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(After recess, 3:05 o'clock p.m.)

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

DIRECT EXAMINATION

By Mr. Corrigan:

Q Will you tell the Court and the jury your name?

A Mrs. Eileen Huge.

Q How do you spell that?

A H-u-g-e.

Q Where do you live?

A 133 Forest Boulevard, Avon Lake, Ohio.

Q Where are you employed?

A Bay View Hospital, Bay Village.

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

A Since January the 8th, 1954.

Q And have you come directly from the hospital to this courtroom?

A Yes, sir.

Q And does that account for the uniform that you are wearing?

A Yes, sir.

Q How long have you lived in Cleveland or vicinity, Mrs. Huge?

A Well, I was born in Cleveland and raised in Cleveland, but this last time I have been here about six years.

Q Did you go to school in Cleveland?

A Yes, sir.

Q And where did you go to school?

A I went to Ursuline Academy, to Ursuline College, and I trained at Mt. Sinai Hospital.

Q Did you graduate from Ursuline College?

A Yes, sir.

Q Did you get a degree?

A Yes, sir.

Q What degree did you get?

A Bachelor of Arts.

Q And after leaving college then did you take up training for the present work that you do?

A Yes, sir.

Q And where did you take that training?

A Mt. Sinai Hospital.

Q How long did you work at Mt. Sinai Hospital, or how long did you train at Mt. Sinai Hospital?

A One year.

Q And in what particular branch did you train?

A In X-ray technique.

Q After you graduated from your training at Mt. Sinai, where did you go then?

A I went to People's Hospital in Akron, Ohio.

Q How long did you remain there?

A I was there a year.

Q Did you follow your workthere?

A Yes, sir.

Q And where did you go from that place?

A I went to City Hospital in Akron.

Q How long did you work in City Hospital?

A A little over a year, about 14 months.

Q And from there where did you go?

A Then I went to St. Joseph's Hospital in Warren.

Q Where?

A Warren, Ohio.

Q How long did you remain at St. Joseph's in Warren?

A I think it was about two years altogether. I was married while I was there.

Q That is when you got married?

A Yes.

Q To Mr. Huge?

A Yes, sir.

Q Mr. Huge -- I get that name mixed up -- what does Mr. Huge do, by the way?

A He is branch manager for the Cooper Tire & Rubber Company.

Q For the Cooper --

A Cooper Tire & Rubber.

Q And in Cleveland here?

A He is manager of the Cleveland branch.

Q And after you left St. Joseph in Warren, where did you go?

A Well, I had a baby after I left there, and I didn't work any more until I came to Bay View.

Q How old is the baby now?

A 15.

Q What?

A 15 years old.

Q 15 years old. Well, you don't look like you have a baby 15 years old.

THE COURT: Let's not talk about babies any more. Not a baby any more.

MR. CORRIGAN: He is a football player by now.

Q Now, then, did you return after you had the baby to working at your profession?

A I didn't return to any full time work until January of this year.

Q Of this year?

A Yes, sir.

Q Did you work extra at certain places from time to time?

A No.

Q So you returned in January of this year, and where did you take up your work in January of this year?

A At Bay View Hospital in Bay Village.

Q Now, you are an X-ray technician, is that correct?

A Yes, sir.

Q Will you tell the jury what an X-ray technician is, if there are some on the jury that may not understand that term?

A Well, an X-ray technician takes all the films required by the doctor to complete his diagnosis, and also does therapy, which is designated or requested by the doctor.

In other words, we set up the machine, take the films, develop them, and they are diagnosed by a doctor. We do no diagnosing or examining.

Q And you say the therapy designated by the doctor. What do you mean by that?

A Well, X-ray therapy. That is a different branch.

Q What?

A X-ray therapy.

Q And what is that? What do you mean by that? I don't understand the word therapy.

A Well, I mean treatments for cancer or for other ailments, X-ray treatments.

Q You expose the person to the X-ray as determined by the doctor?

A Yes, sir.

Q The X-ray is a deep penetrating ray, is that right?

A It is. There is also a superficial X-ray.

Q Now, when you take an X-ray for diagnosis, will you describe to the jury what that X-ray does, what it is?

A Well, the X-ray takes a film of bony structure or of soft tissue, depending upon the technique you use, and, for instance, if you wanted to take a picture of a gall bladder or a stomach, there are various types of opaque materials which the X-rays will not penetrate, and which the outline of that particular organ. Bones are taken so that we block out the skin and the soft tissue and give just enough penetration to show a picture of the bone and any other surrounding things the doctor wants to see.

Q Now, in taking the X-ray, you put the film on one side of the portion of the body that is to be X-rayed?

A Yes, sir.

Q And then on the other side you have a machine of some kind. What do you call it?

A An X-ray tube.

Q What?

A A tube.

Q And am I correct in saying that that tube sends a ray through the surface of the -- or through the body, if you are taking the X-ray of the head, it penetrates through and the picture is taken over on the film that is on the other side?

A That's right.

Q It is a ray of energy, is that so?

A Yes, sir.

Q An energy ray as distinguished -- well, we have the light ray, you know that, don't you?

A Yes.

Q The spectrum, red, green, yellow, orange -- what is the spectrum, do you remember? The things we see when a light ray is broken up, and then beyond those visible rays we have those different rays, among which are the X-ray, energy rays that penetrate through this surface, right?

A Yes, sir.

Q Now, were you working on the 4th of July?

A I was on emergency call on the 4th of July.

Q Did you receive a call on that morning? I am talking of the 4th of July of 1954. Did you receive a call that morning to come to Bay View Hospital?

A Yes, I did.

Q And where were you when you received that call?

A I was in bed.

Q And where were you living at that particular time?

A On Forest Boulevard in Avon Lake, where I am living now.

Q And how far is that from the hospital?

A About six miles.

Q How did you get to the hospital?

A I drove a car.

Q You rode?

A Drove.

Q What?

THE COURT: She drove her own
car.

Q And what time did you arrive at Bay View?

A At 6:45.

Q And you went where?

A I went into the Emergency entrance and directly to the
X-ray department to open the machines. We keep them locked
at night.

Q You went to the X-ray department, and then what?

THE COURT: Opened the machines.

They keep them locked at night.

Q Did you receive any directions from anyone after you arrived
at the X-ray department?

A Yes. I met one of the interns who was waiting for me at
the switchboard.

Q Do you know who he was?

A Yes. It was Dr. Lerch.

Q How do you spell his name?

A L-e-r-c-h.

Q Is he still at the hospital?

A No, he isn't.

Q Where is he now, do you know?

A I don't know.

Q And when did he leave there?

A Well, his internship was finished sometime in July, and he is probably in practice now.

Q Now, then, you got some directions from Dr. Lerch --

A Well, not exactly directions. I asked Dr. Lerch where Dr. Sam was.

Q Had you been informed that it was Dr. Sam that you were to take the X-rays of?

A Yes, sir.

Q Was that over the telephone?

A Yes, sir.

Q Did you know anything about what had occurred at Dr. Sheppard's home that morning?

A No, sir, not then.

Q Had you been informed, before you went to your X-ray room or X-ray department, as to what had happened to Dr. Sam?

A Yes, in a way I was. I was informed over the telephone that Dr. Sam had been badly hurt, to come in at once, which I did.

Q Was that the extent of the knowledge that you had of Dr. Sam's condition, that he had been hurt badly?

A Until I arrived at the hospital, that was the extent of it.

Q And after you arrived at the hospital was there any

information given you as to what had occurred in Dr. Sam's home that morning?

A Yes, sir.

Q Did you know that his wife had been killed?

A Yes, sir.

Q Did you know his wife's name?

A No, I didn't.

Q You did not. When you were directed to the X-ray department, what was the next thing that occurred in the line of your duty?

A Well, the next thing that occurred was Dr. Sam was brought to the X-ray department on a cart.

Q And who brought him, do you know?

A Dr. Carver and Dr. Brill.

Q And when he was brought there, did you receive some directions?

A Yes.

Q Now, tell the jury what directions you received.

A One of the doctors said I should take a skull and a cervical spine to start with.

Q A what?

A A skull series X-ray, and a cervical spine, and that when something else was ordered, they'd let me know, but I should start on that.

Q When you were to take a cervical spine, will you tell the

jury just what part of the body you were going to take the picture of?

A That is the neck.

Q And what portion of the neck?

A The whole neck.

THE COURT:

Demonstrate it.

A The whole neck. The cervical spine is seven cervical vertebrae constituting the neck.

Q That goes down -- it is the part of the spine on which the -- the top of it is the part on which the head rests and turns?

A That's right.

Q Now, then, did you make an observation of Dr. Sam when he was brought into that room for these X-rays?

A Yes, sir.

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

A The first thing I observed was that he was lying very quietly on the cart, his eyes were closed, and my first glimpse of him, I was standing where his head was. He was wheeled in feet first, and I thought at first he was unconscious. He was very quiet and his eyes were closed, but then I saw his eyelids flutter and realized that he was conscious or was awake.

Shall I go on?

Q Yes. You tell us what you observed.

A Dr. Carver said, "We are going to move you over onto the table, Dr. Sam," and he and Dr. Lerch lifted his body and I held his head. He was holding his neck himself.

Q How was he holding his neck?

A With his hands clasped behind his neck like this.

Q Did you notice anything else about him on that particular occasion?

A Wait a minute, now. He wasn't holding his neck when he came into the X-ray department. I don't mean that. I mean when we said we were going to move him, he put his hands up and held his neck, and I held his head. The other doctors lifted his body onto the table.

Q Did you notice any shivering or tremors in his body?

A Not just then, but when I started to work with him -- he was covered, and when I started to work with him, I noticed that he was shaking and he was cold, and there were hot water bottles on the cart which we had to move back onto the cart.

Q Now, then, when he was moved over onto the table, did you uncover him then, uncover any part of his body?

A No, I didn't have to, because I was going to take an X-ray of his skull first, and he was shaking quite badly, so that I had to make up my own technique, that is, for a skull X-ray, we take it in one second if the patient is cooperating. In other words, if the patient is able to hold still, we

take it in one second at a certain penetration.

If the patient is not able to, we have to cut our time and increase our penetration, and you have to do that until you can get down to even a twentieth of a second, but I took Dr. Sam's X-rays at a half a second.

Q Now, that was the time that you noticed that he was shivering?

A Yes.

Q And after you took that X-ray, did you proceed to take any other X-ray?

A Well, I took one view of the skull, which is always taken on the back, lying on the back. And when I saw his condition, I was afraid we would not be able to turn him over for the rest of them. So I took what is called an A.P. view of the skull, shooting straight through from anterior to posterior, and the required or the routine view is a P.A., with the patient's forehead down on the table, and I wasn't sure at that time we would be able to get that so I wanted to get as much as I could. And then I took an A.P. view of the cervical spine, which is always taken with the patient lying on his back on a table.

Then we take another X-ray that is called an odontoid process, and that is the first cervical vertebra. The only way you can get an A.P. view of that is with the patient lying on his back and his mouth open, and we use a very small cone and we shoot through the open mouth.

Q Now, all this time he was lying on his back, is that correct?

A Yes, sir.

Q Now, then, when you come to take the X-ray of the cervical

spine, then you say the patient opens his mouth?

A On one view of the cervical spine the patient opens his mouth.

Q You have them open their mouths?

A Yes, as wide as they can.

Q Now, did you give the instruction to Dr. Sam Sheppard as to what he should do while you were taking this cervical picture?

A I asked Dr. Sam if he could open his mouth.

Q Now, what did you notice then? Tell the jury.

A Well, I noticed -- do you want me to describe his face now, everything I noticed?

Q Yes, I want you to describe his face.

A I noticed that his eye, his right eye was more swollen than the left, although it appeared to me that his left eye was also swollen and at the time I thought, well, he had been crying, he was crying, and I noticed that he had a bruise and blood on the right corner of his lip.

And when I asked him to open his mouth, he just barely opened it.

And I said, "Dr. Sam, could you open your mouth a little wider?"

And he tried. Well, I would say he didn't open his mouth more than 25 per cent of what would be normal.

He had blood in his mouth, he had a lot of blood

on his teeth. By that I mean I couldn't clearly see his teeth or tell whether there were any missing. I could see that he had his two front teeth, but other than that, I couldn't tell how many were there. And these two front teeth were coated with blood. I didn't look to see what was causing the bleeding, but when I discovered he couldn't open his mouth any wider, I angled my tube a little bit to try to get this shot as best as I could, because when a patient can't open his mouth, it is almost impossible to get that picture.

Q Well, then, did you take the picture then?

A Yes, sir.

Q And after you took that picture, what was the next thing that you remember occurred in that room?

A I remember that Dr. Sheppard, Sr., came in and asked Dr. Sam how he felt, and he asked me what pictures I was taking, and I told him what had been ordered.

And he looked at Dr. Sam and he said, "Maybe we ought to try to get the mandible, too." That's the jaw, the right jaw.

So he asked him if he had any pain -- or he asked if someone had examined his pelvis or his hips, and I remembered Dr. Sam just shaking his head or indicating that he wasn't injured there was what I gathered.

And he said I should take a pelvis. And he asked

him if he had any other pain, and he pointed to his left upper chest, which would be, I would say, just on the line with the cervical dorsal junction, which is right here, and he pointed there in the front (indicating).

So I believe then Dr. Dozier walked in and told me to take ribs, we better get some ribs on him. so I took that film while he was lying on his back.

And then I also took the pelvis while he was lying on his back, although he indicated that it wasn't necessary, he was only complaining of pain in his neck, and --

Q When these doctors were in there, was Dr. Sam doing any talking to them?

A He was never talking to anyone. He was talking to the room. He looked at me once, but I know he didn't see me.

Q How was he talking? You say he was talking to the room.

A He was mumbling and he was moaning, and some of the things that he mumbled were, he said, "I heard Marilyn screaming and I tried to get to her." He said, "Oh, God, I heard her screaming and I couldn't get to her." And he said "things like this don't happen. This couldn't have happened."

Q And those were --

A And then --

Q Those expressions were coming not as a result of any questioning?

A No. Nobody was in the room at all when he was saying that. That's when I -- he looked at me once when he said, "Things like this don't happen," but he looked at me as though he was looking right through me. He was talking or trying to talk while I was taking these films and mumbling, and I had to cut my time way down because of his breathing. And I asked him once to hold his breath and he couldn't, he just didn't.

Q Did you know who he was talking about when he was talking about Marilyn?

A I had never heard his wife's name, but I assumed that Marilyn must be his wife, but I didn't know at that time whether Dr. Sam knew his wife was dead. He didn't mention anything like that.

Q And there was nobody there?

A There was no one there.

Q And these expressions were made to the room, not to you?

MR. DANACEAU: We object to
this repetition.

MR. MAHON: We object, if
your Honor please.

THE COURT: She has already
answered that. All right.

Q Now, did you recall a time when you noticed the back of his neck -- withdraw that.

Did you notice the back of his neck?

A Yes, I did, when I turned him over.

Q Tell the jury how you happened to notice the back of his neck and how that came about?

A Well, at one time Dr. Steve asked him a question and it was, "Did you know what race they were?" I believe were the words. And Dr. Sam didn't answer that question. He said -- a few minutes elapsed. He was talking very slowly and haltingly and he said, "I thought I saw someone on the beach and something or someone hit me from behind."

Q And when he said that, did you do anything?

A Not at the moment I didn't do anything, but I had finished taking all of the X-rays I could possibly take while he was lying in that position. With that, I believe Dr. Steve left the room and I went out and the three interns were sitting outside. And I asked them if we could turn him over, if they thought it was safe to turn him over, and they said they would come in and help me.

So they came in and asked -- told Dr. Sam they were going to try to turn him over. So the three of them turned him, that is, they picked him up, his body, and I held his head and he was holding his neck, and we turned him over on his stomach so that his face would be down for the next film. I noticed that he had a red mark on the back of his neck to the left side.

Q You noticed that when he was turned over?

A Yes, and I thought immediately about his having said that he was struck from behind.

Q Now, then, I have some X-rays here. Can you identify them?

A Yes, sir.

Q I want to now have you pick out, if you can, out of this package and identify the X-rays that you took that morning. Just pick them out, first, and after you get them picked out -- there are some others in there that you didn't take -- then I will identify them.

A This is one.

THE COURT: That is not one,
did you say?

THE WITNESS: Yes, this is.

Q Is that yours?

A I didn't recognize the writing over here.

Q What?

A I didn't recognize the writing. Someone else has written on them.

THE COURT: You put those
that you did take that morning on that end
and put those that you didn't take up here.

(Witness complies with request.)

Q Now, on each one of these X-ray films there is a red writing, State's Exhibit 96-E. That's not your writing?

A No.

Q Is this your writing, "Left A.P."?

A That's not mine.

Q Is there any writing on any of these films that is your writing?

A No.

MR. CORRIGAN: I want to show the jury. Will you step down here a moment, Miss Huge, so the jury knows what I am talking about?

(Witness leaves witness stand and takes a position in front of the jury.)

Q On each one of these films, Mrs. Huge, there appears to be some writing on each one of the films. You have noticed that, haven't you?

A Yes.

Q The writing in one place on each film is in some kind of white ink?

A Yes.

Q And the writing in the other place on the film is in red ink or in red crayon?

A Yes.

Q Is any of the writing on the film such as we have now illustrated to the jury your writing?

A No, sir.

MR. CORRIGAN: All right. Thank
you.

(Witness resumes the witness stand.)

Q Now, can you identify the films that you say you took on
that morning? Are these in order?

A Well, no.

Q They've got numbers on here now. Let's see what the
numbers are.

A This white writing tells you what the film is. That's
the left side, that's an A.P. view of the open mouth.
That's the cervical spine. (Indicating).

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Q Now, you have picked out as the films you took that morning --

MR. CORRIGAN: Wait until I get
them in order.

Q Now, I want to hand you State's Exhibit B, C -- you see,
we have got that written on there -- F, G, H, J, L and M,
O and P. They are preceded by the No. 46, and those are
the X-ray films that you took on the morning of July the 4th?

A Yes, sir.

Q Now, in the taking of the X-rays, when Sam was in there
that morning, when Dr. Sam was in there that morning, do
you remember anything about his fingers?

A Yes.

Q And will you tell the jury what you remember in that regard?

A Well, I had taken all of the films I could take with him
lying down. It is routine to take a lateral of the cervical
spine in a sitting position --

Q Now, wait a minute. When you use your technical terms, we
lay people don't understand it sometimes, or somebody might
not, and when you say you take a lateral cervical, now, will
you tell us what that is?

A That is a side view with the film at one side and the X-ray
tube at the other side shooting through.

Q Go ahead and tell us now what went on.

A Well, in cases of emergency, where the patient -- where we
are not too well aware of how much damage has been done or

how badly the patient is injured, we never sit them up without a doctor's order. The doctors had told me they thought I could sit him up, but I believe I was alone in the room when I heard him say that "these two fingers are getting numb."

There may have been an intern in there, I'm not sure of that now, and he indicated I thought his third and fourth finger, so I immediately went out and told the doctors what he had said, and that I didn't think I should sit him up.

Q Now, wait a minute. When you heard him say that his two fingers were getting numb, did it indicate anything to you as a technician?

A It did, but I am not a diagnostician. It shouldn't indicate anything to me except that he was injured.

Q But did it indicate anything?

A Yes.

Q What did it indicate to you?

MR. MAHON: Objection.

MR. CORRIGAN: If she knows.

THE COURT: Yes. I think that is beyond her field, I am sure.

MR. CORRIGAN: Well, she is in it a great many years.

MR. PARRINO: She has indicated that it is not her field.

Q Well, when he told you that what did you proceed to do?

A Well, he didn't tell me that. He just said that. He was saying it to himself, his fingers are getting numb. I went out into the hall and asked Dr. Lerch and Dr. Carver and Dr. Brill -- I said, "Do you think I should sit him up? His fingers are getting numb."

And they all came in there then and they said, "Can you take one when we get him on the cart, just one lateral view?" which we do in emergencies. We take one view shooting straight through with the patient lying on his back. You don't get as good a picture that way, and I said, "Well, I'll try one right here on the table."

So they said that was all right, and Dr. Carver held the film holder for me, and I tilted the tube and shot one straight through at 36 inches instead of 72.

Q Now, let me get your technique on the taking of ~~that~~ picture. He was lying flat on his back at the time?

A Yes, sir.

Q And where did you have the film that was going to register the penetration of these X-rays?

A I had the film about three inches below his shoulder on his left side.

Q And where was your tube?

A The tube was on his right side.

Q Then you shot through from the --

A Right to the left.

Q Right to the left. And the recording was made on the left side on this film?

A Yes.

Q Now, will you tell me how far the film was held from his right side?

A It was held right up against his shoulder.

Q And how far was the tube from his neck on the left side?

A Well, I don't know how far the tube was from his neck, but we measure the distance from the center of the tube to the cassette, to the film, not to the object.

Q You measure what?

A We measure our distance from the center of the X-ray tube to the cassette, to the film, not to the object we are photographing.

Q What was the distance?

A The distance was 36 inches, or half of the routine distance.

Q 36 inches?

A Yes, sir.

Q And that is while he was lying flat?

A Yes.

Q Did I get that right: The shot was from the right to the left or from the left to the right?

A From the right to the left.

MR. CORRIGAN:

You may take the witness.

CROSS EXAMINATION OF EILEEN HUGE

By Mr. Danaceau:

Q Did you take any other X-rays of Dr. Sam Sheppard?

A I don't believe so, no.

Q Do you know who took the X-rays on the 7th of July of Dr. Sam Sheppard?

A Mr. William Kerner, another technician.

Q Another technician at Bay View Hospital?

A Yes.

Q Is he their regular technician?

A He isn't there any more.

Q When did he leave?

A He left in the end of October.

Q Do you know where he is now?

A Yes, sir.

Q Where?

A He is teaching at the Carnegie Institute for Technicians.

Q In what city?

A In Cleveland.

Q When you had the X-ray taken of Dr. Sam Sheppard, that was the early morning of the 4th of July?

A Yes.

Q Did he have anything at all around his neck?

A No, sir.

Q Was there any salve or any ointment on his neck at all?

A Not that I know of. I don't believe there was.

Q Did you see him later that day?

A No, sir.

Q When was the last time you saw Dr. Sheppard in the hospital?

A I saw him the day he was out on bail. I don't remember just when.

Q At the hospital?

A Yes. When he came in I saw him.

Q Do you know what month that was in?

A I don't remember, I'm sorry.

Q You were asked by Mr. Corrigan about some writing on these films which you said was not your own. Do you remember that?

A Yes, sir.

Q Will you point out what that writing is that you refer to?

A He was referring to this writing in white ink, which just identifies the film for someone that does not know them, that does not know what views they are.

Q In other words, this first one, the word "Right Lateral"?

A That, I believe, is a skull -- may I see it?

Q Yes, surely.

A It is a lateral view of the skull, and it says "Right lateral." There is a lead marker. If you hold it up to the light -- which I placed on the film when I was taking it,

but it wouldn't probably be recognized by someone not knowing X-rays.

Q So the words "Right Lateral" merely identify it?

A Merely identifies the film.

Q And the next one?

A Is left occipital.

Q And so on. That is all that writing is, merely words of identification?

A Yes.

MR. DANACEAU: That is all.

MR. CORRIGAN: That is all.

(Witness excused.)

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