

Saturday Morning Session, 9:15 a.m., November 5, 1966

THE COURT: Good morning, ladies  
and gentlemen.

THE JURY: Good morning.

THE COURT: Counselor Corrigan  
or Spellacy?

MR. SPELLACY: Patrick Gareau.

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THEREUPON, the State of Ohio,  
further to maintain the issues on its part  
to be maintained, called as a witness  
PATRICK GAREAU, who, having been first duly  
sworn, was examined and testified as follows:

DIRECT EXAMINATION OF PATRICK GAREAU

By Mr. Spellacy:

Q For the record, please state your name.

A Patrick Gareau.

Q And would you spell your last name, please?

A G-a-r-e-a-u.

Q Where do you live, sir?

A 5057 Evergreen Drive, North Olmsted.

Q Are you married, sir?

A Yes, I am.

Q Do you have a family?

A Yes, I do.

Q How many children do you have?

A Eleven.

Q What is your business or occupation, sir?

A I am an attorney, sir.

Q And how long have you been an attorney, sir?

A Since 1957.

Q Where did you go to law school?

A Western Reserve.

Q What years did you go to Western Reserve Law School?

A From 1954 to 1957.

Q As an attorney, do you have any official capacity?

A Yes. I am employed as the Director of Law for the city of Westlake, and the assistant solicitor for five other communities in the Rocky River Municipal Court District.

Q What are those communities?

A Fairview Park, Rocky River, Bay Village, North Olmsted, River Edge Township, and Parkview.

Q How long have you been the prosecutor for those municipalities?

A Since 1958.

Q Mr. Gareau, prior to going to law school, what was your employment or occupation?

A I was employed as a detective for the Cleveland Police

Department.

Q How long did you work for the Cleveland Police Department?

A I started my employment on August 1, 1950, and left the Cleveland Police Department, I believe, in February of 1957.

Q Mr. Gareau, what duties or what particular branch of the Cleveland Police Department were you assigned to in the year 1954?

A The Homicide Unit, sir.

Q How long did you work in the Homicide Unit?

A From 1951 to 1954.

Q In the year of 1954, and specifically the month of July, who was your partner at that time?

A Robert Schottke.

Q And how long was Robert Schottke your partner?

A Approximately a year.

Q When did you start law school, again?

A In 1954, September.

Q Directing your attention to July of 1954 -- and your partner was Detective Schottke at that time, is that correct?

A Yes.

Q Specifically directing your attention to the 4th of July of the year 1954, did you have occasion to conduct an investigation in this case before this court and jury?

A Yes.

Q When did your investigation begin?

A It began at approximately 8:00 a.m. We were assigned to this investigation by Captain Hauschild of the Detective Bureau of the City of Cleveland.

Q As a result of receiving that assignment from Captain Hauschild, what if anything did you do?

A Detective Schottke and I proceeded to the Sheppard home on Lake Road in Bay Village.

Q Approximately what time did you arrive there?

A About 8:45, 9:00 o'clock, in between that time.

Q Do you recall who you saw there at that time?

A Yes. I saw Doctor Gerber. I saw -- it was Chief Hubach later on, but Jay Hubach, and Fred Drenkhan, and some other officers that were there at the time, and also Detective Grabowski from the S.I.U. Unit of the Cleveland Police Department.

Q Did you have occasion to leave the premises that morning?

A Yes.

Q Where did you go?

A To Bay View Hospital and also to Doctor Richard Sheppard's home.

Q What time did you leave the premises that morning?

A Close to 11:00 o'clock.

Q You indicated you went to Bay View Hospital, is that correct?

A Yes.

Q Who did you go there with?

A Detective Schottke.

Q On the way to Bay View Hospital did you stop anywhere?

A Yes, we did.

Q Where did you stop?

A At the house of Doctor Richard Sheppard.

Q Do you recall where that home is located?

A On Lake Road, before you get to Bay View.

Q You say before you get to Bay View; from what direction would you be --

A You would be going then out of the west towards the east.

Q Then Richard Sheppard's home is between the Sheppard home where you were at, and Bay View Hospital, is that correct?

A Yes, sir.

Q When you went to Bay View Hospital what did you do there?

A We went to the Information Desk and identified ourselves and asked to see Doctor Sheppard.

Q What Doctor Sheppard are you referring to?

A Doctor Sam Sheppard.

Q And did you see Doctor Sam Sheppard?

A Yes, we did.

Q Who was with you when you saw Doctor Sam Sheppard?

A Detective Schottke.

Q And did you have conversation with Doctor Sam Sheppard?

A Yes, we did.

Q Approximately how long did you remain at the hospital at that time?

A , Approximately twenty-five minutes to a half hour.

THE COURT: Would you fix the time, Counselor?

Q What time was it when you arrived at the hospital?

A About 11:00 o'clock.

Q And did you have occasion then to leave the hospital?

A Yes, we did.

Q Where did you go after leaving the hospital?

A To the Bay Village Police Department.

Q And did you have occasion to return to the Sheppard home, the one that you originally went to at 9:00 o'clock?

A Yes.

Q What time did you get back to the Sheppard home?

A I would say about 1:00 o'clock in the afternoon.

Q What did you do when you got back to the Sheppard home at 1:00 o'clock in the afternoon?

A I searched the home and grounds.



Q Pardon me?

A I searched the home and the grounds.

Q Can you tell me, sir, at this time were there other people on the premises, particularly the Lake Erie side of the home?

A Yes, yes.

Q Could you tell us how many there were and who they were, if you can recall?

A Mr. Keefe from the morgue was there, as well as several young people who were Boy Scouts that were on the scene searching in the undergrown brush down at the base of the hill between the beach and the top of the bank.

Q Can you describe this brush for us?

A It was densely overgrown. In some of the areas it was as much as three, four, or five feet, bushes, high grass, grassy areas. Mostly bushes, though.

Q What area did this -- you indicated on the side of the bank, would this be from the top down to the lake?

A Yes.

Q Do you recall if there is a stairway going down to the lake?

A Yes, there is.

Q And did you have occasion to go down that stairway?

A Yes, I did.

Q And were these boys that you have indicated, Boy Scouts,

were they searching the area on either side of the stairway as you go down?

A Yes.

Q Did anything happen while you were down there searching?

A Yes. When I -- as you go down these stairs, there is an area that flattens out before you go down to the beach.

In other words, there is a stairway that goes down, and then it flattens out, and then the beach house is there, and then there is a stairway going down onto the beach proper.

In an area approximately 15, 16, 17, 18 feet south of this beach house, and to the east of the stairway, there was a young fellow down there, while I was on the platform area by the beach house, that said that he had found something.

And he lifted something up from the ground and brought it up to me.

Q Now, where was this area again insofar as the stairway was concerned?

A To the east of the stairway.

Q How far east of the stairway?

A Oh, a good twenty feet.

Q Insofar as you have described the beach house that sets up off the beach, how far south of the beach house would this area have been?

A Between 15 and 20 feet there.

Q Can you describe the condition of the brush at that



point?

A Overgrown, little trees, bushes, densely overgrown.

Q Can you approximate how high the brush was?

A Three to four feet.

Q When he called -- strike that. Do you know who this boy was that was down there?

A I didn't at the time, but I later learned his name.

Q And what was his name?

A Larry Houk.

Q Did you see anything in his hand?

A Yes, I did.

Q What if anything did you see in his hand?

A A green bag.

Q Did you have occasion to do anything with that green bag?

A Yes, he handed it to me.

Q And what did you do then?

A And I looked inside.

Q Could you describe for us how you looked inside?

A I just opened it.

Q And did you see anything in it when you opened it?

A Yes, I saw jewelry.

Q What did you do then?

A Then I placed it in my left hand and I lifted the jewelry to the top of this bag.

Q Did you touch the jewelry at that time?

A No, no, I didn't touch it.

Q What did you see when you lifted the jewelry to the top?

A I saw the watch that was in there, closely.

Q What did you observe about the watch when you looked at it in the bag?

A I observed that the watch was stopped. The seconds sweephand was not turning.

Q What time did the watch say when it was stopped?

A 4:15.

Q Did you observe anything else about the watch?

A I noticed what appeared to me to be blood on the watch.

Q Did you have occasion to do anything with the green bag at that time?

A Yes. I called Detective Schottke, who I believe was on the beach at that time, and he came up to where I was standing, and I showed him what I had, and we then went upstairs with it, up the stairs from that platform to the house.

Q Who did you see in the house then?

A Doctor Gerber.

Q Showing you what has been marked for identification purposes as State's Exhibit 26, can you identify that for us, please?

A This is similar to the bag that was handed to my by Larry Houk.

Q Showing you what has been marked for identification purposes as State's Exhibit 24, can you identify that for us, please?

A This is similar to the watch that I saw in the bag.

Q Showing you what has been marked for identification purposes as State's Exhibit 25, can you identify that for us, please?

A This, too, is similar to the ring that I saw.

Q Showing you what has been marked for identification purposes as State's Exhibit 23, can you identify that for us, please?

A This is similar to the key chain and the keys, and the knife here that I saw in the bag.

Q Did you have occasion to turn these over to Doctor Gerber when you went back?

A Yes.

Q -- to the house?

A Yes.

Q Now, after, tell us what was done with the key chain and the watch and the ring at that time?

A We called Doctor Gerber's attention to the bag and the jewelry, and Doctor Gerber took the bag and the jewelry and spread it out on the table in the dining room.

Q In the dining room?

A Yes.

Q Do you recall if the dining room was part of the L-shape living room or not?

A Yes.

Q What else happened to the watch and the ring and the key chain at that time?

A Well, Doctor Gerber wrapped it in -- he wrapped the items in some Kleenex or tissue paper, Kleenex, and he put them in a box, and then they placed the box in the green bag.

Q What did you do then after that?

A Continued to search the grounds.

Q Did you have occasion to go back to Bay View Hospital?

A Yes.

Q After finding the watch and the ring and the key chain?

A Yes.

Q What time did you go back to Bay View Hospital?

A That would be about 3:30, 4:00 o'clock in the afternoon.

Q Did you take anything with you when you went back to Bay View Hospital?

A Yes. Detective Schottke secured the bag and the box from Doctor Gerber and took it to Bay View Hospital.

Q And what was in the bag and the box when you took it to Bay View Hospital?

A The jewelry.

Q Who did you talk to at Bay View Hospital?

A Doctor Sam Sheppard.

Q Did you have anything with you when you talked to Doctor Sam Sheppard?

A The green bag and the jewelry and the box.

Q Approximately how long did you talk to Doctor Sam Sheppard at this time?

A About twenty-five, thirty minutes, again.

Q Who was with you?

A Detective Schottke and Chief Eaton.

Q Who is Chief Eaton?

A He was the chief of the Bay Village Police Department.

Q Did you have occasion at any time to go to the basement portion of the Sheppard residence on Lake Road?

A Yes, I did.

Q What did you do down there?

A We searched through the basement.

Q Did you have occasion to look in any of the laundry baskets?

A Yes.

Q And did you see anything in the laundry baskets?

A Yes, in the basement I recall looking in a laundry basket next to an ironing board, and I found three T-shirts.

Q What do you mean by T-shirts?

A Regular men's T-shirts, short sleeves, round collar



that you wear under your shirt.

Q Do you recall the sizes of those T-shirts?

A Size 38 to 40.

Q Size 38 to 40?

A Yes.

Q Did you have occasion -- well, tell us the condition of those T-shirts?

A They were freshly laundered.

Q Did you have occasion to go to the second floor of the Sheppard home?

A Yes.

Q Did you have occasion to go to the bathroom area?

A Yes.

Q Tell us what you did there?

A There is, if I can recall now, there was a hamper in the bathroom and I looked into the hamper. Also, I checked the bathroom generally.

Q Did you see anything in the bathroom other than the hamper?

A Yes. I saw a cigarette butt in the toilet.

Q Did you make any inquiries about the cigarette butt?

A Yes, I learned it was one of the investigator's.

MR. SPELLACY: If it please the Court,  
at this time I will offer into evidence State's  
Exhibit 26, the green bag -- maybe I ought to take



them in the proper order.

THE COURT: The key chain is  
Exhibit 23, Counselor.

MR. SPELLACY: State's Exhibit 23,  
the key chain.

State's Exhibit 24, a watch.

State's Exhibit 25, a ring.

State's Exhibit 26, the green bag.

MR. BAILEY: No objection, your  
Honor.

THE COURT: They may be received.

MR. SPELLACY: I have no further  
questions. You may inquire.

THE COURT: Counselor Bailey?

#### CROSS EXAMINATION OF PATRICK GAREAU

By Mr. Bailey:

Q Mr. Gareau, where were you standing when the green bag  
was first brought to your attention by Larry Houk?

A There is a stairway that goes down, and then there is  
a landing that is on the same level with the entrance of  
the bath house.

I was in that general area.

Q What attracted your attention to Larry Houk, did he  
call out to you?

A There was an exclamation, "I found something," words to that effect.

Q Was anybody near by when he made this exclamation; anybody close to him?

A I don't recall.

Q Prior to the time you heard the exclamation, had you noticed Larry Houk in the area?

A Not particularly Larry Houk, no, I did not.

Q Now, as of the time this green bag was found, you had been to the hospital and you had interrogated for twenty-five minutes or so the defendant Sam Sheppard, had you not?

A That is correct.

Q And I assume that one of the things that you sought to determine in the course of your investigation is whether or not anything had been taken from the Sheppard home?

A Yes.

Q In talking with Doctor Sam Sheppard did you ask him if he was missing any articles of jewelry or anything of value?

A On the first occasion?

Q On the first occasion.

A No.

Q You didn't ask him?

A No.

Q When you opened the top of the green bag and looked in, had you any idea whose jewelry this was that you were looking

at?

A No.

Q You did not. Did it occur to you that the jewelry in the bag might be important to a solution of this case?

A Yes.

Q Did you cause the items in the green bag to be checked for fingerprints?

A I did not.

Q Did you have someone else cause it to be done?

A I gave them to Doctor Gerber, sir.

Q But you took them back from Doctor Gerber, didn't you?

A I did not, no sir, Detective Schottke did.

Q By the way, when Doctor Gerber spread them out on the table as you say, had he handled them?

A No.

Q He did not. How did he get them out of the bag, did you observe it?

A Yes. He just dumped them out this way, and if I can recall correctly, I think he used a pencil or a pen to pick them up and put them on the Kleenex.

Q After the examination was complete were they put back in the bag the same way?

A No, sir, they were not. They were put in a box, wrapped up, put in a box, and then the box was put in a bag.

Q So that when you went down to see the defendant for the

second time on July 4th, 1954, you had these items with you?

A Officer Schottke did.

Q You and Officer Schottke had them when you went to the hospital, is that correct?

A Yes.

Q Now, who to your knowledge had checked them for fingerprints in the intervening hour or so?

A To my knowledge, I don't know, sir.

Q Were they ever checked for fingerprints, Mr. Gareau?

A I don't know, sir.

Q Do you say that these articles are in the same condition that they were in when you found them or when they were brought to your attention in July of 1954?

A Could I see them again, please?

Q Surely. First, drawing your attention to the watch, State's Exhibit 24?

A The watch was not broken when I saw it, the band.

Q You say it was not broken?

A No.

Q Do you know when it got broken?

A No, sir, I don't.

Q It has been in the custody of the police for twelve years, ever since it was found, hasn't it?

MR. SPELLACY: Objection.

THE COURT: Sustained.

A I don't know.

THE COURT: It is argumentative.  
Proceed, Counselor.

Q Where has it been since July 4th, 1954?

A I don't know.

Q Did you ever make a report describing this watch after it was found?

A Describing it? I made a report saying that the watch was found.

Q But you are satisfied there was no break in the band, is that right?

A Yes.

Q You are unable to help us as to how that occurred?

A No, sir, I don't know.

Q Just for the record, there is no question that it is broken now?

A Yes, sir, it is broken.

Q Will you examine the ring and tell me whether that is in the same condition as when you found it, and that it is State's Exhibit No. -- may I see the tag -- Exhibit No. 25?

A Yes.

Q You say that it is?

A It appears to me to be, as far as I remember.

Q Now, viewing this ring, which is gold with an onyx base in which is set a gold emblem, I ask you to observe

a white substance imbedded in the edge of the gold emblem on the righthand side as you view the emblem straight up.

A Yes, I see it.

Q If you will look at the back of the onyx setting, do you see some more of that white substance?

A Yes, I do.

Q Did you seek to determine what that substance was?

A No, I did not.

Q Did you ever notice it before today?

A No, I had not.

Q Did you know that the defendant as a doctor was engaged among other things in setting plaster casts?

A I didn't -- I don't know, but I would assume that he was.

Q Did you ever question him about the condition of this ring?

A No, I did not.

Q Are you able to tell us by inspection today, that the onyx setting in which this gold emblem is embedded is broken?

THE COURT: You need some light,  
Mr. Gareau?

THE WITNESS: It would help a  
little bit.

THE COURT: I don't know whether  
this works or not, but we will try.



A Yes, there appears to be a break in it, sir.

Q Have you ever noticed that before today?

A I can't say that I had.

Q Then I take it you never questioned the defendant about what circumstances might have caused the break?

A You are correct, sir, that's correct.

Q And would you examine the ring and tell us whether or not in any of the fractures that you see in the onyx, that you see any white plaster or white substance?

A Yes, if it is white plaster. I see a white substance.

Q In which crack, would you describe it for the record, please?

A It would be at the base of the emblem.

Q In the onyx of the base of the emblem, is that what you see?

A Yes.

Q Now, when you first saw this key chain with keys attached, did you know whose it was from any other information you already had in the case?

A No, I didn't, I didn't know positively, but I saw this tag on here with the initials SS on it.

Q You had some idea from that point on that the key chain belonged to Sam Sheppard?

A Yes.

Q And you confirmed that when you saw him next, didn't

you?

A Yes, sir, he identified it as his.

Q Do you remember asking Doctor Sheppard where the key chain had been when he last saw it?

A He said that he was wearing it.

Q Did you determine by questioning him how he was wearing it?

A I don't remember.

Q Do you recall examining his clothing, the clothing in which he was found by the Houks on the morning of July 4th a little before 6:00 a.m?

A Yes, I examined it at the police station, Bay Village Police Station.

Q And you found a pair of cord slacks?

A Yes.

Q Leather belt?

A The belt, I don't remember seeing a belt.

Q A pair of loafers?

A Yes.

Q Some socks?

A Yes.

Q And they were damp?

A Yes.

THE COURT:

They were what,

Counselor?

MR. BAILLY:

Damp, your Honor.

THE COURT:

I am sorry. Thank

you.

Q Do you recall the pocket on one side of the cord slacks was torn down from the lower edge of the pocket about three and a half inches?

A Yes.

Q And did you learn in your interrogation of the defendant that is the pocket the keys were carried in when he went to sleep that night?

A I don't think it was ever mentioned that he carried them in his right pocket.

I don't have any independent recollection of that, no.

Q You have no recollection then that he was ever asked where he carried them, is that right?

A I don't know one way or the other.

Q Do you have in mind from your recollection of the investigation of this case, Mr. Gareau, any explanation for the rip in the pocket?

A No, sir.

Q Did you in the course of your investigation or anybody else working with you seek to determine what doors these keys would open?

A No, sir.

Q Did you make a determination as to how many keys there

were, to the Sheppard's knowledge, to the Lake Road door?

A No, sir.

Q Did you ever seek to find out?

A Did I, sir?

Q Yes, or any other investigator working with you?

A No, sir. That I cannot answer.

Q Well, so far as you know, Mr. Gareau, was the question asked of Doctor Sheppard, "How many keys are there?"

A I never asked him.

Q I take it you also never asked him who might have keys?

A No, sir, that's correct, I did not.

Q Is it fair to say that the grounds, that is to say, the Sheppard home and surrounding real estate including the lake, were exhaustively searched for a weapon?

A Yes, they were.

Q And a T-shirt?

A Yes.

Q And nothing fitting the necessary dimensions of the weapon was ever found, I take it, that you know of?

A Well, nothing was found on the grounds.

Q Or in the lake?

A Pardon me?

Q Or in the lake?

A That's correct. There were some scuba divers checking the lake as well.

Q Some divers, yes.

A Yes.

Q Do you recall whether or not a T-shirt or the T-shirt which the defendant had worn when he went to sleep that night was ever found?

A No, sir.

Q When did you first learn in the course of the investigation, I mean, the first time after you were assigned and went to the Sheppard home, that the defendant had or claimed some injuries?

A Well, we were told that he was taken to the hospital.

Q Is that all you were told?

A Yes.

Q Who told you?

A I'm not sure. One of the officers at the scene.

Q You understood that he was taken to the hospital as a patient, not to work on somebody else?

A Yes.

Q You went down to see Doctor Sheppard and he was in bed?

A Yes, sir.

Q You observed his condition?

A Yes, sir.

Q Was it your purpose in the course of this first confrontation to determine the nature and extent of his injuries?

A Yes.

Q Now, he was presented with some tooth chips in your presence by Detective Schottke, was he not?

A This was in the afternoon.

Q Well, sometime on July 4th this happened, and he was asked whether or not they were chips from his teeth?

A Yes.

Q And he said no, but his teeth were chipped?

A That's correct.

Q Did you examine them to see whether or not that was true?

A Did I examine his teeth?

Q Yes, and ask him to show you the chipped portion?

A No, I did not.

Q Did Detective Schottke do it in your presence?

A No.

Q Did you cause anyone else to examine Doctor Sheppard to see whether or not his teeth were damaged in any way as he claimed?

A I didn't cause anyone directly, no.

Q Did you at some later time in the investigation speak with some expert in the handling of human teeth to determine whether or not his claim was true?

A No, I never spoke to anyone.

Q Did you cause anyone else to make such an inquiry?



A I never caused anyone to make an inquiry.

Q Did you learn either from Doctor Sheppard or from some other source in the course of the investigation, that there was a claim of a serious neck injury?

A I learned the information, but I believe it came from Doctor Steve Sheppard.

I don't specifically recall, but I am quite sure, I have a faint memory it came from Doctor Steve Sheppard.

Q Well, did you ever ask Sam Sheppard what his injuries were?

A Did I ever ask him?

Q Yes.

A No, I never asked him.

Q Did you learn at some point that there were X-rays of his neck that had been taken?

THE COURT: Will you fix a time, please, Counselor?

MR. BAILEY: On July 4th.

THE COURT: Thank you.

A No, sir.

Q You did not?

A No, sir.

Q In determining which way you were to go in this investigation and which direction you were to look for the killer, was it not important to determine the extent of

these injuries of this defendant?

A Yes.

Q In other words, you as a police officer trying to determine whether or not he could be excluded as a suspect wanted to know whether or not the injuries were so extensive that he could not have inflicted them himself, did you not?

A That's right.

Q Tell the jury what you did to make that determination?

A I didn't do anything.

MR. BAILEY: That is all, Mr. Gareau.

THE COURT: Counselor Spellacy?

RE-DIRECT EXAMINATION OF PATRICK GAREAU

By Mr. Spellacy:

Q Mr. Gareau, did you go to medical school?

A No, sir.

MR. BAILEY: Excuse me, Mr. Gareau,  
do you know any doctors who did?

THE WITNESS: Do I know any doctors  
that went --

MR. BAILEY: Yes.

MR. SPELLACY: Do you mind if I  
finish my re-direct?

MR. BAILEY: I am sorry, I thought  
you were through.

By Mr. Spellacy:

Q Detective Gareau, or, former Detective Gareau -- I am sorry -- did you other than observe the jewelry in the bag, did you do anything else with it other than turn it over to Doctor Gerber?

A No, sir.

Q And then, after you came back from the hospital, it was then turned over to Doctor Gerber again?

A Yes, sir.

MR. SPELLACY: I have no further questions.

MR. BAILEY: Nothing further from the defense, your Honor.

THE COURT: You are excused, Mr. Gareau.

Counselor Corrigan or Spellacy?

MR. CORRIGAN: The State will now call Doctor Gerber.

MR. SPELLACY: Judge, may I be excused for a moment?

THE COURT: Yes. Ladies and gentlemen, be at ease, visit among yourselves if you wish.

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