

Thereupon the defendant, further to maintain the issues on his part to be maintained, called as a witness JACK JOSEPH BRILL, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Corrigan;

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

A Jack Joseph Brill.

Q What is your business or profession?

A Osteopathic physician.

Q And where do you practice medicine, Doctor?

A In Amhurst, Ohio.

Q Where were you born?

A Philadelphia, Pennsylvania.

Q And where did you go to school?

A Philadelphia College of Osteopathy.

Q After you finished your schooling did you come to this community?

A Yes.

Q And when did you come here?

A In July of 1953.

Q And did you associate yourself with someone here in the practice of medicine?

A No. I went into an internship at Bay View Hospital.

Q What does that mean, that you went into an internship at Bay View Hospital?

A It meant that I went into physician's training at the hospital for a period of a year.

Q And did you remain there for a year?

A Yes, sir.

Q In training?

A In training.

Q And then started in practice for yourself?

A Yes.

Q In Amhurst, Ohio?

A Yes, sir.

Q When did you start practicing in Amhurst, Ohio?

A Shortly after Labor Day this year.

Q Were you at the hospital on the 4th of July of this year?

A Yes, sir.

Q Do you know Sam Sheppard?

A Yes, sir.

Q During the year that you were in training at Bay View Hospital did you come in contact with him?

A Yes, sir.

Q Frequently or infrequently?

A Frequently.

Q And did those contacts that you made with him during that year in the hospital cause you to form an opinion as to the

type of a man he was?

A Yes, sir.

Q Will you tell the jury what opinion you formed?

A Yes. I'd really ought to say that in my opinion -- and I'd also like to preface it by saying I feel -- I am a little older than Dr. Samuel Sheppard, I am 32, and I have met a lot of people in the course of my training and Army service, and I can say under oath that I have never met anyone that I respected more for his ability and for his integrity and honesty in treating people and patients. I can truthfully say that.

Q And how about his temperament?

A Ideal.

Q Now, then, on the 4th of July -- in the morning of the 4th of July, did you hear of the tragedy that took place at his home?

A Yes, sir, I did.

Q Did you know Marilyn Sheppard?

A I had met her. I didn't know her well.

Q You did not know her socially?

A No, sir.

Q Let me go back a moment to the day before the 4th of July. Did you have any conversation with Sam Sheppard as to going to his home on the 4th of July?

A Yes, sir.

Q What was it?

A We planned on going to the 4th of July party which Dr. Sam Sheppard was planning to give.

Q Who invited you?

A Dr. Sam.

Q And what time on the 3rd of July were you invited to that party?

A Well, we had been invited several times, as I recollect, and the last time was July the 3rd. I remember rather distinctly being invited that time because I was showing another student through the hospital who planned on interning at our hospital, and we walked into the operating room where Dr. Sam was scrubbing before surgery. I introduced this young fellow, who was from California, and I thought perhaps Dr. Sam might know him as a student, and he didn't, he didn't know the student, but he invited the student, also. That is why I remember rather clearly that he said, "If you are in the area, be sure and come out the following day because we are going to have open house."

Q Do you recall on the 3rd of July an accident that -- were you in the hospital on the 3rd of July, that would be Saturday, when there was an accident case came in that was attended to by Dr. Sam Sheppard?

A Yes, sir.

Q What time was that? Was it morning or afternoon?

A I think it was around noon, or later -- I think it was early afternoon. I'm not too sure of the time.

Q And what type of an accident was it?

A A child was involved, and if I remember correctly, the child had been struck in a driveway. I'm not too sure about that, but I know the child was either near death or at death, and he was worked upon by Dr. Sam. That I know. I wasn't in attendance. I heard of it in the hospital.

Q Oh, you just heard of it. All right.

Now, then, on the 4th of July how did the information come to you that this tragedy had occurred at Dr. Sheppard's home?

A I heard about the tragedy through one of the other doctors in the hospital, in the corridor, actually.

Q Did you make a telephone call?

A Did I make one?

Q Yes.

A No, sir.

Q You did not?

A Oh, oh, you mean before -- when I was called?

Q Yes.

A Yes. I made a telephone call out to Dr. Sam's house.

Q And when you telephoned to Dr. Sam's house, can you tell the jury who answered the telephone?

A A woman answered, and she told me she was Mrs. Houk, and the

purpose of my call was to inquire as to whether or not we could bring anything out to the house to help, in the way of equipment, we had received an emergency call, and she hesitated some and said that she had better call Dr. Richard, and I spoke to Dr. Richard.

Q And did you talk to Dr. Richard Sheppard then over the telephone?

A Yes.

Q And as a result of that conversation, did you go to the house?

A No, sir, I didn't go to the house.

Q What was the conversation with Richard?

A I asked Dr. Richard if there was anything we could bring out to help, and he said no.

And I asked him if he wanted me to come out and he said no, there wouldn't be any need to, Dr. Sam was on his way in.

Q Now, after that, did you see Dr. Sam Sheppard?

A Yes, sir.

Q And where was he when you first saw him?

A In the station wagon.

Q And did you have anything to do then with Dr. Sam Sheppard after you saw him arrive in the station wagon?

A Yes.

Q Will you tell the jury what you did at that particular point?

A I helped to get Dr. Sam on the stretcher that we had waiting, and we took him to his room and placed him in the bed.

Q Now, when you say you helped to get Dr. Sam Sheppard on the stretcher, did you at that time notice the physical condition or make a note of his physical condition of Dr. Sam Sheppard?

A Yes. I made a mental note.

Q And what was the note that you made, the mental note?

A Well, I thought that Dr. Sam was physically injured, and that he was stiff and sore and wasn't able to move freely.

Q Was that indicated to you in any way as a doctor?

A Sir?

Q Was there anything about him that indicated those things to you?

A Well, as far as I am concerned, we had to move him. He didn't move freely. We moved him onto the stretcher.

Q And after you moved him onto the stretcher, where did you take him?

A To his room.

Q And did you go into the room?

A Yes, sir.

Q And did you do anything in the room?

A Yes. We undressed Dr. Sheppard and put ice -- or put hot

water packs to him and covered him with blankets.

Q Now, were there other people helping to undress him?

A Yes, sir.

Q Now, when you helped to undress him, did you make any observation at that time as to his body and the condition of his body?

A Well, his face was bruised. He, to me, had a great deal of neck pain. He continually held the back of his neck and complained of pain, and his body, to me, was soaked, it was water soaked, and we took his trousers off and his shoes, and to me, his legs -- his feet were puckered, they were water soaked.

Q They were puckered, like as though they had been in water a long time?

A As though he had been in water for some time.

Q One witness described it as shriveled.

A Well, shriveled.

Q Would that be an apt description?

A Yes.

Q And did you hear him say anything or do anything at all?

A Well, for one thing, he complained of neck pain, and quite honestly, at this time I am sure I heard him say some things, but so much has gone through my own thinking, and so much that I have read, that I really hesitate to say just what it was. He complained about the tragedy, I know that, but



what words he used, I hesitate to say.

Q Did you make an observation as to his mental condition at that time?

A I think Dr. Sam was confused.

Q He was confused?

A I think so.

Q Now, after you had had him undressed and put these hot water bottles about him, did you make any other -- did you do anything else?

A Well, shortly after that, not too long after that, we took him to X-ray.

Q Now, while he was in X-ray, did you remain in there all the time?

A I was in and out.

Q In and out?

A Yes, sir.

Q Was there a time when -- do you remember the X-ray technician that was working that morning?

A Yes, sir.

Q What was her name?

A Mrs. Huge.

Q During that period while he was in X-ray did Mrs. Huge come to you and ask you for some directions?

A I was in the room at the time. She asked me if Dr. Sam could be moved so that she could get all the shots, and

at the time I didn't think it would be best for him to be moved.

Q Well, I want to direct your attention to a complaint of numbness in the fingers. Did you hear that?

A Yes, sir. He repeated that over and over again.

Q What?

A He repeated that over and over again that he felt this numbness down in his arm and fingers.

Q And when the complaint of numbness was on the fingers, or complaint made of numbness in the fingers, was there any instructions that you made at that time about taking pictures?

A Only the one I mentioned before. I didn't think that he should be moved about to complete all of the series, the skull series, which involves a number of films.

MR. CORRIGAN: I think that is all.

You may cross-examine.

#### CROSS EXAMINATION OF JACK JOSEPH BRILL

By Mr. Danaceau:

Q Doctor, did you live at the hospital the early part of July?  
Did you live --

A No, I didn't live at the hospital. I was on duty that night.  
I was living there that night.

Q You were living there the early morning of July the 4th?

A Yes, sir, July 3rd and 4th.

Q It is Dr. Carver and Dr. Dozier who were at the hospital that same night, is that correct?

A Yes, sir.

Q Did you transmit a telephone call to Dr. Dozier?

A Yes, sir.

Q And what time did you get that call?

A I don't know.

Q From whom did you get that call?

A The switchboard operator.

Q Do you have any record anywhere at the hospital when that call came in, that you know of?

A That I know of?

Q Yes.

A No.

Q Did you make a note at any time of what time that call came in?

A Well, may I explain this: I was first up on call, first on call that night, July the 3rd and the morning of the 4th, and that entails being ready for any emergency. If we lay down at all, we are clothed, fully clothed, and we are right next to the phone, and we get emergencies all night or any time during the night.

At that time I was sleeping, and the phone rang, and I got this emergency call. I haven't any idea what time

it was.

Q Did you answer the telephone?

A Yes, sir.

Q Who was on the telephone?

A The switchboard operator.

Q Your switchboard operator?

A Yes, sir, as far as I know. I'm sure it was.

Q Well, then, you didn't receive in person the call from the outside, did you?

A No, sir.

Q Well, how much before this telephone conversation you had with Dr. Sheppard did this call come in, how long a period of time?

A A matter of minutes.

Q A matter of minutes?

A Yes, sir.

Q How many minutes?

A Well, as long as it took me to run upstairs, which is one flight, and arouse the others, and they had to dress, and they were getting dressed -- they jumped right out of bed and dressed, and while I was waiting for that, I thought it best to call Dr. Richard and see if there was anything I could bring out.

Q So your telephone conversation with Dr. Richard was while Dr. Carver and Dr. Dozier were still at the hospital, before

they left?

A Yes, sir.

Q And how long did your conversation with Dr. Richard last?

A Not very long.

Q Now, I believe in response to a question you were asked, when you talked to Dr. Richard, he said to you Dr. Sam was on his way into the hospital, is that correct? Did you say that?

A I may have.

Q Well, did you say it just about five minutes ago?

A I may have.

Q Did you or did you not say that about five minutes ago?

A I don't know, sir. Did I say that, or that he would be coming in?

Q Didn't you say about five minutes ago that in your talk with Dr. Richard, that he said, "Dr. Sam is on his way into the hospital"?

A I may have, sir, I don't know. Did I say that, or that he would be coming in --

Q I am asking you: Did you or did you not say that?

A I don't know.

Q You don't know?

A No, sir.

MR. DANACEAU:  
MR. CORRIGAN:

That is all.  
That is all.  
(Witness excused.)