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Q And after a period of time, he comes back to normal?

A I couldn't say whether he was ever normal. You would have to ask that question of a psychiatrist.

Q Now, he appears normal?

A That might be, yes, sir.

Q It has been the subject of a rather widely circulated novel, movie picture, "Dr. Jekyll and Mr. Hyde"?

A I remember seeing Dr. Jekyll and Mr. Hyde when I was a young boy.

Q Yes. Well, he was perfectly normal at one time and another time he was a fiend?

A Yes, sir.

Q Now, Doctor, you were interviewed by the Cleveland Press or the Cleveland News on July 14th. Do you remember that, and that you gave out a rather long statement about this affair?

A I recall something about it, but I don't know how long or how short it was.

Q Well, did they ask you the question, and did you give this answer -- did they ask you this question, generally, in regard to the fact as to whether or not from what Dr. Sheppard had told you, whether it was true that he could have blacked out twice, and did you answer that that is physically and medically possible?

A I believe that's right, yes, sir.

?

Q And at various times during the course of this investigation, and especially during the month of July, the newspaper were frequently after you for information and for statements concerning this case; is that correct?

A Mr. Corrigan, I believe that is absolutely so.

Q And the mysterious thing that was going on in the minds of these people who were inquiring was what kind of a weapon was used, and that was a matter of general discussion, that you know of, throughout the City of Cleveland, what kind of a weapon was used?

A That's right, sir.

Q And at various times you gave your opinion as to the type of a weapon that was used, didn't you?

A No, sir.

Q You did not?

A No, sir.

Q Well, you had the meeting on July 17th -- or the 16th -- before I ask you about that meeting, I will go back for a moment to the meeting of Friday after the 4th of July, at the time that Dr. Sheppard with Mr. Rossbach and Mr. Yettra went through the house. You recall that occasion?

A On the 4th of July?

Q No. The Friday after the 4th of July, you recall that occasion?

A Yes, I recall that.

Q And you stated that at the time that he came there, that his brothers, Dr. Richard and Dr. Stephen, were there, didn't you?

A Did I state that?

Q Yes, in your direct examination.

A If I stated it, I thought so.

Q Do you still think so?

A I can't say definitely whether they were or weren't there.

Q Well, I'm just taking your testimony as I read it from -- that you stated here in Court, that Dr. Richard and Dr. Stephen were there on that Friday.

MR. DANACEAU: Will you give me the page where that testimony is?

MR. CORRIGAN: No, I can't give you the page. I am just taking it from my own memory and from my own notes.

Q Do you get the question, Doctor?

A I get the question, but I can't recall whether they were there or whether they weren't there.

Q You can't recall whether they were there or whether they were not there?

A I know -- at least I feel that in my own mind I can see Dr. Stephen in that little room, in the office, when Dr. Sam Sheppard was going through the bag. I just have

a recollection of that now.

Q Just so we get it clear, your impression of your recollection of that particular day is that Dr. Stephen Sheppard was in the office when the bag was being examined?

A My impression was --

Q That is your impression right now?

A Right now, yes, sir.

Q All right. Of course, you knew that the doctor did some surgery?

MR. MAHON: Which doctor are  
you talking about now?

MR. CORRIGAN: I pointed to him.

MR. GARMONE: Dr. Sam.

MR. MAHON: All right. Just  
so we get it in the record.

Q You knew that Dr. -- I will withdraw the question so that everybody understands it.

You know that Dr. Sam Sheppard did some surgery?

A I didn't know it, I heard he did surgery.

Q You knew that in Bay View Hospital there was a surgical department, operating room?

A I assumed that there is one there, yes.

Q Did you go there --

A No, sir.

Q -- and examine the instruments in the Bay View Hospital?



- A No, sir.
- Q You did not, at any time?
- A Not at any time, no, sir.
- Q Did anybody, as far as you know, make such an examination?
- A No, sir.
- Q On the meeting of July 17th, when all the authorities were present, they were there at your invitation, were they not?
- A That's right, sir.
- Q And you invited Mr. Mahon, Mr. Cullitan, Mr. Danaceau and Mr. Parrino from the County Prosecutor's office?
- A Not Mr. Danaceau. Mr. Danaceau wasn't there.
- Q All right. The other three, you did?
- A Yes, sir.
- Q When was that meeting set up? That would be on a Saturday. It was on a Saturday, wasn't it, a Saturday morning?
- A Yes, sir.
- Q And when did you set up that meeting, on Friday?
- A I think it was Friday.
- Q And was it set up after consultation with anybody, or was it your own idea?
- A It was my own idea.
- Q Now, the invitations to attend the meeting, were they extended by you personally or did you notify one of your secretaries to notify the people that you wanted present?

A One of my secretaries.

Q Now, then, you also invited Sheriff Sweeney and Mr. Rossbach and Mr. Yettra and Mr. Weitzel -- is that the right name?

MR. GARMONE: Weitzel.

MR. MAHON: Weitzel.

A Mr. Weitzel was there. I invited the Sheriff, and he brought along --

Q And he brought along such persons as he desired?

A Yes, sir.

Q And you also notified the Chief of Police of Bay Village, Mr. Eaton?

A Yes, sir.

Q Either you or your secretary? And he brought along Mr. Drenkhan and Mr. Hubach?

A That's right.

Q And you invited Chief Story?

A Yes, sir.

Q And Detective McArthur and Mr. Schottke and Mr. Gareau?

A I invited Chief Story and the others --

Q And he brought the people that he desired?

A Yes.

Q And also Dr. Moritz of the Pathological Department of Western Reserve University and your own chief pathologist, Dr. Adelson?

A Yes, sir.

- Q And everything that you had and your theories about this matter was exposed to that group?
- A Everything we had was shown.
- Q Everything you had was shown?
- A But as to expounding theories in the entirety, I don't think that happened.
- Q Well, isn't it a fact, Doctor, that the newspapers were also invited?
- A Yes, sir.
- Q And representatives of the radio and the television stations were invited?
- A No, they weren't invited.
- Q But they were there?
- A They were there.
- Q And photographers?
- A Yes, sir.
- Q And there was quite a group of them came, wasn't there, about 20?
- A Of what?
- Q Of newspaper photographers and reporters and radio and television stations?
- A I don't know whether there were 20 or less or --
- Q Well, there was quite a group, you remember that?
- A Yes, sir.
- Q Now, then, the type of weapon was discussed, wasn't it?

A The injuries were discussed.

Q The injuries. Well, was the type of weapon that was used to create these injuries discussed?

A The injuries were discussed and whether or not specific weapons -- or, not weapons but an instrument or object was discussed, was mentioned.

Q Was what?

A Was mentioned.

Q It was mentioned?

A Yes.

Q And a number of different weapons or objects that created these wounds were the subject of discussion among that group?

A No.

Q What?

A There was nothing discussed that said that a certain particular type of weapon or instrument used as a weapon caused these wounds. There was just general all-around discussion.

Q But no specific weapon was picked out as being the weapon?

A No specific object or instrument was picked out as being the weapon.

Q Yes. Of course -- after that meeting, which adjourned on the afternoon of that day, the purpose of it was -- was not this the purpose: To pool all these various law enforcing agencies that were working on the Marilyn Sheppard

case into one team?

A That was the --

Q And to work together?

A That was the purpose of the meeting, yes, sir.

Q The Police Department were working on their own, the Prosecutor's office, they were making an investigation, you were making an investigation, the Bay Village police were making an investigation, and the Sheriff's office was making an investigation?

A At no time that I can remember was anyone or any group working separately and independently of each other. Everyone, so far as I can remember, was working together and was letting, to the best of their ability, letting everyone else know what they were doing.

Q But the meeting was to pool you all together, wasn't it, it was your suggestion that the whole thing be pooled together?

A I think the meeting was to get together and to release -- have publicity released at one meeting and not going to a half a dozen meetings.

Q Everybody was giving out statements about the case then, and up to that time it was agreed that there would be one central place where statements would be given out?

A That was the idea, yes, sir.

Q The publicity that was swirling about this man's head

during those days was terrific, wasn't it?

MR. DANACEAU: Object to that.

THE COURT: The objection  
will be sustained.

Q Well, there was a great deal of publicity about this man, wasn't there?

A The publicity --

Q I am referring to Dr. Samuel Sheppard.

A The publicity was incident to Dr. Sam Sheppard. It wasn't entirely all about him.

Q But about the case?

A It was about the case, yes, sir.

Q All right. Now, then, after that, did you know that Chief Eaton, that the weapon he was looking for was a square-edged file?

A Everybody was looking for everything.

Q I see. And after the meeting, there was a great search for a golf club; do you remember that?

A There was a search for a golf club, yes, sir.

Q Mrs. Ahern informed you, did she not, that Marilyn played golf, and you went out and looked at the golf -- that she was learning to play golf and had played golf with her, and you went out and looked at the golf bag, and someone determined that there was an iron missing out of the golf bag; do you recall that?



- A I didn't determine there was an iron missing out of the golf bag.
- Q But that was asserted, was it not, and you heard it?
- A I heard of it, yes.
- Q And wasn't there a search then made for the missing golf club?
- A You'll have to talk to the persons that made the search.
- Q Well, did you have anything to do with it?
- A No, sir.
- Q Did you know about it?
- A I knew of it, yes, sir.
- Q Yes. And you knew this, that after there had been a search made for the missing golf club, that it was found out that there was no such golf club in Marilyn's bag? Did you learn that?

MR. DANACEAU: Just a moment.

I want to object to that.

THE COURT: He may answer if he knows.

MR. DANACEAU: Maybe I am dense about it. The question was whether he learned that there was a golf club from the missing bag that was missing, as I understand it.

May we have the question repeated, please, from the reporter?

THE COURT: Yes.

(Last question read by the reporter.)

THE COURT: He may answer  
whether he did.

A I don't know anything about it.

Q All right. Now, on the 17th of July, you did not invite  
Dr. Sam Sheppard there, did you?

A No, sir.

Q You did not invite any of the members of the Sheppard  
family?

A That's right, sir.

Q You knew that his father was a doctor and his two brothers  
were doctors, didn't you?

A Yes, sir.

Q And you know that now?

A Yes, sir.

Q None of them were invited?

A That's right, sir.

Q You knew that Arthur Petersilge who sits here, was the  
attorney for the Sheppard family and for the Bay View  
Hospital?

A I knew that Mr. Petersilge --

Q He was not invited?

MR. MAHON: Let him answer the  
question now.

A I knew that Mr. Petersilge was the attorney for the Bay View Hospital and I -- at least you gave me to believe that you were the attorney for Dr. Sam Sheppard and his family.

Q Well, of course, I wasn't invited?

A You weren't invited, no, sir.

Q I wouldn't be invited.

MR. MAHON: We object to that comment.

MR. DANACEAU: Objection.

THE COURT: Objection sustained.

Q I am talking about Mr. Petersilge, you had met him on Tuesday?

A Yes, sir.

Q On the 6th of July in company with Dr. Stephen Sheppard, Dr. Richard Sheppard, and Dr. R. A. Sheppard, Sr.?

A That's right, sir.

Q When they all made statements?

A Not to me they didn't.

Q Well, to the Chief of Police, that you afterwards received?

A That's right, sir.

Q And you knew his connection with the entire matter, that is, that he was representing these people?

A I knew that he told me that he called you in to represent the --

MR. CORRIGAN: I ask that be  
stricken out.

MR. MAHON: Wait a minute.  
Finish your answer.

A That he dealt in civil matters and not in criminal matters,  
and that he called you in.

MR. CORRIGAN: I ask that be  
stricken out as not responsive.

MR. MAHON: Oh, I think it is  
responsive.

MR. CORRIGAN: It is not responsive  
to the question.

THE COURT: Oh, you stated the  
question now, and --

MR. CORRIGAN: I will ask him the  
question again.

Q You knew that Mr. Arthur Petersilge represented the hospital?

A Yes, sir.

Q You knew that on Tuesday, July 6th?

A Yes, sir.

Q But he was not invited?

A That's right, sir.

Q But the newspapers and the photographers and the radio men  
were?

MR. DANACEAU: We object to that.

He has already answered those questions.

THE COURT: Yes. I think this is improper, Mr. Corrigan.

Q Now, on the 17th of July, the autopsy was discussed, was it not, and the manner in which Marilyn had met her death?

A That's right, sir.

Q And, of course, the cause of death had been determined on the 4th day of July?

A That's right, sir.

Q And one of your duties, under the law, as Coroner of the County, is to determine the cause of death?

A Yes, sir; cause, mode and manner of death.

Q Cause, mode, manner and death?

A Of death.

MR. MAHON: Of death.

Q Of death. And you also have the obligation in the operation of the Coroner's office to gather up any pertinent information that will lead to the apprehension of the person causing the murder?

A We have got -- what is that question?

Q I say, you also have the obligation, under the law, of gathering up any information or objects or material or clues that will aid in the apprehension of the person who committed the crime?

A I am not supposed to apprehend the person that committed a

crime, but I have the obligation of gathering together, insofar as possible, any information or other -- or objects that have something to do with a violent death.

Q You would look around to see if there is any clues?

A I don't look for clues. Objects and information. Call them clues, if you like.

Q And information. Well, the fact of the matter is that if you are present or go to the scene of the crime, that if you should see something that should be investigated further, you are to request the police to make that investigation?

A I can request the police to make further investigation. I certainly don't assume the responsibilities of the Police Department or of the Sheriff's Office, or any other law enforcing agency.

Q Now, in this particular case, the information that was being attained by the police was being turned over to you, wasn't it?

A Some of it, not all of it.

Q For instance, when Schottke brought in the green bag with the watch, and so forth, that was turned over to you?

A That was physical evidence, yes, sir.



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- Q And that physical evidence was for the purpose of making an examination?
- A Yes, sir.
- Q And you made your examination?
- A Yes, sir.
- Q And then you kept the bag and all its contents, didn't you?
- A That's right, sir.
- Q You didn't turn it back to the police?
- A We did turn it back at a later date.
- Q When?
- A At a later date.
- Q What date did you turn it back?
- A When the prosecutor's office called for it.
- Q What does your record show as to when you turned it back?
- A The prosecutor's -- I will have to look at the receipt.
- Q What?
- A They probably called for it before the trial started or after the trial started.
- Q Oh. You mean you turned it over to the prosecutor's office?
- A Yes.
- Q For the purpose of this trial?
- A Yes, sir.
- Q But in the meantime, it reposed in the morgue, didn't it?
- A That's right -- reposed where?
- Q Reposed in the morgue.

A That is an icebox.

Q That is an icebox. Well, I remember voting for the bonds for the morgue.

MR. MAHON: Object to all this.

MR. CORRIGAN: If he is going to be giving me such answers as "That is an icebox" --

THE COURT: I know, but he says the morgue is an icebox. It is only a part of the Coroner's office. He has already testified to that.

Q The morgue is a large building, isn't it?

A No, sir.

MR. MAHON: If your Honor please, I want to object to this. We have gone all over this more than once.

THE COURT: Yes.

Q Well, that was rather a smart crack, wasn't it, Doctor?

A No.

MR. PARRINO: No smarter than Mr. Corrigan's, if the Court please.

MR. MAHON: Objection.

Q And that is quite out of conformity -- that kind of remark is quite out of conformity with your book, isn't it?

MR. MAHON: We object.

MR. DANACEAU:: We object.

Q Now, the other articles that were turned over to you that appear here, have all been in the Coroner's office?

A Yes, sir.

Q For instance, this purse that was taken out of -- given to you by Dr. Sheppard, Sr., on the 4th day of July, has always been in the Coroner's office or in the possession of the Coroner until it was brought here to court or handed over to the prosecutor for the purpose of this trial?

A That's right, sir.

Q And the other articles we have here in court, which either you picked up, or you took, or that were turned over to you by the police authorities, have all been in the Coroner's office until they were called in here for trial?

A That's right, sir.

Q Now, I think, Doctor, that I will look at this Exhibit 27. You have examined it a number of times, haven't you?

A I have examined it, yes, sir.

Q And there is a badge that is attached to the inside of the purse which is marked "Westlake Police, Physician," and that is in the same position as it was when you received it from Dr. Sheppard?

A Yes, sir.

Q Now, when you received it from Dr. Sheppard, Sr., you turned it over to Chief Eaton?

A That's right, sir.

Q And then in the course of a couple of days you demanded it from -- or you requested Chief Eaton to turn it over to you?

A That's right, sir.

Q And it was turned over to you?

A That's right.

Q And it has been in the Coroner's office from that time down to the time that you turned it over to Mr. Mahon for the purpose of this trial?

A I turned it over to the prosecutor's office.

Q Yes, for the purpose of --

MR. MAHON: Turned it over to  
the Property Clerk in the prosecutor's office.

MR. CORRIGAN: Yes.

Q So that is where it has been ever since.

Now, let me see what is in this purse. There is an auto license called "Samuel Holmes Sheppard," expires on his birthday, 1956. It is a driver's license, is that correct?

A Yes, sir.

Q And a card of the Cleveland Hospital Service Association?

A Yes, sir.

Q A 1954 card of the Fraternal Order of Police Associates for Sam H. Sheppard located at -- local lodge located at Lakewood, Ohio?

A Yes, sir.

Q A card of the Cleveland Automobile Club?

A Yes, sir.

Q A membership -- a membership card in the Ohio Osteopathic Association of Physicians and Surgeons?

A Yes, sir.

Q An American Osteopathic Association card, member?

A Yes, sir.

Q An identification card showing his name, his Social Security number, his address, a calendar?

A Yes, sir.

Q An identification card. A card showing his admission to the practice of medicine in the State of California as a physician and surgeon, and a card showing his admission by the State Medical Board of the State of Ohio to practice osteopathy medicine and surgery?

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Q And an insurance card -- it isn't an insurance card. It is an identification and insurance service card, \$5,000 bail bond certificate, such as given out by the Automobile Club, is that correct?

A Yes, sir.

Q There is \$20 -- no, there is more than \$20. There is \$60, three \$20 bills?

A Yes, sir.

Q They are discolored?

A Yes, sir.

Q Were they in the purse when you received it?

A I didn't know it. You missed that.

Q And a certificate of appointment to certify that Samuel Sheppard has been appointed as acting deputy coroner to aid and assist the Coroner of Cuyahoga County in the event that an emergency arising from a disaster --

THE COURT: Could I have just one second, please, with Judge Lybarger, if you please?

All right. Proceed.

Q And a card, Doctor, which shows the registration of the automobile under the Ohio law?

A Yes, sir.

Q Did you know Dr. Sheppard before this time?

A No, sir.

Q You had never met him?

A No, sir.

Q I have here a card which shows "A Certificate of Appointment. This is to certify that Samuel Sheppard, D.O., residing at 28924 West Lake Road, has been appointed as an acting deputy coroner, to aid and assist the Coroner of Cuyahoga County, Ohio, in the event of an emergency arising from a disaster as a result of sabotage or air raid, by the enemies of the United States of America. Given under



my hand and seal this 3rd day of July, S. R. Gerber, MD.  
County Coroner."

And on the rear of that, or on the back of that card  
it says "Duties of an Acting Deputy Coroner:

"1. To represent the Coroner of Cuyahoga County  
at the scene of any disaster, catastrophe, or bombing,  
resulting from the war emergency.

"2. To obtain all information possible at the scene  
to aid the Coroner in coming to a definite and correct  
conclusion as to the cause and manner of death.

"3. To follow instructions as given to them either  
verbally or in writing by the Coroner or his regular  
deputies.

"4. To cooperate in every manner possible with  
the disaster supervisor from the Coroner's office  
there usually be a funeral director, and to assist and  
to work with police, fire, and other law-enforcement  
authorities.

"5. To use his authority solely for the object  
of aiding the Civil Defense Program and at no time to  
take advantage of the authority invested in him as an  
Acting Deputy Coroner to use this office for his personal  
gain."

Now, that was a card that was issued to Dr. Sam  
Sheppard in connection with Civil Defense?

- A Yes. That was issued to every doctor of medicine and every doctor of osteopathy in the County.
- Q And those cards were -- you determined whether they were, before they were issued, whether the men to whom they were issued were regularly licensed physicians?
- A They had to have a license from the State of Ohio, yes, sir.
- Q And this doesn't mean that you had any personal contact with Dr. Sheppard at all?
- A That's right, sir.
- Q That was a routine matter carried on by the office in sending these cars out to the properly designated people?
- A Carried out by the Office of Civil Defense.
- Q That is located where, do you know?
- A Right now it is at 712 Lakeside.
- Q Now, then, there is a card that covers an insurance policy, an automobile insurance policy on a 1953 Willys jeep?
- A Yes, sir.
- Q A credit card of the Gulf Refining Company?
- A Yes, sir.
- Q A credit card to the Sheppard Clinic from the Texas Company?
- A Yes, sir.
- Q A credit card from the Standard Oil Company to the Sheppard Clinic?
- A Yes, sir.

Q A credit card of the City Service Oil Company, unsigned?

A Yes, sir.

Q A credit card of the Cities Service Oil Company, signed?

A Yes, sir.

Q A 1954 registration of a 1952 Mercury?

A Yes, sir.

Q A 1954 registration of a 1954 Jaguar automobile?

A Yes, sir.

Q A California registration, a 1954 California registration of some kind, referring to an automobile. I don't know what it is.

A Yes, sir.

Q But it refers to an automobile.

A business card -- well, it is a card of Don B. Johnson -- pardon me a moment -- a card of Don H. Johnson, the name imposed upon a badge. 1190 is the number. It gives several telephone numbers. Hillside 7468. Residence Crest 57671, and 1334 Cole Place, Hollywood, and on the back of that is in writing -- and correct me if I don't repeat it correctly -- "Introducing a good friend of Highway Patrol, Dr. Sam Sheppard. Any courtesies extended will be greatly appreciated. Don Johnson, California Highway Patrol"?

A That's right, but it is Don B. Johnson, and not Don H. Johnson.

Q Don B. Thank you for the correction.

A card of Cliff Lewis, insurance agency, phone Superior 17748, residence Trinity 12812. 1782 East 11th Street, Cleveland 14, Ohio." That is his card, Cliff Lewis, insurance agency?

3 A Yes, sir.

Q A paper headed "Cleveland Yacht Club, Incorporated, Visitor's Gate Pass. Date of visit. Name of guests. Number and party. Name of party. Membership card No. Dock Number. Admitted by." all blank?

A Yes, sir.

Q And a similar blank visitors' gate pass for the Cleveland Yacht Club, Incorporated, all in blank.

A check made to Dr. Samuel Sheppard, dated June the 30th. Dr. S. H. Sheppard, dated June 30, 1954, a check payable to him in the sum of a thousand dollars and signed by the Sheppard Clinic in printing, and the signature below that that I can't make out.

Did you?

A No, sir.

Q And that is highly discolored and is not endorsed? There is no endorsement on it, is that correct, Doctor?

A That's right, sir.

Q Then a confirmation of a reservation by the Royal York Hotel in Toronto confirming an engagement of a room at the

Royal York Hotel in Toronto. The date, July the 12th.

Well, I better read this so the jury understands it.

"The Royal York, Toronto." That is a hotel there.

You know that, Doctor?

A Yes, sir.

Q "Confirms with pleasure your reservation request for date July the 12th; type of accommodation, single with bed to 16th. Dr. S. H. Sheppard, 22204 Lorain Road, Fairview Park 26, Ohio."

Now, was there anything else in this when you received it?

A There was another paper that was there that I don't see there, that I recall.

Q What paper was it?

A That was the memorandum of a sales slip for an automobile from a local person with some notations on it.

Q Where is that?

A I don't know. It isn't here.

Q Where was it the last time you saw it?

A The last time I saw it it was in the purse.

MR. CORRIGAN: Have you gentlemen got it out of the purse? If you have, I would like to have it.

MR. PARRINO: I think it is in the property safe downstairs. We will bring it up



after the noon hour.

MR. CORRIGAN: Bring it up after  
the noon hour.

Q Now, then, the three dollar-bills -- when did you first  
find out there was three \$20 bills in the purse?

A Not until later on in the week, until someone made a claim  
for it and Chief Eaton found it in the purse. He told me  
about it.

Q When the purse was received by you from Chief Eaton, the  
twenty dollars -- the three dollar-bills were in the purse?

A Yes, sir.

Q Now, these three \$20 bills, when you received the purse  
from Dr. Sheppard, Sr., is it not a fact that they were  
in the fold of the purse in that manner?

A Yes, sir.

Q They were not in any of these compartments?

A I don't know if they were folded up that way.

Q But they were --

A They were in the fold --

Q All I want to be clear about is that they were not in any  
of the compartments?

A That's right, sir.

Q Now, at the time of the meeting on the 17th, there had been  
deposited with you a great many statements of witnesses?

A No, not at that time. I didn't -- I got them -- they came



in gradually.

Q What?

A They came in gradually.

Q Well, you had --

A I had some of them.

Q You had some of them?

A Yes.

Q You were familiar with what Drenkhan knew about the case?

A I can't say. Generally, yes. I can't say that I knew everything that he knew.

Q I am just talking about generally. Did you have a statement from him? Do you have a statement now?

A No, sir, I do not have a statement from him.

Q But I say, generally, you knew what he knew about the case?

A Yes.

Q You had talked to him?

A Yes.

Q And Chief Eaton?

A Oh, yes.

Q And the police officers connected with the Bay Village Police Department, you knew generally what they knew about the case?

A That's right, sir.

Q And you had received the statements of Dr. Richard and Dr. Stephen and Dr. Richard, Sr.?

A Yes, sir.

Q And you knew that on Saturday, the Saturday following the murder of Marilyn Sheppard, that Dr. Sheppard, Sam Sheppard, had come here to the County Sheriff's office and made a long and extended statement about everything he knew about the case?

A I knew that he had been here. What he said, I didn't know.

Q Well, did you receive a copy of that?

A No, sir.

Q But the fact was that when he completed the tour of the house and the grounds with Mr. Rossbach and Mr. Yettra Friday, that would be Friday, July 9th, it was arranged that he should come downtown to the Sheriff's office and make a written statement of all he knew about the case?

A I didn't know that arrangement had been made.

Q Well, you know that Mr. Rossbach requested that?

A No, sir.

Q You do not?

A No, sir.

Q Well, you did learn later that he did come to the Sheriff's office on that Saturday?

A Yes, sir.

Q And he spent a long time here with the officers?

A I don't know the length of time, but --

Q And you learned generally what he had to say in that meeting,

didn't you?

A Insofar as confirming what I knew, yes, but whether there was anything more or less, I couldn't say.

Q But you knew that the statement that had been made on Saturday in the meeting in the Sheriff's office was available to you?

A I believe they were available.

Q Did you ever see it?

A No, sir.

Q Never examined it?

A No, sir.

Q Now, then, on Wednesday, the 21st of July, the Cleveland Press, with a big front page editorial asking you -- putting this question to you, "Why don't you call an inquest, Dr. Gerber?"

Do you remember that?

A I never read that editorial.

Q You never read it?

A No, sir. I was told about it, but I never read the editorial, and I don't have any copy of it.

Q You have what?

A I don't have any copy of it.

Q Well, you were told about it, anyway?

A Yes, sir.

Q Well, that very night that that editorial appeared in the

A Press, you made preparations for an inquest, didn't you?  
That --

Q Now, just answer my question. Did you on that very night  
make preparations for an inquest? You can answer that yes  
or no.

A No, I can't answer that yes or no.

Q All right. If you can't, we will leave it go at that.

MR. CORRIGAN: Do you want to  
go to lunch, Judge?

THE COURT: All right, if you  
can stop here.

MR. CORRIGAN: Yes, I can stop.

THE COURT: Ladies and gentlemen  
of the jury, we will have the noon recess at this  
time. We will return at 1:15.

Please do not discuss this case.

- - -

(Thereupon at 12 o'clock noon a recess was  
taken to 1:15 o'clock p.m., Thursday, November  
18, 1954, at which time the following proceedings  
were had):

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Thursday Afternoon Session, November 18, 1954 (1:15 p.m.)

Thereupon, DR. SAMUEL R. GERBER resumed the stand and testified further as follows:

MR. DANACEAU: Your Honor, I want to hand Dr. Gerber the slip that was from the pocketbook, to which reference was made this morning.

THE COURT: All right. Let Mr. Corrigan see it.

MR. DANACEAU: Oh, excuse me.

CROSS-EXAMINATION OF DR. SAMUEL R. GERBER (CONTINUED)

By Mr. Corrigan:

Q This was also in the purse, Doctor?

A Yes, sir.

Q It is an MG Motor Sales slip showing some figures apparently of the purchase price of an automobile, with the allowance on a 1952 Mercury convertible. Then there was allowed \$1,501.35, according to this, and balance due on delivery of the car, \$50.00, making a total purchase price of the car of \$1,551.35.

Then on the reverse side of the card, or of the sheet appears some writing and printing about the conditions

set up by the MG Motor Sales Company, part of a contract, written contract; generally, that is what it is?

A So far, yes, sir.

Q Then there appears "Dorothy, 11723 Julius, Downey" -- I can't make it out, what that is -- "Downey, 1224," it looks like dash 32.

There is an impression from the other side. There is no 1224-32 on the other side.

But, anyway, that reads that way, and then "Topaz 2-7338." That's correct, isn't it?

A Yes, sir.

Q Then on the bottom of this is "RA 3, R-o-c-k, Rock, 1949 Libbit, Encino.

And then, still in writing with a question mark after it and an arrow pointing to Encino.

A That's Encino.

Q Encino, E-n-c-i-n-o. That was in the purse?

A Yes, sir.

MR. CORRIGAN: This is all in evidence, the purse and its contents are in evidence. Maybe I better mark this separately.

THE COURT: The billfold and all contents are in evidence.

MR. CORRIGAN: This has come in separately, so it will be marked separately.



(Defendant's Exhibit FF  
marked for identification.)

MR. DANACEAU: And before we  
leave this, may we also have this marked 27-A,  
State's Exhibit 27-A? May we also have it  
marked State's Exhibit 27-A, 27 being the  
purse?

THE COURT: All right.

(State's Exhibit 27-A,  
being the same as  
Defendant's Exhibit FF,  
was marked for identi-  
fication.)

MR. DANACEAU: And the State  
offers it into evidence as part of that  
exhibit. Does the record show that --

THE COURT: Is that being  
offered?

MR. CORRIGAN: It is offered,  
yes.

MR. DANACEAU: I was going to  
ask if the record shows that it has been  
offered, and that it is now being seen by  
the jury.

THE COURT: All right. It  
was part of the Exhibit 27, the billfold  
contents?

MR. DANACEAU: Yes, sir.

THE COURT: All right.

(Defendant's Exhibit FF  
and State's Exhibit 27-A  
received in evidence.)

(Thereupon, the above-mentioned exhibits  
were passed among the jury.)

Q

Doctor --

MR. DANACEAU: Just a moment,  
Mr. Corrigan. Mr. Parrino would like to ask  
something about some paper that was mentioned  
here that we know nothing about. There is  
some missing paper.

MR. PARRINO: It is my under-  
standing, if the Court please, that prior to  
the noon recess, that Mr. Corrigan made some  
statement about a paper that he was looking  
for that was missing. It has come to my  
attention during the noon hour that co-counsel,  
Mr. Petersilge, gave a piece of paper --

THE COURT: Come to your attention  
that what?

MR. PARRINO: It comes to my  
attention --

THE COURT: I know, I know  
what you said about what Mr. Corrigan said.

MR. PARRINO: That Mr. Petersilge, co-counsel, gave a piece of paper to one of the newspaper reporters, and I am wondering whether or not that is the paper that Mr. Corrigan claims to be missing.

MR. GARMONE: No, it is not.

MR. CORRIGAN: There isn't any paper missing now.

MR. PARRINO: There isn't any missing now?

MR. CORRIGAN: No.

MR. PARRINO: All right. Just so that the record may be straight that there is no paper missing now and nobody took a paper from this court room.

MR. CORRIGAN: They didn't take any paper from the court room.

MR. PARRINO: But it was my understanding that it was given to someone.

THE COURT: Do I understand that there is no paper missing now?

MR. CORRIGAN: No paper missing now.

THE COURT: All right.

Q Doctor, you have X-rays at the Morgue, X-ray machines?

A Pardon?

- Q X-ray machines at the Morgue?
- A Yes, sir.
- Q And the latest, I suppose, and modern, modern X-ray machines?
- A It's good equipment, sir.
- Q And they are for the purpose of aiding your office in the matter of autopsy, aren't they?
- A Aiding our office in the matter of examinations.
- Q Examination of a person who is dead?
- A Yes, sir.
- Q There was no X-rays used on the body of Marilyn Sheppard, was there?
- A There was, yes, sir.
- Q Have you got the reports?
- A It is in your report, I believe.
- Q Well, do you have the X-ray pictures?
- A I can get them.
- Q Well, please get them and bring them here.
- Now, the --
- A Could I have somebody bring them down?

THE COURT: Just one moment.

The Doctor would like to know if someone can volunteer to bring them down. Is there anyone that can go for them?

MR. DANACEAU: Whether somebody can go down to the Coroner's office, you mean,

and bring them down?

THE WITNESS: Yes.

Q Well, you have a great many employees out there, don't you?

MR. DANACEAU: Just a minute, here. If the Doctor wants to have someone go and get them, why is there any fuss about it?

THE COURT: Let him tell what there is there and where it is and have somebody get it.

MR. DANACEAU: Will you instruct this gentleman here? You can get instructions from Dr. Gerber as to where you can go and get those X-rays. (To Mr. Lockwood.)

(Thereupon, a conference was had between the witness and Detective Lockwood.)

Q Who took the X-ray pictures?

A They were taken in conjunction with Dr. Adelson and the other persons working at the autopsy that morning.

Q Do you know who took them? That was my question.

A I know that Dr. Adelson was there, supervised them, but I can't tell you who pulled the trigger on the machine.

Q Well, it is a technical operation, the taking of X-rays, it is taken by a technician, is it not?

A It is taken by a technician, yes, sir.

Q Yes. And the ordinary person who operates a camera and who hasn't taken technical training in the operation of an X-ray machine is not competent to operate an X-ray machine?

A A person can be shown the manner of operation and the manner of loading, the manner of setting, and the manner of developing, and that is all you need. A Roentgenologist reads the results.

Q Well, just so that my question is straight, Doctor, and you understand it, is it not a fact that the operation of an X-ray machine and the taking of X-ray pictures is a technical process that requires certain technical training?

A It requires certain technical training, depending on how far you would like to use and to what extent you would like to use an X-ray.

Q And you have in your employ people who are technically trained to take X-ray pictures?

A I have --

Q No. Do you have people in your employ who are technically trained to take X-ray pictures?

A For our purposes, yes, sir.

Q All right. And who are the persons that are so technically trained, their names?

A for our purpose. There's James Roberson.



Q Robinson?

A Roberson, R-o-b-e-r-s-o-n.

Q And was he the person that took these X-ray pictures?

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

Q Now, when the piece of nail polish was found in the bedroom of Marilyn Sheppard on the 5th of July, it was taken to your laboratory?

A It was given to me.

Q Given to you, and you, in turn, took it to your laboratory?

A I took it --

Q Where it was examined?

A I gave it to Miss Cowan.

Q And is there any record of her examination in the records of the Coroner's office?

A I have it right here, sir.

Q May I look at it?

(Thereupon a document was handed to Mr. Corrigan by the witness.)

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MR. CORRIGAN:  
Exhibit GG.

Mark this Defendant's

(Defendant's Exhibit GG,  
being a card, was marked  
for identification.)

Q Now, this card, which I have marked our Exhibit GG, shows that "The source of a specimen, Sheppard home; found at the foot of the bed by H. Nichols, Bay Village."

Who is H. Nichols?

A He is a patrolman out there.

Q "Pat Gareau, Detective. Submitted by Dr. Gerber, Coroner, 9:05 July 7th." Correct?

A That's right.

MR. DANACEAU: "9:05 a.m."

Q 9:05 a.m., July the 7th. It was found on what time on July the 5th?

A About 9 -- well, in the morning.

Q And where was it from the morning of July the 5th, 9:05, to July the 7th?

A I had it.

Q Where did you have it?

A I had it in my pocket.

Q "Received by M. Cowan. Description of specimen: One brown envelope containing one small piece leather substance, one small piece of fingernail polish. Envelope dated

July 5, 1954, 9:30 a.m."

Now, this is on the reverse side. M. Cowan, that is Mary Cowan, is it?

A That's right.

Q This is her report of the tests she made of this particular piece of substance?

A Yes, sir.

Q "Red material is paper thin, lighter in color on one side than the other. The darker surface is convex. Estimated dimensions. Laboratory examination" -- what is that? 3/32nds of an inch?

MR. DANACEAU: That is dimensions, sir.

Q "Laboratory examination." Then comes 3-32. It says "Estimated dimensions 3/32nds of an inch at the maximum width and" --

A 3/32nds of an inch at maximum width by 1/4 of an inch.

Q "Microscopic examination of concave (lighter side) reveals ridges and grooves confirming impression material is nail polish which flaked off finger or toenail. A fragment of specimen which had broken off is found to dissolve in ethyl acetate and acetone. Tested by M. Cowan at approximately 9:30 a.m. July 7, 1954."

That is all that appears on the card? I read it all, have I not, Doctor?

- A Yes, sir. Here is the other card.
- Q Is this additional?
- A This is the card on the test of the piece of leather.
- Q In the examination of Marilyn Sheppard, there was fingernail polish on her fingers and also polish on her toenails?
- A At the time of autopsy -- at the time of death, there was no fingernail polish on Marilyn Sheppard's finger.
- Q There was none. Did you examine her feet or toes?
- A Her toenails had polish.
- Q But there was no comparison between the specimen that was found on July the 5th with the polish that was on Marilyn Sheppard's toes, was there?
- A No, sir.
- Q And you stated there was no fingernail polish on her fingernails?
- A Her fingernails were -- there was an absence of fingernail polish on her fingers.
- Q Now, you did find that -- or it was reported to you by your technician, Miss Cowan, that she had made an examination of the trousers?
- A Yes, sir.
- Q And that she found certain things about the trousers, and that in the right rear pocket of the trousers there was sand present? That is what the report says?

Well, I am reading now from what has been marked

Defendant's Exhibit V-1. I am just referring to this particular part of the report. "Examination of cuffs and trousers, property of Dr. Sam Sheppard, left side pocket, sand present."

MR. DANACEAU: Just a moment.

You left out a word.

MR. CORRIGAN: What did I leave out?

MR. DANACEAU: "Pocket of trousers."

MR. CORRIGAN: I thought I said that.

MR. DANACEAU: I'm quite sure it

was not intentional, Mr. Corrigan.

Q I will read it again.

"Examination of cuffs and pockets of trousers, property of Dr. Samuel Sheppard, left side pocket" underlined ":Sand present."

That is correct in the official report?

A That's right, sir.

Q Then right rear pocket underlined :Sand present?

A That's right.

Q And then the words "Cuffs. Sand present. (300 milligrams recovered.)"?

A Yes, sir.

Q That means that Miss Cowan examined the cuffs of the trousers and got 300 milligrams of sand out of them.

Could you reduce that to a measurement that is common here?

A I will have to look it up. I can't --

Q Well, when we get into milligrams, and so forth, I get confused.

Now, you said that you had determined the time of death by the amount of blood, and some other factors, and one of the factors that you included in determining the time of death was the digestion of the meal that they had that night, and the information you had got from Mrs. Ahern as to what the meal was; that was included in your determination, is that correct?

4 A You said some other factors. The factors that you left out are more pertinent --

Q I will withdraw the question and put it plainer.

One of the factors that you told the jury that fixed the time of death was information that you had received from Mr. and Mrs. Ahern?

A Yes, sir.

Q And that information that you had received from Mr. and Mrs. Ahern was about the kind of a meal, and what they had eaten at supper on July the 3rd, or at dinner on July the 3rd?

A That's right, sir.

Q And you had information that they had some ham, and do you know what kind of ham it was?



A Cottage ham.

Q And some berry pie?

A Yes, sir.

Q And some salad?

A Yes, sir.

Q And do you remember anything else?

A Vegetable.

Q Do you remember whether they were cooked or raw vegetables?

A I don't remember.

Q Now, then, when Marilyn's body was examined, of course, you examined the autopsy and you discovered that in the stomach contents -- well, in the gastro-intestinal tract, which includes the stomach in the intestinal tract leading from the stomach?

A Yes, sir.

Q And the autopsy that you examined and is signed by you shows that the stomach contained one-half ounce of orange-brown mucoid fluid?

A That's right, sir.

Q That was not examined?

A No, sir.

Q "The small intestine contains yellowish-brown" -- how do you say that?

A Chyme.

Q "The small intestine" -- he is referring there to the

intestine that is the first intestine, the first out of the stomach?

A Yes.

Q You have the duodenum and the first intestine where the stomach enters the digested food in for further operation by the body?

A Where the food from the stomach empties into.

Q And there it is reduced to another process?

A That is the small intestines.

Q Yes. And then the colon -- what's that word? These medical words, I don't know them. This word here. How do you pronounce it?

A Inspissated.

Q "Green-brown stool." That is still food in the process of digestion, isn't it?

A No, sir. That is stool.

Q Well, green-brown shows that there is still food values in that stool?

A There may be some undigested particles, but it wouldn't be called stool if it wasn't completely -- or practically completely digested.

Q Now, none of those things were examined, just the notation was put down that they were there?

A That's right, sir.

Q The process of digestion begins in the stomach, and when

the food is taken into the stomach it is acted upon in the stomach by certain stomach juices -- that is the best way I can say it -- that reduces the food to a consistency so that it can pass out of the stomach and into the next process of digestion, is that right?

A That is relatively so, yes, sir.

Q And the principal stomach juice is hydrochloric acid?

A That is one, yes, sir.

Q And the matter of digestion -- I am talking about the first process of digestion that takes place in the stomach when we take a piece of meat and swallow it down into our stomach in the form that we look at it -- that is dissolved or taken apart by these gastric juices, so that it is able to go on through the rest of the digestive process, is that correct?

A That's right, sir.

Q Now, the matter of digestion and the length of time that a stomach will digest food is entirely dependent upon the physical set-up of every particular person; our digestive apparatus differs?

A There is some difference. There is an average normal, though, for most people.

Q For instance, the food that one person will eat and would digest with the greatest of ease -- I might take it into my system and have great difficulty in digesting it?

- A Individuals have different idiosyncrasies.
- Q And they have different periods of digestion, don't they?
- A Within a period of minutes, yes, or maybe an hour.
- Q You can't make any level on the matter of digestion by saying if each one of us in this courtroom would eat a piece of cottage ham and a piece of berry pie, that the digestion of that cottage ham or the berry pie would be the same and would take the same time? You can't make any level like that, can you?
- A We can give an average normal. You are talking about a specific incident here where we don't have to worry about unknowns.
- Q I say, you can give an average normal just like you can say that every average person has a stomach and liver and kidney, and so forth?
- A That is a fair --
- Q Now, then, this is a fact, is it not, Doctor, that when you have an emotional or physical upheaval, that that retards your digestion?
- A It can be delayed, yes, sir.
- Q What?
- A It could be delayed.
- Q It would be delayed?
- A I say it could be.
- Q Well, the average normal -- let's take the average normal,

a physical emotional upheaval in the average normal does delay digestion?

A No, that doesn't hold true of every person.

Q No. I am saying the average person.

A I wouldn't want you to try to get me to say that is it categorically, because it isn't so.

Q No, but I say is that true of the average person?

A No, because an average person could be upset, temperamentally upset, and still go on with the normal digestion. Other persons would be retarded or delayed.

Q They could be emotionally and physically upset and the digestion would not be delayed?

A On some people, yes.

5 Q But I mean in the average person.

A I am talking about the average person.

Q You are talking about the average person.

Well, now, don't you know, Doctor, -- during your life you have had something to do with boxing, haven't you?

A Yes, sir.

Q And don't you know that a boxer does not eat his meal, or he takes his meal a long time before he goes into the ring? I am talking now about a careful boxer.

A Well, they set up some idea that that is necessary. I wouldn't necessarily agree that for any particular boxer



that was absolutely correct.

Q Don't you know that, for instance, champions like Joe Louis, and Jack Dempsey, and Jersey Joe Wolcott, and Marcinio, and Ezzard Charles all take their meal far in advance of the time that they go into the boxing ring?

A Yes, but they do it for a specific purpose.

Q And they do it because they want to have their meal pretty well digested before they go into that terrific physical encounter?

A That is one of the reasons, yes, sir.

Q And don't you know that that is the standard practice of all athletes, like runners, and football players and baseball players, and people who engage in great physical endeavor, that the meal is eaten far in advance of the contest?

A I don't know what you mean "far in advance," but I can't tell you what football players do or baseball players, or any other sport. I haven't any idea, and I have never been in their gymnasiums to know what they eat or when they eat.

Q You are a doctor. I am talking to you now as a doctor.

A I don't have any call to have -- to use that in my profession.

Q And it is common knowledge -- you don't even have to be a doctor -- it is common knowledge that physical and



emotional exertion interferes with digestion.

A Interferes with some people's digestion.

Q I see. All right. Now, on June the 11th -- withdraw that.

And also I want to ask you about the blood. When the blood flowed out of Marilyn's veins, the blood clotted, didn't it?

A Now, where do you mean "flowed out of her veins"?

Q Well, it flowed out of her head, according to the pictures here. There were a lot of wounds on her head?

A Yes, sir.

Q And the upper torso was covered with blood?

A Yes. I just wanted you to locate the blood that you were talking about. That's right, sir.

Q And the blood on the sheet underneath her was sticky?

A It was dry.

Q And thick. It was dry?

A Yes, sir.

Q Absolutely dry?

A Again that is relative. Your idea of dryness and my idea of dryness is relative.

Q Well, I guess our idea of dry would not differ, Doctor. When a thing is try to me, I feel it, and if there is no dampness or feeling of moisture there, it is dry. Isn't that the same to you?

A That may be your thinking, and I, on occasions, have a

different idea of dryness. If you are talking about absolutely dry, then I can agree with you.

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- Q Well, I feel the railing here in front of the jury.  
It's dry.
- A Yes, sir.
- Q To me it is dry. My feeling tells me that there is no moisture there.
- A That's right, sir.
- Q Is it dry to you?
- A Yes, sir.
- Q On that particular point we agree?
- A Yes, sir.
- Q Now, going to the undersheet, the sheet that was under Marilyn Sheppard, was that sheet dry?
- A It was dry when Marilyn Sheppard's body was taken off of it, yes, sir.
- Q And there was no moisture on it?
- A I wouldn't -- what I call moisture, no, sir.
- Q If you put your hand on it, you could feel no wet spots at all?
- A No, sir.
- Q And it was dry in comparison to the dryness now that exists in my coat?
- A No.
- Q What?
- A No. That's why I say you and I just are not thinking along the same lines.

Q Well, I am not thinking along any lines. I am just trying to find out. I wasn't there.

Will you explain what the difference is in dryness?

A Yes. The dryness of the sheet where there was no bloodstain had a different feel than the dryness of the sheet where there was a bloodstain.

Q And what was the difference in the feel?

MR. DANACEAU: Just a minute.

Please let him finish his answer.

A In this instance, when I am talking about dry, when I put my hand on the bloodstain there is nothing came off on my hand, it was dry.

Q Yes. And this is true, that the sheet under Marilyn Sheppard had been soaked with blood, and with so much blood that it penetrated through the under --

THE COURT: Pad.

MR. CORRIGAN: What?

THE COURT: Pad.

Q Underpad -- thank you, Judge -- and it penetrated into the mattress?

A Yes, sir.

Q And it penetrated some distance into the mattress?

A I don't know how far it went into the mattress.

Q Well, did you look?

A No, sir.

Q When you had the mattress out there to the Morgue, did you make examination to find out how far that blood had penetrated?

A No, sir; I didn't want to cut up the mattress.

Q Now, so that at least at one time -- at some time during that July 4th the sheet and the underpad and some part of the mattress was soaked with blood?

A There was blood on it.

Q Well, just answer my question. During the morning of July 4th, sometime during the morning of July 4th, the underpad and part of the mattress was soaked with blood?

A I said there was blood on the sheet, on the mattress and mattress pad.

Q But you won't go any farther than that?

A That's right. I don't know what you mean by "soaked."

Q Well, I mean that the blood was so heavy that it soaked through the sheet, it soaked through the padding under the sheet, which was about -- quite thick and heavy -- this is the padding under the sheet, isn't it?

A Yes, sir.

Q And that is a heavy knitted -- not knitted. That isn't the right word. What is the right word?

MR. GARMONE: Quilted.

Q Quilted. Quilted piece of cloth, and the blood went through from one side to the other?

A That's right.

Q In a considerable quantity, and that is what I meant by soaked.

A All right, sir.

Q Now, then, the blood was dry, you say, in that morning, and when you moved Marilyn's body, did it stick to the sheet?

A No, sir.

Q It did not. Even today, November 18, 1954, there are still on that sheet lumps of blood, aren't there?

A Lumps of dry blood, yes, sir.

Q Lumps of dry blood?

A Yes, sir.

Q And blood, when it is loosened from the body -- or, wait a minute.

A sheet or an underpadding such as we have here and which was shown to the jury, that would be soaked with water, not blood, but soaked with water and lay on a bed would not dry for a long time, would it?

MR. DANACEAU:

Objection.

Q In your experience?

MR. DANACEAU:

Just a minute.

Objection.

THE COURT:

The objection

will be sustained.



Q Do you have any experience with the length of time a pad of that kind lying under the body of a woman, soaked with water, would dry?

MR. DANACEAU: Objection.

MR. MAHON: Objection.

THE COURT: Objection sustained.

Q Now, then, blood, of course, is thicker than water, isn't it?

A Yes, sir.

Q When blood is shed, within a short time it forms into a sticky mass?

A Yes, sir.

Q And is it your opinion -- well, I won't ask you that.

It forms into this sticky mass, it coagulates, as they say?

A Yes, sir.

Q And at 9:30 in the morning, you state, and you want to state to the jury now, that that blood, as shown here in this court room to this jury, had entirely dried?

MR. DANACEAU: Objection. He didn't say at 9:30 in the morning.

MR. MAHON: He said at 10:30.

THE COURT: What was the last word you said before "dried"?

MR. CORRIGAN: Had entirely dried.

THE COURT: The objection will

be sustained. That isn't what he said.

Q Well, let me find out. That was my understanding of it.  
That that blood had dried?

MR. DANACEAU: At what time?

MR. GARMONE: When the body was  
removed, he said.

MR. DANACEAU: The body wasn't  
removed at 9:30. He said at 10:30.

THE COURT: I presume we are  
talking about the time that the Doctor testified  
they moved the body.

MR. DANACEAU: And that was later  
than 9:30.

MR. MAHON: 10:30, the evidence  
is.

Q That was at 10:30?

A That's what I said.

Q That everything --

A I further said that there was a relativity to dryness.  
You and I could be thinking about different things.

Q Well, let's see if I can get that relativity to dryness.  
What do you mean by that, Doctor?

A I mean what you consider dry, I might not consider dry;  
what I consider dry, you might not consider dry.

Q Well, I want you to be very frank with the jury.

A I'm very frank with the jury.

MR. MAHON: He is being frank.

Q What do you mean, what difference is there between you and I that you say what I consider to be dry you don't consider to be dry?

A Well, if you --

THE COURT: Let's see if the Doctor -- can you describe to the jury, Doctor, what you mean as to the ~~position~~ when you said that these pieces of clotting were dry at that time? That is what you want, Mr. Corrigan, isn't it?

MR. CORRIGAN: Yes.

THE WITNESS: I thought they were dry for the simple reason that when I touched it, none of it clung to my finger. Of course, it wasn't of the same consistency where the blood spot was located as in comparison to the sheet on the upper portion where there wasn't any blood, and that is what I considered relatively dry.

If you rubbed over it, you couldn't put it in any other position, it remained in that position.

Q Well, did it have a feeling of dampness?

A It has a feeling of thickness because it was blood.

Q It had a feeling of thickness?

A Yes, sir.

Q You could feel the thickness of the blood?

A In comparison to the other part of the sheet.

Q I am talking now about that large spot --

A I am talking about the sheet with the blood on and the sheet with the blood off.

Q I am talking of the large spot in the middle of the bed, in the middle of the sheet. There was a thickness there?

A Where the crusts were, that was crusted and remained on there and it wasn't -- because droplets of blood had gotten into a certain location in a depression and coagulated there and dried, and you could lift up a small piece of that coagulated material and it wouldn't come off on your fingers as blood, you could just drop it.

Q Well, was there any moisture in it?

A Again, I don't know. I can feel moisture in my clothes.

Q I don't care what is in your clothes. Was there moisture --

MR. DANACEAU: Wait a minute.

We object to that remark of counsel.

THE COURT: I think he has made clear that it would not come off by passing your hand over it and that you couldn't change the position of whatever

was in the material itself, is that right?

THE WITNESS: Yes, sir, except where you could pick up a clot.

THE COURT: Yes. I see.

Q Well, the blood that is in that situation, that you can pick up a clot, produces a serum, doesn't it, that settles on the top of the clot?

A That wasn't any serum on the top of these clots.

Q Can you have any blood in any quantity spilt, such as this blood was spilt, without producing a serum?

A The serum is part of the blood, sir.

Q I know it is part of the blood, but it exudes, does it not, when blood is shed?

A I am sorry, I would like to answer you, but I just can't find any answer for the question that you are asking.

Q Well, let me see if I can put it plainly, Doctor: If I take a bowl of blood, if I would take a cup of blood, that blood, as it comes out of the veins of a human being, goes into a change, does it not?

It is changed by the contact with the air?

A It changes color, yes, sir.

Q Just color?

A It changes in its entirety for the simple reason that it is not in its natural environment.

Q No. But there is a change, a very definite change takes

place in the construction of the blood?

A Sure, because the minute it is exposed, the clotting element, which is known as fibrin, begins to act and it clots the blood.

Q Is it fibrin that begins to clot the blood?

A Yes, sir.

Q Is that the first thing that happens?

A That begins to clot the blood, yes, sir. There might be some separation of the cells and of the serum, of the liquid part of the blood.

Q The blood itself is made up of what they call a plasma?  
That is one element in the blood?

A Well, that is part of the serum. Plasma is part of the serum.

Q That's part of the serum. But the plasma is the fluid part of the blood, isn't it?

A No. The serum is the fluid part of the blood.

Q And the serum is part of the fluid part of the blood.

And the corpuscles that carry -- the red corpuscles and the white corpuscles that are in the blood are carried along in the stream of this plasma and deposited and do their work as they go along in the stream of blood?

A I agree with you, your statement.

Q I am asking you a question, if that is not so.

A No. You made your statement. I agree with you.



Q You agree with me. Now, when the blood was let out of Marilyn Sheppard's head, there was a distinct change took place in the composition of that blood, wasn't there?

A Sure. It began to dry.

Q And when it began to dry, it began to form into mucilage or sticky substance?

A I wouldn't call it mucilage.

Q Well, sticky substance? Let's put it that way. Is that correct?

A Yes, sir.

Q And if I had taken or you had taken that blood and put it into a cup, the surface of that blood, within a certain period of time, would produce a liquid on top of it?

A A very slight liquid.

Q Yes, a very slight liquid. And that liquid is known as the serum, isn't it?

A Yes, sir.

Q Now, when the blood of Marilyn Sheppard was on top of this sheet in such a quantity, there was produced upon it a serum, wasn't there?

A The serum settled out of the clot -- away from the blood cells.

Q Well, it came out of the blood.

Now, then, on July 11th -- I think that was a Saturday, you were at the house, a Saturday or a Sunday in July --

the 4th was Sunday, the 11th would be the succeeding Sunday -- and you went there and made some examination of that house on that day. Do you recall that?

A Yes, sir.

Q And who was with you on that occasion?

A The Bay Village police, some of them.

Q And on that occasion, you stated in your direct examination, you found some blood spots in the house?

A Yes, sir.

Q Now, where was the blood spots that you found?

A Those that I recall were on the steps that lead up to the -- from the landing in the living room or the landing in the living room and kitchen up to the second floor. They were on some of those stairs. They were on the treads of those stairs.

If I remember correctly, there was some on the tread in the kitchen.

Q Now, Mr. Drenkhan was with you at that time, wasn't he?

A We were all together. I can't say he was constantly.

Q And did you instruct him to take some pictures?

A I don't remember about pictures, sir.

Q Well, we have a couple of pictures here. I will see if I can get them and refresh your recollection.

MR. GARMONE: I will find them.

Q Before I go to that, Doctor, I want to hand you Exhibits I

and Exhibit 9, which have been shown to the jury yesterday, and which show the upper sheet, the chenille covering and the blanket laying at the foot of the bed. That's right, isn't it, Doctor?

A Yes, sir.

Q And that was the situation they were in when you entered the room and until you moved the body?

A That's right, sir.

Q Now, do you see any blood spots on any of those -- on any of that bed clothing at the foot of the bed that compare in any way with the blood spots that are on the articles as they now appear in this court room?

A Not on the visible surface.

Q There is no blood spot shown on the visible surface of either one of those pictures, is there?

A No, sir.

Q Now, then, I will hand you two pictures that have been introduced in evidence, brought here by Mr. Drenkhan, which he stated were taken on July 11, 1954, and Exhibit No. M is a picture of the second step from the top of the stairs, the second step coming down. Will you look at it and say whether that is the blood spot that you noticed on those steps on July 11th?

A Yes, sir.

Q And then I will hand you a picture marked Exhibit No. N,

which was taken on the same day by Mr. Drenkhan at about the same time, and shows the first step from the living room landing, a spot upon the riser. From the living room to the landing there is a picture of the first riser of the step that goes upstairs, and it shows a spot on the surface of that riser. Is that one of the spots that you saw that day?

A Yes, sir. I don't know whether this is on the riser or not. This is on the riser, too.

Q Yes, this is a step up here and this is a step down here and in between is the riser.

A Yes, but you didn't mention that.

Q Well, we are clear now, it is the riser.

You saw those two spots?

A Yes, sir.

Q And you directed Mr. Drenkhan to take pictures of them?

A Well, I don't know whether I did. He took pictures. I can't say --

Q Now, you had been in that house for many, many hours before the 11th, hadn't you?

A Yes, sir.

Q And was that the first time that you saw those spots?

A Oh, no.

Q When did you first see them?

A I saw those on July 5th.

Q You saw them on July 5th?

A And if I remember correctly, that isn't the first time that Drenkhan saw them, either.

Q But you didn't do anything about them?

A Well, we had plenty of time.

Q I see. But my question is not did you have plenty of time, but I say, you didn't do anything about them?

A Well, I answered you. We had plenty of time to do something about them.

MR. CORRIGAN: I ask that be  
stricken out.

THE COURT: Yes. You didn't  
do anything about them until the 11th, is that  
right?

THE WITNESS: We didn't do any-  
thing about them at that time.

THE COURT: All right.

Q I say, you did not do anything about them? Will you answer  
my question?

A At that time, yes, sir.

Q Now, then, on the 11th, when you were there at 2:30 in  
the afternoon -- and that was a Sunday afternoon?

A Yes, sir.

Q (Continuing) -- you did do something about them, didn't you?

A Yes, sir.

Q And you forthwith telephoned to your technician to come out there?

A That's right.

Q On Sunday afternoon?

A That's right, sir.

Q And where did you get her? At her home?

A At her home, yes, sir.

Q And what time did she arrive?

A In the latter part of the afternoon.

Q If you were in no hurry to do anything about it when you noticed them first, why did you order your employee out on a Sunday afternoon? Why didn't you wait until Monday?

A I thought that it was a good time to do it. I was using my own discretion.

Q All right. That was your judgment.

Then when Mary Cowan came to the house on Sunday afternoon, did she bring some equipment with her?

A Yes, sir.

Q And you had told her to bring this equipment, the necessary equipment with her?

A I told her to bring what equipment she thought was necessary.

Q And then did she proceed to remove some of that stain that is shown on the two pictures?

A The various places were pointed out, and from then on she used her own judgment. I would have to look at her records --



Q You pointed out these two stains?

A And the other stains.

Q Well, I'll come to the other stains. But you pointed these two out. Did she remove --

A I can't answer that. You'll have to ask her.

Q You can't answer that?

A No, sir.

Q You were the Coroner there in charge of her, she was your employee?

MR. DANACEAU: We object to that.

THE COURT: The objection will be sustained. He said he left it to her discretion.

THE WITNESS: That's right, sir.

MR. GARMONE: To her own judgment.  
He didn't say discretion.

MR. DANACEAU: What is the difference?  
Judgment or discretion?

MR. MAHON: That is the word  
he used, too.

MR. GARMONE: What did he say,  
Mr. Mahon?

MR. MAHON: Discretion.

MR. GARMONE: Did he say -- will  
you read that portion over and see if he didn't

say, "I left it to her own judgment."

MR. DANACEAU:                      What difference  
does it make whether it is judgment or discretion.

THE COURT:                      He says now that  
he left it to her discretion.

THE WITNESS:                      I did, and  
Mr. Corrigan used the word "judgment", not  
me.

MR. CORRIGAN:                      Well, I am not  
arguing about the whole thing.

MR. MAHON:                      No, but your  
colleague is.

MR. GARMONE:                      I just wanted to  
see what you fellows had to say about the  
matter.

THE COURT:                      Now, then, did  
I understand you to say that you left it to  
Miss Cowan's discretion?

THE WITNESS:                      Yes, sir.

Q                      Do you know what she did?

A                      I have a general idea. She went around and tried to pick  
up bloodstains by absorption, and if necessary, to lift  
them entirely.

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Q Now, was that the first day that Miss Cowan was out to the house?

A Yes, sir.

Q And you say that you pointed out some other blood stains to her?

A I said some other stains.

Q Some other stains?

A Yes, sir.

Q Now, you, of course, made a record of all this?

A She did.

Q But you didn't?

A No, sir.

Q Will you tell me where and in what particular part of the house you pointed out other stains?

A I can't give you a recollection of all of them, but I can give you one in particular, or two in particular.

Q Well, give me the two in particular.

A One was on the inside of the door that led from the living room out to the porch, and that was in several locations. That's where the night latch fits over the metal part on the jamb and on the doorknob, and then there was one stain under -- on the porch that goes immediately into the yard and would be under the bottom of the door. There were some other stains in the kitchen and on the riser, if I remember correctly, and then on the basement stairs, and

then some on the porch itself.

Q All these stains were pointed out to Miss Cowan and she used her discretion about how she would take up material for testing?

A Yes, sir.

Q Now, you did discover, did you not, Doctor, that a number of blood spots in that house were the result of the deposit of animal blood? Did you ever discover that?

2 A No, sir.

Q You did not. Did any of the records in your laboratory that was brought to your attention show you or disclose to you that blood spots in that house were the result of animal blood?

A No, sir.

Q Did the police ever tell you that?

A No, sir.

Q Did the police ever tell you that they had information on that subject and not reveal it to you?

A No, sir.

Q You never knew about them?

A No, sir.

Q Is this the first time you have ever heard about it?

A Yes, sir -- well, I have heard it. There were some rumors about animal blood, but that's all I know about it.

- Q Where did you get the rumors about animal blood?
- A I got a million and one rumors. I can't -- I don't know.
- Q You don't know?
- A No, sir.
- Q But you do know now that you got some rumors about animal blood --
- A Yes.
- Q -- in that house, but you don't know where they came from?
- A I didn't say in that house. I'd say in and about the house.
- Q Now, then, did you examine the dog that belonged to the Sheppards?
- A I never saw the dog.
- Q But you do know that it was a female dog?
- A I don't know anything about it. All I know about the dog is that Doctor -- one of the Sheppards took the dog and locked him up, as far as I am concerned.
- Q Well, you made no discovery about what the dog was, what its sex was?
- A No, sir. I don't know today whether it is a male or female.
- Q Now, then, on July the 18th, that was three days after your meeting in the -- on Sunday, July the 18th, the succeeding Sunday, you made a tour of the house in company with Howard Beaufait of the Cleveland News, did you not?
- A I don't recall that, but if you say it is so, it must be so.
- Q Well, do you remember making the tour of the house with

Howard Beaufait?

A The only time I can remember Mr. Beaufait being in the house -- and I might be wrong on that -- was on the first day.

Q Well, do you recall that later he toured the house with you, or you went with him through the house, and that he wrote a long account of that that appeared in the Monday's News?

A I don't recall it.

Q And did you state on that day that the weapon was a metal rod, a tire iron, a wrench, or a golf club?

A I never indicated at any time what kind of a weapon it was.

Q Did you ever make the statement on that day that it was a tire iron, a wrench or a golf club?

A I certainly did not.

Q Now, then, on July 20th, the next day, you were still working around Bay Village and around the Sheppard home?

A No. July the 20th -- the 19th and 20th and 21st, I spent very little time around the Sheppard home.

Q Well, you did spend time around the Bay View police station or City Hall?

A On the 21st, yes.

Q Well, do you remember the 20th, that you were there in the City Hall, in the evening -- in the afternoon of July the 20th, you were there? Were you there?

A If you are --



Q Well, I am going to see if I can refresh --

MR. MAHON: Wait a minute.

What is his answer?

A I don't remember the exact date, but if you are talking about the day that Dr. Samuel Sheppard came to visit the Mayor --

Q That is the day I am talking about.

A I was there, and when he came in with his brother, I left.

Q You left?

A Yes, sir.

Q You didn't talk to him?

A I did not, sir.

Q And when he left, then you came back into the Mayor's office, didn't you?

A I believe that's right.

Q Now, on July the 30th, do you remember that Sam Sheppard was arrested on July the 30th? Do you remember that?

A I wasn't there. I read about it -- heard about it on the radio.

3 Q But on that day didn't you make the statement that it was an old-fashioned niblick?

A I certainly did not.

Q Did you make any statement about a golf club?

A I certainly did not.

Q Never?

A Never.

Q Never. Do you know of a search that was made for a golf club?

A I know of it.

Q And do you know who made the search for the golf club?

A No, sir.

Q But you know of it. All right.

MR. DANACEAU: What was that?

MR. GARMONE: He says he knows of it.

Q Now, on the 9th day of August you removed the furniture, the two doors from upstairs, the bedroom door, and the -- what was the other door -- closet door?

A Yes, sir. The two doors that were in that room.

Q The two doors, the chair, the rocking chair?

A Yes, sir.

Q The bed and mattress?

A Yes, sir.

Q The couch, living room couch?

A Yes, sir.

Q The pillows?

A Yes, sir.

Q The lamp from the den, the large chair from the den, and the swivel chair?

A That's right, sir.

Q Did you make an examination of them?

A Yes, sir.

Q And do you have the report of your examination?

A I have it.

Q Where is it?

A Up here.

Q Oh. Wasn't it made --

MR. DANACEAU: Let's cut out this  
"Oh" business. We object to counsel's  
exclamations. If he wants to ask questions,  
let him ask them.

THE COURT: Yes. Just ask  
questions.

Q Well, you have it in your head. How long did you hold the  
articles in the County Building?

A It was delivered back to the home September the 9th.

Q Well, you had them a month?

A Yes, sir.

Q Before you removed them from the house -- let me put it this  
way: The removal of that furniture from the house was  
after the arrest of Sam Sheppard, wasn't it?

A Yes, sir.

Q And did you consult with the police or the prosecutor in  
regard to the removing of those articles from the house?

A I was doing it at my own discretion.

Q You were doing it on your own?

At my own discretion.

Well, then, it answers the question. You didn't have any consultation with the prosecutor or anybody else?

I did it at my own discretion under the authority of law.

Well, when you took them to the County Building, the Coroner's office, which includes the morgue, what was the first thing that you examined?

I examined them all. I won't be able to give you any recitation of which individual one. Do you want the results? The results were negative.

Well, what were you examining for? What were you examining these articles for?

To see if we could discover anything at all that was missed on the original examination as they sat in the home.

I want to tell you --

And --

MR. DANACEAU: Just a minute,

please. Let him finish.

(Continuing) -- that when we examined the chair that was in the office, that that chair when I saw it, in the morning of July the 4th, that chair was pushed back from the desk, and with all its rollers in position. When I examined it later at the home, I discovered that the rollers of that chair would easily drop out. When I brought it to the Coroner's office, I had determined that

unless you knew how to move that chair, the rollers would drop out.

Q Well, now, it didn't take you a month to make this examination, did it, Doctor?

A Well, I was doing everything in turn.

Q And no record was made -- and you say that the result of your examination was negative. You didn't find anything that connected those particular articles with the murder other than what we already know? All right.

There was blood on the mattress?

A Yes, sir.

Q Now, you made no notation in your records either as to the removal of the furniture or the return of the furniture?

A Oh, yes, we have.

Q Oh, you have a record of it?

A Oh, sure, we do.

Q You have no notation in your records as to the result of your examination?

A It was negative, except for the --

Q No, I am talking about records, now, Doctor, not what you have in your mind.

A There is no written -- nothing written down, if that is what you mean.

Q That is what I mean, written down.

A Yes, that's right.

Q And if you had died before this trial, we would not have the result of what you did, would we?

A Oh, yes, you would have.

Q It was not written down.

A Oh, but there was other people with me when it was done, so they were there.

Q We would have to get it through other people?

A Well, they were there. They helped.

Q And we would have to depend upon their recollection, and that is the very reason that the law says that you shall keep --

MR. DANACEAU: We object to this showmanship here.

THE COURT: Yes. Objection sustained. The jury will disregard that statement entirely.

Q Now, on the 21st day of July, which was a Wednesday, you say you didn't read the editorial in the Cleveland Press that day calling upon you to call an inquest?

A That's right, sir.

Q But you did arrange for an inquest on the evening of the 21st day of July?

A I made the final arrangements.

Q When had you had an inquest before in a murder case in this County?



A Well, I had four or five. I'd have to --

Q When, prior to the Marilyn Sheppard case, did you hold an inquest in this County in a murder case?

A Well, the one that I remember -- I didn't say this was a murder case. This was a violent death.

Q What's that?

A This was a violent death. I didn't say anything about a murder.

Q No. I am talking about a murder.

A Well, I am talking about what I did, not what you are saying.

Q My question was: When did you hold an inquest in a murder case?

A This wasn't a murder case when I held an inquest.

Q This was not a murder case?

A Not when I held the inquest.

MR. MAHON:

The other inquest

that he had.

A This was a violent death. I don't know whether it is murder yet.

Q You don't know whether this is murder yet?

A Yes.

Q What?

A That's right. That is not for me to decide.

Q Well, ---

MR. DANACEAU:

We object to this

"Well" business.

Q Well, at least it is a homicide case, isn't it?

A Yes, sir.

Q What?

A Yes, sir.

Q It is the death of a human being through violence?

A Yes, sir.

Q That is certain, isn't it?

A Yes, sir.

Q And when did you hold an inquest in the case of a death by homicide in this County before the Marilyn Sheppard case?

A Well, I held one in regard to Mr. Dolezal, who died as a result of hanging in the County Jail.

Q How many years ago?

A I'll have to look that up. I can't give it to you.

I held an inquiry in the death of Mrs. Wiesenbergl,  
Dorothy.

Q Did you hold an inquest?

A Inquiry, I said.

Q No. I mean an inquest.

A I didn't hold any inquest.

Q What was this that we were attending to on July the 22nd?

What was it?

A An inquiry.

Q An inquiry?

A Yes, sir.

Q Have you got your copy of the record taken at Bay View Village?

A I don't have it with me.

Q Will you send for it and get it?

A I'd just as soon you'd read the first part of it.

Q No, but will you send for it and get it?

A They have a copy of it here.

Q All right, if you want to use their copy. I would prefer you use your own.

MR. CORRIGAN: Will you give

Doctor --

(Transcript handed to the witness.)

Q Now, you have just stated to the jury that you weren't holding an inquest, you were holding an inquiry. I will call your attention to page 3. "9 o'clock a.m., Thursday, July 22, 1954, by Dr. Samuel Gerber:

"At this time, under the authority invested in me by the statutes of the State of Ohio, I am opening an inquest into the death of Marilyn Sheppard."

Right?

A That's right, sir.

Q Did I read it correctly?

A You did, sir.

Q Now, you went to Bay View Village on Wednesday evening, didn't you?

A Yes, sir.

Q And who did you meet in Bay View Village?

A I met with Mayor Houk and the Chief of Police.

MR. CORRIGAN: Do you want to have  
a recess now, your Honor? It is quarter to 3.

THE COURT: Ladies and gentlemen  
of the jury, we will have a few minutes' recess  
at this point.

Please do not discuss this case.

)Thereupon a recess was taken.)

Q And you met on Wednesday, July the 21st, at the Bay Village  
Hall with whom?

A Mayor Houk and Chief Eaton.

Q And how long did you spend in conference with them?

A It was a number of hours. The exact number of hours --  
five, six hours.

Q Five minutes?

A Five, six hours.

Q Five or six hours?

A Yes, sir.

Q Discussing the matter of the inquest?

A That was part of the discussion, yes, sir.

Q And what time did you come there to the meeting, or to this meeting?

A It wasn't any meeting. I went out of my own accord.

Q Well, after you got there, there was a meeting?

A Well, it must have been shortly after 12.

Q Midnight?

A No, at noon.

Q Oh, noon, and the discussion was completed, then, about six o'clock in the evening?

A Or before that.

Q 5 o'clock?

A Well, I can't give you exact time. It was between 5 and 6.

THE COURT: Late in the  
afternoon?

THE WITNESS: Late in the afternoon,  
yes, sir.

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Q And Mayor Houk and Chief Eaton were there during all the discussion?

A No, no, because I went out for a while and then Mayor Houk and myself went out and made some telephone calls. It wasn't continuous.

Q But Chief Eaton participated in a very large extent?

A On occasion, yes; he was in and out.

Q And the discussion was what you were going to do the next day?

A That's right.

Q And did you then arrange sometime during that afternoon for the use of the Normandy School?

A Yes, sir.

Q And who did you see about getting the Normandy School?

A Mayor Houk called someone. Then we went over to the Normandy school and saw the superintendent.

Q Did Chief Eaton go with you?

A No, sir.

Q And you arranged for the use of that building commencing on the next morning?

A Yes, sir.

Q You arranged sometime during that meeting with Chief Eaton and with Mayor Houk for the issuance of subpoenas for persons to attend the inquest?

A I had some of the subpoenas already written out when I



arrived there. I had, I believe it's the Mayor's secretary make out the rest. I arranged then for Chief Eaton to have one of his men serve them.

Q To have one of his men serve them?

A Yes, sir.

Q And were they served that evening?

A Well, they must have been served because the people were there the next morning.

Q Did you ever hear what Chief Eaton told about that meeting?

A No, sir.

Q In this court room?

A No, sir.

Q The other day?

A No, sir.

Q Do you know that he testified, when he testified, that, "I don't recall" --

MR. MAHON: Wait a minute.

Wait a minute. I want to object to him reading what Chief Eaton testified to.

MR. CORRIGAN: I am asking him if he knows it.

MR. MAHON: How would he know if he wasn't here?

MR. CORRIGAN: Maybe he heard about it.

MR. MAHON: I object to what  
he heard about it.

MR. CORRIGAN: Read it in the  
paper, maybe.

THE COURT: The objection  
will be sustained. You may ask him what he  
knows.

Q Do you know that Chief Eaton testified that he didn't  
know anything about the subpoenas --

MR. MAHON: I object to  
this, if your Honor please.

THE COURT: Yes. The objection  
will be sustained.

MR. CORRIGAN: I shall put it in  
the record.

Q Well, let me put this question: If Chief Eaton testified  
to this jury in this court room that he had no knowledge  
of these subpoenas, would he be wrong?

MR. MAHON: Objection.

THE COURT: Objection?

MR. MAHON: Yes, sir.

THE COURT: It will be sus-  
tained.

MR. CORRIGAN: Except.

(Thereupon the following proceedings were

had outside the hearing of the jury:)

MR. CORRIGAN: I would ask him if he knew that Chief Eaton testified: "I don't recall who served the subpoena on me, but that had nothing to do with any meeting that happened on Wednesday."

Page 1289: "Who served the subpoena on you?"

"Somebody from the Sheriff's office. I don't recall who it was."

I would ask the Coroner if he was familiar with what Chief Eaton had stated in this court room on that particular subject. I would ask him if he knew that Chief Eaton had stated in answer to my question as to whether there was any discussion before the inquest was held with him, and that Chief Eaton had answered "No."

(Thereupon, the following proceedings were had within the hearing of the jury:)

Q Now, the cause of death, of course, had been determined on July 4th?

A Yes, sir.

Q And you had received statements from various witnesses, they had been transferred to you?

A Yes, sir.

Q Now, were there any persons called as witnesses in that inquest hearing whose statements you had not been informed about?

A Yes, sir.

Q Who?

A Practically every one that I called.

Q Well, let us see. You notified the Chief of Police of the City of Cleveland to be there, didn't you?

A Be where?

Q To be at the inquest.

A No, sir, I did not.

Q Well, he was there.

A Well, that's different.

Q Detective McArthur was there?

A He was there. I didn't notify him to be there, though.

Q Detective Rossbach and Yettra were there?

A Yes, sir.

Q And a great crowd of reporters and photographers?

A There were a number of reporters and photographers, yes, sir.

Q In fact, you had set up in a room a table stretching across the room for the accommodation of reporters and photographers and radio and television men?

A I didn't have that set up, sir.

Q Well, it was set up?

A I think that the reporters and the photographers, the radio and the television men must have set it up for themselves. They had my permission.

Q Of course, you had never conducted an inquest in any public building before, had you?

A No, sir.

Q In your entire long service as a Coroner of this county?

A When you mean public building, what do you mean, sir?

Q I mean a public building.

A Well, the Court House is a public building. I conducted one here.

Q What?

A I conducted one here, and that's a public building.

Q Well, when was that conducted?

A That was in the Weisenberg murder.

Q That was about how many years ago?

A Oh, it's about 10 years.

THE COURT: Eight or ten years?

THE WITNESS: Eight or ten years,

yes.

Q That was the murder of a man named Nathan Weisenberg?

A Yes, sir.

Q Who was mixed up in slot machines?

A Well, he had something to do with slot machines. I don't know how much he was mixed up in it.

Q The murder was never solved, you know that, don't you?

A I am aware of that, yes, sir.

Q Yes. That was conducted 10 years ago in this Court House?

A Yes, sir.

Q In what room?

A Well, I wouldn't know what room, but it was in one of these rooms.

Q A room similar to this?

A Yes, sir.

Q And no larger than this?

A What is that?

Q No larger than this?

A Well, if this is the regular size, yes, sir.

Q Well, what other inquest have you conducted and where have you conducted it?

A There was a traffic death involving the operator of the Cleveland Transit.

Q Do you remember who it was?

A No, sir.

Q When was it?

A A number of years back. I would have to look it up.

Q A great many years back?

A Yes.

Q And where was the inquest conducted?

A In the Coroner's office.



Q On Lakeside?

A Yes, sir. There were several others.

Q At that time the Coroner's office that was on Lakeside was a small building and it would have no assembly room in it?

A It did have an assembly room, yes, sir.

Q And how large was the assembly room?

A Before we cut it up, it was almost this size.

Q Almost this size?

A Yes, sir.

Q But you have out on Adelbert Road a good sized assembly room?

A Yes, sir.

Q Now, you chose on that Wednesday afternoon to have this inquest in the gymnasium of Normandy School in Bay Village?

A Pardon?

Q You decided on Wednesday afternoon to have this inquest in the gymnasium of Normandy School in Bay Village, is that correct?

A It's a gymnasium and auditorium.

Q Gymnasium --

A Gymnasium and auditorium combined.

Q And auditorium combined. And it is a room that seats about 500 people?

A I don't agree with that figure.

Q Well, you give me your figure?

A My figure would be about 200.

Q And when were the chairs set up for the audience to assemble and what arrangements were made about that?

A I asked the superintendent to set up about 75 chairs.

Q You knew at that time that there was quite a bit of agitation in Bay View Village about the murder of Marilyn Sheppard, didn't you?

A Yes, sir.

Q And was it your desire to satisfy the curiosity of people that you held it out in Bay View Village?

A I don't think your word "curiosity" is the right word. It was my desire to satisfy the people. They had a right to know.

Q Well, of course, they have a right to know but they could have known as much about the inquest if you held it in your regular quarters as holding it out in Bay View Village?

A I don't think so.

Q Well, it was all printed in the paper; you know that, don't you?

A Yes.

Q And the people in Euclid Village and Cleveland Heights and the City of Cleveland were also interested in the fact that a murder -- a young woman had been slain in her bed?

A They have a right to know, also.

Q So that you considered that it would be a good thing to have an audience?

A That was my conclusion, sir, yes, sir.

Q And the audience was quite hostile to Dr. Sheppard and his family, weren't they?

MR. DANACEAU: Objection.

THE COURT: Objection sustained.

MR. CORRIGAN: Except.

Q The audience that attended that hearing exhibited some feeling, did they not?

MR. DANACEAU: Objection.

MR. MAHON: Objection.

THE COURT: Objection sustained.

MR. CORRIGAN: Except.

Q Now, my question is: Who did you call to that inquest for information that you did not already know about?

A The purpose of me calling the inquest was to get more information from some of the people that I already had information from.

Q No. Who did you call -- my question was: Who did you call at that inquest that you did not already have information about what their testimony was?

A I didn't know what their testimony would be. I had information from them.

Q You had information from them?

A Yes, but I didn't know what their testimony would be.

Q You had --

A The information they gave was not under oath.

Q You had a great many statements?

A Yes, sir.

Q What?

A Not taken under oath.

Q I see. Well, rarely do you go to the extent of taking testimony under oath, I think you stated that?

A I certainly don't like to do it, sir.

Q All right. Now, then, you called as a witness there Fred Drenkhan?

A Yes, sir.

Q The man who had accompanied you on many occasions through the Sheppard home?

A Yes, sir.

Q And who worked under your direction?

A He wasn't continuously under my direction. He did some things that I requested.

Q Well, he assisted you in the investigation?

A Yes, sir, he assisted.

Q On a great many occasions?

A Yes, sir.

Q You called Chief Eaton?

A Yes, sir.

Q You knew all he knew about the case, didn't you?

A I didn't know whether I did or not, sir.

Q What?

A I didn't know whether I did or not.

Q He was the man you were meeting with and setting it up with.

Now, you called Mr. Houk?

A Yes, sir.

Q Larry Houk?

A Yes, sir.

Q And Mrs. Houk?

A Yes, sir.

Q And Don Ahern?

A Yes, sir.

Q And Mrs. Ahern?

A Yes, sir.

Q All of whom had made statements about this case?

A None of them made statements to me.

Q Well, they were statements that were available to you?

A That's right, sir. No statement taken under oath.

Q You called Mr. Callahan, who was the fireman?

A Yes, sir.

Q Mr. Sommer?

A Yes, sir.

Q And their statements were available?

A The same answer, yes, sir.

Q And you called Dr. Hexter?

A Yes, sir.

Q And Dr. Hexter was the doctor that examined Sam on the afternoon of July 4th?

A Yes, sir.

Q And before he examined Sam, you authorized him to go there, did you not?

A The Chief of Police authorized him to go.

Q Well, didn't he call you up?

A Dr. Hexter?

Q Yes.

A He talked to the Chief of Police. I talked to him.

Q That is what I mean, you talked with him before he went there?

A He went at the request of the Mayor and the Chief of Police.

Q No. That isn't my question. You talked with him before --

A Yes, sir, I think I did, yes, sir.

Q All right. And after he made his examination, he made a written report to you, didn't he?

A Yes, sir.

Q And you received that when?

A Around five o'clock Sunday afternoon.

Q And you talked to him after you received the written report?

A Yes, sir.



Q And you took him and you put him under oath?

A Yes, sir.

Q Why was that? Didn't you trust his report?

MR. MAHON: Object to that,  
if your Honor please.

MR. DANACEAU: Objection.

THE COURT: Yes. Objection  
sustained.

Q Well, it wasn't necessary to put him under oath to get  
the information from Dr. Hexter?

MR. MAHON: Objection to  
that.

THE COURT: Objection sustained.

MR. CORRIGAN: Except.

Q Then you called the Sheppard family, didn't you?

A Yes, sir.

Q And you called the father of Dr. Sheppard?

A Yes, sir.

Q And the mother of Dr. Sheppard? And you put her under oath,  
didn't you?

A Yes, sir.

Q And you called Richard Sheppard, Dr. Richard Sheppard?

A Yes, sir.

Q And Dr. Stephen Sheppard?

A Yes, sir.

Q And Mrs. Richard Sheppard?

A Yes, sir.

Q And Mrs. Stephen Sheppard?

A Yes, sir.

Q And you put them all under oath?

A Yes, sir.

Q And when did you serve the subpoenas on the Sheppard family?

MR. DANACEAU: We object to that.

He didn't serve them personally, he said.

THE COURT: Objection sustained.

I am not sure, Mr. Corrigan, that this detail helps us one iota in this case. It is totally foreign to what we are trying --

MR. CORRIGAN: Will the Court exhibit some patience and wait?

MR. MAHON: Patience? All there has been here is patience.

MR. CORRIGAN: All right.

Q Now, you called Dr. Sam Sheppard?

A Yes, sir.

Q And he testified?

A Yes, sir.

Q And all the questions that were addressed to any of those witnesses were addressed by you?

A Yes, sir.

Q And you were assisted by Mr. Danaceau?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q And the testimony that was taken covered 578 pages?

A I don't know. If that's what you say.

Q Will you take the record and look at it, Doctor?

THE COURT: There is no  
dispute about that, is there?

MR. DANACEAU: That includes  
some other testimony that was later taken,  
Mr. Corrigan, hospital X-ray matters.

MR. CORRIGAN: 561 pages.

Q No question that you asked in that whole examination was  
objected to by anyone, was it?

MR. DANACEAU: Objection to this.

THE COURT: Objection sustained.

MR. CORRIGAN: They went into this  
inquest, your Honor. Now am I not permitted to  
go into it?

MR. MAHON: In the first place,  
you had no right to enter any objection out there.

MR. CORRIGAN: All right. It's  
agreed that I had no right to enter any objection.

MR. MAHON: That's right.

MR. PARRINO: Why did you do it,  
then?

MR. CORRIGAN: And I entered no  
objection.

MR. MAHON: You made a lot  
of trouble there.

THE COURT: There was a  
Coroner's inquiry or inquest, call it what you  
will, based upon his authority under the law,  
he conducting it. That is what that hearing  
was.

Q Now, I would like you to get your record, Doctor, and have  
it in your hand while I ask you the next question.

MR. DANACEAU: What record?

MR. GARMONE: The inquest record.

MR. CORRIGAN: The inquest record.

MR. DANACEAU: This is our copy,  
which is the same.

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mg

Q

Now, will you turn to the testimony of Dr. Sam Sheppard and tell me what page his testimony begins on and where it ends?

A

It begins on page 189 and ends at 351.

Q

189, ends at 351?

A

Yes, 351, yes.

Q

Now, will you turn to pages 188 to 204 and state whether it is not a fact that your inquiry on those particular pages relate to his earlier education, his marriage, and detailed examination of about the birth of his first child?

MR. DANACEAU:

Mr. Corrigan, did

you say 188?

MR. CORRIGAN:

188 to 204.

MR. DANACEAU:

Well, 188, I think,

relates to somebody else's --

MR. CORRIGAN:

Will you let the

doctor answer, Mr. Danaceau?

MR. DANACEAU:

All right. It relates to somebody else's testimony. I tried to correct you, that's all.

MR. CORRIGAN:

It starts at 189.

MR. MAHON:

You said 188.

MR. DANACEAU:

You said 188 and

I tried to correct you, sir.

MR. CORRIGAN:

Thank you.

Q 189 to 204.

A Now, what is the question, sir?

Q Did you in those pages examine him minutely as to the birth of his first child in California, how it occurred, who the doctor was, if his wife had any trouble, and so forth?

A The question about the birth of the child -- from 200 -- at the middle or below the middle on page 200 and extends through page 203.

Q 202?

MR. DANACEAU:

203, he said.

Q And that examination by you had to do with the birth of this first child seven years ago in California?

A That examination had to do with the birth of the child and in reference to the blood type.

Q Now, but answer my question, Doctor. It had to do with the birth of this child seven years ago?

A Yes, sir.

Q In California?

A Yes, sir.

Q Now, then, will you turn to pages 205 to 207?

A Yes, sir, I have them.

Q And particularly will you turn to the bottom of 206 and look at page 207 and 208 and 209?

A I have them here.



Q And in that particular part of the examination, is it not a fact that you were asking him about whether or not there had been a projected divorce between him and his wife?

A Yes, sir.

Q You are divorced, aren't you?

A Yes, sir.

MR. MAHON: I object to that.

MR. DANACEAU: I object. That is a rather nasty reference by counsel.

MR. CORRIGAN: That isn't a nasty reference.

MR. DANACEAU: That is an awfully nasty thing to ask at this stage of the proceedings or at any time.

THE COURT: He asked it directly and it was answered.

MR. DANACEAU : But his wife hasn't been killed.

THE COURT: In the confusion, I am confused about what you are troubled about now. He answered the question "Yes."

MR. CORRIGAN: That's all I want.

Q You were asking this man on that occasion about whether or not he and his wife had contemplated a divorce, weren't you?

A My wife hadn't been murdered.

MR. MAHON: I object to that, if your Honor please. Certainly there is no like situation between Dr. Gerber's troubles, whatever they might have been, and the troubles that this defendant is in at that time.

MR. CORRIGAN: Well, he didn't kill his wife, did he?

MR. MAHON: Gerber didn't kill his wife, but Mrs. Sheppard is dead.

MR. CORRIGAN: Yes, what's divorce got to do with it?

MR. MAHON: He is charged with it.

MR. CORRIGAN: There are 12,000 divorces in this County --

THE COURT: Let's not go into these details. They don't help us in determining anything that we have to determine in this case.

Q Now, turning to 210 and 211, your questions there are about a party that happened in 1952, are they not?

A Yes, sir.

Q And turning to pages 211 to 235 and 234 to 241, your questions there relate to a trip to California in March, to his relations with Susan Hayes, and what occurred in California? Will you kindly examine it?

A I will take your word for it.

MR. DANACEAU: I think he can  
answer the question without examining it, sir.

A I will take your word for it.

Q Yes, all right. Now, then, on page 268 to 265, your  
questions there are about dreams and nightmares?

A Yes, sir.

Q And your questions on 268 and 270 relate to his description  
of the room in which Marilyn was murdered?

2 A Yes, sir.

Q Of course, you knew the description very well, didn't you?

MR. DANACEAU: Well, now, we  
object to that kind of a remark.

THE COURT: The jury will dis-  
regard that entirely.

MR. CORRIGAN: It isn't a remark,  
it is a question.

MR. DANACEAU: Well, certainly it is  
a question, but it is an improper question.

THE COURT: Let's have questions  
and answers.

MR. CORRIGAN: Why don't you make an  
objection and have it ruled on by the Court?

MR. DANACEAU: I did make an objection  
and you made some comments, sir.

THE COURT: The jury will disregard

that entirely, please.

Q And on 271 and 272 you were inquiring about an accident that he had a year before, is that correct?

A That's right, sir.

Q And on page 275, you went into an examination as to his childhood diseases, and whether he had ever had mononucleosis, infectious mononucleosis?

A Yes, sir.

Q And the infectious mononucleosis is an infection of the blood stream that affects the male glands of reproduction, isn't it?

A No.

Q What were you asking him the question for about, whether this man had infectious mononucleosis?

A He stated above that he thought he had malaria, and he stated above that he had chills and fevers, that's all, and because of that the condition there -- he also said he had a headache, and I was merely trying to help him out. Maybe this condition that he had up there was infectious mononucleosis instead of malaria.

Q Do you know as a doctor whether or not infectious mononucleosis affects the male glands of reproduction?

A In fact, very few males have -- it doesn't affect it. Very few males have it. It is mostly women that have infectious mononucleosis.

Q Is it something that infects the organs of reproduction?

A No, it doesn't, sir.

Q All right. On page 277 and 80, you went into considerable detail about the purchase of a hunting knife at the May Company by Dr. Sheppard?

A That's right, sir.

Q And he testified before you then that he had no knowledge of the purchase of a hunting knife at the May Company?

A That's right, sir.

Q I suppose you had some reason for asking those questions.

MR. MAHON: Objection.

THE COURT: The jury will disregard that statement, please.

MR. CORRIGAN: It isn't a statement, your Honor. That is a question.

THE COURT: Oh, no. You said he had a reason for asking that question.

MR. CORRIGAN: The question was: I suppose you had some reason for asking those questions?

THE COURT: That is still a statement, Mr. Corrigan.

Q Didn't you?

MR. MAHON: Objection.

THE COURT: The jury will disregard it.

Q Didn't you?

MR. MAHON:

Objection.

MR. CORRIGAN:

Now you can rule on  
my question.

THE COURT:

The objection will  
be sustained.

Q You devoted time on page 293 in regard to his swimming, his  
skiing and his boxing ability?

4 A That's right, sir.

Q And on 345 to 351, or 305 to 309, you discuss the ownership  
of the dog Koko?

A Yes, sir.

Q You said you never saw it, and you don't know anything  
about it now?

A I never saw the dog.

Q Now, then, on page 345 to 351, they were devoted to an  
examination of him in regard to the injuries that he had  
received and his stay in the Bay View Hospital?

A That's right, sir.

Q And when he appeared before you, he was still wearing the  
orthopedic collar?

THE COURT: You mean at the  
inquiry?

MR. CORRIGAN:

At the inquiry, yes.

A He was wearing it on occasion. I think he had it off most



of the time, at least half of the time, anyway.

Q Now, the questions that you asked him in regard to the affair, the murder of his wife, appear, and questions that relate directly to the 3rd and 4th of July and his activities on those days, are found on pages 236 -- will you look at it, Doctor?

A Go ahead, sir.

Q 264 to 281.

A What about it?

Q They are about July 3rd and 4th. The questions that appear on those pages are in the main about July the 3rd and 4th?

A Yes, sir.

Q Pages 294 to 304, the questions that appear on those pages relate to his activities on July the 3rd and 4th?

A Yes, sir.

Q Pages 310 to 333 relate to his activities on July the 3rd and 4th?

A Yes, sir.

Q And pages 342 to 344 relate to his activities on July the 4th?

A Yes, sir.

Q And in all the pages in the record between 189 to 351, there are 76 pages devoted to the examination of Dr. Sheppard on the particular activities that he engaged in on the 3rd and 4th of July? I don't expect you to answer

that question or to agree with me until you have counted the pages. My count is 76.

MR. DANACEAU: Well, of course,  
he can't answer it at this time.

Q Yes. You can't answer it at this time. Will you check it, Doctor?

A I will take your word for it.

Q You will take my word for it. All right.

Now, will you turn to page 380 -- 388 -- just a moment. That is the wrong page, Doctor.

Page 388 at the bottom of the page, and will you check, Doctor, that that refers to the testimony of Dr. Stephen Sheppard, the questions asked of Dr. Stephen Sheppard at this inquest before this assembly in Bay Village, is that correct, Doctor? It refers to an examination of Stephen Sheppard. Will you look on page 358, you will find the beginning of the examination.

A Yes, sir, that's right, sir.

Q And you addressed this question --

MR. DANACEAU: Just a moment.

We object to anything read from here, questions about anybody other than Dr. Sam Sheppard.

Q You addressed --

MR. CORRIGAN: What is your ruling on

that?

MR. DANACEAU: We object to that.

THE COURT: Objection will be sustained.

MR. GARMONE: He hasn't put a question to the witness yet.

MR. DANACEAU: You have indicated what the question is.

THE COURT: Let's not go into something that, on its face, is not admissible, gentlemen.

MR. CORRIGAN: I haven't put a question, and I certainly have a right to put this question.

THE COURT: Put your question, please.

Q "Q. Do you know of any condition or happening that could have happened to Dr. Sam that would cause him to be sterile?"

MR. DANACEAU: Object.

THE COURT: Objection sustained. The jury will disregard that entirely.

MR. CORRIGAN: Exception, and if the witness were permitted to answer -- I better put it another way.

Q

Was that question asked by you, and did you -- did Dr. Stephen Sheppard give this answer --

MR. DANACEAU:                      Objection.

THE COURT:                          Sustained. Let's  
not go into that.

MR. CORRIGAN:                      If I was permitted  
to complete the question --

MR. DANACEAU:                      Well, now, it is  
his obvious purpose to get this question in,  
even though it is not proper, and I ask --

THE COURT:                          The Court does not  
want to hear it, Mr. Corrigan.

MR. CORRIGAN:                      You won't hear it.

THE COURT:                          No, sir.

MR. CORRIGAN:                      You won't hear it, but  
I will put it in the record.

THE COURT:                          Oh, yes, you may  
put it in the record, certainly.

MR. CORRIGAN:                      If the witness --

MR. MAHON:                          Wait a minute. I  
object to putting it in the record in the presence  
of the jury.

MR. CORRIGAN:                      Will they let me alone?

THE COURT:                          Oh, but you are not to

ask that question, Mr. Corrigan.

MR. CORRIGAN: I haven't asked the question. Will you let me alone and let me make my record?

THE COURT: No, I will not permit you to ask that question that you are now going to ask because it is perfectly plain what it is, and the objection to the basis of it has been sustained.

MR. CORRIGAN: You have already ruled on that, your Honor.

THE COURT: Sure.

MR. CORRIGAN: I am very conscious of it, and I say that -- now, listen to me --

THE COURT: Wait a minute, Mr. Corrigan. May I ask you this question?

MR. CORRIGAN: Am I going to say it out loud? No.

THE COURT: All right.

MR. DANACEAU: Well, then, don't say it out loud.

MR. CORRIGAN: No, I am not going to say it out loud.

MR. MAHON: That is what you started to do.

MR. CORRIGAN:                    You people are  
assuming that I don't know how to put a matter  
into the record.

MR. MAHON:                    I know what you are  
trying to do. You are not fooling us at all.

THE COURT:                    Let's have it quiet,  
please. I think we have a right to assume,  
Mr. Corrigan, that you are going to read --

MR. CORRIGAN:                   Put it in properly.

THE COURT:                    Well, all right.

(Thereupon the following was dictated to  
the record by Mr. Corrigan, out of the hearing  
of the jury:

Mr. Corrigan: If the witness were  
permitted to answer, he would say, "No, I  
do not. I do have some information with  
regard to Marilyn, but she had sought my help  
medically, and I don't feel that I am free  
to discuss that at this time.")

Q                    Was this question asked of you --

(Thereupon a conference was had at the  
bench between Court and counsel, out of the hearing  
of the jury, after which the following was  
dictated into the record by Mr. Corrigan, out  
of the hearing of the jury:



Mr. Corrigan:                      The Court sustained the objection to the State that those questions could not be asked and the answers given as appears in this record, and if I were permitted to proceed -- and the Court has said that I cannot proceed in this interrogation, I would have addressed the following questions:

"Did you ask these questions of Dr. Stephen Sheppard and did he give these answers, Dr. Gerber, page 389:

"Q. About herself?

"A. Yes.

"Q. I wouldn't ask you that.

"A. Well, you asked me about Sam.

"Q. Yes.

"A. But he wasn't a patient.

"Q. He was not a patient?

"A. Not at that time.

"Q. He is a patient of yours now, since the time he is under investigation?

"A. Well, I understood you to ask me if I know anything in the background with regard to this other stuff.

"Q. Yes. There is not anything that you

know of that you have heard or anything from your knowledge?

"A. Which would produce him sterile?

"Q. Yes.

"A. No."

These questions and answers are taken from the inquest that was conducted by Dr. Gerber on July the 4th, 1954.)

(Thereupon proceedings were resumed within the hearing of the jury, as follows):

By Mr. Corrigan:

Q Doctor, in all the questions that you addressed to him, to Dr. Sam Sheppard, he gave you an answer of one kind or another?

THE COURT: Are you referring to this inquiry now?

MR. CORRIGAN: Yes.

A He gave me an answer.

Q Yes.

A Of one kind or another. On occasion he did not give me an answer.

Q There was some confusion during his testimony, wasn't there?

A There wasn't any confusion during Dr. Samuel Sheppard's testimony.

Q Well, will you look at page -- well, there was flashlights went off, wasn't there?

A There was not flashlights going off.

Q Wasn't there bulbs exploded in the room?

A There was not. There was a bulb exploded accidentally, but there was no pictures taken.

Q Will you look at page 328?

A I have it, sir.

Q And doesn't it say in the record on page 328 flash bulbs went off and the Coroner cautioned the photographers not to use flash bulbs?

A I was there, and there was one bulb went off.

Q Isn't that in the record?

A That is in the record. Just one bulb went off.

Q But I say, that is in the record?

A "Bulbs," yes. The word "bulbs" is in the record.

Q That "Flash bulbs went off and the Coroner cautioned the photographers not to use flash bulbs"?

A You were there and I was there. You know it was one bulb.

Q I am just asking you what is in the record.

THE COURT: He admits it is in  
the record, yes.

Q That is all I want, just his plain, unvarnished answer to my question.

On page 342, Sam Sheppard is testifying, as shown by

the record there?

A Yes, sir.

Q And you then say -- you are quoted as follows:

"I want to instruct the photographers to take no pictures while the proceedings are going on," and the witness stated there, that is, Sam Sheppard, "As long as there is no flash," is that correct?

A "So long as there is no flash."

Q "So long as there is no flash."

Now, turn to page 248. The inquest was resumed at 9 a.m. on July the 23rd, 1954, and did you not state --

MR. DANACEAU: What page?

MR. CORRIGAN: 349.

Q "Now, I want to caution the members of the press, the photographers and the reporters and members of any other news agencies, regardless of what it may be" -- turn to the next page --

A You have the wrong page.

MR. MAHON: It is the wrong page.

It is not on 349.

MR. CORRIGAN: 249.

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THE WITNESS:

Go ahead, sir.

Q

"Now, I want to caution the members of the press, the photographers and reporters and members of any other news agency, regardless of what it may be, that the same rules as I set down yesterday will obtain. I want to caution the audience to be as respectful and nice as they were yesterday."

A

"And nice as they were yesterday."

MR. GARMONE:

That is what he

said.

Q

"And nice as they were yesterday."

Now, in testifying before this jury on -- what day did you start to testify? This is Thursday -- on Tuesday, in answer to a question by Mr. Danaceau, you stated at this inquest hearing, that Sam Sheppard couldn't tell what the form was, couldn't tell whether it was a human being, couldn't tell whether it was a man or woman, he could not ascertain whether or not he could see any hair, he could not ascertain whether this person was wearing a hat or any clothes whatsoever.

Do you remember so testifying?

A

Yes, sir.

Q

Now, will you turn to Page 246 of the record, and does it not appear upon that page in the testimony of Samuel Sheppard, when he appeared before you at the inquest,

"I saw a form of a -- as I think of it now -- I thought -- I can't quite decide in my mind what brings me to this feeling, of a big man. Whether it was because he struck me down so easily, but it seems to me it was a form that was relatively large."

MR. DANACEAU: Just a moment.

You left out a sentence there, sir.

MR. CORRIGAN: Well, bring it over to me.

MR. GARMONE: Where is that?

MR. DANACEAU: Right here.

"Or whether I can definitely visualize a large form."

MR. GARMONE: All right.

MR. CORRIGAN: Page 246, bring it to me.

MR. PETERSILGE: All right.

Q Reading from Page 246 of Dr. Sheppard's testimony --

THE COURT: Is it agreeable that the reporter delete what you read before, and read it again all in one?

MR. CORRIGAN: I will go over it again, your Honor.

THE COURT: All right.

Q "I ran down those stairs from the landing down to the beach



and at that time I thought I could see a form of a, as I think of it now -- I thought -- I can't quite decide in my mind what brings me to this feeling, of a big man, whether it is because he struck me down so easily or whether I can definitely visualize a large form, but it seems to me that it was a form that was relatively large, large head, good size head."

That appears in the record, does it not, Doctor?

A Yes, sir.

Q Now, will you turn to Page 309, and I am reading from the testimony of Dr. Sheppard as appears in the record on Page 309:

"Question," by you, Dr. Gerber, at the bottom of the page:

"You heard this person or individual downstairs and you saw this form. Now what happened?

"A Then I went after the individual.

"Q What was the description? What was this form that you saw? What did it look like?

"A Well, again as I told you, I thought it was a he" --

MR. DANACEAU:

No. You skipped

two words.

MR. GARMONE:

"As I told you, as

he."

Q "Well, again as I told you, as he, I thought it was a he,  
I say he because I gather it to be a he."

A That's not right.

MR. DANACEAU: "I gather it  
was a he."

Q "I say he because I gather it was a he."

MR. DANACEAU: Continue. You  
haven't finished the sentence.

MR. GARMONE: No, he hasn't.

MR. CORRIGAN: Are you addressing  
something to me now?

MR. DANACEAU: I thought you had  
stopped, sir.

MR. CORRIGAN: No.

Q (Continuing) -- "went down the steps from the landing at  
the beach house on the beach." That is the end of the  
answer.

"Q Was he walking or running?

"A I felt he was running."

MR. GARMONE: "that he was  
running."

MR. DANACEAU: "I felt that he  
was running," is the sentence.

Q "that he was running," yes.

MR. DANACEAU: Yes, with emphasis.

Q Wednesday you testified before this jury that he said he couldn't tell whether it was a human being.

Now, will you turn to Page 310:

"Q Why would you say that this person was running, what did you see, what did you base it on that this person was running?

"A Well, the individual was moving fairly rapidly from what I could see.

"Q In what direction?

"A Down the steps to the beach.

"Q Was this form dressed? What kind of attire did it have on?

"I tried to answer that a couple of times and you have interrupted me.

"Q Well, I am sorry.

"A As we got down -- as I approached the beach I felt that this form was, again and again I wish to say it may be because I was readily easily knocked down by him, but I felt that he was fairly large and had on dark clothing, from the back."

Is that correct?

A That's right, sir.

Q And on Tuesday you testified to this jury that he said to you that he couldn't ascertain whether this person was wearing a hat or any clothes whatsoever?

MR. DANACEAU: Will you continue to read on that same page, sir? In view of the remark of counsel, I insist that he continue to read on the same page where those specific questions were asked and those answers were given, about the hat and the trousers.

It is the next question, the very next question.

THE COURT: All right. If Mr. Corrigan doesn't want to do it, you hold it in abeyance until you get on redirect.

MR. DANACEAU: I wouldn't have asked had he not just made this remark. Having made the remark, I think we are entitled to have those questions and answers immediately, the very next questions.

THE COURT: All right. Let's have it, Mr. Corrigan. I think in fairness we ought to have it.

MR. CORRIGAN: You can take the witness after I get through.

MR. DANACEAU: You made the remark, and I am asking the Court for permission to have those questions and answers read on that entire page, sir.

MR. CORRIGAN: I shall address my questions the way I determine they should be addressed.

MR. DANACEAU: Dr. Gerber, will you continue to read those questions and answers, as the Court has instructed you, sir?

MR. CORRIGAN: Wait a minute, now. I am asking the questions.

MR. DANACEAU: The Court has instructed him too.

MR. CORRIGAN: What? Am I directed how I should ask questions?

THE COURT: Mr. Corrigan, you made a statement that perhaps conveys a very false impression.

MR. CORRIGAN: I didn't. I conveyed a correct impression.

MR. MAHON: A false one.

MR. CORRIGAN: No, I intend to show that this man testified falsely.

MR. MAHON: Read the next question, and you will see that he didn't.

MR. PARRINO: Well, we will see whose statement is false.

THE COURT: After that statement,

the jury will disregard that statement, but it having been made, the Court will insist that these questions and answers be given.

MR. DANACEAU: Proceed, Doctor.

MR. CORRIGAN: I except to that method of compelling me to ask questions.

THE COURT: I know, but the Court will undertake to permit those at this moment.

MR. CORRIGAN: All right.

MR. GARMONE: We except to all the Court's remarks regarding this controversy that just finished.

THE COURT: All right. The record may show the objection.

THE WITNESS: "Did he have trousers on?

"A I cannot specifically say what he had on.

"Q Did he have a coat on?

"A I don't know what he had on. He could have had on most anything.

"Q Did he have a hat on?

"A I cannot say specifically. Not that I know of.



"Q Did he have shoes on?

"A I don't know.

"Q Did he have a jacket or anything on?

"A I don't know.

"Q Did he have anything in his hands?

"A I can't say.

"Q What is the condition of the light at this time? Was it light or dark?

"A It was not completely pitch black. From somewhere there was some light.

"Q Could you see the stairs leading down to the lake?

"A Barely.

"Q Could you see the white guard rails leading alongside the stairs?

"A I can't specifically say that I did see them."

Q But he did say in answer to your question that "As we got down"-- on Page 310 -- "as I approached the beach I felt that this form, was, again and again I wish to say it may be because I was readily easily knocked down by him, but I felt that he was fairly large and had on dark clothing, from the back."

That's correct, is it not, Doctor, as I stated it?

A That's the correct answer.

Q Yes.

THE COURT: Is that in the record?

MR. DANACEAU: Yes. That was already asked before.

THE COURT: All right.

Q You asked the question:

"Was this a white or a colored person?"

MR. PARRINO: What page?

Q "Was this a white or a colored person?"

And didn't he answer, "I can't say for sure. I somehow after encountering him have a feeling it was not a colored person."

A What page is that on?

MR. MAHON: What page is that on?

MR. CORRIGAN: I have to find it.

MR. DANACEAU: Perhaps he can answer from memory, sir.

MR. CORRIGAN: What?

MR. DANACEAU: Perhaps he can answer from memory, if you haven't the page. I say, perhaps the witness can answer from memory, if you don't have the page.

MR. GARMONE: I suppose we can do without your sarcasm in this court room, Mr. Danaceau.

MR. DANACEAU: That wasn't sarcasm, sir.

MR. GARMONE: It's been going on all day, and I have had a hard time getting up to the point where I thought you ought to be called on it.

MR. DANACEAU: I'm sorry if you took it as sarcasm. It certainly wasn't so intended.

THE COURT: All right. Let's go ahead, gentlemen.

Q

On Page 316, you asked him this question and didn't he give this answer, doesn't this appear there:

"Was this a white person or a colored person?"

"A I can't say for sure. I somehow after encountering him have the feeling that it was not a colored person but that is merely a feeling. It is not -- it is not a fact that I can say specifically."

Is that a correct statement of what appears there?

A

Yes, that's there.

Q

Page 316, same page:

"Q Did the color of the hair register?"

"A I can't say that I could see the color of the hair.

"Q Did he have any hair?

"A I felt that he had a large head and it seemed to me like there was, as I mentioned earlier, sort of a bushy appearance."

Right?

A Yes, sir.

Q On page 317:

"Q In other words, you caught up with him?

"A That was my feeling, but it seems as though I had caught up with a steam roller, some immovable object that just turned and made very short work of me.

"Q When you grabbed him, what kind of clothes did he have, what did you feel?

"A I can't say that I felt anything specific.

"Q Did you feel any clothes?

"A I can't say for sure.

"Q You don't know whether he was naked or not, did he have any clothes on?

"A I felt that I grasped something solid.

"Q Was it a human being?

"A I felt that it was."

Those are the things that appear in the record, are they not?

A That's right, sir, yes, sir. That's part of the things that appear in the record.

Q There are a great many other things, but I just called your attention specifically to those things.

MR. CORRIGAN: That is all.

Thank you.

MR. GARMONE: Mr. Corrigan is finished.

THE COURT: Are you through with Dr. Gerber?

MR. CORRIGAN: Yes, I am through with Dr. Gerber.

THE COURT: Can you get through with the Doctor tonight?

MR. DANACEAU: Oh, no, but there's just one page before recess, because I have it here at this place, certain questions that I would like to put to him as to whether they are in the record.

They are on Page 316, questions and answers that were not given him by Mr. Corrigan.

MR. CORRIGAN: What page is it?

MR. DANACEAU: 316.

REDIRECT EXAMINATION OF DR. SAMUEL R. GERBER (4:30 p.m.)

By Mr. Danaceau:

Q Now, Doctor, referring to Page 316, to certain questions and answers which were given a moment ago, will you turn to close to the center of the page and read the questions and answers as to what Dr. Sheppard testified, in response to your questions, he had on?

A "Q At that time could you see the form, see how it was dressed?

"A That is the time as I progressed down the stairway, that is the time that I felt that I could see the form.

"Q Did the form that you saw have trousers on at that time?

"A I am not sure what he had on.

"Q Did he have a coat on?

"A I don't know what he had on.

"Q Did he have a hat on?

"A I told you I couldn't say.

"Q Was this a white person or a colored person?"

And then the rest of the answer I believe you read a moment ago?

A Yes, sir.

MR. DANACEAU:

May we recess at



this time?

THE COURT: All right. And I  
take it you want Dr. Gerber here tomorrow  
morning?

MR. DANACEAU: Oh, yes.

MR. MAHON: Yes.

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 at all.

(Thereupon at 4:35 p.m. an adjournement  
was taken until 9:15 a.m. Friday, November 19,  
1954.)

- - - -

Friday Morning Session, November 19, 1954.  
9:15 o'clock a.m.

Thereupon DR. SAMUEL R. GERBER resumed the stand and was examined and testified further, as follows:

REDIRECT EXAMINATION

By Mr. Danaceau:

Q Dr. Gerber, on cross-examination you were asked concerning the duties of the County Coroner, and I believe Mr. Corrigan asked you whether or not Sections 313.01 to 313.99 of the Revised Code set forth what those duties are. Do you recall that, sir?

A Yes, sir.

Q And I believe he read a portion of one of the sections?

A Yes, sir.

Q Are you familiar with Section 313.11 of the Revised Code?

A Yes, sir.

Q Which reads: "Any person who discovers the body or acquires the first knowledge of the death of any person who died as a result of criminal or other violent means, or by casualty, or by suicide, or suddenly when in apparent health, or in any suspicious or unusual manner, shall immediately notify the office of the Coroner of the known

facts concerning the time, place, manner and circumstances of such death, and of any other information which is required by Sections 313.01 to 313.22, inclusive, of the Revised Code. In such cases, if request for cremation is made, the funeral director called in attendance shall notify the Coroner immediately. No person shall wilfully refuse to report such a death, or shall, without an order from the Coroner, wilfully touch, remove, disturb the body of any such person, or disturb the clothing or any article upon or near such body."

You are familiar with that section, are you not?

A Yes, sir.

Q And in the next section, 313.12, reading as follows:

"When any person dies as a result of criminal or other violent means, or by casualty, or by suicide or suddenly when in apparent health, or in any suspicious or unusual manner, the physician called in attendance shall immediately notify the office of the Coroner of the known facts concerning the time, place, manner and circumstances of such death, and any other information which is required to Sections 313.01 to 313.22, inclusive, of the Revised Code.

"In such cases, if a request is made for cremation, the funeral director called in attendance shall immediately

notify the Coroner."

Is that correct?

A Yes, sir.

Q And the next section authorized the Coroner or Deputy Coroner to go to the dead body and take charge of it, and if, in the opinion of the Coroner, or in his absence, in the opinion of the Deputy Coroner, an autopsy is necessary, such autopsy shall be performed by the Coroner, Deputy Coroner, or pathologist, is that correct?

A Yes, sir.

Q And then the next section relates to disposition of property and notice to relatives?

A Yes, sir.

Q Now, then, coming to Section 313.17, entitled "Subpoenas, Oath and Testimony of Witnesses," the first sentence reads as follows, does it not:

"The Coroner or Deputy Coroner may issue subpoenas for such witnesses as are necessary, administer to such witnesses the usual oath, and proceed to inquire how the deceased came to his death, whether by violence from any other person or persons, by whom, as principals or accessories before or after the fact, and all circumstances relating thereto."

That is correct, is it not?

A Yes, sir.

Q And when you refer to the inquest as an inquiry is by reason of the language of the statute?

A That's right, sir.

Q So whether it is an inquest or inquiry, you proceeded to have such inquiry or inquest?

A Yes, sir.

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Q And under the law, whether it is a homicide or a suicide or an accident, if it is by violent or suspicious means, you may proceed to make your inquiry, is that correct?

A Yes, sir.

Q Dr. Gerber, when did you decide to hold the inquest?

MR. CORRIGAN: I object. It has already been testified to.

THE COURT: No. He hasn't quite testified to that.

MR. MAHON: Not when he decided.

THE COURT: He has testified when he made some arrangements.

MR. DANACEAU: That's right.

MR. MAHON: That's right.

Q When did you decide to hold the inquest?

MR. CORRIGAN: Object.

THE COURT: Overruled.

A On July 20th.

Q And what day of the week was that, if you recall?

A It was Tuesday.

Q Well, the inquest started on Thursday, the 22nd. That would make it a Tuesday.

And was it the next day, on the 21st, that you went out and had already prepared certain subpoenas?



A Yes, sir.

Q And where had you prepared those subpoenas?

MR. CORRIGAN: Object.

THE COURT: When was it?

MR. DANACEAU: Where.

THE COURT: Well, he has  
already testified to that.

MR. DANACEAU: No, no, not  
where he prepared them, I don't think he  
testified, those first subpoenas. I don't  
recall it.

THE COURT: All right. He  
may answer.

A The first subpoenas were prepared in the office of the  
Coroner.

Q In your office on Adelbert Road before you went out to the  
west side?

A Yes, sir.

Q And at what time did you get to the west side?

MR. CORRIGAN: Object.

THE COURT: He may answer  
that.

A Around noon, shortly after noon.

Q And then, I believe, you related to Mr. Corrigan on  
cross-examination what happened thereafter?

A Yes, sir.

Q You decided, am I correct, on the 20th, and went out there on the 21st.

When did this newspaper editorial that Mr. Corrigan referred to appear, or that you later heard of, appear, on what date?

A On July 21st.

Q The day after you had decided to hold the inquest, is that correct?

MR. CORRIGAN: Object.

MR. GARMONE: Object to the question as to its form. It's leading.

THE COURT: Yes. He has already given the date.

MR. DANACEAU: All right.

Q Now, there has been some questions asked about the County Morgue and the Coroner's office and the laboratories. You have all three of them, you testified, out there?

A Yes, sir.

Q A number of articles have been brought into court, a purse and other articles, as exhibits. Where were all of those articles kept while they were in your custody?

MR. CORRIGAN: Object.

THE COURT: He may answer that.

You mean the articles that were taken from the

house in particular?

MR. DANACEAU: Just a minute.

I am referring to all of the exhibits first, all of the exhibits that have been brought in here.

THE COURT: Yes, pictures and all.

MR. DANACEAU: The purse --

THE COURT: That is what I am referring to.

MR. DANACEAU: The purse, the clothing, the bed clothing, where were they all kept?

MR. MAHON: All the articles he had in his possession.

THE COURT: All right. He may answer.

A The purse and its contents, the pillow and the pillow slip, the quirt and the iron -- two iron rods, one sheet -- or both sheets, the pants, and the belt, and the shoes, and the socks, were kept in a locked vault, in a vault, a locked vault.

Q And in what portion of your building is that locked vault?

A That's on the second floor, in the vicinity of the laboratory.

Q Where were the articles, the furniture that was removed from the home and later returned to the home kept?

A If you don't mind, I would like to finish the others. The other articles that we have here were kept in the property room. That's in the basement.

Q Now, coming to those articles I have just mentioned?

A Yes. Now, these other articles that were removed from the home and then returned were kept in a locked room, another locked room in the basement.

Q Now, you mentioned here, I believe it was yesterday, the word icebox. Now, what did that mean? What did you mean by that?

MR. CORRIGAN: Object.

THE COURT: Oh, he may answer what he meant by it.

A The Morgue part of the Coroner's office consists of, I believe, 62 crypts, 62 individual crypts that are refrigerated. It also consists of a large deep freeze room, a room where the temperature is held below zero, and then a freezing room where the temperature is at 38 for purposes -- with a window in it -- for purposes of identification of deceased persons. That is the Morgue part.

Q Now, these articles that I have questioned you about, were any of them kept in the Morgue?

A No, sir.

Q Doctor, there was shown you a card relating to these fingernail items which were examined by Mary Cowan, and you also showed Mr. Corrigan a card relating to the --

THE COURT: Leatherette.

Q -- leatherette or leather, and that card was returned to you. Do you have that card with you?

A Yes, sir.

Q May I have it, please?

(Witness hands card to Mr. Danaceau.)

Q Now, this first card relating to the fingernail substance was read but this other was not. Will you kindly read what is on this other card relating to the leather or leatherette?

A (Reading) "In re Marilyn Sheppard, Case No. 76,629, Autopsy No. M-7280, Test for F. - it's blank -- and then "Specimen No. TE 109. Source of specimen, Sheppard home found at foot of bed of victim by H. Nichols, Bay Village, Patrolman Gareau, Detective.

"Submitted by Dr. S. R. Gerber of Agency Coroner at 9:05 a.m., July 7, '54, and received by Mary Cowan.

"Description of specimen: One brown envelope containing one small piece of leather substance, one small piece of fingernail polish. Envelope dated July 5th, 1954, 9:30 a.m."

On the reverse side in quotes:

"Leather substance is roughly triangular, about five-eighths inch wide and five-eighths inch at maximum length.

"Laboratory examination: Microscopic examination confirms impression that the brown material is leather. One side has a glossy appearance as if stained and dressed. Although this appears to be similar to top side of belt submitted with Dr. Sam Sheppard's trousers, there seems to be a slight difference in color and porosity. No defect was found on the belt. Appearance of specimen differs in color and porosity when compared with handle on the quirt, pigskin gloves, and wallet.

"Tested by Mary Cowan, M. Cowan, at 9:20 a.m., 7-7-54, date and time."

MR. DANACEAU: We will have these marked State's exhibits 47 and 47-A. 47 will be the fingernail polish and 47-A will be the leather item.

We offer in evidence State's Exhibit 47 and 47-A.

THE COURT:

They will be received.

(State's Exhibit 47, being the same as Defendant's Exhibit GG, and State's Exhibit 47-A, were marked for identification, offered and received in evidence.)



re 3 Q  
ag Dr. Gerber, you were questioned about a picture of, I believe it was Sam Sheppard's watch, which showed the time the picture was taken, that the watch was at 8:05 --

MR. PARRINO: That is her watch.

MR. DANACEAU: Or was that her watch?

Q Or Marilyn Sheppard's watch. Do you recall that?

A Yes, sir.

Q With the watch running at the time the picture was taken, or had it stopped?

MR. CORRIGAN: Object. Now, are you talking of the picture that was taken out at Bay Village or the picture in the morgue?

MR. DANACEAU: The picture that you cross-examined Dr. Gerber on.

MR. CORRIGAN: There are two pictures.

THE COURT: You went into this matter at that time on cross-examination.

Q Were you present at the time those pictures were taken?

MR. CORRIGAN: Objection.

THE COURT: Let him answer.

(Conference had between counsel.)

Q When you saw Marilyn Sheppard's watch on the floor that morning, did you observe whether it was running or not?

A It was running, yes, sir.

Q You state that it was running?

A Yes, sir.

Q Do you have your transcript of the proceedings at the inquiry or inquest that you held in Normandy School with you, sir?

A Yes, sir.

2 Q Now, yesterday, portions of certain pages were referred to, that is, certain pages were referred to and questions on portions of those pages were asked of you as to whether they had been asked and certain answers given. I want to go in sequence, sir, beginning with page 315 and ask you whether certain questions and answers were asked and given in sequence. Will you turn to that page, sir?

Now, before I go into that, Doctor:

Dr. Sheppard testified in the afternoon, the latter portion of the afternoon --

THE COURT: You are referring  
to Dr. Sam Sheppard?

MR. DANACEAU: Yes.

Q Dr. Sam Sheppard, did he not, during the latter part of the afternoon of the first day of the inquest?

A Yes, sir.

Q The latter part of Thursday afternoon?

A Yes, sir.

Q And just before adjournment he told uninterruptedly, I think it is on four pages that Mr. Corrigan has referred to concerning the events of the night of July the 3rd -- he told uninterruptedly without any specific question being asked while he was telling the story, his version of what occurred from the time he woke up on the couch until the time he called Mayor Houk, is that correct?

A Yes, sir.

MR. CORRIGAN: I object to that question.

THE COURT: He may answer that.

It has been gone into.

Q And after he had related his story uninterruptedly, you adjourned the inquest to the next morning, is that correct?

A Yes.

Q Now, he came back and testified the next morning?

A Yes, sir.

Q And during that questioning you asked certain specific questions and he gave answers, is that correct?

MR. CORRIGAN: I object.

THE COURT: He may answer.

A Yes, sir.

Q Now, directing you to page 315 of your transcript, I will ask you whether or not you didn't in sequence ask the following questions and get the following answers --

MR. CORRIGAN: I object.

THE COURT: Overruled.

Q

"Did you see the form on any of the stairways going down?

"A. I can't say that.

"Q. You did not catch up with it?

"A. Not on the way down.

"Q. Did you say him on any landing?"

That is a typographical error, I take it. It should be "see him."

MR. GARMONE: All right.

Q

"Did you see him on any landings?

"A. I cannot say specifically that I did.

"Q. Where is the first time that you saw him?

"A. Again?

"Q. Yes.

"A. It was on my way down from the landing down to the beach.

"Q. Which landing are you talking about now?

"A. The landing of the beach house.

"Q. And where was he at that time?

"A. I cannot say specifically.

"Q. Was he on the beach?

"A. I am not sure.

"Q. Or was he at the foot of the stairway?

"A. Doctor, under such circumstances, I just couldn't

be sure exactly where it was.

"Q. What was the condition of the light at that time?

"A. I told you the light was not pitch black. It was --

"Q. At that time could you see the form, see how it was dressed?

"A. That is the time as I progressed down the stairway -- that is the time that I thought that I could see the form.

"Q. Did the form that you saw have trousers on at that time?

"A. I am not sure what he had on.

"Q. Did he have a coat on?

"A. I don't know what he had on.

"Q. Did he have a hat on?

"A. As I told you, I couldn't say.

"Q. Was this a white person or a colored person?

"A. I can't say for sure. I somehow after encountering him have the feeling that it was not a colored person, that that is merely a feeling. It is not -- it is not a fact that I can say specifically.

"Q. Did the color of the hair register?

"A. I can't say that I could see the color of the hair.

"Q. Did he have any hair?

"A. I felt that he had a large head, and it seemed to me like there was, as I mentioned earlier, a sort of a bushy appearance.

"Q. You say you encountered him on the beach?

"A. Yes.

"Q. Did he grab you or did you grab him?

"A. Well, I felt as though I grabbed him.

"Q. In other words, you caught up to him?

"A. That was my feeling, but it seemed as though I had caught up with a steam roller."

MR. CORRIGAN: I object to this.

Are we going to read the whole transcript?

MR. DANACEAU: No, I am not going to read the whole transcript. Just a few pages you went into yesterday.

MR. CORRIGAN: There are 140 pages of it.

MR. DANACEAU: No, just two or three more pages and I will be through.

MR. GARMONE: You stopped at "steam roller."

THE COURT: Objection will be overruled.

MR. DANACEAU: I will read that question over.



Q

"In other words, you caught up to him?

"A. That was my feeling, but it seemed as though I had caught up with a steam roller, some immovable object that just turned and made very short work of me.

"Q. When you grabbed him, what kind of clothes did he have? What did you feel?

"A. I can't say that I felt anything specific.

"Q. Did you feel any clothes?

"A. I can't say for sure.

"Q. You don't know whether he was naked or not? Did he have any clothes on?

"A. I felt that I grasped something solid.

"Q. Was it a human being?

"A. I felt that it was.

"Q. Did you have the T-shirt on at this time?

"A. I don't have any recollection of the T-shirt.

"Q. Did you have a corduroy jacket on at this time?

"A. I don't know.

"Q. After you grappled with him, or he grappled with you, what happened?

"A. I became -- I was -- I had a twisting, choking sensation, and that was about all I remember.

"Q. There was the twisting, choking sensation" --

MR. PETERSILGE: "Where was."

MR. DANACEAU: I beg your pardon.

Thank you.

Q

"Where was the twisting, choking sensation? Other than the choking sensation, where was the other sensation?" That is the question.

"A. Other than what I told you, I don't believe I can give you any other specific information.

"Q. What did you realize next?

"A. I realized being -- I had a feeling of moving back and forth or being moved back and forth by water."

MR. CORRIGAN: I object. Are we going to read the whole transcript?

MR. DANACEAU: No, I am just going to finish that page and then I will be through.

MR. CORRIGAN: Well, it is 169 pages of testimony.

MR. DANACEAU: I just told you, Mr. Corrigan, I am going to finish this page and I will be through.

MR. CORRIGAN: All right.

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Q

"I realized -- I had a feeling of moving back and forth or being moved back and forth by water. I felt -- I think that I may have coughed or choked a time or two. I slowly came to some sort of consciousness. I got to my feet and went up the stairs. The time element --

"Q. Did you swallow any water?

"A. I don't know. Very likely I did.

"Q. When you first came to, where was your head and where was your feet? Where were your feet?

"A. My head was toward the south and my feet were into the lake.

"Q. How high were the waves at that time?

"A. The waves were -- well, I didn't notice the waves specifically, but it seemed as though they were moderately high. They were not very high, but it was not extremely calm.

"Q. Was it daylight then or was it still dark?

"A. I won't say that it was daylight, but it was much lighter. It was definitely light enough so you might call it daylight, but it was not bright day like it is now."

Were those questions asked and were those answers given?

A Yes, sir.

Q In sequence?

A Yes, sir.

Q Now, Doctor, I don't know whether it was yesterday or the day before, but I believe during cross-examination you were asked whether you knew or heard of Dr. Richard or Steve Richard. I believe you stated that you had heard of Dr. Steve Sheppard?

A Yes, sir.

Q Will you relate the circumstances, or what you mean when you say you heard of him?

MR. CORRIGAN: Object. It is immaterial.

MR. DANACEAU: Well, you asked the question, sir.

THE COURT: Well, yes. It follows directly what, I take it, you inquired into on cross-examination. I don't know if it is very material, anyway, but let's hear it.

Q Go ahead.

A There was one day last spring that Dr. Adelson came to my office, said that he had a request from Dr. Stephen Sheppard of Bay View Hospital --

MR. CORRIGAN: Object. I object. I don't see --

THE COURT: He may answer.

A -- to perform an autopsy on a child of his that had died, and --

THE COURT: Doctor, we don't want the details, but just the outline of how you got acquainted. That was the question.

Q And I take it that your office performed the autopsy?

A I told Dr. Adelson to make a case of it and perform the autopsy.

Q And it was done?

A Yes, sir.

Q And was a letter of commendation thereafter sent by Dr. Steve Sheppard?

MR. CORRIGAN: I object.

A Yes, sir.

THE COURT: The answer may stand.

Q Now, Dr. Gerber, I believe it was yesterday you were asked on cross-examination --

MR. GARMONE: What page?

MR. DANACEAU: Page 1739.

Q -- this question:

"Down the middle of that blood splotch, between the two openings or the two markings here, that you called the impression of an instrument, is a line, isn't there?

"A. Yes, sir.

"Q. And that line -- is that part of the instrument?

"A. No, sir.

"Q. What is that?

"A. That is the crease in the cloth caused by the weight of the blade on each side."

Will you explain what you meant by that or what you mean by that?

A The weight of the blades caused a depression between the two blades.

MR. GARMONE: Object to the answer, now, and ask that it be stricken and the jury be instructed to disregard it. This is definitely a conclusion. Let him describe what he saw.

MR. DANACEAU: It is an explanation of what he means by it.

THE COURT: This is his observation of what he saw.

Q And is that the depression that you refer to as the crease?

A Yes, sir.

MR. DANACEAU: You may inquire.

RECROSS EXAMINATION OF DR. SAMUEL R. GERBER

By Mr. Corrigan:

Q Dr. Gerber, one thing I want to straighten out. Do we have all your records in this matter in court. I want to check and see if we do.

THE COURT: Mr. Corrigan, while you are handling those, may I ask a question off the record?

(Thereupon discussion was had, off the record.)

Q We have Defendant's Exhibit 2, which is a report of an autopsy. That is an official record of the Coroner's office?

A Yes, sir.



Q We have Defendant's Exhibit No. 3 --

MR. DANACEAU: It can't be 3,  
because your exhibits were all lettered and  
not numbers.

MR. MAHON: C-3.

Q The other was C-2, C-2 and C-3 should be attached, should  
they not?

A Yes, sir.

MR. CORRIGAN: C-2 and C-3 are  
the report of the autopsies, and where is the  
Bailliff?

Mr. Francis, will you attach those  
together?

Q Then we have Exhibit C-4, C-5, C-6 --

THE COURT: To C-9, inclusive.

MR. CORRIGAN: C-7, doesn't show.

THE COURT: C-7 has been marked.

MR. CORRIGAN: Yes, but this is a  
photostatic copy and it doesn't show up.

Q C-7, C-8 and C-9, and that is -- what do you call that?

THE COURT: He called it a  
Coroner's report in his testimony.

MR. CORRIGAN: All right.

Q It is called a Coroner's report?

A

Of the autopsy.

MR. MAHON:                      That should be  
attached to the other piece, too.

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Q Now, we have Defendant's Exhibit A-5.

THE COURT: Six sheets.

A Yes, sir.

Q And that was furnished us as a copy of the original.

A Yes, sir.

Q That is the same as C-4?

A C-4 and the next pages, I guess.

Q What?

A And the next, C-4, C-5, C-6, C-7 and C-8 and 9.

Q Well, what I want to do is just compare this A-5 with C-4,  
5, 6, 7, 8 and 9.

A Yes, sir.

MR. DANACEAU: Let's have it  
for the record.

THE COURT: I take it that  
what you are now doing is seeking to compare  
A-5, six sheets, with C-4, 5, 6, 7, 8 and 9?

MR. CORRIGAN: That's right.  
This was my copy here, the copy furnished me.  
Can't I write on it if I want?

MR. DANACEAU: You can write  
on it but don't ask -- when you ask the  
Coroner if it is the same thing he has, it's  
quite another matter. You can write anything  
you please on your copy after it is given to you.

MR. CORRIGAN: I am just trying to make a comparison, Mr. Danaceau.

MR. DANACEAU: Yes, sir.

THE COURT: I don't know what is being done. Is there a question to the Doctor?

MR. CORRIGAN: Yes.

Q My question is: Is C-4 --

THE COURT: Are the sheets in A-5 the same as C-4, 5, 6, 7, 8 and 9?

MR. CORRIGAN: Yes, that is my question.

THE WITNESS: There's some extra words written in on --

Q On A-5 the --

A There's some underscoring, a question mark on --

Q On Page 1 of A-5 there is an underscoring of the word "frontal" with a question mark above it. That does not appear on the original?

A That's right, sir.

MR. MAHON: Is that underscoring in type, or is it by pencil or pen?

MR. CORRIGAN: Pencil.

MR. MAHON: All right.

THE WITNESS: It's in pen, and

the question mark is in --

MR. CORRIGAN: Pencil.

THE WITNESS: Pencil. I think  
it's red pencil.

Q And then there is an underscoring on Page 1 on Exhibit A-5  
of the word "frontal" is that right?

A Yes, sir. That's the second time the word "frontal" is  
underscored.

Q Yes, the second time the word "frontal" is underscored.

And on Page 5 of Exhibit A-5 there is a line over  
"extravasation" pointing up to the words "in scalp."

That is not on your original, is it?

A No, sir, it is not.

Q That's been written in there by someone else?

MR. MAHON: With pen and ink.

A It is underlined and the words "in scalp" extending from  
extravasation up to an empty space.

Q And then there is an underlining of the word "coronal,"  
that is, an ink underlining of the word "coronal"; the  
word coronal appears in Exhibit C-8 but it isn't under-  
lined, is that correct?

A That's right, sir.

Q Then on Page 6 the word on your copy is: "Brain: Focal  
and confluent cortical hemorrhages with laceration," That's  
the way it reads.

And then under it, written in ink, are some words that I know is my writing. It doesn't appear on yours. I am trying to read it now. Let's see if I can read it.

MR. DANACEAU: Just a moment, please. At this point, if the Court please, I wish to move that that exhibit be stricken from the record for the reason that counsel has put on there his notations from time to time.

MR. CORRIGAN: Well, we will get around to that after a while.

MR. DANACEAU: We are not going to -- I move that it be stricken from the record. You can't have evidence submitted to this jury --

THE COURT: You mean counsel have made some memorandums on an exhibit?

MR. DANACEAU: Yes, sir, which he is now reading.

MR. MAHON: That's right.

MR. DANACEAU: I ask that it be stricken from the record for that reason.

THE COURT: The motion --

MR. CORRIGAN: Wait a minute.

Can I finish my examination, your Honor?



MR. DANACEAU: Not to continue to read his own notations on an Exhibit.

MR. CORRIGAN: I say, can I finish my examination?

THE COURT: No, not if you are examining something that has been altered since it has been received.

MR. CORRIGAN: No, it hasn't been altered since it has been received. All those marks were on that exhibit when it was received.

MR. DANACEAU: Yes, but there were marks, words that you put on there not marked by the Coroner.

I ask, in view of the fact that counsel put those notations on there, that it be stricken from the record.

THE COURT: Just a moment. To what particularly are we referring to now, by number?

MR. CORRIGAN: We are referring to Exhibit A-5 and C --

THE COURT: I know A-5 is six sheets.

MR. CORRIGAN: Six sheets, yes.

MR. MAHON: Well, if your Honor

please, it seems as though Defense Exhibit C-4 and C-5 are the same instrument, C-4 being a photostat. C-4 has no markings on it, C-5 has markings on it that were placed there by Mr. Corrigan.

Now, why is not C-4 sufficient for the purposes of this trial?

MR. CORRIGAN: I am just making a comparison, and if I can be allowed to make a comparison and finish, I am sure we will be all right.

MR. MAHON: The only difference in the comparison is the notations that you put on yours.

MR. CORRIGAN: Well, can you read them? They were there when the -- can you read the notations that are on there?

MR. MAHON: They are on there.

MR. DANACEAU: Why should his notations be read in court here?

MR. CORRIGAN: Well, what are they?

MR. MAHON: It doesn't make any difference what they are.

THE COURT: Let me ask you this:

Did counsel on this side, speaking of the  
Prosecutor's side of the table now, know that  
these memorandums were on when --

MR. MAHON: They were not  
observed, your Honor, no.

MR. CORRIGAN: They were on there.

MR. MAHON: It is taken for  
granted that when he supplied with a copy --

THE COURT: It was assumed  
that it was a report of the Coroner's office  
as originally made.

MR. DANACEAU: That's right.

MR. CORRIGAN: It is the report.  
It is nothing important at all, your Honor,  
that's on here, and when you get around to  
knowing what it is, there won't be so much  
fuss about it.

MR. MAHON: Well, let me ask  
this: Isn't that --

MR. CORRIGAN: Let me examine,  
please.

MR. MAHON: Isn't that Exhibit  
exactly the same as this, with the exception of  
the notations you put on?

MR. CORRIGAN: No, it isn't exactly

the same.

THE COURT: Well, all right.  
The court will permit you to proceed on any variations between C-4 and C-5 that are not your own.

MR. CORRIGAN: Yes. Of course, I can eliminate all the notations, your Honor, very simply. I want to show you now, so that you know what it is all about. You haven't looked at these.

(Documents submitted to the Court by Mr. Corrigan.)

THE COURT: No, I didn't think it was necessary for the court to look at them. I thought they were official records, and I didn't think that anybody had made any notations on them other than the officials themselves.

MR. CORRIGAN: This is the copy furnished to me by the Coroner's office. Now, I am asking the Coroner about Page 6, and I am trying to figure out what this is here. As I made the notation, I can -- that's what it is. I don't know what it is, but it can be eliminated very easily.

Can you read it, your Honor? Can you

make it out?

THE COURT:  
make out what it is.

No, I can't

MR. CORRIGAN: Neither can I.

Q But, anyway, outside of what I pointed out, Doctor, Exhibit 5, the notation we have here on Page 6, the notation we have here on Page 5 and the underlining of the word "frontal" and the question mark on Page 1, this is the same as Exhibit C-4?

MR. MAHON: No. There is another one in there, too, that you haven't mentioned.

MR. CORRIGAN: Is there another one? Point it out, John.

MR. MAHON: Something is written in here.

MR. CORRIGAN: I pointed that out.

MR. MAHON: Well, here's an underscoring on this page. Here's an underscoring on that page, here's a mark here that's on Page 1.

On Page 2 there is no notation; Page 3 and Page 4. On Page 5 there are 1, 2, 3, 4, 5 notations.

MR. CORRIGAN: Yes.

MR. MAHON: On Page 6 there  
are three words written in.

MR. CORRIGAN: What are they?  
What is written in there?

MR. MAHON: And there is a  
notation here.

THE WITNESS: No. That's mine.

MR. MAHON: I don't know what  
they are, but it's there. That's the change,  
that's the difference in them.

THE COURT: Are you referring  
to A-5 now?

MR. MAHON: A-5, yes.

MR. CORRIGAN: I am talking about  
A-5.

Q On Page 1, Doctor, on Exhibit A-5 the word "frontal" suture,  
frontal just before suture is underscored twice?

A Yes, and there's a question mark and parenthesis.

Q I say, it's underscored twice?

A There is also a question mark and parenthesis.

Q I know, but I am talking about the word frontal. It is  
underscored, isn't it? Whether there is anything else on  
there or not, answer my question directly.

Is the word frontal underscored?

A It is underscored twice.



Q

Underscored twice.

MR. MAHON: Wait a minute.

There's some more, too, on that page.

MR. CORRIGAN: Let me conduct my examination.

MR. MAHON: Well, you are turning pages over.

MR. CORRIGAN: I'm going to turn them over.

THE COURT: Let me get this straight. Is this underscoring, was it done by someone outside of the Coroner's office?

MR. CORRIGAN: No. It was done by me.

MR. DANACEAU: Then I renew my motion, sir.

MR. CORRIGAN: Wait a minute until I get through.

MR. DANACEAU: Are we to have underscorings, words, statements of counsel put on an exhibit and presented and submitted as evidence in this case for the consideration of the court and jury?

THE COURT: Just a minute. Now, do I understand, Doctor, that -- let me

get this clear -- that C-4, 5, 6, 7, 8 and 9 are a complete record of what A-5 would show if there were no underscorings or changes or additions?

THE WITNESS: Yes, sir.

THE COURT: All right. The court will order Exhibit A-5 expunged from the record.

MR. CORRIGAN: Well, of course, we except.

Q On Page 5 of Exhibit A-5 --

MR. MAHON: That's not in the record anymore.

MR. DANACEAU: That has been expunged from the record, and we object to any questions on it.

MR. CORRIGAN: Then I will put it in the record in another way, my boy.

MR. DANACEAU: You can make any proffer you please, sir.

MR. CORRIGAN: I will show you the underscorings.

Q Turn to Page 1 of your --

THE COURT: Let the court make clear, the court record would not indicate

that A-5 has actually been received, in any event.

Q Turn to Page 1 of Dr. Adelson's report. Have you got it?

A Yes, sir.

Q On that page, do you find these words: "Comminuted fractures of the skull and separation of the frontal suture"?

A Yes, sir.

Q Under the words "anatomic diagnosis"?

A Yes, sir.

Q Then appears there the cause of death. Do you find this language:

"Multiple impacts to the head and face with comminuted fracture to the skull and separation of the frontal suture"?

A Yes, sir.

Q Turn to Page 5. Do you find this language:

"The calvarium reveals" -- under the autopsy of the head -- "The calvarium reveals severe comminution and splintering of the entire frontal bone with complete separation of the coronal suture"?

A Yes, sir.

Q All right. Now, let me see. This goes together here.

Now, I have some other records that have been marked here.

MR. CORRIGAN: Was this marked?

MR. MAHON: That is a State

Exhibit.

MR. CORRIGAN: Yes. What State Exhibit is it?

MR. MAHON: These were photostats that were furnished.

MR. CORRIGAN: But what is the number of it, do you know?

MR. PARRINO: Which one is it, John?

THE COURT: What is it?

MR. MAHON: It is a page out of that bound volume.

MR. GARMONE: No, it was never numbered.

THE COURT: It is a record of the receipt of the body, and so forth?

MR. MAHON: That's right.

THE WITNESS: That's right.

MR. GARMONE: It was never numbered.

MR. MAHON: We had the bound volume here and we stipulated that we would take it and get photostats.

MR. CORRIGAN: This is a very unsatisfactory photostatic copy, and I want the

page out of the bound volume brought into court. And then I will mark it.

Can we get that bound volume back here again, Doctor?

THE WITNESS: We can get it back.

MR. CORRIGAN: Photostatic copies are very unsatisfactory to me. So will you send for the bound volume?

THE COURT: He would like to see the original. I think he is entitled to see it. It was here the other day.

MR. DANACEAU: It was here the other day, yes.

MR. MAHON: We will get it back again so you can see it.

MR. CORRIGAN: All right. You get it back.

(Thereupon a discussion was had between counsel.)

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Q Now, handing you, Doctor, -- do these go together?

(Discussion had at the witness stand,  
out of the hearing of the jury.)

Q Now, in the operation of the business of your office,  
there is a record into a book, a bound volume, and the  
entries in that book are in handwriting?

A Yes, sir.

Q And that is the book that we want here, and you will see  
that it is brought here?

A It is being sent for now.

Q Now, then, in the course of business, the entries that  
are entered in the book in handwriting are then entered  
on a sheet in typewriting, is that correct?

A No, that is not correct.

Q What is this here? This seems to be the same as the book.

A Well, that was made for your specific purpose. Instead  
of photostating, that was the sheet that was drawn up,  
and the items that were in the book are typed on here  
for your purpose, for the purpose of this trial.

Q Well, this is a regular form used in the --

A Oh, no. That was made up special for you.

Q Made up special for me. You mean --

THE COURT: I think he means  
that is a form generally used in your office?

THE WITNESS: No, it isn't a form  
generally used in our office.



Q It isn't a form used in your office, but it was made up specially for me?

A For this trial.

Q Did you go out and get this all printed for me or for this trial?

A That is typing.

Q That is all typing?

A Yes, sir.

Q Well, that is quite a typewriter?

A That is.

Q It looks to me like part of it is printing. I would be deceived by it. That, however, is just a resume of what appears in the book?

A That's right, sir.

Q And I may have this?

A It is one of the records that were brought to the court.

Q Yes, but it isn't a record of your office usually kept in your office?

A Well, I should like it back.

Q I want to look at it. You don't object to that, do you, Doctor? I will give it back to you.

Now, looking at this, is this a photostatic copy?

It is a photostatic copy, but it isn't a clear photostatic copy, is it?

A No, sir.

Q Will you bring the original to that, also? I will give that back to you. Bring the original.

Now, then, I hand you -- these are all the same?

A And this is a typewritten copy of that.

THE COURT: Is that typewritten copy the copy that was made when we found the others were indistinct?

THE WITNESS: Yes, sir. That one over there that Mr. Petersilge has, and this one here that Mr. Corrigan has in his hand.

Q This vital statistic report, is that a report that is made by the Coroner's office?

A Yes, sir.

Q And when is that made?

A It is made right from the time the body is brought in and until the case is completed.

Q And that is made out by Mr. Keefe?

A No. That was made out by Mr. Johnson. This portion of it, the lefthand side.

Q And the rightnand side?

A Was made in the general office.

Q Well, I think that is a clear copy. Mark that as an exhibit.

THE COURT: I am not following that. What is this? Are you substituting this

for one of the others?

MR. CORRIGAN:                      No.    Mark this  
Defendant's Exhibit HH.

THE COURT:                      If there are new  
numbers going to be given to all these new copies  
that are being made, the Court wants to know.  
We want one in evidence, and one only. If  
you want an indistinct copy, all well and good,  
you may leave that in the record. The Court  
went to the trouble of asking the Coroner to  
make distinct copies so that they will be  
immediately readable. If those are not  
satisfactory, they are not evidence in this  
case.

MR. CORRIGAN:                      No --

THE COURT:                      One or the other,  
you can take your choice. The Court has no  
choice whatever.

MR. CORRIGAN:                      What I am trying to  
do, your Honor, is get into the record in an  
orderly fashion the records of the Coroner's  
office in regard to the death of Marilyn Sheppard.

THE COURT:                      True, Mr. Corrigan.  
That is already in here, and the Court only secured

these in the hope that they would be helpful.

Now, if they are not helpful, the Court wants to take them back and he will destroy them.

MR. CORRIGAN: Now, if the Court please, if you will just listen to me, I have in the record now the autopsy report made by Dr. Adelson, and I have in the record the Coroner's report, which have been marked Exhibits C-2, 3, 4 and so on.

THE COURT: B-1, 2 --

MR. CORRIGAN: They are Exhibits C-2, 3, 4, 5, 6, 7, 8, 9.

Now, that is straight. We have agreed that instead of the original autopsy record, that photostatic copies may be substituted, and they have been substituted and accepted.

Now the next thing that I wanted was the record made in the book, and a photostatic copy was brought here of the record made in the book, which was not satisfactory, and we asked that the original book be brought here.

The next thing that I inquired about was the -- what is called a vital statistic report consisting of two pages. Dr. Adelson had that here and then it was taken away, and it was

suggested that a photostatic copy be furnished, and one was brought here this morning. It isn't satisfactory. It isn't legible in certain places. Those are the two things. Now I have got to a point where we need the original.

Now, I am to the third -- or to the next item, which is the same as this --

THE WITNESS: It is the same.

MR. CORRIGAN: Well, then, we don't need it. We don't want it.

The records now that you have brought to court, the official records of the County Coroner's office, the Coroner's report of the autopsy, this C-2, 3, 4, 5, 6, 7, 8, 9, you have brought?

THE WITNESS: Yes, sir.

By Mr. Corrigan:

Q You have brought, or you will bring the entry in the book which shows the receipt of the remains of Marilyn Sheppard, and the property that was brought in to the Coroner in regard to this case --

A I have that here about the property.

Q That is, however, typewritten. I want the written report.

A You asked for a list of all the property that was brought in. I have brought it.

Q What I want are the originals on these, the original reports

on these brought into court. The entries, not the type-written copy of the entries, and this original of the vital statistics report. You will get those in here by telephone? Can you?

THE WITNESS: Judge, please,  
your Honor, on these --

Q Now, wait a minute. What are you talking to the Judge for?

MR. DANACEAU: Are you objecting  
to his asking the Court something?

THE COURT: You are asking him  
to bring them now. He may have some difficulty  
about it.

THE WITNESS: I do have difficulty  
in bringing a written report because of the  
properties that were taken in, because they were  
put in so many places.

THE COURT: You mean the reports  
were put in so many places?

THE WITNESS: I mean the fact that  
they were received was put in many places, and  
that is why this here was a compiled report.

THE COURT: Consolidated list of  
all the various items at various places?

THE WITNESS: Yes.

MR. CORRIGAN: I want the original



reports, not a compiled list. If it takes you a little while --

THE COURT: Let's find out.

What is the form in which the original reports are?

THE WITNESS: Well, some will be on one book, and some will be on cards, because they were given directly to Miss Cowan, and when she comes in she will have them with her. I don't like to break up her records.

MR. CORRIGAN: I am not interested in whether the records are broken up or not. I want them in court.

THE WITNESS: They will be here. She will have them.

MR. CORRIGAN: Bring them all in.

MR. DANACEAU: We think that is an unreasonable request. If the Court orders him to bring them, it will be done.

MR. CORRIGAN: I have a man on trial for first degree murder.

THE COURT: Oh, well, there is a man in the other courtroom, too, Mr. Corrigan, charged for first-degree murder. The Court isn't minimizing that kind of thing, it is serious, but we ought not to have it talked of here all the

time.

MR. CORRIGAN: I mean I am having a wrangle about the records in the Coroner's office that I want in the record.

MR. DANACEAU: There is no wrangle.

THE COURT: It has nothing to do with first degree murder.

MR. CORRIGAN: Everything I do here, your Honor, has to do with my defense of this man.

THE COURT: Please let's not have that, because that is a very common thing in this court, and it is not to be minimized, of course, and it is not to be talked about all the time.

Now, we will have to have those original records here if they can be brought.

MR. CORRIGAN: All right. I will suspend that part of my examination until all the records are in court.

MR. GARMONE: Can I see those, John?

MR. MAHON: Let's not get them mixed up again.

MR. GARMONE: No. I am just going to sit here with them and give them right back to you.

Q Of course, this examination that took place at the inquest, covers 169 pages of questioning by you, that's right, isn't it, Doctor?

A To what do you refer?

Q I am referring to the questioning by you of Dr. Sam Sheppard at the inquest on July the 22nd and 3rd.

MR. MAHON: Well, now, I object, your Honor. We went over that yesterday. The number of pages was mentioned.

THE COURT: Yesterday he admitted that what you said as to the number of pages he would acknowledge.

MR. CORRIGAN: All right.

Q Now, Mr. Danaceau asked you about the card covering the examination of the piece of leather or leatherette, and in that regard, the report of Miss Cowan is that "Although this appears to be similar to top side of belt submitted with Dr. Sam Sheppard's trousers, there seems to be a slight difference in color and porosity. No defect was found on the belt."

That was her report?

A Yes, sir.

Q Now, during the course of this investigation from July the 4th down to the present time, has anybody submitted to you any other belts or any other shoes or any other

leather so that a comparison could be made of it with this piece of leatherette?

A None, no, sir.

Q There were about 25 detectives of the Cleveland Police Department working on this case, weren't there?

MR. DANACEAU: Objection.

THE COURT: Sustained.

Q You know that there were a number of members of the Cleveland Police Department working on this case?

A Yes, sir.

Q And Inspector McArthur, who has been sitting here, Inspector of the Cleveland Police Department, did he submit to you any leather, shoes, belts, or anything else --

MR. DANACEAU: We object to this.

The witness has said that no one submitted anything.

THE COURT: Yes. The witness has said that no one submitted it.

MR. CORRIGAN: All right.

MR. DANACEAU: All right.

Q Of your knowledge, you know that there was other leather goods found in and around that place, do you?

A I don't know what you mean.

THE COURT: You mean around the home?

MR. CORRIGAN: Around the home.

A I know of the searches that I had made were around the home.

Q I know. You have told that, Doctor. I don't want to go back to that again.

Of course, you know that blood is a very tenacious substance, and that it clings very tenaciously to cloth? You know that from your experience, Doctor, as a Coroner, and as an expert on this for many years?

A What do you mean --

THE COURT: I think the jury  
heard your question.

Q I say that blood is a very tenacious substance, it clings very tenaciously to cloth? It isn't easy to get rid of? Let's put it that way.

A Well, I will agree with that, yes, sir.

Q And blood in cloth will stand up to -- after it is subjected to heat, as high as 400 degrees Fahrenheit, you still can get a positive reaction?

A I don't agree with that.

Q You don't believe that?

A No, sir.

Q Well, you will get a positive reaction of blood even though the garment is dry-cleaned?

A I don't agree with that.

Q You don't believe that. You will get a positive reaction

to blood even though the garment is boiled in boiling water for a period up to 15 minutes?

A If you are making a categorical statement, that is absolutely untrue to all three of those questions.

Q Well, will you get a positive reaction from a garment that is washed in hot water?

A I'd say it might be possible, but it is highly improbable.

Q Would you get a positive reaction of blood in a garment that was boiled in hot water?

A No, sir.

Q You would not. But you say that a garment washed in hot water, you could get a positive --

A I didn't say so. I said it might be possible, but highly improbable.

Q But it is possible?

A It is almost impossible entirely to have -- you have soap and you have everything else in there.

Q All right. You have answered the question and given me your judgment from your experience. That is all I want.

There isn't any question, Doctor, but that you reported correctly when you testified on Wednesday that you did state, and I am reading from page 1499, that "He rushed after this form, he couldn't tell definitely what this form was, couldn't tell whether it was a human being or whether it was a man or a woman, whether or not it had



a head on, whether or not he could see any hair, whether or not it had a coat or trousers on."

There isn't any question about that testimony, is there?

A I testified to that at that time.

MR. CORRIGAN: That is all until  
you bring the records, Doctor.

MR. DANACEAU: That is all, sir.

THE COURT: Do you have some  
questions?

MR. GARMONE: Both sides agreed  
that was all.

MR. CORRIGAN: I would like Dr.  
Gerber to bring the records in.

THE COURT: Doctor, they would  
like to have you come when the records are here.

THE WITNESS: Will that be all right  
at a later date?

MR. CORRIGAN: What is that?

THE COURT: Do you want them today,  
or would you --

MR. CORRIGAN: Oh, no.

THE COURT: Or shall we agree and  
we will call him?

MR. CORRIGAN: Next week some time,  
whenever John makes it convenient for you.

That is a report, isn't it, Doctor, that --

THE COURT: The inquest?

MR. CORRIGAN: Yes. You better  
leave that here, too.

THE WITNESS: They have three  
copies.

MR. MAHON: This is not an  
exhibit here.

MR. CORRIGAN: Well, it will be an  
exhibit.

THE COURT: You have got a  
copy here.

MR. CORRIGAN: I know, but that is  
the original. Leave it here.

MR. DANACEAU: We object to it being  
left here. We have two copies. Each side has a  
good copy.

MR. MAHON: It is not an exhibit  
in this case.

MR. CORRIGAN: In what case is it?

MR. MAHON: Well, it is not in this  
trial.

MR. CORRIGAN: Is it some case  
in Smithville, or some place?

THE COURT: Ladies and gentlemen  
of the jury, we will have a few minutes' recess  
at this point.

Please do not discuss this case.

(Thereupon at 10:45 o'clock a.m. a  
recess was taken.)