there is a close relation between the red corpuscle of a dog and the red corpuscle of a human being?

A I never heard of that, sir.

Q Well, you have noticed, have you not, that while a horse, for instance, will -- or a cow, let's take a cow -- a cow will live pretty much on green grass that produces the protein in the cow's body, while a dog will eat pretty much the same food that a human being will eat; you have noticed that, haven't you?

A They are of a different species, though.

Q That the dog will eat what you leave on the table, he will eat ice cream and meat and potatoes and all kinds of stuff that we eat; you know that, don't you?

A Yes.

Q And that is the food that -- the food that we eat is the thing that produces the protein in our body or in any animals' body; you know that, don't you?

A That's right, sir.

Q You studied biology, didn't you?

A Not that detail, sir.

Q Well, I understood that you had some courses in it.

A Some, that's right.

Q Now, anyway, you used this anti-rabbit serum, and then after this two-day soaking of the chip of wood, you put some of the anti-rabbit serum in a test tube. And how did you put it in?

MR. PARRINO: That was anti-human serum.

MR. CORRIGAN: What?

MR. PARRINO: That was anti-human serum.

Q Anti-human, or rabbit serum -- rabbit anti-human serum is the way I should really term it.

A I took a pipette.

Q What?

A I took a pipette, a disposable pipette, to be exact.

Q And you put that in a clean test tube?

A Into the vial and sucked up some of it -- drew up some of

the serum.

Q How much did you put in of this rabbit anti-human serum?

A Two-tenths of a cc.

Q Well, will you reduce that to what we ordinarily understand? What would be two-tenths of a cc in ordinary, in our ordinary measurements?

A Well, that would be about 6/100 of a fluid ounce.

Q About six what?

THE COURT: 6/100 of a fluid
ounce.

A 6/100 of a fluid ounce.

Q How many drops, could you tell that?

A Oh, I would say it would be about four or five drops at the most.

Q What?

A About four or five drops at the most.

Q Then after you had done that, you took some of the liquid that had resulted from the soaking of this piece of wood that we have just shown to the jury?

A Yes, sir.

Q Then you laid that on top?

A That's right, sir.

Q Of the anti-human serum?

A Yes, sir.

Q And you say that within a time you got a white line between

the two substances, the anti-human serum and the liquid you had taken out of the tube where you had soaked the wood?

A Yes, sir.

Q And that indicated to you that that was human blood that was on that piece of wood?

A That's right, sir.

Q You do not know, and you cannot say, whether there was any interference by any other chemical substances that had been absorbed into the liquid from the paint or from the wood?

A I can say, in view of the control test, that there were no interfering agents of the wood or the paint.

Q Well, let me go to your control. Your control, you say, was taken on the 16th. What did you subject your control piece of wood to, what test did you subject it to?

A The same test as the extract of the other piece of wood with suspected blood on it. I had soaked it at the same time. When I had prepared the test --

Q Well, did you submit it to a luminol test?

A No, I hadn't.

Q Did you submit it to a benzidine test?

A No, sir.

the 21 Q
mg

So that the piece of wood on which the spot of blood appeared, which you presumed to be blood, had been submitted to the benzidine test before it was submerged in the liquid?

A It had not been contaminated by the benzidine test.

Q No, but it had been subjected to it, had it not? There had been benzidine placed on that piece of wood?

A No, there hadn't been.

Q Well, how did you discover it? You said you discovered it by --

A Well, that --

Q -- by applying benzidine to the steps of the -- the cellar steps and the steps going upstairs, do you remember?

A That's right, sir, but the spot was tested.

Q The spot was tested?

A Now, the way it was tested, it was not contaminated by the test of benzidine solution, because --

Q Well, did you --

MR. DANACEAU: Just a moment.

Let him answer.

A -- because the cotton tip applicator was first moistened with a distilled water saline solution, the same as was used to soak the spot later on, and that was then gently rubbed around the edge, and then that applicator was taken away, so the only thing that touched that was the cotton tip applicator with the saline solution on it.

Q Well, let me go back to July the 23rd when you made the discovery of the fact that there was this spot on the third step of the cellar steps, and at that time you applied to it a chemical which is called benzidine, did you not?

A I applied it to the cotton tip applicator.

Q You applied it to what?

A To the cotton tip applicator.

Q Well, you applied it to the cotton tip applicator.

A That's right.

Q And then you applied the cotton tip applicator to the spot?

A No. The first step -- perhaps if I go through the test again -- the first step is to take out a clean, dry cotton tip applicator. Onto that we drop -- just moisten it by using a dropper with a distilled water saline solution, a physiologically normal saline solution. That cotton tip applicator is then moistened by dropping a few drops of that onto the tip. That is then -- the cotton tip applicator is put to the edge of the suspected spot, and it is gently rubbed at one edge of it. That will perhaps dissolve, will dissolve some of the suspected spot there. That is then taken away from the spot, and over here we used -- we had a large bowl that we used, a pyrex dish, and we'll take that and hold it over the pyrex dish, and we'll take our drop of benzidine with a dropper and drop a drop or 2 of

benzidine solution to test the solution onto the cotton tip applicator, which is away from the spot that was tested, and then we'll drop a drop of hydrogen peroxide onto that cotton applicator, and it is at that instant that we get our color reaction, if the spot is to be judged as being positive.

Q Well, did you get the color reaction on the piece of cotton, or did you get the color reaction on the piece --

A The piece of cotton.

Q Before you got the reaction on the piece of cotton you had made this application of the cotton to the edge of the blood?

A That's right, sir.

Q Now, then, there was no such test made on the pieces of wood that you took the control, was there?

A Specifically, I couldn't say, because we made tests on it --

Q Now, wait a minute. Specifically you couldn't say. That is where we get into difficulty when you don't have notes, isn't it?

MR. DANACEAU: We object to that.

The witness is trying to answer the question.

THE COURT: You will disregard

that statement entirely. The question is:

Did you make --

THE WITNESS: No.

Q What?

A No, we did not.

Q You did not. Now, what the action of the lead in the paint had upon this test you don't know?

A Upon what test do you refer to?

Q On the precipitant test.

A It had no reaction on that test.

Q It had no reaction?

A No, sir.

Q Now, did you perform that test again with the same piece of wood?

A What test --

Q The precipitant test with the same piece of wood that you showed to the jury?

A No. That was only performed once.

Q You didn't check it?

A No. We don't have really enough solution to check it.

Q "No" is the answer. After you had determined this white line that indicated to you that that was human blood, did you make any notations of it anywhere?

A Yes.

Q Where?

A I made it on the official entry in the laboratory.

Q And what further did you do?

A With regard to what?

Q With regard to that test.

A Oh, I had five test tubes with this precipitant in them, and then I also had one of the rabbit serum in it, that liquid, and I put in one test tube was this unknown -- the spot that was being examined. Into another test tube I put the sample of the extract of the blank piece of control. Into another test tube I put the sample of known blood. Into another one I put the sample of the solution that I used to extract the blood with, that is, the distilled water saline solution, and in the fifth sample I put the previous sample that was mentioned in which we did not get a reaction. And then into the rabbit serum I put some of the remainder of the liquid that was from the sample that was a suspected spot on the wood that was in question.

Q And then what did you do?

A Then I would observe the reaction. I noticed that in about five minutes there appeared a white line at the test tube that had the suspected solution, that is, the piece of wood that was removed from the basement stairs, and the test tube that also had the known blood, that is known -- I took a drop of blood and made up a solution of that, and these two test tubes had the white line appearing, whereas, there was no white line appearing in any of the other test tubes, indicating that there was no other reaction, just in these two tubes.

Q And how long did that take to get the reaction?

A Well, I examined them 20 minutes. After 20 minutes, the test would be disregarded if anything did appear. However, nothing appeared for quite sometime in any of them, in fact, and I disposed of them.

Q Did you do anything further?

A No. I just removed the piece of suspected wood from the solution and put it back into the vial.

Q And drained off the solution in these different test tubes?

A That's right, sir.

Q What?

A Just disposed of it, yes.

Q Well, you didn't put any of this material away?

4 A Well, there is no way that you can preserve it, because in a matter of time this white line will settle out to the base, and it is not usable. It means nothing as far as showing it to anybody.

Q Well, you have just told me that after you had made this observation, that you then disposed of the liquid in the tubes, haven't you?

A Yes, sir.

Q So you didn't keep it for any length of time?

A Oh, I have kept it there for about a day.

Q What?

A About a day.

Q Well, you said that -- now, have you got any notes on that,

that I can check you on as to how long you kept it? No.

I asked you the question if it was not true -- did you not answer that within a short period of time after you had made your observation, you disposed of the liquid in the test tubes?

A Well, I'm sorry. I misunderstood your question. I said -- I thought you asked what I did then.

Not in a short time, because, frankly, what I did do was -- I have even gotten people in the laboratory, people outside, not knowing what I was doing, to come in and view the test tubes as they were up and tell me what they see in any of them.

Q Well, I say, you did dispose of the liquid in the test tubes?

A But that was not in a short time.

Q What?

A But it was not immediately -- not a short time afterward.

Q Well, when?

A Well, I'd say about the end of the day.

Q And what time did you perform this test?

A I started early in the morning.

Q What time did you complete the test?

A Oh, I'd say I completed it about one o'clock.

Q And then before you went home from work -- you quit about 4?

A That's right.

Q About three hours later you disposed of the liquid?

A That's right, sir.

Q Don't you know in a precipitant test you are supposed to keep the liquid for a matter of 24 hours?

A No.

Q And make your observations?

A I have never heard that, because anything that you get after 20 minutes is disregarded.

Q Don't you know --

MR. PARRINO: Just a minute.

MR. MAHON: What was the latter part of your answer?

A I said because anything you get after 20 minutes is disregarded.

Q Don't you know that at about the end of 24 hours in a precipitant test you get a precipitant at the bottom?

A Yes, that's right. I mentioned the same thing.

Q You couldn't see that precipitant at the bottom in three or four hours, and you didn't see it, did you?

A I did observe a precipitate, that's right. It started settling out toward the bottom, I recall, before I disposed of it.

Q You recall it now after I put it in your mind?

A No. Well, you brought this up. I mentioned it before that the precipitate settles out to the bottom. That it would be --that it could not be shown.

Q The performance of the precipitant test, and the reason it is called a precipitant test, is because matter settles down, precipitates to the bottom of the test tube?

A No, sir. It is called a precipitant test -- that is partly correct -- but the main reason is because you get it at the junction of the two liquids. That is the white line that you see inside of 20 minutes at the junction of the two liquids. That is your precipitate, and that is why it is called a precipitant test. You get it at that point, and regardless of what you get after 20 minutes, if you did not get it at the junction of the two liquids between the 20 minutes, you would not have a positive reaction.

Q Well, haven't you learned that the very word "precipitation" means falling down?

MR. DANACEAU:

We object to this.

It has no bearing --

Q Isn't that the way the word has gotten into chemistry?

A Shall I answer?

Q Yes.

A The word precipitate means the formation of some solid or crystalline substance when you put two liquids together or some reagents together. The formation of those solids, that is a precipitate. Whether it comes down, or whether it is at the top of the liquid, or suspended in the liquid,

makes no difference. It is still a precipitate.

Q And in the precipitant test, the liquid is held by the careful examiner for a period of at least 24 hours, is it not?

MR. DANACEAU: We object to that.

He has gone into that.

Q You say no?

A No, sir.

MR. DANACEAU: Just a minute.

We objected to the Court.

THE COURT: The objection will be sustained.

MR. CORRIGAN: We except.

I am about through with the witness.

Let me see if there is any other questions I may want to ask.

Q You did say, Mr. Dombrowski, when I was talking about the -- questioning you about your investigation of Marilyn's room, that there were other photographs taken besides these that we have here in the court, and I asked you to bring them. Did you bring them?

A Yes, sir.

Q May I see them?

A I brought all the photographs that we have available.

Q What?

A I brought all the photographs that are available.

Q Well, we have some of these, I guess, duplicated, so I don't want to duplicate them.

(Mr. Corrigan examines photographs.)

NS
MAG
TK 22

Q Mr. Dombrowski, did you ever make any tests with human blood?

A No, I did not, sir. Pardon me, what type of tests?

Q Human blood.

A What type of test with human blood?

Q I mean tests as to how far it can be carried by a person after it attaches to a weapon or attaches to their hands?

A No, I did not, sir.

Q Well, now, you are in the scientific department of the Cleveland Police Force?

A Yes, sir.

Q Do you know that blood, when it gets on to a weapon, that it will congeal in a very short time and not drip?

A It depends on what it is, the atmospheric conditions and --

Q I am talking about human blood.

A That's right.

Q And if you get your hand full of blood, supposing I would get my hand just soaked with blood, it would drip for only a short distance, wouldn't it, and it would begin to congeal on my hand, jelly on my hand?

A That would depend on the conditions.

Q What?

A That would depend on the conditions. If you were moving slow, if you were moving rapidly, if you had a hot day, if you had a breeze, if it was cold, things like that

would affect it.

Q If I got my hand full of blood and I started to run, then, of course, it would drip for a longer distance than if I walked, is that what you mean?

A That's right, sir.

Q But you know this: That it would congeal within a very short time?

A I never made any test of that kind.

Q You don't know anything about it?

A No, sir.

Q All right. Now, handing you which we will call our Defenant's Exhibit -- whatever it is.

MR. CORRIGAN: Will you mark
these, please?

(Defendant's Exhibits
AAA to HHH, being photo-
graphs, were marked for
identification.)

Q AAA shows a picture of the north part of the living room in the vicinity of the desk?

A Yes, sir.

Q Now, when that picture was taken, the papers that were strewn out of the desk were in front of the desk, were they not, and you had to move them away in order to make that chalk mark that appears in front of the desk?

A No, we did not.

- Q. You did not?
- A No. We moved no papers.
- Q You moved no papers?
- A No.
- Q And that shows a white chalk mark -- three white chalk marks in front of the desk, doesn't it?
- A That's right, sir.
- Q And a white chalk mark over here?
- A No. That is not a white chalk mark.
- Q What is that? It is something white.
- A I don't know. It is something white, but it is not a chalk mark.
- Q I see. You say you did not move the papers that were in front of the desk?
- A That is right, sir.
- Q Now, I will show you Exhibit BBB, and I want you to look at Exhibit AAA at the same time as you look at Exhibit BBB, and are the papers not in a different position in reference to the bottom of the desk than they are -- are they not in a different position in Exhibit AAA than they are in Exhibit BBB?
- A Yes, sir.
- Q They are?
- A Yes, sir.
- Q Well, they must have been moved, then, musn't they?

A They must have been moved, that's right, sir.

Q What?

A That's right, sir.

Q They were moved, so you were mistaken when you say they weren't moved?

MR. PARRINO:

He said he didn't

move them.

A I said I did not move them.

Q But they were moved?

A That's right, sir.

Q You don't know who moved them?

A No. The pictures were taken on different days.

Q And on the morning of July 4th, did you see the picture that was taken on the morning of July 4th? That was in the office of the Detective Bureau.

A Yes, I did.

Q And you know that the drawer, the bottom drawer of the desk was pulled out, and the bottom drawer of the desk that was pulled out was over this blood spot that you have marked here on Exhibit AAA?

A I don't know that, sir.

Q Well, State's Exhibit 13 is a picture that was in the Police Department, a picture that was taken July 4th?

A Yes, sir.

Q And picture AAA and BBB, do you know when they were taken

and who took them?

A

May I see them? The picture BBB would have been taken on the -- either on or after the 2nd of August by Detective Poelking. Now, Defendant's Exhibit AAA would have been taken by Detective Poelking either on or after August 4th.

tke 23 Q
mg

Now, will you come down for a moment, Mr. Dombrowski, so the jury knows what I am talking about?

MR. DANACEAU: Just a minute.

We have the same thing over again. These exhibits have not been offered into evidence yet.

MR. CORRIGAN: I will offer them.

MR. DANACEAU: Why this exclamation?

All we are asking is for an orderly procedure.

MR. GARMONE: It is just an oversight on his part. Give him a chance.

MR. DANACEAU: I realize it is an oversight. I just make mention of it.

MR. GARMONE: Well, call it to his attention, that's all.

MR. DANACEAU: That is all I did.

MR. CORRIGAN: Don't worry about me not offering things.

MR. DANACEAU: Does he have to make this kind of a statement when I make a legitimate statement to the Court?

THE COURT: We have a large number of exhibits that have been referred to here that have not yet been introduced, so that we ought

to keep them separate.

MR. CORRIGAN:
AAA and BBB right now.

Well, I will introduce

THE COURT:
be received.

All right, they will

(Defendant's Exhibits AAA
and BBB were offered and
received in evidence.)

Q Now, Mr. Dombrowski, in Exhibit AAA, is there a chalk mark
of a blood spot near the desk?

A This is Exhibit triple A, and there are three marks.

Q There are three marks?

A Yes.

Q Of the blood spot near the desk in Exhibit AAA?

A That's right, sir.

Q Now, in Exhibit BBB, is this a mark of a blood spot near
the desk?

A No, there isn't.

Q There is not. And what I was referring to -- the papers
that were in the close proximity to the foot of the desk
appear in a different position than they do in -- wait till
I get this right, because I am getting twisted up -- the
papers that are shown in Exhibit BBB are in a different
position than the papers as shown in Exhibit AAA, that is
so, isn't it?

A That's right, sir.

Q On both of these pictures the lower drawers of the desk are closed, aren't they?

A Yes, sir.

Q Now, referring to State's Exhibit 13, that, you say, is a police photograph, the drawers of the desk are pulled out?

A Yes, sir.

Q And it necessitated you doing two things to get that spot, did it not: Closing the drawers and moving the papers?

A It didn't necessitate my doing either of those.

MR. CORRIGAN: Well, I want to submit them to the jury right now for their examination.

(Defendant's Exhibits AAA and BBB and State's Exhibit 13 were passed among the jury.)

(Thereupon a conference was had at the bench between Court and counsel, out of the hearing of the jury, after which the following proceedings were had within the hearing of the jury):

THE COURT: Ladies and gentlemen of the jury, before we start on the matter that is to be inquired into now, we think we ought to adjourn for the day, and we will start on it

promptly at 9:15 on Monday morning.

Will you please be very careful over the weekend not to discuss this matter with anyone, and not to permit anyone to discuss it with you?

Without any formality at all, we will be adjourned until 9:15 Monday morning.

- - -

(Thereupon at 4:05 o'clock p.m. an adjournment was taken to 9:15 o'clock a.m., Monday, November 29, 1954, at which time the following proceedings were had):