

Q Doctor, in investigating this case and determining the responsibility of whoever killed Marilyn Sheppard, whether or not Doctor Sam Sheppard was actually injured or was feigning injury, was an important phase of the investigation, was it not?

A Yes, I believe it was.

Q Now, you saw some kind of bruise to his eye, that was visible?

A That was visible. That was on the right side, not the left side.

Q Nobody asked you what side it was on.

A Well, you pointed to your left side of your face.

Q All right; and you knew that he said his teeth were loosened and chipped because he had been smashed in the mouth?

A No, I didn't know that.

Q Did you ever hear that?

A No, sir.

Q This is the first time you ever heard that Doctor Sheppard's teeth were chipped?

A That's right.

Q He never claimed about it to you?

A Not to me.

Q The detectives never told you that he complained about it to them?

A I don't recall.

1st.

2nd. I am not sure. I am not sure. I am not sure.

3rd. I am not sure.

4th. I am not sure. I am not sure. I am not sure.

5th.

6th. I am not sure. I am not sure. I am not sure.

7th. I am not sure. I am not sure. I am not sure.

8th. I am not sure. I am not sure. I am not sure.

9th. I am not sure. I am not sure. I am not sure.

10th. I am not sure. I am not sure. I am not sure.

11th. I am not sure. I am not sure. I am not sure.

12th. I am not sure. I am not sure. I am not sure.

13th. I am not sure. I am not sure. I am not sure.

14th. I am not sure. I am not sure. I am not sure.

15th. I am not sure. I am not sure. I am not sure.

16th. I am not sure. I am not sure. I am not sure.

17th. I am not sure.

18th. I am not sure. I am not sure. I am not sure.

19th. I am not sure. I am not sure. I am not sure.

20th. I am not sure. I am not sure. I am not sure.

21st. I am not sure. I am not sure. I am not sure.

22nd.

23rd. I am not sure. I am not sure. I am not sure.

24th. I am not sure. I am not sure. I am not sure.

25th. I am not sure. I am not sure. I am not sure.

Coroner should tell us.

THE WITNESS: That was July 4th.

THE COURT: Thank you. Please proceed, Counselor.

Q That examination was made at the request of you and Chief Eaton?

A It was made at the request of Chief Eaton.

Q But after Doctor Hexter refused, then you requested that he examine, is that right?

A Oh, no.

Q You say that is not true?

A He didn't refuse.

Q All right. In any event, did you examine the skin of Sam Sheppard to see if it gave the appearance of having been immersed in water for any length of time?

A No. All I could see was his hands and his face, because he was covered up.

Q Did you learn from the nurses who attended him whether or not his skin was all puckered up when he came into the hospital?

A I didn't talk to the nurses about Sam Sheppard's condition.

Q Well, doctor, in summary, is it fair to say that as of the time you first saw Doctor Sam Sheppard you were ^{not} interested in making any personal examination of his injuries?

A Of Doctor Sheppard, yes, sir.

Q After you were returned to the home, was this about 10:00 o'clock, back to the Sheppard home?

A Around ten.-- before I left there, I asked whether the X-rays would be available for me to see.

Q Yes, and they were made available for you to see?

A No, they weren't.

Q They were not. Didn't you examine them at some time?

A Later.

Q By the way, doctor, are you a radiologist?

A Well, I am just like any other doctor.

Q Are you a radiologist?

A No, sir.

Q Have you ever been certified in radiology?

A No, sir.

Q Tell the jury what a radiologist is.

A A radiologist is an individual physician who specializes in the taking and reading of X-rays.

Q Thank you. Now, when you got back to the Sheppard home, who was present?

A Well, the same people as was when I left, and that was the Mayor and his wife.

The Chief arrived with me, so he was present.

Drenkhan, Patrolman Drenkhan.

Some of the other members of the Bay Village Police

Force.

I think that is about all.

THE COURT: Has a time been
fixed, Counselor? Maybe it has and I missed it.

MR. BAILEY: I believe he said
around 10:00 o'clock.

THE COURT: Thank you.

THE WITNESS: Around 10:00 o'clock.

THE COURT: Thank you.

Q And the investigation was continued?

A Yes, sir. Oh, Grabowski was present, and Gareau and
Schottke were present.

Q Gareau and Schottke we have met. Will you tell the
jury who Mr. Grabowski is?

A Mike Grabowski is the person of the Cleveland Police
Department who arrived shortly after I arrived on July 4th,
and he is the individual assigned to make photographs, get
evidence of finger-prints. He is one the investigators of
the Cleveland Police Department's Investigating Bureau.

Q And you observed Mr. Grabowski there at work?

A He was working there, yes, sir.

Q He was taking photographs?

A Taking photographs.

Q And he was looking for finger-prints?

A First he was taking photographs.

Q Did you see him appear to dust for finger-prints at any time?

A He did, later on, dust for finger-prints.

Q And the search was continuing for the weapon, whatever it might have been, at this point, 10:00 o'clock?

A I don't know if the search was continuing. The search was generally going on. But what they were looking for as a weapon couldn't be determined until an examination was made of the body, and the investigation went, insofar as the murder room was concerned, only went so far in taking photographs and not to take anything else so that it would interfere with the body itself, and the surroundings of the body, that is, the bed clothes and the bed.

Q The body, of course, had not been removed?

A That's right.

Q At the time the body was removed you lifted the sheet to make a last examination before it was taken out, did you not?

A At the time the body was removed, I took the sheets off, the bed clothes, and had some assistance to help me get the body up towards the head of the bed a little bit, so we could handle the legs, and then the body was put into the carrying case, put into the rubber pouch which was in the carrying case, and with the sheets.

Q Prior to its being placed in the rubber pouch, no

effort was made to disturb the clothing which Marilyn was wearing at that time?

A That's right. I am responsible for disturbing the clothing after I arrived at the scene.

Q But the clothing went with the body, did it not?

A The clothing on the body went with it.

Q It was not removed by you or by anyone else at the scene?

A That's right.

Q Now, at some time did you examine this clothing?

A What is that?

Q Did you at some point examine this clothing?

A Well, it went out to the Coroner's Office, and out there was examined and later on I examined it also.

Q The clothing consisted of a jacket-type pajama top, is that right, the clothing that Marilyn Sheppard was wearing?

A Yes.

Q And a pant-type pajama bottom?

A That's right, sir.

Q Was this clothing examined for rips, tears, and other damage?

A Yes.

Q And is it true to say that none was found?

A None was found.

Q The clothing at the time you first saw it when you

lifted the sheet involved the jacket pushed up over the breasts?

A Wait a minute. The sheet was nowhere in contact with the pajama top.

Q I understand, I understand that, I don't mean to imply that.

When you first saw the body with the sheet in place you could see that the jacket was pushed up high on the chest?

A The sheet wasn't in place. The sheet was at the foot of the bed, and draped over the left arm.

Q Was the sheet covering --

A It wasn't in a natural position, put it that way.

Q Doctor Gerber, when you arrived on the scene was the sheet covering the lower extremities?

A It was covering the lower extremities, and on the left side and a portion of the left arm and hand.

Q Your first notice of the body disclosed to you that the jacket-type pajama top was pushed high on the chest, is that right?

A Yes.

Q And when the sheet was eventually lifted, it was disclosed to you that the pajama bottoms were off except for one leg, is that true?

A That's right. But I could see that the pajama on the left leg, or, the left leg of the pajamas, was not on,

without moving the sheets.

Q Yes, but the right leg wasn't?

A The right leg wasn't.

Q The pajama was hanging from the right leg?

A That's right. The left leg, the left pajama leg was pushed up against the right leg.

Q Doctor, did you make an examination of the pajama bottoms for blood, spatters of blood?

A After the examinations were all made in the office, after they got out, on subsequent days.

Q But an examination was made by someone?

A Yes, sir.

Q Was that Miss Cowan?

A I looked myself, I looked at the pajama legs to see if there was any tears, and there weren't any, and to the pajama tops.

Q Did you photograph them for us?

A Yes, sir.

Q Do you have the photographs with you?

A Well, I don't have anything. I thought they were all here.

Q Well, you have produced seven photographs, Coroner Gerber. Do you have some additional photographs that you did not bring with you?

A There are -- they are here someplace. I don't have

them.

Q You haven't got the additional photographs?

A They were all produced in the last trial, and these slides we took back.

Q Are these the only ones you took back?

A Yes.

Q Do you have some additional photographs then at your office that you haven't brought with you?

A No, they are all here. They were in the former exhibits.

Q They were all part of the original record, then. These seven are the only ones in the Sheppard case that you had in your office?

A Except these were in black and white. They were part of the exhibits, but in black and white photographs.

Q Excuse me a moment. Doctor, perhaps I am confused. I am talking now about slides.

You have produced seven slides which were taken either by you or under your direction and supervision?

A They were taken by Mr. Johnson.

Q Were there more slides taken by a member of your office that you have at your office now, in connection with this case generally?

A Yes.

Q Could you bring them back with you when you return after

lunch, could you do that?

A Well -- what -- would you tell me what you want?

Q Doctor, you have been called upon to lecture in the past twelve years on the Sheppard case, haven't you?

A Yes, sir.

Q And you have quite a number of slides that you show in connection with that lecture?

A Yes, sir.

Q You showed them at one time in Boston when I was in attendance, didn't you?

A Yes, sir.

Q Would you bring those slides?

A Yes, sir.

Q Now, Doctor Gerber, after the body of Marilyn Sheppard had been removed, from your inspection of the murder room was it apparent to you that whoever had inflicted the damage to her head was probably spattered or covered with blood himself?

A I assumed that, yes, sir.

Q And I take it then you were looking for bloody clothing?

A Yes, sir.

Q Now, the pants of Sam Sheppard were given to you, or your representative, by Doctor Sheppard, Senior?

A It was given to me.

Q And the belt?

A And the belt.

Q And the shoes?

A Yes.

Q And the socks?

A Yes, sir, and the underpants.

Q What is that, and the underpants, yes. These were all examined for blood?

A Yes, sir.

Q And the only spot of blood was the diluted spot on one knee, true?

MR. SPELLACY: I object.

Q If you know?

THE COURT: He may answer.

Overruled.

A There was evidence of blood on the left knee, and there was evidence of blood on the other portions of the pants.

Q Where, do you know?

A On more than one portion of the pants, but specifically on, around, on the left knee.

Q The evidence of blood on the left knee was blood diluted with water, was it not?

A Yes.

Q And on the bed sheet before you removed it, on the right or east side of the bed, there was a spot of blood diluted by water, about four or five inches square, was it

not?

A I don't know, diluted by water, but it certainly didn't have the thickness and consistency as the rest of it. I know what you are talking about.

Q You know what I am talking about?

A Yes.

Q You had your lab make a determination, didn't you?

A I would have to ask them.

Q Well, do you have any memory beyond that?

A They made the test that they thought was necessary.

Q And you got the results, right? They reported these to you?

A (No response)

Q I show you State's Exhibit 28, doctor, a photograph of the bed and the body still in place, and direct your attention to a mark on the side of the bed approximately in the center of the picture a little below center to the left.

MR. SPELLACY: Can you hold it up,

Mr. Bailey, so the jury can see?

MR. BAILEY: Yes.

Q Now, do you recall seeing the mark on the day when you first walked into the room?

A Yes, sir.

Q And did you find at some later time what the substance was that caused the stain?

A I assumed it was blood, and whether or not that was specifically tested I would have to look.

Q Okay, well, would you check on that perhaps at the noon recess?

A Well, Miss Cowan will be in here and she can testify to that.

Q She would have the answer for us?

A Yes.

Q What about the belt, doctor, was that subjected to laboratory tests?

A That was put under ultra-violet light and looked at, put on the light and looked at, and there wasn't anything on it of any significance.

Q Now, no upper garment of Doctor Sheppard was ever found, was it?

A That's right, sir.

Q In your search for whatever bloody clothing might have been worn by the killer at one time, did you check the fireplace in the Sheppard home to see if perhaps anything had been burnt there recently?

A I --

Q You made some observation of that, didn't you?

A No, I had the police specifically check the fireplace, and every other place in that house, to see whether they could find anything that they could associate with this

particular incident; and the fireplace was checked, and there was no evidence of any burning or anything in there.

Q Of course, when you arrived on the murder scene, you were aware of what the weather conditions had been the night before, I take it?

You had been present in Cleveland on the night of the third and the early morning of the fourth, had you?

A Yes, I know it was warm, and I was just trying to remember what --

Q Well, the temperature that night was about 70 degrees, wasn't it?

A I was going to say, I tried to remember the exact temperature. I don't know what it was at the lake, but it was warm.

Q Having determined there were no fires in the Sheppard house, did you make an examination anywhere else to see if a fire had been burning on that morning?

A I did not.

Q Did you cause one to be made?

A I -- after giving the police my opinion of what I thought they should do, everything that they did was up to them.

Q Is it fair to say that at this point, what, noon on July 4th, that you had turned over control of the investigation to the police?

A I would say that the goings on and happenings, the inquiry from individuals who may have knowledge of this, was directly in the hands of the police.

Q Now, Doctor Gerber, as a basic principle of crime investigation, it was of course important to preserve the scene in its original condition until it could be completely examined and investigated, true?

A Yes, sir.

Q Did you permit at 11:30 on the morning of July 4th certain newsmen to go through the house and take pictures?

A Two people, or, two men, from the Cleveland Press.

Q From the Cleveland Press?

A I can't tell you their names, went through the house, through portions of the house -- not all over the house -- and took photographs, but in this instance I and a policeman from Bay Village accompanied them.

So they didn't make any disturbance of that house.

Q You were with both of them at all times?

A Yes, sir.

Q What about the man from the Cleveland News, did you accompany him, too?

A Yes, sir.

Q And the one from the Plain Dealer?

A They came at the same time?

Q But they were in the house with your permission?

A That was my permission, with the chief of police's permission, yes, they were there, and they had the same courtesy as the members of the Cleveland Press had.

Q I see. Doctor, the grounds were being searched, say, about noon time or one o'clock by various boys in the neighborhood?

A The grounds were being searched from the time that the police got there until --

Q I understand that.

A Until later on.

Q But between twelve and one the search was continuing, was it not?

A It was continuing all the time.

Q And some young boys were in and out of the house?

A Oh, no.

Q You say that never at any time while you were in that house on July 4th did young boys come in and out?

A No, sir, there was just one boy --

Q Who was that, if you know?

A Yes,

Q Who was it?

A That was the Ahernboy who had been there the night before.

Q He was the only young boy who was in the house that day?

A He was the only boy that was in that house during the time that I was present.

Q And were you present all day except for from nine to ten?

A Except from nine to ten, and probably maybe thirty minutes at another time.

Q When was that?

A When I went to get a sandwich.

Q When?

A It was probably around, oh, I don't know, two o'clock, or something like that.

Q But you were present at some point when Officer Schottke came to you with a green bag?

A Yes, sir.

Q True?

A Yes.

Q And the contents of the green bag were examined by you?

A That's right.

Q After examination you gave them back to Officer Schottke for transport to the hospital?

A Temporarily, yes, sir.

Q Yes.

A For identification, yes.

Q Now, you know, because you were told, that the green

bag had been found in the vicinity of the stairs leading down to the beach?

A That's right.

Q About fifteen or twenty feet away?

A About twenty feet away to the east side.

Q When you examined these contents, you found a man's watch?

A That's right.

Q A man's ring?

A That's right.

Q And some keys?

A Yes, sir.

Q And on the key chain, the initials SS, do you remember that?

A Well --

Q It has got a little tag here?

A I probably remember that.

Q Well, you looked at this item carefully?

A Yes.

Q You spread it out on the table in front of you?

A That's right.

Q And I assume it became apparent to you that very likely whoever killed Marilyn Sheppard had carried those items at one time or another and thrown them away, is that right?

A That's the way I felt about it.

Q So you immediately caused them to be finger-printed so we could get the name of the killer, did you not?

A No.

Q You gave them back to Officer Schottke, did you not?

A These were handled very very carefully.

Q Did you have them finger-printed right away?

A No.

Q Is Officer Schottke a finger-print expert?

A No, sir.

Q It wasn't necessary to take these down with the initials SS, to find out if they were Sam Sheppard's, was it?

A Well, I think it was necessary to have Doctor Sheppard identify these, and when he last had them in his possession, and since they were handled very carefully, and every effort made not to obliterate anything that would be of aid and assistance in making a determination. They were handled properly, and with dispatch.

Q Then I take it, Officer Schottke took them under your strict instructions that they were not handled, so they would not be disturbed?

A That is right.

Q And under your further instructions to return them to you when he was through?

A That's right.

Q And I assume at that time, you caused them to be

examined by a competent finger-print expert?

A I caused them to be examined in our laboratory, yes, sir.

Q For finger-prints?

A For anything that may be evident.

Q Doctor Gerber, who in your laboratory takes finger-prints?

A Nobody in my laboratory can take finger-prints, but anybody can recognize a finger-print, and then somebody can take them.

Q Were finger-prints examined for?

A Yes, sir, and looked for.

Q By whom?

A By Miss Cowan.

Q She dusted these items for prints?

A No, but she looked at them with a glass.

Q Doctor, can you examine for finger-prints without using dusting powder?

MR. SPELLACY: Objection.

Q If you know?

THE COURT: He may answer.

A You can do both, you can dust, and this. This was blood on here --

Q Yes?

A -- we weren't going to have it dusted.

Q I see, you wanted to determine the type of blood?

A Yes, sir.

Q And that was done, is that right?

A That was done.

Q Doctor, isn't it a fact that none of these articles found in the green bag were ever checked for finger-prints by any finger-print expert?

MR. SPELLACY: Objection.

THE COURT: Is the question complete?

MR. BAILEY: Yes, your Honor.

THE COURT: May I hear the question, please?

MR. SPELLACY: I will withdraw the objection.

THE COURT: Objection is withdrawn.

Do you know the question, doctor?

THE WITNESS: I thought I did.

THE COURT: Do you want to have the question read back?

THE WITNESS: Yes.

THE COURT: Mr. Reporter, would you read the question back to Doctor Gerber.

(Following question was read by the reporter:)

"Doctor, isn't it a fact that none of these articles found in the green bag were ever checked for finger-prints by any finger-print expert?"

A No, it is not a fact.

Q Who beside Miss Cowan checked them for finger-prints?

A Mr. Johnson. Mr. Johnson is now dead, so you will have to take my word for it.

Q I assume he made a report before he died, did he not?

A Yes, sir, and he told me personally.

Q You have no written report of the finger-print examination?

A No, sir.

Q Does Miss Cowan have such a report, if you know?

A I don't know whether it said anything about finger-prints or not.

Q Doctor, you examined this watch during the last trial when you testified, did you?

A Yes, sir.

Q MR. BAILEY: For the record,
if it please the Court, the watch being State's
Exhibit 24, the male watch.

THE COURT: Thank you.

Q You had photographed this watch earlier in the investigation?

A I had it photographed, yes, sir.

Q Prior to the time the blood was wiped off?

A The blood was still on it at the time of the last trial.

Q Well, would you say some of the blood is perhaps gone now, the blood that was on the band?

A Most of it is gone, probably all of it.

Q This doesn't fairly represent the condition of the watch at the time on July 4th when you first saw it as to blood, does it?

A No, sir.

Q But your photographs do, don't they?

A Yes, sir.

Q Between the time you first got this watch and the time you saw it during the last trial, had its condition been altered materially in any way that you can recall?

A Not that I can recall.

Q Had it been damaged in any way that you could perceive as you looked at it, while testifying?

A It hadn't been damaged.

Q Do you know whether or not any damage was incurred by that watch between the time you saw it during the last trial, and say January of 1955?

A Are you talking about the watch?

Q Yes.

A Or the bracelet?

Q The bracelet.

A The bracelet was defective.

Q It was defective?

A Yes.

Q It was broken the first time you saw it?

A Yes.

Q The first time you examined this watch when it was brought to you by Officer Schottke --

A Oh, no, not then, not then.

Q When did it break?

A You said when I determined it?

Q Yes.

A I determined it on July 5th.

Q That the bracelet was defective?

A Yes.

Q This break?

A Yes.

Q And this is the condition in which it was on July 5th?

A That's right.

Q You didn't cause that break, did you?

A No, sir.

Q So I assume as you examined this watch, with reference to the break, you assumed that somebody had ripped it off the arm of the wearer?

A I didn't assume that at all.

Q You didn't?

A No.

Q Do you assume it now?

A No, sir.

Q Did you examine the ring, doctor, during the course of your investigation?

A Yes, sir.

Q What did you notice that was unusual about the ring, if anything?

A There was a break.

Q Where was the break?

A In the facing, or --

Q Did you point that out to the homicide detectives and discussed it with them?

A I imagine I did, yes. I am not sure.

Q Was Doctor Sheppard questioned, if you know, about how that break might have gotten there or when?

A No, sir, I mean, I don't know.

Q Did you personally, doctor, or through your representatives, check to see which doors these keys might fit?

A I didn't, but --

Q Did you cause it to be done?

A I think somebody did later on, but I didn't.

Q Now, Doctor Gerber, at the time you first got both of these watches, that is to say, the one found on the den

floor, and this one here, they had been stopped, right?

A Yes, this one at 4:15.

Q When you first saw it, was it stopped or was the second hand been running?

A No, it was stopped at 4:15.

Q 4:15 was the time?

A Yes.

THE COURT: Will you refer to it by exhibit number?

MR. BAILEY: Yes, your Honor.
Pardon me.

This is Exhibit 24, and of course the woman's watch was also stopped as you saw it on the den floor, that being Exhibit 22.

THE WITNESS: Yes, sir.

Q What was the time shown on the lady's watch?

A Oh, I don't remember right now.

MR. SPELLACY: Pardon me, doctor?

A I don't remember now.

Q Sometime around three o'clock, does that sound right?

A I don't know. I would have to look it up. I know I put it down someplace, but I don't remember now.

Q Of course, one of the things you were attempting to do initially in your investigation was to pinpoint the time of death?

A Yes, sir.

Q And the time of any assaults involved?

A Yes.

Q Because there obviously had been some assaults?

A Well, for Mrs. Sheppard to get the way she was, she had to be assaulted.

Q Right. Therefore, I assume that you took this watch to a watch maker in order to determine whether or not the stoppage was caused by an impact of some sort?

A The watch was examined.

Q By whom?

A By watch experts here in town.

Q What was the name?

A Beatties.

THE COURT: I'm sorry, gentlemen, you are having a running conversation and I can't hear the testimony, and I doubt that the jury can.

The watch was examined, doctor?

THE WITNESS: Yes.

THE COURT: By whom?

THE WITNESS: By Beatties.

THE COURT: By who?

THE WITNESS: Beatties.

THE COURT: Beatties, I am

sorry.

THE WITNESS: And their report is here. It was in the last trial --

THE COURT: Is there a question before the witness?

MR. BAILEY: No, your Honor.

THE COURT: All right. The watch was examined by Beatties. Thank you.

Gentlemen, please proceed. By the way, gentlemen, it is now 12:00 o'clock, maybe we can stop at this point, for a moment.

(Thereupon Court and Counsel conferred at the Court's bench out of the hearing of the jury.)

THE COURT: Thank you, gentlemen. Ladies and gentlemen of the jury, it is 12:00 o'clock, and we have reached a point where we should have our luncheon recess, and while you are away on your luncheon recess, ladies and gentlemen, you shall bear in mind the instructions previously given you on each occasion when you left the room, and that is you shall not discuss this case 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.

Now, ladies and gentlemen, tomorrow is Election Day, and arrangements have been made for you to vote.

I know that all of you have expressed an interest, and the Court has made arrangements for to exercise this all important duty and responsibility, which you all want to do.

The Court has discussed this matter with Counselors. You will be permitted to vote under guide lines and regulations that have been discussed with Counselors, and approved by Counselors, with the Court.

We anticipate that we will have a complete session tomorrow morning, and we will terminate sometime between twelve and one.

You will have your lunch, and we hope to have you dispatched to your polling places, and each of you will be permitted to vote in your customary polling place under the supervision I have suggested to you.

We hope to vote you between the hours of two and four, to avoid the rush at the polling places, and have you back to your hotel between four and four-thirty.

Those are the general suggestions,

and those rules will be followed, and if necessary we will have more to say to you about it tomorrow. But you can anticipate that that will be your schedule tomorrow, and we will now have our luncheon recess.

(Thereupon an adjournment was taken to 1:30 p.m., Monday, November 7, 1966, at which time, the following proceedings were had:)

Monday Afternoon Session, 1:30 p.m., November 7, 1966

THE COURT: Counselor Bailey,
will you proceed when you are ready.

MR. BAILEY: Yes, your Honor.

- - -

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

CROSS EXAMINATION OF DOCTOR SAMUEL R. GERBER (continued)

By Mr. Bailey:

Q Doctor Gerber, did you bring us some slides back from
your office?

A Yes, sir.

Q Where are they, please?

A In the box over there.

Q This box here?

A Yes.

Q These are all slides about the Sheppard case?

Aq Yes, sir.

Q We will examine them during the afternoon recess.
Doctor, do you know of a restaurant in the Lorain area
called Castle-in-the-Lake?

A Yes, now that you mention it, I recall that. I was there once.

Q Right around the time of the trial, I mean, the time that this happened, shortly after July 4th?

A Well, it was somewhere in the summer.

Q Doctor Gerber, you told us this morning that you had investigated other cases prior to this one in which there were bludgeonings?

A Yes, sir.

Q Some committed by men and some committed by women, I assume?

A I don't remember the assailants but I assume there had to be some committed by women and some by men.

Q And your experience as an investigator, and student of crime scenes, and bodies, victims, have you been able to acquire some experience that helps to inform you whether the characteristics of a slaying by a man are different than those committed by a woman?

A Originally I thought I could, but now --

Q On second thought?

A On second thought, I wouldn't say which was which.

Q Do you think you could in 1954, doctor?

A No, sir.

Q Did you make the statement a couple of days after Marilyn Sheppard had died, that you were satisfied the

killer was a woman?

A I never made such a statement.

Q Do you know a man named General Lapping, who used to be editor of the Lorain Journal?

A I don't know him, but I remember of him.

Q Do you know a woman named Catherine Post, who in 1954 was a reporter for the Lorain Journal?

A I know of her.

Q Did you in 1954, shortly after you entered this case, give Catherine Post some pictures of the anterior of the house for use in her newspaper?

A I believe we did, yes, sir.

Q And as a result of that, did you have some lunch with them late one afternoon at the Castle-in-the Lake, on the 5th or 6th of July or thereabouts?

A Oh, it wasn't the 5th or 6th of July. It was probably sometime in August.

Q Well, sometime in the summer?

A Yes.

Q You think it was in August?

A Yes.

Q You were well into the investigation by then?

A Yes.

Q Now, Doctor Gerber, I want you to search your memory and tell me what whether or not you said to these two people

in that restaurant on that date, "I am satisfied that Marilyn Sheppard's killer was a woman"?

MR. SPELLACY: Objection.

THE COURT: Overruled. He may answer.

A I never told the name that you mentioned -- I do remember a Miss Post -- that I said it was a woman. I never told them it was anybody. That was their theory. That was the reason I went out there to talk to them, and I came back without having --

Q Doctor, did you make the statement? That was my only question.

A No. I'm just telling you, she made the statement and he made the statement.

Q But you deny you ever made it?

A Yes.

Q No question about it?

A Emphatically.

Q All right. But you remember these people?

A No, I wouldn't, if they walked in here now, I wouldn't recognize them.

Q Doctor, there is no question but you have a conversation with them?

A Yes.

Q And it was about this case?

A It was about this case, yes. It was their theory.

Q Doctor, when you entered this investigation, I take it that it was your purpose to be as thorough as humanly possible in searching out the evidence?

A That was the idea, yes, sir.

Q And in the course of your investigation to be as discerning and at the same time as fair to the people involved as you could be?

A I always try to be fair.

Q And that included, in this instance, Sam Sheppard?

A Yes, sir.

Q Would you say, doctor, that at the time you entered the investigation of the death of Marilyn Sheppard that you had any personal feeling against the Sheppard family?

A I didn't even know them.

Q Had you ever heard of them?

A I heard of the father, but I didn't even know he had any sons.

Q At the last trial, you had heard of Stephen Sheppard, too?

A Yes, I am talking about now. At this particular time when I went out there.

Q Didn't you testify at the last trial that you had heard of Doctor Sheppard and his son Stephen?

A Yes, because of the fact that they referred an

autopsy.

Q As a matter of fact, an autopsy was done by your office on June 4, 1954, relative to a man that had been shot in the spine?

A This was a baby I am talking about.

Q Did you do an autopsy on a man who had been shot in the spine that was sent down from Bay View, on the fourth day of June, 1954?

A I don't recall that.

THE COURT: Are you going to
hook this up, Counselor?

MR. BAILEY: Yes, I am.

THE COURT: All right.

Q Did you ever have conversation with a doctor from Bay View named Max Don?

MR. SPELLACY: Pardon me?

Q On June 4th, 1954?

A I don't recall.

Q Did you ever tell Max Don that you were going to get the Sheppard family?

A No. Whoever said that is a liar.

Q But you deny that you said it?

A I deny it.

THE COURT: How do you spell
that last name, Counselor?

MR. BAILEY: D-o-n, your Honor.

Q Doctor Gerber, how many people handled the watch, the ring and the key chain before it ever got to Mary Cowan, to your knowledge?

A Only Mr. Schottke, Mr. Gareau, and myself.

Q Do you know whether or not Mr. Schottke or Mr. Gareau handled these weapons physically, I am sorry, these instruments, down at the Bay View Hospital when they showed them to Sam Sheppard?

A I only know what they told me.

Q And your information was that they had not been touched by human hands, is that right?

A My information was they showed the watch, and whether they showed the other article I don't know, but I had wrapped them in Kleenex. I just presumed they handled it properly.

Q Now, the watch of Doctor Sam Sheppard when it was first brought to your attention indicated the hour of 4:15, did it not?

A That's right, sir.

Q The second was not moving? It was stopped?

A Yes, it was stopped.

Q Did you cause that to be examined by some competent watch maker to determine whether or not it had stopped at the hour of 4:15, because of some impact or other trauma?

A I caused it to be examined, to see whether the watch was in working order.

Q Who did the examination?

A Beattie's Jewelry Store.

Q When was it done?

A I can't give you the exact date. Their report was in evidence in the last trial, and I presume it is still here.

Q Didn't the watch start running again before Beattie's got it?

A I think it did, yes.

Q You haven't had any repair work done to this watch, have you, since you first got it?

A You know I haven't had any repair work done on it.

Q I don't know; I am asking you.

A Yes, you do.

MR. SPELLACY: Objection.

Q Do you know if the watch is working today?

A I don't know.

Q Did you ever determine why it stopped at 4:15?

A No, I didn't.

Q Doctor Gerber, when you first saw this band, I don't think we are clear on this, when you first saw it when it was handed to you by Schottke, was this break apparent?

A I didn't look. I didn't examine at that time.

Q You didn't examine it. The first time you did examine

it, was the break in the band apparent?

A Yes. That was on July 5th.

Q This was the next day?

A Yes.

Q Did you question Doctor Sheppard as to whether or not his watch band had been intact prior to the assault on Marilyn?

A I didn't question Doctor Sheppard at all.

Q Doctor,--

A Just a minute. You asked me a question; let me answer it.

Q Complete your answer.

A After July 4th until the inquest on July 21st.

Q Now, I will repeat my question, doctor: Did you question Doctor Sheppard as to whether or not this watch band was intact prior to the murder?

A And whether I asked this question or not, I don't remember.

Q Did you question him as to whether or not the keys were on his person prior to the murder?

A The record would show.

Q Do you remember?

A No, I don't.

Q Did you question him as to whether or not the damage to the onyx setting of his ring existed prior to the murder?

A I don't remember asking him anything at all about these particular articles at the inquest, and if it is in the record, then I asked it.

Q You have no memory of ever having asked these questions?

A That's right.

Q Did you find a three and a half inch tear next to the trouser pocket of the trousers that Doctor Sam Sheppard was wearing when he was found on the morning of July 4th?

A Yes, sir.

Q And did you determine or seek to determine the cause of that tear?

A I didn't determine the cause of the tear, and whether I asked Doctor Sheppard about the cause of the tear on July 21st, I don't remember, if it is in the record.

Q What is the purpose of an inquest, doctor?

A The purpose of an inquest is to get information.

Q Primarily to determine the cause of death, a dead body?

MR. SPELLACY: Objection.

A No.

THE COURT: Sustained.

Q You had the shoes examined for blood?

A Yes, sir.

Q No blood, right?

A No blood.

Q You had the belt examined for blood?

A Yes.

Q No blood?

A No blood.

Q Socks?

A Yes.

Q No blood?

A No blood.

THE COURT: Excuse me. What
was the response to socks?

MR. BAILEY: No blood.

Q Now, these trousers which were damp when you received them at the Bay View Hospital from Richard Sheppard, these were examined, too?

A Yes.

Q The spot on the left knee where we see some pieces of the material missing, those were removed by your laboratory personnel?

A Yes, sir.

Q For examination?

A Yes, sir.

Q These pieces down here were also removed by them?

A Yes, sir.

Q Now, were the rest of the trousers examined for blood, do you know?

A The whole, all of the trousers were examined.

Q You told us this morning that there was blood found on the knee?

A Yes.

Q And in some other places?

A Yes, but I -- some places on the trousers luminesced. It is in the record and you will have to talk or ask Miss Mary Cowan.

Q You observe a brownish stain next to the left rear pocket with the button on it here, on these trousers?

A Yes.

Q When you got the trousers, was the wallet of Doctor Sam Sheppard in the pocket?

A No, sir.

Q It was handed to you separately?

A Yes.

Q And the wallet was brown leather in color, at that time?

A Yes.

Q Did you have the pocket of the trousers examined to see whether or not the stain appearing therein had come from the dye in the leather of the wallet?

A No.

Q That was never done?

A No.