

1 Doctor Sam Sheppard as a suspect?

2 A. Well, I find it hard to believe that her husband
3 would have been sexually assaulting her. That's
4 just something that I'm unable to -- not unable,
5 that I find extremely illogical, extremely
6 implausible, considering this is a husband, wife
7 relationship.

8 Q. Were you familiar with the nature of the sexual
9 relations between Doctor Sheppard and Mrs. Marilyn
10 Sheppard?

11 A. No, only that she was pregnant.

12 Q. So the fact that they were married would not -- I'm
13 just trying to get the logic of this, so I
14 understand it, Doctor, that's all, he would have no
15 need to sexually assault his wife, because she would
16 be -- it would be a consensual type of relationship
17 anyway?

18 A. Yes. And then to extend that, to be rebuffed is not
19 something unknown in the marital bedroom in American
20 society, it's a subject of much discussion and many
21 jokes. But to then respond to such rejection by
22 killing your wife is just something that I find
23 extremely difficult to accept.

24 Q. So are you telling me, then, that the motive for the

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1 killing is the sexual rejection?

2 MR. GILBERT: Objection.

3 BY MR. DEVER:

4 Q. If you have an opinion as to motive?

5 A. Well, as I've already said, I think that it started
6 off that way. I think then the motive could be a
7 combination, then, of different things, ranging from
8 increasing anger and fury, possibly, if one were to
9 be unmasked in a literal sense, or identified by the
10 assailant, then it becomes a matter of killing of
11 necessity. All of this is conjectural. So I can't
12 really give you a specific motive once we go beyond
13 the commencement of the act, get into the mind of a
14 person. I'm not a forensic psychiatrist, I can't do
15 anything more than that.

16 Q. Do you call this a rage type of killing?

17 MR. GILBERT: Objection.

18 A. As a forensic pathologist, with multiple injuries of
19 this nature, yes, I have no problem with that
20 characterization. It connotes -- this kind of
21 extensive injuries could be characterized as rage.

22 Q. Do you have postmortem injuries here?

23 A. It's impossible for me to tell you if any of the 16
24 blows to the head, if number 16 or 15 or 14, came

1 when she was already dead. Inasmuch as the brain
2 was not extensively damaged, although there were
3 some hemorrhages and so on, I think she probably
4 remained alive. And I cannot point to any injury
5 that I could say was inflicted postmortem.

6 Q. Now how do you get to your opinion, you're going
7 further in that paragraph, you're excluding Doctor
8 Sheppard by the mere nature of the relationship that
9 exists between him and his wife, that rejection for
10 sexual advances would not necessitate him into
11 killing his wife; is that basically what you're
12 telling us?

13 A. Yes.

14 Q. Then how do you get to the second step there, that
15 it was perpetrated by another individual, and then
16 indicate most likely Mr. Eberling?

17 A. I readily admit that this is not a conclusion I
18 arrive at based upon forensic pathology evidence. I
19 arrived at that, and it is opinion I would not ever
20 be expressing in a courtroom, based upon what I did
21 come to learn and read and hear about Mr. Eberling,
22 the reported confessions or statements he had made
23 to at least one person, if not two, that he had
24 killed Mrs. Sheppard, to Doctor Tahir's DNA

1 analysis, which found some alleles consistent with
2 Mr. Eberling's, with the scar on his left wrist. So
3 all of those things came into my mind, and led me to
4 that statement. So it was a statement that I set
5 forth in my report to Mr. Gilbert, I guess to
6 complete my review, evaluation, let him know how I
7 felt. But it is not one that I would arrive at as a
8 forensic pathologist. This would have to be a
9 matter for the homicide detectives to pursue. But
10 those are the reasons, and I forgot to mention some
11 other things, the fact that he was there, that he
12 said he had cut himself, which I found interesting,
13 to explain why blood was there. Marilyn Sheppard's
14 ring, as I understand, found in his possession. So
15 when you put it all together, science and fact and
16 circumstance, and purported statements by him, I'm
17 not embarrassed by the lack of any logic or wild
18 assertion by that statement, but readily admit that
19 it is not for me as a forensic pathologist to make
20 that determination.

21 Q. Now you're aware of all of the various DNA testing
22 that was conducted by Doctor Tahir was use of DNA
23 technology at the minimal level being the DQ alpha
24 testing series; is that correct?

1 A. Yes. I'm not going to be addressing these things.
2 But I'm aware that the tests were done, and I have
3 copies of his reports.

4 Q. And you understand that that is not a discriminatory
5 type of test in that identified particular source of
6 genetic material?

7 A. I understand that it is not definitive in the sense
8 that it's Mr. Eberling to the exclusion of a million
9 or, as some experts in other cases opine, 15 billion
10 for the next three world populations to come in the
11 following five centuries, yes, I understand that.

12 Q. It's a grouping type of test, as opposed to
13 identifying?

14 A. Right.

15 Q. You had a chance to supplement your report, and
16 that's Defendant's Exhibit 3.

17 A. Yes.

18 Q. And you dictated or created this on January 14th of
19 this year?

20 A. That's correct.

21 Q. There were concerns that you had about various tests
22 that were either conducted under the direction of
23 Doctor Liz Balraj of the Cuyahoga County Coroner's
24 Office; is that correct?

1 A. Well, the specific points that were set forth in the
2 reports of Mr. Wentzel and Doctor Lovejoy, yes. And
3 I understand those tests were undertaken, I guess at
4 Doctor Balraj's instruction.

5 Q. As far as the blood spatter that Mr. Wentzel at
6 least photographs on the wrist watch that is
7 identified to be that of Doctor Sam Sheppard's,
8 that's item number 3 on your report.

9 A. I see that.

10 Q. You're familiar with what blood spatter is, aren't
11 you?

12 A. Yes.

13 Q. And you saw those particular photographs that were
14 enhanced; is that correct?

15 A. Yes.

16 Q. You indicate that you believe that Doctor Sheppard's
17 watch was removed after he was first hit on the head
18 up in the murder room; is that correct?

19 A. Yes, that's what I state here.

20 Q. Do you believe that contained on the watch, though,
21 the seven particular areas or spheres of blood or
22 what appear to be blood on the watch, are, in fact,
23 blood spatter?

24 MR. GILBERT: I'm going to object, unless

1 you show him -- I'm not sure that he's seen the
2 picture that you're talking about, and you're
3 assuming that he is a blood expert and examined
4 this.

5 A. I would not respond, because I am not, I do not
6 consider myself to be a blood splatter expert. I
7 have some knowledge. But in any case in which I
8 would be involved, or my office, in which pattern
9 definition would be relevant, I would then reach out
10 for our appropriate experts. So I'm not going to
11 express an opinion on that. I did in this report
12 back to Mr. Gilbert, but I will not be testifying as
13 a blood splatter expert.

14 Q. So as far as then paragraph 3 as far as discussions
15 as to whether or not there are smears or spatters on
16 Doctor Sheppard's watch, you can't offer any type of
17 opinion?

18 A. I do not offer opinions on that. I'm sure that will
19 be addressed by Mr. Gilbert's criminalist, and of
20 course your criminalist.

21 Q. So we'll leave that to those particular experts. As
22 far as blood dripping or blood trail, do you have
23 any particular training in the area of blood
24 identification or the concept of physical properties

1 of fluids?

2 A. Again, limited in my experience as a physician and
3 pathologist, and forensic pathologist. And then,
4 you know, cases over some 40 years. But this is
5 really a corollary or an extension of what we were
6 just talking about. Here again, I would not
7 undertake to provide the expertise for such matters.
8 And I believe and assume that these will be
9 addressed by the same kinds of experts that will
10 deal with other matters pertaining to blood
11 splatters and so on. I did make a comment here,
12 however, which I feel I certainly can make as a
13 physician, as a forensic pathologist with regard to
14 blood, that I believe that blood can, indeed, drip
15 from a wound, and a body, and does not have to come
16 from some weapon or object. I know that, I think,
17 as a human being. I've had nosebleeds, well, many
18 years ago, many of them, and once in awhile today.
19 And sometimes I mean if I, by the time I go from one
20 room to the other, I've left a considerable pattern.
21 I've had little cuts on my fingers, one recently.
22 It's just amazing how much blood can come from the
23 smaller of cuts.

24 Q. Exactly.

- 1 A. So to say in my opinion, and here I would express an
2 opinion, that because an object is shaped something
3 like my hand is no different, really, than my hand,
4 so if the object can drop blood, why can't my hand
5 drop blood, to me that's just basic logic.
- 6 Q. Reason and common sense, isn't it, Doctor?
- 7 A. I think so.
- 8 Q. And experiences that everyone has?
- 9 A. That's my opinion.
- 10 Q. The other item that you discussed is the impression
11 or the imprint of an object, they use the term
12 imprint, item number 5?
- 13 A. Yes.
- 14 Q. You became aware that there was, going even back to
15 the original trial, the claim by Doctor Gerber that
16 there is an impression in the blood stained pillow
17 that is on the bed where Marilyn Sheppard's body is
18 found, and that contained within that particular
19 stain is an outline that he opinioned to be an
20 instrument, a surgical instrument?
- 21 A. Yes, I'm aware of that.
- 22 Q. Do you have any knowledge, first of all, as to
23 drying times of blood?
- 24 A. Some. But here again, I would not provide such

1 expert testimony. I would have tests done, if that
2 were an issue, and it were in my office, by the
3 people who have the training and who deal with blood
4 work in the lab.

5 Q. You would agree, wouldn't you, if there is, in fact,
6 an impression or some sort of outline in the form of
7 that pillow, that it is a jump in logic to draw the
8 secondary inference, then, that if you find an
9 impression in the pillow, that secondly that that
10 impression is related to the injuries to
11 Mrs. Sheppard's head, would you agree with that?

12 MR. GILBERT: Objection.

13 A. Gee, I'm not sure if I follow that.

14 BY MR. DEVER:

15 Q. If you find an imprint on the pillow, if you assume
16 that there is an imprint of an object.

17 A. Of blood.

18 Q. Let's not call it surgical instrument, just object.

19 A. But you're using imprint as just opposed to some
20 blood, is what I'm asking you?

21 Q. Yes, an outline of some sort of object that
22 indicates that there was something placed at that
23 particular pillow at or near the time that the blood
24 was deposited there?

1 A. May I just stop you at this point before you go on?

2 Q. Sure.

3 A. Because with all of these wounds on the scalp, she's
4 bleeding profusely, so I'm asking you, and you'll
5 phrase the question the way you want to, but you're
6 saying from an object, and you're excluding just
7 blood from one or more of the wounds is what I'm
8 asking you?

9 Q. Okay.

10 A. That's from her head, and not necessarily from an
11 object of any kind. I just want to make sure I
12 understand what you're asking.

13 MR. GILBERT: I'm going to make a
14 continuing objection to this line, because he's
15 already indicated the basis for why he said that,
16 and it's not because he is going to be testifying to
17 that.

18 BY MR. DEVER:

19 Q. You'd agree with this, Doctor, wouldn't you, that
20 that's a big stretch, then, to go from if you find
21 impression of object on pillow, then to draw
22 that object, or tie that object to injuries to the
23 head?

24 MR. GILBERT: Objection, highly

1 speculative question. Does not assume facts
2 necessarily in this case.

3 BY MR. DEVER:

4 Q. If you can answer it, Doctor --

5 A. I'm just trying to think it through.

6 Q. I'm not trying to give you any kind of trick
7 questions.

8 A. I'm trying to make sure I understand what you're
9 asking me. If you had a blood stain that you felt
10 was an imprint of an object on the pillow case, and
11 if that imprint was consistent with the kind of
12 object that you believe could have been a possible
13 object that was used to inflict the injuries to
14 Mrs. Sheppard's head and face, then I don't think
15 it's such a huge jump or great breach of logic to
16 speculate that it was one and the same. So my
17 answer is that it could be something reasonably to
18 be considered, if the two patterns, one, the blood
19 imprint on the pillow case, and two, the wounds on
20 Mrs. Sheppard's head, if they fit in some broad
21 categorical or generic fashion, why not. If,
22 however, they are inconsistent, size, shape or
23 whatever it is you are conjecturing upon, then it is
24 a big leap, and maybe an illogical one, and perhaps

1 ostensibly an incorrect one.

2 Q. Couple more questions. Going to Doctor Lovejoy as
3 his various tests that were performed in order to
4 attempt to identify the type of object that was used
5 to produce these wounds on the body of
6 Mrs. Sheppard, you have a disagreement as to the
7 methodology that he implemented in conducting these
8 various experiments; is that correct?

9 A. Well, I don't challenge his scientific -- well,
10 right is not the correct word, utilization of the
11 things that he did. I simply point out that clay
12 and enamel are not the same, obviously, as human
13 tissue. And then I go on to talk about the number
14 of the wounds and so on. So I mean I'm not
15 criticizing him for having done the experiment, I'm
16 disagreeing with the conclusions that he arrives at
17 with some degree of certainty and finality, based
18 upon an experiment, which by its very nature
19 cannot simulate true conditions.

20 Q. Just as an understanding of science, then, when you
21 conduct an experiment, is it fair to say that you
22 should be able to reproduce the results of that
23 experiment every time that you do the particular
24 test?

1 A. It depends on what you're talking about. Certain
2 things you would have to reproduce it every time.
3 In other situations, it would not be necessary, no,
4 to reproduce it every time. There are many
5 variations, that if somebody punches me 20 times,
6 you know, I get 20 different kinds of black eye or
7 whatever. You know, not everything is going to be
8 the same, especially on human tissue.

9 Q. Are you familiar with skin mark analysis?

10 A. Skin or skid?

11 Q. Skin?

12 A. Skin mark analysis?

13 Q. Yes.

14 A. I'm not sure what you mean. You mean to -- I better
15 ask you what you mean by that?

16 Q. Have you ever heard of the term?

17 A. I don't think I've heard the term. I would infer
18 skin, mark, marks on skin, analysis of those
19 markings, but it's not a term I've used. Pattern
20 injury, skin injuries?

21 Q. In your profession, is there a subspecialty where
22 people are identified to be experts in skin mark
23 analysis?

24 A. Not that I am aware of. All of us in forensic

1 pathology have to deal with skin and soft tissue
2 injuries from bullets, cutting instruments, blunt
3 force objects and so on. I'm not aware of a
4 subspecialty. Criminalists do this, too. But I
5 don't know of anybody that has subspecialized in
6 this. Some people become interested in something,
7 they write some papers, some people might write a
8 book, but I'm not aware of any formal prolonged
9 training. There may be seminars and symposia, as
10 there are in many professional fields. But I don't
11 know if somebody says that forensic pathologist or
12 that person is a skin mark analyst specialist,
13 implying that other people don't have that
14 expertise, who also work with the evaluation and
15 analysis of skin injuries. I would reject that.

16 Q. A few more questions and I think I'm done. Can you
17 tell me how you first got involved in this case?

18 A. Yes, my recollection is that I met Mr. Gilbert at an
19 American Academy of Forensic Sciences meeting. I
20 think '98. Could it have been '97? I'm not sure.
21 And we were introduced, and we talked. And
22 Mr. Gilbert was involved with the case. And
23 subsequently then he contacted me. But it was
24 through Mr. Gilbert, I mean it wasn't somebody else

1 that, you know, acted as an intermediary or
2 anything.

3 Q. Are you being paid for your participation in this
4 case?

5 A. No, I haven't been paid anything, and I haven't
6 submitted any bills. So I've been working pro bono.
7 I did receive, I think, reimbursement for my flight
8 to Cleveland on October 5th. Well, I flew in on
9 October 4th. But I haven't been paid, and I haven't
10 submitted any bills, and I have no plans to be
11 submitting any bills.

12 Q. Do you work for free on many cases?

13 A. Not many. But I've worked for free on a fair number
14 of cases over the years. I don't have the time to
15 do as many as I might like. But I have done so,
16 it's something that I just feel I want to do, I feel
17 I should do, I feel other people should do, and so
18 on. By no means is this the first time.

19 Q. Why this particular case are you working for free
20 on?

21 A. Well, Mr. Gilbert did talk with me, at that time, or
22 sometime I do recall, saying something to the
23 effect, how bluntly he put it they didn't have any
24 money, or his client didn't have any money, I don't

1 know. It was never much of a discussion. Obviously
2 I think it's a very interesting case. It's a very
3 dramatic case. And I think it's the kind of a case
4 that is worthwhile doing from an intellectual
5 standpoint for me professionally. And I think it
6 has much human interest, too. And it has a lot of
7 other ramifications that I am interested in as a
8 public official, sociologically, things of a
9 legislative nature, things related to imprisonment
10 and incarceration, people getting out of jail, I
11 just have interest. And I've been involved in
12 dozens and dozens of cases, people who are in jail,
13 and I followed what's been happening, obviously,
14 with the whole innocence project of DNA. So it
15 seemed to be a timely and appropriate case by virtue
16 of what it has precipitated following the son's
17 claim for money damages.

18 Q. In the event that the son recovers money damages,
19 are you going to be asking for compensation?

20 A. No, I would not do that. If at some point
21 Mr. Gilbert were to say to me submit a bill and it
22 can be honored or so on, I would do what he
23 suggests. I would never wait and then -- no, that's
24 kind of an unspoken contingency. Number one,

1 contingency fees are anathema and unethical for me.
2 And number two, an unspoken contingency would be
3 worse than unethical, it would be despicable.

4 Q. How did you get involved in the Nova program?

5 A. I got a call, I'm not sure if I was first called by
6 Mr. Gilbert, or if I was called by Mr. Marzinsky. I
7 would not have done it, certainly, without touching
8 base with Mr. Gilbert. But who called me first I
9 don't know. But in any event, I was then given
10 permission, or initially asked by Mr. Gilbert to do
11 it, if I wanted to. And then Mr. Marzinsky called
12 and the arrangements were made and he came to
13 Pittsburgh and took some film.

14 Q. And that film that was done here in Pittsburgh,
15 that's with you and Mr. Gilbert in a courtroom; is
16 that correct?

17 A. Yes, that's correct.

18 Q. Contained within the film is a number of documents
19 that are spread across the table. Do you recall
20 that in the film?

21 A. I don't, but vaguely I know there were documents
22 that were brought up there to refer to, yes.

23 Q. Included I guess that showed in the film also
24 various crime scene photographs that you were

1 looking at as you were discussing?

2 A. I don't recall specifically, but that sounds quite
3 logical.

4 Q. All of the papers that were on that particular table
5 was that the entire file of items of that you
6 reviewed in order to prepare your reports?

7 A. Gee, I don't know. I probably would have taken up
8 there whatever I had in my files. Whether
9 everything was taken from the files and put on the
10 table, I can't tell you.

11 Q. What was the purpose in filming that particular
12 segment with you and Mr. Gilbert discussing the
13 case? Was that actually you going through the
14 various documents and performing your work and your
15 evaluation?

16 A. I guess. You know, show business. That's what
17 Mr. Marzinsky wanted. I didn't say -- you know, I
18 don't think I needed -- I would have to see it
19 again. I didn't pay much attention. I'm not in it
20 very much. Whether I'm holding something in my hand
21 and referring to it or not, I don't even remember.

22 Q. Was that the only involvement that you had was that
23 particular day, that the discussions between you and
24 Mr. Gilbert, that was in the courthouse; is that

1 correct?

2 A. No, it is in our Coroner's building, third floor
3 courtroom.

4 Q. That's a very nice room. Is that where you have
5 your inquests?

6 A. Yes.

7 Q. Other than that particular episode, or that segment
8 right there, was that all of the involvement that
9 you had in the Nova case, the Nova program?

10 A. Yes. I was not able to get to Cleveland, which is
11 when I believe much of it was filmed, if I'm
12 correct, with the other experts that Mr. Gilbert has
13 retained. I wasn't there.

14 Q. Do you know how all of these experts came together,
15 how they all became involved in this case?

16 A. No. It is possible I may have mentioned Doctor
17 Sobel's name to Mr. Gilbert, since Doctor Sobel is a
18 friend and a colleague and is a forensic odontology
19 consultant on a, as case needed basis, to our
20 office. That is quite likely. I had nothing to do
21 with the others. In fact, I just met Doctor Tahir
22 for the first time at Cleveland that day. Who else
23 is there? And Mr. Epstein, I may have seen
24 Mr. Epstein and Doctor Tahir at American Academy of

1 Forensic Science meetings, but I never worked with
2 them, as I can recall. Doctor Sobel is somebody
3 I've known for a long time, and who I got started
4 doing forensic odontology work in the Coroner's
5 Office back in the late '60s or early '70s.

6 Q. So did you refer Doctor Sobel to Terry Gilbert in
7 order to get involved in this case?

8 A. It's quite likely. I don't recall specifically, but
9 I think it's very likely. Because I just think it
10 would be too much of a coincidence that Doctor Sobel
11 came to be involved without my having mentioned his
12 name to Mr. Gilbert, or to Marzinsky or somebody.
13 That's a coincidence I think unlikely. So I just
14 think it's more likely that I in some way mentioned
15 Doctor Sobel to Mr. Gilbert.

16 Q. Is Doctor Sobel an expert in skin mark analysis?

17 A. You'd have to ask him again, because I'm not sure
18 what you mean. I know he's a Board certified
19 forensic odontologist. I know that he's written and
20 lectured and testified on bite marks and other kinds
21 of injuries and so on. But you'd have to pursue
22 that with him.

23 Q. Have you ever spoken to James Neff, a writer?

24 A. I've had correspondence from a Mr. Neff, and he may

1 have called me on the phone. I don't know who he
2 is. I mean I've never met him, that I'm aware of.
3 And I've never had any dealings with him. I think
4 he's a professor or something and he wrote or called
5 me, and I think he did send me something at some
6 point, all of which materials would have been
7 duplicated subsequently by Mr. Gilbert. That was
8 all I know about this Professor Neff.

9 Q. Any documents that were sent to you by Professor
10 Neff, did you use those in evaluating or arriving at
11 your opinions concerning this case?

12 A. Well, yes and no. I think he sent me a copy of the
13 autopsy report. And I think he sent me a part or
14 some of Doctor Gerber's transcribed testimony. So I
15 used it, yes, but not because it came from him.
16 Because it's part of what Mr. Gilbert sent to me. I
17 don't have anything else from him. And there's
18 nothing that he sent me that is separate and apart
19 from the things which I mentioned, that is part of
20 my, you know, what I would consider to be my formal
21 and official case file. I have no contact or
22 relationship with him. And I would not be talking
23 with him about the case now that I have been
24 involved formally by Mr. Gilbert.

- 1 Q. Why did James Neff, if you know, send you things?
- 2 A. I don't know. My recollection is he said something
- 3 about he had written or was going to write a book or
- 4 so on. But I don't know why. Then he wrote to me.
- 5 Or with whether it came after I had become involved,
- 6 I don't know. As I say, I've never met him. I
- 7 think that contact and that submission by him of
- 8 some materials to me goes back sometime.
- 9 Q. Did you receive any type of compensation from Nova
- 10 for your participation in that program?
- 11 A. No.
- 12 Q. Cynthia Cooper, have you ever met Cynthia Cooper?
- 13 A. No. I say -- I ask you who is she?
- 14 Q. Writer that wrote, co-author, the Mockery of
- 15 Justice, with Sam Reese Sheppard?
- 16 A. No. If she was there and I was introduced to
- 17 people, but do I know who she is, have I talked with
- 18 her that I'm aware of, the answer is no.
- 19 Q. So as far as you're --
- 20 A. There were a bunch of people with Mr. Sheppard on
- 21 October 5th.
- 22 Q. She wasn't there. Was that the first time that you
- 23 met Sam Reese Sheppard, October 5th?
- 24 A. Yes.

1 Q. So for the most part, then, your involvement in this
2 case has been basically coming through Attorney
3 Terry Gilbert; is that correct?

4 A. Yes.

5 Q. And the information that you've received; is that
6 correct?

7 A. Yes.

8 Q. And as far as the other experts that are either
9 plaintiffs or defense experts on this case, have you
10 had an opportunity to discuss matters with them,
11 other than when you were all working together on
12 October 5th through the exhumation?

13 A. Yes, with Doctor Sobel, and only that. I've not
14 talked with any other experts, other than on October
15 5th, except with Doctor Sobel here in Pittsburgh,
16 once we talked -- once or twice on the phone, and
17 once briefly at my office.

18 Q. And your participation on the exhumation of
19 Mrs. Marilyn Sheppard, did you find that to be of
20 any scientific value as far as helping to uncover
21 information concerning how she met her death?

22 A. No.

23 Q. None at all?

24 A. No.

1 Q. Were you aware of the various findings that were
2 made by the odontologists concerning, or the various
3 odontologists, concerning the blunt force trauma to
4 the mouth, to the teeth?

5 A. I'm aware of some, as I recall, yes, some findings
6 about various fractures and so on. I don't recall
7 with specificity. But I do recall that such report
8 was rendered or such analyses were made.

9 Q. And do you find that to be of any significance as
10 far as detailing the method and manner of
11 Mrs. Sheppard's death?

12 A. No.

13 Q. And why is that?

14 A. Because it doesn't make any difference to me if
15 there are one or two additional fractures, or some
16 more extended bony injury, or some additional
17 comment on the exact nature of the blow. With the
18 multiplicity of the wounds that are here, I find any
19 such additional comments of academic interest. I
20 have no problem with people making them. I fail to
21 understand their relevance. But I'll speak for
22 myself, they don't mean anything to me. They don't
23 add, detract, change, revise, give pause to anything
24 that I believe in, or that I can see would cause

1 some differences of opinion to be rendered by any of
2 the experts involved. She died from blunt force
3 trauma, with what I call craniocerebral injuries,
4 fractures, hemorrhages, brain injuries. So the 16
5 blows, 18 blows, 15 blows, another fracture here or
6 there of facial bones, I don't understand what it
7 means.

8 Q. In your years as working as a Coroner and as a
9 forensic pathologist, you have had various cases
10 where the victim has met their death by way of
11 strangulation?

12 A. Yes.

13 Q. Whether through an instrument such as, or a ligature
14 strangulation?

15 A. Yes.

16 Q. And then also through other means of strangulation,
17 have you not?

18 A. Yes.

19 Q. What are the particular types of signs or physical
20 findings that you can make to reach a conclusion as
21 to strangulation?

22 MR. GILBERT: Objection. I don't know
23 what this has to do.

24 BY MR. DEVER:

1 Q. Go ahead and answer.

2 A. Well, the first thing, of course, I would look for
3 findings on the skin in the neck area, any kind of
4 injuries, then a layer by layer dissection,
5 beginning from the skin all the way down to the
6 cervical vertebral column, with the bony and
7 cartilagenous structures, as well as all the soft
8 tissues of the neck and the tongue on down.
9 Externally I would look for conjunctival
10 hemorrhages, petechial hemorrhages in the eyes,
11 petechial hemorrhages elsewhere on the face, the
12 buccal mucosa inside the cheeks, the petechial
13 hemorrhages of the tissues inside the chest area on
14 the surface of the lungs and heart. See if there's
15 any increased fluidity of the blood, sometimes
16 reported. Look to see if there's any evidence of
17 aspiration to suggest that somebody was gagging or
18 so on. Those are the things that I would look for.

19 Q. Did you ever publish any type of articles or write
20 anything concerning the Sheppard case?

21 A. Not that I can recall.

22 Q. Other than these two reports that you have here?

23 A. No, I don't believe so, no.

24 Q. Have you ever wrote anything, scholarly journals or

1 editorials or anything, about Doctor Gerber's
2 conduct, or his reputation?

3 A. Have I written, no, not -- no, I don't believe so.

4 Q. Last question, the injuries that were sustained to
5 Mrs. Sheppard and the instrument being used here,
6 these are -- you categorize this as blunt force
7 trauma; is that correct?

8 A. Yes.

9 Q. To produce these particular type of wounds or these
10 particular type of injuries, Doctor Wecht, would
11 there be the blows sustained to the head, would they
12 produce a substantial amount of sound or noise, that
13 object striking her head?

14 A. You'd hear a kind of a thudding noise as the object
15 strikes the head, if you were within a few or
16 several feet. I don't think there would be any
17 noise that would be heard from any great distance.
18 You might hear some movement in the course of a
19 struggle.

20 Q. I mean the actual blows to the head?

21 A. Just let me get to the blows. I think you'd have to
22 be within several feet or so to hear what I would
23 characterize as a thud. That's about all you'd
24 hear.

1 Q. Be fair to say that these injuries would not be
2 sustained in silence; is that fair to say?

3 A. Not in total silence, again depending on where the
4 listener is.

5 Q. And this particular type of trauma required a
6 particular measure of force; isn't that correct?

7 A. These injuries required certainly some force,
8 nothing of extraordinary force, nothing of a
9 superhuman nature. These bones are not that strong
10 to fracture the bones of a calvarium, the top of the
11 skull, and the bones of the face, on a 125 pound
12 woman, would not require any great strength. Any
13 person, male or female, a teenage child, with a firm
14 object, could do this. Once you start pounding the
15 head, it doesn't take a great deal. We don't have,
16 you know, you don't have huge depressed displaced
17 fractures here. I mean these are fractures and they
18 go through the bone. But there's nothing here that
19 connotes some great force.

20 Q. Doctor Wecht, I don't have any further -- I do have
21 this, that all of the questions that I've asked you
22 here today, did you understand my questions?

23 A. Yes.

24 Q. Was there anything unfair or misleading about any of

1 those questions?

2 A. No, you've been fair and forthright and logical.

3 Q. Do you have anything that you want to put onto the
4 record, anything you want to say before we're over?

5 A. No, I have nothing to volunteer.

6 MR. DEVER: Thank you very much, Doctor,
7 appreciate it. We're concluded.

8 MR. GILBERT: Do you want to see a copy of
9 your deposition?

10 - - - -

11 (There was a discussion off the record.)

12 - - - -

13 MR. GILBERT: We won't waive signature
14 then.

15 - - - -

16 (Thereupon, the deposition was concluded
17 at 1:30 p.m.)

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1 COMMONWEALTH OF PENNSYLVANIA) CERTIFICATE
2 COUNTY OF ALLEGHENY) SS:

3 I, Keith G. Shreckengast, RPR, a Court Reporter and
4 Notary Public in and for the Commonwealth of Pennsylvania,
5 do hereby certify that the witness, CYRIL H. WECHT, M.D.,
6 J.D., was by me first duly sworn to testify to the truth,
7 the whole truth, and nothing but the truth; that the
8 foregoing deposition was taken at the time and place
9 stated herein; and that the said deposition was recorded
10 stenographically by me and then reduced to printing under
11 my direction, and constitutes a true record of the
12 testimony given by said witness.

13 I further certify that the inspection, reading and
14 signing of said deposition were not waived by counsel for
15 the respective parties and by the witness.

16 I further certify that I am not a relative, employee
17 or attorney of any of the parties, or a relative or
18 employee of either counsel, and that I am in no way
19 interested directly or indirectly in this action.

20 IN WITNESS WHEREOF, I have hereunto set my hand and
21 affixed my seal of office this 24 day of January,
22 2000.



23
24 Notary Public

1 COMMONWEALTH OF PENNSYLVANIA) E R R A T A
2 COUNTY OF ALLEGHENY) S H E E T

3 I, CYRIL H. WECHT, M.D., J.D., have read the
4 foregoing pages of my deposition given on January 21,
2000, and wish to make the following, if any, amendments,
additions, deletions or corrections:

5 Pg. No. Line No. Change and reason for change:
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20 In all other respects the transcript is true and correct.

21 _____
CYRIL H. WECTH, M.D., J.D.

22 Subscribed and sworn to before me this
23 _____ day of _____, 2000.

24 _____
Notary Public

(KS)

AKF REPORTERS, INC.
AKF Building
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Pittsburgh, PA 15219
(412) 261-2323

January 24, 2000

TO: Terry H. Gilbert, Esq.
Friedman & Gilbert
1700 Standard Building
1370 Ontario Street
Cleveland, Ohio 44113

RE: DEPOSITION OF CYRIL H. WECHT, M.D., J.D.

NOTICE OF NON-WAIVER OF SIGNATURE

Please have the deponent read his deposition transcript. All corrections are to be noted on the preceding Errata Sheet.

Upon completion of the above, the Deponent must affix his signature on the Errata Sheet, and it is to then be notarized.

Please forward the signed original of the Errata Sheet to Attorney Dever for attachment to the original transcript, which is in his possession. Send a copy of same to all counsel, and also a copy to me.

Please return the completed Errata Sheet within thirty (30) days of receipt hereof.

Keith G. Shreckengast, RPR
Court Reporter

cc Steven Dever, Esq.