

gentlemen, was the Coroner excused or was he subject to call?

MR. MAHON: He was to bring in some records.

MR. DANACEAU: He was to bring in some records.

MR. GARMONE: He was subject to recall.

MR. DANACEAU: He was to bring in certain records.

THE COURT: All right. The oath administered is sufficient for this.

Thereupon, SAMUEL R. GERBER was recalled as a witness, and, having been previously duly sworn, was examined and testified further as follows:

CROSS-EXAMINATION OF DR. SAMUEL R. GERBER

By Mr. Corrigan:

Q Doctor, do you have the record of the things that were brought to your office on the 4th of July?

A Yes, sir.

Q Will you show them to me, please?

A They are right here in these books, sir, in property book No. 21, on the appendix page 63, at the bottom, case No.

76,629, with one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen -- that consists of the properties brought in and the receipts for properties turned over to various people.

Q May I look at this just a moment?

A Yes.

(Defendant's Exhibits GGGG to TTTT, inclusive, marked for identification.)

Q Doctor, referring to Exhibit GGGG, HHHH, IIII, JJJJ, KKKK, LLLL, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, those exhibits are receipts of property that was taken in this case from the Coroner's office?

A That's right, sir.

Q And it shows the dates on which they were taken and the persons who signed a receipt for your office?

A That's right.

Q Now, Exhibit SSSS --

THE COURT:

What is it?

MR. CORRIGAN:

S, S like in Sam,

Sam Sheppard.

Q What is Exhibit SSSS?

A That is -- part of it, the upper part of it is some items that I brought in and turned over to Mr. Keefe to list, the upper portion of it.

Q That is --

A Down to where it says Blocker.

Q Does it give the date on it?

A Yes, it gives the date. That's July 7th; there's July 29th.

Q Well, showing on Exhibit SSSS, on July 7th, 1954, brought in by Dr. S. R. Gerber, one pair of leather gloves, one pair of white canvas gloves, one wallet and miscellaneous papers, one physician's police badge; that is what that shows, doesn't it?

A Yes, sir.

Q Then on July 9, 1954, brought in by Dr. S. Gerber one tan cord jacket --

A July 29th.

Q July 29th, one tan cord jacket, man's; two letters addressed Mrs. S. Sheppard. What is that date there?

A That's August 9th.

Q August 9th, brought in by John Blocker, one bed complete, headboard, front board, side rails, mattress, box springs, two white --

A Doors.

Q -- doors, one chair, rocker wood with broken cane seat, one --

A Swivel office chair.

Q Swivel office chair, one metal desk lamp with shade, one rubber desk chair, floor mat, one pad, leather chair.

A One red leather chair.

Q One red leather chair, one studio couch complete, mattress and two pillows, one braided rug, one pair of white shorts, one pair of blue shorts, one blue sweater, one brassiere, one brown belt, one tan sport shirt. Those were all lady's?

A Yes.

Q And then on October 10th -- is it October 10th?

A October 10th, yes.

Q October 10th, brought in by -- it doesn't say who it is by.

A Same handwriting.

Q Blocker, I suppose?

A Yes.

Q One strip green carpet.

Now, then, whose writing is that, do you know?

A This here is Mr. Blocker's writing.

Q And who is this?

A This is Mr. Keefe's writing.

Q And is this later put into some other book?

A No. That's the way it is. That's why it's attached here.

Q That's the record?

A Yes, sir.

Q Then on the appendix, page 63 -- I don't think we have marked this.

MR. DANACEAU:

Yes. It's right

down here.

Q Defendant's Exhibit TT --

MR. DANACEAU: TTTT.

Q Brought in by Dr. Gerber, July 4, 1954, a pillow case,
bed spread, two w.m. --

A That's somebody else.

MR. GARMONE: That's another
matter. Just here (indicating).

MR. CORRIGAN: Wait a minute.

MR. DANACEAU: There are other
cases on the same page.

Q Two bed sheets. This is out, is it?

A No. That's in, but I didn't bring it in.

Q Two bed sheets, one bed quilt, one pad, mattress, and I
can't read that.

A One pair of white moccasins, lady's.

Q Lady's. One pair canvas --

A Sneakers.

Q -- sneakers, one pair --

A Pair pants, men.

Q One pair of pants, men's.

A One brown belt.

Q One brown belt, pair of socks, one handkerchief, one pair
of shoes, is that right?

A That's right.

Q One pair of --

A Loafers.

Q -- loafers, brown, men's; one yellow metal chain.

A Watch and chain.

Q Watch and chain, one y.m. knife. That's yellow metal, I suppose?

A That's right.

Q One y.m. football, yellow metal football; one y.m. tag, one y.m., yellow metal -- what is that there --

A Charm.

Q Charm.

A Los Angeles County Hospital.

Q Los Angeles County Hospital. One yellow metal charm, E.A. it looks like Epsilon Alpha, is that correct?

A Yes, sir.

Q Greek letters?

A Yes, sir.

Q Five keys, one yellow metal ring, and I can't make that out.

A That's b.s. and crest.

Q B.S., what does that stand for, do you know?

A No, I don't.

Q Well, that refers to the ring?

A Yes.

Q One cloth --

A Bag.

Q Bag.

A Ring.

Q Ring; two metal bars.

Now, then, there are some other entries here.

A That's taken from this book here.

Q What is that book, Doctor?

MR. GARMONE:

Page 456.

A That's the small property book, the clothing that's immediately -- I say, that's the small property book in which the clothing was taken off the body are put in by the custodian, and then it's transferred to this big book.

Q Well, it shows on the small book, "clothing, two w.m. bands." What's w.m.?

A Two white metal bands.

Q Do you know what they are?

A Well, they are rings.

Q Wait a minute. Clothing, it says clothing, one pajama top and bottom, two white metal bands and one w.m., white metal, ring with one white stone.

Now, that was entered in this book?

A First.

Q First. And then transferred to --

A To this big book right here.

Q To Defendant's Exhibit TTTT.

Now, does it show who brought the clothing, the pajama top, the bottoms and the rings?

A Yes, sir.

Q Charles Griggs?

A Clare Griggs.

Q Clare Griggs?

A Yes, sir.

Q Well, who is she?

A That happens to be a man that works for the Pease Funeral Home.

Q It was brought in by Clare Griggs of the Pease Funeral Home and received by Johnston, is that correct?

A That's right, sir. Transferred by --

Q F. Keefe?

A R. Keefe.

tke 23
mg

Q Does that complete the record of receipts --

A Do you want to mark this as an exhibit?

MR. CORRIGAN: Yes, I think we
better mark that.

(Defendant's Exhibit UUUU,
being a record of the
Coroner's office, was
marked for identification.)

Q Now, does that complete the records of the receipts and
of all the things received in the County Coroner's office
in this case?

A That completes the record of all the things associated with
the Sheppard home.

Now, here are some cards that take into consideration
other items that are brought in, and there might be some
repetition of this here. There are 28 cards there.

MR. CORRIGAN: Well, I think we
will mark them and then we will separate them,
and if they are duplicates we will return them.

(Defendant's Exhibits
VVVV-1 to VVVV-28,
being Coroner's record
cards, were marked for
identification.)

Q VVVV-1 to 28, are those records of the Coroner's office
kept in the usual course of business?

A Yes, sir.

Q I want to look at them and see if I want to introduce them

into the record. I don't want to be encumbering the record with cards, if we have got a duplication. I will look at them and then I will determine that after recess.

Now, then, have we got all the records, Doctor, that involve Marilyn Sheppard? Are there any other records?

A That involve the property or material, yes. Now, here is another record that you asked for. This is page 466 of the records of bodies received. Book 88.

MR. DANACEAU: Is that what we had the photostatic copy here for, and the photostat was objectionable?

THE WITNESS: That's right, sir.

MR. CORRIGAN: The photostat wasn't clear.

MR. DANACEAU: Do you have a clear photostat of that made, sir?

THE WITNESS: I thought it was a good one.

MR. CORRIGAN: Let's see it. Maybe I will agree it is good. I think it is all right. Mark it Defendant's Exhibit WWWW.

(Defendant's Exhibit WWWW, being a Coroner's record, was marked for identification.)

THE WITNESS: Now, there is a copy of the Vital Statistic report on which you wanted the original.

MR. CORRIGAN: Mark this Defendant's Exhibit XXXX.

(Defendant's Exhibit XXXX, being a Coroner's record, was marked for identification.)

- Q This is XXXX. That is a record of the Coroner's office?
- A Yes, sir. I have a photostatic copy of that.
- Q All right. We will substitute the photostatic copy.
- A You already have the same information on some other records in the exhibits.
- Q Were there any other records, Doctor, in connection with this case?
- A Here is one, a clothing check list for Marilyn Sheppard.
- Q What is it?
- A Clothing check list. That shows one pair of pajamas --
- Q I don't want that. We have got that in the record.
- A Now, here are two reports from Roger Marster on blood typing.
- Q Well, I think he would have to come here to testify.
- A Here is a technical examination of the wrist watch of Dr. Sam Sheppard and the wrist watch of Marilyn Sheppard.
- Q Well, that has been testified to by Miss Cowan.

MR. DANACEAU: Now, just a minute,

Mr. Corrigan, that isn't quite what he said.
It is not a report by Miss Cowan. It is a
report by some company.

MR. CORRIGAN: I don't care for
reports by companies.

MR. DANACEAU: No, but you referred
to it as to what Miss Cowan had testified to.

MR. CORRIGAN: I didn't read it
closely. I just assumed that.

THE WITNESS: And here is the Bay
View Hospital summary record of Dr. Sam Sheppard,
case No. B10965, accompanied by an X-ray report.

MR. CORRIGAN: Mark this, please.

(Defendant's Exhibit YYYY,
being a Bay View Hospital
record, was marked for
identification.)

Q This is Exhibit YYYY. Where did you obtain that?

A This was obtained onsubpoena, and it was delivered to me
by Dr. Flick in the company of Mr. Petersilge.

Q Now, then, there was X-rays?

A They are here.

MR. CORRIGAN: Do we have the
X-rays here?

MR. DANACEAU: Yes. They are in
evidence.

THE WITNESS: And there are some
X-rays from Bay View Hospital and some X-rays
of Marilyn Sheppard, and they are all here.

Q They are all here?

A Yes, sir.

MR. CORRIGAN: Well, I introduce
into evidence --

THE WITNESS: I have this. Here
is an official copy of the --

MR. DANACEAU: Just a moment, please.
Will you wait until you are asked a question
by Mr. Corrigan?

THE COURT: He is offering
exhibits now. Let's see what they are.

Q There is one other thing that I want to introduce, Doctor.
Exhibit U. Do you recognize that letter?

A That is a form letter out of our office, yes.

Q And that was sent by you to Fred Garmone?

A Yes, sir.

Q On September the 30th, 1954, and we have introduced in
evidence through Miss Cowan two exhibits, V-1 and V-2,
and that is the letter that accompanied those, as far
as you can tell, Doctor?

A Yes, sir.

MR. CORRIGAN: So I will introduce
that letter in evidence. That will be Exhibit U.

THE COURT: All right. Exhibit
U is received.

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

MR. CORRIGAN: Now I will introduce
in evidence --

THE COURT: You have got GGGG to
YYYY. That is all that you have dealt with right
now this afternoon. Do you offer all of them
together?

MR. CORRIGAN: We offer all those.

THE COURT: Any question about any
of them?

MR. DANACEAU: We have no objection,
but that does not include -- you haven't offered
this one, have you, sir?

MR. CORRIGAN: I am going to offer
that now.

MR. DANACEAU: Just a minute.

THE COURT: That is the Bay View
Hospital record?

MR. DANACEAU: That's right. That is

the only one that hasn't been offered.

Now, the others which have been offered, we have no objection to. We do ask, however, that photostatic copies be made of the particular pages of these records, because they involve other cases, and those photostatic copies be substituted as alternates to the originals.

Is that satisfactory, Mr. Corrigan?

MR. CORRIGAN: Sure, that is satisfactory.

THE COURT: Then we will deal with those. Defendant's Exhibits GGGG down to Defendant's Exhibit XXXX will be received, and with the understanding that photostatic copies may be made and substituted, with opportunity, however, for counsel to check them.

MR. DANACEAU: Oh, yes.

(Defendant's Exhibits GGGG to XXXX were offered and received in evidence.)

Q Now, Doctor, do you want to take these back and get photostatic copies sent to us?

A I will have them delivered, yes.

Q Now, the cards. I think I will look at them and give them to you tomorrow morning, and we will find out if we want

✓

photostatic copies.

MR. DANACEAU: It won't be necessary
to bring the doctor back?

MR. CORRIGAN: No, it won't be
necessary.

Now, I have Exhibit YYYY. Did you object
to that?

MR. DANACEAU: We objected to that
on the ground that the doctors at the hospital
are available and may come here to testify,
that is the best evidence, and we will have
an opportunity to cross-examine them just as
you have an opportunity to cross-examine our
doctors.

MR. CORRIGAN: Yes, but this is a
Bay View Hospital report. Under the rule it comes
into court through the medium of the Coroner who
subpoenaed it as part of his records, and under
the rule, it being a hospital report, it is
admissible in evidence, so we offer it.

MR. DANACEAU: We object to it at
this time.

THE COURT: The Court will sustain
the objection for the time being, at least.

MR. CORRIGAN: Note an exception.

Well, leave it here, then, because we will need it.

(Defendant's Exhibit YYYY
was offered, objection
made and sustained.)

MR. DANACEAU: May we have custody
of it, sir, for the time being? You may have
it any time you want it.

MR. CORRIGAN: Well, now, you have
objected to it --

MR. DANACEAU: It is still our record,
sir. I have a right to look at it.

THE COURT: The hospital report?

MR. DANACEAU: Yes.

THE COURT: I doubt it. He has
offered it and the Court has refused to receive
it, so it is not here for any purpose.

MR. DANACEAU: I merely want to take
custody of it, and I want custody of it --

MR. CORRIGAN: You have no right
to have custody of it. If you want to introduce
it in the evidence, then it is in the custody
of the Court.

MR. MAHON: It is not in the
evidence.

MR. CORRIGAN: It is ~~te~~ Bay View record.

MR. MAHON: It is in the custody
of the Coroner.

THE COURT: Just a moment. Who
brought it in here?

MR. DANACEAU: The Coroner did.

THE COURT: Then it belongs to
the Coroner.

MR. CORRIGAN: Leave it here. We
will use it. I don't want to bring the Coroner
again on that.

MR. DANACEAU: That is perfectly
agreeable.

MR. CORRIGAN: Put it in the custody
of the Court.

MR. DANACEAU: That is all right, too.

THE COURT: All right. The Court
will hold it here, then.

MR. CORRIGAN: Give it to the court
stenographer. He is the official --

MR. MAHON: Let the Court do what
it wants with it.

MR. CORRIGAN: Well, I may want to
look at it.

MR. MAHON: You will have the right

to look at it, and the Court, I am sure, will let you look at it.

THE COURT: Let's not go into it. It is not in evidence here at all. If there is any question, it will go to the Court. If there is any question, he will take the responsibility and have it under lock and key. It will be here.

MR. CORRIGAN: I think that is all, with the exception of supplying us with those photostatic copies.

(Witness excused.)

THE COURT: Ladies and gentlemen of the jury, we will now be adjourned until 9:15 tomorrow morning. In the meantime, please do not discuss this case, not even among yourselves.

MR. CORRIGAN: If the Court please, may I ask the Court to instruct the jury that there is a lot of stuff appearing in the newspapers about this case, and there are a lot of people talking about this case around town. Can I have an instruction to the jury that they do not read these newspapers, and that they do not allow anybody to talk to them about the case, or --

THE COURT: The Court has
already done so, of course, on several occasions,
and the Court will repeat it again.

I suggest to you that you do not read
newspapers or listen to the radio or other kind
of comments, and certainly not have any discussion
whatever, not even with members of your family.

In the final analysis you will feel very
much better and you will then be better by not
doing it.

Thank you very much.

- - -

(Thereupon at 4:15 o'clock p.m. an
adjournment was taken to 9:15 o'clock a.m.,
Wednesday, December 1, 1954, at which time
the following proceedings were had):