

Thereupon, further to maintain the issues on his part to be maintained, the Defendant called as a witness ROBERT JAMES MICKEY, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF ROBERT JAMES MICKEY

By Mr. Garmone:

Q Will you state your name to the Court, please, and jury?

A Robert James Mickey.

MR. MAHON: Mickey?

Q Where do you live?

THE COURT: Mickey?

MR. MAHON: Mickey, is that it?

THE WITNESS: That's right.

Q Where do you live?

A 6482 Westminster Drive, Parma.

Q Are you married?

A Yes.

Q Do you have a family?

A Yes.

Q How many children?

A Four.

Q Congratulations to you.

A Thank you.

Q What is your business, Mr. Mickey?

A We're landscapers.

Q When you say, "We're landscapers," who do you mean?

A My brother and I.

Q How long have you been engaged in that business?

A Oh, about two and a half years.

Q In the course of your business operations, were you thrown or brought into contact with Marilyn and Sam Sheppard?

A We were.

Q And when was the first time that you and your brother had contact with Marilyn and Sam?

A Oh, about last fall.

Q Was there some discussion there between yourself, Sam and Marilyn?

A Well, we were to do their yard maintenance, and we had discussed about putting in foundation planning in front of their home and improving the grounds in general.

Q Now, sometime in June of 1954, did you again meet with Marilyn and Sam Sheppard?

A Yes. That was the latter part of June.

Q And where did that meeting take place?

A At their home.

Q During that meeting, did you have conversation with Sam and Marilyn?

A Yes, we did.

- Q Will you state to the Court and jury what that conversation consisted of?
- A Well, we discussed about putting in the foundation plannings, had drawn up the plan and submitted it to Marilyn, and we discussed the plant material to go into the job, and Sam said he would let it in Marilyn's hands, go ahead with the job. We were supposed to put it in this fall.
- Q And did Sam say to you at any time that the arrangements from that point on should be taken up with Marilyn?
- A Yes. It was final with her.
- Q Now, when did you next see Sam, Mr. Mickey?
- A Oh, that was about July 1st.
- Q Where did you see him on that occasion?
- A Bay View Hospital.
- Q Did you have some conversation with him then?
- A Yes, we did.
- Q What was the conversation about?
- A Well, it was -- at the time Dr. Richard, Jr. was at the hospital and he had come up. Sam and he were supposed to go to the swimming pool, and Dr. Sam was outside looking over his charts, and we took him down back of the hospital and showed him a retaining wall that we had put up and --
- Q Who had you put that retaining wall up for?
- A Pardon?
- Q Who had you put that retaining wall up for?

A For the hospital.

Q For the hospital. And you took him down and showed him the retaining wall?

A That's right.

Q Now, did you sometime later have an occasion to see Dr. Sam Sheppard?

A That was July 3rd.

Q And where did you see him on that occasion?

A Dr. R. A., Sr.'s home.

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Q Did you see him after the 3rd of July?

A Yes. That was the first day he was released from the hospital.

Q And where did you see him?

A Dr. R. A. Senior's.

Q Were you doing some work for Dr. R. A. Sheppard?

A We were.

Q Senior?

A Yes.

Q What kind of work were you doing?

A Removal of the apple trees in the front yard and pruning out of the trees, in general.

Q Now, on that occasion, Mr. Mickey, did you have a conversation with Dr. Sam Sheppard?

A I did.

Q Will you state to the Court and jury what that conversation was about?

A Well, Dr. Sam sat parallel of us where we were working on the tree, and he asked us if we could use another good man, and in turn we jokingly said, "Yes, do you know where we could find one?"

Q Was there anything else said there at that time by yourself to Dr. Sam Sheppard?

A Well, we drove back and forth, and he went up to the house

and he had some medical charts, and then he and his father stood on the front porch and they looked them over, and as he was coming back down again, he stopped where all of us were again and we told him, "You better move this sports car out or we will drop the tree in it."

Q Any other conversation?

A No.

Q Did Sam say anything to you at that time?

A No, he didn't say anything other than in a joking mood.

MR. GARMONE: That is all. You
may inquire.

MR. PARRINO: No questions.
(Witness excused.)

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