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Afternoon Session, November 29, 1954, 1:15 o'clock, p.m.

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

CROSS-EXAMINATION OF HENRY DOMBROWSKI (CONTINUED)

By Mr. Corrigan:

Q Mr. Dombrowski, in this bottle, which has been marked Exhibit No. 76 --

THE COURT: Mr. Corrigan, can I have a word with you?

(Thereupon a discussion was had between the Court and Mr. Corrigan out of the hearing of the jury, after which the following proceedings were had within the hearing of the jury:)

Q This Exhibit 76, which you identified as a piece of tooth that you picked up the 23rd day of July -- that's correct, isn't it?

A That's right.

Q And what was done with it after it was picked up?

A There was a question asked as to where it may have come from, and we were told that --

Q No. What was done with it? I don't want any conversation.

A There was an attempt made to see if it would fit in with any of the two broken pieces that had been submitted --

that have been subsequently submitted here as evidence.

Q Who did that?

A I had made an attempt, and there was an attempt also at the Morgue.

Q I see. You could not coordinate it with any of those two pieces of teeth that we have here?

A No, sir.

Q Was it examined by anybody else except you?

A Yes, it was.

Q Who was it examined by?

A Miss Cowan.

Q Miss Cowan?

A That's right.

Q And you could in no way connect it in any way with the murder of Marilyn Sheppard in such a way that it would be helpful to the jury?

A Just the appearance and texture. As far as saying that it came from her, no, sir.

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

THE WITNESS: Appearance and
texture of the two.

MR. MAHON: As far as what,
you said?

THE WITNESS: As far as fitting

it into the two pieces that we did have on hand from the mouth of Marilyn Sheppard, we could not fit it in.

Q You could not fit it in, is that correct?

A That's right, sir.

Q Now, in your examination of the room and the blood spots in the room, you noticed that on the west wall and on the doors of the west wall -- withdraw that -- you noticed on the bedroom door that stood open and also on the closet door the spots of blood were sort of circular-shaped?

A They varied somewhat, yes, sir.

Q What?

A They varied. They were not all perfectly circular.

MR. CORRIGAN: Well, let's get that picture. I want the picture of the door that has the blood spots on it.

Better mark that.

(Defendant's Exhibit III marked for identification.)

Q That, Mr. Dombrowski, is marked Exhibit III. That is a picture of the blood spots on the bedroom door and the closet door?

A Yes, sir.

Q Now, this has been marked Exhibit 22, which seems to be the same picture, is that correct?

A Yes, sir.

Q Except one is finished lighter than the other?

A That seems to be about the only difference, yes, sir.

MR. CORRIGAN: I just want to show the jury these so that they know what I am talking about.

(Mr. Corrigan shows Exhibits 22 and III to the jury.)

MR. DANACEAU: I don't want to make another objection, but one of those pictures is not in evidence.

MR. CORRIGAN: Which one isn't in evidence?

MR. MAHON: The one you just had marked.

MR. DANACEAU: The one that was just marked.

MR. MAHON: You had it marked but didn't offer it.

THE COURT: RRR and SSS, are they?

MR. CORRIGAN: We offer it in evidence.

THE COURT: Which is this?

THE REPORTER: III.

THE COURT:

III will be received.

(Defendant's Exhibit III
was received in evidence.)

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The blood spots as shown on the doors have a certain rounded shape?

A Yes, sir.

Q Now, then, did you examine the blood spots that were on the wall that was west of the bed?

A That would be the far wall furthest away from the bed.

Q Now, wait a minute, until I see. I have got to get those directions myself, apparently. North, east, south and west. No. I withdraw that. I have given you the wrong wall.

The wall against which the back of Marilyn's bed -- or the front of Marilyn's bed was placed was the south wall?

A Yes, sir.

Q Now, I am talking of the section of the wall, of the south wall west of Marilyn's bed. Did you examine that wall?

A Yes, I did look at that.

Q There was a radiator close to the south wall, do you remember that?

A Yes. That was at the southwest end of the wall.

Q And that radiator was over in the southwest -- toward the southwest corner?

A Yes, sir.

Q Now, did you notice the blood spots, or if there were any blood spots on the top of that radiator? I withdraw that.

Did you notice that there was a flat surface on the top of the radiator?

A Yes, to the best of my recollection, there is.

Q Did you notice the blood spots -- if there was any blood spots on that flat surface?

A I did not notice.

Q You did not notice. Did you notice if there were any blood spots on the wall, on the south wall above that flat surface of the radiator?

A I don't recall, sir, whether there were or were not.

Q Do you know if you took any photographs, or if any photographs were taken by the police department of that south wall west of the second twin bed?

A Yes, there were.

Q Are they here?

A I thought they were in that group of pictures.

Q Well, we will see. Well, looking at this picture, I cannot see -- will you look at this picture and tell me if it shows the south wall west of Marilyn's bed, also showing the radiator?

2 A Yes, sir. This is the radiator here.

Q Now, I am referring to blood spots that would be above the second bed and along the wall in front -- along the south wall over the radiator. You can't see any there? I can't see any.

A No, I don't --

Q It doesn't show it?

A There is another photo showing a closer shot than that.

Q Did you make an observation that the blood spots on the south wall beyond the second bed had a different shape than the blood spots that are shown in these two pictures that you just examined?

A Well, they would have.

Q Well, did they?

A They have in the area on the south wall, in the area between the two beds, there is a different shape.

Q There is a difference there?

A Yes.

Q And what is the difference?

A The difference is that they are more drawn out, elongated, the blood spots are.

Q They are elliptical?

A That's right.

MR. CORRIGAN: Let me have that
blackboard a minute.

(Blackboard set up.)

Q Did they have a shape something like this, Mr. Dombrowski?
(Indicating on blackboard.)

A They would in reverse.

Q What?

A They would in reverse.

Q In reverse?

A Yes.

Q Like that (indicating on blackboard)?

A That's right, sir.

Q Now, when you see a blood spot of that shape, if you analyze that shape of a blood spot as distinguished from a blood spot that was somewhat rounded, that would give you information as to where the person was standing when the blow was delivered, wouldn't it?

A That is not a hundred-percent true, sir.

Q What?

A That would not necessarily be true, sir.

Q Well, would it give you information as to the angle at which that blood flew from the body?

A That's right. It would give you the direction of flight of the blood spot.

Q It would give you direction of the flight?

A That's right, sir.

Q And this shape of a blood spot also would give you direction of flight?

A That's right, sir.

Q And the angle from which it flew?

A That's right.

Q Now, you didn't analyze those things, did you?

A By what --

THE COURT: What do you mean?

Did you analyze the blood or analyze the effect?

Q Did you analyze the effect at any time?

A Yes, we did look at that, sir.

Q And did you make any notes as to what the effect or the conclusion that you drew from these different types of blood spots was?

A Yes. We didn't make any notes. We just came to a conclusion on that, sir.

Q Then what was your conclusion on that?

A That the blood spots -- they originated from the upper half of the bed at a spot just at the top of the heavy stain of the mattress.

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- Q That the blood spots originated from the top of the bed?
- A That is, the upper half.
- Q Upper half of the bed?
- A That's right, sir.

MR. GARMONE: Are you through
with the board?

MR. CORRIGAN: Yes, I am through
with it.

- Q Now, in analyzing those blood spots, did you draw any
conclusion as to whether Marilyn Sheppard was hit by a
right-handed man or a left-handed man?

A I did not draw any conclusions.

Q You did not?

A No, sir.

- Q Did you study the pictures of the position of Marilyn
Sheppard after she was slain?

A I have seen the pictures.

Q What?

A I have looked at the pictures.

- Q And you saw that her body had slid down in the bed?

A Yes, sir.

- Q But you didn't go as far in the examination of that room
or the set-up in that room as to determine whether it was
done right-handed or left-handed by the man who committed
the crime?

A we did not have data or facts to go on on that basis.

Q But I say, you didn't? That was the answer.

A We could not.

Q Now, in the examination of the room or of the house on the 23rd of July, on the 30th of July, I think it was the 1st and the 4th of August -- those were the fourdays?

A No. I was out there more than that, sir.

Q Now, let me see. You went the first time the 23rd?

A The 23rd, the 26th; the 27th, that was at night; the August 2nd was at night, August 4th was at night, and August 5th was the last time we were out there at night. Then we were out there during the day after that.

Q Now, Mr. Dombrowski, on these examinations you found under this Luminol spray reactions from certain spots in the carpet in various rooms that indicated to you it might be blood?

A Yes, sir.

Q And it might be something else?

A There is a possibility it might be something else.

Q All right. Now, then, this may be a little bit tedious, but I have to have it.

We will take Exhibit No. 61, which shows certain chalk circles on the carpet of the living room. Beyond getting this fluorescent reaction on the spots that appear on that carpet, did you do anything else?

A Yes. We tested those spots, each one of those spots with

benzidine.

Q And you came to the conclusion that that might be blood?

A After we received a positive reaction with benzidine, that's right, sir.

Q And it might be something else?

A Well, there is a very remote possibility that it might be something else after getting a positive with those two tests.

Q Could you tell whether it was dog's blood or human blood?

A No, we could not, sir.

Q You could not?

A No, sir.

Q Now, then, will you give me the dimension of these spots that appear on Exhibit No. 61?

A You mean as to size or location?

Q In size.

A In size, I could not give you that, sir.

Q You cannot give me that?

A No, sir.

Q All right. Now I turn to Exhibit No., Defendant's Exhibit FFF, which shows the northwest corner of the living room, is that correct?

A That's correct, sir.

Q And you have a spot circled there?

A That's right, sir.

- Q And that is over between the radiator and the table in the northwest living room?
- A That's right. It's right where there is a telephone on the --
- Q Do you know the size of that spot?
- A No. For all those spots, I do not know the exact measurement, just the approximate size. They were all varying in size from approximately, oh, an eighth of an inch to a quarter or three-eighths of an inch.
- Q Your answer, then, without repeating it, as I go through these various pictures and point the spots out that you have circled, is that you do not have any accurate measurements on them?
- A That's right. The spot or the glow would show up in the dark and there is no way we could measure it in the dark without putting the lights on, and we lose the spot if we put the lights on.
- Q And beyond the test that you made of subjecting it to this Luminol and benzidine test, you made no other tests of any of these spots?
- A No. The spots could not be subjected to those tests.

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Q They were not subjected to any tests. Now, that spot is away over in the corner, isn't it?

A No, it is not in the corner. It is along the --

MR. CORRIGAN: Well, I don't know whether I have shown this to the jury or not. I introduce it in evidence and show it to the jury.

THE COURT: Is it FFF?

MR. CORRIGAN: Yes.

THE COURT: And you offer it.

It will be received.

MR. CORRIGAN: I offer it and call attention to that spot back of the white chair.

(Defendant's Exhibit FFF was offered and received in evidence.)

(Defendant's Exhibit FFF was passed among the jury.)

Q And these spots that we are now referring to that you followed around the house, you are not able to state whether any of it is human or dog blood?

A The spot on the basement stairs was human blood.

Q Well, outside of that one spot.

A That's right, sir.

Q The other spots, you don't know?

A That's right, sir. Yes, sir.

Q Now, then, showing you Exhibit No. GGG, that is a spot -- or is there two spots that you found down in the basement in front of what appears to be the washing machine?

A There is a spot marked there. That spot was ruled negative.

Q It was ruled negative?

A Upon testing with benzidine. We were getting false positives on the concrete there, so we ruled that negative.

Q Now, then, we have Exhibit No. HHH. Do you recognize what part of the room this is, or what room this is?

A Yes. This is the east end of the living room.

Q The east end of the living room?

A Yes. This portion here.

Q And there are spots, one, two, three, four, five, six --

A That is the hallway between the office and the kitchen there.

Q I see. And there are six spots shown on there, maybe more?

A That's right, sir.

Q There are a number of spots shown on that.

And Exhibit CCC is a picture of the -- another picture of the east end of the living room looking towards the door?

A Yes.

Q And there are one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen spots there?

- A Yes, sir.
- Q And Exhibit EEE, what is that a picture of, Mr. Dombrowski?
- A That is the dressing room right across from Chip's room.
- Q That is the dressing room that gives the entrance to the room which we have called the Hoversten room here?
- AZ Yes, sir.
- Q And are there some spots there?
- A Yes. There are three spots there, sir.
- Q Three spots in that room. And then on State's Exhibit 62, is a picture of the carpet in the hallway leading from the living room to the back door, is that correct?
- A Yes, sir.
- Q And there are one, two, three, four, five, six spots on that particular -- shown on that particular carpet?
- A There are spots shown. I haven't counted them.
- Q Count them. One, two, three, four, five, six --
- A Seven, eight, to be exact.
- Q Eight. And then there is a picture of the east room of the house, which we have called Hoversten's room here in this trial, and on the carpet there you find two spots circled?
- A Yes, sir.

MR. DANACEAU: What number is that,
please?

MR. CORRIGAN: That is State's Exhibit
No. 72-A.

Q And there is a picture, which is marked 69, State's Exhibit 69, which shows a rug in the den, a round, circular rug in the den which is on the south side of the desk, is that correct?

A Except that that is not a rug. It is a linoleum-type mat, a chair mat.

Q Oh, a chair mat?

A Yes, sir.

Q And there are on that shown one, two, three, four, five, circles in chalk?

A Yes, sir.

Q And you had to remove the chair in order to take those photographs or make that test, didn't you?

A I don't recall; if it was in the way we would have moved it, that's right, sir.

Q Well, you did move furniture around, did you not?

A In some cases.

Q Do you recall that when you went into this den, that there was a chair?

A Yes, that's right.

Q In front of that desk?

A That's right.

Q You had to move the chair and make the examination?

A Yes. That chair had been moved several times before we came there.

Q And on State's Exhibit No. 69 is a picture of the steps leading from the landing -- the stairway that is to the second floor, the steps that lead into the kitchen?

THE COURT: That is not 69.

MR. CORRIGAN: 64. Thank you.

A Yes. Those are the steps from the kitchen to the first landing.

Q And on those steps from the -- going down into the kitchen, you have one, two, three, four, five circles. Will you count them?

A Did you count --

MR. DANACEAU: We can't hear the conversation back here.

A I say there are several that he has missed there.

Q Will you tell me the entire number that appears on those steps?

A Eight.

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- Q Were any of those spots tested?
- A Yes. I have given the data on that.
- Q Those were the two spots that were tested, and they were negative, is that correct?
- A Two typing and one precipitant.
- Q And both showed negative results?
- A That's right, sir.
- Q This is a picture of the stairway going upstairs, and I believe you have testified to that. This is another picture of the stairs of the kitchen, and you have just testified to that.
- Now, this is State's Exhibit 68, and that is a picture of what part of the house?
- A The doorway to Chip's room.
- Q The doorway to Chip's room. And there you have three pencils laid down pointing to something, is that correct?
- A That's right, sir.
- Q And those three pencils are pointing to a spot?
- A They are pointing to some of the blood spots in that area.
- Q Now, there is a lot of other spots in that area. Did you determine what they were?
- A They had the appearance -- there is no reason to doubt the appearance there of paint.
- Q There was drippings of paint on the floor?
- A That's right, sir.

- Q And this is the cellar steps, State's Exhibit No. 60 is a view of the basement steps looking down to the bottom of the steps?
- A Yes, sir.
- Q That is, taken from up and looking down?
- A Yes, sir.
- Q And that is the step on which you extracted this three-eighth by three-eighth inch piece of wood which you later tested?
- A Yes, sir.
- Q Now, that was July 23rd when that was taken out?
- A Yes, sir.
- Q And then you say you took your controls sometime after the 16th of August?
- A That's right, sir.
- Q Now, what steps did you take your control from?
- A The second riser from the top, three inches from the east stairway, and the third riser --
- Q Just a moment, Mr. Dombrowski.

MR. DANACEAU: Just a minute.

May we have a complete answer before another question?

MR. CORRIGAN: I know he hasn't given the complete answer. I'm going to get it complete.

MR. DANACEAU: Let the witness

give it complete, please. You said, "Just a moment," while he was in the middle of a sentence.

MR. CORRIGAN: If you will just wait and hold your horses, you will find out that I will give the witness every opportunity to give the answer.

MR. DANACEAU: You just wait and hold your horses, and we will have the answer, sir.

THE COURT: Do you want his answer?

MR. CORRIGAN: I'll withdraw the question.

Q Mr. Dombrowski, the place where the little piece of wood that has been shown to the jury that has a blood spot on was taken from the third step from the bottom, wasn't it?

A Yes, sir.

Q Now, when you went out on the 16th to take a control piece of wood, did you take it from the third step from the bottom?

A No, sir.

Q Did you take it anywhere near the vicinity where you took the piece of wood that shows the blood spot?

A No, sir.

Q You took two samples?

- A. Three samples.
- Q Three samples. The first sample was taken from where?
- A The second riser from the top.
- Q Second riser from the top.
- A The next one was the top step.
- Q Top step.
- A The next one was from the third riser.
- Q Third riser. All right. Now, State's Exhibit 65 is a picture looking out the door onto the front porch, is that so?
- A That's right, sir.
- Q And there you have three circles marked in chalk, correct?
- A Four.
- Q Four. Is this the garage?
- A No.
- Q Is that so?
- A No. It is the stairway to the second floor.
- Q And that is the stairway to the basement.
- And that is the stairway --
- A To the garage.
- Q Is that the stairway to the garage?
- A Yes.
- Q And State's Exhibit -- or our exhibit, Defendant's Exhibit AAA, is a picture of the living room carpet just in front of the desk, correct?

A That's right, sir.

Q And that shows seven spots, right?

A No. I believe it just shows six.

Q It shows six?

A Yes, sir.

Q This is not your picture, is it, Mr. Parrino?

MR. PARRINO: Yes.

Q Well, showing you State's Exhibit 31, that shows a condition in the room of --

MR. PARRINO: That's 13.

Q 13. Have you seen that picture before?

A Yes, I have.

Q That shows the condition of the room in front of the desk before you made your examination?

A That's as of, I believe, on July 4th.

Q Yes. And State's Exhibit No. -- or Defendant's Exhibit BBB shows the situation in front of the desk when you made your examination, which shows five circles, is that right?

A It was of a day when we made the examination. We were out there several days.

Q Yes. And in order to produce Defendant's Exhibit BBB it necessitated you moving the furniture around and changing the condition of the room, the location of stuff in the room, didn't it?

A What particularly?

Q Well, you can see by looking at these two pictures that the situation that existed on July 4th, as shown by Exhibit No. 13, is entirely different than the situation shown on Exhibit BBB, is that correct?

A Yes, sir.

MR. CORRIGAN: I want to show these to the jury now. This is Exhibit 13, July 4th --

MR. DANACEAU: Wasn't that shown before, Mr. Corrigan, or is that a different one?

MR. CORRIGAN: What?

MR. DANACEAU: Wasn't that shown before?

MR. MAHON: He showed these last week.

MR. CORRIGAN: No, it wasn't shown last week, not these two.

MR. DANACEAU: Did you introduce the Defendant's Exhibit in evidence yet, sir?

THE COURT: EEE has not been offered yet, sir.

MR. PARRINO: This is BBB, sir.

MR. GARMONE: This is BBB that he is referring to now.

MR. DANACEAU: Has that been intro-

duced in evidence yet?

MR. CORRIGAN:

Yes.

THE COURT:

BBB has already
been received.

MR. DANACEAU:

No objection.

(Thereupon State's Exhibit 13 and Defendant's
Exhibit BBB were passed among the jury.)

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MR. DANACEAU: Is that BB?

THE COURT: BBB.

MR. DANACEAU: On page 2825, they
were all shown to the jury, 2825 of the record.

MR. CORRIGAN: I showed them three.
I am just showing them two now.

MR. DANACEAU: Well, they are two
that you showed. It was shown last week in the
record. It is in the record that it was shown
to the jury.

MR. CORRIGAN: I say I am just
showing two.

MR. DANACEAU: But those two were
included in the three last week.

THE COURT: The two exhibits were
shown to the jury, AAA and BBB.

MR. DANACEAU: That's right.

Q Now, Mr. Dombrowski, I show you now State's Exhibit 75, and
that is a picture of the bottom of the stairway of the
garage showing one, two, three, four, five circles; correct?

A Yes, sir.

Q And as you went upstairs in the garage -- as you went up
the stairs in the garage you found on the stairs of the
garage one, two spots that you circled?

A Three on the risers.

Q Three?

A Right here.

2 Q And then as you went up into the garage -- we are talking now about the space on the second floor -- as you went into the rooms up there, you made an examination, and on the floor of the upstairs room to the garage, you found how many spots that you circled?

A Three, sir.

Q And then you went into Chip's room, did you not?

A Yes, sir.

Q And you located where Chip's bed was, all the things in that room, and I now hand you Exhibit DDD, and ask you if you recognize that picture?

A Yes, I do.

Q And that is a picture of what room in the house?

A Part of Chip's room.

MR. CORRIGAN: I will introduce this.

THE COURT: Is that DDD?

MR. CORRIGAN: Yes.

THE COURT: Are you offering it?

MR. CORRIGAN: Yes.

THE COURT: It will be received.

(Defendant's Exhibit DDD
was offered and received
in evidence.)

- Q When you examined Chip's room you found that there was a table in that room on which there was a lot of toys, is that correct? Do you remember that?
- A Yes. There were boy's articles on there.
- Q Boy's toys?
- A Yes.
- Q And that table was placed so that it faced the north window?
- A Yes, sir.
- Q Do you remember that?
- A Yes.
- Q And you found and marked a spot right to the west of that table, didn't you?
- A No, sir. That is a photographic error or something. That is not one of my spots.
- Q It isn't one of your spots?
- A No. There is just one spot found there. It is that other one that is shown in the picture.
- Q You say that that over there is not a circle?
- A No, sir.
- Q Do you know what it is?
- A I don't know whether it is something that may have been on the floor, or whether it is just an error in the reproducing of the photograph at the time the print was made, or something, but there was only one spot found in that room, and that is this spot here that is shown in the lower

portion of the picture.

Q That is the spot that is shown inside Chip's room.

MR. CORRIGAN: I don't think the jury has seen this.

MR. DANACEAU: Has that been introduced in evidence?

MR. GARMONE: Yes. DDD.

THE COURT: Triple E has not been offered.

MR. CORRIGAN: I just offered DDD.

THE WITNESS: D as in dog.

THE COURT: Oh, D as in dog.

Oh, yes, all right.

(Defendant's Exhibit DDD was passed among the jury.)

Q Now, will you examine these, Mr. Dombrowski, some of which are not marked, and will you pick out all the pictures that are left in here that reacted to your benzidine or your Luminal test?

A I don't know. This is somebody else's picture.

Q No. Just take yours.

(Witness does as requested.)

Q Now, then, with the pictures that we have already gone over, and which have been introduced in evidence, and which have been shown to you, there are two other pictures that

show results of any Luminal or benzidine test, is that so, Mr. Dombrowski?

A That's right, sir.

MR. CORRIGAN: I will mark those.

Well, one is marked State's Exhibit 67, and the other is State's Exhibit 66. They must have been introduced in evidence.

THE COURT: They have been received.

MR. CORRIGAN: 66 is another view of the --

THE COURT: Stairway.

MR. CORRIGAN: -- stairway --

THE COURT: From the kitchen to the first landing.

MR. CORRIGAN: -- from the kitchen to the first landing.

THE COURT: And 67 is the hallway from the kitchen to the office.

MR. CORRIGAN: Yes.

Q Now, then, we have all the photographs have you made in evidence?

A I don't know whether they are all there. Those are all the --

Q Well, I want to get them all.

MR. CORRIGAN: Give me all the photographs together and let Mr. Dombrowski examine them. Give me all the photographs.

THE WITNESS: I gave them all to you Friday.

Q Well, I want to be sure that we have in evidence now all the pictures that were taken by the police department that show the results of your test, the Luminol and benzidine test. Do you understand my question, Mr. Dombrowski?

A Yes.

Q Now, will you look and see if we have them all?

A Are these the same ones I have gone through?

MR. GARMONE: Yes.

THE WITNESS: They look like it.

MR. GARMONE: They are the same ones you have just finished looking through.

MR. CORRIGAN: Well, check them now, so that you are absolutely sure. I don't want any --

THE WITNESS: I gave you the photographs Friday and you picked out what you wanted then.

MR. CORRIGAN: I don't want to pick out what I want. I want to pick out what the test shows. (Witness examines photographs.)

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Q Now, go through this group.

(Witness examines photographs.)

Q Now, Mr. Dombrowski, you have picked out among these pictures that we have in evidence Defendant's Exhibit AAA, BBB, CCC, DDD, EEE, FFF, GGG and HHH as being pictures that you took or that were taken during the examination by you gentlemen between the 23rd day of July and the 11th day of August?

A Yes, sir.

Q And then you have identified Exhibit 13, 60, 16, 62 --

MR. DANACEAU: That was 61 instead
of 16, I believe, Mr. Corrigan.

MR. CORRIGAN: Well, I will start
all over again. I was interrupted.

MR. DANACEAU: I'm sorry. I was
trying to correct it.

Q You have identified State's Exhibit 13, 160, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 72-A, 73, 74 and 75 as being pictures that were taken during the course of your investigation as to blood spots that existed in the house outside of the room in which Marilyn Sheppard was murdered, is that correct?

A No, sir. The first one was not taken in that room, sir, at least of the ones that I have seen.

Q The first one, which one is that?

A This one.

MR. DANACEAU: Which one is that?

MR. CORRIGAN: That's 13.

MR. GARMONE: 13, that's the one

in front of the desk.

Q But as far as the others are concerned, is that right, Mr. Dombrowski?

A Yes, sir.

Q Now, then, we have in evidence every picture that was made by the Investigating Department that you were connected with of the spots in the house that were determined either by the Luminol spray, the Luminol test or the benzidine test, or by both of them?

A I don't know, sir. I --

Q Are there any others?

A Well, everything that has been shown to me. I brought in all the pictures Friday and --

Q Now, I --

MR. PARRINO: Just a moment.

Let him finish his answer.

MR. CORRIGAN: Go ahead.

A I brought in all the pictures Friday, you chose what pictures you wanted, and you told me to bring those back. I brought those back today, and from there all the pictures that have been shown to me, why, every picture there that I knew of

that was taken in the course of my investigation I picked out. Now, whether you had returned some other pictures to me Friday which are not here now, I don't know.

Q I didn't take any of your pictures.

MR. PARRINO: You looked at them.

A You looked at all of them Friday. You selected some and you asked me to bring those back. Others you asked me --

MR. CORRIGAN: Let's get every picture in the court room. These are his pictures.

MR. MAHON: But they are not marked.

MR. CORRIGAN: I know they are not marked.

MR. MAHON: I said to Tom don't get them mixed up with those that are marked. That's all I said.

MR. CORRIGAN: I am not going to get them mixed up.

MR. MAHON: I was talking to Tom, not you.

Q Now, we will take this group of pictures. Now, we have every picture that is in the court room.

A Yes, all the pictures that are in the court room. You asked me every picture that has ever been taken by the

Police Department in my investigation.

Q Well, are there some other pictures?

A Yes. You asked me the pictures that I brought in Friday.

Q Well, where are the rest of the pictures?

A I brought the pictures in Friday, I picked out those that you wanted. You told me to bring those back in today.

The others I took back to the office.

Q Are there some other pictures over in the office?

A There are some other pictures, that's right, sir.

Whether they include any that you might be interested in, I don't know.

Q I think I told you to bring them all in.

A No, you did not, sir. You picked out a special group and asked me to bring those back.

MR. PARRINO:

As a matter of

fact, you looked at all of them.

Q I think you better bring all the pictures into the court room.

MR. MAHON:

He did have them

all here.

MR. CORRIGAN:

Well, he hasn't

got them all now.

MR. MAHON:

You said you didn't

want them all.

THE WITNESS: You said you didn't want them all. You said you just wanted that certain group back.

MR. CORRIGAN: I want everything connected with this case that you know anything about.

MR. PARRINO: All right. We will bring them back.

MR. CORRIGAN: I want them brought back.

Q Now, as far as these pictures that we have in the court room, the only pictures that are in the court room that show your Luminol tests or your benzidine tests are this group that you have just identified, is that correct?

A That's right, sir.

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Q And there are no other pictures in the courtroom that show the results of any tests made during those four days that you made the examination, is that correct?

A There are other pictures. There are pictures there. We have run other tests. This group of pictures here shows where positive reactions were obtained.

Q Yes. Now, were there other pictures that you made tests of in various rooms, at various parts of the house, that you haven't got here in court?

A I believe there may be some.

Q Will you look them up and bring them back into court?

A Yes, sir.

MR. CORRIGAN: That is all
for now.

THE COURT: Well, Mr. Corrigan,
we can't go on with this witness forever. We
will have to somehow or other get through with
this witness.

MR. CORRIGAN: I can't help it if --

THE COURT: I know, but you had
the pictures here.

MR. CORRIGAN: Well, he hasn't got
his pictures here.

THE COURT: In any event, we are
making too much of a ritual of every little bit

of movement, and I don't think we ought to take that time. It isn't fair to these jurors, not fair to anybody.

MR. CORRIGAN: Now, your Honor, I am here to defend a man for murder --

MR. MAHON: Oh, well, --

THE COURT: I know, but we try other murder cases, too. We have to try other people as well.

MR. CORRIGAN: Other murder cases that are to be tried are not this case of Sam Sheppard.

THE COURT: All right. We will take a little recess now, and I will have the officer get them over here.

Will you get it over here?

THE WITNESS: Yes, sir.

THE COURT: Then we will have to decide to get through with this witness.

MR. CORRIGAN: I am ready to get through with him any time, but I have no control of the police department. They have been dragging this out since they started --

MR. MAHON: If your Honor please,

this witness was requested to bring over all the photographs, and he did bring them over. They were submitted. There were certain photographs picked out, and he said he didn't want the rest, and he took them back. That is the situation.

THE COURT: That is quite correct.

MR. CORRIGAN: That isn't the situation.

MR. MAHON: It certainly is. Even some you picked out and you didn't mark and didn't use.

THE COURT: Ladies and gentlemen, we will have a few minutes' recess at this point while the officer gets his material here.

Please do not discuss this case during the recess, and as soon as we are ready for you we will call you.

(Thereupon a recess was taken at 2:40 o'clock p.m.)

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(After recess, 2:55 o'clock, p.m.)

(Defendant's Exhibits JJJ to TTT, being photographs, were marked for identification.)

Q Now, Mr. Dombrowski, you brought other pictures here?

A Yes, sir.

Q You have brought all the rest of the pictures that the Police Department has?

A That's right, in connection with the investigation.

Q Will you go through those pictures and pick out those pictures that show any marking on the floors or the stairways or the carpets in the rooms of the house that resulted from your investigation by this Luminol test or this benzidine test or both?

A Yes, sir. You don't care whether they are duplicates?

Q No, I don't care whether they are duplicates or what they are. I just want to get all the pictures.

THE COURT: I have one question.

Are any of these duplicates of something that we already have here?

THE WITNESS: Well, quite a number of them are. About half of them, I'd say, at least.

THE COURT: Well, if they are duplicates of what we already have here, there

is no point in having those in.

MR. CORRIGAN: No. I just want to get all the pictures of the investigation.

THE COURT: I know, but if they are only duplicate prints, Mr. Corrigan -- are they duplicate prints?

THE WITNESS: Yes, some of them are.

THE COURT: Sure.

MR. GARMONE: Some of those that you picked out, are they duplicates, too?

THE WITNESS: Yes, some of them in here are.

THE COURT: He says they are duplicate prints of the same plate. So, of course, there is no point in having two. They get us confused.

MR. CORRIGAN: I'll take care of that now.

Q Will you take this group of pictures that include the pictures that you have just brought into the court room and take this group of pictures which you have identified just before you left the court room and see if there are any duplicates?

A What can I do with these?

Q Just lay them up there.

MR. DANACEAU: May I look at those
while he is looking?

THE COURT: Yes. Just lay those
aside.

A This might be. I don't know.

Q Look and see.

A That's the living room. Whether we have one exactly from
that angle or not, I don't know.

This one?

Q It's different.

A I don't think it shows any different markings. The camera
angle was different. It shows a little more of this chair
than it shows in this one.

This one, I believe that is the spot you questioned
about before. It might be a different angle. It's this
spot here, but it's a different angle. Do you want it?

Q I think so.

A This is the kitchen stairs. I think you have at least
three photos of that.

Q That is a duplicate?

A I don't know whether you've got this one, but you've got
three or four shots of it.

Q All right.

A So it's a duplicate.

This is the stairway to the second floor. I don't know whether you have that shot or not. That just shows two pencil marks pointing to some spots.

Q Do we have that in evidence, a picture of that in evidence?

A You have a picture of the stairway. I don't know whether you have that one.

These two here would show more markings on them than this one does. It's the same stairway.

Q Well, Exhibit 71 and Exhibit 72 show the stairway?

A That's right.

Q And they are a better view than this one that you have in your hand, is that correct?

A Yes, sir.

Q Then we will lay it aside. Give it to me.

A This is one of the living room showing the area of the couch.

Q Showing what?

A In the area of the couch. That would be the L-shaped portion of the living room.

Q Yes. We don't have that, do we?

A I don't recall. You have other shots of it. These are marked here, in addition to the chalk marks, we have little paper markers set up.

Q I think you better put that in.

A This shows the den, the entrance to the den on the carpeted

portion with three markings on it. I don't believe this one is in there.

Q No, there isn't.

A I think there is a duplicate of this in there.

Q Yes, we have that.

A This is a shot of the basement stairs. Frankly, I think it is out of focus. It doesn't show anything.

This is the portion of the upstairs above the garage. It does show one mark. That is not in.

This is at the foot of the stairs, the basement stairs.

This is another shot of the living room, the stairs going up to the second floor.

Q That doesn't show in --

A It does show the two markings.

This is the basement stairs again. In fact, I think it is another one of those that was out of focus.

This is the one we had before.

Q All right. Put those away. Those are the duplicates.

A That's right, sir.

Q Those are the duplicates?

A Yes. May I take those with me now?

Q Yes, you can take those with you.

MR. CORRIGAN:

Will you mark

these, please?

(Defendant's Exhibits UUU to ZZZ and AAAA, being photographs, were marked for identification.)

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Now, Mr. Dombrowski, showing you Exhibit UUU, state what that is.

A That is a portion of the landing -- or a portion of the stairway going from the first floor to the second floor.

Q It shows one circle at the bottom of the stairway, on the mat at the bottom of the stairway?

A There are two circles.

Q Two chalk circles. Exhibit VVV, what is that?

A That shows the southern half or the southern room in the garage above the first floor, that is on the second floor, and back at the eastern end of that room there is one chalk mark on the floor indicating that a test had reacted positive there with benzidine.

Q Where is the chalk mark? I didn't see it.

A Right there, sir.

Q There are two rooms up there in the garage, aren't there?

A That's right, sir.

Q And this is apparently some kind of storage room?

A That seems to be the use it is put to right now, sir.

Q Screens and boxes, and so forth, are up there, and you found a spot -- can you give me the location of it as to east, north, south or west?

A That is the eastern end of the room.

Q Will you state what that is?

A That is the bottom of the basement stairs. That is the

landing that is raised about five inches above the basement floor.

Q Do you find a chalk mark there?

A Yes. I believe that was a chalk mark or one of the chalk marks we discussed earlier that was ruled negative later on as we checked it with benzidine.

Q I am handing you Exhibit XXX -- it sounds like some kind of flour -- will you look at that and tell the jury what that picture shows?

A That shows the portion of the office or den just beyond the door that is uncarpeted, and on that there are three chalk marks indicating the locations were tested and were positive.

Q Now, then, YYY.

A That is the L portion of the living room that shows part of the stairway going from the living room to the first landing, and the sofa, and there are six markers, in addition to chalk -- there are papers that are stood up indicating spots that were positive.

Q Tests that had been made there?

A That's right, sir.

Q Then Exhibit SSS?

A That is another spot that we had previously. It is just another angle shot of the spot in the basement near the shower.

Q And then AAAA, will you tell us what that is?

A That is just another shot of the living room showing numerous chalk marks.

MR. CORRIGAN: I wish to introduce
all of these in evidence, your Honor.

THE COURT: Beginning where?
With UUU?

MR. CORRIGAN: My last one was AAAA.

THE COURT: You have already
talked about a number of others. You are offering
these now?

MR. CORRIGAN: Yes, sir.

THE COURT: UUU to AAAA, inclusive,
they will be received.

(Defendant's Exhibits
UUU to AAAA were offered
and received in
evidence.)

Q Now, Mr. Dombrowski, you have in evidence every picture
of the police department of the City of Cleveland that
shows the examination made by you and your associates
of the carpets and the floors in the house and the garage
of Mrs. Sheppard or Mr. Sheppard, where a test was made
either of Luminol, benzidine, or both, is that correct?

A Yes, sir.

MR. CORRIGAN: This is a group of

pictures that I haven't introduced, and I will hand those back to Mr. Dombrowski.

MR. DANACEAU: May we have them?

MR. CORRIGAN: Will you give me those back again?

Q Now, I will hand you Defendant's Exhibit TTT. Will you look at that?

A Yes, sir.

Q That is a picture of the back porch, isn't it?

A Yes, sir.

MR. CORRIGAN: I introduce that.

Q Defendant's Exhibit SSS, is that a picture of the garage?

A Yes, sir.

MR. CORRIGAN: I introduce that.

Q Exhibit RRR is a picture of the front of the house, is that right?

A Yes, sir.

MR. CORRIGAN: I introduce that.

Q NNN, that is a picture of the beach, is that correct?

A Yes. That shows the stair just at the foot of the beach -- the foot of the stairway to the beach.

Q And MMM is a picture of the beach?

A Yes.

MR. CORRIGAN: I introduce all these in evidence.

MR. DANACEAU: We have no objection providing we get the date that those pictures were taken. Does the witness know?

THE COURT: Perhaps the witness can tell us what the date is.

Q Well, if you can tell the dates on which they were taken, will you use the reference to the exhibit number, and then tell the date?

A About the best I can say positively on the dates of any of these is that they were taken on or after July the 23rd. They were taken some of these days we were there. They would have to be either July 23rd or after July 23rd, not before.

THE COURT: I take it you are offering MMM, NNN, RRR, SSS, and TTT?

MR. CORRIGAN: Yes.

THE COURT: They will be received.

(Defendant's Exhibits MMM, NNN, RRR, SSS and TTT were offered and received in evidence.)

Q Now, handing you a picture marked JJJ, do you recognize that picture?

A Yes, I do.

Q Was that picture taken by you or by Mr. Poelking while you were there?

A It represents the scene as we found it on July the 23rd or after that.

Q That is the way you found the scene on July the 23rd?

A That's right, sir.

Q And that shows the upper sheet on the bed, doesn't it?

A No, I'm sorry, that is not right. There was no upper sheet when we arrived there, so that would not be one of our pictures.

Q Well, it says "this is a Cleveland Police Department photograph, PL No. 81," so it is a police photograph?

A That's right. There was a Cleveland police photographer there on July the 4th, too.

Q And that is a photograph taken in that room by some police photographer, that you have seen, and you have seen that picture before, haven't you?

A Yes, I have.

MR. CORRIGAN: I introduce that.

MR. DANACEAU: We have no objection providing we get the date that picture was taken.

MR. GARMONE: He said the 4th.

THE COURT: Can you give us the date on that one?

THE WITNESS: No, I couldn't.

I wasn't there when the scene was like that, sir.

MR. CORRIGAN: What is the date it
was taken?

MR. DANACEAU: Well, we can find
out for you, Mr. Corrigan. I wasn't there. I
can't tell you.

THE COURT: All right. We will
insert it in the record later. Can you determine
when that was taken?

THE WITNESS: I can check with the
photographic department or the men that were
there on that day.

THE COURT: If you can definitely
establish it, you might let us have it.

JJJ will be received.

(Defendant's Exhibit JJJ
was offered and received
in evidence.)

Q And you will furnish the date it was taken?

A Yes. May I have the picture?

Q Do you want to take it to the police station?

A There are so many pictures, and some of them so similar,
that perhaps --

MR. CORRIGAN: It is agreed that
Mr. Dombrowski may take Defendant's Exhibit JJJ

and determine from the archives in the police station what date it was taken.

MR. DANACEAU: May I make a suggestion to the Court? That unless we hear to the contrary, the picture was taken on July the 4th.

MR. CORRIGAN: Well, we will hear --

THE COURT: Do you understand that?

THE WITNESS: Yes.

THE COURT: If it was taken on July 4th we need no further information, but we do need the picture back.

THE WITNESS: That's right.

THE COURT: But if it was taken any day other than July 4th let us know what day that was, if you can.

Q Who took the picture, do you know?

A No, I could not say.

Q It was probably Grabowski. Better send ~~this~~ back.

A Mostly it was, that would be my estimation.

MR. CORRIGAN: That is all.

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(State's Exhibits 77 to 81, inclusive, being photographs, were marked for identification.)

REDIRECT EXAMINATION OF HENRY DOMBROWSKI

By Mr. Parrino:

Q Now, Detective Dombrowski, Mr. Corrigan here showed you a number of exhibits that were marked as Defense Exhibits which have not been introduced into the evidence, is that correct?

A Yes, he did.

Q Showing you what is marked as Defendant's Exhibit QQQ and State's Exhibit 77, will you tell us what that is, please?

THE COURT: What was the
Defense Exhibit?

MR. PARRINO: It was Defendant's
Exhibit QQQ and State's Exhibit 77.

A That represents the door to the closet and the doorway to the bedroom known as Marilyn's bedroom, on the east wall of that bedroom.

Q Showing you what is marked for identification as Defendant's Exhibit PPP and State's Exhibit 78, what does that represent?

A That represents a portion of the southern wall and showing the bed post -- the area mostly of that wall between the two bed posts of the twin beds in that room, in Marilyn's room.

Q Showing you what is marked for identification as Defendant's Exhibit 000 and State's Exhibit 79, what does that represent?

A That represents a portion of the southern wall, including half of the top of the headboard of Marilyn's bed and a portion of the southern wall just a little bit west of the post on that bed.

Q Showing you what is marked for identification as Defendant's Exhibit KKK and State's Exhibit 80, what is that, please?

A Well, that is a photograph of the biggest portion of the bed known as Marilyn's bed. It shows the night stand between that bed with a telephone and a clock on it, and a portion of the twin bed just west of that, and showing the portion of the southern wall which was just shown in greater detail in the two previous pictures.

Q Showing you what is marked for identification as Defense Exhibit LLL and State's Exhibit 81, what does that show, please?

A That shows the lower portion and greaterpart of the bed known as Marilyn's bed, a portion of the other twin bed and the northeast corner of that bedroom, including the closet door on the east wall in that bedroom.

Q Now, Detective Dombrowski, do all of these pictures here that I have just shown you fairly represent the appearance of the area portrayed in these photographs on and after July 23, 1954?

A. Yes, they do.

Q While you were at the scene?

A Yes, sir.

MR. PARRINO: I want to offer
State's Exhibits 77 to 81 at this time.

MR. GARMONE: No objection.

THE COURT: If there is no
objection, they will be received.

(State's Exhibits 77 to
81, inclusive, were
received in evidence.)

Q Now, Officer Dombrowski, you stated both to Mr. Corrigan
and to myself that while you were there at the scene you
did use Luminol there in the living room, isn't that correct?

A Yes, sir.

Q Now, showing you what is marked here for identification as
Defendant's Exhibit AAAA, would you look at that, please?

A Yes.

Q That is substantially the same as the exhibit that was
previously offered by the State, isn't that correct?

A Yes, sir.

Q Showing the living room and the various circles leading
in that living room and extending in an easterly and
westerly direction, isn't that correct?

A Yes.

Q Now, did you, sir, spray Luminol in other parts of that

living room?

A Yes, we did.

Q And into what parts of that living room did you spray Luminol?

A We covered the entire floor that was not covered by any heavy piece of furniture.

Q And where did you begin with the spraying of Luminol in the living room?

A We began in the L portion at the foot of the stairs at the southern wall.

Q And you sprayed that entire area there in the L portion, is that correct?

A That's right, sir.

Q Now, did you spray the area extending as far as the west wall there in that living room?

A Yes, we did.

Q Did you find any of these blood spots there in the area of the west wall in the living room?

MR. GARMONE: Object.

MR. CORRIGAN: Objection.

MR. GARMONE: Object to the use of the word "blood spots". Let him describe his finding, if anything.

THE COURT: He may tell what he found.

MR. GARMONE:

That's right.

Q Well, let me put the question this way: Did you find any spots there against the left wall or the west wall in that living room as you would find here represented in Defendant's Exhibit AAAA?

MR. GARMONE:

Object to the question.

THE COURT:

He may answer that.

A No. There were no spots found along the west wall that would give a positive reaction to either Luminol or benzidine.

Q Now, did you spray Luminol along the south wall there in that living room, sir?

A Yes, except the area where it was covered by the cabinet and the chairs, the large chairs that are against that south wall. That is, in the living room portion itself, not the L-shaped.

Q Yes. Well, then you did spray Luminol in the area along the south wall that was not covered by furniture of one kind or another, is that correct?

A Yes, that's right.

Q Now, along that south wall, did you find any marks of a character that you would find in Defendant's Exhibit AAAA?

A No, we did not.

Q Now, on the north wall in that living room, as I understand

it from viewing those photographs, there is a heater of some kind, is that not a fact?

A Yes, there is.

Q And will you describe that heater as to its height and position, please, as to where it stands in that room?

A I don't have the exact height of that.

Q Approximately?

A It's approximately three feet high.

Q Now, did you find any of these spots that you have described in the vicinity of that heater?

A Yes. There was one, as shown in one of the photographs, found just in the -- I am just trying to locate that exactly -- I have the exact measurements on that.

Q Well, I --

A It would be about -- the heater is several feet away from the west wall, and it is quite a long heater. It is a radiator of unusual length, approximately, oh, maybe six feet long. It would be about two feet from the western end of that heater, about one-third of the way from the western end of that heater.

Q Now, what, if anything, do you have or did you find on top of that heater there in the living room?

A There was a telephone in that location, just in the area where the blood spot was found.

Q Now, you stated for Mr. Corrigan that upon making a

benzidine test there as to one of the steps in the basement, you found that it contained human blood, is that correct?

A Yes, sir.

Q Now, you stated further that you made a control, a control test, is that correct?

A Yes.

Q Now, when did you make the control test in relation to when you made the precipitant test?

MR. GARMONE: Object. This
is repetitious.

MR. PARRINO: We did not go into
it on direct, your Honor.

THE COURT: He is asking just
for the time of one test. He may answer that.

A I made one control test together, in other words, one control test was made together with the suspected spot, that is, with the precipitant test. I then ran two other control tests at another time, that is, the next day, in fact, I started.

Q In other words, as I understand it, you made the precipitant test and the control test at the same time as to that one spot where you found human blood, is that correct?

A Yes.

Q Now, will you state to the jury, please, the exact purpose for making a control test?

MR. GARMONE: Objection. This

MR. PARRINO: It was not, sir.

MR. MAHON: It was gone into

MR. DANACEAU: It was gone into

THE COURT: The question now

MR. PARRINO: That is correct,

THE COURT: He may answer.

A The purpose of the control test is to check or verify the results that you obtained on the test, to be sure whether they could or could not have been obtained, if they are positive, that is, if the results are positive, to check whether they could or could not have been obtained by any other material than that for which you are checking, in this case, the suspected blood spot. And the control test will show us whether the reaction that we had on the suspected blood spot, which was positive, whether it came from the blood spot alone or whether it could have come from the wood and the paint which were included in that test tube with the suspected blood spot.

Now, with the control test being negative, in which

the same materials were included except for the suspected blood spot, that would show us that the positive in that other test tube was only due to the suspected spot of blood, and that was human blood since the precipitant test was run for human blood.

Q In other words, you make a control test to see if in the control test you will get the same reaction as you would get in the test that you make with the suspected blood spot, is that correct?

A Yes, that's right.

Q And what did you find?

A I found that the control test gave us a negative reaction, which was different from the positive received in the suspected spot.

Q In the control test, you got a negative reaction?

A Yes, sir.

Q In the test with the suspected blood spot, you got a positive reaction, is that correct?

A Yes, sir.

Q Showing you what is marked for identification as Defense Exhibit ZZ, will you state again what that is, please?

A That is the piece of wood that was cut out of the third step from the basement floor containing the suspected spot of blood.

Q Now, what was the appearance of that piece of wood at the

time that you removed it from the steps, please?

A The spot of suspected blood was uniform in color, and it was much sharper than it appears now. It was a reddish-brown color and a quarter inch in diameter and uniform throughout. In other words, the brown color was covering all of the spot, whereas now it appears that some of the gray is showing through it.

Q So that today, then, as a result of placing this small piece of wood into the saline solution, was it, for two days?

A Yes.

Q It is not in exactly the same condition and appearance as it was when you removed it from the step, is that correct, Officer Dombrowski?

A Yes, sir.

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- Q Now, Officer Dombrowski, it has been stated here by you, I believe, on cross-examination by Mr. Corrigan, that there are certain vegetables that produce the same reaction as blood does on the precipitant test, is that correct?
- A No. That is on the benzidine test.
- Q Oh, I'm sorry. Now, would you state in what condition these vegetables must be to produce that result on the benzidine test?
- A They have to be in a fresh state. The enzyme or the material in these vegetables that will give that positive reaction is destroyed upon boiling, in most cases. It is destroyed upon drying out or aging in other cases, so that an old stain would not give you that positive reaction with benzidine that you might get if you had a fresh vegetable stain or one that had been unboiled.
- Q So that the stain of a vegetable such as a raddish, in order to produce the same reaction to benzidine that blood would produce, must be in a fresh state, is that correct?
- A That's right, sir.
- Q And that when it boils, or when it is boiled, that it does not produce that result, is that correct?
- A That's right.
- Q Or cooked?
- A That's right.
- Q I think you stated further on cross-examination that

chemicals of one kind or another produced the same result as blood on the benzidine test, is that correct?

A That's right, sir.

Q Now, would you state, however, how these chemicals react as to the benzidine test in contrast to the way blood will react to the benzidine test? Will you do that, please?

2 A With blood, as I mentioned before, the cotton tip applicator, as we ran the test, is moistened, and the spot is generally rubbed, and some of that is picked up from the edge of the spot onto the cotton tip applicator. We then put the benzidine reaction onto the cotton tip applicator, and we would not get any color change. We then had a drop of hydrogen peroxide, and if you had blood there, you would get a blue-green color appearing instantly on that cotton tip. That is only after you added the hydrogen peroxide. With the strong oxidizing chemicals you'd repeat the same process. You would rub your cotton tip applicator onto the chemical and pick up some of the chemical on your cotton tip. You would then add your benzidine solution, and you would instantly get your blue-green color, and that would be even before you added your hydrogen peroxide. You get that reaction because of the strong oxidizing power of the chemicals.

Q Now, in the case of blood would you get this blue-green color before adding hydrogen peroxide?

- A No, you would never get it before.
- Q In the case of some of these chemicals, would you get this bluish-green color before adding hydrogen peroxide?
- A Yes, you would.
- Q And you have learned that from experience, have you, sir?
- A Yes, I have. I have tried that.
- Q Now, you have stated to Mr. Corrigan that in making this benzidine test, where you get a positive reaction, the suspected spot is probably blood. Do you recall making that statement, sir?
- A Yes, I do.
- Q Would you explain exactly what you mean by that?
- A Well, there is probably a very remote possibility that there might be something else that would give you that reaction; under unusually exceptional conditions, you might run across something like that.
- Q But you say that possibility is remote, is that correct?
- A I would say so, due to the appearance of the spots and the tests that were conducted, and the fact that the house was not in use for a period of days before we had made the tests.
- Q Now, these spots that you examined in various places in that home, did they have the appearance of blood, sir?
- A Some of them did. That is, those that we could see.
- For instance, the spots on the rug we could not see. It

was a red rug. We couldn't see those spots. Well, those we can't say what appearance they had.

Q You made certain tests in the basement, also, isn't that correct?

A Yes.

Q Or you attempted to, at least?

A Yes.

Q And that, I understand, there in the basement you began to get false positives, as you call them, is that correct?

A Yes.

Q Now, the basement there, is the concrete covered in any way, sir?

A No, it is not. It is just concrete.

Q And what, if any effect, would the concrete have there on your tests?

A There are some -- some instances, you do get a later reaction to your benzidine. It is not instantaneous like you would get in the case of blood. However, it does appear in a matter of several seconds later of time, and it is not as intense. In other words, your color is not as strong, but we did get it in some instances, and it is quite common to get it in cement, so we could not accept any of the spots. We ruled them all negative in that area.

MR. PARRINO:

That is all.

RECROSS EXAMINATION OF HENRY DOMBROWSKI

By Mr. Corrigan:

Q Mr. Dombrowski, the only spot in that house that -- I will withdraw that.

With the exception of one spot, you are not able to determine or tell this jury whether those spots were human blood or dog blood, are you?

A No. I could just say of that one spot, sir.

Q And this control that you took, I believe you stated to me you took it from a different step and from a different portion of the stairway than where the blood spot was located, that's correct, isn't it?

A Yes. The control --

Q All right. That's right. Now, in regard to the interference with the benzidine test of the things that I enumerated to you, this is true, is it not:

That when the food is boiled and you get a dripping of boiled food or cooked food, you will not get a reaction or an interference with the benzidine test?

A You will not get the reaction.

Q You will get an interference, but where the food is raw you do get a reaction, don't you?

A And fresh.

Q What?

A Fresh, too. ~~It can't be a dried stain that is dried out.~~

It has to be fairly fresh --

Q I didn't understand you. When the food is raw --

A Raw.

Q -- you do get a reaction?

MR. MAHON:

Raw and fresh,

he said.

Q And fresh?

A That's right.

Q When it is raw and fresh?

A Yes.

Q And you get a reaction, a very definite reaction, from lead oxide, don't you?

A Yes, you do, and you get it before you add your hydrogen peroxide.

Q In fact, do you know of a case that there was a positive benzidine test on a burned pipe, in which it was claimed to be blood, and that it was used as a murder weapon, and it turned out to be a false test? Are you familiar with that?

MR. DANACEAU:

Objection.

THE COURT:

Objection will be

sustained.

MR. CORRIGAN:

That is all.

REDIRECT EXAMINATION OF HENRY DOMEROWSKI

By Mr. Parrino:

Q Now, Officer, you said that in making this test for human blood on the third steps on the stairs leading to the basement, that you took a control from a step other than that step, is that correct?

A Yes.

MR. CORRIGAN: I object. He has gone over it two or three times.

Q That is preliminary. The question I have to ask you is this, sir: Why did you do that, and how did it affect your result, if in any way?

A Well, it is a matter of just personal opinion. You take a control from the spot that would have the same conditions as this, except that you suspect would not have blood on it. This particular step, the third step, had three that we definitely had proved to be spots that had positive reactions on it. In view of that fact, I didn't want to take any off that step, because I wanted to be sure I got a spot where there was no blood, so I took it off the step on which we did not find any blood spot.

Q Now, this spot from which you did take the sample for the control test, was it of the same texture insofar as the paint is concerned as the step from which you removed the

suspected spots?

A

Yes, it was. In fact, I took two other wood samples, and later on the next day I ran those two for control and got negative results for those. I ran one at the saem time with the suspected spot, and I took the other two -- other three which I had taken previously, and ran those the next day just to check further on the control.

MR. PARRINO:

Thank you very

much. That is all.

MR. CORRIGAN:

That is all.

(Witness excused.)

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