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Thereupon, further to maintain the issues on his part, the Defendant, SAMUEL H. SHEPPARD, offered himself as a witness, and, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF SAMUEL H. SHEPPARD

By Mr. Corrigan:

Q You are Dr. Samuel Sheppard?

A Yes, sir.

Q Dr. Sheppard, you have listened to all the testimony in this case closely, have you?

A Thus far, yes.

Q Do you remember a man by the name of Tom Weigle testifying from where you are now?

A Yes, I do.

Q Do you remember what he said about the manner in which you treated your son, Chip, on a certain day?

A Yes, I remember.

Q Now, will you tell the jury what occurred on that particular day that Tom Weigle came here and testified about?

A Well, may I give a short preface to what occurred?

Q You may.

A Well, at that particular time, and days, Marilyn had complained somewhat to me that young Chip was becoming

somewhat of a problem in her difficulty in reprimanding him. At the time that she would reprimand him, he had developed a normal tendency to strike her with his hand, or possibly a little toy he might have, which she didn't like, and certainly I didn't feel was right.

I spoke to him at that time about that, attempting to steer away from dwelling on something that had happened maybe hours or days before. So I certainly didn't spank the youngster at that time, I merely spoke to him and explained to him he should never strike his mother or strike me or strike anyone unless it is in self defense.

I tried to explain to him something about sportsmanship. And on this particular occasion, as Mr. Weigle testified, he and his wife had arrived for a dinner together, as I recall, and young Chip was somewhat showing off, as youngsters do and as we expect them to at times, and as I think Mr. Weigle mentioned, he was showing off some of his Indian things. He is a great lover of Indians, and he has some authentic Indian equipment. He has very beautiful arrowheads and some actual tomahawks and feathers, and so forth.

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(Continued) I believe that Marilyn had spoken to him that day and had suggested to me that I speak to him, because, seemingly, a man's voice meant more to the youngster than her continual speaking, and she had also commented that when she had spanked him, she couldn't hurt him any more, he was getting to the point where she couldn't hit his back end hard enough to hurt him or mean anything to him, and he continued to show off, and I believe that he pushed Tom Weigle's little son over a time or two, which I felt was somewhat dangerous to the youngster.

Anyway, I spoke to him again, and Chip had a tomahawk in his hand. He came over and hit me with the tomahawk on the shoulder, which I thought was definitely out of order. I took him across my knee and I gave him a few fairly reasonable licks on his back end. Chip's pride was very definitely hurt, which I think hurt him really more than any physical hurt.

He went upstairs, and when we called him for dinner, he hesitated to come down. I don't remember the particulars of his eating that evening, but I think he came down later, or Marilyn or I took him his dinner. It was certainly no great problem.

Tom and I spoke of it momentarily, and he and I agreed that such things certainly shouldn't be allowed to

go by. That's the extent of it.

Q Then it was just discipline that you considered necessary at that time for your son?

A Yes, sir, particularly in regard to the comments that my wife had made to me within the last day or two, and I believe that there are others who can recall that phase of his development.

I might add that he hasn't displayed that tendency since that time in any degree.

Q Hasn't what?

A He hasn't displayed that tendency since that time to strike anyone unless he is struck himself, or unless he is employed in defending himself.

Q The discipline was effective?

A Relatively so, I would say. He is a pretty smart little boy, I think, and he responded.

Q I suppose that when you were a small boy your father disciplined you?

A Yes, he did.

Q Now, there was another incident that was testified to by Mrs. Houk, that one time some woman came over to your house that had an automobile accident, and you talked to her about the fact that head injuries were difficult for anybody to figure out. Do you remember that testimony?

A Yes.

Q Now, relate what you have to say about that incident related by Mrs. Houk.

A Well, Mrs. Houk was referring to her sister, Miss Gerhardt, Marie Gerhardt, who had consulted me off and on professionally, and, of course, I had taken care of Mrs. Houk professionally and Mrs. Houk, Senior, Mr. Houk's mother, and the first I recall was one evening my wife, Marilyn, told me that Marie had been in an accident, and she hadn't been injured severely, but the car had been damaged, and Marilyn said that Marie had called me to ask that I examine her and fill out a form for the insurance company so that the insurance might be cleared up and she might make final settlement, and I believe Marilyn mentioned that she had bumped her head, but that was about all there was to it.

Marilyn told Marie at that time that I didn't have office hours, or would not be available within the next day or two. I can't recall the specific day, but it happened to be a day following which I was not going to be available in the office for routine examinations. I was possibly going to Youngstown, or one of my other trips to take me out of the city, and I commented to Marilyn at that time, as she well knew, and shortly thereafter, to Mrs. Houk and Mr. Houk and possibly Marie herself, and I commented, as I do to every patient that I see in my office who has had any sort of head injury -- the comment is to this effect:

That if an individual suffers a minor head injury, it is impossible for any physician, specialist or otherwise, to foresee complication, to recognize in that preliminary examination whether complications may or may not arise within a period of days to months, and I have had occasion to perform cranial surgery on people who have had very minor instances of head injury up to a year before. Some of those people have made settlements with insurance companies, and when the time that surgery becomes necessary, they are not covered by an insurance policy which was specified for that coverage. Keeping this in mind, I feel that it is my duty to apprise any and all patients of mine of this fact and recommend that they delay final settlement with insurance companies.

That is the extent of my comment -- my comments. Marilyn or Mrs. Houk or Mr. Houk may have laughingly said, "Well, Marie, maybe you better just say you have had head injury and try and make them buy you a new car," or something of that sort, which was certainly a joke. It certainly would be a joke with Miss Gerhardt or any of the Houks, because certainly none of them would try to embezzle or falsify anything.

I can't really specify any specific remark in that regard, except that Mr. Houk did say that he tried to tell the stupid women that he felt they should -- that she should

delay, referring to the women, his wife and his sister-in-law, rather than make final settlement, because strictly from a legal standpoint --

THE COURT:

Just a minute.

Perhaps we better wait until that goes by.

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A He felt that she should delay a short time --

THE COURT: Let's have a
moment until this roller or whatever it is
gets by.

Q Where were you born, Dr. Sheppard?

A Cleveland Heights, Ohio.

Q And what year were you born?

A Well, with all this questioning in regard to "in my own
knowledge," I hesitate to say, but it was 1923.

MR. PARRINO: I didn't get
that answer, Doctor. What was that, please?
Will you read that back, Mr. Reporter?
I didn't hear it.

THE WITNESS: 1923.

Q What day?

A December 29th.

Q December 29th. So this coming December 29th you will be
31 years of age?

A Yes, sir.

Q Where did you go to school?

A Well, I attended Coventry Elementary School with Mr. Rosen,
who testified this morning.

Q And then where?

A And then I attended Roosevelt Junior High School. From
there I attended Cleveland Heights High School.

I then --

Q Now, when you were in Cleveland Heights High School, did you participate in athletics at that school?

A I did at Cleveland Heights High School following my athletic participation at Roosevelt Junior High School.

Q And in what type of athletics did you participate?

A Football, basketball and track.

Q And for how many years during your term at Cleveland Heights?

A Three years.

Q For three years. Did you make the team?

A Yes, sir.

Q What position did you play on the team?

A Well, in football I played quarterback or halfback on offense; on defense I played line backer or safety man. In basketball I played guard. In track I was anything from a hundred yard dash to 440.

Q Now, are you able to say to the jury whether you exhibited any proficiency in those sports?

A Well, I always considered myself as passable. I was able to make the varsity teams, but I was certainly never a tremendous star in any sport.

Q Did you participate in any student activities other than athletics?

A In high school?

Q Yes.

A Yes.

Q What?

A Well, I was a member of the varsity "H" club, of course, that being the letter society. I was a noon movie guard and I was a hall guard and, oh -- I haven't thought of these activities for some time. There were various other activities that I took part in.

Q You took what?

A There were various other activities that I took part in. I think I belonged to a science club.

Q What is a hall guard or room guard, or whatever that is?

A Well, during the day the halls of a high school are relatively vacant, as we all know, and those halls are to be kept vacant unless an individual has a particular reason to be in the hall. That's to prevent people from cutting classes, of course, and certain members of the student body are chosen as hall guards. They are taken out of regular study halls and placed at regular stations throughout the hall, and do their studying -- have their regular study hall at these regular hall guard posts and permit only those with passes to go down the hall. In that way people who are cutting classes or trying to sneak around the halls are not permitted to do so.

And noon movie guard is merely sort of a police

force to maintain order in the auditorium during the noon hour, during which noon movies were being given for the benefit of the students.

Q Did you have any office as an officer of your class?

A Yes. I was ~~president~~ president of the class.

Q You were president of the class?

A All three years I was president of the class.

Q Now, then, where was the next school that you attended?

A Well, I graduated from high school in 1942, and during that summer I was a playground leader for the Cleveland Heights Board of Education at Noble Road playground. I then attended -- the following fall I attended Hanover College.

Q Where is that?

A That is in Southern Indiana, right -- well, it's along the Ohio River between Cincinnati and Louisville is the best way I can point it out.

Q How long did you attend there?

A I attended Hanover College for two years and attended Western Reserve University during the summer session between those two years.

Q And then did you proceed on to some other institution?

A Yes. I was -- my work was accelerated due to the wartime restrictions, and I was not allowed to continue the four-year college course, and I was so-called frozen in

my professional work and went directly from Hanover College to the College of Osteopathic Physicians and Surgeons at Los Angeles, and that was directly following my second year at Hanover. There was no --

Q Was your work at Hanover pre-medical work?

A Yes, sir.

Q You were taking a pre-medical course?

A Yes.

Q Now, then, you went to Los Angeles and attended the college there?

A Yes, sir.

Q And when did you complete your work, your medical education, that is, that part of your education which --

A The didactic?

Q Your scholastic work, yes.

A Well, that was completed four years later chronologically, but actually it's a four and a half year course, but during this period we went to school continuously, winter and summer, and thereby it was completed in a four-year period. I actually -- well --

Q Well, when you completed your scholastic medical course or your training that they give you in medical college, what did you do then?

A I applied for internship at the Los Angeles County General Hospital and was appointed.

Q Will you pardon me just a minute?

MR. CORRIGAN: Will you come
here, Richard, a minute?

(Conference had between Mr. Corrigan and
Dr. Richard N. Sheppard.)

Q Were you successful in obtaining an appointment to the
Los Angeles County General Hospital?

A Yes, sir, I was.

Q And where is that hospital located? In the City of Los
Angeles?

A It's in the City of Los Angeles, yes. It's in the depths
of the city. Do you want the location as to roads?

Q What is it?

A Do you want the location as to highways or roads?

Q No, I don't care about that, and I am sure the jury
doesn't.

How large a hospital is it?

A The entire Los Angeles County General Hospital is a huge
place. It's not all under the cover of one roof. There
are several buildings, including a psycho building, a
building for the care of tuberculosis and other contagious
diseases, a building which is specifically devoted to the
general medical care of the orthodox medical doctors,
and then the building which is devoted to the general
medical handling of the osteopathic physicians and surgeons.

which actually do not vary in the medical care but vary somewhat in their political differences.

Q In their what?

A The political differences is about the only difference as far as those two buildings are concerned. However, the other buildings vary according to the particular type of work.

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- Q Do you know how many beds there are connected with that hospital?
- A I couldn't say, but I have been told that it is the largest civilian hospital in this country and possibly the world.
- Q Well, you mentioned that a certain part of it was osteopathic.
- A Yes, sir.
- Q And the only difference between that and some other part of it was political. Now, I don't understand what you mean by that.
- A Well, I would have to go into a rather long explanation of the inception of osteopathy.
- Q Don't go into a long explanation. Can't you give it very briefly?

THE COURT: I think he means
in philosophy, don't you, Doctor?

THE WITNESS: Originally, there
was a difference in philosophy, but today the
medical physician and surgeon and the osteopathic
physician and surgeon are -- I will say a good
medical physician and surgeon and a good osteopathic
physician and surgeon are in quite close agreement
as to care of the sick.

THE COURT: Now, Mr. Corrigan
wanted to know what you meant when you just said

political differences.

THE WITNESS: Well, originally, years ago when Dr. Andrew Taylor Still developed the osteopathic profession, there were very few specific medications that were available to any doctor. Dr. Andrew Taylor Still was a medical physician of that day and age, and he had lost members of his family through sickness. He felt somewhat inadequate as a physician, and he struck on the mechanical philosophy of treatment. He offered this as an addition to the present-day methods of care at that time. His colleagues did not accept this philosophy or mechanical approach or addition. He represented or suggested no difference, merely an addition to medicine at the time. His colleagues did not accept him, and he therefore founded a new school of medicine, which was, was and still is, merely an addition to medicine as a whole, and from that there have developed certain political differences.

As a result, in Los Angeles County, rather than throwing the physicians and surgeons in an entire hopper together, they have found that the patients seemed to like it better and the doctors

like it better to have separate units, but the doctors visit one another's hospital units. They work in harmony, they use the same pharmacy, they use the same equipment, they use the same surgical and medical nurses from side to side. The nursing training program is the same for both units, and there is -- though there is a political difference, harmony is displayed.

Q Now, then, ^{you} ~~did~~ secure your appointment to an internship in that hospital?

A Yes, sir. It is a Civil Service appointment.

Q It is what?

A It is a Civil Service appointment of the County of Los Angeles.

Q Do you have to take an examination or something?

A Yes, sir.

Q Is the hospital operated by the City of Los Angeles?

A By the County, sir.

Q By the County. And after you took the Civil Service examination for an appointment as an intern, were you appointed?

A Yes, I was.

Q And what year did you begin your internship in that hospital?

A I started in December of 1947, as I recall. I was appointed to my internship six months before my actual graduation day.

Q How long was your internship? How long did it last?

A One year.

Q And after you had completed your internship, did you continue in the city of Los Angeles?

A Yes. I applied for a residency in neurosurgery at the same institution, and I was appointed to that residency in December or January, the following year. I'm not sure of the exact date.

Q Now, in applying for the position of what you call residency, was that Civil Service?

A Yes, sir, it was.

Q In order to secure that residency in neurosurgery, who passed upon your qualifications?

A I was passed on, as far as my qualifications, first by the Director of Hospital Practice, who is the chief physician in charge of the hospital, and who knows the intern's staff, the entire house staff, as to their activities, their qualifications, their relative ability, according to the years worked.

I was then -- and I will say that any resident who is applying for a position is then passed on by the so-called senior doctors of the particular service. In my case, it was the senior neurosurgeons who would be in a position to be responsible for my training, and then there are certain official people that have to pass in regard to the County

appointment, that I am not really familiar with.

Q Now, then, will you tell the jury what neurosurgery is, what it involves?

A Well, actually this appointment was to what we call neuro and traumatic surgery. Neurosurgery is any surgery which involves the nervous system, and that includes the brain, the spinal cord, and the nerves, peripheral nerves in the arms and legs, and, of course, that not only involves the surgery of the nervous system itself, but it involves the penetration of any bony structures that house the nervous system, and that includes surgery for not only injury to the nervous system, but growths or congenital abnormalities, in other words, abnormalities that people or babies are born with, such as encephalitis, a large head, and things of that sort.

Q Now, in that work did you have anything to do with accidents that happened in the city of Los Angeles?

A Yes. As I said, traumatic surgery was included in this residency, and, of course, traumatic surgery itself includes -- or is included in neurosurgery, because a great number of neurosurgical patients are patients as a result of trauma, in other words, of injury, automobile accidents, gunshot wounds, injuries of various types, and this, thereby by necessity, included fractures of all types, injuries to the bones and blood vessels. I obtained training in the repair

of all types of fractures, of legs, arms, hands, spinal fractures, training and repair of blood vessels, of blood vessel grafting, of removal of blood clots from blood vessels that have developed clots due to injury, and work in regard to cardiac massage, which may occur under any surgical situation. I should say cardiac massage which is the treatment for cardiac arrest.

Q Well, did you notice, Doctor, that in your practice in taking care of these accident cases, both in the city of Cleveland and Los Angeles, that in automobile accidents there is an increasing number of head injuries?

A I didn't --

Q In your work, in your accident work -- let me put it this way:

In addition to the work that you did in Los Angeles in taking care of accident cases, you also took care of accident cases when you came to Cleveland?

A Very many.

Q Did you notice that there was an increasing number of head injuries in automobile accidents?

A Well, I noticed that there were many head injuries in automobile accidents from the time I started doing this type of work.

Q Now, after you had completed your residency, that would be in what year? What year would that be?

A In 1951.

Q 1951?

A Yes.

Q How many years were you a resident?

A I left Los Angeles County General Hospital after approximately two and a half years of neurosurgical residency to complete my program under the care and direction of my father, Dr. Sheppard, Sr. He and Dr. Abbott, who was the dean of the graduate school of the college when I initiated my program, and Dr. Richard Stewart, who was the head of the department of anatomy --

Q All right --

A I should say that a program was devised, and it was to be completed here under the direction of Dr. Sheppard, Sr.

Q Then if I get it right, after you completed two and a half years of residency and one year internship in Los Angeles, you came to Cleveland?

A Yes, sir.

Q And that brought you to Cleveland what month and what year?

A Approximately June of 1951. I can't say the specific date.

Q All right. That's enough. June, 1951.

Now, when did you meet Marilyn?

A I met Marilyn in 1937 or 1938 at Roosevelt Junior High School.

Q How old were you?

A I must have been 13, 14.

Q

Now, then, did there come a time when you kept company with Marilyn?

A

At that time we displayed interest in each other even though it was not great. We displayed relative interest, and our schoolmates would kid us about one another.

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Q And did that continue on through the years, that interest in one another, until you became engaged to marry her?

A There was an interval that interrupted that interest. She was a year and a half ahead of me in school. She was a mid-year, and she went to high school a year and a half before I did, so that I saw her very little but would receive an occasional report that she had asked about me, or she used to come down to junior high school and watch me play basketball when I was playing for the junior high school basketball team.

Q Well, when you were playing football up at Cleveland Heights, do you know whether she attended the football games and watched you?

A Yes, sir, she did.

Q And was that frequently or infrequently that she would come and watch you parading over the field?

A Marilyn and my father were never missing. I could always find them in the crowd.

Q And is that true of the basketball games and the track?

A Absolutely. She used to --

Q Everytime that you participated in athletics, your father and Marilyn were there?

A Yes, sir, they were. Marilyn took a great deal of pride in holding any ribbons that I might have been fortunate enough to obtain in track.

Q Now, after a time did you become engaged to marry her?

A Well, in high school I joined a high school fraternity and we at that time thought that the high school fraternity pin meant engagement. Our parents and relatives didn't consider it so, but we felt that we were engaged. And as soon as I was initiated into my college fraternity, I didn't even have my own fraternity pin, I was initiated on Dr. Stephen's pin, and it was in the mail to Marilyn the next day because it was supposed to have denoted engagement and I wanted her to have it.

Q Well, that fraternity pin, when you give it to someone, who are you supposed to give it to under the rules of the fraternity? Is it restricted in any way?

A The actual fraternity pin is to be worn by no one but the member, his fiancée, mother or sister.

Q I see. Well, the next day the fraternity pin was on the way to Marilyn?

A Yes, sir.

Q Now, did you keep in contact with one another when you left Cleveland and went to Los Angeles?

A Yes.

Q And in what way?

A By mail.

Q During the time that you were going to school in Los Angeles, did you return to Cleveland?

A Not before we were married.

Q Not before you were married?

A No.

Q Now, what I mean to ask you, that occurred some four years that you were separated, she was living here and you were living in Los Angeles going to school?

A No, sir. There was not a period of four years that I was in Los Angeles separated from her. During the period that I was at Hanover College, naturally, I was home for all holidays and she visited at Hanover College.

Q I see.

A In fact, she was invited to join one of the sororities at Hanover College as an honorary member, because she was so well liked by the girls.

Q Well, then, I am talking about the period that you were in school in Los Angeles. What contact did you have with Marilyn?

A Well, I wrote to her daily and she wrote to me daily, and I found that she was going to come out -- I beg your pardon -- I found that her father was coming to Los Angeles on a business trip.

Q Now, what year did they come?

A Well, that was February of the first year I was out there.

Q That was 19 --

A Well, that would be '48, I believe.

Q What?

A I believe that would be 1948.

Q Well, what year were you married?

A No. '45, I believe.

Q And what month in '45?

A February.

Q And had you noticed that she was coming to Los Angeles and that you were going to get married?

A Had I noticed?

Q Yes. Had you arranged that?

A I certainly had.

Q What?

A Yes, sir.

Q And the purpose of her coming to Los Angeles that time was for you and her to get married?

A Yes, it was. Her father was in Los Angeles, or he was coming on an incidental business trip, and my father had been asked to come to the graduate school of the college to teach a course in surgery. He is a professor in the surgical division of the graduate school.

And by chance, the two trips jibed and I thought that was a pretty good opportunity. So I wrote her father a letter and I wrote Marilyn a letter.

Q And the arrangements for the marriage were made?

A Yes, they were.

Q And where were you married?

A We were married in a church in Hollywood. I believe it's the First Methodist Church in Hollywood, but I'm not absolutely sure.

Q Now, then, after your marriage, while you were going to school, you lived in Los Angeles?

A Yes, we did.

Q And did Marilyn return home at any time between 1945 and 1951, was it, when you came here to live?

A Yes. She returned.

Q Did she return?

A Yes.

Q That would be six years' time that you were living in Los Angeles after your marriage?

A I --

Q I'm a little thick now. Was it '50 or '51 that you came back here?

A '51.

Q So it would make it approximately six years?

A It was three years -- yes.

Q What?

A Yes.

Q Now, did Marilyn return home at any time during those six years?

A Yes, she did.

Q And what were the occasions of her visits?

A Well, the first time Marilyn came home, I came home with her. I can't -- there were several trips that were made, and I can't say whether it was the following year or the year following that, I should say the year after--

Q Well, it isn't very important. I won't dwell on it.

A Well, we drove home together in an old model A Ford.

Q You came home several times and Marilyn came home. Did Marilyn come home alone?

A She came alone following the birth of Chip. She flew home.

Q And how long was she home at that time?

A Oh, I can't say specifically. I don't really know. I don't really recall. We arranged it so that she could come home during the period that I had to spend approximately two weeks to a month on a particular service during my senior year, in which I had to spend the entire time at the hospital. It's the maternity service. During that time, the senior student stays in the hospital, eats, sleeps, the entire period for approximately three weeks, and during that period he administers to the patients.

Q For three weeks?

A Yes, sir. And we foresaw the problem of Marilyn being alone during that period and her wish to be with my folks, her folks and visit at home, so she flew home during that

period.

Q Now, then, coming to the year that you came to Cleveland, that you moved to Cleveland, decided to come here, that would be in June, 1951?

A Yes, I believe that's correct.

Q And it was arranged that you then would become associated with your father and your brothers?

A Yes. I was to complete this program that had been outlined.

Q Who had outlined the program?

A Dr. Abbott, who was Dean of the graduate school of the college; Dr. Kenneth Bailey, who was the Director of my neuro-surgical program, and Dr. Richard Stewart, who was also a co-director of my program at that time, particularly in regard to anatomy. And it was decided that my program should include not only the neuro-surgery and bone or traumatic surgery, but also general surgery, realizing that too many specialty surgeons do not have the background in general surgery. So this year, under the direction, specific direction of Dr. Sheppard, Sr., was outlined to complete that phase of the training program.

Q So you came here and became connected with Bay View Hospital?

A Yes, sir.

Q Now, did your father and your brothers maintain an office at

that time?

A They maintained three offices.

Q And where were those offices located?

A Their one office was at 32nd and Euclid Avenue, another on Lorain Road in Fairview Park, I'm not sure of the address, and another office on Gladys Avenue in Lakewood.

Q On what avenue?

A And each respective individual seemed to spend a little more time in one of the offices, yet they would rotate through on specific occasions to cover the problems that needed to be covered in each office.

Q Did you associate yourself in any of those offices with your father or your brothers?

A I associated myself in all three.

Q I see. And you also did your work, your surgical work and medical work, at Bay View Hospital?

A Yes. The care of the surgical patients and patients that need to be hospitalized, naturally, occurs at the hospital, but the care of any patients that do not need hospital care are seen in the office, post-surgical patients or patients that are not necessarily of a surgical nature.

Q Well, I guess we all understand that.

Now, then, when you came to Cleveland in June 1951, where did you live?

A We were able to rent a home in Rocky River for that first

summer, during which time we looked for a home.

Q And when did you find the home on Lake Avenue or West Lake Road?

A Sometime in late June or early July. We found it with the help of relatives who advised us. We were rather --

Q And you purchased that home from Mrs. Brown, who testified here yesterday?

A Yes, sir.

Q What?

A Yes, sir, we did.

Q And with the purchase of the home, the carpets on the floor came with the home?

A Yes.

Q Did you know how long they had been on the floor before you got into that house?

A I had no idea.

Q When you purchased the home, did you have the money to purchase that home?

A No, sir, I didn't.

Q And who did you get the money from?

A My father loaned us the money.

Q And do you still owe your father for that loan?

A Yes, sir, I do.

Q When you purchased the home, whose name was the home placed in?

- A It was placed in Marilyn's name.
- Q Not in both of you?
- A No, sir.
- Q Her name alone. And was it in her name alone at the time of her death?
- A It was never changed.
- Q What time did you move into that home?
- A There, again, I can't state specifically, but I believe it was sometime in July.
- Q In 1951?
- A Just about three years before this happened.
- Q And the furniture that equipped the home, outside of the carpets that were there, where did you get the furniture or how much furniture did you have?
- A Well, of course, we didn't have any furniture. Marilyn and I had discussed furniture, and she was very interested in authentic Early American furniture. She has an aunt, Mrs. Munn, who likes that sort of thing and knows a lot about it who had advised us about where we might obtain authentic furniture from time to time, and also Mrs. Schuele, whom you -- I guess Mrs. Schuele didn't testify but --

ke 16 Q What?

ug A The wife of Mr. Schuele, that was here yesterday, is quite a collector of early American furniture, and Marilyn and she became friendly rather soon after we moved in, and they talked about where we might obtain authentic early American furniture. We obtained a certain amount of furniture from relatives. Marilyn's grandmothers on both sides of the family had passed away while we were in California, and there were certain pieces of furniture that her grandmothers on both sides had wanted Marilyn to have.

Q So that was the way the house was furnished?

A Yes, sir, plus covering. She had the chairs in the front room covered by a professional who did that sort of thing, and then she and my mother sewed certain covers, for instance, on the couch, she made that.

Q When you moved into that house, did you have any substantial amount of money?

A No, sir. Well, we had approximately a thousand dollars in cash and approximately a thousand dollars in War Bonds, which is still in a safety deposit box.

Q You were just a young married couple getting started in life, is that it?

A Yes, sir.

Q You had no opportunity to earn any great amount of money at that time?

A I had had none.

Q Now, then, after you moved into the house in June, 1951, did you get acquainted with the neighbors and the people around your home?

A Yes. The first thing I can remember is about a week after we moved in, we noticed that there was still a big metal sign out on the tree, the big round tree at the end of the driveway, which was referred to this morning, and I went out and pulled it down, and Mr. Paine was out in the yard, and he yelled out and clapped and said, "Hurrah," or something, waved, and that was my first recollection of a neighborly attitude, and shortly thereafter, though, I was quite busy with my work, Marilyn met most of the neighbors and became increasingly impressed with the neighborliness of the community and the friendliness of the people in the area.

Q And when was it that you purchased the boat in partnership with Mr. Houk? Was that the first year you were there, or was it later?

A Well, that was the following spring. Our association with Mr. Houk was stimulated by the fact that my wife purchased her meat locally, of course, and met him, and the fact that I had been out on a number of emergencies in the community, and --

Q When did you first become associated with any police

department out in that neighborhood there?

A Well, during that following year I received all the emergency calls through the hospital, and asked that the hospital contact me in the case of any and all emergencies so that I could be present, and in the cases of any problems on the road or in homes, I would go to the scene.

Q There is a badge here that is in evidence, attached to a purse, which I will show you later, which shows the words "Police Surgeon" on it and "Westlake Police Force."

A Yes, sir.

Q When did you become acquainted with the Westlake Police Force?

A Well, I was serving on the emergency work in Westlake just as actively as I was in Bay Village. Westlake is a community just south of Bay Village, and you, driving there, would never know you were out of one village into the next because Bay Village is long and narrow. As you drive along the lake, you think it is a pretty good sized place, but you drive maybe a mile south and you are out of Bay Village. In fact, not even that far in some places.

So realizing that my connection with the emergency work was becoming greater, I wrote a letter to the Mayors and the Police Chiefs of both communities stating that I was happy to donate my services free of charge to the police departments, and if they chose, I would be happy to actively be a police surgeon and specifically make myself available

at all times, or have some colleague of mine be specifically available so that there would be no time, day or night, whether I am in town or not in town, that they would be without a physician ready to go.

Both community representatives were happy and pleased because they had stated that they had had difficulty in that regard previously, and I was appointed by the Council in Westlake as Official Police Surgeon, and I was appointed on a panel -- or I was appointed as unofficial police surgeon in Bay Village -- I should say I was unofficially appointed. It was not necessarily a Council action.

Q Was there any salary connected with those positions?

A No, sir, there wasn't.

Q I see. Now, did you engage in any other activities, civic activities connected with Bay Village, in addition to doing such work as was required by the police department?

A Well, I was appointed as co-head -- co-medical head -- co-head of the medical phase of the Civil Defense in the City of Bay, and I was a member of the men's club. I can't think of any other activities that are limited to Bay Village.

Q Well, as head of the medical defense -- Civil Defense, did that require any organizing on your part or any work to be done?

A Yes, sir, it did.

Q Tell me what it was, tell the jury what it was.

A Well, the first year that Civil Defense was organized in Bay Village, Dr. Stephen Sheppard, my brother, was asked to take part, I believe on the basis of some articles that he had printed in some of the local publications about the need for a medical organization in Civil Defense and the hope that that organization would come about without waiting necessarily for County or State authorities to direct such organization, and during this period, he talked over everything that he did with me, and we together worked out a program for Bay Village as a community, and then an extended program to include Bay Village, Westlake, Rocky River, Fairview Park, and so on.

Q Did ~~that~~ require meetings?

A Yes, sir, it did.

Q And who attended those meetings? What kind of meetings were they?

A Well, the meetings --

Q Just briefly.

A There was the Civil Defense meetings which occurred for a while monthly, and then there was an open meeting in which the overall plan was explained to the public, anyone who wished to could attend and ask questions, and --

Q Now, I want to ask you, Doctor, about the activities around your home in regard to it being used by the neighbors and

the neighbor children and the neighbor boys.

A Well, our home was open to all youngsters at all times. They were always welcome.

Q Were there any activities around your home in which the neighborhood boys participated?

A Yes, sir. As has been testified to, the neighborhood boys took part in using a basket ball hoop that I had arranged in the driveway. I always thought when I was growing up that when I had a house, I was going to have a basket ball hoop in the driveway and the kids could use it, and I had a couple of the outdoor type of basket balls that were in the garage, and they were able to use them at any time.

I put my barbells, which I had found rather impractical for me, up in the garage, so that the boys could come and use those barbells at any time, and they were always welcome to swim or water ski when we were water skiing or take part in whatever they wished to around their home.

t I would come home on many occasions and find them in the house with my wife, and they might be sitting, two or three or four of them, sitting around having a coke, or they'd often discuss the high school girls, and things like that.

Q And there are a couple of rooms up over the garage that the jury walked up into when they were out there, and what

were those rooms used for?

A Well, those rooms were turned over to a group of boys that called themselves The Clan.

Q The what?

A The Clan was the name they went by, and for the most part they were a group of very fine young boys. In fact, they are -- I would say that every one of those boys were on this recent championship football team that played out at Bay High School.

Q Did you --

MR. PARRINO: He hasn't finished
his answer, I don't believe.

Q I say, did you allow them to use those rooms upstairs?

A We did until we had some complaints from the local police department.

Q And then you made them stop using the rooms?

A Marilyn asked me to speak to the boys, and it was the decision of the majority of the boys that it would be best that they not use it as a club house because there were one or two that had stayed out all night without their parents knowing about it, there had been a couple of occasions on which there were boys who had claimed to be at my home and were not, and there was one occasion on which there were some bottles stolen at the shopping center, and there was also some beer taken from Mr. Bruscino's front yard.

We found some cans in my garage, and we talked it over with the leaders of the boys, who said they felt that they couldn't control the one or two that were spoiling it for the others, and they elected to stop using those rooms for a while, at least, for anything other than dressing for swimming, and that sort of thing.

Q And they were used after that by the boys, after that, for dressing when they went swimming and --

A Yes. They were welcome to use it, but I explained to them that we couldn't have them using that as an excuse for delinquency.

Q In the nighttime?

A That's right. That explains the sign you may have noticed. My wife had it on the door of that room, or of the stairway going up, she had a little note saying, "Boys, keep out," or something, and she signed it.

THE COURT: Ladies and gentlemen
of the jury, we will have a few minutes' recess
at this point. Please do not discuss the case.

(Thereupon at 2:45 o'clock p.m. a recess
was taken.)

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

- Q Doctor, before recess, I was asking you about the purchase of the boat and your partnership with Mr. Houk.
- A Yes.
- Q When was that boat purchased?
- A As I recall, it was the spring of 1952.
- Q And you were each half owners in the boat?
- A Yes, sir.
- Q Was it at that time that you and Marilyn took up skiing?
- A Approximately at that time, yes. Mr. Schuele, actually, was the first one to ski in our direct neighborhood, and he asked me if I would like to try. None of us really knew how, and we were all fbundering together.
- Q And did Marilyn take up skiing at that time, also?
- A Yes, she did.
- Q And was she interested in it?
- A She certainly was.
- Q Did she enjoy skiing?
- A Yes, she did. She was a very excellent water skier.
- Q And is it a fact that you and she skied at night at times?
- A Yes, we did.
- Q In skiing --
- A You refer at night. We did ski at night infrequently. It was not a frequent occasion, but we very often skied into the dusk of evening and into darkness, over-extending

our enjoyment, I might say. We enjoyed it so much that at times we would find ourselves skiing when it was really too dark to ski.

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Now, in skiing, you attach the rope to the back of the boat, is that the way you do it? I never did it, and I suppose some on the jury never did it.

A Yes. On this particular boat that we had, there are handles on the end of the boat. It is an aluminum boat and rather light, and we would tie a rope on each handle so that we could ski, as we say, single or double. Occasionally, I'd pull two of the youngsters together, and they'd crisscross and do tricks, or occasionally, Marilyn and I would ski together behind the boat. Usually she insisted that I pull her, however.

Q Who would operate the boat when you and Marilyn skied together?

A Mr. Houk or Larry Houk. She didn't -- Larry Houk and I used to try to throw each other off a great deal, and Marilyn didn't quite know whether she wanted Larry to pull her or not because, like any youngster, he was boisterous.

Q And there are twists and turns that you give to the boat that will throw the skier into the water?

A Yes, sir, particularly with an outboard motor. An outboard motor can be turned at quite a severe turn, and this -- the motor that I have is a rather large motor for the weight of the boat, so we had the power of a larger boat, and maneuverability which exceeded a larger boat.

Q And the effect of a sudden turn by the boat, what effect does that have on the rope to which the skier is hanging on?

A Well, the individual skier who knows enough about skiing to move from side to side in the average water ski maneuvers will move from the middle of the track of the boat off to the side, maybe back again, and as the individual moves from one side of the track behind the boat to the other, if the boat is turned in that direction, it accelerates the individual on the end of the rope by quite a bit.

It is like when we were youngsters, we would play whip in the playground, and the poor youngster at the end of the whip that was thrown could be thrown about quite severely.

The end of the rope would accelerate around in a circular fashion and attain speeds up to we judge close to 70 miles an hour.

Q Sort of a whiplash?

A Yes, sir.

Q And the skier is dependent upon two things, the skis on his feet and the rope to which he is hanging on?

A And the way he handles his skis for steering.

Q Now, there was testimony here that Marilyn always wore a safety belt on her. Is that true?

A That is not true, sir. In fact, --

Q What?

A It is not true. In fact, there are pictures -- I don't know

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whether they are in evidence or not -- but there are many pictures available that show Marilyn without a float.

We both agreed with the Schueles to try to always wear a float when youngsters were around to encourage them to wear floats so that unfortunate accidents wouldn't occur. We had a ruling on the beach that all water skiers were to wear floats, so when the youngsters were around we tried to follow those rules ourselves so that we would present an example for them. I'm afraid I -- well --

Q You say there are pictures around. Did you see pictures printed in the newspapers during the time before you were arrested illustrating or showing you and Marilyn skiing together?

A They were called to my attention, sir.

Q Do you know where the newspapers got those pictures?

A I believe I do.

Q Where?

A I believe it was the summer of 1952, shortly after we had learned to ski, that one of the newspapers displayed some interest in the fact that a group of people out in that area were doing some water skiing. I guess that it had not been done on Lake Erie to any extent before that time, and one of the photographers contacted Marilyn and asked if he could take a picture of Marilyn or of us skiing,

and she said certainly. In fact, we had planned to ski that day, so he came over, and within an hour or so, Dr. Richard, who had a small speed boat at that time, happened by -- in fact, he had planned to come up that particular day -- and the ropes were secured to his boat, and the photographer got in Richard's boat and took a picture of Marilyn and myself skiing together behind his boat.

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- Q Did you have any of those pictures in your house?
- A Yes, I believe we did. Marilyn had them with some of her scraps, I think, scrap books and things.
- Q Do you know whether they are there now?
- A I have no idea what is in my house now or what isn't in my house now, other than what I have seen going through with the jury the other day.
- Q During the course of '52 and '53 and '54, did you teach other people to ski?
- A I did, Marilyn and I did, yes.
- Q Who did you teach?
- A Well, there's quite a list of people that we taught. Anybody who wanted to learn that would stand still long enough for us to show them, we taught them.
- Q That included the boys around there?
- A Yes, sir, all the young boys who were interested were taught to ski, and Dr. Hoversten, Don and Mrs. Ahern. There were people, members of Marilyn's family that came out to learn to ski and, unfortunately, the one or two occasions that they got out there the lake was quite rough and we weren't able to ski with facility. One day we did get out to ski, but it was rather rough. There were --
- Q I think that's enough on that point, Doctor.

Now, did you carry on social activities in which

you and your wife participated?

A Yes, sir.

Q Will you tell something about those social activities in which you and your wife participated outside of the social activities connected with your home?

A Outside of the home?

Q Outside of your home, yes.

A Well, we had social activities in conjunction with our profession. Marilyn was president of the Professional Auxliary two years ago, and there are social activities in conjunction with that.

Marilyn was a member of the Bay Village Junior Women's Club, and that group has a dance club. We joined that dance club just about a year ago and became active in that group.

We belonged to a group of people called a pot luck group. It was just a pot luck group which was made up of several people in the neighborhood and one or two people who were not actually in the neighborhood who had been having pot luck suppers for some time and who had -- one of the women, I gather, had met Marilyn and asked us and then asked us to become a member of the group. We --

Q Now -- did you want to say something else?

A Well, there were other social activities that we took part in in regard to -- well, for instance, the Bay Village

Police and Fire Department each year has a dinner which we attended and we -- I belong to the Fraternal Order of Police Associates, which carries on a social program that Marilyn always attended with me when women were invited.

Q Did Marilyn play golf?

A Yes, sir. She had just taken up golf this last spring in, well, I'd say in the more serious vein.

Q Did she engage in any other physical activities besides golf?

A Well, of course, she swam and water skied, as we have discussed. She and I enjoyed tennis a great deal when we were in California. The hospital had on its grounds two tennis courts, and Marilyn and I had a standing challenge to any two men in the hospital in doubles. We took a great deal of pride when we could, the two of us, beat two men in doubles. We -- I should say she also had become quite a good bowler with the Women's Club group in Bay Village.

Q Did you engage in tennis after you came back to Cleveland and took up your work here?

A We did a few times with a young boy by the name of Tom Hardesty over at the Westwood Country Club, but we did not have a chance to engage in tennis regularly.

Q Now, in your work in the hospital, did Marilyn engage in that work to any extent?

A Well, Marilyn took a very active part in my professional work. Is that what you mean?

Q Yes.

A She prepared each year a requirement for our College of Surgeons, which is a report of each and every surgical case. It's diagnosis, prognosis, which means outlook, and the final termination of the case, which is the -- represents compiling a great number of cases which represent not only Bay View Hospital but Amherst Hospital, a hospital in Youngstown, Grove City, Pennsylvania, and though we have secretarial help that is ready, willing and able to do this work, Marilyn insisted on preparing these cases for me, knowing that it should be done meticulously, and she felt that she wanted my case reports to represent excellency, and she did just that.

She also helped me with any and all reports or papers that I gave. Just previous to this tragedy, I had prepared a paper or a speech to be presented at the National Convention, which was to be held in Canada this year, and I had prepared this paper. Marilyn had typed the rough draft. She had helped me with the spelling and the minor English corrections, and that sort of thing, punctuation, and she had prepared the final draft on that. She --

Q Well, she was very helpful to you?

A

Extremely so. She also did quite a bit of typing in regard to other phases of my work. She not only enjoyed this, but we elected to pay her by the hour, as we would a technician or a stenographer, and she took great pride in this little bit of money that she would get irregularly because she would say, "Well, that was hers," and she would save that and do things with that that she didn't want to take from the bank for. I should say she would do things particularly for me that she felt represented her money and not money that I had earned. She bought me a pipe for Father's Day, for instance.

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What is that?

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She bought me a pipe for Father's Day just shortly before this, with money that she had earned, and she always spoke of it sort of half kiddingly, but she really meant it. It meant more to her that way and it meant more to me.

Q

And she would use this money, you say, particularly for you?

A

She would hide it around the house in various places, and she'd use it for things that she wanted to do, particularly for me. She sort of felt odd about going and buying me something out of money from the bank, she said.

Q

Now, then, did she engage, in addition to that, did she engage in any activities at the Bay View Hospital? Do you have a Guild there?

A

We have a Guild, and Marilyn requested to become a member, but they don't accept doctors' wives, so she wasn't able to take part. She was in the process of agitating to let doctors' wives join the Guild. She did take part in all Guild activities that she could. In other words, each year the Guild of the hospital puts on a bridge party, and they, at various intervals, have different projects that they put on for the benefit of the Guild, and thereby, the hospital, and Marilyn would always take a couple of tables for the bridge party, or she would buy some of her little greeting cards and things from the Guild room. Where she

could, she would support the Guild.

Q How large an institution is Bay View Hospital?

A How many beds?

Q Yes.

A Over a hundred beds. Approximately 120.

Q And that is governed how?

A It is governed by a Board of Trustees made up largely of lay people.

Q And are the residents mostly residents of Bay View Village or the City of Bay View Village?

A Not necessarily, no, sir. They are residents of the community, but not necessarily Bay Village.

Q Do you know who the Board of Trustees are?

A I know some of them.

Q Do you know who they are?

A I know who some of them are, and I know --

Q Who are they, the ones you know?

A Well, the president, I believe, is Mr. Lanning. I believe his name is Alfred Lanning.

Q Who is he? What does he do?

A He is vice-president of the Federal Reserve Bank here in Cleveland, I believe.

Mr. Davis -- there are two Davises, Mr. Thoburn Davis, who is the Superintendent of Schools in Rocky River, and the father of a lifelong friend of mine, Reverend Allen

Davis. The other Davis, I don't know his first name. He always asks everyone to call him Mok --

Q Call him what?

A Mok. M-o-c or M-o-k. Mok Davis.

Q What does he do, do you know?

A He is, I believe, advertising manager for The May Company. I'm not too sure of that.

Mr. Howard Spang is -- owns and operates the Bay Village Sports Shop in the Bay Village Shopping Center, and may have something to do with Spang Baking Company in some shape or form, I don't know. He is of that family. I don't know if he has to do with the operation of the bakery or not.

Q Well, those men that compromise the Board of Trustees, they serve without pay?

A To my knowledge, they do, sir.

Q As far as you know, it is a non-profit institution?

A I know that it is a non-profit institution.

Q And did you know on the 4th of July what the relation of Mr. Petersilge was to that institution?

A Yes, sir.

Q And what? What did you know about him?

A Well, he is the legal counsel for the non-profit organization, and he is, I believe, secretary of the Board. He is a member of the Board, very definitely, and I believe he is

secretary of the Board.

Q Did you know that he occupied that position when you came back in 1951?

A Yes, sir, I did.

Q And is that when you first met him?

A I believe it is.

Q Now, then, in the work that you did at the hospital did you have charge of the accident cases that came into that institution?

A I had charge of all accident cases until I felt that they should be transferred to some other department. In other words, my department is neurosurgery and surgery of trauma or surgery of injury includes all accidents, unless, for instance, I, upon occasion, would find an accident case with what I felt to be a ruptured kidney, and I immediately would call Dr. Stephen Sheppard, because of his specialty in that field, or a severe nose problem, fractured nose, at which time I would call Dr. Foster or Dr. Rensch, who would thereupon accept the care of that case.

Q I see. Now, that hospital is located -- where is the nearest hospital west of Bay View Hospital?

A The nearest hospital west is either Lorain or Amhurst. I couldn't state specifically. Amhurst is slightly south of Lorain and slightly to the -- slightly east of Lorain.

Q Where is the nearest one east of Bay View?

A I believe Lakewood Hospital.

Q Somebody testified here, I believe it was Chief Eaton or Mr. Drenkhan, that that was a high accident area along there. Did you have that experience?

A Along Lake Road, Hilliard Road, Center Ridge Road, and Lorain Road, they are all high accident areas, and Detroit Road as well. They are all parallel in that area, and they all seem to be high accident areas.

Q And what percentage of those accidents occurring on those roads would be brought to Bay View Hospital?

A I can't give you a specific percentage, but a very high percentage.

Q Now, then, in addition to being connected with Bay View Hospital, were you, at the time of your arrest, connected with any other institutions concerned with medicine?

A Yes, sir.

Q What other institutions were you connected with?

A The Community Hospital in Amhurst, Ohio; the Green Cross Hospital in Akron, Ohio; the Caffero Memorial Hospital in Youngstown, Ohio; and the Rossman Hospital in Grove City, Pennsylvania.

Q Did you, during the course of the three years that you were active, attend to duties at those various hospitals?

A Yes, sir, I did. There are a few other hospitals which

I attended on specific occasions, but not regularly.

Q Well, what was your program in regard to visiting these other hospitals?

A Well, my particular specialty is one which includes some rather specialized work, and for that reason some of the hospitals would need me only to perform special procedures, such as intricate brain surgery, and as a result, I didn't attend those hospitals regularly. However, the hospital in Youngstown was in a position to need a surgeon of my particular training regularly, so I made a point to journey to Youngstown each Tuesday morning and carry on any surgical procedures that were necessary during the morning, and follow that with a clinic which was held in the hospital, at which time the doctors in the area would send in their problem cases that they felt were within my specialty of neurosurgery and neurology and --

Q Now, there was some information given to the jury about talk of divorce between you and Marilyn, and Hoversten had something to say on that point when he testified here. Will you tell the jury whether there was any talk of divorce between you and Marilyn?

A No, sir, there wasn't. Do you want me to enlarge upon that?

Q What?

MR. PARRINO:

He wants to know if

you want him to enlarge on it.

Q No, I don't want you to enlarge upon it. If anybody wants you to enlarge upon it, let them ask it.

MR. DANACEAU: We didn't ask him the question, sir. He volunteered that himself.

MR. CORRIGAN: I just made a statement that if anybody wants to enlarge upon it, they can. I don't want to.

THE COURT: Well, he has answered the question, gentlemen.

THE WITNESS: Well, --

THE COURT: Wait a minute.

Q Now, was there any serious disagreement between you and your wife?

A No, sir, I wouldn't say there was any serious disagreement between Marilyn and myself at any time.

Q Was there any disagreement?

A Well, I think Mrs. Houk, when she was asked that question, mentioned that --

MR. MAHON: I object to what Mrs. Houk said. He is being asked the question now.

THE COURT: It is directed to you.

Q Did you hear Mrs. Houk say something about a disagreement over a -- I think it was a washing machine?

A Well, the first thing she said was that Marilyn didn't

like as many kids around the place as I did.

MR. PARRINO: If the Court please,
this is not responsive to the question. May we
have the question repeated, please?

MR. CORRIGAN: I will withdraw it.

THE WITNESS: There were a couple
of things that we --

THE COURT: Just a minute. There
is no question now.

Q Was there any disagreement about the children around the house?

A Oh, a little bit, in that Marilyn, after all, was there all
day, and I would be at work or out of town, and I'd come
in and I'd enjoy having the youngsters around and playing
basket ball and running through the yard. It didn't bother
me at all, but she would comment that, after all, she didn't
really want the place overrun with children, and those
that didn't even know us -- there would be occasions when
a youngster would run in the yard who we had never seen
before, he could have been from anywhere, and he'd start
to take over the place, and she didn't care for that too
much, and I didn't blame her, but that was more or less --

Q Well, all right. Now, let's come to the incident that has
been brought against you in this case about the washing
machine.

A A dish washer, you mean.

Q The dish washer.

A Well, --

THE COURT:
machine, Doctor.

He said the washing

THE WITNESS:
washing machine, though.

He didn't mean the

THE COURT:

All right.

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Q Well, it was a dishwasher.

A Well, it's a dish washing machine, maybe. It's a dishwasher.

Q What?

A A dishwasher, yes.

Q A dishwasher?

A Yes, sir.

Q Well, my experience is they are wonderful.

A Beg pardon?

Q My experience is that a dishwasher is a wonderful thing.

A That's been my experience.

Q Now, was there some disagreement about the dishwasher?

A May I preface that?

Q Yes.

A Yes, there was some disagreement.

Q What?

A There was some disagreement, yes.

Q You tell about it because it has been brought into the case here.

A Well, soon after we arrived in Cleveland, I discussed an insurance program with Mr. Uhle, who testified here, and I spent just about all my available funds on this insurance program at that time. The following spring I journeyed to Boston for some special work with some bone specialists in Boston. And upon my return, I found that Marilyn had purchased a new sink, new dishwasher and

new garbage disposal, the bill of which she paid with the money I had planned to take care of the insurance with. And I didn't have any money to pay the insurance or, I should say, I had very little available funds to take care of that insurance payment. So I merely let her know that I felt that if she was going to do that, it might be best to at least let me know so that the payments might be arranged in another way.

Q Well, that's all there was to that, was it?

A Well, I arranged with Mr. Uhle to pay my insurance in installments, and that's all there was to it.

Q Now, in your testimony, you stated a short time ago that you had prepared just before July 4th, you had prepared a paper to be read at a medical convention in Toronto?

A Yes, sir, that's correct.

Q And Marilyn had assisted you in the correction of that paper and the spelling, and so forth?

A She assisted me on the --

Q Is that right?

A -- on the entire preparation of the paper, yes.

Q And when I took the billfold that was brought in here by the Coroner, I read to the jury a reservation that had been received by you from Toronto. Do you recall me reading that?

A Marilyn had sent --

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Q No, no.

A Yes, I recall.

Q Do you remember me standing up here and going over those various papers that were in your billfold?

A Yes, sir.

Q And I read one which referred to a reservation at the Royal York Hotel in Toronto?

A Yes, sir.

Q And was that the reservation that was made for that time?

A Yes, it was.

Q Now, there was testimony here about a trip that you made to California in March of 1954, do you recall?

A Yes, I do.

Q Do you recall going to California any time before that date?

A Very definitely, I do.

Q And when before March, 1954, did you go to California?

A Well, in October of 1953.

Q And at that time did Marilyn accompany you?

A Yes, she did.

Q And how did you go to California in October, 1953?

A We drove. The occasion was the annual surgeons' convention, which was held in Los Angeles at that time.

Q And was Chip taken with you at that time?

A No, sir.

Q Where did he remain?

A Well, he remained in our home with Mr. and Mrs. Brown.

Q And who is Mr. and Mrs. Brown?

A Mrs. Brown is Marilyn's aunt, and Mr. Brown is her uncle by marriage.

Q And is that her aunt on her mother's side?

A It's her mother's sister.

Q Her mother's sister. By the way, did Marilyn have any other relatives on her mother's side except Mrs. Brown?

A Well, Marilyn had her grandfather on her mother's side that lived with Mr. and Mrs. Brown until he passed away just recently.

Q When did he die?

A I don't know the date, but it was during the impaneling of the jury, as I recall.

Q Now, then, tell me, how old was Marilyn when her mother died?

A I can't say for sure, but I believe she was about as old as young Chip is now, about 7.

Q Now, then, you arranged for Mr. and Mrs. Brown to remain in the house when you and Marilyn went to California in October, 1953?

A Yes. That was the habit. Whenever we wished to get away, they would commonly stay in our home and take care of Chip and live in the home.

Q Did you have any close relationship with those two people?

A Very close.

Q Did they visit you?

A They visited us often and we visited them more often, because the grandfather wasn't able to move around as well as we were.

Q And where do they live?

A They live in East Cleveland. I'm not -- Idlewood, I think is the name of the street.

Q Now, then, you departed with Marilyn, leaving Mr. and Mrs. Brown in your home?

A Yes, sir.

Q And drove?

A Yes.

Q And how long did you stay in California on that occasion?

A We stayed only about 10 days to two weeks, which was not as planned.

Q And was there any reason why you returned home before you had completed this contemplated trip?

A Yes, sir.

Q What was the purpose of the trip in October, 1953?

A The purpose of the trip was to attend the surgeons' convention, and at the same time, to take some special work at the graduate school of the college I graduated from in surgical anatomy under the direction of Dr. Stewart,

who is an anatomist. This work was to be included in a program that is to terminate in a degree that I have been pursuing.

Q Now, when did you get back home? Was it still in October?

A Yes, I believe it was. I was called back.

Q And were you called back because of some necessity of your services in Bay View Hospital?

A There were several cases that they felt I was needed for.

Q I see. And that was the reason you returned?

A Yes, sir.

Q Now, then, you made another trip to California in March, 1954?

A Yes. That trip was planned with the members of the graduate school before I left in October, or actually as I left.

Q And on that trip, when you arrived in California, did you take up some work in the general hospital?

A I visited the General Hospital daily and made ward rounds with one of my former trainers, but my specific work was at the college in the anatomy laboratory.

Q And it was on that trip at that time that you met Miss Susan Hayes, as she testified?

A Yes, sir.

Q All right. Now, then, when you arrived in California, you went to Los Angeles. Did your wife stay in Los Angeles?

A No, sir.

Q Where did she go?

A Well, both in October and March she went to the home of Dr. Randall Chapman with his wife. Actually, in October Marilyn and I drove directly to the Chapman's home up in northern California, and I dropped Marilyn, and Dr. Chapman and I drove down to Los Angeles together in my car.

Q Well, where is that place there in upper California that you dropped Marilyn on the first occasion?

A Well, it's a ranch up in the hills. It's near Carmel, California, which is near Monterey, California.

Q And how far north of Los Angeles is that town?

A A little over 300 miles, as I recall.

Q Well, now, when you got there in March, did Marilyn meet Mrs. Chapman?

A As I recall, we met Dr. and Mrs. Chapman, and Dr. Chapman had an emergency brain surgery that night that was on momentarily, he was waiting to be called. And he told me about the case, and he asked me to accompany and assist him, which I naturally was happy to do.

And my wife and Mrs. Chapman went their way and I went with Dr. Chapman. The surgical case extended into the night.

Q Well, then, did you see your wife the next day?

A Yes, sir, I did.

She called me -- I had registered in a motel after this surgical case, and she had told me where to go so that she could reach me, and she called and said that she had some of my luggage, and that she and Mrs. Chapman would come back over to where I was and bring this piece of luggage and then they would take off for their trip north, which they did.

Q And then after you completed your stay in Los Angeles, did you join your wife in Monterey up there in that vicinity of that town?

A Yes.

Q And that was the Chapmans' home?

A Yes; Dr. Chapman rode with me and we went up together.

Q And what was this story, something brought in here about an automobile, Miss Hayes told about it? What was there about that?

A Well, since my wife and I were in Los Angeles as I was in school, we appreciated or liked, I should say, the style of this particular Lincoln. It's a Lincoln Continental, which is a low rakish type of car that Edsel Ford put out when he was alive, and it was sort of a forerunner of the sports car trend, I should say, in this country. And back that far ago we had commented to one another what --

Q Now, what did you do? I don't want all the conversation.

A Well, that's the basis on which she and I -- I had commented

to her that if I ever got a chance to get a car like that, at a reasonable price, I thought I would probably take the chance. And I had had a little difficulty with the car that I was driving at that time. On our trip out to Los Angeles, we were driving along the desert, and there was quite a terrific explosion that took place --

MR. PARRINO: If the Court
please, this is certainly not responsive to
the question.

THE COURT: I don't think
we ought to go into all of these details.

MR. CORRIGAN: I don't want
to go into all of the details.

22 Q Did you trade your car?

A I had some difficulty with the Mercury. I found a Lincoln Continental which I thought was a good car. The man offered to trade me even, and I took it.

Q I see. And you got the Lincoln Continental?

A Yes, sir.

Q Was it a secondhand car?

A By necessity. They don't make the car. They haven't made the car for years.

Q It was an old out of date car, then, was it?

A Well, it is considered a classic car, yes.

Q But you liked it?

A I liked it and Marilyn had expressed like for that type car.

Q Now, you drove up to this point up in California near Monterey, the Mount of the Kings?

A Yes.

Q And how long did you stay there?

A I can't be sure. Three or four, maybe five days.

Q And after that, you came home?

A Yes.

Q Drove home?

A Yes.

Q Was there any difficulty that arose between you and your wife on that trip?

A No, sir, no difficulty.

- Q Did you tell your wife that you had bought Susan Hayes the watch?
- A Yes, sir, I did. The only difficulty was that she insisted that I don't put it on my expense account and make my brothers pay for it. I thought I should.
- Q Now, then, when she learned about the watch and the incident -- you told her about it, didn't you?
- A Yes, sir. I considered it an expense account.
- Q All right. Well, when you got back home in March was there any difference in the life that you took up after March than there had been before?
- A My wife and I hoped that she was pregnant, and we were happy for that reason.
- Q When did you first discover that your wife was going to have a baby?
- A By the end of March, she had missed one of her regular menstrual periods, and we hoped that she was pregnant.
- Q Now, during the time after that in March, when you discovered that fact that your wife was going to have a baby, did you notice that she was having any physical difficulty?
- A Yes, sir, I did.
- Q And what did you notice about that and when did you notice it?
- A By about the end of March and first of April, I noticed on two separate occasions that my wife had had convulsive twitchings, which worried me.

Q And when did those occur?

A As I tried to analyze the situation, I realized that they occurred on both occasions following social gatherings where Marilyn had smoked a great deal, more than usual.

Q Well, did they occur in the nighttime or in the daytime?

A At night.

Q At night?

A Yes.

Q And where did they occur? In your bedroom?

A In the bedroom.

Q And how was your attention attracted to them?

A One night I noticed this reaction when I had come back from the hospital late and she was in bed asleep, or groggy,

Q How did it manifest itself?

A Well, it manifested itself as an involuntary twitching of the hands and arms and face, and a slight frothing at the mouth, and I placed some bedclothes in her mouth to prevent her biting her tongue.

One other time I had -- she had been ill with a type of flu, and I had visited a friend and come home --

Q I can't hear you.

A I had visited a friend for a moment in the Village, and had made a house call, I believe. She had gone to bed early because of her illness, and that -- we must have had someone in the home earlier that day or some sort of social activity.

Q And was that at night?

A Yes, sir.

Q And where was she?

A In bed.

Q Was she conscious or unconscious at the time that you noticed that? Was she asleep or awake?

A Well, convulsions at any time usually produce unconsciousness, but not necessarily so. She was unconscious at this time, as far as I could tell. However, I was able to get some reaction out of her, even a little mumbling, and later she did recall only vague recollections of the experience.

Q Did you attribute that, as a doctor, to any particular thing that was wrong with Marilyn at that time?

A I was concerned about her, and I didn't want to come to any conclusion on my own. I did feel that the amount of smoking that she had done could account for the reaction, plus the fact that she was pregnant. She had not been pregnant for seven years, and I thought that a combination of the two could explain it, but I didn't want to let it go at that.

Q Is it within your knowledge that excessive smoking and the nicotine that comes into the system as the result of smoking has an effect upon a pregnant woman?

A Yes. It has an effect upon a pregnant woman, and it has various effects on various women, various people.

Q That is, it affects different people different ways?

A Yes, and my wife had displayed a reaction to nicotine on
S several other occasions, and --

Q Just like any other narcotic. One man may get drunk on one
drink of whiskey and another man may drink a bottle and not
get drunk?

A That's right. Nicotine is not a narcotic.

Q What?

A Nicotine is not a narcotic, but it is a drug.

Q It is a drug?

A Yes, sir.

Q Now, then, was the matter taken up with her at that time
about smoking?

A Yes, sir, it was.

Q What conclusion did you arrive at, you and your wife?

A I tried to explain to Marilyn the problem without disturbing
her too much, because I didn't want to upset her. I told
her that she had had some reactions, and that the -- she
had had some illness that I think Mrs. Helms referred to
when she testified, and I told her I felt that this illness
was tied up with her heavy nicotine consumption, and I asked
her to stop.

She had been commenting on sometime within the next
few years of getting a fur coat, and I told her that I would
buy her a fur coat of her choice if she'd quit smoking.

Q Did anybody hear that when you made that promise to her?

A I thought the Aherns did. I believe the Houks did, and I'm quite sure that Mr. and Mrs. Brown did.

Q As a result of that conversation, and the advice you gave her, did she stop smoking?

A Marilyn stopped smoking completely for a period of -- well, no, she didn't at that time.

Q Well, did she later?

A She did following a few remarks that were passed at the Aherns' home.

Q When were the remarks passed at the Aherns' home? Was this matter discussed before Mr. and Mrs. Ahern?

A Very briefly.

Q And what was the brief discussion?

A I can't say the specific date, but we were in the presence of the Aherns in their home.

Q You remember that Mrs. Ahern asked her about it, as she testified, do you recall?

A Yes, sir. There was some comment about smoking, and I evinced my displeasure toward Marilyn smoking, and Mrs. Ahern piped up that -- and there was some mention about, I think Marilyn mentioned that I told her she had some little twitchings at night, and Mrs. Ahern spoke up and said, "Oh, well, we all have a little twitch now and then. I wouldn't worry about that, Marilyn. You smoke all you want."

You are in good shape," and so forth.

And I was a little unhappy with Mrs. Ahern, because I had just about gotten Marilyn to the point that she would quit, and Mrs. Ahern was encouraging her to smoke, so I just blurted out that I didn't consider convulsions with frothing at the mouth little twitchings, and at that Mrs. Ahern had no more to say, and Marilyn said that she didn't realize it was that serious, and I said that I felt that it was serious or I wouldn't have commented to her in the first place, and that I didn't wish to upset her, but I felt that she should quit smoking, and I had made arrangements for her to be checked by Dr. Sheppard, Sr.

Q Did she stop smoking from that time on?

A She stopped for about a month, and then started smoking a filter tip cigarette only on rare occasions, possibly when we'd be out in the evening or in the presence of other people, but practically, she stopped altogether.

Q Did you smoke cigarettes around your home?

A Never.

Q Was there any smoking of cigarettes in your house upstairs?

A Not that I know of.

Q Did Marilyn ever smoke upstairs?

A Not that I know of.

Q Now, of course, you made an observation of your wife's teeth, did you not?

A Yes, sir, I did.

Q What was the condition of your wife's teeth?

A Marilyn's teeth were quite poor. We had been out to dinner just a few months before this with the Aherns again, and she had broken a tooth completely off at the gum line on a piece of beef steak.

Q And can you state whether she had been under the care of a dentist for any length of time?

A She had been under the care of a dentist for sometime and had had a great deal of gold inlay work done just recently, and she had had this one tooth that had been broken replaced with a false tooth, and the tooth next to it was almost totally replaced. I believe it was capped.

Q Which was the tooth that was replaced with a false tooth?

A I can't say specifically.

Q Was it a front tooth?

A It was the eye tooth, and the one next to it, I believe.

Q What?

A It was one of the eye teeth and the one next to it.

Q The one toward the center of the mouth or the one back?

A Well, the one toward the center of the mouth is the one that broke off completely. That was a dead tooth, I believe, and the one behind it, Dr. Novotny found was in very poor condition, and needed to be almost totally replaced; rather than putting in a totally false tooth, she explained to me that he capped it in some way.

Q Who was her dentist?

A A Dr. John Novotny.

Q What?

A Dr. Novotny.

Q Where is he located?

A I have never been to Dr. Novotny's office. I don't really know.

Q Calling your attention to the date on which your mother moved from -- they had lived in the Heights, and they moved over to Bay Village. Do you remember when your mother and father moved from Cleveland Heights to the City of Bay Village?

A I remember the events, but I can't give you the specific dates.

Q Do you remember the month?

A Well, it was June.

Q In June?

A Yes, sir.

Q And on the day that your mother's furniture was brought over to the house that they had in Bay Village, did you go there?

A Yes, sir, I did. We did.

Q That is, Marilyn and you?

A Yes, and Chip.

Q And what time did you get over to your mother's house, the new house?

A I can't say the specific time. I know we had planned to help, and then proceed to the Browns' home. I think that was Grandfather Blake's birthday.

Q Were any of the other members of your family, were your brothers over there on that day?

A Yes, sir.

Q With their wives?

A Yes.

Q Dorothy and Betty?

A Yes, sir.

Q And the three boys and their wives, did you help put the furniture around the house?

A Yes. We carried things to be stored up to the third floor,

and we carried the various pieces of furniture around the house and placed them. We carried various things and there were things that were to be given to certain ones of us that we arranged to remove.

Q Do you know where your mother is now?

A The last I knew, she was in the Bay View Hospital.

Q Now, then, what time did you leave there on that day?

A I believe that was the day that we -- Dr. Richard helped me put the desk on the jeep, and --

Q What was the desk, and how did you get the desk?

A Well, the desk was a boy kneehole desk that I had had in high school, and Marilyn liked it very much and hoped that we could have it for Chip as he grew up, and she evinced that like to my mother, and my mother said, well, it is my desk and Marilyn was to have it.

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- Q Was the desk taken home then?
- A It was put on the jeep and we took it home and Reverend Kreke, I think, referred to it this morning.
- Q That was the desk that Reverend Kreke talked about when he testified, is that correct?
- A Yes, sir, it is.
- Q What is your recollection of what happened on that particular day when Reverend Kreke came in?
- A Well, I remember pulling up in the driveway and Reverend Kreke was there, and we greeted him. And he stated some business to my wife, but I can't remember any specific arrangements that were made. I do remember that Marilyn tried to help me, and I insisted that I could handle it alone, and then Reverend Kreke insisted on helping me and I said, "No, I don't want any help. I can handle the desk alone."

It isn't a big, tremendously big desk, and she became insistent, so I said to Reverend Kreke, "Maybe you better help me or Marilyn will insist, and I don't want her to help."

I can't remember of telling him specifically of the coming event. I must have, but I don't remember. I do remember saying, "I don't want Marilyn to lift anything because" -- well, I said, "I don't want her to lift anything."

I must have gone on and told him why.

Q Well, he remembers it and you don't?

A I don't remember just exactly what was said.

Q I see. He was the Pastor of your church, or he is the Pastor of the church that you belong to?

A Yes, he is.

Q What?

A Yes, sir.

Q And how long did you belong to that church?

A Well, we joined the church shortly after we arrived in Bay Village.

Q Did you belong to a church before that?

A I did, but Marilyn did not.

Q And where did you belong before that, what church did you belong to?

A Well, I belonged to the Church of the Saviour on the east side, in Cleveland Heights.

Q The Church of the Saviour, is that the one that used to be down on Euclid Avenue?

A Not that I know of. It could be.

Q Is it the one on Lee Road?

A Yes, sir.

Q Big church there?

A Yes, sir.

Q Beautiful building. Then you transferred over to the

Bay View Methodist Church?

A I transferred, and we explained to Reverend Kreke that Marilyn definitely wanted to become a member, and she said that she had not been baptized. And we requested that Reverend Kreke baptize her, and he asked us if we had any preference, and we said that it could be done in the home, we would like to have it done in our home.

Q And then the Reverend came there and performed the sacrament of baptism?

A Yes, sir, he did.

Q Who was there when that ceremony took place?

A I know that Chip was there, and I know that others were there, but of my own memory, I don't remember who.

Q How do you know Chip was there?

A Well, because he told people for weeks after that that his mommy had been advertised and he was there.

Q That's what he got out of it?

A Well, he didn't know the word of advertise, and he felt that it was a very important event, and he wanted everybody to know about it, and that's the only pronounciation that he could get out of it.

Q On the afternoon that you brought the desk into the house, did you stay home that day or did you go somewhere?

A On what day, sir?

Q On the afternoon that you moved the desk -- you have

related about moving the desk and meeting Reverend Kreke -- did you stay there, did you stay home that day or did you go somewhere after that?

A We returned immediately back to my parents' home and helped complete the moving process, and then we journeyed on, as planned, to the Brown home where we had dinner and I believe a birthday celebration. I can't say for sure, but I believe it was her grandfather's birthday.

Q Now, during June, did you go with Marilyn to Put-in-Bay?

A I took her to Put-in-Bay with me, yes.

Q And Mr. and Mrs. Howell testified to something along that line here yesterday. What was the day that you went to Put-in-Bay?

A I don't, again, recall the specific date, sir, but the Howells went up on Thursday, and I had surgery at the Green Cross Hospital in Akron on Friday morning. So we were not able to go with the Howells.

I told Marilyn to go ahead with them, if she wished, and she said, no, she would rather wait for me.

So we left, as I recall, on that Friday about noon, and we took with us Dr. Gerald Finer, who we invited to go along, and we took this emergency vehicle, this jeep that the members of our Clinic have purchased as a track emergency vehicle, and Dr. Finer went along for the enjoyment and also to help man this emergency vehicle containing --

Q What time did you arrive at Put-in-Bay?

A Late afternoon.

MR. CORRIGAN: I wonder if we
can quit? Let's leave the case at Put-in-Bay
until tomorrow.

THE COURT: I thought there
was something in the air when you started to
get up.

MR. CORRIGAN: Pardon?

THE COURT: I thought there
was something in the air when you got up.

Ladies and gentlemen of the jury, we
will now be adjourned, without any formality
at all, until 9:15 tomorrow morning. Please
observe the caution which the Court has
heretofore expressed to you, do not discuss
this case.

(Thereupon, at 4:15 o'clock, p.m., an
adjournment was taken until Friday, December 10,
1954, at 9:15 o'clock, a.m.)

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Friday Morning Session, December 10, 1954.

(9:15 o'clock a.m.)

Thereupon SAM H. SHEPPARD, the defendant herein, resumed the stand and was examined and testified further, as follows:

DIRECT EXAMINATION (CONTINUED)

By Mr. Corrigan:

Q Dr. Sheppard, how many keys were there to your door?

A To our what?

Q How many keys were there to the Lake Road door?

A There was one key to the Lake Road door.

Q What was the habit of your family to keep the door locked?

A The habit was, Mr. Corrigan, to leave that Lake Road door unlocked when I was in the house. If I was out of town or at the hospital late, my wife had a habit of locking the door and placing the keys under a mail basket about this size (indicating), which was hung on the side of the house just next to the door.

Q Now, the Lincoln automobile, who did the Lincoln belong to?

A It belonged to my wife.

Q Now, then, when we left court yesterday we had discussed about going to Put-in-Bay. Do you recall that incident in June?

A Yes, I do.

Q And when did you go to Put-in-Bay?

A Well, as I say, we left Friday noon due to the fact that I was busy -- no -- we left -- yes, Friday noon, because I was busy that morning in surgery.

Q And who went with you?

A Marilyn, of course, and Dr. Gerald Finer, from Youngstown, Ohio.

Q Did you drive?

A We drove this emergency vehicle, the jeep that has been equipped for emergency purposes.

Q And when you got to Put-in-Bay, who did you stay with?

A Well, the Howells and we had rented a cottage together, a three-bedroom cottage, and Mrs. Howell and Marilyn had gotten together and made the arrangements for us to be together up at Put-in-Bay.

Q That was the day that Mrs. Howell testified about some -- Mr. Howell testified about some races that were going on there?

A Yes, sir.

Q Sport car races?

A Yes, sir.

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- Q Did you drive in the sport car race?
- A Yes, I did.
- Q Now, did you and Marilyn occupy the same room at Put-in-Bay?
- A We certainly did.
- Q On that occasion?
- A Yes, we did.
- Q And did you return to Cleveland before Marilyn?
- A Yes, sir.
- Q What day did you return?
- A I returned Saturday immediately following the race, due to an emergency call.
- Q And was there any particular reason why you returned before Marilyn returned?
- A Yes, sir.
- Q And what was the reason?
- A A little girl had been struck by a car, and I was called by Dr. Dozier, and I felt that in view of the extent of the youngster's injuries, that I should return at once.
- Q And how did you return?
- A By plane.
- Q Now, then, when did Marilyn get back?
- A Marilyn came back the following day with friends by automobile.
- Q That would be Sunday?
- A Yes, sir.

- Q And on that Sunday, did you go somewhere, you and Marilyn?
- A We went over to the Bruscinos for a -- I think that was the night that the Bruscinos invited us over for a supper.
- Q Well, did you go to your mother's house on that day, do you recall?
- A On Sunday?
- Q On Sunday, yes.
- A We probably did. I was at my mother's house Saturday.
- Q Well, I recall something you told me about playing ball with Chip in the yard and Marilyn being out front there.
- A Oh, yes. We went over and visited my parents.
- Q And what occurred? What took place when you were visiting your parents?
- A We just had a very normal natural time. I believe Chip and I played ball in the yard there while Marilyn and the folks talked. Marilyn, Chip and other of the high school youngsters in the community had been playing baseball with Chip quite frequently, because he was learning how to bat and catch and throw.
- Q Now, then, let me come to the week just prior to the death of your wife. Do you remember Wednesday of that week?
- A I remember parts of Wednesday of that week, yes, sir.
- Q Well, let us come to the evening of Wednesday of that week. I suppose you did your work. Did you go somewhere Wednesday evening?

- A I believe we did.
- Q Where did you go?
- A I think that's the night we attended stock car races.
- Q And where were those car races?
- A They were at a track near Amherst, toward Lorain, Ohio. I'm not sure of the name of it, actually.
- Q Who was with you?
- A Otto Graham and Beverly Graham and their two youngsters, Dewey and Sandy, I believe, and Chip.
- Q And was Marilyn along?
- A Oh, yes, Marilyn was there.
- Q What time did you get home that night?
- A About -- I don't really know. About 11:00, 11:30.
- Q After you returned home, do you remember whether you went right to bed or whether you stayed up?
- A Well, we were all sopping wet. We had been in a drenching rain, and I had early surgery the following day, and I believe that I retired. I think Marilyn stayed up a little while.
- Q During the night, were you awakened, or after you had gone to bed?
- A Yes, sir.
- Q And who awakened you?
- A Marilyn awoke me as she was coming to bed.
- Q And when she awakened you, do you know why you were awakened

by her?

A Yes.

Q And will you tell the jury?

A Marilyn awoke me and said, "Sam, I hear someone calling for help."

And I was very drowsy, and I believe I asked her to repeat it or, "What do you mean?" Or something of that sort, and she repeated it.

And at that, I got out of bed and listened with her. And we at times could hear a very, very distant call that sounded like "Help," but --

Q Sounded like what?

A Like a call for help, but it almost sounded like a bird in the night. It almost sounded as though it could have been a bird.

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Q Can't hear you.

A It sounded as if it might have even been a bird. We were in question. It was such a distant voice. We agreed that it was probably someone calling for help, and I --

Q What did you do then?

A I told Marilyn that I would get dressed, and suggested that she call Spen Houk so that he and I could go out on the lake. I didn't want her to accompany me out to the lake if we had to go. I didn't feel that she should go with me at that time of night, and I also suggested that she turn on the beach light. You see, she was dressed at that time, and I was not, so I suggested that she turn on the beach light so that if there were an individual out on the lake, he might see the light, go on, and gain some hope.

Q Well, did Spen come?

A Yes.

Q When he came did the two of you go out on the lake in your boat?

A Yes, sir, we did. We met down on the beach. He went down his steps and came over, and we put the boat in and went out --

Q What was the condition of the night, dark or --

A Very dark.

Q What was the condition of the lake?

A The lake was quite smooth in toward shore, but rather

rough as we got out due to the --

Q How far out did you go, do you know?

A I couldn't say. We went out farther than I have ever been
o on the lake with our small boat, Mr. Houk estimated.

Q When you got outthere, did you find anything?

A We certainly did.

Q What did you find?

A We found a fisherman that had been fishing late that
evening, and he had a small motor on his boat and no oars,
and he was stranded, his motor wasn't working.

Q Did you tow him in to some place?

A Yes, sir.

Q What was his name, do you know?

A I don't remember.

Q Now, then, on Thursday, that would be the next day, that
would be July the 1st, you worked through that day, I
suppose, at your regular work?

A Yes, sir.

Q Is that the day that Dr. Hoversten appeared at your house?

A Late that afternoon.

Q Where were you when he came to the house?

A I don't actually remember his arrival. I couldn't say
whether he was there when I got home, or that he arrived
shortly after I got home.

Q Had he been at your house before?

A Yes, he had.

Q And when and what period before that had he been at your house?

A Well, he had stayed with us in our home when he first came back to be a resident at Bay View Hospital.

Q Do you remember what year that was?

A In 1952, in July.

Q And how long did he stay at your home?

A I really don't remember. Mr. Rossbach asked me that, and I --

Q Was it a week or a day or --

A It was over a week. It was some time, but I really can't remember specifically how long it was.

Q Now, then, when he arrived on July 1st, you did see him sometime during that evening?

A Oh, yes.

Q Where was he when you first saw him?

A Where was he?

Q Yes.

A I don't know where he was when I first saw him, but my first recollection, the first definite time that I can recall visiting or seeing Dr. Hoversten was when Marilyn and I were weeding the front yard, the slope toward the lake -- we were just sort of browsing around the yard digging weeds -- and Dr. Hoversten was standing by us remarking on his terminated work at Dayton, and remarking on Marilyn's

radiance.

Q Now, did you show him to a room in the house?

A Yes, sir. He had plans for the evening, and I showed him, I think, to the room.

Q Did he arrive by automobile?

A Yes.

Q Who was it that showed him to his room?

A I don't really know. I don't recall.

Q Handing you --

MR. CORRIGAN: Is there another
picture of this house, Fred?

MR. GARMONE: I will look through
them.

Q Where was the room that Dr. Hoversten was lodged in? What room?

A He was lodged in the room on the east end of the house, which actually faces both north and south because the house at that particular point is narrow over the study below.

Q Can you look at Defendant's Exhibit SSS and point out the room?

A Yes, sir. These two windows on the east end of the house directly over the den would represent the room that --

Q You better take it down and show the jury what you are talking about. Just point it out now.

(Witness leaves witness stand.)

A Well, I will show it. The den is here, these two windows represent the bedroom over the den, which is the east bedroom at home. These two windows here (indicating).

Q Now, then, take the stand again.

(Witness resumes witness stand.)

Q Now, then, after you had lodged Dr. Hoversten, did you see him again that evening? That would be Thursday evening, the day of his first arrival.

A I can't say for sure. One of the evenings that he came home, I did see him.

Q Well, if you can't say for sure, let it go at that. I don't want anything --

A I can't say which evening it was that I saw him.

Q Was he supplied a key to the house?

A No, sir, he wasn't.

Q Now, then, on Thursday evening do you remember going to the Howells' house, the house of Mr. and Mrs. Howell?

A May I add something to that --

Q You may.

A Dr. Hoversten did stay with us before, as we mentioned, and he never had a key to the house, never needed one.

Q And he came and went as he pleased?

A Yes, sir.

Q During that time. Now, on Thursday evening, do you remember your activities on Thursday evening?

A I remember going to the Howells' home, yes.

Q And who did you go to the Howells' home with?

A Dr. Max Don.

- Q Was there a particular reason for going to the Howells' home that night?
- A Dr. -- do you want me to state the reason? Yes, there was a reason.
- Q And what was the reason that you visited the Howells' home?
- A Well, Dr. Don had been one of our guests at Put-in-Bay for these races, and he had become quite interested in this particular type of little car, and his wife had also, and he had purchased the car, I believe, that Thursday or the day before.
- Q Well, to cut it short, did you go up there to show them the car?
- A I went up to the house to show them his car, yes.
- Q And what time did you get home?
- A Dr. Don and I, as I recall, had a mutual case or two in the hospital which we had seen earlier that evening or day, and I believe we returned to the hospital and rechecked the patient or patients to assure ourselves that all was well. I must have gotten home around 11:00, but I don't really know. I don't really know the time.
- Q Well, Friday you were about your business as usual?
- A Yes.
- Q Did anything occur on Friday that was out of the ordinary or that was out of routine?
- A Well, I had an extraordinarily heavy brain surgical case

Friday morning, which was about a 4-hour case.

Q Was that the case in which a child was injured?

A No, sir.

Q That was another case. Well, both Richard and Steve or Betty related that on that night, Friday night, that you were at Steve's home.

A Yes, we were.

Q And what time did you go to Steve's home?

A There, again, I don't know the time. It was before dinner.

Q When you went to Steve's home on that night, did you take Chip with you?

A I don't recall that we did, no.

Q Did you have a baby sitter named Jean Disbro?

A We had someone stay with Chip. I don't know whether it was Jean or --

Q Well, do you remember that name, Jean Disbro?

A Oh, yes.

Q And do you remember that she was a baby sitter?

A Oh, yes; a very faithful one.

Q On some occasions?

A On many occasions.

Q And Jean is a girl how old?

A 15 or 16.

Q And does she live in the neighborhood?

A She lives across the street, right next door to the Paines.

Q Now, do you remember at that dinner that you had at Steve's home any talk about the fact that your wife was going to have a baby?

A Yes, sir, I do.

Q How did it come about?

A My understanding is that Betty Sheppard had known about it because she and Marilyn had discussed maternity clothes and, of course, Dr. Steve knew about it. And Steve and Betty were extremely pleased, and they had said that this dinner was a celebration and announcement dinner.

And I believe that Dr. Steve started to kid Marilyn, as he often did, and then Richard and his wife became aware of the fact.

Q Now, at that time had you decided a name for that unborn baby?

A Yes, sir. If it was to be a boy, we had named it.

Q What is that?

A We hoped that it would be another boy, and if it were, we had named it.

Q And what had you named it?

A Stephen Allen Sheppard.

Q When was the first time that you learned, Doctor, that your unborn child was not buried with its mother?

A In this court room.

Q In this court room?

A Yes, sir.

Q Now, then, coming to Saturday, the day prior to this tragedy, that would be the 3rd of July or just before that, had there been arrangements made about what was going to take place at your house on the 4th of July?

A Yes, there were arrangements made.

Q And who made those arrangements?

A They were made by Marilyn, mainly. I had done most of the invitation part of it.

Q And what kind of an event was it going to be?

A It was to be a very casual get-together where we specifically wished to invite the interns and their wives who were finishing their work and leaving town, but others were invited who were available.

Q And were there some picnic supplies laid in by the way of food, and so forth?

A Oh, yes.

Q And what were they?

A Well, chiefly, hot dogs and potato chips, and things of that sort, things that could be ready for anyone who wanted them and that wouldn't spoil for those who didn't want them, and things that would be -- something that could be kept over an hour or two period.

Q I want to go back to Friday night for just a moment. When you left your brother's home, Steve, left Steve's

home, do you recall him testifying, or Richard testifying, that they came around afterwards in a boat?

A Yes, sir.

Q And do you recall them testifying that they got stranded, and you took your trousers off and went into the lake and pushed the boat off?

A Yes. They almost got stranded.

Q Did that happen?

A Yes, it did.

Q Did you have your watch on?

A Yes, I did.

Q Now, on Saturday, what kind of a day did you have at the hospital?

A Well, I had a very busy day and a very difficult day.

Q In what way?

A Well, I had a fairly active surgical schedule which was scheduled that morning, and had taken care of some minor problems in the emergency room.

And a youngster was brought in, by his father, who had been run over by a utility truck.

Q By a what?

A Some sort of utility truck, telephone, gas, something like that.

Q What time was that boy brought in?

A I'm not sure of the time. It was close to noon, I believe.

Q Was he alive or dead?

A His heart had stopped beating when I first examined him.

Q Where was the injury?

A To the chest and head.

Q Was that where a truck had run over a boy's head?

A His head and chest.

Q Now, then, was the father there when you were working on the boy?

A Well, the father was hysterical, and I ran -- I was in what we call our cast room, which is directly inside the emergency doorway, and I ran to the father, as I could see the youngster was dripping with blood and was obviously near death, if not dead, and I took the youngster from the father and said to one of the interns who was with me to call the other interns available to help me to take care of him, get him out of our way, because the man was out of his head.

Q And how old was the little boy?

A I'm not sure of the exact age. Around 2 or 3.

Q And how long did you work over him and try to restore life?

A Well, we restarted the heart beat and placed a needle in the base of the brain and drained a large amount of frank blood from that area and kept him alive for about an hour. He then expired, and we worked with him for

another hour to try to recover him, and finally we were unable to recover him.

Q And when you first received the little boy into your hands from the father, his heart had stopped beating?

A Yes, sir, it had.

Q And then how did you start the heart beating again?

A Well, I rushed him to surgery and we -- I grasped the emergency set, or the nurse, seeing the emergent situation, got it for me, I can't say just how I got it, but we have a set that is available for this type of thing whether it occurs in accidents or on the operating table or whenever a heart stops beating. I opened the chest and stimulated the heart while the other doctors were giving the youngster oxygen.

Q Now, was his head injured?

A Yes, sir, it was, badly.

Q Was the head crushed, the skull crushed?

A Yes, sir, partially.

Q What?

A Yes, it was crushed in the --

Q You determined that there was blood in the cranial cavity?

A Yes, sir, I did.

Q And did you draw off the blood from the cranial cavity?

A Well, I drew off as much blood as I could from the area of the vital centers.

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Q How do you do that?

A By means of what we call a cisternal puncture, and that merely means a puncture -- it is like a spinal puncture, as you would know it, but it is at the very base of the brain behind the uppermost cervical --

Q Would you turn around and show the jury where it is?

A The needle is placed between the first cervical vertebra and the base of the skull, and the needle is directed toward what we call the glabella, which is the brow, like that (indicating), and that needle passes partially into the opening of the skull and finds at its tip the area covering the vital centers of the brain, the centers that control respiration, that control heart beat, and we know that in such a case that irrespective of the other injuries that the youngster or individual might have, it is the blood and pressure in this vital area that causes death, so if we can relieve that particular pressure we have a chance. The chance may be slim, and it often is, but we take it.

Q Now, then, you worked on that boy for that length of time. About what time were you finished with that particular work?

A I can't be sure of the time. 2 o'clock.

Q Did that work on that day have any particular effect upon your energy, your strength?

A Yes, sir.

Q In what way?

A Well, it certainly made me feel badly, and it exhausted me. The resuscitation of the heart for an hour straight in itself is an exhausting thing, just the physical work of being over a table and a continuous use of your hand, let alone the emotional strain and stress of working on a beautiful little youngster.

Q Did you feel exhausted after that morning and afternoon?

A Yes, I did, and I was unable to eat my lunch. I just wasn't hungry and didn't eat.

Q Now, during the afternoon -- what time did you go home?

A I went home after 5 o'clock sometime, I believe.

Q That was the evening that the Aherns came to dinner at your house?

A Yes.

Q Well, now, did you know of any arrangements that had been made for the Aherns to come to your house that night?

A No, I didn't know about that arrangement until I got home.

Q And what time did you get home?

A Sometime after 5 o'clock.

Q And when you got home were you informed about it then?

A Yes. I had mentioned something about working in the yard, and Marilyn said, well, she and Nancy had gotten together and decided that both of our families had nothing better to do, so they thought we'd have dinner together. We

often do that.

Q Now, did you go to the Aherns' house later?

A We went to the Aherns' house, yes, shortly thereafter.

Q And how did you go there? Did you walk or did you drive?

A We drove.

Q Was Chip along with you?

A Chip was aware that we were going to stop at the Aherns and then return to our home, and he enjoyed the Ahern children. He may have run ahead or he may have come with us.

Q About what time did you get up to the Aherns, just approximately?

A Probably around six o'clock.

Q And you stayed at the Aherns on that occasion how long?

A Well, shortly after we got there, I was called by the hospital. I leave my number wherever I go, and the hospital called.

Q And did you go to the hospital?

A Yes, sir.

Q And was there some kind of an emergency there facing you then?

A Yes, sir.

Q What was it?

A A young boy had broken his femur, the thigh bone, which

is a known rather serious problem in anyone, particularly a youngster.

Q Did you work on that youngster?

A I checked the X-rays and discussed them with the father, and I prescribed a certain type of traction treatment to be instituted immediately. I did not perform any surgery or anything of that type at that time.

Q You examined him and determined what should be done?

A Yes, sir.

Q And the traction treatment is where weight is put on the end of the --

A That's right.

Q -- foot, immobilized, and holds it straight, and --

A And it pulls it out so that the ends will approximate.

It is the type of fracture that in an adult we often have to take care of by open surgery, but we try not to open the --

Q What time did you complete your work on that particular case?

A I'm not sure of the time. It took me half an hour or so to check the X-rays. The X-rays were dry, and then I had them put the X-rays back in the bath, the water bath.

Q In accident cases that you have attended, both out in Bay Village and Los Angeles, and during your practice, have you ever had to work at night in the dark?

A Yes, sir.

Q And how did that come about, Doctor?

A Well, many accidents, of course, occur in the dark, and on many of these occasions I have been called on the scene of the accident and have had to give these patients medication, injections, evaluate their condition in very, very dim light, if not total darkness.

Q Officer Drenkhan told about a case that you went on when you were all at a party at Mayor Houk's, that occurred. Do you remember that?

A Yes, sir, I do.

Q And where did that occur and what kind of a case was it?

A It occurred on Lake Road on the 4th of July, just a year before this tragedy.

Q What kind of an accident was it?

A It was an accident in which a man drove off the road and into a wooded area, striking a tree, and it produced rather serious results in several -- in two or three of the passengers.

Q Did you work in the dark there?

A Yes, sir, I did. There were three babies in the car, and I had to evaluate and assure myself that they were all right, which they were, and two women were quite severely injured. One woman -- both women had multiple fractures

of the pelvis. One had a bad laceration of the face and of the eye, which we were later able to save, but which needed care immediately.

Q That was at a dark spot that you were working on those people?

A Yes, it was.

MR. CORRIGAN: There seems to be so much noise back here, your Honor, people going in and out, the door slamming. Can't we have a little quiet?

THE COURT: Unless we can have this movement decreased, the Court will have to close that door.

Q Now, Doctor, after you completed your work in the hospital, did you return to the Aherns?

A Yes, I did.

Q And was your wife there at that time, do you know? Do you remember?

A I can't --

Q On the second return.

A I can't say for sure whether she was there or left -- whether she had left when I got there or left very shortly thereafter. My recollection is that as soon as I got there, she took our car and proceeded home with it, told me to come with the Aherns, and I just commented, "Well,

if I had known you were coming right home, I would have stopped there."

Q Now, then, about what time was it when you all were together over in your own home gathered for this Saturday night supper?

A There, again, I didn't look at my watch, and I would assume around eight.

Q And it was related by Don Ahern that when you were there that he and you went down and looked at the lake. Do you recall going down to the lake with Don Ahern?

A I truthfully can't recall that, but there are other things that I can't recall.

Q Now, it was also related that you sat out on the porch and ate supper, and I am not going to go into the details of that, because I guess the jury all knows about it from what they have heard, and that after you had eaten your leisurely supper, that then Marilyn and Mrs. Ahern cleaned up the dishes and you went into the living room.

Do you recall whether those are the things that occurred as have already been related?

A My recollection from dinner until we sat and watched television is so hazy that I just can't say that I remember anything specifically.

Q But as the things have been related, they are generally correct, as you remember them, is that correct, Doctor?

- A There is nothing that's been related that I could say was incorrect.
- Q Now, then, was it a windy night?
- A Yes, it was windy.
- Q Well, you ate dinner on the back porch?
- A Yes, sir. The front porch.
- Q On the front porch?
- A Yes, sir.
- Q That is an open porch except there are screens around it?
- A It is open on three sides.
- Q And were there candles on the tables as you ate this evening meal?
- A Yes, sir, there were.
- Q Well, did they sputter and flicker and blow out at any time?
- A Well, they flickered, but they stayed lit.
- Q In other words, the wind wasn't high enough to blow the candles out?
- A It didn't seem to me.
- Q Now, then, after you had come into the living room do you remember your activities after that?
- A I don't remember anything definitely until Marilyn and I were in --
- Q Well, now, you tell in your own words what you remember about what took place. You know you fell asleep, don't you?

A Yes.

Q Will you tell the jury in your own words, without me putting questions about it, what you remember of the events of that Saturday evening after supper?

A Well, after having heard the Aherns mention the fixing my youngster's airplane, I have a very vague recollection of doing that at sometime, but it could have been a week before or the day before, or most any time, so I can't say definitely that I remember that that evening.

Q That is, if that was important in this case, you say you can't remember it definitely?

A If that were important in this case, that would --

MR. PARRINO: I object to this,
if the Court please.

THE WITNESS: I don't remember it
definitely.

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Q I see. Now, then, you go ahead now in your own words and tell just what you remember about the events of that Saturday night before you went to sleep?

A I remember sitting in one of the big chairs --

Q A little louder, please.

A I remember sitting in one of the chairs in the living room with Marilyn. We were sitting in the same chair, quite close by necessity and watching the television. Mrs. Ahern sat in another chair, I believe it's a little Boston rocking chair that I had gotten for Marilyn, alongside. Mr. Ahern, I recalled after having Mr. Rossbach remind me, was over in the corner for some time listening to the baseball game.

Q Now, did you remember that fact, that Mr. Ahern was listening to the baseball game, when you first talked to Mr. Rossbach about this case?

A No, I didn't, and I didn't --

Q How was it brought to your attention?

A Well, he asked me about it.

Q And then it came back to your mind?

A Yes.

Q All right.

A He also asked me about the punching bag incident, which I hadn't recalled.

Q And when he reminded you of it, you remembered it, is that

it?

A Yes, sir.

Q Now, then, go ahead.

A This entire experience is like a bizzare --

MR. PARRINO: I object to this,
if your Honor please.

MR. MAHON: Object, if your
Honor please.

THE COURT: He is asking you
to tell what happened.

MR. CORRIGAN: Go ahead, Doctor.
Never mind what Mr. Parrino says. Pay attention
to the Court.

MR. MAHON: Now, wait a minute.

A (Continuing) Any definite and specific recollection at
this time of this event or of these events is with extreme
haziness and difficulty.

Q Tell them --

A But at one time while Marilyn and I were sitting there,
Mr. Ahern came over to the area to sit down in front of
the television set, and Mrs. Ahern laughingly said some-
thing about Marilyn and I weren't the only ones that
could be loving, or something of that sort, and she sat
in his lap.

Q That's when you and Marilyn were sitting together on the

same chair?

A Yes.

Q All right. She sat in his lap. Now, tell me the next thing that you remember, just as you remember it?

A I believe that Marilyn commented that sitting in the chair in the one position bothered her back somewhat, and she moved to the chair on the other side of the little table, the same type chair, I think. And shortly thereafter I decided I would be more comfortable on the couch lying on my stomach and watching television facing north, being somewhat tired, and I went over to the couch and lay down.

I watched television for a while, the length of time of which I can't be sure, and I must have fallen asleep.

Q Now, where was the couch?

A The couch was and is at the base of the stairway. Actually, it would be best explained at the east portion of the L of the living room.

Q And where was the television, in which part of the room?

A The television is on the north wall of the living room.

Q And from the position that you were lying in on the couch, could you see the television?

A Yes, sir. I often did that.

Q What position were you lying in on the couch, on your side or on --

A As I remember, I was on my stomach, face down. I shouldn't say face down, but in a prone position with my head up.

Q And you fell asleep?

A Yes, sir.

Q Could you tell about what time that was? Have you any recollection of the time?

A No, I don't.

Q Now, when you fell asleep, do you remember how you were dressed when you laid on that couch?

A I remember how I was dressed earlier in the evening.

MR. CORRIGAN: Let me have

those trousers, the shoes and the socks and the jacket.

Q Handing you State's Exhibit 25, will you examine those, Doctor, and state whether or not you recognize those as the trousers you wore on the night of July 3rd?

A I believe these are the trousers. That wasn't torn. The belt, I believe, is mine.

Q Was the pocket torn in that manner?

A No, sir, it wasn't.

Q Those are the trousers and the belt.

Handing you Exhibit 28, are these your shoes?

A Yes, they are.

Q Handing you Exhibits 28, 29 and 30 -- those are the socks you had on?

A They could be the socks I had on. The underwear and handkerchief probably is. I don't remember --

Q Well, did you have a pair of underwear that had a lot of automobiles on it?

A Yes. My wife bought those for me.

Q Now, will you examine the trousers between the belt and the knee? Is there any blood spots on them except the one on the left knee?

A No, sir.

Q There are not. Will you examine the belt -- you haven't seen these since the night of July 4th, have you?

A Not until they were introduced in evidence here.

Q I say, you have not had them in your hands?

A No, sir.

Q This is the first time they have come up. Will you examine that belt and see if you find any blood spots on it?

A I don't see any spots that resemble blood.

Q All right. Will you examine the socks and see if you find any spots on these socks that resemble blood?

A There's sand here. I don't see any spots that could be blood on these socks.

Q All right. Now, that is the first time you have had them since the night of July 4th.

Now, in examining these socks, did you find anything

in them at this time?

A Yes. There's sand here in the pile and on my pants and down on the floor here.

MR. CORRIGAN: Will you get me
a card?

MR. GARMONE: Yes.

THE WITNESS: There's some in
here, too.

Q What?

A There's quite a bit in the shoe here.

Q Knock it out.

A Well, it's kind of stuck in here.

Q Well, is there sand in the shoes?

MR. MAHON: May we have an
answer?

MR. PARRINO: We can't hear,
Doctor.

MR. MAHON: We can't hear you.

A Yes, there's sand in the shoes. I would like to examine them a little more closely, if I may.

Q All right. Take these apart, and I want you to examine the shoes, also, and find any blood spots on the shoes.

A Do you have a knife that you can cut this with?

Q Yes.

A Well, there's sand all along the edge of the insole.

Q Now look at them and tell the jury whether there is any blood on the shoes from your visual examination?

A There's one spot here that could be old blood.

Q Where?

A Right here (indicating).

Q Well, what is it?

A I don't know what it is.

Q I see.

A It's probably polish, but --

Q Never mind until I ask you a question. I just asked you to look at them.

A In the left shoe there's sand all through the heel portion along the edge of the insole. It looks like it's stuck.

Q Is that all you notice about these shoes? How long have you had these shoes, by the way?

A Oh, two or three years.

Q What?

A Two or three years.

Q You have worn them at work?

A Yes, sir.

Q And play?

A Yes, sir. I may have had them on -- I've worn them everywhere, everywhere I could.

Q Now, after you fell asleep on the couch, do you remember, before going upstairs on the occasion when you heard your

wife call whether you awakened between these two periods?

MR. MAHON: Now, if your Honor please, may we have the witness testify without Mr. Corrigan testifying?

THE COURT: Yes.

MR. MAHON: There has been no evidence that this witness said anything about his wife calling.

MR. CORRIGAN: Why, certainly there is. There is a whole statement --

MR. MAHON: Not by this witness.

THE COURT: This is direct examination. There ought to be direct questions, I think. All right.

MR. CORRIGAN: He says there is no evidence, your Honor.

MR. DANACEAU: By this witness, he said.

MR. MAHON: By this witness.

MR. CORRIGAN: There's a statement in here by this witness that has been introduced in evidence.

THE COURT: All right. In any event, put your questions direct to him.

Q During the night, were you awakened?

A Yes, I was.

Q And what awakened you?

A My wife cried out.

Q Now, between the time when you were awakened by the cry of your wife and the time that you first fell asleep, do you know whether there was any period in that time when you were awakened?

A I have a very vague recollection of being aroused between that time I went to sleep and the time I heard my wife cry out.

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And what is your vague recollection of when you were aroused and how you were aroused?

A About my only definite recollection is that I was aroused, and I do assume and have assumed that my wife notified me that she was going to bed. That was her habit.

Q Do you recall any other incident of where you were aroused after you fell asleep?

A No, sir, I don't.

Q Mrs. Ahern testified that while the moving picture was going on, and after you had fallen asleep, she called you, "Wake up, Sam, the picture is getting good," and that you raised your head and looked for a moment, then fell back asleep. Do you recall that?

A No, sir, I don't.

Q Now, then, coming to the time when your wife -- you heard your wife cry out or heard a noise from your wife's bedroom, have you told the events of that night to anyone before today?

A I certainly have.

Q And who have you told them to?

A Do you want the list of the names?

Q Yes. I want the list of the number of people you told them to, and the number of times that you have been asked to go over the story that I am going -- that you are going to tell in this courtroom, or the events that you are going

to tell in this courtroom. When was the first time that you were questioned about it?

A The first time I was questioned about it was when Mr. Houk entered the house with his wife.

Q Do I want what?

A With his wife.

THE COURT: Mr. Houk and his wife.

Q With his wife. Now, then, when was the next time that you remember talking about what took place on the morning of July the 4th?

A As I say, I talked with Mr. Houk. I don't know exactly when it was, or certainly don't know what I said to him.

I spoke with Md. Drenkhan after he arrived. I was questioned by Dr. Gerber at the hospital the morning of the tragedy. I was questioned by Officer Schottke and Gareau on the morning of the tragedy, and I was questioned by Officer Schottke, Gareau and Chief Eaton the afternoon of the tragedy.

I don't recall discussing the events of the tragic situation with Mr. Reese or with Dr. Foster, but I was discussing and talking and bringing up subconscious feelings, evidently, to most anyone and everyone.

Q Do you remember talking to your brothers?

A I remember talking to my brothers, but I don't remember what I said.

Q Do you remember talking to your father and mother?

A I remember seeing them.

Q And do you remember any other people that you talked to on that day when the events of the morning of July the 4th were discussed?

A That's -- Mr. Houk came back down to the hospital, I believe later in the day, and he and I may have discussed it briefly.

Q Now, after the 4th of July, were there any other people that interviewed you about the events of the 4th of July or the morning of the 4th of July?

A Yes, sir.

Q Whowere they that interviewed you and talked to you about the events of the morning of the 4th of July? Can you give me them in order, during that week, as far as you can remember?

A Well, on the next day Officer Rossbach and his partner, Officer Yettra --garden?

THE COURT: Yettra.

A -- Yettra, came in and had a brief conversation with me and Officer -- do you want me to comment on what was said, or --

Q No, I don't want the comment on what was said. I just want to find out --

THE COURT: The occasions.

Q -- the number of people and the time that this matter was discussed by you with officers, and so forth, so that the jury will understand how many times you told -- related the incidents of the morning of July 4th.

A On Thursday of that week I went through the situation rather thoroughly with Officer Rossbach and Yettra and Officer Drenkhan.

On Friday I went over the events again with the same men at my home.

On Saturday I was questioned from approximately 8:30 to 9 o'clock to around 11 by Mr. Parrino, which was followed by a written statement which has been introduced here as evidence. That was Saturday.

Q I just want the --

A Thereafter, I discussed the situation with Dr. Moritz at one time or another. He wasn't particularly interested in the --

Q Well, now, wait a minute. You discussed it with Moritz. Who is Moritz?

A Dr. Allan Moritz.

Q Yes.

A He is the head of the Pathology Department of Western Reserve University, I believe.

Q And where was it discussed with him?

A At Dr. Stephen Sheppard's home.

Q Now, who else do you remember discussing it with?

A Well, we -- I discussed it with Mr. Houk a time or two, once in his home and once or twice at the City Hall. I discussed it with Officers Hubach and Drenkhan on several occasions at both my request and their request.

I was submitted to rather extensive questioning at an inquest, which has been referred to here, and I have been questioned rather thoroughly since the time of my arrest.

Q And you were arrested on July the 30th?

A That is a matter of record. I couldn't say.

Q Now, then, you check that so when I come to that particular point you will know the date you were arrested. Will you?

A Well, the notes that I took at that time were taken away from me, but I did make some notes later to try to pick up the lost --

Q After you were arrested and placed in jail, were you questioned then about the events of July the 4th?

A Yes, sir, I was.

Q Now, then, in the matter of sleep, can you state to the jury at this time what type of a sleeper that you are?

A Well, I have been known to be a heavy sleeper.

Q And at the time that you lied down on that couch on that night, what was your physical condition in regard to exhaustion?

A Well, I would say that I was tired both physically and mentally.

Q Now, then, Doctor, the events of July the 4th, the morning of July the 4th, that you have just testified that you have repeated so many times, will you in your own words repeat them for this jury?

A Yes, sir, I will.

Q You go ahead and repeat them and tell them.

A The first thing that I can recall --

Q A little louder, Doctor, so that the last person can hear you.

A The first thing that I can recall was hearing Marilyn cry out my name once or twice, which was followed by moans, loud moans and noises of some sort. I was awakened by her cries, and in my drowsy recollection, stimulated to go to Marilyn, which I did as soon as I could navigate.

Q Now, just one question there. Did you have a thought in your mind at that time as to what caused Marilyn to cry out?

A My subconscious feeling was that Marilyn was experiencing one of the convulsions that she had experienced earlier in her pregnancy, and I ascended the stairway.

As I went up the stairs and into the room I felt that I could visualize a form of some type with a light top. As I tried to go to Marilyn, I was intercepted or grappled. As I tried to shake loose or strike, I felt that I was

struck from behind, and my recollection was cut off.

The next thing that I remember was coming to a very vague sensation in a sitting position right next to Marilyn's bed facing the hallway, facing south. I recall vaguely recognizing my wallet.

Q Now, just a moment. At that point, have you any way or can you determine -- is there any way of determining the length of time between the time you were knocked out and when you came to this sitting position?

A No, sir, no way that I know of.

Q Now, I am handing you State's Exhibit 27 and Defendant's Exhibit T. Is that your wallet?

A Yes, sir, it is.

Q When was the last time you had it in your hand before I handed it to you this morning?

A It must have been that morning.

Q That morning. Now, you say -- what?

A I may have had it in my hand at the inquest. I'm not sure whether Doctor Danaceau handed it to me or just held it.

Q I see, but --

A Mr. Danaceau, excuse me.

MR. CORRIGAN: I am going into this matter now that includes that event of July the 4th, and I would like to have it continuous. I

wonder if we could have a recess now and then continue, and then I will complete that matter by 12 o'clock.

THE COURT: Sure.

Ladies and gentlemen of the jury, we will have a few minutes' recess at this point.

Please do not discuss this case.

(Thereupon a recess was taken at 10:40 o'clock a.m.)

(After recess, 11:00 o'clock, p.m.)

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Q Dr. Sheppard, will you look around this court room for a moment at the people that are here?

(Witness complies with request.)

Q Do you know these people?

A I know about four of them.

Q About four of them. The rest are strangers?

A Yes, sir.

Q Now, I have come to the point where you had awakened and saw the faint glow of your badge on the floor. Do you remember?

A Yes, sir.

Q Was there a light in the house anywhere?

A Yes, sir, there was.

Q That you remember?

A There was a light.

Q And where was that light?

A I cannot say for sure, of my own knowledge.

Q There was some kind of a light?

A Yes, sir.

Q Now, then, after you awakened or came to consciousness, repeat, as best you can in your own words, to this jury what you saw and what you did?

A Well, I realized that I had been hurt, and as I came to some sort of consciousness, I looked at my wife.

Q What did you see?

A She was in very bad condition. She had been -- she had been badly beaten. I felt that she was gone. And I was immediately fearful for Chip.

I went into Chip's room and in some way evaluated that he was all right. I don't know how I did it.

I at this time, or shortly thereafter, heard a noise downstairs.

Q And what did you do when you heard the noise downstairs?

A And I -- I can't explain my emotion, but I was stimulated to chase or get whoever or whatever was responsible for what had happened. I went down the stairs, went into the living room, over towards the east portion of the living room, and visualized a form.

Q Now, where was that form when you first visualized him?

A Between the front door of the house and the yard somewhere.

Q Now, are you able to tell the jury what your mental condition was when you came out of this -- awoke from this attack?

A I was very confused. It might be called punchy, in language that we use as slang. I was stimulated or driven to try to chase this person, which I did. My --

Q And when you saw the form, what did you do?

A Well, I tried to pursue it as well as I could under the

circumstances.

Q And where did you pursue it?

A Toward the steps to the beach, at which time I lost visualization of this form.

Q Was it dark?

A Beg pardon?

Q Was it dark? Dark?

A Yes, sir, it was dark, but there was enough light from somewhere that I could see this form.

Q Yes. All right.

A I descended the stairway and to the landing, and I visualized the form going down, or as he came on the beach. And it was at this time that I felt that I could visualize a silhouette that was describable. I --

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Q What happened on the beach?

A I descended as rapidly as I could. I lunged or lurched and grasped this individual from behind. Whether I caught up with him or whether he awaited me, I can't say. I felt as though I had grasped an immovable object of some type. I was conscious thereafter of only a choking or twisting type sensation, and that is all that I can remember until I came to some sort of very vague sensation in the water, the water's edge.

Q Were you able to determine anything about that person?

A Yes, sir.

Q And what?

A Well, I felt that it was a large, relatively large form; the clothing was dark from behind; there was evidence of a good sized head with a bushy appearance to the top of the head -- hair.

Q Now, then, when you came to the second time, just where were you?

A I don't know exactly where I was. I was --

Q Were you on the beach?

A I was on the beach, with --

Q Where was your head and where were your feet?

A My feet were in the water and my head was directed ^{to} the sea wall, toward the south, generally. I could have been askew slightly. The waves were breaking over me and even moving

my lower part of my body some.

Q What was the condition of light at that time?

A Light?

Q Light, yes.

A It was light enough to see at that time. I could see Huntington pier later when I came to enough sensation to see at all.

Q Day was breaking, is that right?

A I would say it had broken somewhat.

Q Day had broken. What was your mental and physical condition, as you remember it now, that you were in at the time that you came to consciousness on the beach?

A My mental condition was that I was extremely confused, I didn't know where I was or how long I had been there, or my own name, for that matter.

Q Do you know how long you lied on the beach before you got up?

A No, sir, I don't.

Q Well, you did get up to your feet?

A I finally did.

Q Do you know how you got up the steps? Do you have any recollection of that?

A I remember, as I finally came to enough sensation to get to my feet, I rather staggered up the stairway, and as I was going up, or as I was recognizing that this was my house, I entered the house and came to the realization that I had

been hurt and that I had been struck by an intruder, and I was then fearful for Marilyn, although I can't say that I actually remembered of seeing her.

Q You remember what?

A I can't say that at that time I remembered seeing her the previous time upstairs.

Q How was your mind working? Was there any blocking of your mental processes at that time?

A The best I can explain it is that my mind was working like a nightmare or a dream, very horrible dream.

Q And then what did you do when you got in the house?

A I eventually went up the stairs. I'm not sure just exactly how rapidly I went upstairs, but I did finally go upstairs, and it was at that time that I re-examined Marilyn.

Q Was there enough light in the room then to see her?

A Yes, sir.

Q What did you see?

A I saw that she had been terribly beaten.

Q Did you determine she was dead?

A Yes, I thought that I did.

Q What was your feeling at that particular time, if you had any feeling, that you remember?

A I was horrified, I was shaken beyond explanation, and I felt that maybe I'd wake up, maybe this was all a

terrible nightmare or dream, and I walked around, paced. I may have rechecked little Chip. Very likely I did, but I can't say specifically that I did, and I may have gone back in to see Marilyn.

As I recall -- I could have passed out again, I don't remember, but I was staggered. Finally I went down the stairs trying to come to some decision, something to do, where to turn. I must have paced and walked around downstairs trying to shake this thing off or come to a decision, and I thought of a number and called it.

Q What was the number you thought of?

A I thought that the number was that of Mr. Houk's.

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- Q Do you recall what you said to him over the phone?
- A No, I don't.
- Q Where was the telephone?
- A There are two phones downstairs. I'm not positive which one I used.
- Q And do you know how long it was, have you any recollection of the length of time, between your telephone call and the appearance of Mr. and Mrs. Houk?
- A It seemed like a long time, but it evidently was a relatively short time.
- Q And do you know where you were or what you were doing between the time that you made the telephone call and the arrival of Mr. and Mrs. Houk?
- A I was walking through the house again and trying to -- trying to clear my mind, trying to remember what had happened, trying to remember a description of this individual that I had seen, trying to differentiate whether there were two people or one, in fact, almost thinking there were two.

I shortly before the Houks came stopped in the kitchen and put my head on the table, and that is the first time that I recall realizing or recognizing that I had a very severe pain in the neck. Up to that time, I may have been holding my neck, but I don't remember. And at that time I felt that my neck was injured.

Shortly before the Houks came, I was in that position or had moved on into the den.

Q Now, do you know or do you remember any injury that you had to your mouth and any bleeding from your mouth?

A At that time, no, sir.

Q What?

A Not at that time.

Q When was the first time that you were aware of the fact that your mouth was injured?

A Dr. Stephen mentioned it when he examined me at the hospital, I believe.

Q That was the first time that you knew your mouth was injured?

A Yes, it is.

Q Realized it?

A Yes, sir.

Q And your face was injured. Which side of your face was injured?

A From my recollection at that time when the Houks arrived, I had no feeling, I had no knowledge that my face was injured, except that I was groggy and injured generally.

Q And your mental processes, how were they operating?

A They were not functioning well.

Q And do you know whether your mouth was bleeding when you were in the house?

A I don't know.

Q I see. You have no recollection of wiping off any blood from your face, or anything like that?

A No, sir, I don't.

Q Now, then, the first time you realized the pain in your neck was when you sat down at the kitchen table?

A That's the first time that I can say that I consciously felt the pain and recognized it as such.

Q What kind of a pain was it?

A A very deep seated pain, and more than a pain, a feeling of instability or a feeling of looseness, as though my head were going to topple off my neck, as though there wasn't enough support for it.

Q Now, then, do you know where you were when Mr. and Mrs. Houk arrived, do you recall that?

A I cannot say for sure.

Q Did you see them arrive?

A You mean did I see them come in the driveway?

Q Come in the door?

A No, sir.

Q What?

A No, I didn't.

Q Now, then, where did you see them when you first became conscious of the fact that they were in the house?

Do you remember where you first saw them, or either one

of them?

A The first time I recall -- about the best thing I can remember, as far as my first contact with them, was hearing them. I don't have any visual image of either of the Houks until -- in fact, I can't say that I can really remember clearly seeing either of them.

Q What is that?

A Other than -- you want a clear recollection, is that it?

Q Well, if you have a clear recollection. But if you don't, you tell the jury just what you know, because you were the only one that was there, they were not there.

A I remember hearing the Houks and vaguely seeing them in the den.

Q Do you remember what position you were in the den?

A From my own recollection, I can't really say.

Q I see. What was the next thing -- what is the next thing that you recollect?

A I remember Dr. Richard. He told me that Marilyn was gone.

Q What?

A I remember Dr. Richard told me that Marilyn was gone and he couldn't do anything for her.

Q Did you have any conversation with him at that time, that you remember?

A I remember falling to the floor.

Q And after you fell to the floor, what was the next thing

that you recollect?

A Sometime in there Officer Drenkhan spoke to me, I think, asked me how I was injured, or something to that effect.

Q Do you recall what you told Mayor Houk and Drenkhan on that morning? Have you got any clear recollection --

A No, sir.

Q -- of the facts that you spoke to them and the questions they asked you, and so forth, on that morning?

A No, sir.

Q You have not. Well, after you recollect talking to Officer Drenkhan, what's the next thing that you remember?

A Well, now, my comment with Officer Drenkhan is not necessarily in order. I don't know when it was or I certainly can't pinpoint it. I remember Dr. Steve.

Q And tell what you remember from that time on?

A Well, there was a mass of confusion generally. I remember Dr. Steve saying something about getting me out and some comment about how or could I help myself, and I believe that I told him that I had been walking and could get to my feet.

Q And did you then get to your feet, do you remember?

A I was aided out to Dr. Steve's car. I can't say by who or how it occurred.

Q Do you remember Dr. Carver being there?

A I can't say that I do.

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Q Do you remember Betty being there?

A I think that I do.

Q What is your recollection about Betty?

A My recollection about Betty is that as we drove to the hospital, she was near me, and she said something or brought to my attention the fact that I was shuddering, quaking.

Q Did you know it?

A Not consciously until it seemed that Betty called -- made some mention of it.

Q Betty told of statements and mumbling that you made as you went to the hospital. Do you remember that, what you said?

A No, sir, I don't.

Q Do you remember arriving at the hospital?

A Very vaguely.

Q What do you remember -- tell the jury -- about what was done when you arrived at the hospital and who took care of you?

A Well, I was placed on some sort of a conveyance. The only individual that I remember seeing there was my father.

Q Do you remember going into X-ray?

A Very hazily.

Q Do you remember the young lady that took the X-rays? Do you remember her that morning?

A No, sir.

- Q Do you remember talking in the X-ray room, to the X-ray room?
- A No, I don't.
- Q Do you remember saying, "I had to get to Marilyn. I heard Marilyn scream. I tried to get to Marilyn but couldn't get to her"?
- A I remember feeling that, sir, but I don't remember saying it.
- Q Do you remember feeling it?
- A Yes.
- Q But you don't remember saying it?
- A No, sir.
- Q Now, then, what is the next clear recollection that you have after your arrival at the hospital?
- A I remember Dr. Steve commenting on my cut mouth and teeth, and the pain that I had when he tested my teeth.
- Q What is the next recollection you have? What recollection do you have?
- A I remember of getting a shot, and about the next clear recollection I have is being questioned by two police officers.
- Q Now, who were those two police officers?
- A At that time I didn't know.
- Q Did you later find out who they were?
- A Yes, I did.
- Q And who were they?
- A Officers Schottke and Gareau.

- Q Do you remember Dr. Gerber coming into your room that morning?
- A Yes, sir.
- Q And will you tell me what you remember about the visit of Dr. Gerber, what you recollect about his visit?
- A Well, I remember that he was smiling, and I couldn't understand how anybody could smile at such a time. He asked me if I had chipped any teeth --
- Q If you what?
- A If I had any chipped teeth.
- Q Do you remember what you answered him?
- A I believe that I said that Dr. Steve had found some chipped teeth.
- Q Did he look in your mouth?
- A I don't recall that he looked in my mouth, no.
- Q He asked you if you had chipped teeth?
- A Broken teeth, yes. He looked at me, how carefully, I can't say, but he seemed to look at me very closely in the face and head, close -- well, maybe from here to here (indicating).
- Q What?
- A He was quite close. He asked to look at my hands, had me hold my hands out like this up on the bed (indicating). I was on the bed actually back. He looked at the hands at one side, and --

Q Did he touch your hands?

A I don't remember. And then the other way, and what else he did, I can't recall. He asked me some questions about the events, which I did my best to answer him.

Q Which what?

A He asked me some questions about the events of the tragic situation, and I did my best to answer him.

Q Now, he stated that somebody took your blood pressure and that he watched the man taking the blood pressure, and from that he learned what your blood pressure was. Do you remember him testifying that way?

A Yes, I do.

Q What is the fact as to whether or not you can tell what a person's blood pressure is by just watching?

A You can't.

Q Why? Tell the jury how it is taken and why you can't tell by just observing.

A The pressure -- blood pressure is taken by placing a cuff around the arm, as you all have no doubt experienced, and the cuff is pumped up to a point where the pressure obliterates or collapses the main arteries of the arm.

The cuff is then released very slightly and very gradually, so that as that cuff releases the first pulse pressure that hits that cuff that will expand it and get

by, in other words, the artery pressure, as soon as it equals the cuff pressure, it pushes the cuff away and the arterial blood gets through the arteries and pulsates through.

Well, that pulse is picked up with a stethoscope

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or with a hand. You can tell actually sometimes the blood pressure, the systolic or higher portion by feeling it, because when the arterial blood gets through or the artery is re-expanded and the blood rushes back through, you feel the pulse again, until that -- or when the cuff is so tightened that the arterial blood does not get through, there is no pulse, it doesn't get through.

Q So that watching the column of mercury is only one phase of determining blood pressure?

A Watching the column of mercury has nothing -- it gives maybe a vague impression, because as the pressure is released, there often is a little bobble in the mercury as the pressure exerts itself, and then as the pressure gets below the normal blood pressure that little bobble isn't seen again, but that is difficult to pick up and totally unreliable, plus the fact that the diastolic pressure, which is often more important, which represents the venous pressure, and is picked up by the fading of this pulse in the stethoscope, is obtained only by a stethoscope, and that is why we use the stethoscope in obtaining blood pressure.

Q On that morning, your brother testified, Steve, that he picked up a pair of gloves.

MR. CORRIGAN: Will you give the gloves to Dr. Sheppard?

I had a little pile of sand up here on
a sheet.

MR. PETERSILGE: Here it is, Bill.

MR. CORRIGAN: Now, I want that
marked Defendant's Exhibit 18.

(Defendant's Exhibit 18,
being sand, was marked for
identification.)

Q Defendant's Exhibit 18, this is the sand that a little while
ago we took out of the socks?

A That is a part of it.

MR. CORRIGAN: I introduce that
in evidence.

THE COURT: It will be received.

MR. CORRIGAN: And pass it to the
jury. Hold it stiff so that it doesn't spill.

(Defendant's Exhibit 18
was offered and received
in evidence.)

(Defendant's Exhibit 18 was examined by
the jury.)

(Thereupon the sand was poured in a bottle.)

MR. CORRIGAN: Now, we have placed that in a bottle, your Honor, which we will mark with the same number, Exhibit 18.

THE COURT: That will be 18.

JUROR MRS. BORKE: Mr. Corrigan, can I ask Sam a question?

MR. CORRIGAN: Go ahead.

JUROR MRS. BORKE: Dr. Sam --

MR. MAHON: Wait a minute.

MR. DANACEAU: Wait a minute, now.

MR. MAHON: Just a moment. You better ask the Court.

JUROR MRS. BORKE: Judge, can I ask the doctor a question, please?

THE COURT: No. That isn't permitted.

THE WITNESS: Can't she --

Q Handing you, Doctor, two pairs of gloves marked Exhibit 23 and 24, I think the canvas gloves are marked Exhibit 23, is that correct?

A Yes.

Q Those are the gloves that your brother, Steve, said that he pointed out to Chief Eaton, do you remember?

A Yes.

Q Do you recognize those gloves as being your gloves?

A Yes, I believe they are my gloves.

Q Now, Miss Cowan testified that when she examined them, that she found on the -- I'll break them apart. The others I don't think we are interested in, so you can lay them aside.

A Were these not found with those?

Q Yes, they were. Are they yours?

A Yes, I believe these are gloves that Marilyn's -- yes, they were given to me by, I think, Mrs. Reese some years ago.

Q All right. Miss Cowan testified that on the back of the -- this is the left and this is the right -- on the back of the right, that there was a small spot of blood, that she determined was blood. Now, can you tell the jury anything about the history of these gloves?

A Well, that is one of a couple of pair of work gloves that we had had around our home for probably since we have had our home, three years, and they have been used for numerous things. I kept them in various places, oftentimes in the pocket of a dungaree work jacket that I have. That work jacket has been on me on several occasions of emergency in which I was working in the yard and had to jump in the car and attend to the emergency. One, as I recall, was about a year ago now. It was

actually between Christmas and New Year's, and an accident had occurred just east -- no, just west of the bottleneck at the Huntington Park brick pavement, where it comes into the asphalt pavement near our home.

There were, in fact, two accidents in that area, but one more severe than the other, at which time I administered to two young Marines who were trapped in their car. We got them out, and there was bleeding at that time, and I'm sure I got blood on my work jacket. I certainly may have gotten blood on those gloves if they were with me. They could have been.

Young Chip has certainly bled from time to time around the house.

Q Well, the fact is, Doctor, that in your work, in the work that you have been carrying on, it wouldn't be very difficult to find blood on some of your clothes or some of your equipment, is that correct?

A That's correct. I'm sure there's blood on some of my overcoats and some of my other apparel.

Q Now, then, do you recall after Dr. Gerber came, the next persons that appeared in the hospital?

A I don't remember in order, but I do remember seeing Mr. Reese and Mr. Munn. I don't know whether it was before Dr. Gerber or following Dr. Gerber, or when it was.

Q Well, you do remember the two police officers coming in

that you later learned were Schottke and Gareau of the Cleveland Police Department?

A Yes, I do.

Q Tell me what you recall about that visit?

A I don't recall very much specifically about that visit, except that I asked them both if they had any idea as to who could have done this thing or any leads, and I believe it was Officer Schottke that said, well, they had a diagnosis, their diagnosis wasn't always right, just as in physicians' diagnoses, but they had a diagnosis.

Q They had a diagnosis?

A That's what he said.

Q But they didn't tell you what it was?

A No, sir.

Q Now, did you later meet those two men?

A Yes.

Q And was there anybody with them at that time?

A Chief Eaton was with them.

Q Chief Eaton?

A Yes, sir.

Q Do you know whether that was in the morning or the afternoon?

A I believe it was afternoon.

Q Can you state, Doctor, whether you were in any pain or discomfort during the time that you arrived at the hospital

until the time of the second visit of Eaton and Schottke and Gareau?

A Yes, sir, I was in pain and discomfort.

Q At that time had this collar been put on your neck to hold your neck in a rigid position?

A At that time a felt collar covered with stockinette, which is a material we use in casts, was placed around the neck as a support.

Q At that time were you under any sedation, or during that day were you under any sedation, that you know of?

A I received a shot and I became, if anything, more groggy and confused, and the pain was relieved. So I evidently had sedation. But I was not appraised of just what I had or how much at that time.

Q Now, then, tell the jury about this visit of Schottke and Gareau and Eaton on the second occasion?

A Do you want me to state what was said?

Q Yes, what you remember about it, how they questioned you.

A Well, the manner of questioning was in a "How do you explain" preface to each question.

Q Tell me the best you remember.

A Mr. Schottke did the questioning, and he said, "Doctor, how do you explain your wife's wristwatch found in the den?" I believe he mentioned that.

He said, "Doctor, how do you explain your teeth

being found under your wife's body?"

I told him I couldn't explain it.

He showed me a green bag and asked me to identify it.

I told him that it was like the bag that I had in the house somewhere that held motor boat tools. I wasn't sure whether it was the same --

Q When he said, "How do you explain your wife's teeth -- or, your teeth being under your wife's body," did he show you the teeth?

A No, sir, he didn't.

Q What?

A No, sir.

Q Gerber, in the morning when he had examined you, had asked you if your teeth were chipped, hadn't he?

A Yes, he had.

Q Now, then, what was the rest of the manner of their inquiry? "How do you explain," is that --

A Yes. He showed me the bag and the watch and then asked me how did I explain the watch being found in the bag over the hill and how did I explain other jewelry being found in the bag over the hill; and, of course, I had no explanation.

He asked me how I explained that they weren't able to find the T-shirt. I told him I certainly didn't know.

Q Now, do you recall when you come up from the beach whether you had a T-shirt on? Do you recall anything about a

T-shirt?

A I don't recall anything about a T-shirt, no, sir.

Q Do you recall that you had one when you went to sleep?

MR. PARRINO: I object to
these leading questions, your Honor.

MR. CORRIGAN: I will withdraw it.

Q When was the last time you recall wearing a T-shirt?

A I recall wearing a T-shirt earlier in the evening of --
Saturday evening.

Q Now, do you recall that you didn't have the T-shirt on
when you were around the house after you come up from the
beach?

A I have no recollection about that until either Mrs. Houk
or Betty Sheppard commented on it. I think Mrs. Houk may
have.

Q Did you have other T-shirts in your home?

A Very definitely.

Q Clean T-shirts?

A Clean and dirty.

Q Yes. And where were your clean T-shirts located?

A In my drawer.

Q And was the water running in your house?

A Yes, sir.

Q And you could have wet a T-shirt and put it on, couldn't
you?

A Very easily.

Q Now, then, what continued? Tell the jury the manner in which these men questioned you there on that afternoon?

A Well, they --

THE COURT: Are you referring
to Schottke and Gareau now?

Mr. CORRIGAN: Schottke and Gareau
and Eaton, yes.

THE COURT: All right.

A They told me that they were sure that I wasn't giving them all the facts. I said, well, I certainly was giving them all that I could.

Q Now, during those two conversations, did you tell them all you knew about what occurred on the --

A All that I knew at that time that I could, any questions of theirs that I could answer.

Q Well, then, tell what went on in the room?

A Officer Schottke said that, would I submit to a so-called lie detector test, and I said I certainly would if it was a reliable test, or something to that effect.

And he and Mr. Gareau said, "Well, you might as well tell us all about it now, because the lie detector is infallible and it never misses and you just might as well tell us."

And I may have commented that, "The last I knew, the

lie detector has -- the so-called lie detector was far from infallible, but if it were, I would certainly take it."

And I then, I think, said to the officers, "You don't think that I had anything to do with this, do you?"

Mr. Schottke looked at me and said, "I don't know what my partner thinks, and I don't know what Chief Eaton thinks," but he said, "I think you killed your wife."

That's the last I remember.

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What effect did it have on you?

A Well, I was shocked upon shocked. I didn't know how to react or what to say. I believe I said, "Oh, God, no."

I may have said, "God, don't be ridiculous."

I don't know what I said.

Q Was there any truth to the accusation that man made that morning?

A No, sir.

Q Now, then, what did they do after they made the accusation?

A I don't recall exactly what happened. They left shortly thereafter, I believe.

Q Did you see Dr. Hexter that afternoon?

A Yes.

Q Did you know Dr. Hexter?

A Yes, I did.

Q How long had you known him?

A About two years.

Q And did he inform you who had sent him to the hospital?

A I don't think that he informed me, no.

Q What?

A I don't think that Dr. Hexter informed me, no.

Q Did he come after Gareau had accused you of killing your wife?

A Gareau never accused me of killing my wife, sir.

Q I mean Schottke.

A Yes.

Q Now, when he came in what did he do, what kind of an examination did he make of you?

A He examined me as we would expect a general practitioner to go over a patient, general way. That includes eye, ear, nose and throat, heart and lungs, abdomen, extremities, a general way.

Q Did he examine all your reflexes?

A At that time I was still confused mentally. I couldn't say whether he did or not. He didn't turn me on my --

Q Did he inform you at all about reflexes that he found absent?

A No, sir.

Q He did not. Did you at any time object to him examining you?

A No, I didn't, that I know of.

Q Although at that time you knew now that Schottke was accusing you of the murder --

A Yes, I knew of that.

Q -- of your wife.

Now, was Dr. Hexter a friendly physician to you?
Was he a friend of yours or a colleague?

A Well, he is a member of the medical profession. He and I had had some slight differences.

Q Now, after Hexter left, did you see another physician that was called to the hospital by your brother, Steve?

A I saw both Dr. Elkins and Dr. Foster during the day.

Q Dr. Foster testified that he looked at you at about 2:30 in the afternoon.

A I couldn't state the time.

Q And Dr. Elkins came later, but you do remember him being present?

A I remember Dr. Elkins being present and examining me.

Q Now, then, the next day were you able to -- are you able to tell the jury what you felt your injuries were and what your condition was?

A The following day I was stiff and sore all over as though I -- the nearest I can associate it to is a very vigorous football game where possibly we had been beaten very badly. My neck was exquisitely painful, deep. Any motion bothered my neck. When people would touch or jar the bed, it bothered me. If I could move of my own accord carefully, I got along better, almost, than if people would help me, because any helping motion seemed to cause pain.

Q Now, Doctor after the accusation was made against you by Schottke that you had killed Marilyn, did you then do anything about hiring a lawyer?

A No, sir, I didn't.

- Q Did you have anything to do with Mr. Petersilge coming to the hospital on that day?
- A Well, I told my brother what this man had said, but I had no direct contact or indirect with Mr. Petersilge.
- Q You had no thought of getting a lawyer at that time, had you?
- A No, sir. I felt that the truth would display itself.
- Q You felt that the truth would come out somewhere?
- A Yes, sir.
- Q That the accusation was false?
- A That's right.
- Q It is false, isn't it?
- A That's right.

MR. CORRIGAN: Can we adjourn
for the noon hour?

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

Please do not discuss this case at all
in the meantime.

- - -

(Thereupon at 12 o'clock noon an adjournment was taken to 1:15 o'clock p.m., Friday, December 10, 1954, at which time the following proceedings were had):

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Friday Afternoon Session, December 10, 1954, 1:15 o'clock, p.m.

Thereupon, the Defendant SAMUEL H. SHEPPARD
resumed the stand and testified further as follows:

DIRECT EXAMINATION OF SAMUEL H. SHEPPARD (CONTINUED)

By Mr. Corrigan:

Q Doctor, were you questioned on Monday, do you remember?

THE COURT: You are speaking
of July 5th, is that right?

MR. CORRIGAN: That would be
July 5th, yes.

A I believe that Officer Rossbach questioned me.

Q Do you remember Officers Rossbach and Yettra being there?

A Yes, sir.

Q And on Tuesday, do you remember who was there on Tuesday?

A I don't remember.

Q Well, let me ask you this question, Doctor: Did you at
any time refuse to discuss this matter with any duly
authorized police officer?

A No, sir, I didn't.

Q When they questioned you, did you answer what they asked
you?

A As best I could, I did, yes.

Q At all times?

A Yes, I did.

Q Had you employed an attorney at any time up to July 30th?

A No, sir, not until I was arrested.

Q Not until you were arrested. And any employment of Mr. Petersilge or myself prior to the time you were arrested was not by you, is that correct?

A Well, Mr. Petersilge had been Marilyn and my lawyer.

Q He had been your lawyer. For how long?

A Well, there was never any official appointment. We consulted him about some of our problems with our house, and that sort of thing.

Q Did you have anything personally to do with my employment or Fred Gammone's employment?

A No, sir, I didn't.

Q And did you consult or bring Petersilge into the case as your representative in this matter?

A I didn't personally.

Q You did not. All right. Now, then, on Wednesday you attended your wife's funeral?

A Yes, sir.

Q And were you taken there in a wheelchair, as was testified?

A Yes, sir.

Q What was the scene around your wife's funeral that afternoon?

A Well, I'm afraid I wasn't in any condition to --

THE COURT:

Speak a little

louder.

Q Well, were there photographers and reporters and people of that kind around when your wife was being buried?

A My wife was not buried, sir. She is in a mausoleum.

Q Well, when she was put in the mausoleum?

A Well, there were many around the funeral home. I really didn't notice at that --

Q Now, when you went to the place where your wife's body was placed, did any police officer accompany you?

A Yes, he did.

Q And during the journey to the burying ground and back to Bay Village, was that police officer with you all the time?

A Yes. He was in --

Q What was his name?

A Officer Jay Hubach.

Q And was the manner of your wife's tragic death discussed on that journey?

A Yes, it was.

Q There was something said about you carrying a pistol in the evidence that has gone before. Did you carry a pistol?

A I did after Mr. Hubach suggested it, yes.

Q That was on the advice of Mr. -- of Sergeant Hubach, is that correct?

A Yes, sir, it was.

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Q Now, then, did you have a meeting with the police officers on Thursday?

A Yes.

Q And where did that meeting take place?

A In my hospital room.

Q And who did you meet with on that day?

A Originally, Officer Rossbach and Yettra, Dr. Gerber, Officer Schottke and Gareau, were present, and Dr. Stephen Sheppard was in the room at first.

Q Well, it was said in the examination of Mr. Parrino or Mr. Danaceau that you wouldn't talk until you had chosen who you would talk to. Is that correct?

A No, sir, that isn't correct.

Q Just tell the jury what the true facts are.

A Well, there was never any hesitancy on my part, my brother's part, or Mr. Corrigan or Mr. Petersilge's part, on my discussing this entire matter with the authorities. However, Mr. Petersilge and Mr. Corrigan asked that they, or one of them, be allowed to be present. Dr. Gerber and the other men insisted that no one should be present other than the authorities.

About that time, there was quite a hassle that went on in the room over my bed. There were -- Dr. Gerber was on one side with some of the other men; Mr. Corrigan, Mr. Petersilge on the other, and there was a lot of legal

comment, and I became very, very disturbed, because my wife was dead. I wanted to do what I could to help these people. I felt that if they really wanted the facts, there should be no particular objection to having someone else in the room, but I told them that I would talk with them, that I felt that I could tell them what went on, and I wanted to help.

Mr. Corrigan and Mr. Petersilge said that they didn't feel that I was in condition to be vigorously examined and, as they put it, they didn't feel that I was in condition to protect myself from being trapped, and they felt that one of them should be present.

The others said that they weren't trying to trap me, and they said, "Well, why don't you want us to be present?" And back and forth.

Dr. Gerber threatened to subpoena me, and Mr. Corrigan said, "Go right ahead. We'd be just happy to have you subpoena Dr. Sheppard, and then there would be an open inquest and we could be present and the whole world could be present."

And I said, "I don't want to have to go to that extent. I don't want to have to wait to give the authorities the information. I want to give these men the information that I can to help them get to the bottom of this thing."

Mr. Petersilge and Mr. Corrigan said that -- they were sort of stopped there. Then the subpoena was torn up, and then again there was a question about whether Mr. Schottke and Mr. Gareau should be present. Officer Rossbach had previously displayed some displeasure that Officer Schottke had accused me. I then stated that I will definitely talk with these men if I can have some member of the Bay Village police force present.

Mr. Corrigan said, "Sam," -- Mr. Petersilge told me it was up to me, and Dr. Steve said, "Sam, I know what I want you to do, but I can't advise you. We have attorneys here to tell us what to do."

Q Was the result of it that you decided the whole thing, as far as you were concerned?

A I decided to talk with these men without the presence of legal counsel or anyone other than the authorities. I requested that some member of the Bay Village police force be present. I mentioned Officer Drenkhan --

Q Did you request that the attorneys get out while you were being questioned?

A That was the stipulation that the authorities made.

Q And you agreed to it?

A Yes, sir.

Q Now, how long did you spend then with Mr. Rossbach and Mr. Yettra and Mr. Drenkhan on the afternoon of Thursday,

July the 8th? How long did you spend with them?

A I didn't time it. Several hours.

Q But you answered all the questions?

A Yes, I did.

Q And following that questioning, was it requested by the officers that you go with them to your home on West Lake Road?

A Yes. Officer Rossbach made that request, and I told him I would -- I would.

Q Now, you went to your father's home that night, did you not?

A Yes, sir. I was discharged from the hospital, as I recall, after the examination by the officers.

Q When you come out of the hospital were you surrounded by reporters and photographers?

A I don't remember.

Q Well, when you went to your father's house on Thursday night or Thursday afternoon, did you see any police officers at your house that afternoon?

A Yes, I did.

Q And who were they?

A Officers Rossbach and Yettra and some officer, fingerprint officer.

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Q Now, then, on the next day, that would be Friday, in response to the arrangements you made with Officer Rossbach did you go to your home?

A Yes, I did.

Q And that was the first time you were in your home since the day you were taken out of it on the morning of the 4th of July?

A That's correct.

Q Who was present in your home when you went there?

A Who was with me?

Q Yes.

THE COURT: Who was present,

I think was the question.

A Well, there may have been people present that I'm not aware of, but Officer Rossbach was in charge, apparently, and with me, and Officer Yettra with him. Dr. Gerber, Mr. Petersilge and Mr. Corrigan were in the vicinity but not with us as we went through the home.

Q Now, then, did you see any other people around there?

A Around the property?

Q Yes.

A Well, there were crowds.

Q Crowds of people?

A Yes, sir.

Q And --

A I would say, to describe it, it might be similar to the visit that the jury made to the home, with the absence of the helicopter.

Q Now, when you went through the home, who were you accompanied by?

A The officers that I mentioned and Dr. Gerber.

Q Now, did you --

A There may have been some Bay Village officers, probably were, but I don't remember specifically who or how many.

Q Did any of the -- withdraw that.

And during the progress through the home with the officer, they asked you many questions?

A They certainly did.

Q And where did you go, in what part of the home?

A We took a tour through the entire home and grounds.

It was a careful but not meticulous -- I was not given the opportunity to look through my drawers, for instance, to straighten around anything in my den or in the kitchen and evaluate what might be missing or disturbed other than the very obvious things.

However, each room was evaluated and the officers asked me to try to re-enact what I could of what went on that night.

Q And did you comply with all their questioning?

A Yes, sir, as best I could.

Q And about what time did you complete the tour of the home with these officers?

A There, again, I don't know the time.

Q Allright. But you spent all the time they wanted with them -- with you? You didn't --

A Yes. They terminated the visit.

Q They terminated it, not you?

A Yes, sir. They asked me certain things. There were a few things that I thought about that should be found, I think an axe and some other instruments that I mentioned that were looked for and found.

Q Sometime during the tour of the home on that day this bag was brought to your attention, was it not?

A Yes, it was.

Q Which is marked --

A ZZZZ.

Q ZZZZ. There are pictures shown and have been seen by the jury that show the medical bag turned up in the hall. Do you remember that?

A Do I remember the picture?

Q No. Do you remember the fact as to whether or not the bag was turned up in the hall?

A I can't say that I specifically remember that, no.

Q I see. All right. Now, when you walked around that day and examined the house, was there a medical bag turned up

in the hall such as shown by these pictures?

A No, sir, it wasn't turned up in the hall at all. It was in the den --

MR. CORRIGAN: Get me that picture,
Fred.

Q Where was this medical bag at the time?

A Well, during the course of the tour through the house, they asked me to sit down for a while and rest, and Dr. Gerber and some of the other officers went into the den and closed the door. And after about 10 minutes, they then asked me to come into the den, and the medical bag was in the den, and at that time they asked me to examine the bag.

Q Now, then, --

A It was just as it is now, on the floor.

Q Now, what was your physical condition at that time, on Thursday? Had you recovered?

A No, sir. I was still pretty upset and confused, and I was having some pain but able to get around.

MR. PETERSILGE: Bill, that's
Friday, not Thursday.

MR. DANACEAU: Friday.

A Friday, at the house.

Q Friday. Was that what you were telling about?

A Yes. But you said Thursday.

Q Friday. Now, here is a picture that has been offered into evidence, Defendant's Exhibit D. Drenkhan has testified that he took this picture.

Do you recognize the scene shown in that picture as having viewed that on the morning of July 4th?

A I can't say that I saw it or recognized it at that time.

Q I see. All right. Now, when the officers called you into the den, did they have you examine the medical bag?

A Yes, sir, they did.

Q And is this the medical bag that you examined?

A Yes, this is the bag.

Q That's the bag. And that's your medical bag?

A Yes. I can tell definitely by this scuff mark on it.

Q Did you find anything missing from your medical bag when you examined it?

A Yes, sir, I did.

Q What did you find missing?

A I found that there was a box of emergency morphine ampules missing. We call them Ampins. They are little ampules that have a needle on the end so that they may be broken and injected very rapidly for emergency medication.

I was unable to find a bottle of demerol, which I commonly kept in the bottom of the bag down where -- in the main portion of the bag, kept there because it's also used for emergency purposes at time, but later found a

bottle of demerol in one of the pockets on the sides here.

I explained to the officers at that time that I had two boxes of these emergency morphine Ampins and two bottles of demerol. I thought that there was one box of the emergency Ampins in this bag and one in the bag I kept in the jeep and one bottle of demerol, which is the synthetic narcotic in this bag, and one in the emergency bag that was in the jeep, but there may have been some variation of that. I may have had both bottles of demerol in here, or there may have been some slight variation, but I felt sure that there was one box of the morphine Ampins in each bag. These same type morphine Ampins were carried in the Bay Village Police ambulance, and at one time, in the police cars.

Also I found that in going through I recognized that a packet of emergency surgical instruments were missing. I went through the bag again and recognized that they were missing, and then Officer Rossbach produced that packet from back somewhere else in the room, he had it back on the radiator or somewhere, and asked if that was the packet I had reference to, and I said "Yes."

Q I want to find out if after the examination of this bag you found any material missing from it?

A Yes, sir.

Q And what did you find missing?

A I found definitely that the box of morphine ampules were missing.

Q All right.

A And possibly a bottle of demerol, depending on what I found in the other bag.

Q All right.

Now, you examined the other bag later? Wait a minute.

Just answer the question. You examined the other bag at a later date?

A Yes, sir.

THE COURT: Did you?

THE WITNESS: Yes, sir.

Q All right. I'll come to that.

Now, when you had examined this bag and the surgical instruments, and so forth, that were in it, that you got from Officer Rossbach, were you permitted to take that bag with you on that day?

A Yes, sir, I was. I first requested that I take the equipment that I need for my specialty, and I talked to Dr. Gerber about it and he said, "Well, we've checked this."

Q Well, will you answer?

A (Continuing) "You might as well take the bag."

MR. PARRINO: Just a moment.

Let him answer, please.

Q Were you permitted to take the bag?

A Yes, sir.

Q All right. That's all I wanted to know.

Do you have -- I'll come to that later.

Now, then, after you had gone through the house with these police officers and they had completed their examination of you on that day, did they request you to come downtown and make a written statement?

A Yes. First I --

Q All right. That answers it.

Did you come downtown?

A I came down the following morning. I arrived at eight o'clock at the Sheriff's office.

Q And who accompanied you when you came downtown?

A Dr. Stephen Sheppard brought me down. I was unable to drive as yet at that time.

Q And anybody else accompany you over to the jail?

A Mr. Petersilge met us downtown.

Q Did I accompany you to the jail?

A No, sir. You told me I didn't need you.

Q That is what I told you on Thursday, wasn't it?

A Yes, sir.

Q That you were an innocent man and you didn't need me?

MR. MAHON:

Oh, wait a minute.

We object to this.

MR. DANACEAU: We object to this
sort of thing.

MR. CORRIGAN: Why are you
objecting?

Q But, anyway --

MR. DANACEAU: Just a minute,
if the Court please. This is going on
repeatedly.

THE COURT: The jury will
disregard that entirely.

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Q Anyway, you saw me no more, did you, or did you see me between the Friday of that week until you were arrested?

A I think I saw you once.

Q You saw me once?

A Well, I saw you at the inquest, but you were just there. I didn't see you in private or anything of that sort.

The once that I refer to is --

Q I was there with Mr. Petersilge?

A You were there with everybody else, yes.

Q But you had no consultation with me on this matter between the 9th or the 10th -- Friday, you had no consultation with me Friday, did you?

A Friday?

Q Friday when you went through the house?

A No, sir. You merely stated what these men have objected to.

Q Now, then, after you came to the Sheriff's office -- that was on Saturday of that week, wasn't it?

A If I recall correctly, yes.

Q And what time did you arrive here?

A About 8 o'clock or very shortly thereafter.

Q And what time did you leave here?

A I can't say for sure, but it was 5:30 or 6 o'clock, something like that.

Q And from the time you arrived until you left, were you in

constant conferences with officers and other authorities?

A Well, I wouldn't say it was absolutely constant, but it was from one to another. When we arrived, we were in the presence of Officer Rossbach. He asked us to wait a few minutes until they could get organized, and then I was taken back to the interrogation room, or Mr. Rossbach's office, and was interrogated by Mr. Parrino in the presence of some of the other officers.

I requested on several occasions during that questioning to initiate my written statement, which I had come down to make, and he said, "Well, we can do that later."

He finished his questioning I suppose around 11 or 11:30, and they moved right in then to the written statement. There were times in which they asked if we wanted --

Q Before you go to that, when you were taken in, were you taken into the jail proper?

A Yes, sir. Officer Rossbach commented on it.

Q And were you taken into the part of the jail where you now are a prisoner?

A Well, I wasn't taken into the particular --

Q To the same floor, is what I mean.

A The same floor, not the same cell block.

Q But the same floor?

A Yes, sir.

Q When you were taken back into this room for questioning did your brother accompany you?

A Hewas not allowed to accompany me.

Q Did Petersilge accompany you?

A No, sir. He was not allowed to come back until later.

Q And who were you in there alone with?

A During the first period of questioning, the questioner was Mr. Parrino, as I stated, but there were others in and out, which included Officer Rossbach and Gareau and Schottke. There may have been --

Q They were doing the questioning in relays, when one would get tired the other would ask questions, is that the way it was?

A Not at that -- there may have been some questions put to me by some of the others, but I wouldn't say it was in relays. Mr. Parrine was the main questioner at that time, as I remember, during this pre-statement period.

Q And then you got down to making a written statement?

A Yes.

Q Did you refuse at any time to answer any questions or to make any written statement, or anything like that, on Saturday?

A No, I didn't. In fact, I asked that we get on with the written statement.

Q Did you answer all questions that were aimed at you, to the best of your ability?

A Yes, I did.

Q As you could remember them?

A Yes, sir.

Q And then the statement was completed and it was signed?

A Yes, it was.

Q And that is the statement that has been introduced here and has been read to the jury, is that correct?

A I don't know for sure. I haven't read that over thoroughly.

MR. CORRIGAN: Get that and show it to the witness. What is the number of it?

MR. GARMONE: State's Exhibit 48.

Q Handing you State's Exhibit 48, Doctor, will you examine it and determine, if you can, if that is the statement that you made and signed on Saturday, July the --

MR. GARMONE: Read it to yourself.

Q -- the 10th?

A Do you want me to read it through?

THE COURT: He just wants you to determine whether it is the statement that you made over in this building.

THE WITNESS: I'd have to read it through to be sure about that.

Q Go ahead and look it through, Doctor.

A Pardon?

MR. GARMONE: Look it over.

MR. PARRINO: He says look it over.

THE COURT: You can look through it.

A Yes, sir, I believe this is the statement.

Q Now, during that Saturday that that statement was taken, was there any stopping during the examination from the time you started until you left the jail about 5:30 or 6 o'clock of any extended length of time?

A No extended period. The officers had some coffee and asked me if I wanted some, and Mr. Petersilge requested some milk.

Q That is, you stopped for a cup of coffee?

A Yes, and I think they had a box of partly used wheat crackers that a couple of the men munched on.

Q And that was the only stopping during the day?

A Yes, sir.

Q Now, then, after you left the jail, and between the 10th of July and the 21st day of July, were you in contact with any police officers, or were they in contact with you?

A Yes, sir.

Q Who were they?

A Chiefly, Officers Drenkhan and Hubach.

Q And how many times did those officers interview you between

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those two dates?

A I couldn't say.

Q Were there a number of times?

A As I recall, yes.

Q And where did those interviews take place?

A Well, they took place in Dr. Richard's home and Dr. Sheppard, Senior's home, and also on one occasion at the Fairview Park police station, as I recall, a rather extended conversation.

Q And during those periods, was there any lawyers around?

A No, sir, there wasn't. There were times that I called the officers and rendered things that would cross my mind, or minor points that I thought should be checked, and I asked when Dr. Gerber would want me to return to the home and make a meticulous -- or an attempt at a meticulous evaluation of the objects in the house, and the answer was that he would within the next few days.

Q Was there a time when you were permitted to go into your house without a -- unaccompanied by a police officer?

A No, sir.

Q Was there any time down to the present day when you were permitted to go into your house and make a search of your house so that you could find out what was there and what wasn't there?

A No, sir.

Q When was the next time that you went to your house after Friday, July the 9th?

A I don't recall the date. We went over to remove some clothing, and we removed two of the cars.

Q Well, was that several days later, do you recall?

A Yes, it was.

Q And were you accompanied by police officers at that time?

A Yes. We met one of the Bay Village policemen at the time, and he, with Dr. Stephen and I, went down to the beach and over the grounds somewhat waiting for the arrival of Officer Rossbach, Yettra and Dr. Gerber, who was supposed to be there at that time.

Q And did they come, Rossbach and Mr. Yettra and Dr. Gerber?

A They got there about 45 minutes later than they had planned to meet us.

Q Accompanied by anybody?

A Well, there were a tremendous number of reporters and photographers.

Q That accompanied them. All right.

A I wouldn't say that they definitely accompanied those men.

Q Well, they came at the same time?

A Yes, sir.

Q Now, on that particular day, did you remove some property from the premises?

A We removed some clothing, and -- yes.

Q Accompanied by an officer?

A Yes, sir.

Q Did you remove some automobiles?

A Yes.

Q And what automobiles were removed?

A They removed the clinic jeep, the emergency vehicle, and my car.

Q And that was your Jaguar?

A Yes, sir.

Q Now, at that time that the clinic jeep was removed, who removed them, by the way?

A Of my own recollection, I can't say. I do recall that they were backed out of the garage and examined very thoroughly by the officers --

Q Did you drive either one of the automobiles?

A No, sir, I didn't.

Q What?

A No, sir.

Q What was your physical condition as to ability to drive an automobile at that time?

A Well, I thought I could drive an automobile at that time, but Dr. Stephen insisted that I not. He felt that I wasn't in condition to do so.

Q Now, when the automobiles were backed out, who searched them?

A Dr. Gerber, Officer Rossbach and Yettra, and there may have been others. Chief Eaton was there and helping, I believe.

Q Now, was there a medical bag in one of those vehicles?

A Yes, sir, in the jeep.

Q In the jeep.

A It was at that time that another implement over here was taken by Dr. Gerber, too.

Q What?

A It was at that time that another implement or another bar -- it is actually a jack handle, was taken by Dr. Gerber. He said he removed it from the Jaguar, which is very possible, but it is actually the hydraulic jack from the jeep. Someone had evidently looked at it, taken it out of the jeep and thrown it in the Jaguar. Everything in both cars were jumbled.

Q That was taken by him that day?

A Yes, that evening.

Q Now, will you look at Defendant's Exhibit No. 1, and see if you can identify it, Doctor?

A Yes, sir.

Q That is the pebbly surface bag, is that right?

A Yes, sir. That is the emergency bag carried in the jeep.

Q Was there any medical instruments in it?

A Yes. This is the type box that was missing from my other bag (indicating).

Q Well, did you examine that bag?

A After I was able to look on as Dr. Gerber did.

Q Did you determine whether there was anything missing from that bag?

A The bottle of demerol that I thought was carried in this bag was not there. Chief Eaton at that time said that he distinctly remembered Dr. Gerber looking at this bag before, and there was a bottle of demerol in it when Dr. Gerber first looked at it.

Q What did Dr. Gerber say about it?

A He said he didn't recall that. He said, "Oh, is that right?"

He was indefinite. I don't know that he said he didn't recall it. He was indefinite about it.

Q Now, then, were you permitted to take that bag away?

A Yes, in the jeep.

Q Were there medical instruments in it?

A Yes.

Q And there were medical instruments in the other bag?

A Yes.

Q Has there ever been an examination of the medical instruments in Bay View Hospital by the authorities?

A I have no idea.

Q You have no idea. Well, as far as you know?

A Not as far as I know.

Q Now, then, between the 4th of July and the 21st of July,

during which time you say you were being interviewed by police officers, was there a barrage of publicity loosed against you by the Cleveland Press?

A Yes, sir.

Q Calling for the third degree?

A I heard that that was stated.

Q And calling for your arrest?

A I don't know. I understood that calling for my arrest followed the 21st.

Q Now, the 21st of July, did you read the demand for an inquest by the Cleveland Press?

A The headlines were pointed out to me.

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Q

Did you receive a subpoena?

A

Yes, I did.

Q

And what time did you receive the subpoena?

A

I don't remember.

Q

Sometime in the evening?

A

Sometime that evening.

Q

Now, you are aware of your Constitutional rights, aren't you?

A

Yes, sir, I am.

Q

That you do not have to testify to anything that you think will incriminate you, under the Fifth Amendment?

A

I felt that I knew what an American citizen was entitled to.

Q

Did you at any time claim ~~under~~ privilege under the Constitution after you received that subpoena?

A

No, sir, not in regard to the inquest.

Q

Now, then, did you go to Normandy School on the 22nd day of July?

A

I went to Normandy School for the inquest. I don't remember the date.

Q

Well, you were there for part of one day and part of another?

A

Yes, I was.

Q

You have heard the scene described around Normandy school by other witnesses. Is that about the way it appeared, as far as you could give it?

A

Yes, it is.

Q Now, then, when you were brought into this gymnasium before the crowd, did you testify?

A Yes, sir, I did.

Q At that time what was your physical condition? Was it different than it is today?

A Yes, sir, it certainly was.

Q And what is the difference in your physical condition today and that of the day that you started to testify in the inquest?

A Well, I'm very much recovered now, from a physical standpoint, and I would say that though I am certainly under emotional strain at this time, it is not what it was at that time. My memory is much more definite and clear as to what I can recall and what I can't recall, and I am clearer on memory on other subjects.

Little things at that time -- there were things that I couldn't recall, names of interns that I had worked with all year I couldn't recall at that time. I wasn't able to perform mathematics with any facility, I found, little things of that type.

I was in pain, of course, and discomfort, but --

Q That was the difference between the condition you were in that day and today?

A Well, I don't think that that explains the entire difference.

Q Well, go ahead and tell the entire difference.

A Well, I felt that I was being subjected to a persecution which was beyond all conception. In this situation, I feel that I am at least being given the benefit of a court of law, at least being given the benefit to have the opportunity to represent myself and represent some of the true facts as I know them.

Q You were not given the benefit of counsel at that hearing, were you?

A No, sir.

Q All right. Now, do you recall how long you testified under the questioning of Dr. Gerber?

THE COURT: You mean at the inquest?

MR. CORRIGAN: Yes, at the inquest.

A Well, Dr. Gerber -- you mean the length of time?

Q The length of time, yes.

A I can't give you a definite time on that. Over five hours, as I recall.

Q And Mr. Danaceau was there?

A Mr. Danaceau was dictating the questions to Dr. Gerber.

Q Now, after that -- the correct date of the completion of that inquest was the 23rd day of July -- or, the 24th day of July. Were you informed of the fact by any of the authorities that certain material was found under your wife's fingernails?

A No, sir.

Q What?

A I wasn't appraised of that fact until I was sitting in that chair on the other side of the table.

Q It was never brought to your attention until you heard it in Court?

A No, sir. I didn't know about it.

Q Now, during the period after the 4th day of July and prior to the day of your arrest, did you attempt to do any work?

A Yes, I did.

Q And do you recall about when you went back to try to do some work?

A I went back to the hospital to see some patients that had been under my care, including this young boy who had the very bad fracture of the thigh, sometime during the following week, that is, following my coming down here and making my statement and the Friday that I went to the house, in other words, Monday or Tuesday, or it could have even been Sunday.

Q During that period, did you have occasion to visit the home of Mayor Houk?

A Yes, I did.

Q And do you recall what the reason was for going to his home?

A Mrs. Houk, Sr., Mr. Houk's mother, has been under my care for some time, and it was about the time that she was in

need of a regular injection. And she's a very excitable sort of a person, naturally, at her age, and so forth, and I felt that -- and also she indicated that she thought a great deal of me and my wife. So I felt that I should go and see her and administer to her at that time.

Q Did you have a conversation that day with Mayor Houk?

A Yes, I did.

Q Will you tell the jury what that conversation was? What was said by him and what was said by you? He testified to it, do you remember?

A Yes, I remember he testified, but about the only thing I can remember was his saying something about, "Well, Sam, this is just something that just happened."

And I said, "Well, I'm certainly going to do everything I can to get to the bottom of this thing."

Q I can't hear you.

A I indicated to him that I intended to not rest until we got to the bottom of the -- who murdered my wife, and he referred to some of the accusations and the newspaper articles and the slurs that had been brought against me. And I told him that Marilyn was in my corner and right beside me, and if it wasn't for that, I couldn't have even begun to put up with the ordeal.

Q Marilyn was in your corner?

A Yes, sir.

Q Do you feel she is in your corner now?

A She's absolutely in my corner.

Q Now, then, you proceeded on, then, until Friday, July 30th?

A Yes, sir.

Q Do you remember that day?

A Yes.

Q What occurred on that day?

A Beg pardon?

Q What occurred on Friday, July 30th?

A Well, I performed some surgery that day, and it was that evening that I was arrested.

Q Had you left the confines of Cuyahoga County from the 4th of July until the 30th of July?

A No. No, I hadn't.

Q Had you been out of the vicinity of Bay Village -- on how many occasions were you out of the vicinity of Bay Village?

A Well, I wouldn't say I was out of the vicinity at any time. Officer Rossbach had given me permission to leave the county, if I wished, however.

Q You had talked to him about it?

A I had been urged to go with Dr. Steve when he took my little boy to camp, and I indicated that I was just too depressed to go anywhere and I didn't want to affect my youngster with the depression that I felt.

Q And it was about that time you consulted with Officer

Rossbach about remaining in the county?

A Well, Dr. Steve appraised him of the fact that we might consider going to Pennsylvania to this camp, and Officer Rossbach said that that would be perfectly all right.

Q But you didn't go?

A No, sir, I didn't.

Q What time that night did he come to your house?

A It was at my father's home and, again, I don't know the exact time. It was after ten o'clock, I believe.

Q After ten o'clock. And who came to the house?

A Lieutenant Mercer, Officer Drenkhan and I think there was one or two other officers.

Q Were you manacled?

A Beg pardon?

Q Were you manacled then?

A Yes, sir.

Q And taken where?

A Taken to the Bay Village City Hall.

Q Any people around the house when you were taken out?

A Yes, sir.

Q Tell the jury who they were?

A Well, the house was surrounded with reporters and photographers. There were people peering in the windows, taking flash bulbs through the windows, which was pretty hard on my mother. I didn't particularly care about it

myself. And my father requested that the police officers clear the grounds, which was attempted.

Q Did they succeed?

A Well, they succeeded in clearing the way so that we could go to the car and carry on, but they were certainly not off the grounds. They were all over the grounds, on the porch, around the windows, lining the driveway.

Q Any cries at that time?

A There were noises.

Q What were they?

A I really couldn't say.

Q I see. Well, at the time that you were arrested, did you try to get yourself an attorney?

A Yes, sir.

Q You thought by that time you needed a lawyer, didn't you?

A Yes, sir.

Q What?

A Yes, sir, I certainly did.

Q And it was at that time you sent word to me?

A I believe I asked Dorothy, my sister-in-law, to call Mr. Petersilge and you.

Q Now, then, how far is it from your father's home to the City Hall?

A I would judge about three miles.

Q And when you drove from your father's home to the City Hall

in this automobile, who were you manacled to?

A I'm not sure. I believe it was Officer Drenkhan.

Q Were you followed by anybody?

A Yes, sir.

Q What?

A Oh, groups of cars.

Q When you arrived at the City Hall, do you know about what time it was?

A No, sir, I don't.

Q What?

A About, maybe I know. 10:30, around there, something like that.

Q What was the scene around the City Hall that night when you got there?

A Well, there were people all over the grounds and area. There were photographers, there were onlookers, there were children -- I wouldn't say children, but young people running around, great groups of people.

Q And where were you taken to?

A I was taken into the Council Chamber or the meeting room of the City Hall.

Q Now, when you got in there, who did you appear before, who presided?

A Well, I was placed in the large portion of the room first in darkness, and there were a group of men who were in

one of the offices just off of this larger room, which is enclosed in glass. And there was one light in that room, and I could see the group of men around this desk, and they were evidently discussing something, and I was in the other room alone. I remember thinking how inconsistent it was to --

MR. MAHON:

Wait a minute.

Object to his thinking on this, your Honor.

MR. DANACEAU:

Object.

Q Who did you appear before?

A A man by the name of Barber.

Q And who is he?

A He is the president of the Council, Bay Village Council.

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- Q Do you know who is the Mayor of Bay Village?
- A Mr. Houk.
- Q He did not preside?
- A No, sir, he did not.
- Q When you appeared before this president of the Bay View Council, did you ask to be represented by counsel?
- A Yes, sir, I did.
- Q And what did they do in that regard?
- A Mr. Barber said that my counsel could see me in jail.
- Q They wouldn't wait? They didn't wait?
- A No, sir.
- Q What?
- A No, sir. I informed them that I^{had} called for counsel, and that was -- he just continued with the proceedings.
- Q The reporters were notified and the photographers were notified and the public was notified?

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

MR. DANACEAU: We object. It is
just a speech, that's all it is, by counsel.

THE COURT: Objection sustained.

A Well, there were reporters --

MR. MAHON: Just a minute.

MR. DANACEAU: Just a minute.

THE COURT:

Just a minute.

There is no question.

Q Were there photographers and reporters present there?

A Yes. There had been reporters out in front of Dr. Stephen's home since 5 o'clock.

MR. MAHON:

I object to this.

Wait a minute. Objection.

Q Did you see them?

MR. MAHON:

Objection.

MR. DANACEAU:

Objection.

THE COURT:

Yes. Let's not go into these details, Mr. Corrigan. They don't prove anything involving the issue in this case. They couldn't possibly.

MR. CORRIGAN:

Well, I have to disagree with the Court on that.

Q Where were you taken from that place?

A I was brought down to the fourth floor of this building.

Q And what time did you arrive at the fourth floor of this building?

A I couldn't give you the time. Around 11 o'clock.

Q When you arrived here at the County Jail, that was Friday night, is that correct?

A Yes, sir.

Q And the next day would be Saturday?

A That's right.

Q Have you discovered since you have been in that jail -- have you always been on the fourth floor?

A Have I always been on the fourth floor?

Q Yes.

A That is where I have had my confinement.

Q That is, your confinement has been -- you have been assigned to the fourth floor?

A Yes.

Q And do you know what the visiting time is on the fourth floor, what the visiting day is?

A Yes. Today is visiting day.

Q Friday?

A Yes, sir.

Q Between what hours?

A I don't know. One and three, something like that.

Q Now, then, did you have any visitors until the succeeding Friday, that is, of your family?

A I think that Dr. Richard was allowed to visit for a few minutes. I'm not sure of the day, though.

Q Now, then, after you were placed on the fourth floor of the jail, the next day, Saturday, were you questioned by the police?

A Yes, I was.

Q And when did the questioning start?

- A Shortly after one o'clock the questioning started.
- Q Well, were you questioned in the morning?
- A I was taken up to the hospital floor and then given the so-called medical check, and I met Chief Story at that time, and also Dr. Green and Dr. Braden, I believe.
- Q Do you know who Dr. Green is?

MR. DANACEAU: Just a minute.

We insist upon an answer to the question.

Will you please read the question?

THE COURT: He is asking him
who Dr. Green is.

MR. DANACEAU: No. He asked a
previous question and the answer was not responsive
to the question at all.

THE COURT: Let's get the
question.

THE WITNESS: I was questioned by
Chief Story. Is that what you mean?

MR. DANACEAU: I don't mean anything.
I am merely asking that the reporter read the
question.

THE COURT: Just one minute.

Read the question.

(Question read by the reporter, as follows:

"Well, were you questioned in the morning?")

- A Yes. Not formal questioning, but --
- Q Did you see any police officers or anybody connected with the police department on Saturday morning?
- A Yes.
- Q Now tell who you saw up there on the 11th floor?
- A Mainly Chief Story.
- Q Well, did you see anybody else that you remember?
- A Dr. Braden and Dr. Green, and I may have met Dr. Mackowitz at that time.

Q Do you remember an officer named Kerr?

A No, I don't.

Q You do not. Now, then, --

A There were several people up there that I couldn't say --

Q When did you first see your lawyers?

THE COURT: You mean after that time, or at any time?

A The first time I saw my lawyers --

Q After you were in jail.

A After I was arrested?

Q Yes.

A Sometime the following day, on Sunday, as I recall.

Q Yes. All right. Did you see any police officers during that Saturday?

A I certainly did.

Q After this morning session, when did you see police officers?

A Approximately one o'clock or shortly thereafter.

Q Do you remember who they were?

A Yes. I took some notes on the names of the officers that I had seen and had planned to give that to you, but --

MR. PARRINO: If the Court please,
he is not answering these questions.

THE WITNESS: I said yes.

MR. PARRINO: He asked you who
they were.

MR. CORRIGAN: You will have a chance
to cross-examine.

MR. PARRINO: Yes, I know, but
please have the witness answer the questions.

MR. CORRIGAN: Keep your questions
until I release the witness to you.

MR. PARRINO: Yes, but I would like
for him to answer your questions.

MR. GARMONE: He will answer them.
Don't show so much impatience.

THE COURT: Let the witness
try to get the question and merely answer the
question.

Q Do you know who the police officers were that started
to question you on Saturday?

A Yes, I do.

Q Who were they?

A Schottke and Gareau.

Q And when did they start to question you?

A Shortly after one o'clock, as I recall. I had no watch --

Q Well, it doesn't make any difference. Shortly after one o'clock answers the question.

Where did they take you?

A They took me to the same room which they had used before for interrogation.

Q No lawyer there?

A No, sir.

Q How long did they question you that afternoon?

A Well, I have a note on it.

Q Well, look at it. If you made a note on it --

A It was over two hours, I believe.

Q If it will refresh your recollection, look at it.

A From shortly after one to shortly before six in the evening.

Q All right.

MR. DANACEAU: May I see it, please?

MR. CORRIGAN: Well, why don't you
wait till the man gets through with it?

MR. PARRINO: I don't think that
is fair.

MR. DANACEAU: I merely asked to see it.

MR. CORRIGAN: Look at it.

MR. DANACEAU: Why did you object to it?

MR. CORRIGAN: Why didn't you wait till the man got through with it? You will have an opportunity to look at it.

MR. PARRINO: You people did exactly that for about five weeks in this trial any time any State's witness took out any paper.

MR. CORRIGAN: Well, now I am bawled out. Go ahead. Look at it, and when you get through looking at it, hand it back to the witness.

THE COURT: Let Mr. Danaceau look at it.

MR. DANACEAU: We have extended every courtesy to you, Mr. Corrigan.

MR. CORRIGAN: You have extended no courtesies to me.

MR. DANACEAU: All right.

MR. CORRIGAN: Nor have I asked for them.

(Mr. Danaceau hands paper back to the witness.)

MR. DANACEAU: Thank you, sir.

Q Now, who were the first men that came there from Detective McArthur's department and questioned you?

A Officers Schottke and Gareau.

Q They were the two men that had accused you of the murder

of July the 4th, weren't they?

A Officer Gareau never accused me.

Q But Schottke did?

A Yes, he did.

Q And what was the questioning?

A The questioning was in relation to the case.

Q What time did they depart from the County Jail that afternoon?

A Well, now, --

Q Look at your notes.

A I haven't told you all about the questioning yet.

Q I will come to it. I will come back to it.

A They departed around six, I'd say, or shortly before.

Q And when they left at six, did any other officers come in?

A Yes, sir.

Q Who came in then?

A Officers Lonchar and Becker.

Q What time did they come in and what length of time did they question you?

A Well, they came in shortly after six. I was given time to eat a hasty supper, as they call it.

Q How long did they remain with you?

A Well, from shortly after six till nine.

Q And after nine o'clock who came in, if anybody?

A Officers Doyle and Lockwood, Sergeant Lockwood, here in

court.

Q This gentleman here?

A Yes, sir.

Q How long did they stay with you?

A Not as long as the others, about an hour, from around nine to around ten, I think.

Q Did anybody come in after ten o'clock?

A Yes, sir.

Q And who came in after 10 o'clock?

A Officer McHugh and Officer O'Hara.

Q And how long did they stay with you?

A Until just before midnight, as I remember.

Q So you were quizzed from one o'clock in the afternoon till midnight on Saturday by different groups of officers?

A That's correct.

Q Now, tell the jury what this questioning consisted of.

A I can remember certain things about certain pairs of officers. Each pair of officers naturally carried with them a different personality, together and separately --

MR. PARRINO: If the Court please,
we object to the officers' personality. What
was said and what was done, please?

THE COURT: The question is:
What was said and who said it, of course.

A

Well, Officer Schottke initiated the question period, and went into my background. He went into his visit to California and Miss Hayes --

MR. MAHON: I object to the summary. Instead of "Going into" let's have the words.

THE COURT: You are beginning to give us a narrative statement. They want the questions and who asked them.

MR. CORRIGAN: I don't understand your Honor.

THE COURT: The Court said that the witness was beginning to give us a narrative statement, while he is to answer what the questions were and who asked them.

MR. CORRIGAN: How could any man, your Honor, you or I or anybody else remember what was said or questions and answers?

MR. MAHON: Well, give him an opportunity to answer, will you?

THE COURT: He doesn't have to be precise. All right. Let's get it. As near as you can recall, Doctor, tell us what the inquiry was in as orderly a fashion as you can, and who made it.

THE WITNESS: Well, I can't give you, sir, the identical --

THE COURT: I don't think you can, that is true, but give us as near as you can the substance of it, as near as you can.

A Yes, sir. The question period included questions similar to those in the written statement which have been entered as testimony here. Most of the questions varied from the testimony or the statement that I have given.

In other words, the officers would say, "Now, you said that you turned on the light as you went upstairs," for instance, "And when you did, what did you see?"

And, of course, I would correct the officers, that I didn't say that I turned on the light, and then they'd say, "Well, did you or didn't you?"

And I would try to give an answer, and on each point there would be -- they would say, well, now, you said so and so and so and so, and invariably that would not be correct, and I didn't say that, and I would attempt to correct them in their assumption or their statement to present it as I saw it and as I know it, and correct their statements, you see.

Q Now, that went on for a number of hours with those officers?

A Well, yes. Then Officer Gareau went into a sort of a lecture

about activities with women, and what his wife would do, and so forth, and they both agreed that if they were in my position, they would have done as I did in relation to previous testimony about Miss Hayes.

Q You had up to that time denied any relations with Miss Hayes, is that so?

A Any intimate relations, yes, sir.

Q Now, then, that process went on for several hours. Then what was the next group that came in? What did they do? What did they ask you?

A Well, the next group were Officer Lonchar and Officer Becker, and this was probably the most vigorous couple of questioners. Their line of questioning was similar as to the way of questioning, as far as assuming or trying to get me to agree that I said things that I didn't say.

Officer Becker insulted my family, insulted my profession --

Q How did he insult you?

MR. DANACEAU: We object to this.

THE COURT: You may say what he said.

MR. MAHON: Yes, what he said.

Q What he said about those things, you tell the jury.

A Before I go on to those two, Officer Schottke made a statement that --

MR. DANACEAU: Just a moment.

MR. MAHON: It's all right.

Let him say it.

MR. DANACEAU: I thought there was --
all right, I will withdraw the objection. I
thought there was a question pending that hasn't
been answered.

Q Go ahead. Officer Schottke made a statement.

A He just made a statement that he had personally done
everything that he possibly could to involve Dr. Stephen
Sheppard in this case, but up to that point he hadn't been
able to find anything against him.

Q I see. You get to the next group now. Let's hear their
methods.

A One more thing about Officers Schottke and Gareau:

They stated, and I believe it was Officer Schottke,
that when I could prove to him that there was someone else
that did this thing, he would consider it, and I merely
stated that I certainly was in rather poor condition to
prove to Officer Schottke anything at that time.

Q What was that?

A I told him that I was in a poor condition to attempt to
prove anything to Officer Schottke at that time. Officer
Gareau was more considerate, and indicated to me that he

had a conscience, that all he asked was for me to tell the truth.

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- Q Now, then, let's go to the next group of examiners or inquisitors.
- A That was Officer Lonchar and Becker, and Officer Becker did most of the questioning at that time.
- Q Now, was there any profanity used at that time or any language that would not be fit to be heard in ordinary circles?
- A Yes, sir, there was.
- Q And who used the profanity and language of that character?
- A Officer Becker did.
- Q Tell what he said, but leave the profanity out. We can imagine it.
- A Well, he indicated that I was the dirtiest, most low-down individual that he had ever encountered. He made comments about both of my brothers that were, in my opinion, very unfair.

MR. MAHON: Well, I would like to know what the comments are. If we are going to have this, let's have the whole thing without conclusions, if your Honor please.

THE WITNESS: Do you want me to say what he said?

MR. MAHON: Yes.

THE COURT: You may say what

he said, in any event.

THE WITNESS: Without the
profanity, I can't tell you what he said.

MR. MAHON: Well, give us
the profanity, then. Let's have the whole
thing out here without something covered up,
if your Honor please.

THE COURT: All right. If
the officer said it in your presence at that
time, you may say it no matter what it is.

MR. CORRIGAN: If the Court
please, I object to Mr. Mahon.

THE COURT: No. Mr. Mahon --

MR. MAHON: I don't care
whether you object to me or not. I'm making
a request to the Court that if we are going
to have these questions along these lines,
let's not have conclusions, let's have every-
thing that was said.

THE COURT: Yes. All right.
The officer said -- the witness says he cannot
say what the conversation was without using the
profanity. The Court will say that he may use
the profanity and everything else that was
said. All right. Go ahead.

THE WITNESS: I don't have a question now.

THE COURT: What was said?

Q Doctor --

THE COURT: What was said?

There was objection to what you said about Becker, and now he wants you to say what Becker said that you say included this profanity.

Q Was the --

MR. MAHON: Well, let's have an answer to the question now.

THE COURT: Yes.

MR. CORRIGAN: I am withdrawing the question now, sir.

MR. MAHON: Well, then, we ask that the entire thing, all of it, be stricken out, if your Honor please, everything that has been said here in response to the question that was asked, we ask the jury be asked to disregard all of it.

MR. GARMONE: We are agreeable at this time that the conversations that he has testified to between himself, Becker and Lonchar be at this time stricken from the

record and you, your Honor, may instruct the jury to disregard it.

THE COURT: No, Mr. Garmone. We are not going to let him -- a witness start telling about some conference with police officers in this particular case and then leave a good deal of it out.

MR. GARMONE: Well, your Honor --

THE COURT: We are entitled to the substance of it and not just part of it.

MR. CORRIGAN: Your Honor, we were just trying to be polite.

MR. MAHON: Oh, well, you haven't shown it up to this time.

MR. GARMONE: We have withdrawn the question.

THE COURT: All right.

MR. GARMONE: And they have made a request that it be stricken from the record, and we have agreed to it.

MR. DANACEAU: Not the question stricken from the record.

MR. GARMONE: The answers.

MR. DANACEAU: No. All of the testimony.

MR. GARMONE: Regarding the
Becker and Lonchar, that's right, and we have
agreed to it. Is there anything more fair
than that?

THE COURT: The Court will
not strike it from the record, and the Court
will permit the Prosecutor to go into it
fully when he cross-examines the witness.

MR. CORRIGAN: We have no
objection, and we raise no objection to
the Prosecutor going into it fully.

THE COURT: All right. Go
ahead.

Q Now, who were the next group that came along?

A Well, I might add that during this examination --

MR. PARRINO: The question was:
Who were the next group that came along?

THE COURT: Listen to the
question, Doctor.

MR. CORRIGAN: Don't pay any
attention to all these people hollering at you,
Doctor. Just listen to my question.

MR. PARRINO: We have no
objection to him answering Mr. Corrigan's question.

THE COURT: The objection will

be sustained unless he is answering the question.

Now, will you put your question again, please?

Q Who were the next group that came?

A Officer Lockwood and McHugh.

Q That's --

A Officer -- Sergeant Lockwood.

Q How long did they stay with you?

A About an hour.

Q And will you tell what they said to you and --

A I recall only Officer Lockwood talking with me, and he was the most considerate of -- well, you don't want that.

Officer Lockwood's questions were general. One of the only questions that I remember that he asked me was: "Doctor, how can you possibly put up with this ordeal?"

Q What did you answer?

A I told him that I still had faith in the truth and I had faith in God and Marilyn was with me, and with that faith, I thought I could take on anything.

Q Well, what was the next group that came?

A Correction. I think that was Doyle and Lockwood, and the next group was McHugh and O'Hara, according to my notes here.

Q They arrived about what time?

A Around ten.

Q And stayed until midnight?

A Yes, sir.

Q And what was their conversation and what was their questioning?

A Well, Officer O'Hara said that he didn't want to ask me any questions, that he was just going to tell me what kind of a character he thought that I was, and --

Q What did he say?

A He said I was a dirty, lowdown son-of-a-bitch.

Q What else?

A Well, he said that I had ruined Bay View Hospital. He said that I had ruined the Mayor. He said that they had definite evidence of other people being involved in this thing and trying to cover up as accomplices or an accomplice.

He said that they had never run into anyone as dirty and low as I. He said that they had run tests on my trousers, and that there were absolutely -- there was absolutely no evidence of sand in the trousers.

He said they had run tests with the socks and shoes and they had put shoes and socks in the lake of different kinds and different makes to test whether there would be sand present after a certain period, and he said my shoes displayed no evidence of sand and neither did the socks.

He asked me about the T-shirt, and I explained to him that if I had attempted to cover up anything, it would have been very simple to get a clean T-shirt out

of the drawer and put it on.

He talked almost continuously, telling me what effect this would have on my little boy, saying that people would point out my little boy in years to come and say, "His father killed his mother."

That's about all I can remember specifically.

Q During this day -- during the period of that inquisition --

MR. MAHON: I object to
that, if your Honor please.

MR. CORRIGAN: Questioning.

I'll withdraw it.

Q (Continuing) -- was there an effort made by these men
and these various groups of men to have you confess to
the murder of your wife?

A Yes, sir.

Q Tell me about that?

A Well, each and every group defined to me the various degrees
of murder, and each one seemed to have a story, except
Sergeant Lockwood and his partner, about some man that
had killed his wife or some person that had killed some-
one who had done it under certain circumstances and he
had been declared not guilty because of momentary insanity,
or he had gotten manslaughter and been out in 11 months
after being in the penitentiary. And they all told me
that in this case there was absolutely no evidence of

premeditation, and they could practically assure me an indictment of manslaughter if I would agree to confess to this thing. And I, in each and every case, told them that I couldn't confess to something that I didn't do. And Officer Gareau, for one, said that he had a conscience and he didn't expect a man to confess to something that he didn't do.

There were others who later expressed the same sentiment.

MR. CORRIGAN: Do you want to have a recess now?

THE COURT: All right, if it is all right with you.

Ladies and gentlemen of the jury, we will have a few minutes' recess at this point.

Please do not discuss this case.

(Recess taken at 2:55 o'clock p.m.)

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(After Recess, at 3:10 o'clock p.m.)

Q During that first day of questioning, was there any pictures presented to you?

A Yes, sir, there were.

Q And what were the pictures?

A They were pictures of my house, pictures of the beach, pictures of the rooms, and pictures of my wife.

Q Will you describe to the jury how the pictures of your wife were presented to you?

A Well, I was shown pictures of the home and the beach and the stairs and the rooms separately, and questioned with each picture, and then the picture of my wife was thrown in front of my face.

Q Were those the pictures of your wife as she lay murdered in her bed?

A Yes, sir.

Q And were you requested to look at those pictures?

A Well, I was forced to look at them momentarily, and then I closed my eyes.

Q Now, what time did you get to bed in your cell?

A The first night?

Q Yes, on Saturday night.

A Approximately midnight.

Q And did the officers come back again the next day?

A Yes, they did.

Q And who were the first ones that came?

A Well, that's the day I was given the opportunity to see you and Mr. Petersilge.

The first officers were Schottke and Gareau.

Q Now, at what time did they come to the jail?

A About 1:30.

Q Before they came to the jail, were you in conference with your attorney?

A With Mr. Petersilge, yes, sir.

Q And what occurred?

A The Sheriff told Mr. Petersilge that he'd have to go.

Q And did you protest and did Mr. Petersilge protest?

A Mr. Petersilge did, yes, sir.

Q Did anybody pay any attention to his protests?

A Just to tell him to get out.

Q Told him to get out?

A Yes, sir.

Q And after he was put out of the jail, your attorney, who were the next people that appeared on the scene?

A Officer Schottke and Gareau.

Q And where were you taken then?

A To the same room for interrogation.

Q And how long did they remain with you interrogating you on Sunday afternoon?

A About -- until around 4:30. These times are not clearly

and definitely accurate, but approximately.

Q What was the questions that they put to you, and what were the answers that you made on that Sunday afternoon?

A I don't know if this was the time or not, but --

Q Give your recollection.

A I don't recall the specific questions and answers, but I informed the officers at that time something, I think.

Q What did you inform them?

A Well, I informed them that I had done everything in my power to give them the facts as they stood, and I felt that they had been unfair to me; I felt that their method of questioning the previous day had been unfair, but I subjected to it because I wanted to display any and all facts that I could, or relate any and all facts that I could; I felt that from there on their methods were merely in an attempt to pin something on an innocent man, and that on that basis I felt that I shouldn't answer further questions in regard to the specific incidents of this tragedy, and that I had been advised in that regard by my lawyer.

Officer Schottke questioned me then about my background, high school, college, some of my medical preparatory work, athletics, and at the end of the interrogation Officer Gareau agreed that I certainly should follow the advice of my lawyers now.

- Q There was a considerable conversation that went on between the two of you that day?
- A The three of us.
- Q The three of you?
- A Yes, sir.
- Q Who was the next group that appeared on Sunday?
- A I believe it was Officer Boyett and Lonchar.
- Q Was Boyett the one that had questioned you the day before in the insulting manner?
- A No, sir.
- Q That was -- what was it -- Becker?
- A Yes, sir.
- Q And what time did Boyett and Lonchar come and when did they go?
- A They came at 4:30 and left at 8:30. They hesitated a short time and watched me eat.
- Q You had an opportunity to eat your supper?
- A Well, I was not sent back to my cell. They brought something into the room, and I -- what I wanted to eat was to be eaten there in front of them.
- Q Now, then, what was the questioning by those gentlemen, Boyett and Lonchar?
- A The specific questions that I recall by these two were put to me by Officer Boyett, and he questioned me about various points that were not particularly important, and he would

then turn suddenly and say, "Sam, why did you do it?"
or "Sam" --

Q How would he say it?

A Beg pardon?

Q How would he say it?

A Well, he'd say, "Sam, why did you do it? Why did you kill your wife?"

And then he'd put his hands over his head like this, and bring them down like this (indicating) and say, "Down, down, down, down, down." (Indicating).

Q And that was the type of questioning that group had?

A Well, I told him that I didn't do it, I couldn't do it.
I told him that I couldn't do it to any human or any animal.

Q Did you tell him anything else why you couldn't do it?

A I believe that I told him, as I had told Officer Lockwood, that I couldn't possibly have done such a thing under any circumstances.

Q Did you mention the fact about your unborn baby in those conversations?

A I told them, the officers, that Marilyn was to have a baby, we both were very pleased about it.

The officers made comments about questioning the fact that I was the father of the baby --

Q They what?

A They questioned the fact of my being the father of the baby.

Q Who did that?

A Officer Becker did, that I recall. He is the only one that I can recall specifically. He also examined my arms for hypodermic needle marks here and here (indicating).

Q To determine whether you were a dope fiend?

A That was my assumption. He asked if I had ever taken dope or medication, and I told him certainly not at any -- any more than very slight doses in relation to this injury that I had just recently had.

Q What time did they depart?

A Officer Boyett?

Q Yes.

A Around 8:30.

Q That was at night?

A Yes, it was.

Q Now, that brings you to Monday. Did you see any police officers on Monday?

A From this point on -- yes, I did.

Q What?

A Yes.

Q When was the next time you saw police officers?

A Well, my notes are --

Q What?

A My notes are not really adequate, complete on this point.

I saw officers McHugh and O'Hara, I believe on Monday.

Q Do you know what time?

A I'm not sure.

Q Well, did you see any other officers besides McHugh and O'Hara?

A I saw two officers that were new to me, Pagel and Doren.

Q They were two new ones?

A Yes, sir.

Q Did they question you?

A Yes, sir.

Q Now, tell me about their questioning.

A Well, I told them what I told the other officers, and their questions were mainly in relation to background. The one -- I believe it was Officer Doren had been -- he said he had been quite a track star, and he commented about having a steak dinner that night, and about how he was going to the ball game, and wouldn't I like to go with him, and he commented on sports and track and how nice it would be to be out in the lake, and he discussed the fact that if I should agree to confess and were on an indictment of --

Q Agree to confess what?

A If I were indicted upon manslaughter, I could be out on bail and I'd be out and could enjoy life, and so forth.

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Q And the entire attempt of all these officers along the line was to get you to confess?

MR. MAHON: Well, now, I object.

THE COURT: Objection sustained.

Q Well, what was their attempt of all of them, what was the attempt of all of them?

MR. MAHON: Objection.

MR. DANACEAU: We object to that.

THE COURT: Objection sustained.

MR. CORRIGAN: All right.

Q Now, then, on Monday night, were you taken out of the jail?

A Yes, I believe it was Monday night, but I can't say specifically what date it was. I believe it was on the 11th.

Q What?

THE COURT: He believes it was on the 11th.

A No. No, it wasn't either. It was from seven in the evening until around eleven o'clock at night. I think it was --

Q It was the 2nd of August. Do you remember that?

A Yes. I remember going out, but I can't give the definite

date. It was around the 2nd or 3rd, I would say.

Q Was that the night that you first saw Fred Garmone?

A Yes.

Q What?

A Yes.

Q What time were you taken out of the jail that night?

A About seven o'clock.

Q And who took you out of the jail?

A Officer Rossbach and Officer Yettra.

Q Did they tell you where they were taking you?

A No, sir.

Q Was there anybody else accompanied you?

A Yes.

Q Who were they?

A Officer Boyett, of the Cleveland Police Force, and Officer Lonchar, I believe. Lonchar drove, I think.

Q Were you manacled?

A Yes, sir.

Q Who to?

A Officer Rossbach, I think.

Q Now, then, where did they take you to?

A Well, they eventually ended up at City Hospital.

Q And was there any stops between the County Jail and City Hospital?

A Well, they took a devious route to get away from the

reporters, and we cruised around down in the flats for some few minutes, and they commented on trying to make a connection, time connection or something.

Q Did they tell you where you were going?

A No, sir.

Q And what they were going to do with you?

A No, they didn't.

Q Did you object to leaving the jail? Did you raise any question about it?

A I asked where I was being taken.

Q And they didn't tell you? What did they answer?

A They said, "You'll find out."

Q Now, then, you finally arrived -- discovered that the destination was City Hospital?

A Yes.

Q Where were you taken in City Hospital?

A I was taken to the X-ray room.

Q And when you were taken in the X-ray room, did you see anybody there that you knew?

A I saw Dr. Braden, that I had met here some time before, and I saw an X-ray -- I saw a doctor that I had met at City Hospital some time before -- I should say I had seen him at a clinical pathologic conference. He didn't know me.

Q Was there anybody else in the room except those two men?

A Officer Boyett. Well, Dr. Green was around.

Q Do you know him?

A No, I don't. I had met him here at the jail.

Q You knew who he was?

A Yes.

Q And who was he?

A Well, he is a Cleveland Police physician.

Q And was there anybody else in there?

A A technician and Officer Boyett, of course, and the other officers that brought me. There was a Dr. Slade around and one or two others.

Q Now, did they take off some of your clothes?

A They took off all my clothes.

Q Took off all your clothes. And after they took off all your clothes, what was done with you then?

A Well, first they took some X-rays before they -- they took off my shirt and asked me to remove my collar which I had on at that time so they could take some X-rays.

I believe I commented at that time that X-rays that long following an injury of my type would be of rather questionable significance, but they wanted them anyway.

Q Then did they take off the rest of your clothes?

A Later they did. Dr. -- the doctors, three of the doctors examined me, but they each observed the other examination. One would examine me and the others would watch, and then

one of the others would examine me and the others would watch.

Q Your body was naked then?

A Yes, sir.

Q How did they go over your naked body?

A Oh, they subjected me to a neurologic examination.

Q Tell the jury what that is so that they understand what these men did to you that night?

A Dr. Braden and his apparent assistant --

Q His what?

A A younger doctor, which seemed to be Dr. Braden's assistant, but whom I learned later was at that time supposed to be under the direction of Dr. Elkins, went over me checking my reflexes, the area of relative numbness around my eye and my face, checking the amount of weakness in my left arm, checking for areas of numbness.

They checked my reflexes repeatedly, but they at no time checked my reflexes in a rapid repeat method. By rapid repeat method, I mean the stimulation of a reflex rapidly, such as if I put my leg over my knee and it is tapped with a reflex hammer, the reflex occurs. And the rapid repeat method is a continuous rap on the tendon or whatever the particular point happens to be.

(Demonstrating).

Q Did they stick any pins in you?

A Yes, sir.

Q Where did they stick the pins?

A In various areas to -- they went over me pretty much from head to toe, and then one of the doctors checked pretty carefully muscle strength in my arms, legs, abdomen and the neck. He insisted on moving my neck in various areas, which was quite uncomfortable.

Q Now, then, how long were you there?

A I can't say specifically. Some time.

Q Well, you then returned to the County Jail?

A Yes. I was brought back to the County Jail by the same officers.

Q And have you any idea when you got back to this jail?

A Well, I took a note on it.

Q Well, look at your note and see what it is.

A About eleven.

Q About eleven?

A Yes.

Q Now, after you got back to the jail, did you -- was an attorney admitted to see you?

A Yes.

Q And that was Fred Garmone?

A Yes, sir.

Q That's the first time you ever saw him in your life?

A Yes, sir. I wouldn't talk to him.

Q Or ever heard of him?

A No, I never had heard of him before.

Q And you wouldn't talk to him?

A No, sir.

Q And did you later --

A Not until he produced a note from Dr. Stephen Sheppard's prescription blank.

Q And then you talked to him?

A Yes, sir.

Q Now, then, was there another time when you were taken out of the jail?

A Yes.

Q Do you recall what date that was? I'm not referring to the times you went to Court.

A No, I don't remember the date.

Q And where were you taken?

A To the Central Police Station.

Q And what was done at the Central Police Station?

A I was given a Bertillon picture with numbers and finger-printed and palm printed, and I saw Inspector McArthur in passing.

Q And you were -- a number was hung around your neck, was it?

A Yes, it was.

Q What?

A Yes, sir.

Q And it was printed in the press, wasn't it?

A That night.

Q That night. Now, then, you were in jail then until you appeared before Judge Thomas of the Common Pleas Court, is that correct?

A I was in jail until I appeared before Judge Thomas, yes.

Q And after a hearing, Judge Thomas released you on bail, didn't he?

A Yes, he did.

Q He fixed the bail at \$50,000?

A Yes, sir.

Q That was on the 16th of August?

A I couldn't give you the date.

Q Well, you went home?

A Yes.

Q And how long were you home until you were arrested again?

A I was home until the next evening, dinner time.

Q What time did you get home on the day that you were released on bail by Judge Thomas?

A I don't know. Around noon, I would gather.

Q Did you see any members of your family after you were released on bail?

A Yes, sir.

Q Who did you see?

A Well, I saw my mother and, of course, I spent a great deal of time with Chip.

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Q And then when was the next time that the officers came and took you?

A Well, the following evening I was rearrested.

Q And what time did they come and rearrest you?

A Around dinner time, around 6.

Q And who rearrested you?

A Officer Rossbach and Mr. Weitzel, I think was with him, Deputy Weitzel.

Q And were you again manacled and brought to the jail?

A Yes, sir, I was.

Q And were you served with an indictment returned by the Grand Jury?

A Yes, sir, I was.

Q The indictment that we are here on trial for charging you with first degree murder?

A Yes, that's right.

Q Were you arraigned in this courtroom on the succeeding Friday?

A I was arraigned in this courtroom. I'm not sure of the date, though.

Q Before Judge Day?

A Yes.

Q Photographers and reporters present in great numbers, were they not?

A They certainly were.

Q In the courtroom. Now, then, on the 3rd day of November you went out to the house, your home, at the same time that the jury went out there?

A Yes, I did.

Q And that was the first time you were in your home since when?

A As I recall, the first time since we removed some of my clothes in the two vehicles.

Q As we walked around the house, and as we were in the den, do you remember me picking up some papers?

A Yes.

Q And asking if I could take those papers with me?

A Yes, I do.

Q Do you remember that?

A Yes.

MR. CORRIGAN: Mark these Defendant's Exhibits 19, 20 and 21.

(Defendant's Exhibits 19, 20 and 21, being paper writings, were marked for identification.)

Q Handing you Defendant's Exhibits 19, 20 and 21, will you identify them?

A Yes, sir.

Q And what are they?

MR. MAHON: Objection.

MR. GARMONE: Show them to the Court.

(The Court examines Defendant's Exhibits 19, 20 and 21.)

THE COURT: Objection will be sustained.

MR. CORRIGAN: Except.

Q After looking at those exhibits, Defendant's Exhibits 19, 20 and 21, does it refresh your recollection as to anything that occurred on Saturday afternoon before you went over to the Aherns?

A Yes, sir.

Q And what occurred, now that your memory is refreshed, what occurred on Saturday afternoon before you went over to the Aherns that you haven't told?

MR. MAHON: That is July the 3rd?

MR. CORRIGAN: July the 3rd.

MR. MAHON: All right.

Q Saturday afternoon, July the 3rd.

A Before we went over to the Aherns, Marilyn and I agreed that there were some business matters that we should get out of the way which entailed itemizing some expenses that are to be included in business expenses on forms. In other words, if there were any expenses that we took care of personally that represented --

MR. MAHON:

Well, now, I object to this, if your Honor please. What did you do? -- is the question.

A All right. We made out some forms in regard to our personal business in relation to my professional business.

Q Where was that done?

A In my little den there.

Q That is, the two of you worked together on that afternoon when you went over your finances, is that so?

A Yes, sir. She took care of that end of things with my help. That is her writing on that.

Q Doctor, did you have a bank account?

A Yes, sir.

Q Where was your bank account located?

A Well, I have confused that more than once. National City or Central National. I think it is National City Bank.

Q Where is it located?

A Rocky River.

Q You mean just there opposite the Westlake Hotel?

A Yes.

Q Well, that is the National City.

A National City.

Q I believe I have a check here of yours. Maybe you can identify it and then you will be sure.

Handing you a blank check -- or a cancelled check

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solely for the purpose of refreshing your recollection on this point, where is your bank account?

A National City Bank.

Q Rocky River?

A Yes.

Q And did Marilyn also have a bank account there?

A Yes.

Q Now, who did the banking for the family?

A Marilyn did.

Q And how long had Marilyn been doing the banking for the family?

A Ever since we were married.

Q You were on a salary, were you not, from the Sheppard Clinic?

A Relatively.

Q What?

A Relatively.

Q I can't understand that. I can't understand what that means, "relatively."

A Do you want me to explain our business relationship?

Q Were you on a salary? That's all I want to know.

A No, sir.

Q What?

A Not exactly.

- Q Well, did you receive some money each month from the Sheppard Clinic?
- A Yes, sir.
- Q And that money came in what form? How was it paid?
- A It came in a check.
- Q Paid in a check?
- A Yes, sir.
- Q And when you would get the check, what would you do with it?
- A I endorsed it and turned it over to Marilyn and she banked it.
- Q She did the banking?
- A Yes.
- Q Now, did you have two accounts at the bank?
- A Yes, sir.
- Q And your account, and what was the other account?
- A It was Marilyn's household account. It originally had been a combined account, but we -- it had been turned over to Marilyn as her account, household account.
- Q And when she cashed the check at the -- or when she endorsed the check and deposited it in the bank, was there any division of the amount of that check into one account and into the other?
- A Marilyn took what she needed for household expenses and put the rest in the other account, which was considered our business account, the surplus of which was to go in the

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savings account, and we were able to do so --

Q All right. And that continued all the time that you lived in Bay Village, that was your relationship in money matters with your wife?

A That type relationship existed in California.

Q Yes. All right. Now, then, you have heard testimony here in regard to the fact that some police officers went into your house in July, and the Coroner and Mary Cowan, and they found some blood spots in your house. Do you remember that testimony?

A Yes, sir.

Q Well, now, will you tell the jury how long that carpet had been down in your house, as far as you knew?

A Except for a portion in the southeast corner of that living-dining area, which was burned at the time of the fire, it had been down ever since we lived there.

Q Since you lived there. Now, during the period that you lived there, did you always have the dog Koko or Koke, or whatever his --

A I got Koko shortly after we moved in.

Q And Koko was a female dog?

A She still is, as far as I know. I mean she is still living.

Q She is still living. Was Koko spaded at any time?

A No, sir.

Q Do you know of your own knowledge whether Koko had been in heat a number of times before July the 4th?

A Yes, she had.

Q Now, will you tell the jury what your observation was as to the blood that was dropped by Koko in that house during the various times that he came in heat?

A She came in heat.

MR. GARMONE: She came in heat.

I used "he."

MR. CORRIGAN: I don't know, I'm getting tired.

Q She.

A Well, she bled all over the house and Marilyn complained that she bled on a couple of the beds, and even on one -- I don't think she mentioned chairs, but she did mention on a couple of beds she had to send, I think one of the spreads out, or something like that. She bled all over the house.

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Q There is a picture here of a part of the garage, which is introduced in evidence by the State. Here's a picture, Defense Exhibit VVV, and will you look at that and tell me what part of the garage that is?

A That's the north room over the garage -- no, the south room over the garage.

Q Well, what's it used for?

A It had been used at that time for storage.

Q Do you remember when you were up in that room last?

A When I was at the house with the jury.

Q Well, before that?

A Oh, it had been some time.

Q How long before the 4th of July?

A I couldn't say.

Q I couldn't say. There is, pointing to --

A It was in the spring.

Q You better come down so I can show the jury what I am doing.

A It was in the spring, early spring, I would say.

Q You better come down here, because I want to show them what I am talking about.

(Thereupon the witness left the witness stand and stood in front of the jury.)

Q There's a lot of stuff shown in that picture. What is this?

A This is a table that the young boys made out of two by fours and covered with linoleum, and it's upturned and one leg of it is sawed off. One of the boys wanted to make Chip a raft that floats, and he used this piece of wood.

Q And what is this along here, this dark spot?

MR. CORRIGAN: (To the deputy.)

You don't need to follow the man over to the jury box, sir. He's not going to run away.

MR. GARMONE: Let him stay there.

MR. CORRIGAN: Well, all right.

MR. GARMONE: If those are the rules, we'll live by them.

Q Get up close.

A That's a part of the couch that one of the -- oh, some other person in the community donated to the cause of the young boys.

Q And what are these things on top of it?

A Oh, packages, baby clothes, I don't know, Marilyn's things.

Q And there is indicated a spot of blood under that table in the testimony. You didn't crawl under there, Doctor, did you?

A Not that I recall.

MR. CORRIGAN: (To the deputy.)

Have you got a gun, sir?

DEPUTY ZEPP:

Not with me.

(Thereupon the witness resumed the
witness stand.)

Q Now, during the period that you lived in that house, was
there any time when Chip bled?

A Chip?

Q Chip, your boy.

A Bled?

Q Yes.

A Yes.

Q And do you recall the incidents in which Chip shed some
blood?

A There were many.

Q What?

A There were quite a few incidences when Chip --

Q Well, you tell me the incidences, now?

A Well, the most recent were when he had had some teeth
pulled.

Q Who pulled the teeth?

A Dr. Novotny pulled two of his front teeth.

Q Were they pulled at the house or was he taken down to the
office?

A He was taken to the office -- they were solid at that
time -- in order to attempt to apply this device to pull

his chin back. And I pulled --

Q Well, when he came home, was there any blood coming from his teeth?

A He had a little bleeding at the time he came home, but -- definitely enough to spit out at times, and I pulled two teeth within a month or six weeks of this, of July 4th, myself.

Q Did you pull them both together?

A No, sir.

Q At the same time?

A No, sir.

Q When was the first tooth pulled by you?

A I can't give you a date on that, but he --

Q Well, about how long before July 4th?

A About six weeks, probably.

Q And where was that tooth pulled?

A Oh, I think it was in the kitchen. He was eager to get what the fairy would bring him.

Q Get what?

A He was eager to get the money that the fairy would leave him when he had a tooth out.

Q I see. And did the mouth bleed at that time when you pulled that tooth?

a Yes, sir, it did.

Q And what kind of a -- was it -- just describe whether it

was just a loose tooth or whether --

A Well, it was one of his baby teeth that was slightly loose, and he had found it to be slightly loose and he wanted me to get it out so he could put it under his pillow.

Q Well, then, did his mouth bleed at any time during that period?

A Yes, sir.

Q What?

A Yes.

Q And do you know what he did with the blood that come from his mouth?

A Well, he, I don't know, swallowed it, spit it out. I don't think he spit in the house, but --

Q Was there a second tooth that was pulled?

A Yes, sir, there was another one shortly thereafter.

Q And where was that tooth pulled?

A As I remember, I was sitting in the front room and he asked me to pull on it or twist. The way I would get it would be a twisting action, and it would move a little and hurt him, and he would run away. And I told him to let it go and let it come out naturally and, no, he wanted it out. And I remember my wife commenting that the fairy was getting poor and wouldn't be able to do so well by him if he kept that up.

Q And did you finally get the tooth out?

- A Yes, sir.
- Q And was there any bleeding at that time?
- A Yes, there was.
- Q Was there any other bleeding around that house, that you can recall, that would leave any blood spots?
- A Chip on several occasions has cut himself on usually glass on the beach or in the yard when he was wearing -- not wearing shoes, I should say.
- Q Wearing what?
- A He, in the summertime, went without his shoes most of the time, and there were -- there was glass around the beach at times, and he on occasion last summer cut his foot. I believe on one occasion that I recall. I can't give you the definite time or date. He always had a nick on his shin or a bruise on his elbow or nicks and small cuts, as youngsters do.
- Q Now, according to the testimony, there was a great many boys around that property during the time you lived there.
- A That's right.
- Q What?
- A Yes, sir.
- Q And they came into the house and they seemed to have free run of the house, as far as the testimony goes here?
- A Pretty much so, yes.
- Q And do you know of any occasions where any of those boys

cut themselves or bruised themselves or caused blood to flow?

A Oh, I remember the event that Mrs. Paine mentioned, in which her son had a fish hook in his back and I --

Q What is that?

A Her son had a fish hook, a plug, in his back. He had thrown his rod back and the plug had whipped back and hooked into the back of him, in his skin, and I removed that. He bled at that time.

Larry Houk had a bad cut, but I don't believe he bled in our house.

Q Now, the --

A I might say --

Q What did you say, Doctor?

A I recall times in which Marilyn has bled on the floor.

Q You can?

A Yes, sir.

Q And when were those occasions?

A Well, that was during the period that she was under Dr. Steve's care, and she had difficulty with her periods and she had quite a bit of flow and she did have trouble.

Q Well, now, in regard to Marilyn, was there any time in which she had this difficulty with her period that she could not or did not control it?

A Yes, sir.

Q And when was that?

A In months or year?

Q Yes.

A She had trouble from -- well, she had trouble in 1950, and that is one reason that she consulted --

Q I mean after you moved into that house. In 1950 you weren't in there.

A She had trouble in '51 and early '52 decreasing.

Q And was there times when she dropped blood on any part of the house?

A Yes, sir, and I had her on medication to stimulate blood formation.

MR. CORRIGAN: I wonder if we can adjourn now? I'm pretty tired. The witness has been on all day, and I am going to a new subject.

THE COURT: Ladies and gentlemen of the jury, as far as this case is concerned, this court will now be adjourned until 9:15 on Monday morning, and will you please be careful over the weekend not to discuss this case with anyone. Have no hearing if you can avoid it of anything that is said about it by any means of communication by anybody.

(Case adjourned at 4:10 to 9:15, Dec. 13, 1954.)

Monday Morning Session, December 13, 1954, 9:15 o'clock. a.m.

Thereupon SAMUEL H. SHEPPARD resumed the stand and was examined and testified further, as follows:

DIRECT EXAMINATION (CONTINUED)

By Mr. Corrigan:

- Q Doctor, when we left here on Friday/^{we}were discussing something of the presence of blood in that house, and you told of a number of incidents. Now, do you remember of any other incident where blood was shed in the house?
- A Yes, sir, I do.
- Q What was that?
- A What was it?
- Q Yes. What was it?
- A It was the blood of my niece, Margaret Sheppard, Dr. Richard's daughter.
- Q When did that occur?
- A That was in the summer of 1952, which followed the fire that we had in our home. I should say followed our moving in our home after the fire.
- Q Will you tell about it, please?
- A Yes, sir. Dr. Richard had come to our home with his youngsters, and they were playing with my little boy in the

yard. They were playing on and around the swing, that I think you may have noted --

Q Without going into all the details in that regard --

A Well, the swing hit the youngster in the head and cut her head.

Q And then what happened when her head was cut?

A Well, she became very upset and she ran into the house trying to find her mother. I'm not sure whether her mother was present at the time -- I don't believe that she was -- but the youngster was somewhat dazed, evidently, and was trying to find her mother, and ran through the house.

Finally, Dr. Richard and I quieted her and took her to the hospital and I sutured her head, as I recall.

Q Well, was there bleeding from the wound?

A Quite profuse bleeding. It was a high forehead wound, and it was down to the bone.

Q Now, then, how long will blood give a reaction?

A A reaction -- a chemical reaction for blood?

Q Yes.

A Indefinitely.

Q Indefinitely?

A Yes, sir.

Q Now, then, that was shortly after the time of your fire?

A It was shortly after we moved in. It was quite a time after the fire.

Q When was the fire?

A I believe it was February of 1952.

Q And how long was the house vacant at that time?

A Well, it was vacant until --

Q No, how long was it vacant?

A About five months.

Q About five months?

A Yes, sir.

Q And during that time, it was being repaired?

A Yes, it was.

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- Q Now, take the question of blood coagulation, and you have had a lot of experience with blood, haven't you, Doctor?
- A Yes, sir, I have.
- Q Can you give the jury how long, in your experience, how far blood will drip after you get, for instance, a lot of it on your hands or on any instrument of any kind, how long it will drip, how far it will drip before it coagulates?
- A Three or four feet. After that it congeals and remains on the surface.
- Q Yes. Dr. Gerber testified about digestion, and that digestion is complete at the end of five hours. What do you say about that?
- A Well, the word digestion is something that we must define. The 5-hour time refers to stomach emptying, and stomach emptying is consistent with the digestive process of the stomach itself. Five hours is the least period that we expect the stomach to carry out its portion of the digestion and empty, but that does not include digestion in the first part of the small intestine.
- Q And what will angry quarrels or excitement, what effect does it have upon digestion?
- A It delays it or halts it.
- Q And will you explain that?
- A Well, within our bodies we have two nervous systems. One we call the sympathetic nervous system, which is responsible

for what we call the flight and fright mechanism. It is the nervous system that enables us to become angry, to react to adverse situations, to prepare ourselves for athletic contests, and that sort of thing. And that nervous system sends the blood in our bodies, the major portion of the blood, to the brain, to the muscles of the extremities and to the chest, heart and lungs. So that the individual can fight, he can flight, he can run, he can carry on what is necessary that might be consistent with a quarrel or with an athletic contest.

The other nervous system is the parasympathetic nervous system, which is responsible for and is in ascendancy during periods of digestion, during periods of sleep, during periods of sedentary activity, sexual activity, and this nervous system is responsible for shunting blood or encouraging blood into the area that is active at that particular time. During our period following eating, a great portion of the blood in our body is found in the intestinal tract, in and around the stomach and the small intestine, and it is a well known fact that if a person is subjected to violent physical activity or strain, immediately following eating, very commonly they throw up even. The process is not only stopped and halted but it is reversed. Track runners who think they can get by in a track meet after a meal

find out that they can't do it.

Q In your experience in working on accidents, have you ever made any observation as to the effect of blood on leather?

A Yes, sir, I have.

Q And will you tell the jury what you have noticed about blood on leather?

A Well, blood tends to soak into leather and produce a spot which is almost impossible to remove.

Q Now, Dr. Adelson testified here that there was no difference between the frontal suture and the coronal suture. What do you have to say about that?

MR. PARRINO: I object to that.

He didn't say that.

MR. CORRIGAN: He says they were the same.

MR. PARRINO: He says he uses them synonymously.

MR. CORRIGAN: Well, make your objections.

MR. PARRINO: Well, you made a statement to me, and I am responding, that's all.

MR. GARMONE: May we have the Court's ruling?

MR. CORRIGAN: Let's have the question.

(Question read by the reporter.)

THE COURT:

Well, he may

state his opinion.

A Well, I think Dr. Adelson is mistaken.

Q Is there a difference?

A Yes, sir.

Q And will you explain it?

A Well, the coronal suture is the suture which is found joining the frontal bone here in front and the two parietal bones on either side. It is called coronal, referring to crown, crown of the head. The frontal suture refers to the suture which is found between the two portions of the frontal bone and is present in early life and sometimes it persists, but not always.

Q All right. Now, have you had an experience with destruction or partial destruction of the frontal plate of the skull?

A I certainly have, sir.

Q What do you say to the jury as to your personal experience as to whether the destruction of the frontal plate of the skull is fatal?

A It isn't necessarily fatal.

Q Have you seen cases of that kind?

A Yes, sir.

Q What particular case can you call to mind?

A Well, one in particular which I call to mind is a man who, in attempting to commit suicide, placed a 12-gauge shotgun in his mouth and shot it off. It blew off the entire one side of the face, one eye, the entire frontal bone and the entire frontal lobe of one side of his brain and partial removal of the frontal lobe of the other side of the brain.

Q Did he live?

A Yes, he did. He is alive today, as far as I know.

Exhibit 3
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- Q Now, there was a great deal of talk about the fact that you did not have on a T-shirt. As I remember, you said you didn't know whether you had one on or not when you were found in the morning?
- A I didn't until someone called my attention to it. I don't remember --
- Q You had one on the night before, you know that?
- A Yes, sir, I know I had one on the night before.
- Q Now, there was in evidence here brought in from the Coroner's office by me a T-shirt. Do you remember?
- A Yes, I do.
- Q During the trial of this case?
- A Yes, sir.
- Q That was testified it was found at Schuele's beach or Schuele's pier. Was that T-shirt ever shown to you before you came into this courtroom by the police or by the Coroner or by anybody else?
- A No, sir, it wasn't.
- Q Did you look at it during the time that -- during the course of this trial?
- A I certainly did, yes.
- Q Now, can you state to the jury what your reaction is after you looked at that T-shirt?

MR. DANACEAU:

Objection.

THE COURT:

Objection sustained.

Q Well, is it your T-shirt?

A It certainly could be my T-shirt. I'm not sure.

Q There was also brought into this courtroom a wallet.

MR. CORRIGAN: Will you get the
wallet for me, please? Three twenty-dollar bills.

Q Defendant's Exhibit T is your wallet. Now, there was three
twenty-dollar bills. Now, on the morning of July the 4th --

MR. CORRIGAN: These three one-
dollar bills were not there.

Q Now, in the morning of July the 4th was there any money in
this purse or in this wallet, or --

A Well, I have been told that --

Q Now, wait a minute. The night of July the 3rd, when you
went to bed or went to sleep, was there any money in this
purse?

A Yes, sir.

Q And where was the money?

A Well, I had money in the regular compartment that we
ordinarily keep money in a wallet.

Q Show me the regular compartment where you ordinarily keep
money in the wallet. Just hold it up and show it to the
jury.

A Here, and this check was also with the money, but it was
under this flap. There was a flap that you can use to

slip checks under, and the check was under there, as I recall.

Q Just put the check in the way it was.

A Well, you can see where it was folded. This is my habit to carry checks under the flap, if I had to carry them, like that (indicating).

Then there was money in here, between thirty and fifty dollars, I couldn't say for sure (indicating).

Q Was that missing the next day?

A I understand that it was, sir. I didn't examine the wallet carefully.

Q Now, was there any other money in the purse besides the --

A Yes.

Q And what else was in there?

A Well, there was money kept in a secret spot that I usually carry it for emergency purposes.

Q Is it in there now?

A I don't know.

Q Look and see.

A It is not -- it is not where I usually keep it -- yes, here it is.

Q Now, where was that money kept? Will you hold that up to the jury and show -- you better step down here and show them so they can see what you are doing.

(Witness leaves witness stand.)

A The check is in here, and the other money --

THE COURT: You will have to
speak louder so the reporter gets it.

A The check was here under the flap, and the other money was in that compartment, and the \$60 dollars was hidden back under this fold of the wallet, this one or this one, I couldn't remember which one, and there was no particular differentiation, but is actually a fold in the way the wallet is made. It is a wallet made to produce no seams, and in producing the wallet without no seams, these folds were produced or found and I used to keep the money there.

Q All right.

(Witness returns to witness stand.)

Q Put the money back where it was. And these three one-dollar bills, where were they? Were they in the wallet?

A They were in my pocket, I believe.

Q Now, the blow that you received to the back of the neck and that you testified to, would you tell the jury, when you receive a blow such as you received, what is involved in that type of a blow that renders a person unconscious, and how is it that they become unconscious from that type of a blow to the back of the neck?

A Well, any blow to the head which is sufficient enough to produce transmission of the force may produce and often produces unconsciousness.

Q And what is the process whereby unconsciousness is produced by that type of a blow?

A Well, this particular type of a blow tends to produce the transmission of this force into the area of the brain which contains the vital centers, and I think there has been some reference here to the so-called rabbit punch, which this area represents, and it is a very dangerous area. It can actually produce death if the injury is severe enough.

Q Well, what are the vital centers that are involved there that are interfered with by a blow?

A Particularly the centers of respiration and the centers of regulation of the heart. Also the centers that control all of the involuntary functions of the body, the reflex centers of the sympathetic and parasympathetic portions of the nervous system, that I just described to you, but a blow anywhere to the head, if transmitted in severe enough force, will produce unconsciousness by affecting the blood supply to the brain, by producing a jarring reaction on the brain itself and cutting down momentarily that blood supply, producing unconsciousness.

You can place your fingers on the two major arteries to the brain yourself and hold them for a few seconds, and you can actually render yourself unconscious or close

to unconscious by merely placing your finger and thumb on the two major arteries in the neck. That will display how altering circulation of the brain will affect the brain very readily, rapidly, and I might add that actually a blow that does not produce fracture occasionally transmits the force to the brain more heavily than does a blow that produces fracture, like a broken bat in baseball -- a broken bat hit never goes over the fence, but the broken bat hit is a short hit. The force is absorbed into the bat, and, therefore, it is not transmitted to the ball and doesn't produce a long hit.

Q Well, now, is it necessary, in order to have a spinal contusion or a brain injury to have a fracture?

A No, sir.

Q What?

A It is not necessary to have a fracture in order to have spinal cord contusion or basal concussion.

Q And if you have a case, irrespective of a fracture, you consider the fact of concussion or spinal cord contusion, isn't that correct?

A Oh, yes. Fracture merely indicates the force of the blow.

Q Now, I want to ask you a few questions about reflex.

Can you control muscular reflex?

A No, sir, you can't.

Q Will you explain that to the jury?

A The deep muscle reflexes or muscle stretch reflexes, as we call them, which is represented by the knee kick that you all know, is a muscle reaction resulting from the stimulation of the sensory nerves in the muscle to this stretch or to this tapping. The tapping produces a stretching as though you have a rubberband here and tap it and the tap stretches the rubberband. As the stimulus -- as the tap is produced, the sensory fibers takes that impulse up to the spinal cord, as I think was demonstrated or mentioned. The sensory impulse is then very rapidly transmitted to the motor nerve or the nerve to the muscle, the nerve that controls the muscle, and that is transmitted back down to that muscle and an action is produced.

If an individual tries to prevent the action of one of these muscle reflexes, it actually has the tendency to reinforce it, to make that reflex more discernible than it would be normally.

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Now, Doctor, I want to clear up something about X-rays --

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I might just add on reflexes, there are some reflexes associated with respiration and swallowing, for instance, that we can control up to a very, very short period. In other words, we can hold our breath while we dive under water and hold it until we come up and get another breath, but if we have to stay under water too long, we can't control that respiration, of course, and swallowing is the same way. Even though we expectorate or drool, the swallowing reflex takes over, and I defy anyone in this court room --

MR. MAHON:

Wait a minute.

MR. DANACEAU:

Wait a minute.

MR. MAHON:

I object to this
defying, if your Honor please.

THE WITNESS:

All right, then.

The swallowing is something that will take place.

Q

Let it go, Doctor.

A

You might try to prevent yourself from swallowing for a minute, and see what happens.

Q

Now, then, I want to clear up something about X-rays and -- the question of examining X-rays when they are wet and when they are dry.

There is, I know, some idea among some people that an X-ray is a photograph. Is it a photograph?

A Not in the true sense of the word, no.

Q Now, what is depicted on the X-ray? Can you explain that in ordinary language so that the jury understands just what you get on an X-ray film?

A The X-ray represents the shadow of the more intense or the -- to put it in plainer language -- the harder structures in the body. The X-rays penetrate the body structures, and these rays penetrate the softer tissues of the body much more readily than they do the harder tissues, such as bone. The rays thereby, in penetrating certain portions and not penetrating other portions, represent a relative shadow which affects itself on this plate, this negative, this plate we call an X-ray plate.

Q That is, when you take the tube and aim it through the head, for instance, the X-ray plate that is on the other side of the head, some of the rays go through the soft parts and the tissue and other rays are stopped?

A That's right.

Q By the bony structure?

A That's right.

Q Consequently throwing on this plate a shadow?

A That's right.

Q Of the bony structure in the head?

A And to display this shadow representation, we know that the X-ray pictures or plates that we see vary in size

according to the distance from the source of the X-ray tube. Just like making shadows on the wall for your youngsters of rabbits and things, you can make a bigger one or smaller one by varying the distance of your hand from the light source that is back here. (Indicating).

We can take sometimes under adverse circumstances of emergencies and all, we have to take X-ray pictures at odd positions, and the head may be or the part that we are examining may be twice or almost twice the size of the actual bone that we are X-raying, or it may vary in size. It is distorted at times, in other words.

Q Now, will X-rays show muscle damage or blood vessel damage or nerve damage or ligament damage or connective tissue damage?

A No, sir, not unless that muscle is incised or cut so that there is a cleavage mark that can be seen. There are techniques for soft tissue X-ray, but they are not well discernible.

Q I see. The X-ray principally is to show bone damage and bone breaks, that's what it's for?

A Well, in recent -- that's true, Mr. Corrigan, but in recent years it has been used for many things.

Q Yes, but I mean in the ordinary emergency X-ray, in accidents, it is used to show bone damage, bone breaks?

A Yes.

Q All right. Now, on the question of wet and dry X-ray plates, what is the usual method in emergency of examining X-ray plates? I mean in emergency cases.

A Well, the X-rays are taken and developed as soon as possible, naturally, and the last process of handling or developing X-rays is a wash period, and that wash is to take about half an hour to an hour period to make sure that all foreign material is removed from the X-ray plate. This wash period is usually halted at its early stage for emergency films. The films are removed and placed somewhere for the visualization of the X-ray physician and the physician in charge, and when the X-ray physician, such as Dr. Flick, looks at the films, the films are then replaced back in the water bath so that the continued complete washing is continued and then the drying process.

Q Now, I will hand you --

A That usually occurs in my particular type work. I look at the X-rays, and then they go back in the water.

Q Here's State's Exhibit 26-A. Do you recognize it as your watch?

A It --

Q Is it your watch?

A I believe it is.

Q Examining the band, here, do you know how that break came in the band?

A No, sir, I don't.

Q Was it on -- was that break in the band on July 3rd when you went to sleep?

A Well, I --

Q Well, was it or was it not?

A It was not on July 3rd, the last time I remember the watch.

Q All right. And you are referring now to the break that appears in the wrist band of the watch?

A Yes, sir.

(Mr. Corrigan holds watch up in front of jury.)

MR. CORRIGAN: So you can see it.

Q Now, Doctor, in your life, have you committed any sins?

A I have succumbed to human frailty, yes, sir.

MR. CORRIGAN: Cross-examine.

CROSS-EXAMINATION OF DR. SAMUEL H. SHEPPARD

By Mr. Mahen:

Q Doctor, you have testified here this morning that you have seen fractures of the frontal bone in which the person lived following those fractures, is that so?

A Many.

Q And you gave an example of someone who was shot with a shotgun and a portion of the frontal bone was shattered and still lived, is that right?