

THE COURT: Counselor Bailey,
please.

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THEREUPON the witness ROBERT SCHOTTKE,
resumed the witness stand and was further examined
and testified as follows:

CROSS EXAMINATION OF ROBERT SCHOTTKE

By Mr. Bailey:

Q Mr. Schottke, prior to July of 1954 how long had you
been a police officer?

A Twelve years.

Q And how long had you been a detective?

A Ten years.

Q And how long had you been assigned to Homicide Unit?

A Ten years.

Q You had investigated, I take it, a number of homicides
prior to your involvement in the Sheppard case?

A Yes, I had.

Q Did you have any special training prior to going with
the Homicide Unit?

A No, no special training, no, sir, prior to going to
the Homicide Unit.

Q What was your background before you became a detective
in the Homicide Unit?

A I spent approximately two years on uniform duty with the Cleveland Police Department.

Q And what was your educational background prior to that?

A I graduated from high school, and one year in college.

Q You had no special training in criminology or anything before you came with the Homicide Unit in 1944, is that correct?

A Outside of three months training in the Police Academy prior to uniform duty.

Q Which police academy?

A The Cleveland Police Academy.

Q Was this training in connection with homicide investigation or was it just general police work?

A All phases of police work.

Q When you became a homicide detective did you have some additional training in homicide investigation?

A Yes, I attended Western Reserve University for one semester.

Q Taking courses in homicide investigation, is that right?

A That -- no, I would say that was general crime detection.

Q Was all your work in the homicide unit connected with homicides of one kind or another where death was involved?

A No, part of the work was involved with shootings,

cuttings.

Q Where people did not die?

A That's correct.

Q But crimes of violence generally?

A Generally.

Q How many murders would you say you investigated in the ten years from 1944 to 1954?

A That would be a hard question to answer.

Q Just roughly?

A Roughly, possibly 100, 125.

Q Murders of various kinds, many different kinds, I take it?

A Yes.

Q Now, on the morning of July 4th you received notice that Mrs. Sheppard had been murdered at what time?

A At the time we reported for duty, approximately 8:15 a.m.

Q You had not been called at your home prior to that?

A No, sir.

Q And it was Captain Hauschild who gave you the notice?

A Yes.

Q And did he assign you to the case along with Detective Careau?

A Yes, sir.

Q Was any other Cleveland police officer from the Homicide Unit assigned to the case on that morning?

A Not from the Homicide Unit, no, sir.

Q Were you and Detective Gareau partners in the investigation at that time?

A Yes.

Q On cases generally?

A Yes.

Q In other words, you worked as a team?

A Yes, sir.

Q Was either of you the senior man, do you know?

A No, we both had equal authority.

Q How soon after being assigned to this case did you depart for Bay Village?

A We conversed with Captain Hauschild for a while, and possibly ten minutes later we departed for Bay Village.

Q You arrived at the Sheppard home at what time?

A Approximately 9:00 a.m.

Q Now, you know Coroner Sam Gerber, don't you?

A Yes.

Q You worked with him on some homicide investigations prior to 1954?

A Yes, I have.

Q As a matter of fact, he was involved in most homicides in the Cuyahoga County area in one way or another?

A Not that I can recall.

Q Well, somebody gave you some fill-in on the details of the case, what had transpired before you arrived?

A Before we arrived at the scene?

Q Yes.

A Not too much, no, sir.

Q Did anybody tell you that the Houks had gotten a phone call and they had come over to the house and they found Sam and they had found the body?

A Not to my knowledge, no, sir.

Q You never learned that?

MR. SPELLACY: Objection. What time are we talking about?

THE COURT: Overruled. Please set a time, though, counselor.

MR. BAILEY: All right.

Q Did you at some time on July 4th learn these facts?

A Yes, at some time on July 4th.

Q How long after you got there did these facts come to your attention?

A They could have come to my attention at the time we conversed with Doctor Gerber when we originally arrived, but I do not recall clearly.

Q When you arrived you wanted to find out what had gone on, and what information was available, did you not?

A Yes, sir.

Q Is Doctor Gerber the one you went to to get this information?

A Yes, sir.

Q Did you also talk with Patrolman Drenkhan?

A At a later time I talked to Patrolman Drenkhan.

Q Did you talk to Mrs. Houk?

A I do not recall.

Q Mr. Houk?

A At a later time, yes, sir.

Q Did you view the bedroom in which Mrs. Sheppard was found?

A Yes, I did.

Q And the body had been removed or had it not been removed?

A No, it had not been removed.

Q As I recall, you testified earlier that you are the one who lifted the sheet and discovered that the pajama pants were off one leg, is that correct?

A I stated that after the sheet had been moved I noticed the pajama leg.

Q It was lifted in your presence by Coroner Gerber?

A That's correct.

Q And to your knowledge, had it been lifted before by any of the officers on the scene?

A I have no knowledge of that.

Q But you observed the position of the clothing of the decedent?

A Yes.

Q Now, Doctor Sam Sheppard was not present when you arrived, was he?

A No, he was not.

Q You received some information indicating that at least he claimed he had been hurt, is that right?

A That I can't answer, I don't recall if we did receive information that he had been hurt or not.

Q When you arrived at the scene, did you inquire as to where the husband of the victim was?

A At the time when we were talking to Doctor Gerber, he told us that the husband was in Bay View Hospital.

Q Did you inquire as to why he was in Bay View Hospital, just yes or no?

A Not that I can recall.

Q Well, did you attempt to determine whether he was there operating on somebody, or as a patient?

A Well, later on we found out why he was there.

Q But initially you don't recall asking?

A I don't recall, no, sir.

Q You understood, did you not, officer, that you had been called into Bay Village because it was the desire of officials

in that community to have someone experienced in homicide investigations take over the case, is that right?

A No, sir.

Q Who was in charge of the investigation when you arrived for Bay Village, if you know?

A Doctor Gerber.

Q Was any Bay Village policeman or detective in charge of the investigation for that community alone, if you know?

A Chief Eaton was on the scene.

Q Did you at any time learn that you had been brought in at the request of Bay Village because they wanted some experienced homicide investigators?

A Yes, sir, we learned that.

Q And you undertook on two occasions later in the day to question Doctor Sam Sheppard yourself, did you not?

A Along with my partner, yes, sir.

Q Now, you told us that you surveyed the murder room and also looked around the house, right?

A Yes, sir.

Q And you observed the body and had some indication of the wounds which were apparent on the head, and so forth?

A Yes, sir.

Q I take it you immediately began a search for a weapon of some kind that might have inflicted these wounds?

A Yes, sir.

Q And between your efforts and those of your other brothers in law enforcement, a thorough search of that house was made, was it not?

A As thorough as we possibly could, yes, sir.

Q You went through every bit of the house that you could, or somebody did, to your knowledge?

A Yes, sir.

Q You also searched the grounds extensively, is that true?

A Yes, sir.

Q And at one point divers were assigned to go out and look at the lake bottom?

A Not divers, no, sir.

Q Well, did people go under water looking on the lake bottom for a weapon?

A Yes.

Q Were they diving when they went under the water?

A Not to my knowledge.

Q They were not diving?

A No.

Q How did they get under water, Officer Schottke?

A Well, in other words, they were searching up to their waist or possibly a little bit higher, possibly feeling around on the bottom with their feet.

In other words, to my knowledge, I was unable to observe

anybody diving.

Q Did you ever get a report on the extent to which the lake bottom had been searched for a weapon?

A No, I never got a report.

Q So if some diving was done, you never found out?

A Beg pardon?

Q If some diving was done in search for that weapon, you never found out about it, is that true?

A I never received a report about that.

Q Did you ever learn about it from any other source?

A Yes, I did learn later on.

Q All right, so you were satisfied that the lake bottom had been searched as well as it could be?

A Yes, sir.

Q A search was made all over the land owned by Doctor Sheppard, wasn't it?

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

Q The brush was cut?

A Yes, sir.

Q And in the course of one of these searches this green bag turned up, true?

A Yes, sir.

Q Was any of the adjacent property searched, if you know?

A I don't know. I can't answer that question. I have

no recollection at this time.

Q It is fair to say that so far as you were concerned, every reasonable effort was made to locate the weapon that killed Marilyn Sheppard, isn't that true?

A Yes.

Q It is also fair to say that to your knowledge none has ever been located, is that true?

A Yes, sir.

Q Did you ever search any of the private homes in the immediate neighborhood of Doctor Sam Sheppard looking for that weapon?

A No, sir.

Q Now, when you got to the Bay View Hospital, you found that Doctor Sam Sheppard was in bed, is that right?

A Yes, sir.

Q And you received information from someone that he had been injured?

A Yes, sir.

Q And, as a matter of fact, prior to getting there, you had learned that he said he was assaulted in his house that night by someone who killed his wife, true?

A Yes, sir.

Q And when you first viewed Doctor Sheppard you could see that his face was bruised?

A He had a swelling under the right eye and the right

cheek?

Q It was apparent to you, wasn't it?

A Yes.

Q You have seen a lot of bruises, haven't you, no question this was a bruise?

A It was a swelling. I can't say whether there was a bruise there or not. I can't say for sure.

Q Did you observe whether or not his mouth was cut?

A No, sir.

Q You asked him whether or not certain tooth chips were his and he replied no, true?

A That's right.

Q But he did say that his teeth had been chipped even though those weren't the particular chips that had come out of his mouth?

A He did say that his teeth were chipped.

Q Did you ask him to demonstrate if he had chipped teeth to show you?

A No, I did not.

Q You received information from some source that there was pain involving the neck?

MR. SPELLACY: Objection.

THE COURT: Overruled. He may answer.

A I received information from some source that he had

an injured neck. But whether there was any pain connected with it I can't say for sure.

Q All right, he had an injured neck; and there was something wrapped around his neck when you talked to him?

A Yes, sir.

Q What was his position in the bed?

A He was lying on his back in the bed.

Q Now, I take it that in the course of any homicide investigation, that it is your purpose to consider all the facts and circumstances and interview all the witnesses that you can find, isn't that true?

A As much as we possibly can, yes, sir.

Q The information you had as of this point was that Doctor Sheppard was the only witness to the killing?

A At which point?

Q At the time you arrived at the hospital to question him.

A As far as we knew, yes, sir.

Q As a matter of fact, as of this very moment, you know of no other person who might have witnessed the killing, do you?

A Not to my knowledge, no, sir.

Q But you did have information that he was in the home at the time the murder occurred, when you went to talk to him you had that information?

A Yes, sir.

Q I suppose you at that time considered whether or not he may have committed this murder?

A That particular time the thought did not enter my mind.

Q It hadn't entered your mind as of the first interrogation, is that right?

A At the time we went into the hospital.

Q But you did know either when you got there or certainly when you left, that he claimed he had been injured by the attacker?

A Yes, sir.

Q And I assume you wanted to know, in as much detail as you could discover, the extent of those injuries, didn't you?

A Not necessarily.

Q You did not? At some point later in the day did it become important to you to determine the extent of Doctor Sheppard's injuries?

A No, sir.

Q At some time later in the day did it become important to you to determine whether or not they could have been self-inflicted?

A Later on in the day there was some discussion in regards to that.

Q All right, and it became important to determine in deciding to what extent he might be a suspect in this case, whether or not his injuries could have been self-inflicted?

A It could have been, yes.

Q Well, was it important to you as a homicide investigator to get an answer to that question or wasn't it?

A Yes.

Q In the course of time it became important to get a determination on that issue, you had already been told by Doctor Sheppard, "I have got chipped teeth"?

A Yes.

Q That was one of the injuries that had been brought to your attention?

A Yes.

Q Did you go back and examine for the chipped teeth?

A Examine Doctor Sheppard?

Q Yes, did you have it done by anyone?

A I did not, sir.

Q Did someone else have it done, that you knew about, find out about the chipped teeth that day?

A Not to my knowledge, according to my knowledge I don't know if anyone did or not.

Q Did you know if anyone went to Doctor Sheppard to find out if he in fact had an injury to his neck?

A I did not, no, sir.

Q Did you cause anyone else to make such an examination, someone who was competent to do it?

A I did not, no, sir.

Q So as of your appearance at Bay View Hospital at three o'clock on July 4th for the second questioning of Doctor Sheppard, you had no information as to whether or not these injuries were genuine, did you?

A No, sir.

Q Had you consulted with any physicians about the nature of the injury prior to your second interrogation?

A The physicians at Bay View?

Q Yes.

A No, I did not.

Q Did you consult with any other physicians?

A No, I did not.

Q About his injuries?

A No.

Q And, of course, you are not a doctor, are you?

A No, I am not.

Q You have no special medical training, do you?

A No, sir.

Q You didn't on that day consider that you could look at Doctor Sheppard and tell whether or not he had an injury?

A No.

Q Or how serious an injury might be if one were there?

A No.

Q Or whether or not he could have inflicted it himself, did you?

A No.

Q But you went back and some time in the afternoon of July 4th looked at Sam Sheppard and said, "I think you did it," didn't you?

A Similar words; not those.

Q You accused him of it, didn't you, Officer Schottke?

A Yes, I did.

Q And at that time you hadn't even bothered to find out whether or not the injuries that he was carrying to his neck could have been inflicted by him, or whether they had to be committed by someone else, you hadn't thought of it, had you?

A There were other inquiries made.

Q I said, had you bothered to make that determination before you accused this man of murder?

MR. SPELLACY: Objection.

THE COURT: Overruled.

A I myself, no.

Q Was it important for you to find that out before you accused him of murder?

A No.

Q It was not. So even if it should develop that he had injuries of a nature and extent which he could not possibly have caused himself, that made no difference to you in accusing him of murder?

MR. SPILLACY: Objection now.

THE COURT: Sustained. Argumentative in form.

MR. BAILEY: All right.

Q I ask you this: Did it make any difference in your decision to accuse him of this crime, whether or not those injuries could have been self-inflicted, did it make any difference?

A No.

Q Did you by that time have some information that there might have been someone acting with Doctor Sheppard in the murder you accused him of?

A No.

Q Did you have any explanation in your own mind or determined in the course of investigation as to where these injuries might have come from?

A In my own mind, I had a few reasons why I thought where the injuries may have come from.

Q How did you acquire these reasons without knowing what the injuries were?

A We knew that he had a pain in the neck or an injury to

the neck. That was the only injury we knew he had.

Q Did you know he had a broken neck?

A No.

Q Had you asked anybody?

A No.

Q Did you ask anyone at Bay View whether his neck had been X-rayed before you began this accusatory interrogation?

MR. SPELLACY: Objection.

MR. CORRIGAN: Objection.

THE COURT: Sustained.

Q Did you ask anyone at Bay View whether or not his neck had been X-rayed before you interviewed him beginning at about 3:00 p.m. on July 4th?

A No.

Q Then I take it at that time it was not important to your purpose as to whether or not there was a fracture in the neck or otherwise, is that true?

A At that particular time it did make a difference, but there was a reason I didn't make inquiries in regards to it.

Q Why didn't you inquire as to whether or not X-rays had been taken of Doctor Shoppard's neck?

A Because in the morning when we talked to him he answered all of our questions. We had no trouble in hearing his answers. He talked in a normal tone. He talked loud enough to us so that we could see or hear him. He did not appear

to be in any pain. He didn't ask us to stop questioning him, or anything of that nature.

Q Is that why you didn't ask if his neck had been X-rayed?

A He appeared to be perfectly normal as far as I could see.

Q Did that enable you to determine he did not have a fractured neck?

A That would not enable me to determine he did not have a fractured neck, no.

Q Is it possible, sir, that you just didn't think --

A No, that is not true.

Q Did you decide, having thought about the possibility of X-rays, not to ask about it?

A No.

Q In other words, I take it that because of what you observed his conduct to be in the morning, you assumed that he could not have a broken neck, is that it?

A I assumed from his conduct in the morning that he was not in pain and he was able to take and answer all of our questions.

Q Officer Schottke, if you had known that this man had a fractured cervical vertebra in the back of his neck, would that have made any difference to you in determining whether or not he was a legitimate suspect in this crime?

MR. CORRIGAN: Objection.

THE COURT: Sustained.

The jury is instructed to disregard the question or its portent.

Q Did you at any time after that day and in the course of your investigation make an effort personally to determine from some competent expert the extent of Doctor Sheppard's injuries?

A Myself personally, no.

Q Now, you made a substantial check of this house, its interior, and the possible entrances and exits yourself, did you not?

A Yes, I did.

Q And you found no signs of any forcible entry as you told us, isn't that true?

A Yes, sir.

Q And, of course, Doctor Sheppard never suggested to you that there had been a forcible entry by anyone, did he?

A No, sir.

Q Nor did anyone else, did they?

A No.

Q But after you concluded that there had been no forcible entry, did you make some further investigation to find out who might have access to the house without forcing their way?

A Not to my knowledge, no, sir.

Q But you were satisfied it was not broken into that night?

A Yes, sir.

Q The question, had the doors been unlocked or did somebody have a key if they came in from the outside, is that a fair situation?

A I do remember in the morning we did question Doctor Sheppard in regards to the conditions of the doors, and he stated that the doors were never locked in the home.

Q Now, did you talk with Mrs. Ahern on July 4th when she was brought over?

A I may have but I can't recall at this particular time.

Q Did you call for a fingerprint expert to appear and examine the scene?

A Our man from the Scientific Unit was on the scene prior to our arrival.

Q He got there before you did?

A Yes, sir.

Q Did you observe him as you were making your investigations about the premises to be going about business of dusting and looking for fingerprints?

A Every once in a while I would see him, yes, sir.

Q Did you yourself keep an eye out for visible fingerprints as you went from room to room in that house on that

morning?

A Not particularly, no, sir.

Q Did you see any blood around the house as you made your investigation?

A Yes, in the room where the body was, there was a considerable amount of blood.

Q Did you notice on the wall a spatter of blood?

A On, there were drops, spots. Whether there were large spatters, I don't recall.

Q A spatter of blood, an accumulation of droplets on the wall?

A Droplets, there could have been, but I can't say at this particular time.

Q You don't recall whether there were or were not?

A No, sir.

Q Do you recall whether or not there was another bed?

A Yes, there was.

Q Was there blood spattered on that?

A As far as I can remember, there was no blood on that bed.

Q No blood on that bed. As you stood next to the bed on which Marilyn Sheppard was found, behind you there was another wall, was there not?

A That would be the north wall.

Q No, that would be the east wall?

A Oh, you said if I stood behind the bed?

Q As you stayed beside the bed in which she was found, the east wall would be behind you, wouldn't it?

A That's correct.

Q Did you look for blood on that?

A There was a considerable amount of blood on that wall, yes.

Q Spatter drops?

A Spattered.

Q What about the ceiling?

A That I don't recall at this time.

Q How many people were in the Sheppard house, just people of every description when you arrived?

A If I can remember correctly there was Doctor Gerber; there was Detective Grabowski from our Scientific Unit.

There was Ray Keefe, who was the property clerk of the County Coroner's Office.

There was Chief Eaton, Sergeant Hubach, Patrolman Drenkhan, and I think there was another policeman from the Bay Village Police Department there.

Q Did you see any newsmen going in and out of the house on July 4th?

A No, I did not.

Q Did you see anyone going in and out, other than authorized police officers?

A Not to my knowledge, no, sir.

Q Did you rope or block off any sections of the house to preserve such evidence as might be located there?

A I did not do that, no, sir.

Q Did anybody do it?

A The area was roped off, yes, sir.

Q So that no one except authorized personnel, for instance, could get up to the second floor, is that true?

A Yes.

Q Now, you say that you looked under the bed, in the bedroom where Marilyn was found, and you found some -- you didn't find anything under the bed?

A No, sir.

Q Did someone at some later time, if you know, find some lacquer chips?

A At a later date I heard that somebody did, yes, sir.

THE COURT: Counselor, I am sorry, I didn't follow your question, some what chips?

MR. BAILEY: Lacquer, your Honor.

THE COURT: And what was your response?

THE WITNESS: At a later date I heard that someone had found something.

THE COURT: Thank you, counselor.

I am sorry.

Q Do you know if these are still available somewhere?

A I have no knowledge.

Q You said that you found two chips?

A Yes, sir.

Q Now, did you find these after the body had been removed?

A At the time when the body was taken from the bed and moved, yes, sir, that's when I found them.

Q With respect to where the body had been laying, can you tell us where you found the chips of teeth?

A As close as I can remember, they were in the vicinity of -- it would be about the middle of the back.

Q The middle of the back?

A Yes, sir.

Q In other words, right under the portion, this portion of her body?

A As best I can remember.

Q Were they lying close together?

A That I don't remember.

Q They were covered with blood, I take it?

A That I don't remember either.

Q Well, when you observed the body, had you observed that some front teeth were broken, could you see that?

A No, I could not see that.

Q Can you tell us when the first photographs of that room

were taken?

A No, I can't.

Q Do you know if any had been taken before you arrived?

A I had learned that there had been photographs taken prior to my arrival, yes, sir.

Q Now, did you question either of the Houks that day, take their statements?

A I can't recall talking to Mrs. Houk. I may have talked to Mr. Houk.

Q Did you take any statement from him?

A No written statement, no, sir.

Q Did you question him at any length, do you know?

A That I don't recall exactly how long I may have talked to them.

Q The information given to you indicated he was the first one on the scene along with his wife, is that right?

A Yes, sir.

Q Do you have any recollection today of what you learned from Mayor Houk, just yes or no?

A No.

Q Did you attempt to elicit from anyone the exact words of Doctor Sheppard as he first reported this incident?

A Not the exact words, no, sir.

Q Did you learn that he had initially made a reference to "they" as the perpetrators of this offense?

A It could have been, but I don't recall.

Q The statements you got from him at the hospital, there was an indication there of two people, a form in front of him, and somebody behind him, isn't that true?

A You would get that impression, yes, sir.

Q You asked him straight-away whether or not the person he grappled with had struck him, and he told you no, one in front and one in behind, isn't that right?

A That's right.

Q Now, did you make a search of the upstairs for further evidence corroborative or contradictory of the statements you had from Sam Sheppard?

A I searched the upstairs for a possible weapon and also for a break-in, yes, sir.

Q Now, you were also told that Doctor Sheppard had chased someone down the stairs to the beach, in the dark, right?

A Yes.

Q And you examined these stairs in the course of your investigation, did you not?

A Yes.

Q And is it fair to say that they were steps easy to go tripping down in the dark unless you knew them?

A You would have to know them.

Q Yes; I take it from that that you determined that if

the story he were telling was true, the person he was chasing was probably somebody familiar with his ground? Did you make that determination, Officer Schottke?

A No, I did not.

Q When the green bag was found, did you examine its contents?

A Just looked in the bag, yes, sir.

Q Did you examine any of the articles in the bag?

A At a later time.

Q Did you at some point take them out to Doctor Sheppard and have him identify them?

A Yes, I did.

Q And did you examine their condition at that time?

A Earlier we had examined the condition, yes, sir.

Q Subsequent to the time you examined their condition, did you question him about the condition in which they were when he last saw them?

A Not the condition they were in the last time he had seen them.

We asked him what jewelry he was wearing.

Q But after your examination of the jewelry, did you ever show it to him and say, "Is this the way it was when you last saw it, or is it changed?"

A Not in those words, no, sir.

Q Did you make any inquiry about a change in condition

of the jewelry?

A We asked him how the water got under the crystal.

Q Of the watch?

A Yes, sir.

Q Did you ask him how the band got broken, if he knew?

A No, sir.

Q It had a broken band when you found it, didn't it?

A Not to my knowledge, no, sir.

Q I show you State's Exhibit 24, and ask you whether you observe a break in the stretch band affixed to this watch?

A Yes.

Q That break was there the first time you saw that watch on July 4th, wasn't it?

A Not to my knowledge, no, sir.

Q It was not there?

A No, sir.

Q Did you examine it and see if the band was intact?

A From the examination I made the band appeared to be intact.

Q Then you don't know when that was broken?

A No, sir.

Q Some time it would have to be after it came into the custody of the State of Ohio?

A I don't know.

Q But it is broken now, there is no question about

that?

A Yes, sir.

Q The defendant told you a story of fighting with someone, did he not?

A Yes.

Q Fighting on two occasions, once in the bedroom and once on the beach?

A Yes.

Q You recovered a ring which he identified?

A Yes.

Q You examined the ring?

A Yes.

Q Did you question him about the ring other than to ask him if it was his?

A No.

Q Will you take a look at that ring, State's Exhibit, if it please the Court, Exhibit 25?

Do you see anything unusual about the condition of the ring?

A No, sir.

Q Is it fair to say this is a gold ring with a gold emblem set in an onyx base?

A That is a fair representation.

Q Is that a fair description of State's Exhibit 25?

A Yes.

Q You don't see anything unusual about that ring, its

condition?

A There appears to be a slight crack on one side of the onyx. There appears to be a chip on the bottom of the onyx. There appears to be a slight crack to the left of the onyx, I mean, to the left of the emblem on the onyx.

Q You can see those things all right now, can you?

A Yes.

Q Is this the first time since you became connected with this case that you noticed those?

A To the best of my knowledge, yes.

Q But you don't recollect having observed those on the day it was found?

A Not as closely as that, no, sir.

Q I take it you never asked the defendant how it might have become cracked?

A No, sir.

Q Did you at some time examine the clothing of the defendant; in other words, the clothing in which he was found by the Houks, and Officer Drenkhan?

A Yes, sir.

Q And the cord pants; was there anything unusual about those?

A To the best of my knowledge the trousers were damp.

Q They were damp?

A Yes, sir.

Q And the shoes were wet, too, weren't they?

A Yes, sir, they were damp.

Q And sand was found in the pockets of the trousers, wasn't there?

A I don't recall.

Q In the cuffs?

A I don't recall.

Q Now, you presented the defendant at some point with State's Exhibit 23, a key chain?

A Yes, sir.

Q You asked him to identify it?

A Yes.

Q And this key chain has a number of keys attached to one end, along with a pen knife of some sort?

A Yes.

Q He identified it, did he not?

A Yes.

Q And did he tell you where he had been wearing it when he last saw it?

A He just said he was wearing jewelry, wrist watch, ring and key chain.

Q But he said he had this key chain on him when he went to sleep on the couch that night, didn't he?

A Yes.

Q And you learned through questioning him that he carried

it in his pocket, right?

MR. SPELLACY: Objection.

THE COURT: Overruled.

Q Well, did he tell you that?

A Not that I can recall.

Q Did you ever ask him where he carried it?

A No, sir, not that I can recall.

Q Now, can you tell us anything about the trousers that he had on with respect to their condition?

A Outside of they were damp, no, sir.

Q Did you examine the trousers?

A No, I did not.

Q Well, did you learn that there was a three-inch tear extending down from one of the front pockets?

A That I can't recall.

Q Is this the first time you ever heard of that, that there was a tear in the pockets when they were taken off Sam Sheppard?

MR. SPELLACY: Objection.

THE COURT: Sustained.

Q Do you ever recall questioning the defendant as to how his pocket got torn?

A No.

Q Now, you had, I assume, numerous conferences with the various law enforcement teams that were involved in the investigation of this case, were you not, you sat in on

conferences?

A No, I can't say I sat in on many conferences. I talked to various people who were investigating this.

Q Did you talk, for instance, with the Coroner from day to day as the investigation went along?

A Not every day, no, sir.

Q Did you talk with him on July 4th?

A Yes, sir.

Q On more than one occasion?

A Yes, sir.

Q Did you talk with him on July 5th?

A Not that I can recall.

Q How about the day following, July 6th?

A No, sir.

Q Did you in the course of searching the house attempt to match up various implements that were found therein with the wounds which you discovered on Marilyn Sheppard?

A We did try to match up to a certain extent, certain things that could have been used, yes, sir.

Q I take it that nothing found in the house was considered capable of having inflicted those wounds, is that right?

A There were things in the house that was considered capable of inflicting the wounds.

Q What happened to those?

A That I don't know.

Q What did you find in the way of weapons?

A Well, what you would consider, in other words, you said a weapon, in other words, we found golf clubs in there, and--

Q Where did you find the golf clubs?

A They were either in the living room or in the den. I don't remember.

Q Those were taken down to the laboratory and examined, I take it?

A I don't know.

Q You didn't cause that to be done, then, yourself?

A No, I did not.

Q What else did you find that you examined as a potential weapon?

A If I can recall correctly, I am not sure, there could have been some fireplace implements, like a small coal shovel.

Q Did you have a small coal shovel?

A One small one that may be used for wood or something like that, it may be a decoration as far as the fire place is concerned.

Q Did you have any such fire implements examined, if you remember?

A I did not, no, sir.

Q And do you know where any fire implements that might

have been found in the house that day are right now?

A No, sir.

Q What about the golf clubs, do you know where they are now?

A No, sir.

Q Did you examine the automobiles of Sam Sheppard on the morning of your investigation to determine whether or not any of them had warm engines or warm hoods from recent use?

A No, I did not.

Q Did you make an investigation or examination of the premises to find Doctor Sheppard's T-shirt?

A We were searching for the T-shirt along with the weapon, yes, sir.

Q When you first encountered Doctor Sheppard, did you make an examination of him or cause him to be examined for evidence of blood spatter?

A When I first seen Doctor Sheppard in the hospital, I did not cause an examination to be made for blood spatters or anything like that, no, sir.

Q When you had hold of his articles of clothing, that is to say, the exterior articles being the trousers and the shoes, did you yourself examine those for evidence of blood?

A No, sir.

Q How soon after you entered this investigation did you first get a view of the pants and the shoes?

A Possibly 11:45 a.m., somewhere in that neighborhood.

Q And how long did you look at them?

A We were at the Bay View Police Department for about ten or fifteen minutes.

Q Who had them in his custody or control at the time you looked at them?

A They were in the Bay View Police Station at that particular time.

Who had custody or control, I do not know.

Q Is it fair to say that you left them with whoever showed them to you, or did you pick them up?

A They were left there.

Q They were left there?

A Yes.

Q Now, your investigation continued on for some period of time after the crime was first called to your attention, did it not?

A Yes, sir.

Q Did you spend most of your own time for the next few weeks investigating this one crime or did you have others to work on?

A A great deal of the time was spent on this investigation, yes, sir.

Q Would you say more than half?

A Yes, sir.

Q One of the things that you sought to determine was the identify of any persons that might have a reason to have hurt or killed Marilyn Sheppard, is that right?

A Yes, sir.

Q And you questioned Doctor Sam Sheppard about those who might be disposed in hostile fashion toward him, didn't you?

A Not as far as being hostile or anything of that nature that I can recall.

Q Did you ask him for the names of people that might have some reason to want to kill Marilyn?

A No.

Q Did you ask him for the names of people that might have been paying their attentions to Marilyn?

A Yes.

Q And he gave you at least three names of people who might have been paying their attentions to her or being interested in her, didn't he?

A No, he did not.

Q He never gave you three names?

A No, sir.

Q Did he give them to anyone that you know of connected with the police investigation?

A I don't know.

MR. BAILEY:

May I have just a

moment, your Honor?

THE COURT: Yes.

Q Officer Schotke, when Sam Sheppard was questioned at the -- at I think the County Sheriff's Office, on the 10th day of July, you were present?

A Yes, I was.

Q Were you asking the questions?

A I asked some of the questions, yes, sir.

Q Did you ask a question as to whether or not Sam had told the police about these three people, and revealed their identify, did you ask that?

A I don't recall whether I asked that question or not.

Q Did you hear it asked by someone?

A Yes, sir.

Q Did you hear him answer "Yes"?

A Yes, sir, if it is in the statement.

Q You knew at that time that somebody in the Police Department had the names of three possible suspects that he had given, right?

A At that particular time, yes, sir, when he made the statement.

Q Did you ever find out who they were, without mentioning their identities?

A No, sir.

Q You never made any investigation into those three

people?

A I myself personally did not.

Q Did you cause one to be made?

A I personally did not, no, sir.

Q Do you have in mind -- without reciting them -- the identities of any of these three, any memory whatsoever?

A No, sir.

Q Do you remember whether or not one of the people named lived right in that neighborhood?

A No, sir.

Q You don't remember?

A No.

Q Did you ever see the results of any investigation into any of these three people that Doctor Sheppard suggested?

A No, sir.

Q Do you know whether such an investigation was made?

A From my own knowledge, I do not know.

Q So as far as you know, none of your fellow officers did?

A There were a number of police officers on this investigation, there could have been an investigation made.

Q Now, in examining the premises of the Sheppard home, you learned that there are two means to get to the second floor, from the first floor, insofar as approaches to the stairs are concerned, didn't you?

A Yes, sir.

Q And your investigation disclosed on the night before the murder the lake door that leads on to the porch had been locked by Mrs. Ahern?

A Yes.

Q You knew that?

A Yes.

Q And you knew that the Lake Road door was found by the Houks to be unlocked when they first arrived?

A Yes.

Q Your investigation further disclosed that one entering through the Lake Road door, could either go through the kitchen and up the stairs, or around the living room and by the couch where Sam Sheppard was sleeping and up the stairs?

A Yes.

Q Now, were you able to determine whether or not from your investigations of this case, whoever may have come in that house must necessarily have been familiar with its layout?

A No.

Q You satisfied yourself that the articles strewn all around the den and out in the living room, were not part of a robbery or burglary, didn't you, wasn't that the conclusion you came to?

A I was under that conclusion, yes, sir.

Q From the physical facts before you, nothing was taken of consequence that you could find out about?

A That's right.

Q A couple of trophies were broken, weren't they?

A I seem to recall something about that, yes.

Q The trophy awarded to Marilyn had been smashed and the trophy awarded to Sam had been smashed?

A Which trophies they were, I don't recall.

Q A couple were found and they were damaged or broken?

A Damaged or broken.

Q And you made an examination of the papers in the desk that had been strewn about?

A I looked at the papers, yes, sir.

Q You looked at the contents of the drawers that had been pulled out?

A You mean in the living room or in the den?

Q In the living room.

A Yes, I did.

Q And did you do the same thing in the den?

A Yes, sir.

Q You went down into the basement at some point?

A At some point I went down into the basement, yes, sir.

Q You examined the spilled contents of the medical bag?

A Yes, I did.

Q And you questioned Doctor Sheppard and others as to the

things that were in the house before the police arrived on the scene on the morning of July 4th that might have been taken, valuables and other things?

A There could have been that question, but I don't recall it.

Q Did you make an effort to determine whether or not something valuable was missing from the Sheppard house after this crime occurred?

A In talking to Doctor Sheppard, yes, sir.

Q Now, you found that the watch had been taken out of the house?

A Yes.

Q That the keys had been taken out of the house?

A Yes.

Q And that the ring had been taken out of the house?

A Yes.

Q Did you ever determine whether anything other than those three items were taken out of the house that night?

A Not to my knowledge at this particular time. I cannot recall.

Q Did you attempt to locate or trace the location of these three items, that is to say, where they were in the house prior to the time that they were taken out in that green bag?

A Yes.

Q And did you determine where they had come from prior to being put in the green bag?

A Yes.

Q They had all been taken off the person of Sam Sheppard, hadn't they?

A That is what he told us.

Q And that is the only information you ever had as to where they were prior to going into that bag?

A Yes.

Q Right up until today?

A Yes.

Q Did you determine how many keys to any of the entrances to the Sheppard house were located in the house on the morning the investigation began?

A No, I did not.

Q Did you determine how many keys were available or had been made for the entrances to the Sheppard house at any time?

MR. CORRIGAN: Objection, your Honor.

How could this witness possibly know that?

THE COURT: Sustained, Counselor.

Q Did you question Sam Sheppard as to whether any keys were missing?

A No.

Q When you questioned Sam Sheppard did you have him

identify any of the keys on the chain as fitting any particular lock?

A Not any individual key, no, sir.

Q Do you recall finding any keys around the Sheppard house when the house was investigated?

A At this time I do not recall.

Q All right. More specifically, do you recall finding any keys in that house that would fit the Lake Road door?

A I do not recall.

Q Do you recall a black waste basket that was located on the first floor of the Sheppard house that morning?

A No.

Q Do you know whether or not a key was ever found in the house at some subsequent point?

A No.

Q You don't. By the way, did Sam have a belt on that day, do you know?

A I don't know.

Q Did you ever examine a belt that he supposedly was wearing that morning?

A Not to my knowledge.

Q You testified that the coat that you observed on the couch was neatly folded; were those your words?

A Yes, sir.

Q Isn't it a fact that the coat when you saw it was laying

just like this on the couch (indicating)?

A No, sir.

Q Was it folded as if for packing?

A No.

Q Was it bunched up like this?

A No.

Q When you said neatly folded with reference to this particular coat, how was it actually lying when you first saw it?

A It was the position which you originally put it in, but the collar and that was not bunched over the way you had it.

Q Well, for the record, you can see I am now laying this coat across the front of the counsel table, and I am doing it so by letting it dangle at my finger which is located at the nape, the neck, is that right?

A Yes.

Q As I lay that coat down there and you observe it, can you tell me how that differs from the way you saw it resting on the living room couch on the morning of July 4th?

A The upper part of the coat was resting up against a pillow which was on the couch.

Q No, my question, sir, relates to the neatness of the folding of the coat as you have used that term earlier in your testimony.

A It was similar to that, maybe not the exact position but similar.

Q Well, is that what you mean when you say neatly folded?

A Yes.

Q Mr. Schottke, prior to your interrogation of Sam Sheppard in the presence of the people described by Mr. Corrigan, as he read the results of that interrogation a few minutes ago, prior to that time when these questions were asked, had you made any further investigation of the nature and extent of the injuries claimed by Doctor Sam Sheppard as a result of his encounters that day?

A Myself personally, I made no inquiry.

Q I understand you didn't examine personally, but had you talked with any doctors in order to make a determination as to whether they were extensive or minor?

A I had talked to Doctor Gerber at a later date.

Q Had you talked to a Doctor Elkins?

A No, I did not.

Q Did you talk to any of the personnel of the Bay View Hospital?

THE COURT: Have we fixed a time, Counselor? If you did, I didn't catch it.

MR. BAILEY: I can fix it only, your Honor, as between July 4th and July 10th, whether or not conversations took place in that

interval.

THE COURT: Please proceed,
Counselor.

A What was your last question?

Q Did you talk with any of the personnel at the Bay View Hospital about Sam's injuries between July 4th and July 10th?

A No, I did not.

Q Did you examine any X-rays or did you talk with any doctors who could examine?

A No, I did not.

MR. BAILEY: If it please the Court,
I have just one more question of this witness.

Q Mr. Schottke, in the course of your investigation did you see or learn of a cigarette butt in the upstairs toilet?

A I had heard reference to a cigarette butt but I had never seen it.

Q Well, did you determine what kind of cigarette it was?

A No.

Q Any information about it?

A No.

Q At no time in your investigation did you pursue the matter of the cigarette butt?

A No, sir.

Q Did you determine whether or not Sam Sheppard smoked cigarettes?

A No, I did not.

Q Did you determine whether or not Marilyn Sheppard smoked cigarettes?

A No, I did not.

MR. BAILEY: That is all.

THE COURT: Counselor Corrigan?

MR. CORRIGAN: Just a few questions, your Honor.

REDIRECT EXAMINATION OF ROBERT SCHOTTKE

By Mr. Corrigan:

Q Detective Schottke, it was asked of you whether or not you or any members of the investigative team attempted to relate any weapon or weapons that might be found in the house, or any instrumentality that might be used as a weapon, do you recall that question?

A Yes, sir.

Q Were you able, sir, to relate anything in the house, any implement by way of a weapon used to inflict the wounds on Marilyn Sheppard?

A No, sir.

Q Now, you were asked, sir, whether or not you at any time saw or examined any X-rays; do you recall that question?

A Yes, sir.

Q Could you read an X-ray if one was presented to you?

A No, sir.

MR. CORRIGAN: No further questions.

THE COURT: Anything further,
gentlemen?

MR. BAILEY: I have nothing further
from this witness, your Honor.

THE COURT: You are excused,
Detective.

Bear with me a minute, gentlemen.
Ladies and gentlemen at the back of the room,
you may leave if you wish, before I instruct the
jury.

Ladies and gentlemen of the jury, we
are going to adjourn for the afternoon. It is
just about 4:00.

Court will be in session tomorrow
morning at 9:15. Tomorrow afternoon, ladies and
gentlemen, there will be no court session. You
will have some free time tomorrow afternoon,
under proper guidance with your court personnel
attache's that have been assigned with you, to take
care of your personal needs and conveniences.

But we will have a session tomorrow
morning at 9:15 for at least half a day.

Now, while you are away, ladies and gentlemen -- oh, prior to that, arrangements have been made for you to have your dinner at a place other than the hotel tonight. Of course, the court attache's, as is customary and as is their duty, they will be with you.

While you are away on your evening adjournment, ladies and gentlemen, you will bear in mind the instructions given you on each occasion when you leave the room.

You shall not discuss this case or what you have heard of it amongst yourselves. You shall not permit anyone else to discuss it with you, nor permit yourselves to hear anything that relates to this case by any means of communication.

We will stand adjourned until 9:15 tomorrow morning.

(Thereupon an adjournment was taken to 9:15 a.m., Saturday, November 5, 1966, at which time the following proceedings were had:)