

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

DIRECT EXAMINATION OF MICHAEL GRABOWSKI

By Mr. Corrigan:

Q Will you state your full name, please?

A My name is Michael, initial S, last name Grabowski.

Q Will you spell your last name, please?

A G-r-a-b-o-w-s-k-i.

Q Where do you live?

A 3813 East 52nd Street.

Q And what is your occupation or profession?

A My occupation is a member -- I am a member of the
Cleveland Police Department.

Q How long have you been a member of the Cleveland Police
Department?

A I have been a member of the Cleveland Police Department
for 21 years.

Q With what unit are you associated or attached within
the Cleveland Police Department?

A I am assigned to the Scientific Identification Unit.

Q How long have you been a member of the Scientific
Identification Unit?

A Eighteen years.

Q How long?

A Eighteen years.

Q Will you tell the Court and jury what the function is of the Scientific Investigation Unit?

A The Scientific Investigation Unit is composed of three units; the Identification Section, the Photographic Section, and the Laboratory Section; and I am a member of the Identification Section.

Q Now, sir, what date did you go on the Cleveland Police Department?

A In 1945.

Q Did you have any special training in connection with your police duties?

A Before I went upstairs? Before I went to the Bureau?

Q Yes, sir.

A I was -- I took a special fingerprint course conducted by the Federal Bureau of Investigation.

Q How long did that course run?

A That took about two and a half weeks.

Q Did you have any other training within the Police Department?

A Yes, I worked with the most experienced and the other older fellows in the Unit.

Q Did you have any formal education within any educational

unit of the Cleveland Police Department?

A No, just in that particular unit.

Q I see. Did you attend the Police Academy?

A Yes.

Q And how long did you attend the Police Academy?

A For twelve weeks.

Q Now, sir, was your service on the Cleveland Police Department uninterrupted?

A No. In 1950 I was recalled to the army.

Q And how long did you serve in the army?

A I served a year.

Q In what unit did you serve in the army?

A I worked in the Criminal Investigation Section.

Q And what were your functions working in this Criminal Investigation Unit in the army?

A We were, we investigated various crimes on the various posts.

Q Now, sir, in 1954, and specifically July of 1954, what unit of the Scientific Identification Unit were you then attached to?

A To the Identification Unit.

Q Did you have occasion to participate in the investigation of the matter now here on trial?

A That's right, sir.

Q When were you first assigned to participate in this

investigation?

A I received that assignment when I came in at 7:45 in the morning.

Q And what day was that?

A That was on Sunday, July 4th.

Q When did you complete your participation in the investigation of this matter?

A About 10:30 on the scene.

Q 10:30 a.m. or p.m.?

A 10:30 a.m.

Q So that you were there from what time in the morning?

A Oh, I arrived there about 8:15, 8:30.

Q And you left there?

A About 10:30.

Q Did you ever return to that scene again?

A No, sir.

Q So that you were there just the morning of the 4th of July?

A That's right.

Q Now, will you tell the Court and jury what the various methods are of detecting fingerprints?

A There are actually two known methods of detecting -- I assume you mean latent prints?

Q Yes, sir.

A In other words, the prints that are left on a scene.

There are two methods, there are two methods available. One we call the powder method, that is with the use of fingerprint powders. And the other ones are the chemical methods.

Q Now, what is a fingerprint?

A A fingerprint is the impression that is left by the upper part of a -- I mean, the tip of a man's finger.

Q The impression left on a substance?

A On a substance, that's right.

Q What determines the use of the powder method in detecting latent fingerprints or the chemical method?

A The surface upon which the fingerprint is left.

Q Does age have anything to do with the method that is used?

A It might have in some cases.

Q Now, with regard to the powder method, are there several kinds of powders used?

A Yes, there are two kinds of powders. We have the white powders and the black powders, and when we develop for prints we try to work for contrast.

In other words, on a dark surface I would use the light or the white powder, and on a light surface I would use the black, the black powder.

Q Would you tell the Court and jury how one develops a print?

A Well, the first thing is, first you -- you usually have two things -- well, stick to the powder method, one has to have the powder and he has got to have a real soft what we call camel's hair brush.

And this powder is applied very gently on that print until it is developed.

Now, the powder adheres. Whenever a person has excretions from his body, and wherever he touches a surface, he leaves those excretions, and this powder adheres to these excretions and that develops your print.

Q Does this then make something visible to the naked eye?

A That's right.

Q What then is done to preserve that print?

A Then there are two things that can be done and sometimes both of them.

First, photography is resorted to, the fingerprint is photographed.

And the second method we use is what we call the lifting method; and what we do is lift it with tape which is nothing else but just this transparent, what you would call Scotch tape, but it is a special kind where the mucilage is a little thicker and softer.

So what you do is peel that mucilage off that -- peel the tape and apply that directly over the print, and whatever

powder is on that surface adheres to that tape, and you take that tape and mount it on a card or transparency. And there you have the preserved print.

Q Now, sir, you say that you in some instances take a picture with a camera; is special equipment necessary?

A That's right. It is a special fingerprint camera that is used for that purpose. It is special in two ways. One way is that it has its own light source. It has got a battery in it with its own light.

And, secondly, it is a fixed focus camera, which is so fixed that photographs one to one, or, in other words, to the actual size.

Q Now, sir, would you tell the Court and jury what a smudge is?

A A smudge is a print that is laid and moved. That is one type of smudge.

Another type of smudge is when a person takes his prints and presses real hard, and it is just like, for instance, weight on a tire, the threads are lost, so it is just one big blob there you might as well say.

Q Now, sir, would you tell the Court and jury what you mean by the term identifiable print?

A Identifiable print is a print that can be -- which a fingerprint expert can take and compare, and he will be able to come to the conclusion that that is that person's print.

In other words, one that has sufficient points, points in the print that he can make a comparison.

Q Now, is a smudge ever an identifiable print?

A No.

Q Now, in looking for prints what method do you use to see whether or not an area might have a print that you can lift?

A We used an oblique light method. In other words, it is nothing else but holding a flashlight at a certain angle that you can see that it would reflect anything that is on a surface.

It gives you an idea if there is a print or if there isn't a print.

Q Are all surfaces such that they will register prints?

A Most of them will. I assume you mean visible prints.

Q Visible or identifiable prints.

A Yes, most of your areas, most of your surfaces are that way.

One characteristic of a good surface for a print is the surface has got to be smooth, because if it is grainy or anything like that it interrupts the flow of lines which does not, which spoils it for the fingerprint man to make a comparison.

Q Now, sir, what time did you say you arrived at the Sheppard residence on the 4th of July?

A About 8:15, or 8:30.

Q Where was that located?

A That was located at 28924 Lake Road, or the third house west of Huntington Park on the north side of the street.

Q Who assigned you to go there?

A I got a call from the Officer that was in charge of the Detective Bureau on that particular morning, and that was Captain Hauschild.

Q What did you do when you arrived at the Sheppard premises?

A Well, the first thing I did was to make a rapid survey of the area to see what was there or what I would have to do as far as scientific investigation goes.

Q Then thereafter what did you do?

A Then the next thing I did was I took photos, pictures, of certain places in the area.

Q What pictures did you take, if you recall?

A Well, the first pictures that I took when I walked in was an overturned, call it a medical bag, that was laying in the corridor.

I took one from the outside and one from the north side of the home.

Then I went into the den and I took a picture of some material that was scattered around the den.

And then from there I went to the living room and took pictures, took pictures of some material that was scattered

around a desk.

And then I went upstairs -- then I was called outside and I had to take some pictures on the outside, one of them showing the steps going down to the beach, and another one from the upper steps, from the beach, going this way.

And then I went out -- then I was called to the beach and I made some pictures of a footprint in the sand.

And then I went upstairs and made some exposures of the bedroom.

Q Sir, I hand you what has been marked as State's Exhibits Number 44, 45, 46, 47, 48, 49, 50, and 51, and ask you whether or not, sir, you can identify these State's Exhibits?

(State's Exhibits 44, 45, 46, 47, 48, 49, 50 and 51 were marked for identification by the reporter.)

A Yes, sir, these are the pictures that I took that morning.

Q Now, with reference to State's Exhibit 44, will you tell us what that depicts, sir?

A That depicts two doors in the bedroom where Marilyn Sheppard was, and it has spots on the doors.

Q What time of the day did you take that picture?

A This one was taken about, I would say, about 10:00 or so.

Q What time was that taken, with reference to the removal of the body of Marilyn Sheppard?

A Soon after that, very soon after that.

Q And is that a fair and accurate representation or portrayal of what you observed there at that time?

A Yes, sir.

Q Now, sir, with reference to State's Exhibit Number 45, will you tell us what that is?

A That's a bare footprint in the sand with a ruler around it.

Q What time of the day did you take that picture?

A This one was taken about 9:45.

Q And is that a fair and accurate representation of what you observed there at that time?

A Yes, sir.

Q Now, sir, where was that print, where was that print?

A This print was on the beach.

Q And where was it with reference to the staircase going down on to the beach from the Sheppard premises?

A Well, there are two of them. I don't know exactly the distance which is which, but one of them, the one that I took, was about fifty feet, and the other one was about 75 feet.

But I wouldn't be able to say exactly which one is it.

Q 55 feet -

A 50 feet. 50 feet and about 75 feet.

Q 50 feet and about 75 feet, north, south, east or west?

A East, east of the stairway, the stairway landing that was on the beach.

Q I see; and in what direction was that print headed?

A East.

Q East?

A Yes.

Q With reference to whether or not it is an imprint of a foot or a shoe or a bare foot, would you tell the jury?

A It is a bare foot.

Q Showing you what has been marked for identification purposes as State's Exhibit 46, will you tell us what that is?

A That is also a picture of a bare foot in the sand; and there is a ruler alongside of it.

Q And that, too --

A That was taken --

Q That is one of the prints that you indicated was either 50 or 75 feet?

A That's right, about.

Q Now, sir, handing you what has been marked for purposes of identification as State's Exhibit 47, can you identify that, sir?

A Yes, it is a medical bag with the contents thrown out, I mean, thrown over, and this is taken in a northerly direction.

Q Is that a fair and accurate portrayal of what you observed there that morning on the Sheppard premises?

A Yes, sir.

Q Now, sir, handing you what has been marked for purposes of identification as State's Exhibit 48, can you identify that, sir?

A Yes. This is the same picture as the other, but it is taken from the other side, in other words, facing south.

Q You say the same picture as the other, you have reference to State's Exhibit 47?

A Yes.

Q And that is a picture depicting the bag?

A Yes, sir.

Q And is that, sir, a fair and accurate portrayal of what you observed there at the Sheppard premises?

A Yes, sir.

Q Handing you what has been marked for purposes of identification as State's Exhibit 49, can you identify that, sir?

A Yes, this is a picture taken of -- in the den -- of a desk and some drawers, drawers and some material laying or strewn along the floor.

Q Is that, sir, a fair and accurate portrayal of what you observed there at the Sheppard home on July 4, 1954?

A Yes.

Q Handing you what has been marked for identification

purposes as State's Exhibit 50, can you identify that, sir?

A Yes, it is a picture of a desk with the drawers out, and the leaf down, in the living room, and some material laying on the floor.

Q Sir, is that a fair and accurate portrayal of what you observed there on the Sheppard premises on July 4, 1954?

A Yes.

Q Handing you what has been marked for purposes of identification as State's Exhibit 51, can you identify that, sir?

A These are the steps that lead down into the beach, or it could be referred to as the boat house.

Q Is that, sir, a fair and accurate portrayal of what you observed there on July 4, 1954?

A Yes.

Q What if anything did you do other than taking the picture in the room that you referred to as the den?

A I also dusted the front of the drawers for fingerprints, and the material that was strewn around on the floor, also.

Q Were you able to find any identifiable fingerprints?

A No, sir, not on those articles.

Q Did you find anything in dusting the various items in that den -- well, what did you find in dusting the various items in that den?

A I found a series of small microscopic parallel lines, equally distant, practically all the articles that I dusted.

Q And what were the articles that you dusted?

A Well, there was two little boxes. There was the front of the desk. There was the statuettes.

Q I think that is about it. That does it.

A That's right, I think there were some contents which I don't recall that were in the tool chest, in those two metal boxes.

Q Did you, sir, have occasion to find similar markings in other places in the house?

A Yes, on the desk in the living room.

Q And what did you find there?

A The same type of marks, I mean, lines, microscopic parallel lines, equal distance from each other.

Q Will you tell the Court and jury what you did to make this observation?

A I put powder on them. I applied powder on that looking for fingerprints, and this came out, all these lines came out when I applied the powder, when I applied the powder on the surfaces.

Q And the lines that you found on the desk in the living room were the same or similar to the lines that you found in the den?

A Yes, sir.

Q Now, sir, referring to what has been marked for purposes of identification as State's Exhibit 17, can you identify

that, sir?

A Yes. This is a picture of some of the material that was strewn behind the desk.

When I say behind the desk, I mean the place where anybody else would be sitting, behind the desk.

Q Behind the desk, what desk?

A The desk in the den.

Q In the den?

A Yes.

Q Now, sir, pointing to the center of this picture to an object apparently lying on the floor, can you tell us what that object is?

A It is a metal box, a metal box.

Q Now, did you do anything with reference to that metal box?

A Yes, I dusted it for fingerprints.

Q And what if anything did you find on that metal box?

A All I found was just those lines that I found on the other articles.

Q Did you make reference, sir, to some statuettes?

A Yes.

Q Where did you see some statuettes?

A They were in the den laying on the floor.

Q When you used the term statuettes, will you more fully describe what you mean?

A Well, statuettes, it would be like some trophies that one gets for -- I don't know -- for any particular sport, like bowling or basketball or anything of that type, those individual trophies that are awarded to an individual.

Q Where did you observe these statuettes or trophies?

A Laying in the den alongside the desk.

Q And what did you do with reference to those statuettes?

A I also powdered them for fingerprints.

Q And what if anything did you find on the statuettes?

A The same lines, just the same lines.

Q What do you mean when you say the same lines?

A The same lines like I found on the other articles.

Q Referring to State's Exhibit Number 50, will you once again identify that?

A State's Exhibit 50 is the desk in the living room.

Q What if anything did you do with reference to that desk?

A I dusted it, I dusted that desk for fingerprints.

Q What if anything did you find after dusting that desk for fingerprints?

A I did find a palm print on the inside. This desk, this Exhibit 50, is a dropleaf type, the top drops, the leaf drops there, and I found it on the inside, on the right side here, I found a palm print.

Q What if anything else did you find on that desk when

you powdered it?

A I also found those lines that I had reference to before.

Q The same lines that you found on the metal box?

A Yes, sir.

Q And on the statuettes?

A That's right.

Q Now, sir, in dusting the desk that you had referred to in State's Exhibit 50, what portions of that desk did you dust?

A First I dusted all the statuettes that are on top there, this jar, which I think if I recall correctly, contained pennies.

At the top, the sides, then all those little drawers that are inside there, this leaf here, both on the inside and on the outside; and also the front of these drawers.

Q Now, sir, with reference to the desk in the den, what portions of that desk did you dust for fingerprints?

A I dusted the drawers that were laying, that were taken out.

Q When you say you dusted the drawers, specifically what portions of the drawers?

A Especially the front and the sides in case, in other words, by visual inspection if I seen what appeared to be a fingerprint, I dusted that.

Q Now, sir, with regard to the partial palm print that

you found on the leaf of the desk depicted in State's Exhibit 50, was that an identifiable partial palm print?

A Yes, sir, it was.

Q Were you able, sir, to relate that partial identifiable palm print to anyone?

A Well, I didn't do the comparing. Somebody else did the comparing.

Q I see.

A And they did find out who it belonged to.

Q Did you dust elsewhere in that house for possible prints?

A Yes, in the bedroom, in Marilyn's bedroom, upstairs, the northwest window, which had a screen on it, and the screen was partially open, and that particular window was directly over a porch. I dusted that window.

Q What if anything did you find after dusting that?

A I did not find any fingerprints of value on that.

Q You testified that the screen was partially open?

A Yes.

Q What was the condition of the window?

A The window, the window was okay, I mean, it was partly open, it was partly open when I got there.

Q The screen was partially open, also?

A That's right.

Q Where else did you dust in that house, if any place else,

for possible prints?

A Oh, the contents of the medicine bag, or, the medical bag that was laying there.

All the various medicines that were inside that bag that were laying on the floor, I dusted all of them.

Q And what if anything did you find?

A I could not find any fingerprint of value on them.

Q And when you say you did not find any fingerprint of value, what do you mean?

A I mean I could not find any fingerprint that could be used for identification purposes.

Q Will you tell the Court and jury what a fingerprint has to disclose in order to be of any identifiable value?

A Well, if we examine our fingers, especially the anterior of our fingers, we find that there are lines.

Now, these lines are composed of ridges and valleys, like we refer to them. These lines run in various patterns.

They either could be straight, they could be curved, they could end, they could be dots, they could be where two lines get together and form one, or one line forming two lines.

Or else they could form what we call an island, in other words, one line coming in and branching out, and then joining up ahead again.

These are what we call the characteristics, and these

are the characteristics that a fingerprint man has to match with the other fingerprint in order to find out if the fingerprint is identical or not.

Q Did you dust any other portions of that house for fingerprints?

A I think that's about it, that's about it that day.

Q To refresh your recollection, sir, did you dust any doorknobs or door jams?

A No, I did not dust them. I examined them by the public light method.

Q What if anything did you determine from making that examination?

A That there were a lot of prints and they were superimposed over the other, and there was so much superimposed that I could not isolate any print that could be used for identification purposes.

Q Now, this you observed where?

A This I observed in the door jamb leading on the north side of the building, leading toward the porch that was going toward the beach. The door jamb and the door and the door knob itself.

Q I see. Did you make an examination of the premises with respect to whether or not there was any evidence of any forcible entry?

A Yes. I examined that rear door, that rear door, and

when I say the rear door, I mean the northerly door that leads out to the porch, and the porch is leading down to the beach.

Q And what did you find?

A I could find no means of forcible entry on there, no nicks or anything.

MR. CORRIGAN: No further questions of this witness.

THE COURT: May I see Counselors, please?

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

THE COURT: Counselor Corrigan?

MR. CORRIGAN: At this time, your Honor, may I offer into evidence State's Exhibits 44, 45, 46, 47, 48, 49, 50 and 51.

MR. BAILEY: No objection, your Honor.

THE COURT: They are received.
Counselor Bailey or Sherman?

CROSS EXAMINATION OF MICHAEL GRABOWSKI

By Mr. Bailey:

Q Mr. Grabowski, the surfaces which you examined with the parallel lines, in the absence of any prints at all

did you consider that to be unusual to find no prints on these common household articles of furniture?

A Yes.

Q Did you get the impression from the findings that you did make that someone had wiped these items with a cloth or something else?

A It could be, it could be.

Q The parallel lines that you found or scratches were consistent with the wiping away of any prints that might have been there?

A Yes.

Q And this involved on the shiny surfaces on both desks and the trophies?

A Yes.

Q All wiped?

A All, well, I wouldn't say all wiped, I mean, all got those lines which could have been.

Q Places which you ordinarily would find in the average household of fingerprints from day to day handling?

A Would you be more specific on that?

Q Yes. There are certain surfaces that you described that are more susceptible of demonstrating fingerprints than other surfaces, and polished wood surfaces are a likely spot in which to find fingerprints, are they not?

A Sometimes yes and sometimes no.

Q Is not any smooth or polished surface a likely spot which to find prints?

A But if you use an oily polish it would not show up, if you use an oily polish.

It has got to be sort of a dry waxy finish, then it will show up.

Q Of course, the substance that exudes from the finger tips and leaves the print is body oil, more or less, is it not?

A Mostly oily, but there is some body oil.

Q That comes right out of the fingers and leaves its imprint on whatever surface you may find the print on?

A Yes.

Q You gave us two methods, one dusting and one chemical?

A Yes.

Q What is the chemical method?

A The chemical methods are the iodine and the silver nitrate method.

Q Did you use these?

A No.

Q By the way, you didn't dust the murder room at all, did you?

A Just that window, just the window.

Q But none of the other surfaces such as the bed, and so forth?

A No.

Q Was that for some reason?

A Yes.

Q So that you wouldn't interfere with any future blood testing?

A Whatever any future investigation, whatever we would want to do.

Q Now, I am asking you to recall, Mr. Grabowski, whether or not as you walked up and down the stairs to the second floor, whether you examined the bannister?

A No.

Q Can you tell us whether or not there was a visible and bloody fingerprint evident on that bannister when you were there on the morning of July 4th?

A No.

Q Did you examine the bannister?

A No, I did not examine it. I just told you, I did not examine the bannister.

Q So if there was such a print there, you may have walked right by it without having seen it?

A It could have been, but I can assure you if there was one like that it would have been called to my attention to be photographed.

Q You mean somebody else would have told you?

A Yes, would have called my attention to it.

Q If they had seen it?

A That's right.

Q But you didn't examine it?

A No, not the bannister.

Q If you were to examine a smooth metal surface such as the surface of my ring, shiny gold surface I am showing you, for fingerprints, how would you go about it?

A Well, that one over there I would use powder on there.

Q Powder, would that be the best method to lift the latent print?

A Yes, sir.

Q Would the same apply to the pocket watch that I am showing you now both as to the glass face and the gold back?

A If the gold back is smooth, yes, if the gold back is smooth, yes.

Q What about the glass face, the same?

A Yes, the same, powder.

Q So powder is the best method for lifting latent prints from metal surfaces?

A Yes.

Q What does it mean when you fluoresce for a print?

A Well, you apply a certain powder that will only show up when you use a certain type of fluorescent light.

In other words, like an ultra-violet -- like an ultra-violet, the various ultra-violet lights.

Q Is this the standard method of examining for prints?

A No.

Q It would not be as good a method?

A No.

Q As the method of just dusting with a camel's hair brush and then looking for the print?

A That's right.

Q Officer Grabowski, were you ever asked to examine the following articles which I shall now extract from the green bag and hand to you, first, a man's watch, State's Exhibit 24, did you ever dust that watch?

A No, no.

Q Second, several keys, Exhibit 23, and a gold key chain with various objects?

A No.

Q You never examined that?

A No.

Q And a ring, State's Exhibit 25, with Onyx stone?

A No, sir.

Q So you never did look those over?

A No, sir.

Q Is a surface such as this watch discloses on its gold face and its gold back, a surface on which prints might be found?

A Yes, you could bring out the prints on these surfaces.

MR. BAILEY: Thank you, Officer.
Nothing further.

THE COURT: Counselor Corrigan?

MR. CORRIGAN: No further questions,
your Honor.

THE COURT: You are excused,
Detective.

Ladies and gentlemen of the jury, it is a quarter past four, and we will adjourn for the balance of the day, having in mind that tomorrow will be given over to your voting privilege and responsibility.

While you are away on your overnight adjournment, I do believe I explained to you that you would be carried under court instructions to your regular polling places, so that you will be voting at the places to which you are accustomed, while you are away on your overnight adjournment, ladies and gentlemen, you will bear in mind the instructions given you on each occasion as you leave this room, and that is that you shall not discuss this case or what you have heard of it amongst yourselves.

You shall not permit anyone else to do so, nor permit yourselves to overhear anything

that relates to this case by any means of communication, and we will stand adjourned until 9:15 tomorrow morning.

(Thereupon an adjournment was taken to 9:15 a.m., Tuesday, November 8, 1966, at which time the following proceedings were had:)