

Thereupon, further to maintain the issues on his part to be maintained, the Defendant called as a witness ANNA FRANZ, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF ANNA FRANZ

By Mr. Corrigan:

Q Now, will you tell the ladies and gentlemen and the Court your name?

A My name is Mrs. Anna Franz.

Q And where do you live, Mrs. Franz?

A I live at 1363 Bunts Road, Lakewood.

Q And how long have you lived in this community?

A It was two years ago last April when I moved into Lakewood.

Q But how long have you lived around Cuyahoga County?

A Oh, I have been in Cleveland since 1918.

Q And what work do you do?

A I'm a nurse.

Q And how long have you been a nurse?

A Well, I have been nursing for the past 25 years.

Q And at the present time, are you employed in your profession?

A Yes, sir.

Q And where are you employed?

A I'm working at the Bay View Hospital.

Q And how long have you been working at the Bay View Hospital?

A I've been working with Cleveland Osteopathic Hospital since 1940, early '40, and I was transferred to Bay View when they opened.

Q That was in 1948?

A In 19 -- I think I was transferred in 1950 or '49 when Cleveland Osteopathic Hospital was closed.

Q And then you went to --

A I went to Bay View Hospital, yes, sir.

Q And you have worked there continuously since that time?

A Since that time continuously, yes, sir.

Q Now, Mrs. Franz, were you on duty on the 4th of July?

A Yes, sir, I was.

Q What time did you start your tour of duty on that day?

A Well, I come in at 11:30 at night and I'm on duty until 7:30 the following morning.

Q Then you started on July 3rd?

A Yes, sir.

Q And what time were you supposed to be through on the 4th of July?

A 7:30.

Q Before you had completed your work of that day, that tour of duty, did you see Dr. Sam Sheppard brought to the hospital?

A I did, sir.

Q Where were you at the time?

A I was on the floor making my morning work, like we usually do, and I was alerted from the operator that they were bringing Dr. Sam Sheppard to the floor.

Q Was that about the time that you were finishing your work?

A Well, that was the time when we were finishing our -- what we call a.m. cares.

Q Yes. Now, where was Dr. Sam when you first saw him?

A Dr. Sam was on the cart.

Q Where?

A Well, they were bringing him to the room.

Q And when they brought him -- did you see them bring him into the room?

A Yes, sir, I did.

Q And did you go into the room?

A I did, sir.

Q And when you went into the room, did you observe Dr. Sam?

A I did, sir.

Q Will you tell the jury what you saw when you looked at Dr. Sam?

A Dr. Sam's face was swollen and he was shaking.

Q Yes.

A And he had an appearance of pain, expression showed me that he was in pain, with his hands clasped around his neck.

Q How? Show me how.

A Just like this (indicating).

Q Then did you perform any service for him when he was brought into the room?

A Yes, sir. We started to undress him.

Q When you say, "We started to undress him," was there someone else there?

A Yes, sir.

Q Who was that?

A There were doctors there.

Q Some doctors?

A Well, yes. I think, if I can remember correctly, there were three.

Q Do you remember who they were?

A There was Dr. Carver, Dr. Lurch, Dr. Brill and Dr. Stephen Sheppard was in and out of the room.

Q Now, who removed his clothes from him?

A We were all helping, and Doctors were helping me because he was shaking so bad that we -- trying to undress him, and they were helping at the top, and I'm positive that there was someone holding on to his neck when we were trying to get the lower part of his clothing off.

Q Did you notice the condition of his clothing?

A Yes, sir.

Q Will you tell the jury?

A His clothes were soaking wet.

Q Yes. Now, did you notice his shoes and socks?

A Yes, sir. The shoes and the socks were also wet.

Q Did you have anything to do with removing the shoes and the socks?

A Yes, I did. I helped.

Q And when you removed the shoes and the socks, did you have occasion to come in contact with his body and with his feet?

A I did.

Q Will you tell the jury what you observed about that?

A His body and his feet were icy cold, and he was clammy and his feet looked like they were water-soaked, like someone that had something that had been in the water a long time.

Q That is, can you describe that a little further?

A Well, there is only one way to describe them, is that they were just shrivelled up.

Q Shrivelled up?

A That's right.

Q As though they had been in the water a long time?

A Yes, sir.

Q Now, then, after you had taken off his clothes did you attempt to do anything else, or did you do anything else?

A Yes. I tried -- I put a thermometer in his mouth.

Q And what did you get, that is, what was the result?

A The thermometer did not register.

Q The thermometer did not register?

A That's right, sir.

Q As a nurse, did it indicate anything to you, the failure of the thermometer to register?

A Well, from my experience as a nurse, the first thing that we think of is a shock.

Q Now, then, after he was put in bed or after you got his clothes off what was the next thing that you did, that you remember?

A Well, he complained of severe pain and I administered a hundred m.g.s of demerol that was ordered.

Q That was on the direction of the doctor?

A That was on the direction of the doctor, yes, sir.

Q And what else did you do?

A Well, then, when we saw that the thermometer didn't register, we started getting blankets and hot water bottles to try to get him warmed up.

Q And you performed that service?

A We all did. There were quite a few of us there. Everybody was helping.

Q Then did you remain there after -- any length of time after you had performed these services on that day?

A No. I went off duty at 7:30.

Q Going to X-ray, you had nothing to do with that?

A I have nothing to do with them going to X-ray.

MR. CORRIGAN:

Thank you, Mrs. Franz.

Cross-examine.

CROSS-EXAMINATION OF ANNA FRANZ

By Mr. Parrino:

Q Mrs. Franz, what time was it that Sam came in, please?

A Well, it was anywhere between 6:30 and 7:00, that I can remember.

Q And where were you when you first saw him?

A I was on the floor. That's on the west wing.

Q Where was he taken to when he was brought in?

A He was taken to Room 115. That's one that was vacant.

Q And you were called upon to perform certain work that morning as a nurse on Dr. Sam, isn't that correct?

A Yes, just like any other patient comes in, yes.

Q I see. Now, you say that you helped remove some of his clothing?

A That's right, sir.

Q And there were many others that were helping do the same thing?

A Yes. The doctors were helping.

Q Who was helping?

A As far as I can remember, there was Dr. Carver, Dr. Brill,

Dr. Lurch, and they were holding up to his upper part of the body, because he had no clothing on the upper part.

Q And what was Sam's condition at this time? Where was he, lying flat or standing up?

A Oh, no. He was lying flat, but when we were trying to get the lower part of his clothes off, they were trying to hang on to his upper part.

Q I see. In other words, somebody was holding him, hanging on to him from above, and then several others were removing his clothing from below, is that correct?

A That's right, because the clothing were wet and it was hard to remove.

Q And you had some little trouble getting off his clothes, didn't you, as you say?

A Yes.

Q It was hard to remove them, right?

A That's right.

Q And who was it that took his shoes off, if you recall?

A I took one of them, I know.

Q And did you take his socks off also?

A Yes, sir, I did.

Q Both socks or just the one?

A One, but they were both wet. I examined them because I put the socks in his shoes after.

Q I see. And who was working on the other foot?

A I think it was my aide.

Q And who is that, please?

A That's a little colored girl that I have working with me.

Q And what is her name, please?

A Mrs. Jackson.

Q And she was removing the other shoe and the other sock?

A Yes. We were working from --

Q And who removed the trousers?

A They --

Q If you know?

A I think the doctors pulled them down.

Q You think the doctors did?

A Yes. We were all -- I was in the room when it was done, yes.

Q There was several of you, then, that were taking off the trousers, too?

A Yes, sir.

Q Then he had some underclothing on, too?

A Yes, sir. He had shorts on.

Q And those were removed, also?

A Yes, sir.

Q Now, you say that he had -- withdraw that.

Will you describe his appearance again when you first saw him?

A He had appearance of pain.

Q Yes. Now, describe his color, and so forth, the first time you saw him?

A Well, the only thing that I saw, of course, his face was swollen, his mouth was swollen.

Q Yes.

A And, well, there's certain expressions that you just can't describe, I mean, but I know that he was in pain or he appeared to me in pain.

Q I see. Well, my question is this: You say something about him appearing cold, clammy?

A Yes.

Q What part of his body did you observe in that condition?

A Well, his lower part, but then when I gave him his demerol I had hold of his arm and that was cold, too.

Q His arm was cold?

A Yes, sir.

Q Was his face cold?

A Well, I didn't touch his face, no, sir.

Q Well, you looked at his face, didn't you, Mrs. Franz?

A Yes, I looked at his face, yes.

Q Well, was there a cold, clammy sweat or wasn't there?

A I didn't notice the sweat, no, sir.

Q You didn't notice that?

A No, sir.

Q Now, any of the things that -- withdraw that.

You also gave him 100 mg's of demerol there?

A Yes, sir.

Q And is that all that you did there that morning?

A Outside of putting the hot water bottles and the blankets to get his body warmed up, yes, sir.

Q Now, in your own handwriting, Mrs. Franz, did you make a record on the doctor's chart of what you personally did there that morning?

A It should be. I'm pretty sure the demerol is on the chart.

Q Well, did you make the entry on that chart?

A Yes, I did.

Q Would this be your handwriting here?

A Yes, sir, it is.

Q In that red pencil?

A Yes.

Q And what time was it that you made that entry?

A As I say, the time went -- we were working so fast trying to get him warmed up -- now, I know that that was between -- close to seven o'clock, I'm pretty sure.

MR. PARRINO: That is all.

Thank you very much.

MR. GARMONE: That is all.

(Witness excused.)

THE COURT: Ladies and

gentlemen of the jury, we will have few minutes'

recess at this point. Please do not discuss
this case.

(Recess had at 2:50 o'clock, p.m.)

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