

Thereupon the State of Ohio, further to maintain the issues on its part to be maintained, called as a witness CARL ROSSBACH, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Parrino:

Q Will you state your name, please?

A Carl Rossbach.

MR. CORRIGAN: Will you wait a moment?

MR. PARRINO: I am sorry. Just a moment, please.

(Thereupon a conference was had at the bench between Court and counsel, out of the hearing of the jury, after which the following proceedings were had within the hearing of the jury):

THE COURT: Ladies and gentlemen of the jury, Mr. Garmone is not feeling well today. He wasn't well this morning. He has kept going until now he feels he ought not to stay any longer, and we agree with him, so he is asking to be excused,

and I am just stating it to you so you will understand why he is leaving the courtroom and is not here with us for the rest of the afternoon.

MR. GARMONE:

Thank you.

By Mr. Parrino:

Q Now, will you state your name, please, sir?

A Carl Rossbach.

Q Where do you live?

A 10111 South Highland.

Q What is your occupation?

A Deputy Sheriff.

Q How long have you been so employed?

A Two years.

Q As Deputy Sheriff, what are your duties, please?

A General police duty.

Q I didn't get that.

A General police duty.

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tk 13
- Q And how many are there in the Sheriff's office that perform the same work that you do, sir?
- A There are two of us.
- Q And who is the other person?
- A David Yettra.
- Q Now, what was your occupation before that, Mr. Rossbach?
- A I was a member of the Cleveland Police Department.
- Q For what period of time?
- A Approximately 25 1/2 years.
- Q What rank did you attain in the Cleveland Police Department?
- A Sergeant.
- Q And what was, in a general way, your specific duties while in that department?
- A I was assigned to the Detective Bureau.
- Q And what part of the Detective Bureau did you work with?
- A Performed general duty, investigation of major crime.
- Q Did you ever work with the Homicide Squad?
- A I worked on homicides with the Homicide Squad.
- Q I see. Now, calling your attention to the 5th of July of this year, did something unusual occur on that day?
- A It did.
- Q And where were you when you received notice of this?
- A I was at my home about 9 a.m.
- Q And from whom did you receive that notice?
- A I obtained the Cleveland Plain Dealer and I read the headlines

and observed that there had been a crime committed in Bay Village.

Q And working with the Sheriff's office, over what area does that office have any work?

A The entire county.

Q Now, upon reading this, what did you do?

A I immediately drove to the home where the crime occurred.

Q And were you alone?

A I was alone.

Q Now, you say that there is another police officer that works with the Sheriff's office. Weitzel, I think you named?

A Yes, sir.

MR. MAHON: Yettra.

MR. PARRINO: Weitzel, he said.

Q And where was Deputy Weitzel during this period of time?

A He was on his vacation.

Q And for how long did he remain on his vacation?

A Approximately three or four days.

Q Now, who did you first speak to when you arrived at the Sheppard home?

A I spoke with Dr. Gerber.

Q Now, what time did you arrive there?

A Approximately 10:20 a.m.

Q That was on the 5th?

- A On the morning of the 5th.
- Q That was the first time you were there?
- A Yes, sir.
- Q Now, who else was present when you spoke to Dr. Gerber?
- A Chief Eaton, Sergeant Hubach and Patrolman Drenkhan of the Bay Village Police Department and Detective Schottke and Gareau of the Cleveland Police Department.
- Q What did you do there that day?
- A I introduced myself to Chief Eaton, told him that I was there to render whatever assistance possible.
- Q And what were your duties?
- A He asked me to work with a Sergeant Hubach and Patrolman Drenkhan and Detectives Gareau and Schottke.
- Q And in a general way, what did you do, what duties did you perform around the Sheppard home at that time?
- A They briefed me on what had taken place the previous day, and then we decided to go to the hospital.
- Q Who went to the hospital?
- A Detective Gareau and Schottke and myself.
- Q How did you get there?
- A We drove down in their automobile.
- Q What time was it that you went to the hospital?
- A Approximately 1 p.m.
- Q When you got to the hospital, who did you first see?
- A We saw Dr. Stephen Sheppard.

Q Where was he?

A He was in Room 119.

Q Who else, if anyone, was in that room?

THE COURT: He was where? I
didn't get that.

THE WITNESS: In Room 119.

Q Who else, if anyone, was in that room?

A Dr. Stephen Sheppard was there.

Q Anyone else there?

A No, sir.

Q What did you do there that morning -- what did you do
there at that time?

A I told Dr. Sam Sheppard that I would like to inquire
into what had happened the previous day and that I would
like to get a description and a motive for the murder.

At that point Dr. Stephen Sheppard said, "He is
in no condition to be interviewed or questioned. We
have retained counsel and I would much rather that you
would wait until he talks with counsel."

Q What happened then?

A Shortly thereafter Mr. Petersilge and Mr. Corrigan came
into the room.

Q Was Sam Sheppard in that room?

A He was.

Q What was said at that time?

A Mr. Corrigan said that he had accompanied Mr. Petersilge, and that he did not want Sam questioned on account of his emotional condition, and that he would instruct him not to answer questions at that time.

Q Anything further occur there?

A We left the hospital and returned to the scene.

Q All three of you?

A No, sir.

Q Who left the hospital?

A We three left and Detective Gareau and Schottke took care of some other duties, and I returned to the scene.

Q And upon returning to the scene, what did you do there?

A I conversed with Sergeant Hubach and Patrolman Drenkhan, and we decided then to interview people in the immediate vicinity and take statements from them.

Q And did you take statements from any people that day?

A We did.

Q And from whom did you take statements?

A Don Ahern, Mrs. Ahern, Spencer Houk. That was all we took that day.

Q Did you do anything further around the house that day that you recall?

A No. We searched the beach and we searched the wooded area in the vicinity of the home.

Q And were you able to find anything of value?

A Found nothing.

Q And is that the substance of what you did that day, sir?

A That's right.

Q That was on the 5th?

A The 5th.

Q Now, did you work on this matter again on the 6th?

A I did.

Q What time did that begin?

A At 8:30 a.m.

Q Where were you at that time?

A I was at the office waiting for my partner, Mr. Yettra.

Q And where did you go then?

A We went to the home of Thomas Reese on Silsby Road in University Heights.

Q And who is he?

A He is the father of Marilyn Sheppard.

Q You spoke with him, did you?

A I did.

Q And after that conversation, where did you go?

A We returned to the Bay View Hospital.

Q Who did you go with to the Bay View Hospital?

A Dave Yettra.

MR. CORRIGAN: Was that Tuesday?

THE COURT: Mr. Yettra.

MR. CORRIGAN: Was that Tuesday?

THE COURT: The 6th.

MR. FARRINO: Tuesday.

THE COURT: That's right, it

would be Tuesday, yes.

Q Now, who did you see at Bay View Hospital on Tuesday, the 6th?

A We saw the nurse on duty at the desk near room 119.

Q Did you speak to anyone else there?

A I did not.

Q Did you attempt to -- withdraw that.

Did you see Dr. Sam Sheppard that day?

A I did not.

Q Did you attempt to see Dr. Sam Sheppard that day?

A I did.

Q By what means?

A I asked the nurse if I could enter his room and have some conversation and she said, "The orders are that he is in no condition to speak with anyone."

Q And you say, then, that you were not able to see him?

A That is right.

Q Now, what time was that, approximately?

A Approximately 2:15 to 2:30.

Q After that event, where did you go?

A To the Bay Village Police Department.

Q Did you speak to someone there?

A I did.

Q With whom did you speak?

A Officer Drenkhan and Hubach.

Q How long did you remain there?

A Until almost midnight.

Q Did you interrogate or interview any witnesses that day, sir?

A I did.

Q And who was that, please?

A Dr. Lester Hoversten.

Q What time did you interview him, about?

A About 4:15.

Q And did you obtain a statement from him, sir?

A I did.

14 Q Did you interview any other witnesses that day, if you recall?

A I did.

Q Give me some of their names, please.

A Dr. Richard A. Sheppard, Dr. Richard M. Sheppard, and Dr. Stephen Sheppard.

Q And did you obtain statements from them?

A I did.

Q Now, you say that you completed your work that day at midnight, at or about, correct?

A That's correct.

Q Now, on Wednesday, the 7th, did you work on this case again?

A I did.

Q What time did you start your work on that day?

A Approximately 9 a.m.

Q Where did you first go on that day relative to this case?

A We went to the Bay Village Police Department.

Q And what time did you arrive there?

A 10:30.

Q Did you speak to someone there?

A I spoke to Officer Drenkhan and Chief Eaton.

Q Then what did you do?

A We called the hospital and learned that Dr. Samuel had left the hospital for the Daniel's Funeral Home, that he

was going to attend the funeral of his wife.

Q What happened then?

A He returned about 3 p.m.

2 Q And what did you do at that time?

A We interviewed a number of juveniles that had acted as baby sitters and had associated with the Sheppards.

Q And that telephone conversation -- withdraw that.

After that telephone conversation did you see Sam Sheppard that day, the 6th -- or, the 7th, rather, Wednesday?

A Yes, I did.

Q What time was that, that you saw him?

A Approximately 3:30.

Q Where did you see him?

A At the hospital, in Room 119.

Q And did you interview him?

A I was unable to interview him.

MR. CORRIGAN: Ask that be stricken out.

THE COURT: What was your answer?

MR. PARRINO: The answer was, "I was unable to interview him."

THE COURT: The jury will disregard that answer.

Q What happened at that time?

A I wanted to interview him, and Dr. Stephen --

MR. CORRIGAN: Object to that.

THE COURT: Well, he may say that.

That was a statement of his purpose.

All right. Go ahead.

A I wanted to interview him, and Dr. Stephen said, "He is too upset emotionally," and he said, "I have just administered a slight sedative and I doubt if you will be able to talk with him."

Q And how long did you remain there, sir?

A Approximately a half hour.

Q Where did you go from there?

A I went up onto the second floor at the hospital.

Q Did you speak to anyone there?

A Dr. Stephen Sheppard.

Q And you had some conversation with him?

A Yes, sir.

Q What happened?

A He contacted Mr. Petersilge by telephone, and Mr. Petersilge and I discussed why I was unable to interview Dr. Sam, and he said that perhaps "tomorrow, at about noon you will be able to interview him."

Q And is that all that happened there that day?

A That is all.

Q Then you left the hospital, I take it?

A I left the hospital.

3 Q Where did you go from there?

A I went back to the Bay Village Police Department where we examined some statements that had been taken by Officer Drenkhan.

Q Now, did you return to the defendant's home there on the -- withdraw that.

On the 5th, the 6th, the 7th, did you make any search of defendant's home at any time?

A Yes, we did.

Q And were you searching for anything in particular?

A Yes.

Q And describe the search, the nature of it, and --

A We were searching for a T-shirt.

Q Yes.

A We were also searching for some weapon that might have been used in this crime.

Q I see. Now, coming to the 8th, Thursday, did you work on the case again that day?

A I did.

Q You left this building that day at a particular time, I take it, isn't that correct?

A That's correct.

Q What time did you leave this building?

A Approximately 10 o'clock.

Q And before leaving the building did you speak to anyone?

A I spoke with members of the prosecutor's office.

Q And who in particular did you speak with?

A I spoke with you and with Mr. Mahon.

Q And was anyone else there present?

A I don't recall.

Q And speaking to Mr. Mahon and myself, you received certain instructions, I take it?

A Yes, sir.

Q And upon receiving those instructions, where did you go?

A We drove to the Bay View Hospital.

Q And who did you see when you got there?

A Dr. Gerber, Detective Schottke and Gareau.

Q What time of the day was that?

A Approximately 11 a.m.

Q What happened there at the hospital on that day?

A We were joined by Dr. Gerber, and we entered Room 119.

Q And was the defendant in that room?

A He was in that room.

Q Now, will you describe to the jury what happened in that room at that time?

A He was lying in bed, and his brother Steve was sitting in a chair beside the bed, so we explained to him that we were going to interview him relative to the crime that occurred there on the night of July the 3rd, and shortly thereafter Mr. Corrigan and Mr. Petersilge entered and

they objected to us questioning him, in view of the fact they didn't have time to talk with him alone.

Q Who said that?

A Mr. Corrigan.

Q He said he didn't have time to talk with the defendant?

A That's right.

Q Continue.

A And that we had agreed on 12 o'clock, and we came in at 11, and when he refused to answer questions, Dr. Gerber informed him that he would be served with a forthwith subpoena, and that we may have some means of transferring him to a place where he could and would be interviewed, and after considerable conversation there, Dr. Gerber made out a forthwith subpoena and asked me to serve it on Dr. Sam Sheppard.

Q And did he make the subpoenas out?

A Yes, sir.

Q Did you receive the subpoenas?

A I did.

Q What did you do with them?

A I was about to serve the subpoena when Mr. Corrigan said, "There is no need in that. This matter can be taken care of in another way, and I would much rather that you would withhold the serving of the subpoena until we discuss this matter at length."

Q I see. Continue, please.

A Then after some conversation it was decided that Mr. Corrigan, Mr. Petersilge, would leave the room, but they designated a Bay Village police officer, Mr. Yettra and myself as those being present in the room when the questioning was going on.

Q What happened to the subpoenas?

A The subpoena was torn up.

Q Now, did you question the defendant on that day?

A I did.

Q What time did that questioning begin?

A About 12:55 p.m.

Q Who participated in that questioning?

A Officer Drenkhan and I.

Q Was anyone else in the room?

A Dave Yettra was in the room.

Q Did he participate in any of the questioning?

A He did not.

Q Who is Dave Yettra, by the way?

A He is a man that works with me in the investigation of crime, and so forth.

Q He is in the Sheriff's office?

A Yes, sir.

Q How long did that interview take?

A About 3:50 p.m.

Q Now, would you give the Court and the jury the substance of what was said at that interview?

A He was asked to explain what he knew of what happened in his home --

Q Continue. I'm sorry.

A He was asked to explain what happened in his home from the time when he left the Ahern's residence and they had dinner together, and he informed us that after having had their dinner on the front porch of their home, they come into the living room, and that he had watched TV for a short period of time, and he became tired and laid down on the couch in the living room. That he remembers being awakened, but he did not know the time. He thought that perhaps his wife might have awakened him, but he fell asleep again on the couch, and then some period of time after that he thought he heard his wife scream and mentioned his name "Sam."

He ran up the stairs, and when he reached the top of the stairs, he looked into his wife's bedroom. That he observed some form stooping over his wife's bed, and as he was about to enter he was suddenly struck from behind. That he fell to the floor.

When he come to, he was in a sitting position, his back toward the bedroom, his feet toward the hall, and that his wallet was lying open between his feet. That he

observed something glistening on one end of this wallet, and that he picked it up and put it in his pocket.

He then got up and went to his son's room.

He said he doesn't know whether he returned to his wife's bedroom or not, but he thought that he might have to take her pulse, and while doing that he ran down the stairs after hearing a noise.

That he ran through the L-shaped living room where he saw a form between the front door and the door of the porch, which is a screen door. That he pursued this figure down the steps toward the beach house. About halfway down the form appeared to hesitate for a moment as though waiting for him, and that when he reached the bottom of the steps he grappled with this form. He thought it was from behind, don't know whether he grappled with some solid part of his body, and that he was then struck down and he lapsed into unconsciousness again.

Later on when he come to, he was lying on the beach on his stomach with his head toward the wall and his legs in the water. He was wallowed back and forth, then got up, walked up the steps, went upstairs into his wife's bedroom where he took her pulse, and then decided that she was gone.

And then he looked into Chip's room and he seemed

to think that Chip was all right.

He then come downstairs, walked around. He said he was in the kitchen, and then into his den where he decided to call for someone for assistance. That the first number that come to his mind was that of the Mayor, Spencer Houk. That he called him; some 10 or 15 minutes later Mr. and Mrs. Houk came over. He said that he had found himself sitting in -- slumped in a leather chair which is at his desk. Then he questioned him as to what happened, and he said he didn't know, but he thought that Marilyn had been killed.

NS Q Do you remember anything further?

TK 15 A That's all.

Q Now, did you ask him any further questions?

A I did.

Q State to the jury what you asked him and what he said?

A I asked him if he could give me a meager description --

Q A what?

A A meager, if not a good, description of the intruder he saw stopping over the bed. His reply was that it was taller than he, had on a white top, and he thought he had bushy hair.

Q Yes.

A I asked him if he thought that was the same one that he saw going through the front door. He said he didn't know.

I asked him about whether or not he had made any enemies during the time that he had been out there, if he knew someone that may have had a reason to destroy him or some member of his family over his profession. He said he didn't know at that time, but he might have had three or four. That his wife may have had some admirers. I asked him about how many. He said probably three or four, he doesn't know.

I asked him if he ever talked with these admirers, if he ever objected to it. He said no, he was rather impressed with the fact that his wife did have a lot of

admirers.

Q Yes.

A He said he knew of no reason why anyone would take her life.

Q Was there any further questions asked?

A I asked him about some information we received about having an affair with a young lady who worked at the hospital.

Q Did you give him her name?

A I did.

Q Tell us what was said?

A He said that he had worked with Susan Hayes, and that at one time while attending a party in California with a group of friends she had lost her wrist watch, and that she felt so badly about it, that he felt as though he might replace it for her, and that he bought this watch. His wife did not know about it until after he was on his way home.

Q Yes.

A I asked him if his wife objected to it, and he said, "Well, she did make some mention about it, but later on it didn't develop into any serious trouble."

Q Do you remember anything further that took place there?

A I asked him if he ever had an affair with a Julie Lossman. He didn't have an affair with her, he said, that is, certainly on his part, but on hers, he didn't know, but

he was told about their attention to one another by her husband.

He said that he thought she was seeing too much of him, and that he and his wife then decided that they wouldn't visit with the Lossmans any longer.

Q Was there anything further said there?

A That's all.

Q Now, did you ask him to do anything?

A I did.

Q Tell the court and jury what you said to him and what he said to you?

A I told him that he was the only suspect we had, and that in order to eliminate himself he should cooperate with us and take a lie detector test. To this he objected, stating that he was too emotionally upset and that he didn't think he could do justice with that test because he was upset.

I then asked him perhaps 10 or 15 more times at various times to take the test, and he said, "I won't take it because my attorney has advised me not to and members of my family have asked me not to."

Q Now, at that interview there on the 8th, how many times did you ask him, about?

A I think I asked him twice.

Q Now, is that the substance of that conversation?

A (No response.)

Q As a result of that, did you make some arrangement with him to see him again?

A I did.

Q And when were you to see him again?

A I saw him that evening at his home, his father's home.

Q And what took place there?

A We had Dr. Sam Sheppard and other members of his family, we had fingerprints taken. And then it was agreed that he should report to his home to establish whether or not anything had been stolen or whether or not anything was missing.

Q Now, did you see Sam Sheppard the next day?

A Yes, I did.

Q On the 9th?

A I did.

Q That would be on a Friday?

A That's right.

Q And where did you see him?

A I saw him at his home.

Q Did you accompany him to the home there?

A I did not.

Q Did anybody accompany the defendant to that home?

A Mr. Corrigan and Mr. Petersilge were there.

Q And were you alone, sir?

A Mr. Yettra was with me and Dr. Gerber.

Q Did the defendant come into that home?

A He did.

Q Did anyone else come into the home?

A Mr. Corrigan, Mr. Petersilge, Dr. Gerber.

Q What was done there at the home there on the 9th?

A Dr. Samuel Sheppard began to examine his physician's bag, which was on the floor in his office, and he removed instruments, gauze and various bottles, and he made a check of the drawers and the shelves in his office to see if anything had been stolen.

Q And what did he say in that regard?

A He said, as far as he knows, there wasn't anything taken, but he had another bag in the garage and he couldn't tell whether anything had been taken from that.

Q And describe everything that was done there that day?

A We then asked him to come upstairs and check to see whether any of their personal belongings were missing.

Q Into what part of the home did you go with the defendant, describe the route that you took?

A The entire downstairs and the upstairs, the various bedrooms and the bathrooms.

Q Was anything missing so far as the defendant knew?

A He said he was unable to state whether anything was missing

or not because his wife took care of the home and he didn't know what was there.

Q And how long did this tour there at the home take, about?

A About two hours.

Q From what time to what time was that?

A I think we arrived there about three, four o'clock, until after five.

Q I see. Is that all that you did with the defendant that day, sir?

A That's all we did that day.

Q "When that tour was completed, the defendant went his way, I take it, and you did what?

A No, sir.

Q What happened?

A We had some conversation with Dr. Sam and Mr. Petersilge and Mr. Corrigan.

Q Tell us what that was?

A I asked him if he could come into the office and make a statement in writing telling us the facts about the night of July 3rd. And it was agreed that I was to be called on the telephone nine o'clock Saturday morning, July 10th.

Mr. Corrigan said he would call me about 9 a.m.

Q Yes.

A And we then left.

Q Continue, please.

A At about 8:20 or 8:25 a.m., July 10th, Dr. Stephen Sheppard, Dr. Samuel Sheppard and Mr. Petersilge come into our office.

Q And what happened there?

A He said he was prepared to make a statement. Then after being interviewed for an hour and a half, he was taken into our office on the fourth floor where he made a statement, which was typed.

Q And that statement, Officer Rossbach, I believe has been offered into the evidence, but for illustration, will you look at that, State's Exhibit No. 48, please, and tell us if you recognize that statement?

A Yes, sir.

Q Is this the statement that the defendant made at your office on the 10th?

A It is.

Q Now, after the defendant made this statement in writing, did you see him again after that, after the 10th, that is?

A I did.

Q And when is the next time that you saw him again?

A On July 12th.

Q Where did you see him?

A At his home.

Q Did you speak with him?

A I did.

Q Who was present?

A Mr. Corrigan, Mr. Petersilge, his brother, Dr. Richard and Dr. Stephen.

Q What was said?

A I again asked him if he had thought over the suggestion that I made about him trying to eliminate himself as a suspect.

He stated that he wanted to help us in every way possible to serve this crime -- to solve this crime.

"Why don't you meet me some morning at some designated place at a designated time unbeknownst to anyone but yourself and myself and we will take this lie detector test, and at least you will eliminate yourself in one way?"

Q Now, did you state to him as to where this test would be made?

A I said anywhere, regardless of where it might be, I would take him wherever he wanted to go.

Q And what did he say to that?

MR. PETERSILGE: Objection, your Honor. Now, the prosecutor keeps asking about whether Dr. Sheppard was willing to take a lie test, a lie detector test, and the Court of Appeals of this county has held that the results of a lie detector test are not admissible in evidence.

It follows from that that it makes no difference whether Dr. Sheppard said that he would take the test or whether he refused to take the test.

THE COURT: Well, he has answered the question. The Court will instruct the jury on the matter.

MR. PETERSILGE: Exception.

Q What did he say?

A He says, "No," he says, "I'll be guided by the advice of my family and my attorneys."

THE COURT: Mr. Parrino, the Court would like to say a word to the jury now.

Ladies and gentlemen of the jury, you are not to understand by these questions that any person is obligated to take any lie detector test.

A person has his own choice. He is under no obligation whatever to take it.

All right.

MR. PARRINO: Thank you, your Honor.

Q Now, was --

MR. PETERSILGE: Just a moment.

If the Court please, we request the Court also

to advise the jury that he not only has an option whether he will take it or not, but that the results of that test are not admissible in evidence.

THE COURT: Well, they are not here, anyway, Mr. Petersilge.

MR. MAHON: We haven't any results here.

THE COURT: They are not here.

MR. MAHON: We are not offering any results.

MR. PETERSILGE: That's right, but the reason should also be stated to the jury.

THE COURT: I know, but we need not go beyond what we have in evidence. The evidence is here that he was asked to take it, he refused.

Now, the Court tells the jury he doesn't have to take it, period. We will stop right there.

Q Was there any further conversation there on the 12th?

A I said, "Will you give me an answer on that in the very near future?"

He says, "I'll act only upon the advice of my family and my attorneys."

Q Now, I want to call your attention to July 17th. Do you recall the events of that day, sir, as to a meeting that took place at Dr. Gerber's office?

A Yes, sir.

Q Did you attend that meeting?

A I did.

Q Now, after that meeting, did you see the defendant, Sam Sheppard?

A No, I didn't.

Q Now, as you arrived there on the 5th and the 6th and the 7th at the Sheppard home, did you go into the garage at any time, sir?

A No, I didn't.

Q Did you examine the contents of anything in the garage?

A No, I didn't.

MR. PARRINO:

I think you may

inquire.

CROSS-EXAMINATION OF CARL ROSSBACH (2:20 o'clock, p.m.)

By Mr. Corrigan:

Q Mr. Rossbach, taking the last question addressed to you, did you go in the garage at any time, and you said you didn't. You have forgotten that you went in the garage with me, didn't you?

Didn't you go in the garage with me?

A On what day?

Q On Thursday -- or Friday, Friday the 9th of July, the day that you were out at Sam Sheppard's home?

MR. PARRINO: I didn't ask him that.

Q Well, you did go in the garage that day, didn't you?

A I don't know the date that you are referring to, Mr. Corrigan.

Q I am referring to Friday, the Friday after the 4th of July, at the time that Sam Sheppard met you at his home.

A I don't recall.

Q You don't recall meeting him there?

A Being in the garage at that time.

Q You don't recall going into the garage at that time?

A No.

Q Well, now, where did you find the axe?

A The axe was found by Mr. Yettra.

Q And where was the axe found?

A In the garage.

Q And you didn't go in?

A Not that I recall.

Q Don't you remember going in and picking the axe off the top of one of the automobiles?

A No. That was picked up by Mr. Yettra.

Q All right. Were you there when he picked it up?

A I didn't see him pick it up.

Q Mr. Rossbach, you have had a lot of experience in the Homicide Division of the Cleveland Police Department before you became a Deputy Sheriff?

A I have had some experience.

Q You were not only a detective, but you were an officer in that detective department, were you not?

A Yes, sir.

Q And for how many years were you an officer in the detective department of the City of Cleveland?

A 11 years.

Q And you confined yourself mostly during that period of time to the solving of homicide cases?

A No, sir.

Q How many years were you on the homicide squad?

A I never was assigned to the Homicide Squad.

Q What were you assigned to?

A General duty.

THE COURT: He said he

was assigned to general work but he did cooperate with the Homicide Squad.

Q That included homicide cases, I take it?

A Some cooperation.

Q Yes. Now, then, when did you leave the Cleveland Police Department?

A August 25, 1946.

Q And then you became a Deputy Sheriff?

A No, sir.

Q What was your business after you left there?

A I was in business.

Q And what business were you in?

A The tavern business.

Q What?

A The tavern business. In the tavern business.

Q And for how long a period of time?

A About six years.

Q And then after that you came to the Sheriff's office?

A Yes, sir.

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Q And your position as the Deputy Sheriff is doing detective work, is it not?

A Yes, sir.

Q And ever since you have been here for the eight years that you have been here, you have been engaged in detective work?

A I haven't been here eight years, Mr. Corrigan.

Q I thought you said you came in 1946.

THE COURT: No. No. He left the Cleveland Police Department in 1946, then he went into the tavern business, and was in that for six years, did you say?

THE WITNESS: Yes.

THE COURT: And later came in --

MR. CORRIGAN: I see.

Q The first you knew about this matter was on the 5th of July?

A Yes, sir.

Q When you arrived at the house at about 10 o'clock in the morning?

A About 10.

Q And Dr. Gerber was there, Schottke and Gareau and some of the Bay Village officers?

A Yes, sir.

Q You made inquiry, did you not, as to what had happened and how it had happened?

A Yes, sir.

Q On the 4th of July, is that right?

A That's right.

Q And who did you make the inquiry from?

A I talked with Chief Eaton, Detective Gareau and Schottke.

Q And you learned what they had to say about it?

A Well, they told me that the wife of Dr. Sam had been --

Q No. I didn't ask you to repeat it, but I say you learned what they had to say about it?

2 A Yes.

Q And you learned, did you not, Mr. Rossbach, that after a couple of hours' investigation by Schottke and Gareau that they had gone down to the Bay View Hospital on the 4th of July and accused Sam Sheppard of killing his wife?

MR. PARRINO: Objection, that is not a fact, your Honor.

THE COURT: Objection will be sustained.

MR. CORRIGAN: What is wrong with the question?

THE COURT: That isn't the testimony.

Q Well, you learned in that conversation that during the 4th of July or on the 4th of July, Schottke and Gareau had gone to the Bay View Hospital and accused Dr. Sam Sheppard of having killed his wife?

A I learned that at the hospital.

Q Who did you learn that from at the hospital?

A Dr. Steve Sheppard.

Q So that you knew then on the 5th of July, when you went down there in the morning of the 5th of July, that Schottke and Gareau, the two Cleveland detectives, had already accused the man of killing his wife?

MR. DANACEAU: Objection. He
says the very opposite.

THE COURT: Objection sustained.

MR. CORRIGAN: What is that?

THE COURT: Objection sustained.

MR. DANACEAU: His answer is the
very opposite of what you just stated in your
question.

MR. CORRIGAN: Is it?

MR. DANACEAU: Yes, sir.

MR. CORRIGAN: Oh, well, I will
try to get it straight.

Q You did learn on Friday -- on Monday that Schottke and
Gareau had accused Dr. Sheppard of killing his wife?

A Yes, sir.

Q And you say you learned that when you went to the hospital
on Monday and you talked to Steve Sheppard?

A Yes, sir.

Q Now, then, when you arrived at the hospital on the morning of the 5th of July, who was with you?

A Detective Gareau and Schottke.

Q And at that time did you see any reporters and photographers around the hospital?

A Yes, I did.

Q Quite a number, there was quite a number of them, wasn't there?

A Yes, sir.

Q And when you had arrived at the Sheppard home on the morning of the 5th of July, did you see reporters and photographers there, in addition to the people that you have mentioned? Is that correct?

A I saw some there, yes.

Q Now, when you went into Sam's room on Monday, you say that was about 10 o'clock in the morning with both Mr. Schottke and Gareau accompanying you?

A No, sir.

Q They did not go in? Did you go in alone?

A I wasn't at the hospital at 10 a.m.

Q Well, what time on Monday were you at the hospital?

A Approximately 1:00 p.m.

Q Who was with you when you went there, what police officers?

A Detective Schottke and Gareau.

Q And did the three of you go into Sam Sheppard's room?

A Yes, sir.

Q And did you have any conversation with Sam Sheppard?

A I did.

Q And what was the conversation that you had with him at one o'clock on Monday afternoon?

A I told him what office I was from, and that we wanted to talk to him so that we could establish a motive and get a description of a suspect, if possible.

At that particular time, his brother, Dr. Stephen, said, "I'm sorry, I can't let you interview him. We have retained counsel and I would much rather wait until they arrive."

Q And did he give you no description of any kind that morning?

MR. MAHON: That afternoon.

Q That afternoon?

A I tried to get a description as to height, weight and age, complexion, but he was unable to give it to me.

Q He was unable to give it to you. If Mr. Schottke testified in this case that he was with you on that day, and that you asked Dr. Sam if he could give you a description of the man seen in the room, and Dr. Sam said to you, "He had a light top on," and then asked him if he could give a description of the man that went out the front door or the one that he battled with on the beach, and he stated,

"The man was tall, that he was heavier than he was and had

3 bushy hair," would you say Schottke is not telling the truth?

MR. MAHON:

Objection.

THE COURT:

Objection sustained.

Q Well, did he say that?

A I don't recall whether he said that or not.

Q Now, are you sure you don't recall?

A Yes, sir.

Q What?

A Yes, sir, I'm sure.

Q Will you say that Sam did not say that to you?

A I wouldn't say that.

Q You would not. All right. Now, then, it was true, was it not, when you went in there on that Monday that the man didn't look in good shape?

A I can't say that specifically.

Q Well, he was in bed, wasn't he?

A Yes, sir.

Q And he had a collar around his neck?

A No, sir.

Q No collar. Did he have anything around his neck at all?

A He had gauze and bandage.

Q A bandage. Did you notice anything about the side of his face?

A Yes, sir.

Q And what did you notice about that?

A He had a discolored right eye and abrasions on his right cheek.

Q And did you notice his mouth?

A His mouth was open.

Q And did you notice any wounds around his mouth?

A No, I didn't.

MR. CORRIGAN: Will you stand up,

Dr. Sheppard?

Q Will you look at Dr. Sheppard? Did he look like he looks today?

A No, he doesn't.

Q He does not. And he had difficulty, did he not, in moving his neck and moving his body?

A Appeared to have some difficulty in moving his neck.

Q I see. You noticed there was difficulty in moving his neck?

A Yes.

Q And the man was emotionally upset at the time, wasn't he?

A Yes. He was somewhat upset.

Q Now, then, was that the day I came in there?

A Yes, sir.

Q And I believe that, as I remember, you and I had a long conversation at the end of the hall after we came out of Dr. Sheppard's room. You remember that, Mr. Rossbach?

A Yes, sir.

Q In which we discussed the events of that murder of his wife, and did you not agree with me in that conversation that the man was not in normal shape?

A Yes, I did.

Q Now, then, on the next day, that would be Tuesday, I don't recall that I saw you on Tuesday. Did I?

MR. DANACEAU: Object.

Q Did I see you on Tuesday?

MR. DANACEAU: Well, we object to that. The question is: Did he see him on Tuesday?

THE COURT: Well, he may answer if he saw Mr. Corrigan on Tuesday. He may say that.

A No, sir, I didn't see you.

Q No. And then on Wednesday was the day of his wife's funeral?

A Yes, sir.

Q And after his wife's funeral, and after you had been out to the house and making an investigation along the lines that you desired, you went to the hospital about 3 or 3 o'clock in the afternoon?

A Yes, sir.

Q And was it that day that you talked to the nurse about going into Sam's room?

A No.

Q What day was that?

A That was on Tuesday.

Q Who was the nurse that you talked to about going into Sam's room?

A I can't tell you.

Q Did you take her name?

A I did not..

Q Now, on Monday, Tuesday, Wednesday did you talk to any of the people in the Bay View Hospital, doctors or nurses, in regard to Sam Sheppard's physical and mental condition?

A I talked to them each day.

Q And who did you talk to on Monday?

A On Monday I talked with Dr. Stephen Sheppard.

Q And on Tuesday you talked to a nurse?

A Yes, sir.

Q You don't know her name, didn't make a record of it?

A I did not.

Q On Wednesday when you were there who did you talk to about Sam Sheppard's condition?

A Dr. Stephen Sheppard.

Q Now, on the Wednesday after the funeral, you would consider that a man would be emotionally upset if he buried his wife, is that correct?

A I believe they should be.

Q Yes. Then when you came on Wednesday to carry on a further conversation with him, you were told by Dr. Steve Sheppard

that he was emotionally upset and that he had received some kind of dope, sedation?

A A sedative.

Q Now, up to that time had you examined the report of Mr. Schottke and Gareau?

A No, sir.

Q Did you ever examine the report of Mr. Schottke and Gareau?

A I did not.

Q Did you ever read the report of Mr. Schottke and Gareau printed in the Cleveland newspaper?

MR. DANACEAU: Objection.

THE COURT: Objection will be sustained.

MR. CORRIGAN: Except.

Q You have never seen their report?

A I have not.

Q Now, you never went so far, Mr. Rossbach, as to accuse this man of the murder of his wife, did you?

A I did not.

Q The furthest you went in all your examination was that you stated to him that he was a suspect?

A No, sir.

Q Well, did you say to him that he was a suspect?

A Yes, sir.

Q Now, then, on the Thursday -- let me go back to Wednesday --

you had a conversation with Mr. Petersilge on Wednesday, didn't you?

A Yes, sir.

Q At that time you knew that Mr. Petersilge was representing Dr. Sheppard, and the family of Dr. Sheppard, and the Bay View Hospital, didn't you?

A I did.

Q In fact, you had met him, had you not, on Tuesday night at the Bay View Hospital -- or at the Bay View police station?

A Yes.

Q When you took the statement of Dr. Sheppard, Dr. Richard Sheppard's statement, Dr. Sheppard, Sr., and Steve Sheppard. You saw him at that time?

A Yes, sir.

Q And when you called him, or when he called you on Wednesday afternoon, he arranged with you, did he not, to meet you at 12 o'clock on Thursday?

A Yes, sir.

Q Now, then, you didn't meet him at 12 o'clock on Thursday, did you? You didn't complete that arrangement of meeting him at 12 o'clock on Thursday?

A No, sir.

Q You went out before 12 o'clock, is that correct?

A That's correct.

Q You left here after talking to Parrino, and who else was it?

Mr. Danaceau and Mr. Mahon?

A Yes, sir.

Q You left here about 10 o'clock in the morning?

A Yes, sir.

Q Would that be a correct statement?

A That's correct.

Q And you went to Bay View Hospital and arrived there at about 11?

A Yes, sir.

Q And when you arrived there you found Dr. Gerber there and Detective Schottke and Gareau?

A Yes, sir.

Q And you also found there in advance of you a retinue of photographers and reporters, did you not?

A I met some photographers and reporters.

Q Well, there was quite a number around there?

A Several.

Q To refresh your recollection, after you come out of interviewing Dr. Sam Sheppard that afternoon, weren't you surrounded by reporters and photographers?

A That was some hours after that.

Q Some hours after that. But they were there when you arrived at 11, is that right?

A There was quite a few there.

Q Now, then, Mr. Rossbach, at the time that you arrived at

the hospital on the afternoon of Monday, you found in front of Sam Sheppard's door a police officer, did you not?

A Yes, sir.

Q And every time you went there you found a police officer in front of Sam Sheppard's door, is that correct?

A That's correct.

Q And, of course, you were armed with the authority of the Sheriff of this County at all times, weren't you?

A Yes, sir.

Q And if you wanted to go in a place, into a room to question a man, nobody could keep you out, could they?

MR. DANACEAU: We object to that.

That is not a matter of law.

THE COURT: Yes. I am not sure that that is so, Mr. Corrigan. Objection will be sustained.

Q Well, you had authority, anyway, the authority of the Sheriff of this County?

A Yes.

Q As a Deputy you carry also the authority of the Sheriff, don't you?

A Yes, sir.

Q Now, then, when you arrived at 11 o'clock, an hour in advance of the arrangement made with Mr. Petersilge, you and Schottke and Gareau and Mr. Yettra and Mr. Gerber all went into that

room, didn't you?

A Yes.

Q And when you went into the room, Dr. Sam Sheppard was still in bed?

A He was still in bed.

Q And you noticed that he was under certain emotional strains at that time, did you not?

A He didn't appear to be under any emotional strain to me.

Q Well, didn't he weep during the time that you talked to him, or when you went in to see him that morning? Didn't tears come to his eyes?

A Later on that afternoon, they did.

Q Well, I am talking about the morning.

A No, sir.

Q Did you notice that he had some difficulty in moving his head?

A He did have.

Q Did you notice that he had some difficulty and spoke in a rather low hesitating manner?

A Yes.

Q Did you notice after you were in there that the questioning was commenced by Dr. Gerber, when you gentlemen arrived in there?

A Yes, he did.

Q Now, then, in the course of the time that you were there,

Mr. Petersilge and I came into the room. You remember that?

A Yes, sir.

Q There was some discussion about whether we had the right to remain in the room while the questioning of Dr. Sheppard was going on, is that correct?

A There was some question about that.

Q What did you say?

A There was some question about that.

Q And Mr. Petersilge was insisting that he had the right and that we had the right to remain in the room while Dr. Sheppard was being questioned?

A Yes, sir.

Q Do you recall that?

A I do.

Q And it was then that the Coroner said that if we did not get out of the room that he would serve on him a subpoena and take him downtown and question him somewhere downtown. You remember that?

A Not in that manner.

Q Well, was that the effect of it?

A That was --

MR. DANACEAU: We object to it.

MR. CORRIGAN: I can't remember the exact words.

MR. DANACEAU: Well, let him tell.

Let the witness tell, then.

THE COURT:

He said not in that

manner. Now, that is where we are.

Q Mr. Rossbach, do you remember that in that conversation in which we were insisting on remaining in the room during the questioning, that Dr. Sam Sheppard began to toss back and forth in the bed and say and indicate, "Will you get out? Will you leave me alone? Will you let me talk?"

And that statement of Dr. Sam Sheppard's was addressed to Petersilge and myself? Do you remember that?

A Yes, sir.

Q And at that time do you remember that when this man was tossing in his bed, and all of us men that we have named were around him, then Coroner Gerber said, "Well, if he doesn't talk in here, we will make him talk downtown," or something to that effect, and gave you a subpoena for an inquest?

A No, sir.

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Q That did not occur?

A He gave me the subpoena out in the hall.

Q No. I am asking if that wasn't the fact. Now, you testified -- I called you as a witness in the bond hearing, Detective Rossbach, do you remember?

A Yes, sir.

Q I am now reading from Page 113 of that hearing. Was not this question asked you: Now, follow me, Mr. Rossbach.

"Well, do you remember that when this man was tossing in his bed, when all us men were around him, that then Coroner Gerber said, 'Well, if he don't talk in here, we'll take him downtown,' or something to that effect, and gave you a subpoena for an inquest?"

And didn't you answer, "That's true"?

A That was the second subpoena he gave me.

Q No. I am asking you if this question wasn't asked you under oath and if that answer wasn't given?

A Yes, he gave me a subpoena.

Q No. I am asking you now if this question that I have just read was not asked of you and if you did not give that answer? It's right here.

A If I answered it -- if it is in the record, that's just what I said.

Q All right. Now, then, it was stated, was it not, Mr. -- do you remember Mr. Petersilge saying, "Well, if

you have an inquest, it will be public, so we can hear what he says or what anybody says. You would have to have an inquest in public"? Do you remember that talk?

A Yes, sir.

Q And the result was of this talk that Sam Sheppard decreed that he wanted to talk to you and to talk to officers and give you all the information that he could, but he did not want to talk to Schottke and Gareau?

A That's true.

Q Because they had already accused him of the murder, is that right?

A The first part of your question is true.

Q Yes. He was willing -- let me put it this way, Officer Rossbach: He was willing to talk to you and to talk to Mr. Yettra, and he said that he would like somebody in that room that he had some confidence in, that he knew?

A Yes, sir.

Q And it was then that you went out and got Officer Drenkhan of the Bay Village Police Department?

A Yes, sir.

Q And then you and Mr. Drenkhan and Mr. Yettra sat in that room from about 1:30 in the afternoon until about 4:00 in the afternoon, is that correct?

A Approximately, yes, sir.

Q There was no attorney in there; we didn't stay, did we?

A No, sir.

Q You had a free hand with Dr. Sheppard, didn't you?

A (No response.)

MR. MAHON: Did you answer
that last question?

THE WITNESS: No, I didn't
answer it.

MR. MAHON: You did not
answer it?

THE WITNESS: No.

THE COURT: What is the
answer?

Q Well, you were in there alone with him --

MR. MAHON: Wait a minute.

THE COURT: Just a moment.

MR. CORRIGAN: I will withdraw it.
Withdraw it.

MR. MAHON: Wait a minute.

MR. CORRIGAN: It's withdrawn.

Q You were in there alone with him for that length of time?

A We were in alone with him.

Q And talking to him.

Now, then, Mr. Yettra --

THE COURT: Could you stop
there a few moments?

MR. CORRIGAN:

Yes, I can, surely.

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 at 2:50 o'clock, p.m., after which at 3:05 o'clock, p.m., the following proceedings were had:)

Q Now, Mr. Rossbach, when you were in the room with him on that Thursday afternoon with Mr. Yettra and Mr. Drenkhan, he gave his answers freely to you, didn't he?

A Yes, sir.

Q And isn't it a fact that during that examination and that questioning, that he broke down into tears a number of times?

A On two occasions.

Q On two occasions. Now, you didn't write down, you didn't make any written statement or get any written statement from him that afternoon, did you?

A No, sir.

Q And the conversation took at least three hours?

A Approximately three.

Q And during that three hours you asked him a great number of questions, didn't you?

A Yes, sir.

Q And Mr. Drenkhan asked him questions?

A That's so.

Q And you cannot remember now all the questions you asked him or all the answers that he gave you, can you?

A No, I can't remember all the questions or all the answers.

Q You remember some of them?

A The greater portion of them.

Q And you remember the general outline of what he told you about what happened in his house on the 3rd of July and the morning of the 4th of July?

A Yes, sir.

Q And I believe that one of the questions that you did tell here that you remembered and an answer that you remembered was that his wife had a lot of admirers, had a lot of admirers?

A Yes, sir.

Q And, of course, that didn't strike you as unusual, did it?

A No, it didn't strike me as unusual.

Q Most women have a lot of admirers, do they not?

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

THE COURT: Yes.

Q But it didn't strike you as unusual?

A (No response.)

Q Now, you remembered some information that he gave you about

the description of the man and you remember that he did tell you that he had fallen asleep on the couch and that he was awakened by his -- some noise from his wife, is that right, Mr. Rossbach?

A Yes, sir.

Q And did he tell you on that occasion that his wife had had some convulsions at a previous time, and that when he awakened he thought that it was a reversion or a recurrence of convulsions that she had?

A Yes, sir.

Q Now, then, he told you about going into the room and being struck down in the room?

A He said he was struck down while going into the room.

Q Yes, going into the room. I'm not going to go over it in detail, in the detail that you did before, but I am just going to ask you some general questions.

And he heard a noise downstairs? And he went downstairs?

A Yes, sir.

Q And he followed a man down to the beach and he had a tussle with a man on the beach?

A Yes, sir.

Q And he was knocked out again?

A That's so.

Q And when he came to, he was partially in the water?

A Yes, sir.

Q Part of his body was in the water?

A That's so.

Q And that it was then daylight?

A It was breaking day.

Q Breaking day. And he made his way back to his wife's room?

A Yes, sir.

Q And did he not tell you that he thought it was a horrible dream that he was having?

A He used that expression.

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And that he wandered downstairs and tried to think of what to do or someone to call?

A Yes, sir.

Q And that the first number that came into his mind was the number of Mayor Houk, and he called him?

A Yes, sir.

Q There were things in that conversation that he did not remember, and you reminded him, were there not?

Specifically, did you remind him that you had the information that he had gone down to the lake with Don Ahern and looked at the lake?

A No, sir.

Q Did you remind him that he had gone down into the basement with the youngsters and punched the bag?

A Yes, sir.

Q You reminded him of that? He didn't tell you of that first, did he? You asked him about that?

A I asked him if he went into the basement.

Q And after you had completed your interrogation of this man on Thursday afternoon, did you then ask him if he would go to the house and go over the house with you, and show you or give a physical demonstration of what he had told you on Thursday afternoon?

A Yes, sir.

Q And what did he answer when you requested him to go to the

house with you?

A He said, yes, he would go.

Q And didn't he further say that he would go anywhere with you, and that he wanted to help you in any way he could?

A Yes, sir.

Q Now, then, the next day, or that evening, is it not a fact that you and Mr. Yettra went to the house of Dr. Sheppard, Sr.?

A Yes.

Q And there was also there at that time a man from the Cleveland Police Department who took the fingerprints of everybody in the Sheppard household; do you recall that?

A Not everyone.

Q Well, who was that man, by the way?

A Mr. Ruble.

Q How do you spell that?

A R-u-b-l-e.

Q And he is a member of the Cleveland Detective Bureau?

A Yes, sir.

Q And whose fingerprints did he take?

A He took Dr. Stephen Sheppard's fingerprints, Dr. Sam's, Dr. Richard's, and Mrs. Stephen Sheppard.

Q Now, then, that was the mother?

A No. That is Dr. Stephen Sheppard's wife.

Q Oh, Stephen Sheppard's wife. Did he take Mrs. Richard

Sheppard's fingerprints?

A No, he didn't.

Q Now, then, you were in the house that evening, and those people were all there?

A Yes, sir.

Q Did you have any conversation with him?

A I did.

Q Now, then, was the little boy there they call Chip?

A Yes, sir.

Q Did you have some conversation with Chip?

A I did.

Q And did you question him as to what he knew?

A Yes, I did.

Q And you got such information as you could out of that little boy, didn't you?

A I did.

Q Now, then, in the conversation on Thursday afternoon, was there any question brought up about a sheet that covered the lower part of his wife's body?

A Yes, sir.

Q And did you question him about that?

A I did.

Q And what did he say?

A He said that he observed that she was not covered, and that when he walked into the bedroom he covered the lower

part of her body.

Q Did he say anything further?

A He said she was a very modest woman.

Q She was a very modest woman. Now, then, the next day, that would be Friday, July 9th, as I have it -- that is correct, is it not? Friday, July the 9th?

A Yes, I believe that is correct.

Q What?

A That's correct.

Q And what time did you arrive at the Sheppard home on that day?

A Approximately 2 or 2:30 in the afternoon.

Q And you completed your interview with him about 5 o'clock in the afternoon, do you remember that?

A Friday?

Q Friday, yes.

A No.

Q What time?

A It was after he had gone through the house, and we were talking to him on the porch.

Q What time was that?

A About 5 o'clock.

Q Now, then, when you arrived at the house on that day, there was a great number of reporters and photographers there, wasn't there?

A There was some reporters there.

Q And Dr. Gerber was also there?

A Yes, sir.

Q Do you recall whether there was any other police officers in the house during that period of time, besides yourself and Mr. Yettra?

A Some member of the Bay Village Police Department.

Q Do you recall who he was?

A No, I don't.

Q Do you recall that the other persons that were in the house were myself and Mr. Petersilge and Dr. Gerber?

A Yes, sir.

Q Did Richard Sheppard -- Dr. Richard Sheppard nor Steve Sheppard were not there, were they?

A No, sir.

Q Now, then, you proceeded with Dr. Sheppard to go through that house and to go over the grounds leading down to the beach, is that correct?

A That's correct.

Q Was there any unwillingness at any time shown by Dr. Sheppard to respond to any of your questions, or to go anywhere that you wanted him to go?

A He didn't show any unwillingness.

Q Now, then, in the course of that journey through that house on that day, you went upstairs into all the rooms, you

went into all the rooms downstairs, and you went through the basement?

A Yes.

Q And all the rooms in the basement. Did I accompany you at any time?

A No, sir.

Q Did I interpose any questions or any objections at any time?

A You did not.

Q Now, then, you went down to the beach, down the steps to the beach, and down by the boat house in the course of this journey on that afternoon, did you not?

A That is a bath house, Mr. Corrigan.

Q Yes, a bath house, and after you had completed the journey to the house, and such questioning as you thought was pertinent, you went into what is known as the den, did you not?

A Yes, sir.

Q And there was some questioning of him in the den, and some examination of the articles in the den?

A Yes, sir.

Q And one of the articles that was examined was this doctor's bag?

A Yes, sir.

Q And things were taken out of it, including surgical implements, medicine, and so forth, and examined by him?

A They were not examined by me.

Q No, but, I say, you saw him examine it?

A Yes, sir.

Q And after that examination was completed they were put into the bag, and he requested the right to take the bag away?

A Yes, sir.

Q You do remember that?

A I do.

Q Now, then, after that was over, you talked with him on the front porch?

A Yes, sir.

Q And the discussion amounted to the fact that you desired that he make a written statement?

A Yes, sir.

Q Do you remember that?

A I do.

Q And you at that time on that afternoon wanted him to come downtown to make a written statement, do you remember that?

A Yes, sir.

Q And I suggested that you bring your stenographer out there and have the witness' statement taken right there at the house that afternoon, do you recall?

A Yes, sir.

Q And you said that your custom or your manner of doing

business, that the written statement was to be taken downtown in the Sheriff's office, in your own office?

A Yes, sir.

Q And it was arranged that he should come to your office on the next day, or someone should call you up and make arrangements for his appearance on the next day?

A Yes, sir.

Q And that concluded your examination on that day, didn't it?

A Yes, sir.

Q And the next day he did appear at your office up here on the fourth floor of the County Jail?

A Yes, sir.

Q Now, your office on the fourth floor of the County Jail is located where?

A That would be in the southwest section of the County Jail.

Q That is in the jail proper? You have to be admitted to that part of the jail by the order of the Sheriff?

A Yes, sir.

Q It isn't the general office of the Sheriff where I could walk into or any other citizen could walk into, but this is a part of the jail where certain precautions are laid down before anybody can get in there, is that right?

A They must be furnished with a visiting card.

Q Must be furnished with a card by the deputy who is at the door?

A Yes, sir.

Q Now, then, when he came to that part of the jail on Saturday morning, he was accompanied by whom?

A His brother, Dr. Stephen, and Mr. Petersilge.

Q And during the entire part of the conversation, where was his brother Steve?

A Sitting in the portion of the Sheriff's office.

Q That is, he was outside the guarded portion of the jail, wasn't he?

A Yes, sir.

Q And where was Mr. Petersilge?

A He was with Dr. Sam.

Q He was admitted inside, was he?

A Yes.

Q Was he to the guarded portion of the jail?

A Yes.

Q Now, then, when Dr. Sheppard was taken back to your office, which was in that guarded portion of the County Jail, did Mr. Petersilge accompany him back to that part of the jail?

A Yes.

Q And was I there?

A No, sir.

Q Didn't see me at all, did you?

A No, sir.

Q Now, then, when you went back into your office, what other persons were there besides you and Dr. Sheppard and Mr. Petersilge?

A Detective Gareau, Schottke, and Miss Bauer of the prosecutor's office.

Q Miss Bauer?

A Yes, sir.

Q Were any of these gentlemen there?

A Not during the time that the statement was taken.

Q No. I am talking about the -- first you questioned him, did you not?

A Yes, sir.

Q And were any of these gentlemen there while you questioned him?

A Mr. Parrino was there.

Q Now, then, after you started to question him in this office, did you allow Mr. Petersilge to remain in there?

A I don't recall whether he was in there during the entire interview or not.

Q Well, to refresh your recollection, is it not a fact that when you started this questioning, you asked Mr. Petersilge to leave, and he did leave?

A I don't recall.

Q Now, then, the questioning started about 9 o'clock in the

morning?

A It was later than 9.

Q 9:30?

A 9:30, 9:45.

Q 9:30 or 9:45, and that questioning in that room continued until what time?

A About 11 o'clock.

NS
TK 19

Q And during that time, Mr. Parrino asked him questions?

A Yes, sir.

Q You asked him questions?

A Yes, sir.

Q Mr. Schottke and Mr. Gareau asked him questions?

A Yes, sir.

Q Was Mr. Yettra there?

A No, sir.

Q And he answered all your questions freely, did he not?

A Yes, sir.

Q Then after you had completed your questioning of him in that room, was there an arrangement made whereby there would be reduced to writing the statements that he had been making during the morning?

A Yes, sir.

Q And about what time did you start to reduce the statement to writing?

A 11 a.m.

Q Now, then, that statement that we have here, Exhibit No. 48, was made as a result of questioning as you went along through the morning and the afternoon?

A Yes, sir.

Q And as he would answer a question and as he would make a statement, Miss Bauer, who was an Assistant Prosecutor, would put it down on the typewriter?

A That is correct.

Q Now, then, it shows that that statement was concluded at 4:15 p.m.?

A Yes, sir.

Q That is your recollection of the time?

A Yes, sir.

Q Now, then, after it was concluded, then you all read it over?

A Yes, sir.

Q And there were some small corrections made in it, one on the -- have you got these pages numbered?

A They should be.

MR. PARRINO: At the bottom
of the page.

MR. MAHON: The numbers are
on the bottom.

Q Oh, second page, I see.

On the second page there is a correction in which something is rubbed out here. It doesn't amount to anything. It was originally, "a T-shirt white," and it was corrected to "a white T-shirt," and he made that correction.

And also a correction on Page 3 where he says, "I rounded" something "of the living room," and that was corrected to, "I rounded the L of the living room."

Now, then, after it was all completed, do you know what time in the afternoon that you adjourned?

A Approximately four o'clock.

Q Well, it wasn't completed until 4:15, as shown here.

Now, wasn't it read after that?

A It was read and then it was signed.

Q And then it was signed?

A And then it was 4:15.

Q What?

A And then it was 4:15.

Q And concluded at 4:15.

Now, from the time he arrived there in the morning until it was finally concluded at 4:15, did you adjourn at all?

A At various intervals.

Q What?

A At various intervals.

Q And what were those adjournments for?

A We asked the defendant if he was tired, if he wanted a rest period or if he wanted some nourishment.

Q And how long were the adjournments during that time?

A 10 or 15 minute intervals.

Q Did you stop for dinner?

A No, sir.

Q There was no stop for lunch?

A No stop for lunch.

Q Now, then, you went to the house almost every day, did you not, you were around in that neighborhood almost every day investigating this matter?

A Yes, sir.

Q And looking for what you could find that would solve this crime?

A Yes, sir.

Q The lake was searched?

A Yes, sir.

Q The house was searched many times, was it not?

A Many times.

Q In the search of the house, did you find a key?

A No, sir.

Q The grounds were searched many times?

A Yes, sir.

Q The former owner was brought over there, was he not, to aid in the search?

A He was.

Q To show you where there might be some hidden place around the property?

A Yes, sir.

Q And he gave you the assistance he could?

A He did.

Q During the search, did you dig up the sewer?

A No, sir.

Q Did anybody dig it up?

A Not to my knowledge.

Q Was anything dug up?

A Not during my time there.

Q What?

A Not during the time that I was there.

Q I see. Did you examine fires and incinerators around in the neighborhood?

A Yes, sir.

Q To see if anything of a suspicious nature had been burned in those fires?

A No, sir.

Q But you did examine them?

A Yes, sir.

Q And you were looking for something, were you not?

A Oh, yes.

Q What were you looking for?

A Any kind of a weapon that might be used to commit this crime.

Q And that search continued on up until the 17th day of July, is that correct? I am talking now of the day on which you met -- I am fixing that date because that was the day you met at the Coroner's office.

A Yes, sir.

Q What?

A Yes, sir.

Q Now, then, when you met at the Coroner's office on the 17th day of July, were the wounds that were on Marilyn Sheppard's body explained to you?

A Yes, sir.

Q Was it explained to you that the wounds on the front of her head were one inch apart?

A I just don't recall how far apart they were, but I know there was some mention made of the wounds.

Q I see. And they showed you colored slides?

A Yes, sir.

Q And was there any mention about looking for a man or a person with a bite on their finger?

A Not to my knowledge.

Q You still continued in your search for something that would give you some information about this crime, didn't you?

A Yes, sir.

Q There was a mine detector used out there?

A Yes, sir.

Q Sometime in August you had frogmen or there were frogmen out there that searched the bottom of the lake; do you recall that?

A I understood they were out there. I didn't see them.

Q I see. Now, on one occasion, on one search there was a

T-shirt found, was there not?

A Yes, sir.

Q And where was that found?

A That was found west of the Sheppard home at a pier directly behind the Schuele residence.

Q And that pier that is directly behind the Schuele residence is a pier that reaches out into the lake some 25 or 30 feet?

A Yes, sir.

Q Made of stone, and is on the borderline, practically, of the Schuele property and the Sheppard property?

A Yes, sir.

Q And who found the T-shirt?

A I don't recall the man's name, but he is an employee of the Village of Bay.

Q If I should give you the name of Jack Fur, would that --

A That refreshes me, yes.

Q That refreshes you. And there was also a Bay Village policeman there, was there not?

A Yes, sir.

Q By the name -- do you know his name?

A Ely?

Q L-i-p-a-j?

A Yes, sir.

Q And when that T-shirt was found, it was found snagged on a piece of wire?

- A Yes, sir.
- Q Right at the Schuele pier. What was done with the T-shirt?
- A The Bay Village officers turned it over to the Coroner.
- Q Was he there that day?
- A No, sir.
- Q What?
- A No, sir.
- Q Did you ever see it again?
- A I did not.
- Q Was it ever taken down and shown to Sam Sheppard, as far as you know?
- A Not to my knowledge.
- Q Now, then, on the 30th of -- on the 21st of July and the 22nd of July you were present at the inquest that took place in Bay Village, were you not?
- A Yes, sir.
- Q And you attended the entire inquest, did you not?
- A Yes, sir.

MR. CORRIGAN:
these for identification?

Will you mark

(Defendant's Exhibits
HH through RR, being
photographs, were marked
for identification.)

- Q Now, Mr. Yettra --

MR. MAHON:

Rossbach.

MR. CORRIGAN: I don't know who should be mad at me for that, you or him.

THE COURT: You ought to look at him.

MR. CORRIGAN: Well, they are together so often I confuse them.

Q Handing you a picture marked as Exhibit HH, will you look at that and see if you recognize that scene?

A Yes, sir, I do.

Q What is it?

A That is the gymnasium of Normandy School in Bay Village, Ohio.

Q And is that a fair representation of the crowd that was present at the inquest when you were present?

MR. MAHON: I want to object to this, any description of them, your Honor.

THE COURT: Yes. The objection will be sustained.

MR. CORRIGAN: You don't want me to ask these questions?

MR. MAHON: I am objecting to any description of what those pictures show. I don't think they are competent at all in this case.

Q Handing you Defendant's Exhibit II, will you look at that

picture, Mr. Rossbach, and state whether you recognize that picture or what is shown by that picture?

MR. MAHON: I object to what
is shown by it.

THE COURT: Well, the Court
doesn't know what they are.

(Documents submitted to the Court by the
witness.)

THE COURT: The objection will
be sustained.

MR. CORRIGAN: Except.

tke 20

Q

Handing you Exhibit No. JJ, I will ask you the same question:

Do you recognize where that picture was taken?

MR. MAHON:

Objection to that,

too.

THE COURT:

Objection sustained.

MR. CORRIGAN:

Except.

Q

Handing you Exhibit LL, I will ask you if you recognize the scene shown in that picture?

A

Yes, sir.

Q

And what is it?

MR. MAHON:

Objection.

THE COURT:

Sustained.

MR. CORRIGAN:

Except.

Q

Handing you Exhibit MM, I will ask you if you recognize the scene shown in that picture?

A

I do.

Q

And what is it?

MR. MAHON:

Objection.

THE COURT:

Sustained.

Q

Handing you Exhibit NN, I will ask you if you recognize the scene shown in that picture?

A

Yes, sir.

Q

And what is it?

MR. MAHON:

Objection.

THE COURT: Sustained.

Q And handing you Exhibit OO, I will ask you if you recognize the scene shown in that picture?

A I do.

Q And what is it?

MR. MAHON: Objection.

THE COURT: Objection sustained.

Q And handing you Exhibit PP, I will ask you if you recognize the scene shown in that picture?

A Yes, sir.

Q And what is it?

MR. MAHON: Objection.

THE COURT: Objection sustained.

Q And handing you Exhibit QQ, I will ask you if you recognize the scene in that picture?

A I do.

Q And what is it?

MR. MAHON: Objection.

THE COURT: Sustained.

Q And handing you Exhibit RR, I will ask you if you recognize the scene in that picture?

A Yes, sir.

Q And what is it?

MR. MAHON: Objection.

THE COURT: Sustained.

MR. CORRIGAN:
Exhibits SS and TT.

Mark this Defendant's

(Defendant's Exhibits
SS and TT, being cellophane
folders containing letter
and envelope, were marked
for identification.)

Q Now, Mr. Rossbach, handing you a cellophane folder
containing an envelope and a letter, I will ask you to look
at that and state whether or not you have ever seen that
before (referring to Defendant's Exhibit SS)?

A Yes, sir.

Q And handing you another cellophane folder containing a
typewritten letter and an envelope, Defendant's Exhibit TT,
I will ask you to examine that and tell me whether you have
seen that before?

A Yes, sir.

Q And where did you see them first?

A They were given to me by you.

Q And you later returned them to me?

A Yes, sir.

Q Could you state to me, Mr. Rossbach, how long they were in
your possession?

A Approximately a week.

Q In your examination or your investigation, did you come
across the picture of the print of a woman's barefoot?

A No, sir.

Q Was it ever called to your attention?

A No, sir.

Q Was a pair of glasses that were found on the beach ever called to your attention?

A No, sir.

Q Was a handkerchief that was found on the beach ever called to your attention?

A No, sir.

Q Now, in the examination of the house, you have noticed that --

MR. CORRIGAN: Before I come to that, I offer in evidence Defendant's Exhibits HH to RR, your Honor.

MR. MAHON: What is that?

MR. CORRIGAN: Those are the pictures that you objected to.

MR. MAHON: We objected to all of them, if your Honor please. They have all been sustained.

THE COURT: They will not be received.

MR. CORRIGAN: Exceptions.

(Defendant's Exhibits HH to RR were offered in evidence, and admission of same was rejected.)

Q In the examination of the house, you made an examination of the room in which Marilyn was killed, did you not?

A Yes, sir.

Q Now, handing you State's Exhibit No. 22, Mr. Rossbach, which is a picture of the door, the bedroom door, and the door in the closet, do you recognize them as such, that it is a picture of the door leading into Marilyn's bedroom and also the door of the closet?

A Yes, sir.

Q Have you seen that picture before?

A No, sir.

Q In your service as a detective, have you made any research on the result of blood stains on a surface?

A No, sir.

Q You notice that in this picture some of the blood stains are larger than other blood stains?

A Yes, sir.

Q That appear in the picture. Now, in addition to making your examination of this door, did you examine other parts of the room?

A I did.

Q Did you make any written notation --

A No, sir.

Q -- of what you noticed about the other walls in the room?

A No, sir.

Q Do you have a recollection now of the fact that there was blood stains on other parts of the room besides the two doors, as depicted in this picture, Exhibit 22?

A Yes, sir.

Q And where were those other blood stains?

A On the west -- on the north wall, on the south wall.

Q And no photographs were taken by you?

A Not by me.

Q And you have seen no photographs of them?

A No, sir.

Q Now, in the conversations that were had with this man on Thursday afternoon when you were in his room --

THE COURT: You mean Dr. Sam?

Q Dr. Sam's room, that would be Thursday, July the 8th -- Friday, July the 8th --

THE COURT: No. Friday is the 9th.

Thursday is the 8th.

Q Thursday, the 8th, Friday, July the 9th, and on Saturday, July the 10th, the statements that were made by Dr. Sheppard at all times were substantially the same, were they not?

A Yes, sir.

Q And you listened to him when he testified at the inquest as to what he had to say -- I will change that. You listened with attention -- withdraw that.

You remained throughout the entire inquest, did you not, Mr. Rossbach?

A Yes, sir.

Q And you listened with attention to what he had to say, to his testimony, that is, to Dr. Sam's testimony?

A Yes, sir.

Q And the statements generally referring to the happening that occurred on the night of July the 3rd and the morning of July the 4th, was substantially the same as he had said right along?

MR. PARRINO: Objection.

THE COURT: Objection sustained.

MR. CORRIGAN: What is wrong with my question?

THE COURT: It is not for him to say.

MR. PARRINO: It is a question for the jury.

THE COURT: Sure.

Q No. I am saying, what you heard him say in all of those conversations was substantially the same, is that not right?

MR. MAHON: I object to that.

THE COURT: Yes. Objection sustained.

MR. MAHON: Let him describe what

he said and tell what he said.

Q Well, was there anything different, any substantial difference in any of the statements made by Dr. Sheppard?

A No, sir.

Q Now, then, you remember this:

He was brought to the jail on Friday, July the 30th, under arrest. Were you there?

A No, sir.

Q When did you first see Dr. Sheppard in jail after his arrest?

A The following morning.

Q And did you have some conversation with him the following morning?

A Just greeted him, that was all.

Q Just to greet him. Did you see officers of the Cleveland Police Department in the jail on that morning?

A Yes.

Q And they were questioning him?

A I don't know. I saw them in the building --

Q Well, in the questioning of Dr. Sheppard, they did use your office, did they not, on the fourth floor?

A Yes, sir.

Q And it was in use on Saturday by Cleveland police officers?

A Saturday?

Q Saturday, July the 31st.

A I can't --

Q The day after his arrest.

THE COURT: The day after the
arrest.

A I can't say that I saw anyone in there. They may have used
it.

Q Well, did you see them use it on Sunday, or did you work
Sunday?

A I worked, but I wasn't here.

Q Did you see them use it on Monday?

TK 21 A No, sir.

Q Did you see them use it on Tuesday?

A No, sir.

Q Now, sometime after his arrest he was taken out of the jail by you, Mr. Rossbach, was he not?

A Yes, sir.

Q And was he taken out more than one occasion?

A Several occasions.

Q Well, he was taken to Court on some motions that I filed. I will eliminate those. Was he taken anyplace when I was not present?

A Yes, sir.

Q And where was the first place?

A He was taken to the Central Station on the third floor in the Bertillon office.

Q What day was he taken to the third floor in the Bertillon office?

A May I refresh myself with my notes?

Q Yes. Look at it.

A August 2nd.

Q That would be on a Monday?

A Yes, sir.

Q And what time was he taken out of the jail on Monday, August 2nd?

A 12:20 p.m.

Q And who took him out?

A Mr. Yettra and I.

Q And where did you take him to?

A To the Central Station.

Q That is, the Cleveland Police Headquarters?

A Yes, sir.

Q Just up the street. And where was he taken to?

A To the third floor in the Bertillon office.

Q What was done there?

A Photographed and printed.

Q I don't understand printed.

A Fingerprinted.

MR. MAHON: Fingerprinted.

THE COURT: Photographed and
fingerprinted.

Q And was he questioned there?

A No, sir.

Q Then you brought him back?

A Yes, sir.

Q Now, then, when was the next time he was taken out of the
jail when I was not present?

A That evening at 7:30 p.m.

Q And where was he taken at 7:30 p.m. on that evening?

A To the City Hospital.

Q Who took him there?

A Mr. Yettra and Mr. Boyett and Lonchar of the Cleveland Police Department.

Q Were you along?

A Yes, sir.

Q Well, there was four of you, then, that took him --

THE COURT: Did you say
yes or no?

THE WITNESS: Yes, sir.

Q -- that took him over to the City Hospital at 7:30 p.m.?

A Yes, sir.

Q How long was he held at City Hospital?

A We returned there about 10:35. About 10:00.

Q That is, you got back here at 10:00?

A 10:45.

Q 10:45. Now, then, when you took him to the City Hospital where did you take him?

A We took him in the X-ray room.

Q Did you remain in there?

A We remained at the door.

Q Was the door open?

A Part of the time.

Q Could you see him?

A Yes, sir.

Q What was going on?

A Yes, sir.

Q And who was in that room?

A Several doctors and Detective Boyett.

Q Do you know who the doctors were that were in that room?

A Yes, sir.

Q Will you give me their names?

A Dr. Green, Dr. Braden and Dr. Slade.

Q Sladen?

A Slade.

MR. PARRINO: Slade.

Q Dr. Green is the doctor for the Police Department of the City of Cleveland, isn't he?

A Yes, sir.

Q Now, then, did you see those doctors examine him?

A Yes.

Q Were his clothes taken off?

A Yes, sir.

Q All of them?

A No. To his waist.

Q What?

A To his waist.

Q He was bare to his waist. And then he was returned at 10:45 to the County Jail?

A Yes, sir.

Q In the operation of the County Jail, there is a doctor in

attendance, is there not?

A Yes, sir.

Q And there are nurses in attendance?

A Yes, sir.

Q And on the 11th floor of the County Jail there is an equipped examining room?

A Yes, sir.

Q And the doctor that is in charge of the County Jail is Dr. Mankovich?

A Yes, sir.

MR. CORRIGAN: That is all.

Thank you, Mr. Rossbach.

MR. PARRINO: I will be very brief, Judge, and I think that maybe we can finish with Mr. Rossbach.

REDIRECT EXAMINATION OF CARL ROSSBACH

By Mr. Parrino:

Q At the County Jail, you do state that on the eighth floor you have certain facilities for prisoners who are not well, is that correct?

A Yes, sir.

Q Do you have any X-ray equipment in the County Jail?

A No, sir.

Q Now, you do state to Mr. Corrigan that on one occasion you

did interview Chip, is that correct?

A I did.

Q When was that time that you interviewed Chip, please?

A It was on Thursday, July 8th.

Q And where did you interview him?

A At his grandfather's home on West Lake Road.

Q And who was present, if anyone, during that interview?

A His aunt, Mrs. Stephen Sheppard.

Q And how long did that interview take, approximately?

A About an hour.

Q And was Mrs. Sheppard present during the entire interview?

A Yes.

Q Now, calling your attention again, please, to the time that you questioned the defendant on July 8th at Bay View Hospital; do you recall that?

A Yes, sir.

Q Prior to that questioning, do I understand that a request was made for a Bay Village patrolman to participate in that questioning?

A Yes, sir.

Q And by whom was that request made?

A Dr. Stephen Sheppard.

Q By anyone else?

A And Mr. Corrigan.

Q By anyone else?

A And Dr. Sam.

Q And what patrolman was -- withdraw that.

Who was it requested to participate in that interrogation?

MR. CORRIGAN: Object to that.

He just said --

MR. PARRINO: Withdraw that.

Q Was there any particular police officer named who was to participate in that questioning?

A Yes, sir.

MR. CORRIGAN: Object to that.

He said Officer Drenkhan.

MR. MAHON: He hasn't said that yet.

THE COURT: Let him answer.

A Officer Drenkhan.

Q Now, something has been stated about some subpoenas that you had in your possession there on the 8th at Bay View Hospital. Now, how many sets of subpoenas did you have in your possession on that day?

A Two.

Q And what happened to the first set of subpoenas?

MR. CORRIGAN: Object. He said he tore them up. It has all been gone over, your Honor.

THE COURT:

Sir?

MR. CORRIGAN:

I say, it has all been gone over. He is going over the same thing again.

MR. MAHON:

No, we didn't go over this.

THE COURT:

He has testified to the subpoenas. He asked him how many there were, and he said two.

Q You did testify previously that the first set of subpoenas were torn up, is that correct?

A Yes, sir.

Q Now, when were the second set of subpoenas given to you and by whom?

A After some discussion between Mr. Corrigan and Dr. Gerber, the subpoena was torn up and later on Dr. Gerber was going to issue the second subpoena.

THE COURT:

On the same day?

THE WITNESS:

The same day at the same place.

Q And what happened in that respect?

A And then they decided that they wouldn't have to serve the subpoena and that the questioning could go on without counsel being present.

Q I see. But were the second set of subpoenas made up,

however?

A Yes, sir.

Q Now, do you recall Mr. Corrigan asking you this question a moment ago: Did you have a free hand in questioning the defendant, Sam Sheppard, there on the 8th? Do you recall that question?

A Yes, sir.

Q Now, did you have a free hand in questioning the defendant on that day?

A No, sir.

Q Describe what occurred?

A After we questioned Dr. Samuel Sheppard for about an hour, his brother, Dr. Richard, came in and examined him, asked him a few questions.

Then an hour later, his brother, Dr. Stephen came in and went through the same.

Then at approximately 4:00 o'clock, his father, Dr. Richard, Sr., came in and said, "That's enough, he's kind of weak now," and he said, "I think we better call it a day."

MR. PARRINO:

That is all.

RE-CROSS-EXAMINATION OF CARL ROSSBACH

By Mr. Corrigan:

Q Now, Mr. Rosbbach, you questioned him for an hour and then

his brother, Richard, come in and inquired how he was getting along?

A Took his pulse.

Q What?

A Took his pulse.

Q And took his pulse and went out. Then you continued the questioning?

A Yes, sir.

Q For another hour and another doctor came in and took his pulse?

A Yes, sir.

Q They didn't interfere with your questioning, did they?

A We had to discontinue until he got through asking him questions.

Q You had to discontinue as long as they took his pulse. And then late in the afternoon when his father come in, you had completed your questioning, hadn't you?

A No, sir.

Q What more did you have to ask him? You were at him for three hours.

A We could have asked him numerous questions.

Q I suppose so. I will come back to that.

The Cleveland Police Department in your jail asked him questions from 11 o'clock in the morning until 12 o'clock at night, didn't they?

MR. DANACEAU: Objection.

THE COURT: Objection sustained.

MR. CORRIGAN: That is all.

MR. PARRINO: That is all.

THE COURT: Thank you, sir.

(Witness excused.)

THE COURT: Let's have quiet,
please, gentlemen.

Ladies and gentlemen of the jury, without
any formality at all, we will now be adjourned
until 9:15 tomorrow morning.

Please observe the Court's caution, do
not discuss this case with anyone.

(Thereupon, at 4:15 o'clock, p.m., an
adjournment was taken until 9:15 o'clock, a.m.,
on Tuesday, November 23, 1954.)

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