

Q Did you just assume that was the case by looking at it?

A Yes.

Q You extracted every item that was in the wallet when you got it, didn't you, you listed them?

A They were all listed, yes.

Q There were credit cards and a multitude of things?

A Yes.

Q Every one of which was water-soaked, is that true?

A Yes, all water-soaked.

Q Doctor, you said that this jacket was positioned how when you first saw it?

A As it is shown in the picture.

Q Just draped like this over the couch?

A Something similar to that, but not just exactly like that.

Q The same manner generally?

A Yes.

Q Doctor, this is the pillow of which you showed us photographs this morning?

A Yes, sir.

Q This is Exhibit number 35. There are numerous spots on the pillow, all over it, as a matter of fact?

A Yes, sir.

Q Were these all checked or were any of them checked as to what substance they were?

A Miss Cowan checked the pillow.

Q All right; it was done by someone?

A Yes.

Q Do you know how many types of blood were found on the pillow?

A I can't answer that.

Q Now, but we have an area here where you say you see the impression of an object?

A That's right.

Q And I notice that there is a line running up the middle of what you say is an object, right up through here?

A Yes.

Q I believe at the last trial, you testified that was a crease?

A That's right.

Q Now, do you suppose this impression was made by the folding of the pillow, like that?

A No, sir.

Q You don't?

A No.

Q Would you explain to the jury how you are satisfied that it was not made in that fashion?

A I will be glad to.

Q Surely; do whatever you need to. I would like you to explain it.

A I would have to --do you mind if I --

THE COURT: Do whatever is  
necessary to explain it, please, doctor.

A This impression of this object is similar to a pair  
of pliers or a surgical instrument or something that has  
two blades that opens on a fulcrum, that is, on a pivot  
near the center of the entire length of the instrument.

THE COURT: Keep your voice up,  
please, doctor. Keep your voice up, please.

A And in both of these faces, this upper and lower face  
here, have been made by a single object.

This object had to be put, first, in one position  
while this blood dried, and then would have to be moved up  
here, and so therefore this blood dried down below here,  
this blood up here would be dry, and would be absolutely  
impossible to duplicate this in this manner, as it is shown  
here in this impression.

So this two-bladed instrument was then, before this.  
If it was just one object you were trying to make an impres-  
sion from both sides, the one side would be completely  
smeared, and there would be a puddle of blood at the base.

Whereas if the object was put down here, like my  
hand was the object, and put down here, and I held it long  
enough in the wet blood for it to dry, if my hand was metal  
then the outline would be here, and therefore if my hand

was similar in all respects, then I would have two sides to this instrument; and the impression on both sides at the same time would cause what little fluid blood there was to dry down the center, because this would make a crease, it would make a line.

Q Now, Doctor Gerber, before you leave the pillow, you told us this morning you saw evidence of a serrated edge?

A Yes, sir.

Q Would you show us where the serrated edge was lined?

A Here is -- here is the outside of the instrument, it goes out here to a point, and then comes back in here, deep indentation, and then there is one here, and it continues to these several along the upper face here.

And the same thing, the exact same thing is at the bottom, and it can be seen on the enlargement, or on the diagram which is made on a piece of drawing paper right over the top of this.

This was outlined, by taking a piece of drawing paper right on the top, white drawing paper.

Q Do you represent, doctor, that the serrations are apparent in this pillow?

A Yes.

Q And once again, they run around the perimeter of the object that you visualize?

A No, they don't run around the outside. They run around

the inside of the perimeter.

Q I see, and you can see them right here?

A I can, yes.

Q And you could show them to us with your slides?

A Yes, I can show them to the jury, I can show them with the slides.

Q All right, thank you, doctor, resume the stand.

I believe on direct examination when referring to that particular blot, whatever it is, that you called it an object?

A I did.

Q Now you have indicated that it might be a surgical instrument?

A I have.

Q Do you have such an instrument available for us to look at, doctor?

A No, sir.

Q Would you tell the jury what surgical instrument you see impressed in that pillow, the nature of it, please?

A I can't give you the name of it, because I don't know what it is. It could be one of many, but it is something that weighs about eight, nine, ten, eleven ounces.

Q Doctor, without reference to weight, you have told this jury that in your opinion as a doctor the outline that you see there represents a surgical instrument?

A Or a pair of pliers, or something similar to that.

Q I am interested, doctor, in the surgical instrument.

Now, you know Sam Sheppard is a doctor, don't you?

A Yes.

Q And you knew it at the time you testified at the first trial?

A Yes, sir.

Q And you testified then that it was a surgical instrument, didn't you?

A I did.

Q And you never produced one, did you, did you?

A No, sir.

Q Now, produce one now if you can.

MR. SPELLACY: Objection.

A I can't.

MR. SPELLACY: Objection to the argument.

THE COURT: Objection sustained, and Counselor will frame questions to meet the testimony.

MR. BAILEY: Very well, your Honor.

Q Would you name the several surgical instruments in your experience, doctor, that in your opinion could have caused that blot?

A Oh, it could be instruments used especially in bone surgery.

Q Do they have medical names, names that we could use to find them in a catalog of surgical instruments?

A They have names, but right now I can't give you the specific names.

Q Could you name just one instrument, doctor, in your experience as a physician which you are familiar with, that could have made that impression, just one?

A Yes. It could be a bone spreader or cast spreader.

Q A cast spreader or bone spreader. Now, you have seen one of these, have you?

A Yes.

Q Did you ever get hold of a bone spreader or cast spreader to see whether or not it was capable of having caused the wounds that Marilyn suffered?

A Well, I found instruments that were capable of having caused the wounds, but I didn't compare it to this here impression.

Q Did you get anything to fit that impression?

A No, sir.

Q -- that was capable of causing the wounds?

A I didn't find anything at all to fit that impression.

Q Did you ever get hold of a bone spreader such as would fit that impression and compare it?



A Cast spreader.

Q Cast spreader, you say it is a cast spreader?

A I said cast spreader, bone forceps, I should have used.

Q I take it, what you see in the blot there is not all of the instrument you have in mind?

A No. It is only part of it.

Q I wonder, doctor, if you would be good enough to draw for us a sketch of the instrument you are thinking about?

A I wouldn't win any prizes for drawing.

Q Well, we will give you one in a minute.

(Witness draws on blackboard.)

Q Excuse me just a minute, doctor. These are two handles, are they?

A Yes.

Q And this is one jaw?

A That is one jaw.

Q What does this have --

A A serrated edge, and this is what I wanted to do at the bottom.

Q Would you draw it the way you wanted it to at the bottom?

(Witness draws.)

Q What do we have down here?

A That is the same as above.

Q Is that the approximate size, actual size of such an



instrument?

A Oh, they are larger and they are smaller.

Q Now, is this the instrument that you have in mind when you say that that reminds you of a surgical instrument?

A That is similar to the instrument that is outlined or impressed on this pillow.

Q In other words, you feel that it was or could have been made by an instrument shaped as you have drawn?

A Well, I am a pretty poor drawer, but this is the general idea.

Q Doctor, could you tell us where we could find one of the instruments compatible with what you believe you may see there, where one of those would be located?

A Any surgical store, but I hunted all over the United States and I couldn't find one.

Q You never could find one in twelve years?

A Well, I didn't look that long.

Q Well, you hunted all over the United States to find something to fit that?

A Yes. I found plenty of things close to it, but --

Q Do you have any of those with you?

A No, I don't.

Q Could you name some for the record?

A That is what I call it, it is a surgical instrument used by neurosurgeons or orthopedic surgeons.

Q Now, if we look in a medical catalog, we will find something like that under cast spreader?

A You can find a cast spreader, and you can find it under bone holding instruments, some things like that because they used for more than one purpose.

Q Doctor, do you have a list anywhere --

A No, I don't.

Q I haven't finished my question.

Do you have a list anywhere of the various surgical instruments that you found that were close to the impression that you see?

A No, I don't.

Q Do you have any of the instruments?

A No, sir.

Q Did you ever see one?

A I said I saw instruments, but I didn't find any that fit this particular pattern, and I inquired and then I was told by a number of surgical houses --

Q Not what you were told, doctor; just what you -- doctor, wait.

THE COURT: Doctor, just answer the question, please.

Q Doctor, was this search for the surgical instrument made after the last trial?

A No, before.

Q I see. I take it, the way you left is you didn't have an instrument in 1954 that would fit the pattern?

A That is right.

Q And you don't have one today?

A And I don't have one today.

Q But somewhere in your mind is an impression of a surgical instrument that is compatible with that stain?

A That's right; or, it don't have to be a surgical instrument, it could be an instrument used by fishermen, it could be an instrument used by -- there may be a pair of pliers that fits this particular shape.

Q In other words, it could be any number of objects not connected with surgery?

A That's right.

Q So that when you testified at the last trial about a surgical instrument, you didn't suggest that just because the defendant was a doctor, did you?

A No. I said similar, I used the word similar.

Q All right. When the autopsy report was completed by Doctor Adelson, did you review it?

A Beg your pardon?

Q When the autopsy report had been completed by Doctor Adelson, did you review his report?

A I did.

Q And your investigation continued?

A Yes, sir.

Q How many visits did you make to the Sheppard home between July 4th and the last time you appeared before the original trial?

A I was there July 5th, July 6th, July 7th, July 8th, July 9th, July 11th, and probably another day or two in between that and the inquest.

Q At some later time, did it come to your attention that a third chipped tooth had been found by someone?

A Yes, considerably later.

Q This was by ---

THE COURT: I am sorry, I did not hear the response.

A Considerably later.

Q This was by Mr. Dombrowski, in August, and, cor, Miss Cowan?

A Not Miss Cowan, but it probably was Henry Dombrowski.

Q But it was brought to your attention?

A I didn't see it. I was told about it.

Q Doctor, when you examined some tooth fragments this morning in this little glass case, marked State's Exhibit 34, did you ever match these up to Marilyn Sheppard's broken teeth?

A Yes, sir.

Q And is it fair to say that two tooth fragments were

originally in this case both came from her mouth?

A Yes, sir, and I did this on July 5th around eight o'clock in the morning.

Q Now, after that was done, could you tell whether there were any additional tooth fragments missing from her mouth, or had you matched them all in and given her complete set once again?

A No, there was -- whether these -- any missing or not, but it didn't cover the defects, these two fragments didn't cover the defects in the teeth.

Q So there were more pieces of teeth missing?

A There was at least one piece of tooth missing.

Q And you knew this on July 5th?

A Yes.

Q Did you go back to the Sheppard home and conduct any more search?

A We conducted it not only for that but for anything else that might help.

Q From your running a contact in this investigation, can you tell us the extent to which the premises of and surrounding Doctor Sam Sheppard were searched, for anything that might be found in connection with this case?

A All I know is that the police, that is, the Bay Village Police, and the Cleveland Police, and the officers from the Sheriff's Department, were making the search and they were

taking care of everything.

Q You observed them in the searching process?

A I didn't observe them, because I wasn't there.

Q You were there every day after the murder for about five days running?

A Yes, but I wasn't there the full day.

Q What were you doing on the days you were there, did you make some additional investigation?

A I was talking to the police. I was talking to, checking the rooms in which the body was found, the room in which the body was found, and other places.

I looked over the beach. I looked, I went in the house next door on either side, and I talked to the people.

Q Did you happen to go to any houses other than those immediately adjacent to Doctor Sam Sheppard?

A Yes, I went to several on the west, and, at least one on the east and several on the other side of the road.

Q Speaking of the beach, doctor, when these pants, were examined, do you know whether or not sand was found in the trouser cuffs and pockets?

A There was a report of sand found made, I am certain in the cuffs. Now, whether there was in the pockets or not, the records would show.

Q This discovery was made by one of your own personnel?

A That's right.

Q Do you know whether or not an effort was made to match up the sand found on the pants with the sand found on the beach in front of the Sheppard home?

A There wasn't, because I didn't think it was necessary.

Q You assumed it was the same sand?

A I assumed, I felt definitely it was the same sand, because it had every reason to be the same sand.

Q Okay. When you observed Doctor Sheppard, you saw a bruise on his face?

A Yes, sir.

Q Did you see any abrasions of any kind?

A There was an abrasion on the inside of his lip. Now, I think it was the lower lip.

Q You mean it was cut?

A Well, I call it an abrasion.

Q You saw that yourself?

A Yes.

Q Didn't you tell us this morning that you didn't look in his mouth?

A I didn't open his mouth, no, but I could see it when he was talking.

Q Was it hanging out or was it on the top of the lip?

A It was readily available on certain conversations that I could see it.

Q Did you ask him about that injury, how serious it was,



how badly it was cut?

A It didn't appear serious to me, so I didn't ask him about it.

Q But you didn't examine it?

A No, I didn't examine it.

Q Now, I refer to the face generally, the surface of the face, that wasn't scraped up in any way, was it?

A No, sir.

Q Nothing to indicate any abrasion of the surface, like for instance, sand?

A No, sir.

Q Now, did you have or cause to be given an examination of the hair of Doctor Sam Sheppard for sand particles?

A I didn't. Whether Doctor Hexter did or not, I don't know.

Q He had a little more hair back in those days, didn't he?

A I don't know. You would have to ask him.

Q Well, you saw him then, don't you remember?

A No.

Q Did you have his hair examined for blood?

A I didn't.

Q Did you cause anyone else to do it?

A All I know is what Doctor Hexter reported.

Q When did he make his examination?

A He made it on July 4th in the afternoon, I think around two o'clock. But the record should show.

Q Was an examination made, if you know, of the fingernails of Marilyn Sheppard, that is, underneath the nails to see if any substance was there?

A Yes, sir.

Q And do you recall what was found?

A As far as I can recall, there wasn't anything that would be of value.

Miss Mary Cowan would have to give it to you.

MR. SPELLACY: Pardon me?

A Miss Mary Cowan would have to give you that answer.

Q Do you remember that some nail polish fragments were found under her fingernails?

A No.

Q You don't remember that?

A No.

Q But Miss Cowan would be able to tell?

A I hope.

Q I wonder if we could set up your machine over there, doctor, to look at the slides that were not shown to us by the prosecution.

MR. SPELLACY: Which slides are these?

MR. BAILEY: These.

(Thereupon the slide projector was set up in the

courtroom.)

MR. SPELLACY: What number is that?

MR. BAILEY: Exhibit 42, Mr.

Spellacy.

Now, would you turn the slide around,  
too?

MR. SPELLACY: That is backwards.

MR. BAILEY: Can we raise that  
some, doctor?

MR. SPELLACY: It is still backwards.

MR. BAILEY: How is that?

MR. SPELLACY: I think it is still  
backwards.

MR. BAILEY: It is. I think we  
have the watch backwards.

MR. SPELLACY: Still backwards.  
Now just turn it over, just like this. That's it.

MR. BAILEY: Wait a minute. It is  
up-side-down. Okay. Now we have it.

By Mr. Bailey:

Q Doctor, is that the way that the watch that was found  
in the green bag appeared the first time you saw it when it  
was delivered to you by Officer Schottke?

A Yes, sir.

Q You say it was?

A Yes, sir.

Q How long after that first inspection was this photograph taken?

A That was 1:30 in the afternoon, and the photograph was taken about eight o'clock in the morning on July 5th.

Q I see; and you had in the interim determined that this was Doctor Sam Sheppard's watch?

A That was determined by Detective Schottke and Gareau.

THE COURT: Keep your voice up,  
please, doctor.

Q Doctor Gerber, I see that the watch now reads 5:00 o'clock. Do you know when the watch began to run again after your examination?

A No. This is an automatic watch.

Q Right.

A And it will move.

Q Just the mere movement of the watch winds it?

A Sometimes, yes.

Q Do you know whether or not at the time you first examined it the watch was run down or whether it stopped for some other reason?

A I don't know. I know that it was stopped at 4:15.

Q And you say that you had it examined by, was it Beattie's?

A Beattie's, B-e-a-t-t-i-e.

Q Beattie's Jewelry?

A Yes.

Q After the photograph was taken?

A After.

Q I see some moisture inside the crystal there.

A That was there when it was given to me on July -- when I looked at it, on July 4th.

Q Now, was the substance causing the moisture, ever analyzed, do you know, water or something else?

A No, sir. By the time we got around to it, it was all dried up.

Q Doctor, we see a quantity of what looks like blood on the watch band and on the rim of the watch; is that not so?

A That is blood.

Q Do you know what kind of blood it is, was a determination made?

A Miss Cowan made that determination, yes, sir.

Q Do you know what it was?

A No. She will have to tell you. I don't know.

Q But it was human blood, no question about that?

A It is human blood.

Q Now, do you say that the surface of the band as we see it now, and the crystal of the watch, were examined by Miss Cowan for finger-prints?

A Yes, sir.

Q Doctor Gerber, do you have a photograph that shows us the back of the watch?

A No.

Q Are you able to tell us as to those portions of the band and the watch not visible in the photograph whether or not blood appeared?

A I can't answer that. I don't remember.

MR. SPELLACY: Doctor, you will have to keep your voice up.

MR. BAILEY: Please talk up.

THE COURT: You are trailing off, doctor, at the end of your responses, and we are not hearing you very well.

THE WITNESS: I am sorry. I said I cannot answer that, I don't remember.

Q When you first examined the watch upon its delivery to you by Detective Schottke, do you have any recollection of looking over the other portions of the watch?

A No, I didn't want to handle it until it had been treated properly, that it was photographed and looked at, and I didn't want anybody to handle it.

Q But you did put it out on a table so you could inspect it?

A Yes. What handling of it was done with a pencil, rubber end of a pencil.

Q While doing this, it was broad daylight?

A Yes.

Q And the light was good?

A The light was good.

Q And the watch was laying on its side, was it not, just as it is now over there on the counsel table?

A Yes, sir.

Q Do you recall now whether you looked around behind the casing of the watch and on the inside and the rest of the outside of the band to see what blood there might be?

A I recall looking at it, but I can't at this time, tell you what I actually saw, but if there had been anything of importance it would have been noted.

Q Were you making notes at that time?

A I very seldom ever make notes.

Q Then we assume that you didn't make any on that occasion?

A That's right.

Q Would you show us the lady's watch now?

Now, is that watch in the condition in which you first saw it on the morning of July 4, 1954?

A That was on the floor when I saw it in the morning, and again this watch was picked up and wrapped in Kleenex, and taken by me to the office, and the next morning it was photographed, and right now when this particular photograph is that which I saw on the floor at the particular time I looked



at it.

Q Is that setting of the hands the same as when you saw it on the floor?

A Yes. I didn't move it, and I don't know that anybody else moved it, and so therefore it would have to be the same.

Q Do you think if we put the slide in the other way we could tell better what time shows?

A Yes.

Q Now, the time shows eleven minutes past three. Is it your recollection that the time showed eleven minutes past three?

A It hasn't changed because the watch was stopped.

Q And you say that it has since, since you first saw it, been examined as to whether or not it stopped because of impact?

A It was examined to see whether or not it was in working condition or what caused it to stop. It was run down.

Q You don't recall at the moment, what the results were?

A No, the reports are here.

Q Now, there is a substantial quantity of red substance visible on the face of the watch and the band, is there not?

A Yes, sir.

Q And that was determined to be blood, I take it?

A Yes, sir.

Q And do you recall as to the pictures of this watch

that you don't have for us, that is to say, the back of the watch and the portion of the band which is behind whatever object you have it wrapped around there, whether there was also blood in those areas?

A I don't recall. We would have to look at the record to see.

Q But you have no present recollection of anything that you saw in addition to what is on this screen now, on the morning of July 4th?

A That's right.

Q Now, would you run in, just once more, your enlargement --

THE COURT: Gentlemen, may I at this point, the slide which is now in view, has not been assigned an exhibit number, has it?

MR. BAILEY: I think it has, your Honor. They were received last Saturday, but I will check it.

THE WITNESS: Exhibit 41.

MR. BAILEY: Yes. I think these were all admitted before we adjourned, but not shown.

THE COURT: We were viewing slide number 41, is that true, or Exhibit No. 41?

MR. BAILEY: Yes, your Honor.

THE COURT: Thank you.

Q Now, would you put this back in, doctor, so it fairly represents the manner in which you viewed it when the picture was taken?

MR. SPELLACY: Still backwards.

Q Can you tell us what that measuring device at the bottom of the photo is, doctor?

A That is a paper ruler which we have in our office.

Q And was this photograph taken by you on the day after the murder?

A No, this is an enlargement. This was taken in November.

Q Then the date on the bottom of the paper ruler, 11-1-54, reflects the date the photo was taken?

A That the photo was taken, yes.

Q I see no readable lines of demarcation on the ruler, at least they aren't marked; can you tell us how many inches that little ruler reflects?

A We will go over here and look. That is three inches.

Q Three inches. Now, doctor, before you come back, will you step to the screen?

Do you observe, doctor, between the points of whatever this impression is, a dark line running more or less down the center of what you say is an object, trace it, please?

A This line here?

Q Yes. Is that the line you referred to earlier when you said there was a crease?

A Yes, sir.

Q Of course, when you first viewed this pillow, this side was turned away from you?

A That's right.

Q Do you have any knowledge as to whether or not the pillow or at least the back side of it was creased like this in any manner?

A It could have been, yes, sir.

Q It could have been creased?

A Yes. But that's the position on the bed.

Q Do you know what a Rorschach ink-blot is, doctor?

A Yes, sir.

Q Have you ever seen one?

A Yes, sir.

Q Do you know how they are made?

A Yes, sir.

Q How?

A Putting some ink on a piece of paper, blot it and push the sides together, so that the ink will spread out in various directions.

Q The result being a pattern with two equal halves and a crease up the middle, right?

A No, sir, it is no pattern.

Q It is not a pattern?

A No.

Q Not even a random pattern?

A Not even a random pattern. It is only the imagination that makes it that way.

Q I see. Now, doctor, do you say that this line might represent a crease in the fabric of the pillow which was there before you picked the pillow up?

A Depression as a result of the weight of the instrument.

Q This is a depression?

A Which the blood ran into, yes.

Q Was there some portion of the instrument that places the weight along this line?

A Along the whole pillow, or the pillow slip.

Q Doctor, I am asking you, from your examination could this have been a crease in the fabric?

A It could have been, yes.

Q So that the fabric could have been folded over like this?

A No.

Q These being the two halves?

A No.

Q Tell the jury why that could not have happened?

A Because it couldn't -- don't stand --

Q I wonder if you would stand over at the chair.

THE COURT: Gentlemen, if you want the witness to stand, please request it,

Counselor.

MR. BAILEY: Yes.

THE COURT: Let's put the questions orderly.

Q Would you resume the witness chair, doctor?  
May we have the lights, too, if you can unplug it.  
Doctor, did you understand my last question?

A No. Would you please state it over again?

Q Yes. Having in mind the crease line which you found running up the center of this mark, which appears to be similar on both sides of the center line, do you know of any reason that that could not have resulted from a folding of the fabric while there was wet blood on there?

A From my reconstruction, this would be absolutely impossible.

Q Tell the jury why that is impossible?

A Because you would have the weight on one side, and not on the top side.

Q The weight of what?

A The weight of the object that was there.

Q Supposing there wasn't any object and it was just a blot?

A Blood will not do this.

Q Wet blood?

A That's right.

Q Blood will not flow when creased between two surfaces?

A Blood will not do anything like that, it will not make a Rorschach pattern.

MR. SPELLACY: Pardon me?

A It will not make a Rorschach pattern.

Q You are satisfied?

A I tried it and I am satisfied, definitely.

Q You made some experiments?

A Yes.

Q To see whether or not this might be the case?

A Yes.

Q When did you make those, Doctor Gerber?

A I made that early some time in July.

Q So you in fact experimented to see whether you could reproduce that blot by Rorschach folding?

A That's right.

Q And you were not able to do it?

A I wasn't able to do it, and nobody else could do it.

Q Doctor Gerber, you saw the impression in the dried blood of a pattern on the left wrist of Marilyn Sheppard?

A That's right.

Q Was that pattern compatible with the watch band that you found on the lady's watch in the den?

A Yes, sir.

Q Was the pattern neat and conforming exactly to the



length of the band, or was it distorted at one end?

A It was distorted in part, and conforming in other areas.

Q How long does it take wet blood to dry when it is exposed to the air?

A It depends on the amount of blood. If it is a thin surface it will dry in about two, three, five minutes.

Q Well, you saw the blood that was smeared on Marilyn Sheppard's right wrist?

A Yes, sir.

Q I am sorry, her left wrist?

A Yes.

Q You saw that, didn't you?

A Yes.

Q And you observed the thickness of it?

A Yes.

Q And from that you are able to estimate, no doubt, the amount of drying time it would take?

A I would give it three, four, or five minutes.

Q Of course, Doctor Gerber, before the blood were fully dry, it would become tacky, is that true?

A Again, it depends on the amount of blood.

Q I am referring to the blood you saw in the quantity you saw on the left wrist of Marilyn Sheppard.

A I didn't see it tacky.

Q No, no. It would have been tacky in one of the stages of drying?

A I think if one was there, and watched it closely, you could begin to see it become tacky.

But the thinness of this smear was such that it would have been very difficult to observe it become tacky.

Q But between the process when it is running wet, and it becomes caked dry, there are various stages of drying?

A That's right.

Q And at one point it is tacky?

A Yes, sir.

Q Now, the pattern that you saw was regular around that section of the wrist nearest the elbow, was it not and distorted around that section of the wrist nearest the finger?

A Nearest the thumb, yes, sir.

Q Yes.

A Yes, sir.

Q Consistent with a watch having been removed from Marilyn's arm while the blood was partially dry on her wrist, true?

A No.

Q No?

A No.

Q Will you tell us how you think the distortion occurred if the blood was dry before the watch was removed?

A It was consistent with the watch and the bracelet having been pulled down over the rest and the base of the thumb, the back of the hand, and therefore there was a greater spread of the wrist band where the thumb is than there was on the other side.

Q So --

A And this, then, remained in this position until the blood was dry and therefore that is why you have that pattern.

Q Now, doctor, there is no question then but what the watch was moved on the wrist at some point before the blood fully dried?

A Yes, sir.

Q Now, how are you able to tell us that the watch was never further removed until the blood had completed its drying?

A Because you wouldn't have had that drying with the outline.

Q Did you take a slide of the wrist, doctor, showing this pattern?

A Yes, sir.

MR. BAILEY: Your Honor, at the afternoon recess I wish to take it out. Did your Honor intend to take a recess?

THE COURT: May I see Counselors, please? Be at ease, ladies and gentlemen.

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

THE COURT: Please proceed,  
Counselor.

By Mr. Bailey:

Q Doctor Gerber, I show you State's Exhibit 28, reflecting the position of the body in the bed when you saw it on July 4th.

A Yes, sir.

Q And State's Exhibit 29 is an enlargement of that same photograph, isn't it?

A Yes, sir.

Q Now, that enlargement shows in some greater detail, does it not, the left wrist of the decedent?

A Yes, sir.

Q And it shows the marks on the wrist caused by the watch band which you have earlier observed for us?

A That's right.

Q Now, doctor, I wonder if you would turn this way so that we can show the jury; do you see the photograph?

A I can see it.

Q There is a mark here about where the watch would normally be worn just behind the wrist bone, bulge, is that right?

A That's right.

Q And there is a further mark here, from which various streams of blood have flowed in a downward direction from in back of the top of the thumb of the hand?

A That's right.

Q From that did you conclude that while the blood was still wet, that watch was pulled in this direction by someone?

A Yes, sir.

Q Causing the blood to accumulate in front of the watch as it slid along the wrist, and then to stream out from the accumulation along this line, is that right?

A In front of the wrist band.

Q Yes.

A Yes.

Q That is what you had reference to a few moments ago when we talked about the watch moving?

A Yes.

MR. BAILEY: Thank you, Doctor  
Gerber.

THE COURT: Ladies and gentlemen  
of the jury, we will have our afternoon recess at  
this time.

Doctor Gerber, you will remain available  
if necessary for further call, please, for further  
cross examination, if you will, please.

While you are away on your afternoon recess, ladies and gentlemen, you will bear in mind the instructions given you on each occasion when you leave the room.

You shall not discuss this case or 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 afternoon recess.

(Thereupon a recess was had.)

THE COURT: Counselor Bailey,  
are you ready to proceed, please?

MR. BAILEY: Yes, sir, I am,  
your Honor.

By Mr. Bailey:

Q Doctor Gerber, I show you an aluminum framed 35 millimeter slide in black and white, with a marking on it 5-51-B, which purports to show some sort of lined drawing.

Could you examine that and identify it for us, please?

A A lined drawing of a --

Q Keep your voice up.

A A line drawing of a portion of the second floor of the Sheppard house, with the bedroom in which Marilyn Sheppard

was found dead.

Q Will you tell us whether or not, is this a photograph of a drawing that was put on the wall and then its picture taken, is that it?

A This is a photograph of a line drawing.

Q And is the drawing approximately to scale, can you tell us?

A It is near to scale, yes.

Q May we keep this for use in examining other witnesses?

A Yes.

MR. BAILEY: May this be marked,  
your Honor, for future use?

THE COURT: How do you gentlemen  
want it marked?

MR. BAILEY: My purpose in asking  
for it is in order to project it on this screen,  
for other witnesses, as to what was in the room,  
as long as it is ascertainable for that purpose.

THE COURT: Are you going to have  
Doctor Gerber testify from it now?

MR. BAILEY: No, I intend to have  
other witnesses who will appear.

THE COURT: Other witnesses. Have  
it marked as Court's Exhibit Number 1.

Do you intend to leave it with the



reporter?

MR. BAILEY: I do.

(Court's Exhibit Number 1 was marked for identification by the reporter.)

MR. BAILEY: I have no additional questions.

Thank you, Doctor Gerber.

THE COURT: Counselor Spellacy?

MR. SPELLACY: Yes.

REDIRECT EXAMINATION OF DR. SAMUEL R. GERBER

By Mr. Spellacy:

Q Doctor, on cross examination you indicated that you made a search for a weapon, is that correct?

A Yes, sir.

Q In the course of your investigation from manufacturers of surgical instruments, did you learn that many doctors and surgeons have their own tailor-made to their own specifications?

A Yes, sir.

Q Now, doctor, there was testimony relative to a conversation that was had at Castle-on-the-Lake, with a reporter from the Lorain newspaper; do you recall that cross examination?

A Yes, sir.

Q Doctor, will you tell us about that conversation?

A The conversation was with --

THE COURT: Doctor, I am having  
difficulty hearing you; I am sorry.

THE WITNESS: Sorry.

A The conversation was with a woman reporter. I think  
Mr. Bailey said her name was Post. I had forgotten her  
name.

She had contact with me on about, or tried to contact  
me on about fifteen occasions.

Q How many?

A Fifteen; and I wouldn't talk to her until one day she  
came to the office and she said that her boss, the editor  
of the Lorain Journal, had some information and that he  
couldn't come to Cleveland, and that if I would mind if I  
would come out to Lorain for lunch with the editor and  
herself.

So I made arrangements to go out there. When I went  
out there the editor told me that he had an idea that some  
woman in Elyria was responsible for the murder, and I asked  
the editor the name of the person, and he refused to give  
it to me.

He said could a woman have done this? And I said it is  
not impossible, an adult could have done it, whether it is a  
man or a woman.

He refused to give me any other information and at that time I left.

MR. SPELLACY: I have nothing further.

THE COURT: Counselor Bailey?

MR. BAILEY: Yes, your Honor.

RECROSS EXAMINATION OF DR. SAMUEL R. GERBER

By Mr. Bailey:

Q Doctor, did you make any effort to determine whether or not Sam Sheppard had any surgical instruments custom made by any manufacturer prior to July 4th?

A Frankly, I did.

Q You did?

A Yes, sir.

Q And did you receive a report?

A The reports that I got over the telephone and from people that I had making these investigations, that after a while they didn't keep the names of the doctors that asked for these special instruments, and if they did they wouldn't give any information.

Q Well, did you inquire among the hospital staff at Bay View to see if Sam Sheppard had any unusual instruments in his kit?

A No, I didn't believe -- I didn't inquire.

Q You didn't inquire. Now, the conversation at Castle-on-the-lake, that lasted several hours, didn't it?

A Well, the lunch -- no, it lasted about an hour and a half.

Q Have you told us all that was said between you and Miss Post and the editor?

A I didn't even remember his name. I know he was a tall man.

Q Retired army general, you knew that, didn't you?

A No, I didn't. If I did I had forgotten about it. What they wanted -- and they said very frankly -- "We want to scoop the Cleveland newspapers, and we know the woman that did it."

I said, You tell me and I will have the police investigate it to make certain."

They didn't give me any information. As far as I was concerned, all my efforts were wasted.

Q That was the whole conversation?

A That is what it amounted to.

Q I take it you discussed some other subject for the remaining hour and 23 minutes?

MR. SPELLACY: Objection.

THE COURT: Sustained.

Q How long did you talk about matters other than the Sheppard case?

A I don't know.

Q Did you talk about anything other than the Sheppard

case?

A That was uppermost on their mind.

Q Well, did you talk about the case for an hour and a half?

A I don't think so.

Q Is that the length of time you were with them?

A Oh, wait a minute, I remember very distinctly him telling me what a good place Iorain was to live in, and how nice it was to go fishing off the pier there.

Q Anything else?

A I can't recall.

MR. BAILEY: Thank you.

THE COURT: Anything further,  
gentlemen?

MR. SPELLACY: No further questions.

THE COURT: You are excused,  
doctor.

Gentlemen, that box of slides, is there  
any need for these further?

MR. BAILEY: May these be returned  
to the doctor, your Honor? We have no further need  
of them.

MR. SPELLACY: There is another box  
here.

THE COURT: Will you gentlemen

agree with this equipment here, do we need it now?

MR. BAILEY: The doctor has agreed to leave it for our use, your Honor, if we may keep it in the courtroom. Just keep the slide projector.

THE COURT: Counselor Corrigan or Spellacy, are we ready with another witness?

MR. CORRIGAN: The State will call Detective Grabowski.

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