

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

DIRECT EXAMINATION OF SAMUEL R. GERBER

By Mr. Spellacy:

Q For the record would you please state your name?

A Samuel R. Gerber.

Q Will you spell your last name?

A G-e-r-b-e-r.

Q Where do you live, sir?

A 11424 Cedar Road.

Q What is your profession, sir?

A Physician, doctor.

Q And how long have you been a physician?

A Since 1922.

Q Are you licensed to practice medicine in the state of Ohio?

A Yes, sir.

Q And how long have you been so licensed?

A Since July of 1922.

Q Will you give us an outline of your educational back-

ground, sir?

A I graduated from Hagerstown High School, in Hagerstown, Maryland.

From there I went to Val Paraiso University in Indiana for a pre-medical course.

From Val Paraiso University I went to the Cincinnati Eclectic Medical College, and graduated in 1922.

From there I went to Cumberland State Hospital in Brooklyn, and from Cumberland State Hospital in Brooklyn I went to Columbus Hospital in Manhattan, and finished in Manhattan where I was a resident, house surgeon, in 1923.

Q What are your present duties, doctor, as a physician?

A Coroner of Cuyahoga County.

Q How long have you been Coroner of Cuyahoga County?

A I was elected in November of 1936. I took office in 1936. I took office on January 4 -- or, the first Monday in January of 1937.

Q What are the duties of a coroner?

A The duties of a coroner are to determine the cause, mode, and manner of death of a person who comes to their death suddenly, unexpectedly, impaired health, under/or ^{unusual} suspicious circumstances, when a person is suspected to die of violence.

This violence can be accidental in nature, suicidal in nature, or homicidal in nature; and in cases where the

cause of death is not determined.

Q Now, these are your duties as a Coroner of Cuyahoga County, is that correct?

A Yes.

Q Now, to carry out these duties do you have people who work for you?

A Yes, sir.

Q Approximately how many people do you have connected with the County Coroner's Office?

A Between forty-five to fifty.

Q And is one these people Doctor Lester Adelson?

A Yes, sir.

Q What is the capacity of Doctor Lester Adelson in the Coroner's Office?

A He is the Chief Pathologist and Chief Deputy Coroner.

Q Now, doctor, in addition to your duties as Coroner of Cuyahoga County, do you have occasion to teach or lecture?

A Yes, sir.

Q Where do you teach, sir?

A At the Law-Medicine Center of Western Reserve University.

Q Where is that Law-Medicine Center located?

A That is located in -- it doesn't have any specific office, but part of the classes are held at the Law School of Western Reserve University, and part are held in the Amphitheater of Western Reserve University, and some classes are

held in the Newton D. Baker Building of Western Reserve University, and the office, the secretarial office, is at 2153 Adelbert Road.

Q That is in the city of Cleveland, is that correct?

A That is in the city of Cleveland.

Q On the east side?

A On the east side.

Q Now, doctor, do you belong to any professional organizations connected with the Coroner's Office and your duties as a coroner?

A Well, first, I belong to the Cleveland Academy of Medicine.

I belong to the Ohio State Medical Association, and the American Medical Association.

I belong to the American Academy of Forensic Sciences.

Q What is that, doctor?

A That is an organization of medical and pari-medical disciplines that are involved in forensic medicine and other forensic sciences, for the purposes of having meetings, and discussing conditions that occur or could occur as a result of investigation by the various disciplines.

Q What do you mean by investigation by the various disciplines?

A The disciplines involved in this are physicians, pathologists, biologists, toxicologists, criminalists,

lawyers, psychiatrists, hand-writing men.

Q These are all investigative duties or functions of various law enforcement agencies, is that correct?

A That is correct, sir.

Q And have you held any position in this National Society of Forensic Medicines that you talked about?

A Yes, sir. I was the president, and presently am the secretary and treasurer of the American Academy of Forensic Sciences.

Q Is this academy run throughout the United States, doctor?

A It runs throughout the world.

Q Throughout the world, all right. Do you belong to any other professional organizations, other than what you have just described?

A I belong to the Ohio State Coroner's Association. I belong to the National Coroner's Association. I belong -- do you mean strictly professionally?

Q Yes. Well, that is enough, doctor. We will go on.

A Directing your attention, doctor, to July 4th, 1954, did you have occasion to go to a residence on Lake Road in the city of Bay Village?

A Yes, sir.

Q What time did you go there?

A I arrived at this residence at approximately ten minutes

to eight on July 4th, in the morning.

Q Who was with you when you went there?

A A person employed by me by the name, then and still employed, by the name of Raymond Keefe, K-e-e-f-e.

Q What are Raymond Keefe's duties?

A Raymond Keefe is the investigator and property clerk.

Q When you arrived at the residence, did you know whose residence it was?

A After I got there, yes, sir. Not before.

Q Whose residence was it?

A It was the residence of Doctor Sam Sheppard.

Q How did you happen to go to this residence on the morning of July 4, 1954?

A Between 6:30 a.m. and 6:40 a.m. I was called by Mr. Keefe, and told that --

Q Doctor, don't tell us what was said, because that is classified as hearsay testimony.

But as a result of this phone call, then you went to the Sheppard residence, is that correct?

A Yes, sir.

Q And you arrived about ten minutes to eight?

A Ten minutes to eight.

Q Who was there when you arrived?

A Standing on the outside was Patrolman Drenkhan of the Bay Village Police Department, and Mrs. Houk, the wife of

the mayor.

Q What did you do when you arrived there?

A I got out of the car, and went, with the direction of Mrs. Houk and Patrolman Drenkhan, went to the lake side of the house.

I crossed the porch and into the living room, and there I met the mayor, Mayor Houk, and Chief Eaton.

There were several other policemen from the village there.

Q Did you have occasion at that time to go to the second floor of that home?

A Yes, sir. I went, after having some discussion with Chief Eaton, and the mayor, I went to the second floor.

Q Tell us what you observed when you went to the second floor of that home?

A As I crossed the living room to go up the stairway, I went by a day bed, and on the day bed was a brown corduroy jacket.

It was folded, and it was at the south end of the day bed.

Q Did you have occasion then to go upstairs?

A Then I went upstairs.

Q What did you see when you went upstairs?

A When I got to the landing, or in the hallway, which is the landing, I could see the body on the bed which is right

next to the door.

I went into the bedroom, and there on the bed was the body of a female.

The head was covered, that is, the hair of the head was covered with blood. The face was covered with blood.

The legs were hanging over, extended over the lower end of the mattress, underneath the crossbar of the bed. The crossbar extends between the two legs.

There were some bed clothes, bed clothes on the body, and the body was lying in a pool of blood.

There was a pillow at the head of the bed.

Q At the head of the bed?

A At the head of the bed.

Q How far a distance was there between the pillow and the head of the female that you saw there?

A I would say about twenty inches. Maybe it could have been a little bit more but it was around twenty inches.

Q What did you do there at that time, doctor?

A I looked in the rest of the room. I noted that there was a bed on the other side or the west side of the room.

I noted that the sheets had been turned back, that there was three windows in the room. A window, a single window, to the west, the shade was up.

The double window to the north, the shades were down. And of the double window to the north, facing the north,

the west window, was open about three inches, four inches.

There was a dresser in the northwest corner of the room. There was a small rocking chair in the northeast corner of the room.

Between the two beds was a night stand on which was a telephone and a pad.

Q Doctor, did you have at this time, did you do anything ---

A Pardon me, there was some clothing on the rocking chair, and on the dresser there was a picture.

THE COURT: Excuse me, Counselor.

On this night stand there was a telephone and a what, doctor?

THE WITNESS: A pencil and a pad.

THE COURT: Thank you.

Q Doctor, did you have occasion to do anything at that time insofar as this body was concerned that you saw there?

A No, sir, I did not do anything to the body at that time.

Q Did you make any observations at that time as to whether or not the body was dead or alive?

A Yes, I felt the pulse in her right hand and I couldn't feel any pulse, and from the observations of the body itself, from experience, I came to the conclusion that the person was dead, and I pronounced her dead at 8:00 o'clock in the morning.

MR. SPELLACY: Will you mark this,
please.

(State's Exhibit 28 was marked for identification by the reporter.)

Q Doctor, showing you what has been marked for identification purposes as State's Exhibit 28, can you identify that for us, please?

A Yes, sir.

Q What is it that you are holding in your hand?

A It is a photograph of the bed in which Marilyn Sheppard is laying. The description that I have given before, along with the shades of the windows being drawn down, and I observed the left hand just --

Q What observation did you make about the left hand, doctor?

A That there was a peculiar imprint or outline on the left hand near the wrist back of the thumb.

Q What do you mean by a peculiar outline?

A A pattern, sort of a pattern. I wondered what made the pattern.

Q What kind of pattern was it?

A It was irregular and it was constant, and I later determined it was made by the wrist band of a watch.

MR. SPILLACY: Mark this, please.

(State's Exhibit 29 was marked for identification by the reporter.)

Q Doctor, showing ^{you} what has been marked for identification

purposes as State's Exhibit 29, can you identify that for us, please?

A Yes, sir.

Q And what is it you are holding in your hand?

A This is a photographic enlargement of the hand and wrist in particular of the left hand that I described just a few minutes ago.

Q That is the peculiar pattern that you discovered to be the wristband of a watch that you just described to this jury?

A Yes.

Q And is this a fair and accurate portrayal of the left hand and wrist as you observed it on the morning of July 4, 1954?

A Yes, sir.

Q Now, referring to State's Exhibit 28, is that a fair and accurate portrayal of the body as you saw it on July 4, 1954?

A Yes, sir.

MR. SPELLACY: If it please the Court, at this time I would like to offer in evidence State's Exhibit 28 and 29.

MR. BAILEY: No objection.

MR. SPELLACY: And request permission of this Court to pass through the jury State's

Exhibit 29.

THE COURT: They may be received.

Permission granted.

(State's Exhibit 29 was thereupon passed among the jury.)

Q Now, doctor, did you have occasion that morning to go into the area of the house that has been referred to as the den?

A Yes, sir.

Q And did you make any observations insofar as that den was concerned?

A Yes.

Q What observations did you make?

A As I approached the den there was a doctor's bag that he uses on calls, standing on its end, right in front of the door.

Q Can you tell us what you observed about the contents of that bag?

A The contents of the bag I didn't examine at that time.

But both flaps or wings of the bag were open, and the center portion, from the center portion of the bag there was on the floor the contents that were inside.

Q Did you have occasion to go into the den?

A Then I went into the den.

Q What observations did you make about the inside of the

den?

A The first thing that attracted my attention was a leather chair. As I looked at it, and I was looking east, sort of southeast, there was a desk, a fairly good-sized desk to the right of the chair, and back of the desk pushed away from the desk was a desk chair. It was up against the wall.

On the floor there at the side of the desk and at the back of the desk were five drawers.

One drawer was against the wall. There was some material that was in a drawer that was on the floor.

Q What did you see on the floor behind the desk?

A Behind the desk were two more drawers, and there was a metal box, and in front of the metal box were some tools.

Q Did you notice anything --

A And mixed alongside of the tools was a wristwatch, a lady's wristwatch.

Q Did you have occasion to examine that wristwatch at that time or look at it?

A I looked at it. I didn't touch it. I just looked at it. I looked at it later on.

Q Showing you what has been marked for identification purposes as State's Exhibit 22, can you identify that for us, please?

A I can't --

Q Here is a light over here, doctor.

A This is a wristwatch. I could then. My eyes must be getting bad. I can't see the name on it.

Q Did you make any other observations about that wristwatch that you saw lying on the floor?

A Yes, it had some blood on it.

THE COURT: Counselor, did you identify that?

MR. SPELLACY: Yes, I did, for the record, State's Exhibit 22.

If it please the Court, I don't know whether or not this has been offered.

THE COURT: It has not.

MR. SPELLACY: I will offer it at this time, your Honor, State's Exhibit 22.

MR. BAILEY: No objection, your Honor.

THE COURT: It may be received.

Q Now, did you have occasion, doctor -- strike that. Did a member of the Scientific Unit of the Cleveland Police Department arrive at the home that morning?

A Yes, sir.

Q And who was that, do you recall?

A Detective Grabowski.

Q Detective Grabowski?

A Yes.

Q Now, did you have occasion to leave the home at any time that morning?

A Yes, sir.

Q Where did you go?

A I went to Bay View Hospital.

Q Who went with you?

A Chief Eaton.

THE COURT: Fix the time,
Counselor, please.

Q What time was that, doctor?

A Around nine o'clock.

Q When you went to Bay View Hospital at nine o'clock on the morning of July 4th, where specifically in the hospital did you go?

A After we had parked in a parking lot at the back of the hospital, and toward the lake side, we went to the entrance from that side and went to Doctor Sam Sheppard's room.

Q Who was in that room?

A Well, Doctor Sam Sheppard was in bed in that room, but along just about the same time that I went in there, Stephen Sheppard went with me, went along, was alongside of me.

Q What did you do in that room at that time?

A I observed Doctor Sheppard, Doctor Sam Sheppard.

Q What observations did you make?

A And he was in bed and appeared to be comfortable.

He had a bandage around his neck. He had some discoloration over the right side of his face, and he talked to me without any effort whatsoever.

Q What do you mean by without any effort whatsoever?

MR. BAILEY: I am going to object to that.

THE COURT: Overruled.

Q What do you mean by that comment, doctor?

A I asked him how he felt. He said, "Oh, I am okay," and I asked him how it happened.

Q Did you have occasion to touch him at any time?

A Well, yes, as I walked over to the right side of the bed, I took his pulse. It is just a habit.

Q And what if anything --

A I felt his pulse. I did not count it.

Q What observations did you make with regard to his pulse?

A It was steady and in good volume.

THE COURT: Counselor, excuse me, please, and doctor.

Ladies and gentlemen of the jury, we have reached the point where perhaps we should have our morning recess. It is a quarter to eleven.

Ladies and gentlemen of the jury, while you are away on your morning recess, you will bear in mind the instructions given you on each occasion

when you depart from the courtroom.

You shall not discuss this case, nor what you have heard of it amongst yourselves, nor permit anyone else to discuss it with you, nor permit yourselves to overhear anything that relates to this case by any means of communication.

We will have our morning recess.

(Thereupon a recess was had.)

THE COURT: Counselor Spellacy, will you proceed, please?

MR. SPELLACY: Yes, sir, if it please the Court.

THEREUPON, the witness SAMUEL R.

GERBER resumed the witness stand and was further examined and testified as follows:

DIRECT EXAMINATION OF SAMUEL R. GERBER (continued)

By Mr. Spellacy:

Q Doctor, before the recess I believe you told us you were at Bay View Hospital and in the room with Doctor Sam Sheppard and Doctor Stephen Sheppard, is that correct?

A That's right, sir.

Q Did you have conversation at that time with Doctor Sam Sheppard?

A Yes, sir.

Q Will you tell the Court and jury what conversation you had and what time this was?

A This was within a few minutes after I arrived. So it would be shortly after nine o'clock.

I asked him to tell me what happened. He said that he was sleeping on the day bed, and that he heard his wife, Marilyn, call, "Sam, Sam," and he got off the day bed, rushed up the steps, and as he got to the top of the stairs at the landing, he was clobbered on the back of the head at the neck, and was rendered unconscious, he didn't know how long, but he woke up and he thought he heard something moving around on the first floor;

That he went back downstairs, and that when he got to where he could see he saw a form going out across the porch, across the lawn, and down the stairway to the beach, and that he rushed after it, and when he got to the foot of the stairway and the beach, he wrestled with this form, and that he was rendered unconscious again, and then he woke up because of the action of the water.

He went back up the stairway beach or the beach stairway, and crossed the lawn, into the house, across the porch into the house, and then went upstairs to his wife's bedroom.

He felt her pulse, both at the right wrist and the neck.

Q Pardon me?

A And in the neck, the neck region, and then he decided

that she was gone. I think those are his exact words, "She was gone."

Then he went back downstairs, walked around in the living room, and then at a later time called Mayor Houk from the extension telephone in the living room.

Q Now, doctor, did you question Doctor Sam Sheppard as to the description of the form in the bedroom when he went up the stairs?

A When he went up the stairs from the living room to the bedroom, he couldn't make out anything and he didn't know anything was there, until he was hit on the back of the head and the neck.

Q Was he able to give you a description of anything?

A No, sir.

Q Now, did you make inquiry at that time as to a description of the form that he rushed after down the steps to the beach?

A Yes, sir.

Q What did Doctor Sam Sheppard tell you with regard to that form?

A He couldn't make, he couldn't give me any identification as to what this form may be.

Q Doctor Gerber, how long did you remain at the hospital, at Bay View Hospital, that morning?

A In Doctor Sam Sheppard's room itself was probably

about ten minutes.

In the hospital, in the other part of the hospital when I made contact with Doctor Sheppard, Senior, I remained probably ten or twenty minutes longer.

Q What if anything did you receive from Doctor Sheppard, Senior?

A From Doctor Sheppard, Senior, I received the shoes that Doctor Sam Sheppard had on, the socks, the trousers, and undershorts, and a billfold.

MR. SPELLACY: Mark these, please.

(State's Exhibits 30, 31, 32, and 33 were marked for identification by the reporter.)

Q Doctor Gerber, showing you what has been marked for identification purposes as State's Exhibits 30 and 31, can you identify those for us, please?

A Yes, sir.

Q What are those that you are holding in your hand?

A A pair of shoes called mocassins, and these are similar and are the ones given to me by Doctor Sheppard, Senior.

Q That would have been on the morning of July 4, 1954, at Bay View Hospital, is that correct?

A That is correct, July 4, 1954, around 9:25 a.m.

Q Showing you what has been marked for identification purposes as State's Exhibit 32, can you identify that for us, please?

A Yes, sir.

Q What is it you are holding in your hand?

A This is a billfold with some miscellaneous papers, and a Westlake police badge indicating positions, and there was a check in here, and you also have three one-dollar bills in here, and they were handed to me separately.

Q Who handed those to you?

A Doctor Sheppard, Senior.

Q Did you receive State's Exhibit 32 and the contents therein on the morning of July 4, 1954?

A Yes, sir, at the same time I received the shoes.

Q Showing you what has been marked for identification purposes as State's Exhibit 33, can you identify that exhibit for us, please?

A Yes, sir. These are what I call the trousers or slacks, and they were given to me by Doctor Sheppard, Senior.

Q Also at the Bay View Hospital?

A At the same time I got these, at Bay View Hospital, at the same time I got the billfold and the shoes.

MR. SPELLACY: If it please the Court, for the purpose of the record I will at this time offer into evidence State's Exhibit 30, 31, 32, and 33.

MR. BAILEY: No objection.

THE COURT: They may be received.

Q Can you tell us, Doctor Gerber, at this time when you received the clothing whether they were wet or not?

A They were damp, yes, sir.

Q Now, after receiving the clothing did you have occasion to return to the residence on Lake Road that you had arrived at ten minutes to eight the morning of July 4th, 1954?

A Yes, sir.

Q Who was with you when you went back?

A Chief Eaton.

Q Did any members of the Cleveland Police Department come there that morning to the home?

A Yes, sir.

Q And who was that?

A Besides Detective Grabowski there was Detective Schottke and Detective Gareaux.

Q Did you have occasion to return to the bedroom where the body was on the morning of July 4th, after going to Bay View Hospital?

A Yes, sir.

Q Approximately what time did you go back into the bedroom?

A Around 10:00 o'clock.

Q And was the body still there at that time?

A Yes, sir.

Q What time was the body removed from the bedroom?

A At 10:30 a.m.

Q Can you tell us under whose direction the body was removed?

A My direction.

Q And can you tell us how it was removed?

A It was removed by employees from the Pease Ambulance Service.

Q Who was present when that body was removed?

A Detective Schottke and Gareau, Patrolman Drenkhan, and Detective Grabowski or the photographer, Detective Grabowski.

Q When the body was removed did you find anything or was anything found?

A Yes, sir.

Q What was found?

A When the body was lifted off the bed to be put into the carrying case, there were two pieces of chips of teeth found on the bed on the right hand side towards a little bit more than half-way down the bed towards the foot of the bed.

Q When you say on the right-hand side, what do you mean by that?

A On the right-hand side as you walk in to the bedroom, and it is the left-hand side as you look at it from the foot of the bed.

Q So it would be on the door side of the bed, in other words?

A Well, yes, sir, it would be on the east side of the bed, to make it simpler.

MR. SPILLACY: Mark this, please.

(State's Exhibit 34 was marked for identification by the reporter.)

Q Doctor Gerber, do you recall how many pieces of teeth that you found there or were found there?

A Two chips, yes, sir.

Q Showing you what has been marked for identification purposes as State's Exhibit 34, can you identify that for us, please?

A Yes, sir.

Q What is it that you are holding in your hand?

A Well, there are three pieces, chips, here now, but originally there was two.

Q And now there are three, is that correct?

A Now there are three.

Q Can you tell us what happens to teeth after they dry out?

A May I put this down here?

Q Yes.

A Teeth of this age, the dentine dries out, and it is natural for pieces to just separate or break off.

Q Now, did you see State's Exhibit 34, the contents of State's Exhibit 34, on the morning of July 4, 1954?

A Yes, sir.

Q And where did you see them?

A I saw them on the bed on which Marilyn Sheppard had been lying on at approximately 10:30 a.m. on July 4th.

Q Who took custody of those teeth at that time?

A I did.

Q Doctor, do we understand you to say that these three chips now that are presently contained in State's Exhibit 34 were originally two chips?

A Two chips, yes, sir.

MR. BAILEY: We will stipulate to that. There is no question about it.

MR. SPELLACY: All right.

Q You mentioned that the body was removed in a carrying case; what did you mean by that, doctor?

A A carrying case that funeral directors use for transporting bodies, and this carrying case contains sheets and a rubber zipper pouch.

Q The body was then placed in the rubber zipper pouch?

A Yes, covered with sheets and then put into the carrying case, so that it could be handled readily.

Q At the time the body was moved did you have occasion to examine it in any way?

A Before the body was moved. Immediately before the body was moved I examined the body to determine the condition or

amount of stiffening or rigor mortis.

Q And what did your examination consist of and what did it disclose?

A I moved the arms, tried to bend or flex the arms, and they were rigid. This is both the right and left.

I moved the legs and tried to flex the legs, and they were both rigid, had rigor mortis.

I felt of the jaw and the sides of the face and the upper and lower jaw were stiff in rigor mortis.

Q What is rigor mortis?

A Rigor mortis follows death and it is a stiffening of the muscles of the body.

Q At this time, doctor, can you tell us the stage of rigor mortis?

A The rigor mortis was complete.

Q Complete. Now, Doctor Gerber, did you notice anything else in your examination?

A Yes. The lividity, that is, a discoloration of the dependent portions of the body, and this is where the blood settles down into the body where it is in contact with the thing it is lying on. This is called lividity.

Q For what purpose did you make this examination?

A That is one of the examinations, one of the things that you look at to see whether a person has been in this same position for a length of time, or whether or not the

lividity is on one surface of the body or whether it is on several surfaces, and it is an indication, just an indication, as to the time of death.

Q Now, you mentioned the time of death, how do you arrive at a time of death, doctor, as a pathologist and as the Coroner of Cuyahoga County?

A Well, I arrive at the time of death from a number of conditions.

One of them is taking into consideration the amount of rigor mortis.

One is to take into consideration the amount of lividity.

One is to take into consideration the condition of the surface of the eyeballs.

Another is to take into consideration the history, that is, when a person had last eaten.

Another is to take into consideration or try to find out whether or not there has been any movement or any breaking up by any individual of the rigor mortis.

Q Now, doctor, in this case did you learn at any time when Marilyn Sheppard had last eaten?

A Yes, sir.

Q And what did you learn with regard to that?

A I learned that she had last eaten between nine and ten o'clock on July 3rd, nine and ten o'clock at night time on

July 3rd.

Q In arriving at the time of death do you also take into consideration the contents of the stomach as revealed by the autopsy?

A Yes, sir.

Q And did you learn at a later date what the autopsy revealed with regard to the contents of the stomach?

A Yes, sir.

Q And what did you learn?

A I learned that the stomach was empty, that the small or the upper portion of the intestines was empty, and that all that was in the intestines was stool, and that was in the lower bowel.

Q Doctor Gerber, based upon the information that you received relative to the time of eating and what was eaten, and the findings of the autopsy, and your examination of the body at 10:30, do you have an opinion as to the time of death?

A Yes, sir.

Q What is your opinion, doctor?

A My opinion is, was and is, that she died between three and four a.m. on July 4th.

Q Now, doctor, later on -- strike that. Did you remain at the house that morning and early afternoon?

A Yes, I was still there at 6:00 o'clock in the afternoon.

Q Directing your attention to about 1:30 on the afternoon of July 4th, 1954, were Detective Schottke and Gareau there at that time?

A Yes, sir.

Q Did you have occasion to talk to Detective Gareau and Schottke at that time?

A Yes, sir.

Q What if anything did you talk about?

A We talked about a green bag that had been found, that was then in the hands of Detective Schottke and Gareau.

Q What if anything did you do with this green bag?

A I opened the green bag up on the dining room table of the combination living room and dining room of Doctor Sheppard's house, and noted its contents, and noted the green bag.

Q Did you see a watch in that green bag?

A Yes, sir.

Q Did you observe the time on the watch?

A Yes, sir.

Q What was the time on that watch?

A 4:15.

Q Did you have occasion to do anything with that watch and contents of that bag?

A Yes, sir.

Q What did you do?

A Detective Schottke and Gareau after we had observed

what was in it, they said they would like to have it for a while, and then they gave it back to me later on in the afternoon.

Q When you first saw it on the dining room table did you make any observations about the exterior of the watch?

A Yes, sir.

Q What did you notice about that watch?

A There was blood on the wristband, and on the part of the watch to which the wristband attaches to, and smatters of blood on the face of it.

Q When you observed the watch at this time, did you touch it in any way?

A Yes, with a pointer, I think it was a pencil I pushed it around.

Q And did you have occasion to wrap it with anything at that time?

A Then I lifted it up, that is, after I got it back, I lifted it up and wrapped it in a Kleenex.

I wrapped each individual item or article in Kleenex and put them back in the green bag, and then put the green bag in a box.

Q Showing you, Doctor, what has already been received into the evidence as State's Exhibit 23, State's Exhibit 24, State's Exhibit 25, and State's Exhibit 26, can you identify those articles for us?

A Yes. This was the green bag in which these articles were contained in, and here --

Q These are the articles, doctor?

A Yes.

Q The articles that Detective Gareau and Detective Schottke turned over to you, is that correct?

A Yes.

Q I believe you indicated before that Detective Gareau and Schottke took those back from you and returned them to you at a later time, is that correct?

A Yes, at a later time.

Q What if anything did you do with those articles after that?

A I took possession of them and kept possession of them until I turned them over to the County Prosecutor in December, in 1954.

Q You kept them in your possession, then, out at the Cuyahoga County Morgue, is that right?

A That's right.

Q Doctor, going back to the bedroom, did you have occasion to do anything else? Strike that.

Did you remove any articles from the bedroom?

A Yes, sir.

Q What did you remove?

A I removed a pillow, the pillow that was at the head of

the bed, and some of Mrs. Sheppard's clothing.

MR. SPELLACY: Mark this.

(State's Exhibit 35 was marked for identification by the reporter.)

Q Doctor, showing you what has been marked for identification purposes as State's Exhibit 35, can you identify that for us, please?

A Yes, sir.

Q And what is it that you are holding in your hand?

A This is a pillow, with a pillow slip over it, that was located at the head of the bed in which the body of Marilyn Sheppard was found in.

Q And is this the pillow case that you removed from the house on July 4th, 1954?

A Yes, sir.

MR. SPELLACY: If it please the Court, at this time I will offer into evidence State's Exhibit 35.

MR. BAILEY: No objection.

THE COURT: It may be received.

Q Doctor, did you have occasion to examine that pillow case?

A Yes, sir.

Q Tell this Court and jury what your examination consisted of and what it disclosed.

A On the pillow slip there was blood in the lower right-hand corner, as I looked at it from the foot of the bed now, so that would be on the west side of the bed at the head.

And there was quite an extensive area, and the rest of the pillow had splatters, the rest of the pillow slip, had splatters of blood, and when I picked it up and turned it over on the opposite side then, towards the center of the pillow slip was another blood-stained area, and in this blood-stained area there was an impression of some form of object.

Q Doctor, showing you once again State's Exhibit 35, would you describe to the Court and jury the first thing that you saw when you looked at this pillow, and hold it up, please, so the jury can see, so the Court can see, too, doctor.

A The pillow was in this position at the head of the bed, and this stain, this bloodstain here could be seen from the foot of the bed or from any side of the bed almost.

These splashes or splatters of blood could be seen.

Then when the pillow was lifted off the bed and turned over, on the opposite side this bloodstain could be seen, and in this stain there is an outline or impression of some object.

MR. BAILEY: I object and move to strike.

THE COURT: Overruled.

MR. SPELLACY: If it please the Court, for the purposes of keeping the record

straight here, at this time we will offer into evidence the teeth, State's Exhibit 34.

MR. BAILEY: No objection.

MR. SPELLACY: I don't believe I had offered it prior to this time.

THE COURT: It may be received.

Q Doctor, did you have occasion to have pictures taken of State's Exhibit 35, the pillow?

A Yes, sir.

Q And did you have occasion to take pictures taken of anything else?

A Yes, sir.

Q What else did you have pictures taken of?

A Pictures taken of two chips of teeth, of the pillow, the trousers.

Q Did you have pictures taken of the watch that was found in the green bag?

A We had pictures taken of the watch, photographs made of the watch, photographs made of the green bag.

Q Do you have some of those pictures with you?

A Yes, sir.

Q Doctor, will you tell us whether these are pictures or whether they are slides that you had made?

A They were slides.

Q Slides?

A Transparencies, slides.

Q Transparencies?

A Yes.

Q Doctor, do you have those slides with you?

A Yes, sir.

Q Do you have those slides, doctor?

A Yes, sir.

(State's Exhibits 36, 37, 38, 39, 40, 41, and 42
were marked for identification by the reporter.)

Q Showing you what has been marked for identification
purposes as State's Exhibit 36, can you identify that, doctor?

A Yes, sir.

Q And what is that?

A This is a photograph of the blood stain with the
impression on the pillow.

Q Is that a fair and accurate portrayal of the pillow?

A Yes, sir.

Q And was this picture taken under your direction and
supervision?

A Yes, sir.

Q Showing you what has been marked for identification
purposes as State's Exhibit 37, can you identify that?

A Yes, sir.

Q What is that that you are holding in your hand?

A This is the photograph of the pillow showing the blood-

stain in the lower corner.

Q And is that a fair and accurate portrayal of the pillow when the picture was taken?

A Yes, sir.

Q Where was that picture taken?

A In the Coroner's office.

Q And was that picture taken under your direction and supervision?

A Yes, sir.

Q Showing you what has been marked for identification purposes as State's Exhibit 38, can you identify that for us, please?

A Yes, sir.

Q What is it that you are holding in your hand?

A This is an enlargement of the same photograph as Exhibit 36. That is of the bloodstain with the impression.

Q That is an enlargement of the original photo that you have, of State's Exhibit 36?

A 36, yes, sir.

Q And was that done under your direction and supervision?

A Yes, sir.

Q Showing you what has been marked for identification purposes as State's Exhibit 39, can you identify that for us, please?

A Yes, sir.

Q What is it that you are holding in your hand?

A This is a photograph, the same as Exhibit 36, only enlarged to a greater degree than Exhibit 38.

Q And was that done under your direction and supervision?

A Yes, sir.

Q Is that a fair and accurate portrayal of the pillow and the impression that you saw?

A Yes, sir.

Q Now, showing you what has been marked for identification purposes as State's Exhibit 40, can you identify that for us, please?

A Yes, sir.

Q What is it that you are holding in your hand?

A This is a photograph of the trousers of Doctor Sam Sheppard that was given to me by Doctor Sheppard, Senior.

Q Was this photograph taken under your direction and supervision?

A Yes, sir.

Q Is that a fair and accurate portrayal of the trousers as they appeared?

A Yes, sir.

Q Showing you what has been marked for identification purposes as State's Exhibit 41, can you identify that for us, please?

A Yes, sir.

Q What is that that you are holding in your hand?

A This is a photograph of Marilyn Sheppard's watch that was found in the den.

Q And was that picture taken under your direction and supervision?

A Yes, sir.

Q And where was that picture taken, doctor?

A At the Coroner's office.

Q Is that a fair and accurate portrayal of the watch as it appeared when you found it on July 4th, 1954?

A Yes, sir.

Q Showing you what has been marked for identification purposes as State's Exhibit 42, can you identify that for us, please?

A Yes, sir.

Q And what is that that you are holding in your hand?

A This is a photograph of the man's watch that was found in the green bag, identified as belonging to Doctor Sam Sheppard.

Q And is that a fair and accurate portrayal of the watch as you saw it on July 4th, 1954?

A Yes, sir.

Q And was this picture taken under your direction and supervision?

A Yes, sir.

MR. SPELLACY: If it please the Court -- do you want to examine them before I offer them?

MR. BAILEY: No objection.

MR. SPELLACY: If it please the Court, at this time I will offer into evidence State's Exhibits 36, 37, 38, 39, 40, 41 and 42.

MR. SHERMAN: No objection.

THE COURT: State's Exhibits 36 through 42 are received in evidence.

MR. SPELLACY: If it please the Court, at this time I would request permission of the Court to show those slides on the projection screen.

THE COURT: Thank you, Counselor.

Ladies and gentlemen of the jury, rather than set up the equipment and have these slides shown to you at this time, permission is granted, let the record show, to show the slides that have been received in evidence.

It is now 12:00 o'clock, and perhaps now is the appropriate time to break for the day, and to adjourn.

While you are away on what is left of the weekend adjournment, you will bear in mind

the instructions given you on each occasion when you leave this room.

You shall not discuss this case or what you have heard of it amongst yourselves.

You shall not permit anyone else to discuss it with you. Nor shall you permit yourselves to overhear anything that relates to this case by any means of communication, and I trust the court constables can accommodate you in taking care of your personal needs and convenience over the weekend, and also perhaps get you to a different restaurant or two.

We will stand adjourned until 9:15 Monday morning. Have a good weekend to the extent that you can.

(Thereupon an adjournment was taken to 9:15 a.m., Monday, November 7, 1966, at which time the following proceedings were had:)

Monday Morning Session, 9:15 a.m., November 7, 1966.

THE COURT: Good morning, ladies
and gentlemen.

THE JURY: Good morning.

THE COURT: Counselor Spellacy,
are you prepared to proceed?

MR. SPELLACY: Yes, sir, if it
please the Court.

- - -

WHEREUPON the witness, DOCTOR SAMUEL R.
GERBER, resumed the witness stand, and was further
examined and testified as follows:

DIRECT EXAMINATION OF DOCTOR SAMUEL R. GERBER (continued)

By Mr. Spellacy:

Q Doctor, Saturday morning when you testified you told us
when you made observations of the body of Marilyn Sheppard
on the morning of July 4, 1954, that you noticed her left
wrist, is that correct?

A Yes, sir.

Q And will you describe for the Court and jury what you
observed about that left wrist?

A On the left wrist and down the sides, on the back of
the left wrist and on the sides toward the thumb, there was
dried blood and in this dried blood there was a pattern.

Q What was that pattern of in the dry blood?

A The pattern was that of the watch and the bracelet which held the watch in position normally.

Q When you say on the back of the left hand, what portion are you referring to?

A The back of the left hand. The palm side would be the front side.

The back of the hand is the opposite on the other side of the palm.

Q And what was the condition of this blood?

A Dry.

Q Now, doctor, you indicated at the conclusion of Saturday morning, that you had photos taken of a pillow that you found on the bed, is that correct?

A Yes, sir.

MR. SPELLACY: If it please the Court, at this time we would like to show those slides of the pillow.

THE COURT: Permission was previously granted.

You may proceed, Counselor.

MR. BAILEY: If it please the Court, may Counsel stand in some other spot so we don't block the screen?

THE COURT: You may accommodate

yourselves accordingly.

(Thereupon a projection screen was set up in the courtroom.)

MR. SPELLACY: For the record, this has been marked for identification purposes as State's Exhibit 37.

THE WITNESS: May I have the lights out, please?

THE COURT: Be at ease, ladies and gentlemen, if you wish, and visit among yourselves.

Q Doctor, will you now describe what that is?

A This is -- that is not very sharp -- but this is a photograph of the pillow as I first saw it on the bed in the Sheppard home on July 4th.

This photograph then was made on the next day, subsequent day.

Q That is the condition of the side of the pillow when you first saw it?

A When I first saw it, yes.

THE COURT: Referring to State's Exhibit 37, Counselor?

MR. SPELLACY: Yes, your Honor. We had identified it before.

Q Now, just for the purpose of the record, showing you

what has been marked for identification purposes as State's Exhibit 36, will you show that, please?

A This is a photograph of the pillow slip, with the pillow inside, as I saw it on July 4th, and photographed on the following day.

Q Doctor, what if anything did you observe about this side of the pillow?

A This is a bloodstain --

THE COURT: Keep your voice
up, please, Doctor Garber.

THE WITNESS: Beg pardon?

THE COURT: That is better.

Keep your voice up, please.

A This is a bloodstain here on the lefthand side of the pillow, as I look at it.

This is another area of bloodstain, and in this particular area here is a pattern or imprint, impression, of some object, and it extends from about the center of the stain or near the center of the stain, with one portion of the object a definite pattern extending from the righthand side back towards the center.

Q Now, doctor, was this on the same side of the pillow that you have previously identified that you first saw?

A No, sir. The was on the opposite side of the pillow. This was after I lifted the pillow off the bed and looked at

it on the opposite side.

Q So if I understand you correctly, then, there were two portions of blood on that particular pillow, one on the side that you first saw, and this one, is that correct?

A In large stains, yes, there were other areas of bloodstain. But the large stains.

Now, immediately above this portion of this impression or outline is a similar outline with similar markings, with the exact width and making a similar impression.

Q Doctor, do you have further photos of that particular impression?

A Yes, sir, I have two enlargements.

Q To keep the record straight, this is State's Exhibit 38.

A This is an enlargement of what was shown originally, and gives you a better idea, and a better outline of what we saw in the first slide.

Q Will you point that out, please?

A Here is this bloodstain here, and then in this particular slide, what was on the bottom is now on the top, and here is the impression of this object, with this pattern.

And below here is exactly the same pattern as above. You can see the outline here, and the continuous line here.

This line here in the center is serrated.

Q Pardon me?

A Serrated.

Q What does that mean, doctor?

A That means tooth-like.

Q Pardon me?

A Tooth-like.

Q Now, do you have another photo of that outline?

A Yes, sir.

Q Now, this would be State's Exhibit 39.

A Now, this is --

MR. BAILEY: Excuse me, your Honor, may we have that in focus, doctor?

THE WITNESS: Yes.

MR. BAILEY: Good.

THE WITNESS: Is that better?

MR. BAILEY: Good.

THE WITNESS: How is that?

MR. BAILEY: Fine.

A This is another enlargement and shows only the one stain with the pattern as outlined before. Here is continuous, the upper portion is continuous, without any interruption.

And this area here is continuous without any interruption, and in this, inside of this, is the serrated edges as I mentioned in the previous slide.

Q Doctor, are those all the photos that you have of the pillow?

A This is all I have here, yes, sir.

MR. SPELLACY: If it please the Court, at this time, the pillow having been offered and received in evidence, I would request permission of the Court to pass the pillow among the jury.

MR. BAILEY: I have no objection, as my brother sees fit.

THE COURT: Permission granted.
(Thereupon the exhibit was passed among the jury.)

MR. BAILEY: Are these the ones you just showed?

MR. SPELLACY: They were received on Saturday.

THE COURT: State's Exhibits 36 through 42 have been received.

MR. SPELLACY: Mark this.
(State's Exhibit 43 was marked for identification by the reporter.)

Q Doctor Gerber, showing you what has been marked for identification purposes as State's Exhibit 43, can you identify that for us, please?

A Yes, sir.

Q And what is it that you are holding in your hand?

A That is the belt --

Q Keep your voice up, doctor.

A That was the belt that was with the trousers given to me by Doctor Sheppard, Senior, as belonging to Doctor Sam Sheppard.

Q And that would have been on the morning of July 4th at Bay View Hospital?

A Yes, sir.

MR. SPILLACY: If it please the Court, at this time I will offer in evidence State's Exhibit 43.

MR. BAILEY: No objection.

THE COURT: It may be received.

Q Doctor, do you recall whether Detective Gareau and Detective Schottke talked to Doctor Sam Sheppard before or after you had talked to him?

A They talked to Doctor Sam Sheppard after I had talked to him.

Q I am talking about July 4th.

A July 4th I am talking about.

Q They talked to him after you did, is that correct?

A Yes.

Q Doctor, what did you do with the watch and the ring and the keychain and the green bag and the other property you brought in as a part of this case?

A I locked it up, in the station wagon in which I

arrived, and between 7:00 and 8:00 o'clock on the night of July 4th I took it to the coroner's office and locked it up in my private office.

The next morning on July 5th I had called Mr. Larry Johnson who is a photographer and employee of the Coroner's Office, and Miss Mary Cowan.

Q Who is Miss Mary Cowan?

A She is a technician, she is a chief technician or was then and is now in the Coroner's Office, in charge of physical evidence.

Q In charge of what?

A Physical evidence.

Q Who does the testing and laboratory work in your office?

A Miss Cowan, Miss Mary Cowan.

Q How long has she been with the County Coroner's Office?

A I think since 1939.

Q She does the laboratory testing, is that correct?

A This type of laboratory testing of physical evidence, yes, sir.

Q What is her capacity, then?

A She is the Chief Medical Technologist in the Coroner's Office.

MR. SPELLACY: I have nothing further.

THE COURT: Counselor Bailey or
Sherman?