

WHEREUPON, the State of Ohio,
further to maintain the issues on its part
to be maintained, called as a witness
SGT. HENRY DOMBROWSKI, who, being first duly
sworn, was examined and testified as follows:

DIRECT EXAMINATION OF SGT. HENRY DOMBROWSKI

By Mr. Spellacy:

Q For the record will you please tell us your name?

A Henry Dombrowski.

Q Will you spell your last name, please?

A D-o-m-b-r-o-w-s-k-i.

Q Where do you live?

A 6016 Hillside Road, Independence, Ohio.

Q What is your business, sir?

A I am a member of the Cleveland Police Department,
assigned to the Scientific Identification Unit, the Laboratory
Section.

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

A Since July of 1942.

Q You indicated you are a member of the Scientific
Identification Unit; how long have you been a member of
that unit?

A Since May of 1946.

Q May of '46?

A Yes, sir.

Q What is your present rank in the Cleveland Police Department?

A I am Sergeant.

Q Now, will you tell us briefly what the purposes are and what your duties are as a member of the Scientific Unit, particularly the Laboratory Section?

A The duties are to make examination of evidence submitted by members of the Police Department, as well as on occasions to respond to crime scenes for technical examination of the crime scene.

Q Is that what you do as a member of the Laboratory Section?

A Yes, sir.

Q Now, prior to going on to the Cleveland Police Department what did you do, Sergeant?

A I was a chemist at the American Steel and Wire Company.

Q And would you give us an outline of your educational background, please?

A I have a Bachelor of Science degree, with a major in Chemistry, from John Carroll University.

Q Sergeant, in addition to this Bachelor of Science degree, have you made further studies in your field in connection with the Scientific Unit of the Cleveland Police Department?

A I have taken the course in scientific proof in criminal cases at the Western Reserve University Law-Medicine Center.

Q Have you had occasion to lecture anywhere with regard to these matters?

A Yes, I do lecture at the Law-Medicine Center, for the police group, and I also lecture at the Police Academy group, Cleveland Police Academy.

Q Sergeant, directing your attention to the month of July, 1954, did you have occasion to go to the Sheppard residence in the city of Bay Village on Lake Road?

A Yes, I did.

Q When did you go there?

A I went there on July 23, 1954.

Q Who did you go there with?

A Poelking, Detective Poelking, Detective Roubal, and Detective Conley.

Q Pardon me?

A Detective Conley.

Q For what purposes did you go there at that time?

A We were asked to visit the scene to see if we could make any examination in connection with the crime that was committed there on July 4th.

Q What type of examination did you make?

A I examined the premises for blood trails.

Q Will you tell us how you made this examination of the premises for blood trails?

A I made it in several ways. First of all, there is a visual examination, with the aid of portable spotlights.

And then any suspected spots were checked with a chemical reagent.

There also was another method used, which we used the luminol test, which was used at night where a fine spray was sprayed over an area, and suspected blood spots would glow under this reagent.

Q Now, going back, the first thing that you did, then, if I understand you, you viewed with a spotlight?

A Yes.

Q Will you tell us where you did that and through what portions of the house you went?

A The first portion that we actually examined, outside of the bedroom where Marilyn Sheppard was killed, was the stairway leading down from the second floor.

Q What type of examination did you make with regard to that stairway?

A There was a visual examination with the aid of the spotlight where discolorations that had the appearance of blood were located.

Q Was this by a visual observation with the light that you made this initial examination?

A Yes, sir.

Q After making the visual observation with the light insofar as the stairway between the second and the first floor was concerned, what next did you do?

A The spots that were suspected had the appearance of blood were then checked with a benzidine solution.

Q What is a benzidine solution?

A It is a reagent prepared with benzidine and glacial acetic acid. It is very sensitive to blood. It will give a discoloration of a blue color if there is blood present.

Q Will you tell us how you perform this benzidine test?

A We had cotton tip applicators with us, and we had a kit that consisted of three dropper type bottles.

In one bottle we had a saline solution. The second solution we had a benzidine reagent and glacial acetic acid; and in the third we had hydrogen peroxide.

We would take the cotton tip applicator, take the dropper out of the bottle with the saline solution, and put a drop of saline solution on to the cotton tip applicator.

We would then take the moistened cotton tip applicator and apply it to the edge, gently rub it to the edge of the suspected blood spot.

After a little rubbing of that spot, we would then remove the applicator from that area, hold it over a Pyrex dish which we had with us.

We would then drop a drop or two of the benzidine reagent from the second bottle on to this cotton tip applicator.

Then we would drop a drop of hydrogen peroxide from the third bottle on to this cotton tip applicator.

If we had an almost instantaneous blue color reaction, then we could say that the suspected spot gave a positive reaction.

If we did not get a positive reaction, if there was no blue color appearing, then we could say that the spot could not be blood.

Q When you say you got a positive reaction, what do you mean by that?

A That we had blue color appearing, and it also indicated that the blood could be, that the spot could be blood.

Q That the spot could be blood, is that correct?

A Yes.

Q Now, on what portion of the stairway did you perform these two tests that you have told us about?

A The stairway leading down from the second floor to the first floor. The steps from the landing at the foot of this stairway leading to the kitchen, and also the other side leading to the living room.

We also performed the same type of test on the stairs, basement stairs, going down from the first floor into the basement.

Q The basement stairs from the first floor down into the basement, is that correct?

A Yes, sir.

Q Now, in checking the stairway from the second floor to the first floor, did you have occasion to check the railing or the banister?

A Yes, we did.

Q What if anything did you find with regard to these tests that you have told us about insofar as the railing and the banister is concerned?

A I did not get any positive reaction with any spots that we had checked on the railing, indicating that we did not find any blood on the railing.

Q There was no blood on the railing?

A That's right, sir.

Q Now, after you would locate or get a positive to a benzidine test, what next was done then insofar as that spot was concerned?

A We circled the spot with a piece of chalk.

Q Who was in company with you when you performed these tests?

A Detective Poelking and Detective Roubal.

Q After you had circled the spot with the piece of chalk, what next was done then?

A A photograph was taken of the area.

Q Pardon me?

A Photographs were taken of the area.

Q Will you tell us what the results of your test were insofar as from the second floor to the first floor was concerned?

A We found 26 spots that gave a positive reaction with benzidine.

Q Were photographs taken of these spots?

A Yes, the photographs were taken.

MR. SPELLACY: Mark these.

(State's Exhibits 55, 56, 57, and 58 were marked for identification by the reporter.)

Q Sergeant, would you tell us what the composition was of the staircase that led from the second floor down to the first floor?

A Wooden stairs.

Q Wooden stairs?

A Yes.

Q Was there anything other than wood, was there carpeting on those stairs?

A No, there was no carpeting on the stairs.

Q Showing you what has been marked for identification purposes as State's Exhibit 55, can you identify that for us, please?

A Yes, I can.

K
Q What is it that you are holding in your hand?

A State's Exhibit 55 is a photograph showing a portion of the stairs, the upper portion of the stairs, coming down from the second floor to the first floor.

Q When was that photograph taken, if you know?

A That photograph was taken either on the 23rd or the 26th of July.

THE COURT: The what?

A The 23rd or the 26th of July.

Q Did you have occasion to go to that Sheppard home on more than one occasion?

A Yes, I did.

Q After the 23rd of July when was the next time you went there?

A The 26th of July.

Q Was it on the 23rd and the 26th that you conducted the tests insofar as the stairway between the second and the first floor was concerned?

A Yes.

Q Is this a fair and accurate portrayal of the observations and the chalk marks that you made insofar as the steps were concerned?

A Yes, it is.

Q Now, showing you what has been marked for identification purposes as State's Exhibit 56, can you identify that for us,

please?

A Yes, I can.

Q What is that, Detective Dombrowski?

A State's Exhibit 56 is a photograph showing the stairway with the view looking up from the first floor looking upward to the second floor.

It is the stairway between the first and second floor of the Sheppard home.

Q And when was that picture taken?

A That was taken the same time as State's Exhibit 55.

Q What was the purpose of taking that picture?

A To show some of the other spots that were not covered in the picture, State's Exhibit 55.

Q Now, can you tell us where these spots were located on these stairs?

A Yes.

Q Where were they located?

A They were located on various portions of the riser, and also on the treads.

Do you want me to check --

Q Yes, if you can tell us where they were located, please?

A There were two spots that were located on the top step. There were two on the riser of the top step, I should say, the top riser.

There were also two on the tread of that particular

step. Do you want the measurements? The first one was on the tread, was 12-3/4ths inches from the east wall, and five inches from the edge of the tread.

The second one was 16 inches from the east wall, and nine inches from the edge of the tread.

The two on the top riser, one was 14 inches from the east wall, and two inches up from the tread.

And the second one was 14-1/2 inches from the east wall, and three inches up on the tread.

Q Sergeant, you made measurements insofar as those spots were concerned, is that correct?

A Yes.

Q You will have to keep your voice up now. Could you tell us without mentioning the measurements as to precisely where they were, just on what steps those spots were located?

A Yes, I could. There were three spots on the Number 2 tread. We are coming down from the top down. Number 2 would be the second tread from the top down. There were three spots on that one. And there was one spot on the riser of that particular step.

There were five spots on the third tread; and there were two on the riser of that particular tread.

There were no spots on either the tread or the riser of the Number 4 step.

There were two spots on the Number 5 tread, and none on the riser.

There were two spots on the Number 6 tread, and one on the riser.

There were none on Number 7 tread.

There was one spot on the Number 7 riser; and there were two spots just next to the Number 8 tread on the wall, just a few inches above the tread; and there was one spot on the riser of the Number 8 tread step.

There was one spot on the Number 9 step riser.

There were no spots on the tread itself.

There were no spots on the Number 10 tread; and there was one spot on the riser of that step.

On the 11th we just have the riser only, and there were no spots found on that riser.

Q How many steps were there then going from the second floor down to the first floor?

A There were ten steps.

Q After you get down to the bottom of the 10th step what is the makeup of the steps at that point?

A There is a platform there. There was a throw rug on the platform, and from the platform there are three steps that lead down into the kitchen, coming down they would be to the left, or you go to the right there are also the same number of steps leading down into the living room.

Q And did you have occasion to perform tests with regard to the steps leading into the kitchen, and the steps leading into the living room?

A Yes, I did.

Q Will you tell the Court and jury what type of tests you made and what your findings were?

A The steps leading down into the kitchen and the steps leading down into the living room were both examined in the same way as the previously mentioned steps; and the findings were that there were 12 suspected blood spots that gave a positive for benzidine.

On the kitchen steps there were actually two steps and three treads that make up that particular section..

All of these were on the riser. There were no spots found on the treads themselves.

Q In other words, using this as an example here, all of the spots were found on the side here?

A Yes.

Q Rather than on the steps themselves, is that correct?

A That's right, sir.

Q How many spots did you find on the risers leading into the kitchen?

A There were twelve.

Q And did you have occasion to examine the area of the steps going into the living room?

A Yes, I did.

Q What did you find with regard to that?

A There were three drops found on the stairs leading into the living room. They were both on the edges of the risers.

Q On the edge of the risers?

A Yes, all three I should say.

Q Detective, showing you what has been marked for identification purposes as State's Exhibit 57, can you identify that for us, please?

A Yes, I can.

Q What is it that you are holding in your hand?

A It is a photograph.

Q A photograph of what?

A This is a photograph of the stairs from the kitchen going up to the landing which is at the foot of the stairs going up to the second floor.

Q When was that photograph taken?

A That was taken at the same time as the photographs on the landing, about July 26th.

Q What was done prior to taking that photograph?

A Prior to taking the photographs the spots were located, tests were made with benzidine; where we did get a positive benzidine reaction, those spots were circled with chalk to make them visible in the photograph, and then the photographs

was taken.

Q Showing you what has been marked for identification purposes as State's Exhibit 58, can you identify that?

A State's Exhibit 58 is a photograph showing the same steps that State's Exhibit 57 showed, but at a different angle, which includes some of the spots that were not so well distinguished in the previous photograph.

Q State's Exhibits 57 and 58, are they a fair and accurate portrayal of the steps as you observed them when these pictures were taken on July 26, 1954?

A Yes, they are.

Q Now, after making these tests on the stairways, or the stairway, leading from the second floor to the first floor, did you have occasion to remove any of those spots?

A There were three spots that were partially removed from the kitchen stairs.

Q For what purposes did you remove those spots?

A To make further tests on them in the laboratory.

Q Now, did you have occasion to examine any other portion of the kitchen or the area of the kitchen for spots?

A Yes, the floor was examined. We also examined the doorway leading out of the kitchen into the hallway.

Q What hallway are you referring to?

A That is the hallway between the office, of Doctor Sheppard's office, or where the door^{is} leading out to Lake Avenue.

Q What if anything did you find with regard to the area of the kitchen door leading out into that hallway?

A There were two spots on the -- one was on the door itself, and the other one on the molding around the door.

Q On the molding around the door?

A Yes.

Q What type of test did you perform on those spots?

A I performed the benzidine test, and the reaction was positive.

Q You got a positive reaction on the benzidine?

A Yes, we did.

MR. SPELLACY: Mark this.

(State's Exhibit 59 was marked for identification by the reporter.)

Q Sergeant, showing you what has been marked for identification purposes as State's Exhibit 59, can you identify that for us, please?

A Yes, I can.

Q What is it that you are holding in your hand?

A This is a photograph showing the area of the kitchen door leading into the hallway and a portion of the hallway, which is at the front door of the Sheppard home.

Q What is across the hall from that kitchen door?

A Across the hall from that kitchen door is the entrance--

Q Keep your voice up.

A -- to Doctor Sheppard's office.

Q What did you find insofar as that doorway from the kitchen into the hallway was concerned?

A There was one spot that had the appearance of blood on the door itself. This was a swinging door that leads from the kitchen into the hallway, and the door was swung back, and on the edge of that door, near the edge of that door, there was a spot that gave a positive reaction for blood, and had the appearance of blood, positive reaction to benzidine, indicating possible blood.

There was also a second spot on the baseboard just a short distance from that door that also had the appearance of blood and gave a positive reaction with the benzidine.

Q When was this picture taken, referring to State's Exhibit 59?

A State's Exhibit 59 was taken about the 26th of July.

Q For what purposes was that picture taken?

A To show the location of the two blood spots.

Q Is this a fair and accurate portrayal of where the two blood spots were located when this picture was taken on July 26, 1954?

A Yes, it is.

Q Now, did you have occasion to conduct an examination with regard to the area that you have referred to as the office or Doctor Sheppard's den?

A Yes, I did.

Q What type of examination did you conduct in there?

A We made an examination of the room and in particular we checked a red leather upholstered chair that was in that room.

Q What did you find with regard to that red leather upholstered chair?

A We noticed on the front edge of the cushion and the area below the cushion there was a dull area that was different from the rest of the chair.

We then took our moistened cotton tip applicator and swabbed it in this area and we received a positive reaction with the benzidine.

Q And did you have occasion to examine any other portions of that office or den?

A Not that particular day. There were some other tests conducted at that particular time.

Q There were other tests?

A Yes.

Q Tell us what those tests were and approximately when they were conducted?

A The other tests consisted of checking the floor mat that was -- or chair mat -- that was at the back of the desk in that office, and a luminol test was conducted on that.

Q What do you mean by a luminol test?

A A luminol test is another reagent that is sensitive to blood. It is made up fresh at the scene, and sprayed in the darkness.

If there is blood present you will get a glow in that particular area.

Q Now, after you get a glow in that particular area -- strike that.

This you indicated was done in the darkness, is that correct?

A Yes, that's right.

Q What did you do after you sprayed this, then, this area?

A We would locate the spot with our finger, put on the light, and then take and conduct a benzidine test on that spot, and then we would circle it with chalk.

Q Pardon me?

A Then we would circle the spot with chalk, if we got a positive reaction on the benzidine, also.

Q So that if you got a positive on a luminol test and a positive on the benzidine test, then you would circle it with chalk, is that correct?

A That's correct.

Q What was done after you circled it with chalk?

A Photographed it.

(State's Exhibits 60 and 61 were marked for

identification by the reporter.)

Q Sergeant Dombrowski, showing you what has been marked for identification as State's Exhibit 60, can you identify that for us?

A Yes.

Q Tell us what it is.

A State's Exhibit 60 is a photograph taken in Doctor Sheppard's office, showing the chair mat in front of the desk, with five chalk marks, indicating the location of the spots that were checked with luminol and benzidine and gave a positive with both reactions.

Q Showing you what has been marked as State's Exhibit 61, can you identify that for us, please?

A Yes, I can.

Q What is that?

A State's Exhibit 61 is a red leather upholstered chair that was in the office of Doctor Sheppard, and this is the chair on which at the front portion of the cushion and the area below that, there was a dull discoloration which gave a positive with benzidine.

Q And where specifically on that cushion did you get this positive for benzidine?

A This was facing the chair, actually, it would be in the area of the left side of the chair, left of the center.

Q As you face the chair?

A Actually, as we are looking at the chair this way it would be on the right. But it is on this portion of the chair, depending on what view you are taking of the chair, it is on the left side of the chair, and the spot below it was also in the same area.

Q If you were sitting in the chair, it would be on the left side?

A On the left side of the chair, yes.

Q And if you were looking at the chair, standing in front of the chair looking at it, it would be on the right side, is that correct?

A That's correct, yes.

Q Now, Sergeant, State's Exhibit 60 and 61, are they fair and accurate representations of what you saw when these tests were conducted in the office or den?

A Yes, they are.

Q And were these photos taken in your presence?

A Yes, they were.

Q 1 Now, after conducting an examination of the den, did you have occasion to do anything insofar as the front room and the living room were concerned, the living room and the dining room, the L-shape portion of the room?

A Yes, we did.

Q Will you tell us what tests you made there?

A We conducted the luminol test on the red carpet in the living room.

Q How did you conduct this luminol test?

A We conducted this at night in total darkness, by spraying a freshly prepared solution over the entire floor in that room, and whenever we looked at a spot that would glow, indicating the possible location of blood at that spot, we would then put our finger at that spot, put on the light, apply our benzidine test to that particular spot by rubbing the moistened cotton tip applicator, and if we got a positive with the benzidine, also, we would then circle that spot with chalk.

Q You indicated that you sprayed the entire room. Did you do this all at once, or was this a piecemeal procedure?

A It was a piecemeal procedure, because you get the reaction within a short time of the spray, and it doesn't last indefinitely.

It disappears after a short time.

Q So if I understand you correctly, you would spray a portion, and if you got a positive reaction, then you would further put your finger on that, turn on the lights, and then test it for benzidine, and if you got a positive on the benzidine you would then circle it, is that right?

A That's right.

Q Then you would proceed further in the room?

A Yes, sir.

Q Will you tell us what the results of your examination were with the luminol test?

A The results were that we found 29 spots that gave a positive with luminol and benzidine in the living room.

Q Where were these spots located?

A These spots were located leading from the stairs in the living room, towards the south, in the L-shape portion of the living room, towards the door leading out on to the rear porch of the home.

There was also a trail located going from the hallway, also towards leading southward to that same door.

Q So that if I understand you correctly, there were two trails that you found with the luminol test, one leading from the stairway going into the front room, and that was going out towards the Lake Erie door, and another trail from the hallway leading out to the Lake Erie door, is that correct?

A That's correct.

Q What did you do after you found these trails?

A We photographed them.

MR. SPELLACY: Mark these.

(State's Exhibits 62, 63, 64, and 65 were marked for identification by the reporter.)

Q Sergeant Dombrowski, showing you what has been marked

for identification purposes as State's Exhibit 62, 63, 64 and 65, can you tell us what those are, please?

THE COURT: One at a time,

Counselor, please.

A Yes, I can. State's Exhibit 62 is a photograph showing a portion of the living room in the Sheppard home, with white circles which are chalk marks, indicating the spots that gave a positive luminol and benzidine reaction.

State's Exhibit 63 is another photograph of the living room. This shows the western portion of the living room, and in this photograph we have in addition to the white circles on the carpet we have little white tags, in the same area, indicating spots that gave a positive reaction with benzidine and luminol.

State's Exhibit 64 is another photograph of a portion of the living room. This photograph shows the portion in front of the chest of drawers, and the door leading out to the Lake Erie side, and in this photograph there are white circles indicating the spots that gave a positive with both luminol and benzidine.

Q Now, Sergeant, if I may interrupt you here, you indicated a chest of drawers in the living room; calling your attention, was there a desk in that front room, do you recall?

A I guess that is the desk you are referring to.

Q This, then, State's Exhibit 64, would be the area in front of the desk, is that right?

A Yes, that's right.

Q All right.

A State's Exhibit 65 is another photograph showing the view from the living room down the hallway looking south, the hallway leading to the door on the Lake Avenue side of the home.

In this photograph there are also white circles, indicating spots that gave a positive with both luminol and benzidine.

Q Detective Dombrowski, are State's Exhibit 62, 63, 64 and 65 fair and accurate representations of the tests that you ran and the reactions, positive reactions that you got, insofar as the living room and the hallway of the Sheppard home were concerned?

A Yes, they are.

Q And these fairly and accurately represent the trails that you found there, is that correct?

A Yes, they did.

Q Now, did you have occasion to perform any tests with regard to the basement stairs, the stairs leading from the first floor down into the basement?

A Yes, I did.

Q What type of test did you perform there?

A First of all, visual examination with the aid of the portable spotlight was made. Suspected spots were checked with benzidine. Positive reactions were then circled with chalk, and there was one spot in particular that was the portion of wood was cut out, taking that spot with us to the laboratory.

Q Now, when you say you cut it out, for what purposes did you do that?

A To conduct further tests on that spot in the laboratory.

Q What further tests did you conduct?

A We conducted the precipitin test, which is a test to determine if the spot contained human blood.

Q How does one perform the precipitin test?

A The precipitin test is performed with an anti-human precipitin serum. This was a commercially obtained serum, and it was prepared by injecting human protein into a rabbit. The rabbit would then build up anti-bodies that would precipitate out any human protein.

The blood serum was then extracted from the rabbit. This was then commercially prepared and dried out, and we had the serum of this type that was purchased.

This serum has the ability, then, to react with all human protein, that is, drug protein, drug serum; and it is specific, used as a specific test for human blood, since the rabbit was immunized to human blood.

The test was performed by first putting the dried serum in a solution with distilled water.

Then after it was in solution, a solution from this dried spot of blood taken from the stairs, was floated on top of this serum with the anti-human precipitin in it.

We also took other spots from the stairs that we felt sure did not have any human blood and were tested and gave a negative for benzidine.

We also extracted those spots and put those into the same physiological saline solution that we put the suspected blood spot on.

We took the solution from the controlled spot, that is, the spot that did not have any blood on it, and took that solution and floated that also on to the anti-human precipitin serum solution.

We also took known blood, a solution of known blood, floated that on into a third test tube with some of the anti-human rabbit precipitin serum.

Then we also took some of the saline solution that we used to dissolve the blood from the suspected blood spot and also from the other controlled spot, we added that to a fourth test tube that had the anti-human precipitin serum solution in it.

Into a fifth test tube we took the solution of particles that were scraped from the spot in the kitchen, on

the kitchen riser, the steps in the kitchen--

Q And this is one that you told us before that you had taken?

A Yes. And we added the solution from that spot on to the fifth test tube.

In the sixth test tube we add some rabbit serum that was supplied with the package of the commercial anti-human precipitin. This did not, was not immunized against anti-human blood serum.

We added to this sixth test tube that had just a plain rabbit serum solution in it, some of the solution that was from the suspected blood spot taken from the basement.

We watched the junction of all the solutions that were joined together, and if we had a precipitating, cloudiness, appearing at the junction of each tube, that would indicate that it was positive, that we had a positive reaction.

Q Positive reaction for what?

A For human blood.

Q Now, specifically with regard to the basement stairs where did you take this portion of the stairs for the test for human blood?

A That was taken from the third step from the bottom of the basement stairs, and it was taken twelve and a quarter inches from the east wall, and two and a quarter inches from the edge of the steps.

Q Now, would this be the third step from the top or from the bottom?

A From the bottom. It was actually the sixth step from the top.

Q The sixth step from the top. What were the results of the test that you conducted insofar as human blood was concerned?

A That the only two that gave us a positive reaction was the suspected blood spot from the sixth step from the top of the basement stairs, and the known human blood that was also put in.

Q What reaction did you get from the portion or the extraction that you took from the kitchen stairs?

A We did not get any reaction.

Q You got no reaction?

A That's right, negative reaction.

Q Now, you indicated before a benzidine and a luminol test; does this indicate whether the blood is human or not?

A No, it does not.

Q Now, did you have occasion to remove any others for testing for the precipitin test, in other words, human blood?

A No.

Q Pardon me?

A No, sir.

Q Will you tell us why?

A There were other samples that were taken by the members of the Coroner's Office.

Q And who would that be?

A Miss Cowan.

Q Mary Cowan?

A Yes.

Q And you worked in conjunction with her, then, did you?

A Yes.

THE COURT: Counselor, may I interrupt, please, just so I don't lose this testimony. The portion taken from the third step, was that taken from the tread or the riser?

THE WITNESS: That was taken from the tread.

THE COURT: Thank you.

Q This is the third step in the basement?

A Yes.

THE COURT: The third step, as I understand it, from the bottom of the basement stairs?

MR. BAILEY: That's correct.

THE COURT: And the sixth from the top?

MR. BAILEY: That's right.

THE COURT: And it was taken from

the tread, is that right?

THE WITNESS: Yes.

THE COURT: Thank you.

Q Now, do you know if there were risers on the basement stairs?

A There were not in the true sense. There were just boards nailed up diagonally across. They would not be perpendicular.

Q What reaction did you get with the benzidine test on the basement stairs?

A The spots that were found on the basement stairs gave a positive for benzidine.

Q Pardon?

A Positive benzidine.

Q How many spots?

A There were, I think there were nine spots, yes, there were nine spots on the basement stairs.

Q And you tested one of those spots for human blood?

A Yes, I did.

Q And what was the reaction again for that?

A It was positive for human blood.

Q Did you have occasion to take photos of that?

A Yes, we did.

MR. SPELLACY: Mark this.

(State's Exhibit 66 was marked for identification)

by the reporter.)

Q Showing you what has been marked for identification purposes as State's Exhibit 66, can you identify that for us, please?

A Yes, I can.

Q What is it that you are holding in your hand?

A State's Exhibit 66 is a photograph showing the basement stairs looking down from the first floor, and on the treads of these stairs are white spots indicating the location where the positive benzidine test was obtained, and on the sixth step down, or the third step from the bottom, in addition to the two white circles there is a white square there, indicating the spot from which the suspected blood spot was removed that gave a positive with the precipitin test for human blood.

Q Is State's Exhibit 66 a fair and accurate representation of the stairs and the area that you have described for us here in this courtroom?

A Yes, it is.

Q Sergeant Dombrowski, did you have occasion to examine the bedroom on the second floor?

A Yes, I did.

Q Directing your attention to July 23rd, what examination did you make of the room at that time?

A At that time we examined the floor of that particular

bedroom, and we also made a general examination of the whole area in the bedroom.

Q And did you find anything on July 23, 1954?

A Yes, I did.

Q What did you find?

A We found a white particle that had the appearance of a tooth fragment.

Q Pardon me?

A A tooth fragment.

Q Where did you find it?

A This was found under Marilyn Sheppard's bed. It was eight inches in from the west side of the bed about 1/3rd of the way down from the headboard.

Q On the west side of the bed?

A Yes.

Q And about how far down from the headboard?

A One-third of the way down.

Q What did you use to conduct this examination when you found this?

A Just the strong portable spotlight.

MR. SPELLACY: Mark this.

(State's Exhibit 67 was marked for identification by the reporter.)

Q Sergeant, showing you what has been marked for identification purposes as State's Exhibit 67, can you identify

that?

A Yes, I can.

Q What is it that you are holding in your hand?

A This is a vial, and inside the vial is a white particle that is the tooth chip found under the bed in Marilyn Sheppard's home.

Q And when did you find this?

A On July 23, 1954.

MR. SPELLACY: If it please the Court.
(Thereupon counsel and the Court conferred at the Court's bench out of the hearing of the jury.)

THE COURT: Ladies and gentlemen
of the jury, there is going to be further examination
of the detective sergeant.

While you are away on your morning recess,
bear in mind the instructions given you on each
occasion when you leave the room.

You shall not discuss this case or what
you have heard of it amongst yourselves; nor permit
anyone else to discuss it with you, nor permit
yourselves to overhear anything that relates to
this case, by any means of communication.

We will have our morning recess.

(Thereupon a recess was had.)

(Thereupon the following proceedings were had in the Court's Chambers:)

THE COURT: Gentlemen, I thought we would go on the record with respect to the voting procedure, the procedure for voting the jurors, today being Election Day, and it having been already indicated to counselors that we would not have an afternoon session, in order to accord the jurors time to vote.

As indicated to you earlier, gentlemen, I have made arrangements with James McGettrick, our County Sheriff, to supply us with four cars, four Sheriff's cars, and in each car there will be a deputy sheriff driving, and in each of the cars one of the court sworn constables, that is, either Mary Greallis, Loretta Stanton, Richard McDonnell, or Larry Patrick, will also accompany the jurors, and each one of these will be assigned to one of the four cars, so that each car will have a deputy sheriff and a court sworn constable in it.

The court sworn constable will go into the polling place with the juror, who is voting at their customary voting places, in the county, and the deputy sheriff will remain in the car with those jurors who are going to be also carried to

their customary polling places.

After the jurors have voted, the deputy sheriffs will return them, together with the constable, to the Statler Hotel where they are being housed.

Counselor Corrigan, do you have any observations to make with respect to this procedure, or do you find it satisfactory?

MR. CORRIGAN: I find it satisfactory, your Honor.

THE COURT: Counselor Bailey or Sherman?

MR. BAILEY: We find it very satisfactory.

THE COURT: Thank you.

(Thereupon proceedings were resumed in the courtroom, in the presence and hearing of the jury, as follows:)

THE COURT: Counselor Spellacy, will you please proceed?

MR. SPELLACY: Yes, if the Court please.

(THEREUPON, the witness SGT. HENRY DOMBROWSKI, resumed the witness stand and was further examined and testified as follows:)

By Mr. Spellacy:

Q ~~Sergeant Dombrowski, with regard to your examination~~

on the second floor of the home that you have described for us, did you have occasion to examine the room next to the bedroom immediately at the head of the stairs?

A The room known as Chip's room?

Q Yes.

A Yes, I did.

Q What type of examination did you conduct?

A We conducted a luminol, luminol spray examination of the floor, and the room there.

Q What were your findings with regard to the luminol examination?

A We found one spot inside of Chip's room that gave a positive with luminol, and also a benzidine positive. That was on the carpet.

Q Where in the room was that?

A That was well inside the room. Then there were also some spots that gave us a positive just at the threshold in the hallway side of the entrance to that room.

Q And did you run both the luminol and the benzidine test that you have described for us with regard to those spots?

A Yes, we did.

Q Where were those spots located, again?

A There was one spot that was well inside the room, about half way inside the room.

The other spots were at the threshold at the entrance.

the doorway to the room, on the hallway side.

Q And did you have photos taken of those?

A Yes, we did.

MR. SPELLACY: Mark this.

(State's Exhibit 68 was marked for identification by the reporter.)

Q Detective Dombrowski, showing you what has been marked for purposes of identification as State's Exhibit 68, will you identify that for us, please?

A Yes, I can.

Q Keep your voice up.

A This is a photograph, State's Exhibit 68, is a photograph taken of the doorway leading into Chip's room. The portion shown is the hallway.

Q What was done prior to taking that photograph?

A There were several spots, three spots in this particular instance, that were checked, and found to give a positive benzidine reaction; and pencils are placed at that point.

Q Is this a fair and accurate portrayal of the doorway and where you found the spots that gave you a positive for benzidine reaction?

A Yes, it is.

MR. SPELLACY: If it please the Court, at this time, for the purpose of the record, I would like to offer into evidence State's Exhibits

55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67 which I believe is the tooth fragment found, and Exhibit 68, all of those being photos, with the exception of Exhibit 67 which is the tooth fragment.

MR. BAILEY: No objection.

THE COURT: They are received.

Q Now, Sergeant Dombrowski, with regard to the room that has been referred to as Mrs. Sheppard's room, what type of an examination did you make in that room?

A We made, in addition to examining the floor for any foreign particles, we also examined the walls and ceiling of that particular room.

Q What type of examination did you make with regard to the walls and the ceiling?

A It was a visual examination in which we made a study of the blood splatter around the walls in that particular room.

Q Detective Dombrowski, approximately how many times were you at the home that has been described here as the Sheppard residence?

A Approximately nine times.

Q Approximately nine times?

A Yes.

MR. SPELLACY: I have no further questions. You may inquire.