

DR. GERBER: Let the record show that the coroner has requested that Chip, the son of Sam Sheppard, be brought in here Monday morning, July 26, at 9:00 A. M., as requested by subpoena originally issued.

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DR. RICHARD N. SHEPPARD, having been first duly sworn, was examined and testified as follows:

EXAMINATION OF DR. RICHARD N. SHEPPARD

By Dr. Gerber:

Q What is your name, please?

A Richard Niles Sheppard.

Q Where do you reside?

A 23346 West Lake Road, Bay Village.

Q How long have you resided there?

A Approximately four and a half years.

Q What is your profession?

A I am an osteopathic physician and surgeon.

Q How long have you been an osteopathic physician and surgeon?

A I graduated in 1941 in June.

Q Where did you graduate?

A College of Osteopathic Physicians and Surgeons, in Los Angeles.

Q When were you licensed by the State of Ohio?

A I believe I was licensed in the State of Ohio in 1944. It may have been 1942. I came back and set my board and then returned to California, and I started practicing here in 1944.

Q Are you licensed in any other state?

A Yes.

Q In what state?

A The State of California.

Q Where did you start practice in Cleveland?

A At 32nd and Euclid Avenue, in the old Osteopathic Hospital and Clinic.

Q Where is your office at the present time?

A I have two offices. I still maintain offices at 32nd and Euclid, and also at West 222nd and Lorain Street in Fairview.

Q Are you connected with a hospital?

A Yes, sir.

Q What hospital?

A Bay View Hospital.

Q What is your position on the staff of Bay View Hospital?

A I am one of the senior surgeons on the staff.

Q Do you hold any other office in the hospital, management board or board of directors?

A I am a member of the board of trustees, and I also

hold a staff position, that of treasurer of the staff.

Q Now, as a member of the board of trustees, are you acquainted with the books and records?

A I am acquainted with them as they come up before the board, yes, sir.

Q Are you one of the individuals who has to do with the appointment or the choosing of employees?

A No, sir. The board doesn't choose employees. That is generally done by the administrator.

Q Then who appoints the administrator?

A The board of trustees.

Q Who is the administrator of the hospital?

A Mr. R. A. Lease.

Q Can you tell me the duties of the administrator of the hospital?

A Well, the administrator of the hospital has to do with hiring, and particularly the heads of departments, has to do with the business office, the general operation of a hospital and correlation of the heads of the various departments, in the managerial side of the hospital.

Q Does he have anything to do with the hiring of the professional staff of the hospital?

A Yes. By that I gather you mean technicians, x-ray technicians and that type of help?

Q Yes.

A Yes, sir.

Q He is required by the board of trustees to keep books, as to hirings and firings and resignations?

A Yes, sir, there is a record of that kind kept.

Q As a member of the board of trustees are you empowered to deliver such records to this hearing?

A I really don't know, sir. I would have to ask our counsel of our board.

Q Who is the counsel of your board?

A Mr. Arthur Petersilge.

Q Do you think Mr. Petersilge is available?

A I think he is.

Q Would you mind asking him whether or not you are empowered to deliver the records?

A How about it, Art?

MR. ARTHUR E. PETERSILGE: No.

In my opinion, Dr. Gerber, no member of the board of trustees would have the power to deliver hospital records, but as you know there is a legal way to get them if you wish, and I am sure that under proper subpoena they will be produced.

MR. GERBER: That shall be done.

Q I direct your attention to the morning of July 4, 1954, Dr. Sheppard, will you please relate to me what

happened?

A Yes, sir. Approximately 6:00 A. M. on that morning I received a phone call, awakened from a sound sleep, and it was Mayor Houk who said to me, "Rich, get over here as fast as you can, Sam has been hurt, and I think Marilyn is dead." I immediately got up out of bed and I started dressing as rapidly as I could, told my wife what he had told me, asked her to call Dr. Stephen Sheppard, my brother, tell him to come to Sam's house as soon as possible. Also to call my father and ask him to go to the hospital with the idea in mind that he would be there on hand if we would take someone in quickly. Do you want me to proceed?

Q Yes, please.

A I left my home. I took my doctor's bag with me and went as rapidly as I could up to Dr. Sam's home. It probably took me ten to twelve minutes. On arriving at the house there were two or three cars in the driveway, at least one of which was a police cruiser. I pulled in the small parking area there, got my bag, ran into the house. I entered the house by the lake side entrance, ran into the small hallway there, noticed Dr. Sam's medical kit spilled out on the floor in front of the library or study door. There were two or three other people in the hallway or in the living room beyond,

Mayor Houk, his wife, and an officer or two, and perhaps others.

I glanced into the library or study and saw Dr. Sam half sitting, half reclining on a leather chair. He had both hands behind his neck. He was moaning. I could see that he was alive. I asked someone, I believe it was Mrs. Houk, where Marilyn was. She said upstairs. I turned and ran through the kitchen and up a small flight of steps to a small landing. At that point I turned and spoke to the officer who was following me, I believe it was Mr. Drenkhan, asked him to hand me a kitchen knife if there was one handy close by. There was a set of knives on a magnetic knife holder over the sink. He quickly grabbed two of them, handed them to me, and I proceeded on up the stairway. At the top of the steps, it is a very narrow hallway, I stepped just a step or two into the bedroom, and of course I was completely stunned at what I saw. Marilyn was lying in bed, her feet protruding over the foot of the bed possibly a foot or more. Her head was not on the pillow. It was down toward the center of the bed but not completely down the center. Her head was lying in a large bloody area which seemed to be evenly spaced. Her face was unrecognizable to me. There was blood all over it, it appeared to start to clot, it started to clot. There

were numerous cuts and abrasions on her forehead, particularly on the left side of her forehead.

I took her pulse, there was none. I listened to her heart with the stethoscope. There was no evidence of life. I did notice that there was body warmth at the time I saw her.

I brought the knives from the kitchen up with the thought in mind of possible cardiac resuscitation. However, when I saw her, it was obvious to me that stage of procedure was beyond anything I could do. I raised the sheet, if I recall. She was bare, her breasts were bare. Her nightie was rolled up in the back, and on her shoulders and on her arms, but it was open. I raised the sheet which was partially covering her merely to see if there was any other injury to the body. I saw none. I didn't move the body other than raising the arm to take the pulse. I determined that she was dead and that there was nothing I could do. I believe there was an officer with me, I believe there was Mr. Drenkhan at the time. I stepped back out into the hallway, as I recall, went up the hall just a short distance, and then looked in the room where little Sam or Chip generally sleeps. He appeared to be sound asleep on his bed. I then returned downstairs.

I believe I saw the two knives, I think I had handed

them by that time back to Officer Drenkhan, who had taken them down and laid them on the sink, I saw them there, why I did I don't know but I replaced them on the magnetic rack. I proceeded on into the library to look at Dr. Sam. As I came in he was still in the same position as before. I spoke to him. I don't recall exactly what I said. I believe I asked him where his pain was, where he was most hurt, and he indicated it was his neck. I then told him that Marilyn was dead, and with that he slid on down to the floor, still holding the back of his neck, slid onto his face, saying, "Oh, God, no."

At about this time I believe I saw Dr. Stephen arrive in the hallway. He of course was not aware of what had actually occurred. Both he and I returned upstairs to Marilyn's bedside, where he and I both agreed that there was nothing we could do. I believe he took her pulse. I don't believe he adjusted the sheets or anything of that kind. We were there a moment or two and I suggested to him to return downstairs and see what he could do for Dr. Sam, and suggested that perhaps that he should take him into the hospital.

Mrs. Houk I believe was upstairs, or came upstairs about that time, also, and we discussed the advisability of awakening little Sam and taking him down to my home, which then we proceeded to do. We went into Chip's room,

he was sound asleep laying on his side. It took several moments or minutes to wake him up. After I got him sitting on the side of the bed I noticed this appliance that apparently his orthodontist had recommended that he wear. I had some little difficulty getting it off of him. I gathered up a few of his clothes. Apparently those that he had taken off the night before. Mrs. Houk found something to throw over his shoulders, and we got him into my car, and I took him up to my house, to my wife.

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At that time, I was there for a short time, told my wife what had occurred. I believe in the meantime she had gotten my mother and brought her over to my home. I proceeded on into the hospital. At the hospital I determined that Dr. Sam was -- from this point on it is rather unclear in my mind the certain definite sequence of events, but to the best of my recollection Dr. Sam was in x-ray or was being moved from x-ray. Dr. Steve was there. He said that he was treating him for shock. We spent a short time at the hospital. I believe I went in and saw Dr. Sam either on the cart in x-ray or he had returned, in the process of being returned to the room, I am not clear on that. We knew before we left the house that Cleveland Police and yourself had been called, so Dr. Stephen and I returned to Dr. Sam's

house in his car.

When we got back to the house we went in. There were a number of police officers, various people, there. We looked in the living room, looked in the library, looked at the things that were spilled out on the floor from the doctor's bag, went back upstairs, walked back into another bedroom at the other corner of the house where Dr. Hoversten had been staying. There were other people upstairs in the house at the time, I don't recall who they were, I believe an officer. We noted that Dr. Hoversten's bed had not been made, saw his baggage and some of his clothing lying on the floor there. Some small change on the table top. I remember remarking to Dr. Stephen about it. I had seen Dr. Hoversten two or three days previously at the hospital, but was personally not aware that he was still at Dr. Sam's home. I was under the impression that he had gone on, and was somewhat surprised to see his things still there, and Dr. Stephen said, "Yes, Dr. Hoversten was still there," and I wondered what happened to him, why he wasn't in the bedroom or around someplace. I believe it was Dr. Stephen who mentioned that Dr. Hoversten, that he had overheard a conversation, some way I heard that Dr. Hoversten had gone to Kent the day before, had a golf date with one of the doctors down there.

We returned downstairs, Dr. Stephen going his own way. I went out on the porch, looked around the outside of the house, saw Chief Eaton, talked with him briefly, asked him if anyone had been upstairs in the garage. There is a small apartment, unheated apartment above the garage. It is not connected directly to the upstairs of the house. He said he didn't think anyone had, or words to that effect, and both he and I then went up the stairway in the garage up to the second floor and looked in the two or three rooms up there. Nothing apparently seemed disturbed. We returned down again into the yard.

I went down the steps to the beach. There were other people down there just returning from the beach, walked along the beach to see if there was anything I would see. I could see nothing unusual on the beach. I returned up to the front yard, went on the porch, I believe I was sitting there smoking a cigarette with Mrs. Houk about the time you and some of the police officers arrived. At that time you recommended that everyone leave not only the house but the porch as well, which we did. I stood around the yard for a short time, and then returned to the hospital again. I believe you left, yes, we stayed there until you left, Dr. Gerber, about the time you left to go to the hospital both Dr. Stephen

and I went to the hospital. I believe we saw you then shortly after you got there.

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Q What were the weather conditions at the time that you arrived or going to Dr. Sam's home?

A Well, it was daylight. It was not bright. The sun was not out as I recall. The lake was slightly rolling I would say, not a heavy roll, not big waves, nor was it completely flat.

Q Was it chilly?

A I don't recall that it was, I don't recall that it was. I had on my sport shirt, I believe. If it was my mind certainly wasn't on that. I don't recall.

Q Did you examine Dr. Sam at the house?

A I didn't examine him thoroughly as a physician would. I saw him and looked at him superficially.

Q On your superficial examination what did you find?

A He had a rather large bruise over the right forehead, the right cheek bone. He had a split lip and there was some blood coming from the corner of the right side of his mouth. I didn't attempt to adjust or move or do anything to his neck at all.

Q Where was he at that time?

A He was in the library.

Q On the floor or on the chair?

A I believe at the time I checked him in that manner

was when I returned downstairs, he was still sitting on the chair.

Q Did you talk to him?

A Only in the way I mentioned to you.

Q Did you ask him what happened?

A I don't recall that I did, Dr. Gerber. I may have said something, "Well, what happened, Sam?" But at that particular moment I was so upset emotionally, and he seemed certainly to be apparently the same way, that I just didn't want to go into that. He was crying and moaning and holding his neck.

Q What did he say, though?

A The only thing that he said that I recall is, "Oh, God, no."

Q Did he say what had happened?

A Not that I recall, doctor.

Q You say you went down to the beach. Would you describe your steps to the beach?

A When I went down to the beach, the steps seemed to be in perfectly normal order. I did notice on some of the steps a little small puddle of water, occasional steps on the way down. Other than that, nothing unusual.

Q How many steps are there and how many landings?

A That would be awfully hard for me to tell you.

Q About how many?

A I believe there is one landing between the beach house platform and the top. I would have to check that, but I believe that is true, and the number of steps I would only have to estimate, just a wild guess, probably 30 or thereabouts.

Q There are a number of steps from the lawn down to a landing?

A The lawn?

Q From the lawn down to the landing there is a number of steps?

A The lawn slopes off to a concrete block where the steps start. There are two or three concrete steps, as I recall. Then wooden steps begin and it goes down to a wooden landing and then on down to the platform of the beach house.

Q Are the steps narrow?

A Narrow steps?

Q Yes, sir.

A No, sir, I wouldn't call them narrow.

Q Can you tell me what direction these steps take, straight down or do they angle off?

A Slightly curving, slightly curving to the east.

Q Curving to the east?

A Slightly curving to the east, I would say.

Q Does the second set of stairs then angle, at an angle with the first set of stairs?

A No, sir, no, sir. It is a continuous curve down to the beach house platform.

Q Then from the platform, the stairway to the beach is --

A That is a straight flight.

Q It is straight steps, but does it turn off on a right angle?

A Yes, that is at a right angle to the lake from the platform.

Q What time do you estimate the time of death?

A I couldn't estimate definitely the time of death, doctor. Those things are very hard to pinpoint, I would think. But it was more than, more than 15 minutes to a half an hour.

Q Did you make an estimate to anyone?

A Certainly not at that time.

Q At any time did you make an estimate?

A In a discussion with -- I perhaps did -- it was either when I discussed this at Bay Village City Hall or down at Mr. Mahon's office, or both, and my estimate as I recall was similar to what I gave to you now. It could have been, so far as I am concerned, anywhere from 30 minutes to a couple of hours.

Q Did you tell Chief Eaton that you thought she was

dead, Marilyn was dead for an hour and a half to two hours?

A I don't recall telling him that, but I may have.

Q If he said that you did, would you then recall it?

A I might not recall it from anything that happened that morning, but if he said that I said that I am quite sure that is correct.

Q Do you know of any rifts or difficulties between Dr. Sam and his wife Marilyn?

A I have known of no serious rifts or difficulties between them.

Q Have you known some that were not serious?

A Yes, I think that to my knowledge they had several little difficulties that I think would be fairly common in any family. For instance, at Christmas time her family lives on the east side, and ours on the west side, and there generally was some discussion as to whose house they were to go to for Christmas dinner, and there was generally a little argument and they generally would compromise by going to both.

Q Were there any rifts as a result of Dr. Sam's attendance to other women?

A Not to my knowledge, doctor.

Q Was there a party at your house where Marilyn refused to attend because Steve and Sam had had difficulties?

A Not to my knowledge, doctor.

Q Was there a party at your house where Marilyn did not attend and Sam did?

A Not that I can recall, Dr. Gerber.

Q When did you become aware of the fact that Marilyn was pregnant?

A I became aware of the fact about two days before this occurrence.

Q And how did that happen?

A In fact, I believe it was just the night before, just the night before. Dr. Steve and myself and Dr. Sam and our wives met at Dr. Steve's home, I believe that was Friday night. We had a very pleasant dinner and discussion, talked very friendly, and at that time I believe she was in the kitchen -- now, this may have been the day before, but I don't recall having seen her the day before, so it must have been that evening. She was working, the wives were working in the kitchen. I went up to her and I put my hand on her back, and she turned and said, "Well, you know, don't you?" I said, "No, I don't." And she then told me, and later on in the evening at dinner it was discussed quite freely, and since I do a lot of the obstetrics at the hospital they were making a lot of fun of me for not having noticed this before.

Q She didn't go to you then for an examination?

A No, sir.

Q She did go to your father for an examination?

A So I understood, yes.

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Q Do you recall anything else that happened at Dr. Sam's house that you haven't told us or that I haven't asked you about?

A There were many things that happened that day, doctor. I can't think of anything of importance that comes to my mind.

Q Did you touch or handle anything in the house?

A Other than those two knives that I spoke of, to my knowledge I touched nothing and handled nothing.

Q Did you take anything out of the house?

A And the sheet, I am sorry, the sheet, also.

Q Did you take anything out of the house?

A No, sir, I did not.

Q Do you own a shotgun?

A I may say, I took my medical kit out that I had brought in with me, but other than that.

Q Do you own a shotgun?

A No, sir.

Q Do you know of any one of Dr. Sam's patients that have ever threatened him?

A Of my own personal knowledge, no. I have heard it spoken of a time or two, particularly since this has occurred. We all from time to time will have a

disgruntled patient, but generally think nothing of it.

We ordinarily don't discuss it with each other.

Q Before this occurrence --

A Before this occurrence I have no personal knowledge of any threats that he told me anything about.

Q Do you know of anyone that would want to hurt Marilyn?

A No, sir, I certainly do not.

DR. GERBER: That is all.

Thank you.

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