

RONALD L. CALLIHAN, having been first duly sworn was examined and testified as follows:

EXAMINATION OF RONALD L. CALLIHAN

By Coroner Gerber:

Q Will you state your name, please?

A Ronald L. Callihan.

Q Where do you live?

A 595 Columbia Road, Bay Village.

Q What is your occupation?

A My full-time occupation is with Republic Steel.

I am a volunteer fireman, my capacity here now.

Q Volunteer fireman, in Bay Village?

A Right.

Q On the morning of July 4th, did you get instructions to go to the home of Dr. Sam Sheppard?

A I did.

Q Tell me what happened after you arrived?

A The fireman with me and myself carried the stretcher into the house. I went upstairs.

Q Who was the fireman with you?

A Dick Sommer.

Q What time did you get there?

A It would be about six o'clock because the call came in at 5:57.

Q Now, go right ahead.

A And we carried the stretcher upstairs and Patrolman Drenkhan was there at the time and said that we should wait until the doctor got there before we did anything else. We returned back downstairs and went outside.

Do you want me to go ahead?

Q Just go right ahead.

A Wandered to the back of the house and went down the steps leading toward the porch, because we only went as far as the landing and stood there talking a minute and we noticed that there were men fishing, two men fishing off the pier, east of the Sheppard home and we went back up the steps to the yard and as we came off the steps, Sergeant Hubach came around the corner of the house and we mentioned to him that we had seen men down the pier fishing. His instructions at that time were to go back down to get their names and addresses and ask them if they had heard, seen or heard anything before in that area. So we again went down to the beach and we went along the beach to the pier and out on the pier and talked with the men who were there fishing. They told us that they had only been there a very short time, probably 10 or 15 minutes and they inquired if we were going to question their being able to fish, they wanted to know if it was all right to fish and we told them yes, but we were wondering if they had seen or heard anything

unusual on the beach in the vicinity immediately west. They said that they had not noticed anything that way, but when they had come down to fish they saw two boys or men, they had the impression that they were teenagers out on the pier in Huntington Park and they thought it was unusual for those two young boys to be out fishing at that time of the morning.

Q When did they see them?

A They had been there about ten minutes and they had just arrived there and the two teenagers left shortly after these fishermen came down.

Q Where were they at that time?

A The teenagers?

Q The teenagers.

A They were on the pier east of the one on which they had gone out fishing.

Q Where did they go out fishing, on which pier?

A The first pier east of the Sheppard home.

Q Where were the teenagers, were they still further east?

A That's right, that was the next pier east.

Q When you arrived at the Sheppard home how did you get into the house?

A We entered by the door facing Lake Road.

Q What did you see when you got there?

A The first thing we noticed was a medical bag spilled over in the hallway.

Q Did you touch the medical bag?

A We did not touch anything.

Q Where did you go?

A Through the living room up the stairway with the stretcher.

Q Did you see anything in the living room?

A We noticed the desk being -- having been rifled or things stole out of the desk.

Q What else did you see in the living room?

A Nothing particularly wrong in the living room.

Q Did you see a couch in the living room?

A No, I don't recall noticing the couch.

Q Did you touch the couch?

A No.

Q Did you see a brown coat?

A I didn't see a brown coat.

Q Then what did you see?

A When we went upstairs then with the stretcher we took it into the bedroom and at that time Patrolman Drenkhan said we would wait until a doctor got there and then we took the stretcher out in the hall and waited.

Q Did you touch anything in the bedroom?

A Neither in the bedroom, where the body was. I closed

the door of Chip's room at the same time when we went to get the stretcher.

Q You took the stretcher in and left it there and then went out?

A We took the stretcher in the hallway and left it set there and we went downstairs.

Q And you walked into the bedroom without the stretcher?

A No, we pushed the stretcher into the bedroom as soon as we got upstairs and then Patrolman Drenkhan said we would wait until a doctor got there and we pushed the stretcher back out in the door and set it out in the hall.

Q And then you went back downstairs?

A Went back downstairs, outside.

Q Did you go back upstairs?

A Later we went back upstairs to get the stretcher and it was decided to wait for the coroner.

Q When did you go after you closed Chip's door?

A After that we went down on the porch and talked to the man on the porch.

Q Was Chip still there?

A Yes.

Q How long did all this take?

A I would say it was probably 25 minutes to a half an hour.

Q Who was in your company during those movements?

A The other fireman and Dick Sommer and myself were together the entire time.

Q Did you touch or handle anything or move anything?

A Never.

Q Did you see the dog?

A I saw the dog followed us down to the beach.

Q Where was he when you saw him?

A Around at the door he came towards us. I came in with the stretcher and I remember that he was at my leg, as I went back with the stretcher.

Q Was the dog injured?

A He didn't appear to me to be injured.

Q Had you seen the dog previously?

A I never saw the dog before.

Q You made no observation of injuries on the dog?

A That's right, I didn't see any.

CORONER GERBER: That is all. Thank you.

DR. STEPHEN ALLEN SHEPPARD, being first duly sworn was examined and testified as follows:

EXAMINATION OF DR. STEPHEN ALLEN SHEPPARD

By Coroner Gerber:

Q What is your name?

A Stephen Allen Sheppard.

Q Where do you live?

A 19027 Inglewood Drive, Rocky River.

Q What is your profession?

A Physician and surgeon.

Q How long have you been a physician and surgeon?

A Since 1944.

Q Where did you graduate?

A The Los Angeles College of Osteopathic Physicians and Surgeons.

Q In what year?

A 1944.

Q When were you licensed to practice in the State of Ohio?

A 1946.

Q Were you licensed in any other state?

A The State of California.

Q And in what location did you begin to practice?

A Downtown. First of all after completing the four years of medical school, I obtained my license in California and practiced in California for two years. When I returned to Cleveland I started out downtown at 3146 Euclid Avenue.

Q Then you moved over to the west side?

A Yes, sir.

Q I mean the office.

A I then in 1939 opened an office in Fairview Park.

Q You are connected with Bayview Hospital in Bay Village?

A I am on the staff at Bayview Hospital, yes.

Q Do you hold any official position at Bayview Hospital other than on the staff?

A I am the director of the hospital practice. I am also head of the Department of Urology.

Q Do you hold any position on the management staff of the hospital?

A No, sir.

Q Are you a director or anything of the hospital?

A No, sir. I presume you mean governing body, the Board of Trustees. No, I am not a member of that.

Q How old are you?

A 34.

Q And how old is Dr. Richard Sheppard?

A 38.

Q How old is Dr. Sam Sheppard?

A 30.

Q Calling your attention to the morning of July 4, 1954, were you notified of anything wrong at the home of Dr. Sam Sheppard?

A Yes, sir.

Q By whom?

A Mrs. Dorothy Sheppard, my older brother's sister called me in my home at about six o'clock that morning.

Q Mrs. Dorothy Sheppard?

A That's right.

Q You said sister?

A Dr. Richard's wife. Did I say sister?

Q Yes.

A I am sorry.

Q What time is this?

A I didn't look at my watch but it was close to 6:00 A.M.

Q Before or after?

A I would say six and that is about as close as I can come. Possibly shortly after.

Q What were you told?

A Well, I was awakened from a sound sleep and as I recall it she said, "We just got a call from Spence Houk that something terrible has happened up at Sam's house and

they think Marilyn has been killed."

Q Did she tell you who gave her the information?

A As I recall, she said that Spence Houk called and as I say --

Q Did he talk to her?

A I have no idea whom he talked to.

Q Is there anything else that she repeated?

A No, sir.

Q Anything else that she told you?

A No, sir.

Q What did you do then?

A Well, I arose and dressed and my wife asked if she could go along and I cautioned her about taking too long to dress and for once she got dressed fast and we went.

Q How long did all this take you, to get dressed and get out there?

A I think we got out there within fifteen minutes.

Q From the time you received the telephone call?

A Yes, sir.

Q Until you arrived at Dr. Sam's house?

A Yes, sir.

Q Then what did you see?

A Well, I opened the screen door and let my wife go in first which was a foolish thing to do.

Q Which screen door was this?

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A The back door, what we call the back door, the door that faces Lake Road. We saw a Bay Village ambulance in the driveway. We had remarked on our way over to the house why don't we see the ambulance and she asked me what I thought about it and I said, "Well, either they have already taken her in and she must be beyond help or--" of course, as soon as we saw the ambulance in the driveway I concluded that she was beyond help. And as I say I opened the screen door and we both went in. She had preceded me in the hallway and I recall seeing her point into the den. I walked through the back hallway and as I did so I saw the doctor's bag upturned on its side, with the paraphernalia, bottles and instruments strewn about the area.

I proceeded immediately to the door of the studio and looked into the studio and saw my brother Sam lying on the floor. He was bare from the waist up. I went in and spoke to him briefly. I thought he was dead.

Q What did you say?

A I said, "What happened?" "How are you?" Things of that sort. I certainly can't tell you exactly what I said, but it is my impression that I spoke to him and said what happened and he responded, so I immediately left.

Q What did he say when he responded?

A He said, "I think they have killed Marilyn."

Q Did he say anything else?

A No, sir.

Q At that time?

A No, sir.

Q Did you say anything?

A No, sir.

Q In answer to his statement?

A No, sir, I left the room immediately and ran upstairs.

Q Did you go through the kitchen upstairs?

A No.

Q Or around the living room?

A No, sir, I went through the living room and around through the little L-shaped place where the fireplace is and up the stairway.

Q Proceed, please.

A I reached the top of the stairway and I saw my sister-in-law Marilyn lying on the twin bed, next to the door, in the northwest bedroom. Her head was approximately the middle of the bed. She was partially covered by a sheet. Her legs extended beyond the end of the bed. It was an old-fashioned four post bed with a bar across the foot of the bed and her legs extended underneath that bar. I could see the feet and legs up about as far as the knees.

She was completely battered. I believe that I

touched her wrist, Her head, face, shoulder were covered with blood. It was a horrible sight. I noticed multiple deep penetrating wounds, mostly limited to the area above the eyebrows. I disturbed nothing. I determined that she was dead. I returned immediately to the downstairs studio.

Q Was Dr. Richard ahead of you in examining the sister-in-law?

A I am confident that he was. His car was there when I got there and he has later told me that he had been up. I didn't see him. I don't remember seeing him in the house.

Q At the time that you made the examination were you aware that Dr. Richard had examined her?

A I don't think so.

Q You say you touched her?

A I touched her wrist.

Q Did you touch her head?

A No, sir, I couldn't.

Q Did you notice the blood, you said over her face and head?

A Yes, sir.

Q What was the condition of the blood?

A When I saw her the blood was beginning to clot. It was still wet in some areas, [↑] areas about the shoulder and

on the face where it was thin it was completely dry, but in the hair and other places where it was thick and matted it appeared to me that it was still of a moist consistency. It was not dry. It was not completely clotted.

Q And the neck?

A I didn't examine the neck. I have no specific recollection of the neck. As I try to visualize and remember this thing the whole area down about this level was bloody and I made no attempt to evaluate the neck or examine it or turn the body or touch the body or anything like that.

Q Just now you pointed to the level of the shoulders?

A That was as I recall it the extent of the discoloration of the blood and so forth. That apparently had involved the head and face and I seem to recall some scratches or some dry blood on the area above the clavicle, but believe me I didn't stay there very long, and my memory is at best insecure on that point.

Q What part of her body was covered?

A As I recall she had two sheets which were drawn up to about the waist. The legs as I have described extended out on either side of this sheet and under the bar at the foot of the bed.

Q Did you see the pajamas?

A No, sir.

Q Did you see pajama tops?

A I did not.

Q About the shoulders?

A I didn't see it. I am advised that she had it on, but I just didn't see that.

Q Did you notice the rest of the room?

A Not at that time.

Q After you saw the body what did you then do?

A As I said I went directly back down to the studio and began to speak to my brother Sam.

Q What did he say? What did you say to him?

A I asked him if he thought he could walk. He was lying on the floor still holding his neck. He had his arm up with his hands at the base of his skull. I made a cursory examination looking for lacerations and injuries and that sort of thing. I questioned him with regard to whether he thought he could walk or should we get a stretcher or an ambulance. And he said, "Well," in an incoherent and hesitant manner indicated that he thought he could walk. He said he had been staggering around the house. I said well, let us see if we can't get you over to the hospital. You are obviously hurt. And at that time Dr. Carver, one of the internes in the hospital came into the room.

Q Which room?

A The study.

Q He came to the house, Dr. Carver?

A Yes.

Q Do you know how he got there?

A I understand he came with Dr. Dozier who is a resident in surgery there.

Q Were they sent for?

A I presume they were. I don't know how else they would have known about it.

Q Dr. Thomas Dozier?

A D-o-z-i-e-r and Robert Carver, C-a-r-v-e-r.

Q They are residents?

A No. Dr. Carver is an interne, who since has finished his internship and in practice and Dr. Dozier is on a training program in surgery.

Q They were in the house you say when you came down from being upstairs?

A I didn't see Dr. Dozier, but as I say I did see Dr. Carver. I understand Dr. Dozier went upstairs and I don't know what else.

Q Go ahead.

A We are at the point where Dr. Carver entered the room?

Q That is right.

A Dr. Carver entered the studio and I asked him to give me some help getting Dr. Sam out to the car. I asked

my wife to get some clothing out of the closet in the hallway. Dr. Sam was shaking and chilling. His clothes were wet. When I checked his head and scalp for evidence for injury his hair on the top of his head dry, but the hair on the back of his neck in the area where it is thick it was wet and the hair on the top of his head is sort of thin and it was definitely dry. He had on some cord trousers and he had on gym socks and loafer-type shoes, and as I say he was obviously cold and apparently suffering from shock. I spoke to my wife and asked her to get something out of the closet and she said, "Well, what should I get?" and I said, "For heavens sakes get anything." Then Dr. Carver and I practically lifted him to his feet and with one arm half-dragged him to the car and carried him out through the hallway. At this point my wife was still trying to decide what garment she should get so I reached forward to the closet and grabbed a cravinet topcoat, a type of a raincoat affair and we threw it over his shoulders and we then took him out and put him in my car.

Q Was there any police there when you took Dr. Sam out?

A Yes.

Q Do you recall who?

A Well, Chief Eaton was there and Officer Drenkhan was

there and then Officer Cavanaugh was there. I am not certain about Officer Cavanaugh. It seemed to me there were police and firemen all over the place, but I can't be sure.

Q Did you speak to any of the policemen?

A No, I don't recall speaking to any of the policemen. I do recall hearing Officer Drenkhan coming in and making a telephone call in the studio while we were taking Dr. Sam out but I didn't interrupt that or say anything at that time. I think we may have said is it okay if we take him to the hospital, or we are taking him to Bayview Hospital, or words to that effect, but I have no definite recollection.

Q Do you recall asking permission from any of the policeman to take Dr. Sam to the hospital?

A No, but in a situation of that sort, at least to my experience the patient comes first and I have been associated with the Fairview Park police for five years and I am the police department surgeon out there and whenever we have an injured person the doctor on the scene sees to it that proper care is administered to the patient. If the patient is obviously injured ordinarily we take the patient to the hospital.

Q Did anyone permit you to take Dr. Sam to the hospital?

A No, sir.

Q Did Dr. Sam have any conversation with you during that time?

A No, sir, none whatsoever.

Q Did he have any conversation with you after you took him to the hospital?

A Not at that time, no, sir. He was, as I say, in apparent shock. We administered sedatives and the nurse immediately undressed him and took his clothing and put a marker on it to identify the fact that it was his. I ordered hot water bottles and we contacted an x-ray technician, had a technician come in to take pictures of various things. We did not discuss this at all at that time. He was not in shape to discuss it.

Q Did he tell you anything as to how it happened?

A Not at that time, no, sir.

Q Did you examine him before he left the house?

A I examined him while he was laying on the floor in the studio briefly after I went downstairs and came back down.

Q What did you find?

A Well, as I say, he was bare from the waist up. He had on summer cord trousers and gym socks and loafer type shoes. Shoes and socks and trousers were fairly wet. His skin appeared to be dry. It was cold to the touch, somewhat moist, as is frequently encountered in a patient

Sam's blood 371
leaving his
body.

who is in shock.

Q Did you see any physical injuries?

A I did.

Q What were they?

A He had a contusion involving the right side of the face, the right eye. There was blood issuing from his mouth. There was blood on his teeth. There was blood on the outside of his face, on his lips. There was evidence of early superficial contusion about the base of the neck on the left.

Q Where was this located?

A At the base of the neck on the left anteriorly.

Q In the hairline?

A Anteriorly.

Q In the hairline?

A No, sir, I am coming to the hair line. It involved the left sternocleidomastoid muscle, which is, as you know, the big muscle that runs from the mastoid into the clavicle. We then made him take his hand away from the back of his neck and there was evidence of muscle spasm and edema and contusion there.

Q What was the extent of this condition that you talk about on the back of his neck?

A There was an area of approximately -- you asked me about the size?

Q Size?

A I would say three inches across, approximately two inches up and down right at the base of the skull. That is when I found this in his hair.

Q Was the type of the condition that you describe such a condition as would remain in evidence for four or five or ten hours?

A I would think so. I would say it was deep. In other words, there wasn't a discoloration as ultimately developed over the side of his face and eye, but it was a deep muscular tenderness type of thing.

Q A contusion is an external manifestation of an injury, is that right?

A If it can be palpated as well as seen.

Q You said you saw this?

A I saw evidence of it. I saw swelling.

Q And if that type of a condition was in evidence at six o'clock in the morning, or 6:30 in the morning, would it still be in evidence at four o'clock in the afternoon?

A I believe so.

Q Then if Dr. Hexter did not see a condition at this location, would one of you be wrong?

A Well, I cannot speak for Dr. Hexter. I don't know Dr. Hexter personally. I know that he is a licensed physician and surgeon of the State of Ohio and he must be

good to have passed the examination. I assume that he is a conscientious physician, and I was present when he made his examination. I know that he did not palpate the neck. I think I would say that he looked at it.

Q If Dr. Elkins did not see a contusion when he examined the neck is it possible that you could be in error?

A I have utmost confidence in Dr. Elkins if he says he did not see a contusion, then he did not. I am equally confident that I saw what I described.

Q In this particular area there is legitimate reason to believe there is some difference of opinion, is that right?

A You are referring to this area?

Q Of the neck.

A Where I found evidence of injury at the base of the skull and in the hair line and so forth. Yes, sir.

Q And two other doctors did not?

A I don't know that they did not.

Q Their reports stated they did not?

A Then I assume that they did not.

Q Did you notice any breaking of the skin on the back of the neck or around the neck or in the hair line?

A There was no skin broken at any time except mucous membrane inside the mouth on the right that I saw.

Q Did you see any, notice any skin break on any other

part of the body?

A No.

Q Did you notice any scratching of the face, any areas of contusion?

A No, sir.

Q Or anywhere else?

A No, sir.

Q What did you do after you took Dr. Sam to the hospital?

A I got back in my car and took my wife over to Dr. Richard's house, which is next door to the west, and Dr. Richard and I discussed the possibility of returning to Dr. Sam's house.

Q Did you return?

A We did.

Q What did you do there?

A As I recall at this time there were even more cars, more officers and neighbors and friends, crowd gathering and that sort of thing. We entered the house --

Q What time was it when you got back?

A This was about 7:30. As I recall. Again I didn't look at my watch, but it certainly must have been about 7:30.

Q Go ahead.

A We entered the house and this time I began to notice

the upturned medical kit. I reentered the studio, saw the desk with the drawers dumped on the floor, went into the living room. I saw Marilyn's desk had been gone through, was in disorder, and a ledger or check book had been thrown on the floor and possibly a dozen or so Ohio State sales tax stamps had been flung on the floor. The writing level of the desk was propped up on the back of the chair in an odd angle, which sticks in my memory.

I remember the door facing the lake was open, and the screen door was open.

There were officers here and there about the house. Dr. Richard and I went upstairs and again looked at Marilyn, and at this time I looked at the room and I saw blood on all four walls of the room. I got down on my hands and knees and looked under the bed, and as I did so I placed my left hand in an area on the rug, which was moist and cold and which I presume was water and remarked to one of the officers that was present that I thought it was water.

Q Where was that located?

A Right by the side of her bed.

Q Where with regard to the length of the bed?

A I would say about the middle. We then looked into the spare room, which the door was open, and there was nothing out of order there. We looked into Chip's room

and there didn't seem to be anything out of order there. He of course had been gone for some time by then.

We went down the hall and looked into the guest bedroom, and at this time as I recall Mayor Houk's son had come up into the hall or was someplace up there, and Dr. Richard and I discussed with one of the officers that Dr. Hoversten's luggage seemed to be undisturbed. We commented on the fact that the bed was unmade. We checked with the guard as to when it had been last slept in.

We went back toward the hall and the stairway. We stepped into the bathroom. Talked to one of the officers about a cigarette butt which was in the toilet bowl, which he said had to be preserved for investigative purposes.

I went back downstairs then and went into the kitchen, and it occurred to me that the basement might or might not have been looked at. I asked Chief Eaton if anybody had been down the basement, and he said no. I said is it all right if we went down. He said let's go. I led the way, and he went down and found all the lights on down there. I saw nothing of any significance in the basement. Except that the fact that the lights were on, which was not terribly out of the ordinary in that household.

Then I asked him if it would be all right for me to use the lavatory facilities down there, and one of the

officers said it would be all right, which I did. I then went out and down to the beach. The officers were trudging up and down the beach. I noticed that the wind was from the northeast. There were small waves, but there were little or no whitecaps. I looked about on either side of the stairway, and I looked under the deck of the beach house at which time I discovered two pairs of gloves, one was a pair of white cotton work gloves that had reddish brown stains on it, and the other pair appeared to be leather driving gloves. I went immediately back to the top of the hill and asked for Chief Eaton, and upon finding him I told him of my discovery, and he asked me where they were and I told him that I had not touched them. I asked him to come back down with me and he did and he pulled the gloves out from under the deck of the beach house. Where they are now, I have no idea. He took them with him.

Q Anything else?

A Well, after some time had elapsed, I went around to the side of the house which faces the road, and I saw Chief Eaton and my brother Dr. Richard coming out of the garage, and I went into the garage and looked around and didn't see anything and came out again.

Q How long did this take?

A Well, in between there was a lot of talk. We sat

around on the front steps and looked out over the lake. Smoked several cigarettes while waiting for the Coroner of Cuyahoga to arrive and I think possibly it was about an hour, as I recall -- again I didn't look at my watch but as I recall, I don't know, about eight-thirty, quarter to nine and immediately he threw everybody out and sealed up the house. I mean you asked everyone to leave.

Q Did you touch anything while you were in the house?

A I touched nothing.

Q Did you remove anything?

A No, sir.

Q Did Dr. Richard and you when you were together touch anything? Did he touch anything in your presence?

A No, sir.

Q Was he continuously in your presence?

A No, sir.

Q When you were in the house?

A No, sir.

Q As long as he was in your presence you don't recall him touching anything or removing?

A I recall that we were both meticulously cautious not to touch anything.

Q When you were together precisely did you look at the contents of the medical bag?

A We looked.

Q Did you handle anything?

A Nothing.

Q You said that the bag was on its side?

A End, I meant to say, upturned on its end.

Q You want the record to be corrected to read on its end instead of on its side. Did you notice the contents on the floor?

A Yes, sir.

Q Did you handle any of the contents on the floor?

A No, sir.

Q Did you touch the bag?

A Not at all.

Q Did you attempt by looking at it or viewing it to see whether or not anything was missing?

A No, sir, I made no attempt. You are referring to the medical kit? I made no attempt to evaluate the contents. I just noticed a large number of ampoule vials were strewn about.

Q Did you examine the stuff?

A I did not.

Q Did you go into Sam's study?

A Yes.

Q Did you kick over anything unintentionally?

A I didn't kick over anything. I had my attention

turned to one of the things in the bookcases and I had a pair of blue denim trousers. They were a little long for me and I turned the cuffs up and I stepped over toward the bookcases and as I did so the cuff on the left trouser leg caught on one of the drawers that was upended and setting precariously and toppled down. I ofcourse realizing what I had done I said a rather short unrepeatable word and I immediately apologized to Chief Eaton and left.

Q Did you attempt to replace it?

A No, sir. I had already done more than I should, I thought.

Q Did you see what was in this drawer that you accidentally upset?

A No, sir. I thought I had better leave as soon as possible.

Q Who was present when this drawer was upset?

A Chief Eaton was there I know because he was somewhat unhappy about it naturally, and there were some other officers there but I can't name them. I think Officer Drenkhan was there. I don't know who else was in. Chief Eaton was there in the room at the time.

Q Since that time has any clothing or anything been taken out of the house?

A Yes, sir.

Q Would you repeat it for the record?

A I should tell you what clothing was taken out?

Q Yes.

A Well, I don't remember the exact date but I remember that Dr. Sam didn't have anything to wear but the first clothing that was taken out was obtained I believe by my wife and Mrs. Richard Sheppard, that is Dorothy. They got an oxford gray suit and some shirts and socks and shirts and ties and various items of apparel and they brought them down in a small handbag with the knowledge and approval I believe of this Officer Rossbach.

Q Who were they for?

A Dr. Sam. This is while he was still in the hospital and it was expected that he would be going to the funeral on Wednesday, you see. When we took him in of course he had just what he had on and we did not take anything else with us.

Q By the way, was anything taken out of the house?

A Yes, late -- sometime in the morning on Monday the 5th I believe it was Dr. Sam had not shaved and he was pretty uncomfortable and he wanted his toothbrush and that sort of thing. So I went down to the house and asked them if I could get some of the personal effects and one of the officers accompanied me to the bathroom and got an electric razor and one of these travelling kits toothbrush and toothpaste. That's it.

Q Were there any other things taken out of the house?

A Did I take anything else?

Q No. Was anything else taken out?

A That I know of?

Q That you know of.

A Yes, sir. Roughly a week after the incident --

Q I mean immediately.

A Oh, no. No, sir. I thought you meant when we went up and got the suits and that sort of thing when you were present.

Q Did anyone take anything out of the house for Chip?

A Well, I didn't have anything to do with Chip. I understand that Mrs. Houk and Dr. Richard woke him up and removed his chin strap and took him over to Dr. Richard's house. They may have taken something then or possibly Mrs. Dorothy Sheppard and my wife may have gone down to pick some things up. I know when it came time for him to go to camp they couldn't get anything, they had to go out and buy some things for him. Either Dorothy or Betty must have gone with the consent of the officer and got something for the boy to wear.

Q They did get something as far as you understood?

A I presume they did. He had clothes on.

Q What time did you retire on the night of July 3rd?

A This was the night before, Saturday night?

Q Saturday night.

A Mrs. Sheppard and I had guests in for dinner and we had planned to go out and watch the fireworks that were being displayed on the breakwater. We sailed off until about 9:30 or possibly 10:00. We spent 45 minutes or so and then sailed right back in again and we went back downstairs and sat around to listen to the ballgame, which as I recall ended up somewhere between 12:30 and 1:00 and everybody was so exhausted that we could hardly finish it up and we followed it up that long so we stuck it out. Everybody went home and it must have been shortly after 1:00 that we cleaned up.

Q You say everybody. Who is everybody?

A Do you want me to name the guests?

Q Yes.

A Dr. Clifford Foster, Mrs. Ida Kaneles, Mrs. Charles

M. Davis and Mr. Charles M. Davis.

Q This was around one o'clock Sunday morning?

A When they left.

Q When they left.

A Yes.

Q Did you get a call on the phone after one o'clock in the morning?

A No, sir. Marilyn, I talked to her at 9:30 that night. It was my habit when we were thinking about going out in the boat to call her and ask her how the weather was on the lake and she would look out on the

lake and describe it and I did call her about 9:30 p.m. but I neither called her nor did I receive a call from that time until 6 o'clock in the morning.

Q There has been a lot of talk about a Susan Hayes that was in the employe of Bay View Hospital. At any time to your knowledge was there a family gathering, that is of yourself and your father and other members of your family to come to some decision that Susan Hayes should be retained as an employee or not?

A Do I know that there was such a meeting?

Q Yes.

A I know there was not.

Q To your knowledge?

A No, sir.

Q Do you know whether any such action was taken by any member of the directors or governing board of the hospital?

A Not to my knowledge.

Q Was there any gathering of your personal family to discuss the conduct of Dr. Sam and Susan Hayes?

A No, sir.

Q Is it correct that Marilyn Sheppard thought very highly of you and she confided in you on many occasions?

A I believe that's correct.

Q Did she ever confide in you that she was having

difficulty with Dr. Sam?

A Yes. We all had difficulty with Dr. Sam of the type that she described. Certainly nothing out of the way. I wouldn't even say it was a confidence. I mean she talked to me on several occasions that he was working too hard, he was at the office too much, was at the hospital too much. My wife said the same thing to her and I am sure Dr. Richard's wife said the same thing to her on many occasions, particularly during the early phase of the practice. I presume that's what you are referring to.

Q Did she ever ask you or seek advice from you about Dr. Sam's inattention to her and chasing around with other women?

A Not to my recollection. She said and indicated that he was away from her a great deal and she asked me if I thought he could be involved with another woman and I said no, there are only so many hours in a day and I know how much he is at the hospital and how much he is at the office and let's face it. There just isn't time. I mean those are my words.

Q did she ever confide or tell you that Dr. Sam was seeking a divorce from her?

A No, sir.

Q Or whether or not she should go through

with a divorce because conditions were becoming unbearable?

A I don't recall such a confidence. Our entire family group is and has been always rather casual and inclined to joking about things and discussing things and it is entirely possible that one of the girls would say well that's cause for divorce, when we say we will be home at six o'clock and we will get there about eight or something of that sort, but certainly nothing that is serious in any way.

Q So far as you can recall there wasn't any specific conversation about divorce by either one?

A No, sir.

Q I am given to understand that Dr. Sam respected your family very highly and you in particular, particularly attached to you, more so than the other members of the family. Is that correct?

A I don't believe so. I think he thought a great deal of his father and a great deal of the other brother. It happens that he and I were closer in age and we grew up together more than Dr. Sam and Dr. Richard and that may be that what you say is true but I have never felt that we were particularly close. We were all close.

Q Did he ever ask you or say to you that he had been having difficulty with Marilyn and that it would be a good idea for them to break up?

A May I answer that in two parts?

Q Yes.

A With regard to did he ever say that they were ever having any difficulty the answer is yes. In regard to whether or not he thought or anybody else thought it would be a good idea for them to break up, the answer is no.

At no time to my knowledge was there any discussion about breaking up. These two people were completely engrossed in one another. They were deeply in love. To my knowledge there was no serious consideration or even discussion about any breaking up or divorce in the way I presume you mean.

With regard to difficulty, he on several occasions indicated that she was more sensitive than he would like and that she apparently felt insecure and that the time that he spent away from her during the early phases of practice building, she was a little unreasonable I think possibly.

I know that there were times when she felt the burden of the responsibility of her child just like any other normal mother does and those were the difficulties that were described to me.

Q Do you know when Marilyn became pregnant?

A I have no idea.

Q When did you find out that she was pregnant?

A The week prior to her murder. We had an announcement, we had a party at my home on Friday night, that would be the Friday before Sunday, we had a family party at my home on Friday. Dr. Richard and his wife were there and Marilyn and Dr. Sam was there and my wife Betty was there. We had one of those rare occasions when we could all find some free time simultaneously and we referred to it as an announcement party. That was the first time that she had more or less come out and indicated to the family that she was expecting, even though my father knew it some weeks back but had not mentioned it to me. And my wife as far as I know did not know anything about it. But that was a completely happy occasion.

We were all proud and thrilled because we knew that particularly Dr. Sam had wanted children for years. Apparently they had achieved at least the initial phases of this goal.

We went through the usual practices of making sure she was comfortable and you know, overdoing it, like families often do and tending to her slightest whim and that sort of thing as is frequently done with a woman during the early months at least when it is first announced.

Q Do you know of any condition or happening that could

have happened to Dr. Sam that would cause him to be sterile?

A No, I do not. I do have some information with regard to Marilyn but she had sought my help medically and I don't feel that I am free to discuss that at this time.

MR. DANACEAU: About herself personally?

THE WITNESS: Yes, sir.

Q About herself?

A Yes.

Q I wouldn't ask you that.

A Well, you asked me about Sam.

Q Yes.

A But he wasn't a patient.

Q He was not a patient?

A Not at that time.

Q He is a patient of yours now, since the time he is under investigation?

A Well I understood you to ask me if I knew anything in the background with regard to this other stuff.

Q Yes. There is not anything that you know of that you have heard or anything from your knowledge?

A Which would produce him sterile?

Q Yes.

A No.

CORONER GERBER: That is all,
thank you.

THE WITNESS: Thank you.

Q Do you have anything you want to offer?

A Well I can only say that I would like to say this to the spectators that I know that most of you people who are here are here not just as morbid curiosity seekers but as members of the community you are interested. I know that you are shocked. Certainly this was a hideous crime. But this could happen to you. And you also could be completely innocent. And you also could be subjected to the hours and hours of interrogation. And you too could be brought into a gymnasium and your entire family subjected, possibly necessarily and possibly not, to this type of thing.

But I know that Dr. Sam is innocent. Dr. Sam knows he is innocent. And try -- it won't be too easy -- but try to, every one of you, in your hearts put yourself in the position of this man and this family for a minute.

That is all I ask.

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DR. GERBER: Let the record show that the coroner has requested that Chip, the son of Sam Sheppard, be brought in here Monday morning, July 26, at 9:00 A. M., as requested by subpoena originally issued.

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DR. RICHARD N. SHEPPARD, having been first duly sworn, was examined and testified as follows:

EXAMINATION OF DR. RICHARD N. SHEPPARD

By Dr. Gerber:

Q What is your name, please?

A Richard Niles Sheppard.

Q Where do you reside?

A 23346 West Lake Road, Bay Village.

Q How long have you resided there?

A Approximately four and a half years.

Q What is your profession?

A I am an osteopathic physician and surgeon.

Q How long have you been an osteopathic physician and surgeon?

A I graduated in 1941 in June.

Q Where did you graduate?

A College of Osteopathic Physicians and Surgeons, in Los Angeles.

Q When were you licensed by the State of Ohio?

A I believe I was licensed in the State of Ohio in 1944. It may have been 1942. I came back and set my board and then returned to California, and I started practicing here in 1944.

Q Are you licensed in any other state?

A Yes.

Q In what state?

A The State of California.

Q Where did you start practice in Cleveland?

A At 32nd and Euclid Avenue, in the old Osteopathic Hospital and Clinic.

Q Where is your office at the present time?

A I have two offices. I still maintain offices at 32nd and Euclid, and also at West 222nd and Lorain Street in Fairview.

Q Are you connected with a hospital?

A Yes, sir.

Q What hospital?

A Bay View Hospital.

Q What is your position on the staff of Bay View Hospital?

A I am one of the senior surgeons on the staff.

Q Do you hold any other office in the hospital, management board or board of directors?

A I am a member of the board of trustees, and I also

hold a staff position, that of treasurer of the staff.

Q Now, as a member of the board of trustees, are you acquainted with the books and records?

A I am acquainted with them as they come up before the board, yes, sir.

Q Are you one of the individuals who has to do with the appointment or the choosing of employees?

A No, sir. The board doesn't choose employees. That is generally done by the administrator.

Q Then who appoints the administrator?

A The board of trustees.

Q Who is the administrator of the hospital?

A Mr. R. A. Lease.

Q Can you tell me the duties of the administrator of the hospital?

A Well, the administrator of the hospital has to do with hiring, and particularly the heads of departments, has to do with the business office, the general operation of a hospital and correlation of the heads of the various departments, in the managerial side of the hospital.

Q Does he have anything to do with the hiring of the professional staff of the hospital?

A Yes. By that I gather you mean technicians, x-ray technicians and that type of help?

Q Yes.

A Yes, sir.

Q He is required by the board of trustees to keep books, as to hirings and firings and resignations?

A Yes, sir, there is a record of that kind kept.

Q As a member of the board of trustees are you empowered to deliver such records to this hearing?

A I really don't know, sir. I would have to ask our counsel of our board.

Q Who is the counsel of your board?

A Mr. Arthur Petersilge.

Q Do you think Mr. Petersilge is available?

A I think he is.

Q Would you mind asking him whether or not you are empowered to deliver the records?

A How about it, Art?

MR. ARTHUR E. PETERSILGE: No.

In my opinion, Dr. Gerber, no member of the board of trustees would have the power to deliver hospital records, but as you know there is a legal way to get them if you wish, and I am sure that under proper subpoena they will be produced.

MR. GERBER: That shall be done.

Q I direct your attention to the morning of July 4, 1954, Dr. Sheppard, will you please relate to me what

happened?

A Yes, sir. Approximately 6:00 A. M. on that morning I received a phone call, awakened from a sound sleep, and it was Mayor Houk who said to me, "Rich, get over here as fast as you can, Sam has been hurt, and I think Marilyn is dead." I immediately got up out of bed and I started dressing as rapidly as I could, told my wife what he had told me, asked her to call Dr. Stephen Sheppard, my brother, tell him to come to Sam's house as soon as possible. Also to call my father and ask him to go to the hospital with the idea in mind that he would be there on hand if we would take someone in quickly. Do you want me to proceed?

Q Yes, please.

A I left my home. I took my doctor's bag with me and went as rapidly as I could up to Dr. Sam's home. It probably took me ten to twelve minutes. On arriving at the house there were two or three cars in the driveway, at least one of which was a police cruiser. I pulled in the small parking area there, got my bag, ran into the house. I entered the house by the lake side entrance, ran into the small hallway there, noticed Dr. Sam's medical kit spilled out on the floor in front of the library or study door. There were two or three other people in the hallway or in the living room beyond,

Mayor Houk, his wife, and an officer or two, and perhaps others.

I glanced into the library or study and saw Dr. Sam half sitting, half reclining on a leather chair. He had both hands behind his neck. He was moaning. I could see that he was alive. I asked someone, I believe it was Mrs. Houk, where Marilyn was. She said upstairs. I turned and ran through the kitchen and up a small flight of steps to a small landing. At that point I turned and spoke to the officer who was following me, I believe it was Mr. Drenkhan, asked him to hand me a kitchen knife if there was one handy close by. There was a set of knives on a magnetic knife holder over the sink. He quickly grabbed two of them, handed them to me, and I proceeded on up the stairway. At the top of the steps, it is a very narrow hallway, I stepped just a step or two into the bedroom, and of course I was completely stunned at what I saw. Marilyn was lying in bed, her feet protruding over the foot of the bed possibly a foot or more. Her head was not on the pillow. It was down toward the center of the bed but not completely down the center. Her head was lying in a large bloody area which seemed to be evenly spaced. Her face was unrecognizable to me. There was blood all over it, it appeared to start to clot, it started to clot. There

were numerous cuts and abrasions on her forehead, particularly on the left side of her forehead.

I took her pulse, there was none. I listened to her heart with the stethoscope. There was no evidence of life. I did notice that there was body warmth at the time I saw her.

I brought the knives from the kitchen up with the thought in mind of possible cardiac resuscitation. However, when I saw her, it was obvious to me that stage of procedure was beyond anything I could do. I raised the sheet, if I recall. She was bare, her breasts were bare. Her nightie was rolled up in the back, and on her shoulders and on her arms, but it was open. I raised the sheet which was partially covering her merely to see if there was any other injury to the body. I saw none. I didn't move the body other than raising the arm to take the pulse. I determined that she was dead and that there was nothing I could do. I believe there was an officer with me, I believe there was Mr. Drenkhan at the time. I stepped back out into the hallway, as I recall, went up the hall just a short distance, and then looked in the room where little Sam or Chip generally sleeps. He appeared to be sound asleep on his bed. I then returned downstairs.

I believe I saw the two knives, I think I had handed

them by that time back to Officer Drenkhan, who had taken them down and laid them on the sink, I saw them there, why I did I don't know but I replaced them on the magnetic rack. I proceeded on into the library to look at Dr. Sam. As I came in he was still in the same position as before. I spoke to him. I don't recall exactly what I said. I believe I asked him where his pain was, where he was most hurt, and he indicated it was his neck. I then told him that Marilyn was dead, and with that he slid on down to the floor, still holding the back of his neck, slid onto his face, saying, "Oh, God, no."

At about this time I believe I saw Dr. Stephen arrive in the hallway. He of course was not aware of what had actually occurred. Both he and I returned upstairs to Marilyn's bedside, where he and I both agreed that there was nothing we could do. I believe he took her pulse. I don't believe he adjusted the sheets or anything of that kind. We were there a moment or two and I suggested to him to return downstairs and see what he could do for Dr. Sam, and suggested that perhaps that he should take him into the hospital.

Mrs. Houk I believe was upstairs, or came upstairs about that time, also, and we discussed the advisability of awakening little Sam and taking him down to my home, which then we proceeded to do. We went into Chip's room,

he was sound asleep laying on his side. It took several moments or minutes to wake him up. After I got him sitting on the side of the bed I noticed this appliance that apparently his orthodontist had recommended that he wear. I had some little difficulty getting it off of him. I gathered up a few of his clothes. Apparently those that he had taken off the night before. Mrs. Houk found something to throw over his shoulders, and we got him into my car, and I took him up to my house, to my wife.

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At that time, I was there for a short time, told my wife what had occurred. I believe in the meantime she had gotten my mother and brought her over to my home. I proceeded on into the hospital. At the hospital I determined that Dr. Sam was -- from this point on it is rather unclear in my mind the certain definite sequence of events, but to the best of my recollection Dr. Sam was in x-ray or was being moved from x-ray. Dr. Steve was there. He said that he was treating him for shock. We spent a short time at the hospital. I believe I went in and saw Dr. Sam either on the cart in x-ray or he had returned, in the process of being returned to the room, I am not clear on that. We knew before we left the house that Cleveland Police and yourself had been called, so Dr. Stephen and I returned to Dr. Sam's

house in his car.

When we got back to the house we went in. There were a number of police officers, various people, there. We looked in the living room, looked in the library, looked at the things that were spilled out on the floor from the doctor's bag, went back upstairs, walked back into another bedroom at the other corner of the house where Dr. Hoversten had been staying. There were other people upstairs in the house at the time, I don't recall who they were, I believe an officer. We noted that Dr. Hoversten's bed had not been made, saw his baggage and some of his clothing lying on the floor there. Some small change on the table top. I remember remarking to Dr. Stephen about it. I had seen Dr. Hoversten two or three days previously at the hospital, but was personally not aware that he was still at Dr. Sam's home. I was under the impression that he had gone on, and was somewhat surprised to see his things still there, and Dr. Stephen said, "Yes, Dr. Hoversten was still there," and I wondered what happened to him, why he wasn't in the bedroom or around someplace. I believe it was Dr. Stephen who mentioned that Dr. Hoversten, that he had overheard a conversation, some way I heard that Dr. Hoversten had gone to Kent the day before, had a golf date with one of the doctors down there.

We returned downstairs, Dr. Stephen going his own way. I went out on the porch, looked around the outside of the house, saw Chief Eaton, talked with him briefly, asked him if anyone had been upstairs in the garage. There is a small apartment, unheated apartment above the garage. It is not connected directly to the upstairs of the house. He said he didn't think anyone had, or words to that effect, and both he and I then went up the stairway in the garage up to the second floor and looked in the two or three rooms up there. Nothing apparently seemed disturbed. We returned down again into the yard.

I went down the steps to the beach. There were other people down there just returning from the beach, walked along the beach to see if there was anything I would see. I could see nothing unusual on the beach. I returned up to the front yard, went on the porch, I believe I was sitting there smoking a cigarette with Mrs. Houk about the time you and some of the police officers arrived. At that time you recommended that everyone leave not only the house but the porch as well, which we did. I stood around the yard for a short time, and then returned to the hospital again. I believe you left, yes, we stayed there until you left, Dr. Gerber, about the time you left to go to the hospital both Dr. Stephen

and I went to the hospital. I believe we saw you then shortly after you got there.

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Q What were the weather conditions at the time that you arrived or going to Dr. Sam's home?

A Well, it was daylight. It was not bright. The sun was not out as I recall. The lake was slightly rolling I would say, not a heavy roll, not big waves, nor was it completely flat.

Q Was it chilly?

A I don't recall that it was, I don't recall that it was. I had on my sport shirt, I believe. If it was my mind certainly wasn't on that. I don't recall.

Q Did you examine Dr. Sam at the house?

A I didn't examine him thoroughly as a physician would. I saw him and looked at him superficially.

Q On your superficial examination what did you find?

A He had a rather large bruise over the right forehead, the right cheek bone. He had a split lip and there was some blood coming from the corner of the right side of his mouth. I didn't attempt to adjust or move or do anything to his neck at all.

Q Where was he at that time?

A He was in the library.

Q On the floor or on the chair?

A I believe at the time I checked him in that manner

was when I returned downstairs, he was still sitting on the chair.

Q Did you talk to him?

A Only in the way I mentioned to you.

Q Did you ask him what happened?

A I don't recall that I did, Dr. Gerber. I may have said something, "Well, what happened, Sam?" But at that particular moment I was so upset emotionally, and he seemed certainly to be apparently the same way, that I just didn't want to go into that. He was crying and moaning and holding his neck.

Q What did he say, though?

A The only thing that he said that I recall is, "Oh, God, no."

Q Did he say what had happened?

A Not that I recall, doctor.

Q You say you went down to the beach. Would you describe your steps to the beach?

A When I went down to the beach, the steps seemed to be in perfectly normal order. I did notice on some of the steps a little small puddle of water, occasional steps on the way down. Other than that, nothing unusual.

Q How many steps are there and how many landings?

A That would be awfully hard for me to tell you.

Q About how many?

A I believe there is one landing between the beach house platform and the top. I would have to check that, but I believe that is true, and the number of steps I would only have to estimate, just a wild guess, probably 30 or thereabouts.

Q There are a number of steps from the lawn down to a landing?

A The lawn?

Q From the lawn down to the landing there is a number of steps?

A The lawn slopes off to a concrete block where the steps start. There are two or three concrete steps, as I recall. Then wooden steps begin and it goes down to a wooden landing and then on down to the platform of the beach house.

Q Are the steps narrow?

A Narrow steps?

Q Yes, sir.

A No, sir, I wouldn't call them narrow.

Q Can you tell me what direction these steps take, straight down or do they angle off?

A Slightly curving, slightly curving to the east.

Q Curving to the east?

A Slightly curving to the east, I would say.

Q Does the second set of stairs then angle, at an angle with the first set of stairs?

A No, sir, no, sir. It is a continuous curve down to the beach house platform.

Q Then from the platform, the stairway to the beach is --

A That is a straight flight.

Q It is straight steps, but does it turn off on a right angle?

A Yes, that is at a right angle to the lake from the platform.

Q What time do you estimate the time of death?

A I couldn't estimate definitely the time of death, doctor. Those things are very hard to pinpoint, I would think. But it was more than, more than 15 minutes to a half an hour.

Q Did you make an estimate to anyone?

A Certainly not at that time.

Q At any time did you make an estimate?

A In a discussion with -- I perhaps did -- it was either when I discussed this at Bay Village City Hall or down at Mr. Mahon's office, or both, and my estimate as I recall was similar to what I gave to you now. It could have been, so far as I am concerned, anywhere from 30 minutes to a couple of hours.

Q Did you tell Chief Eaton that you thought she was

dead, Marilyn was dead for an hour and a half to two hours?

A I don't recall telling him that, but I may have.

Q If he said that you did, would you then recall it?

A I might not recall it from anything that happened that morning, but if he said that I said that I am quite sure that is correct.

Q Do you know of any rifts or difficulties between Dr. Sam and his wife Marilyn?

A I have known of no serious rifts or difficulties between them.

Q Have you known some that were not serious?

A Yes, I think that to my knowledge they had several little difficulties that I think would be fairly common in any family. For instance, at Christmas time her family lives on the east side, and ours on the west side, and there generally was some discussion as to whose house they were to go to for Christmas dinner, and there was generally a little argument and they generally would compromise by going to both.

Q Were there any rifts as a result of Dr. Sam's attendance to other women?

A Not to my knowledge, doctor.

Q Was there a party at your house where Marilyn refused to attend because Steve and Sam had had difficulties?

A Not to my knowledge, doctor.

Q Was there a party at your house where Marilyn did not attend and Sam did?

A Not that I can recall, Dr. Gerber.

Q When did you become aware of the fact that Marilyn was pregnant?

A I became aware of the fact about two days before this occurrence.

Q And how did that happen?

A In fact, I believe it was just the night before, just the night before. Dr. Steve and myself and Dr. Sam and our wives met at Dr. Steve's home, I believe that was Friday night. We had a very pleasant dinner and discussion, talked very friendly, and at that time I believe she was in the kitchen -- now, this may have been the day before, but I don't recall having seen her the day before, so it must have been that evening. She was working, the wives were working in the kitchen. I went up to her and I put my hand on her back, and she turned and said, "Well, you know, don't you?" I said, "No, I don't." And she then told me, and later on in the evening at dinner it was discussed quite freely, and since I do a lot of the obstetrics at the hospital they were making a lot of fun of me for not having noticed this before.

Q She didn't go to you then for an examination?

A No, sir.

Q She did go to your father for an examination?

A So I understood, yes.

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Q Do you recall anything else that happened at Dr. Sam's house that you haven't told us or that I haven't asked you about?

A There were many things that happened that day, doctor. I can't think of anything of importance that comes to my mind.

Q Did you touch or handle anything in the house?

A Other than those two knives that I spoke of, to my knowledge I touched nothing and handled nothing.

Q Did you take anything out of the house?

A And the sheet, I am sorry, the sheet, also.

Q Did you take anything out of the house?

A No, sir, I did not.

Q Do you own a shotgun?

A I may say, I took my medical kit out that I had brought in with me, but other than that.

Q Do you own a shotgun?

A No, sir.

Q Do you know of any one of Dr. Sam's patients that have ever threatened him?

A Of my own personal knowledge, no. I have heard it spoken of a time or two, particularly since this has occurred. We all from time to time will have a

disgruntled patient, but generally think nothing of it.

We ordinarily don't discuss it with each other.

Q Before this occurrence --

A Before this occurrence I have no personal knowledge of any threats that he told me anything about.

Q Do you know of anyone that would want to hurt Marilyn?

A No, sir, I certainly do not.

DR. GERBER: That is all.

Thank you.

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DOROTHY SHEPPARD, having been first duly sworn,
was examined and testified as follows:

EXAMINATION OF DOROTHY SHEPPARD

By Dr. Gerber:

Q What is your name, please?

A Mrs. Richard N. Sheppard.

Q And your given name?

A Dorothy.

Q Where do you live?

A 23346 West Lake Road, Bay Village.

Q How long have you lived in Bay Village?

A Five and a half years.

Q Your husband's name is Richard, he is connected with
Bay View Hospital?

A That's correct.

Q Marilyn Sheppard was a sister-in-law of yours?

A Yes.

Q Calling your attention to the morning of July 4,
1954, will you relate to me the events as they occurred
and affected you?

A Yes, sir. We were awakened about 6:00 o'clock in the
morning of July 4 by a telephone call from Mayor Spencer
Houk of Bay Village. Richard took the call and I knew
something was wrong. He turned to me and said, "Spencer
says something terrible has happened at Sam's, they think

Marilyn is dead." And, "We don't know about Sam."
Richard immediately dressed and told me to call dad, that is, Dr. Sheppard senior, and tell him to go immediately to the hospital to await, what we didn't know, and to call Dr. Steve, that is Dr. Stephen Sheppard in Rocky River, and tell him to go immediately to Sam's home. I did that and went over to bring my mother-in-law back to our home. Do you want me to continue?

Q Yes, please.

MR. SAUL DANACEAU: Won't you
take a sip of water there?

A I am all right. I dressed hurriedly. Our ten year old child had heard the disturbance and had come into the room and was quite disturbed because she had heard us talking. I told her I was going over to get her grandmother, and that I would lock her in the home and not to let anyone in under any circumstances, other than the family. I got into my car, went over to Dr. Sheppard senior's home, which is on the other side of Bay View Hospital. My father-in-law was just walking into the house, and told me that the door was open, to go on upstairs to mother. I went upstairs and mother was dressing. She seemed a little surprised to see me and said, "What has happened?" I didn't know what she knew, and I just told her what I had told dad on the phone.

Mother was quite broken up. Dad had merely said something was wrong at Sam's. So I took mother to my home.

89 We started out of the driveway and met my husband bringing little Sam back to us. We turned our cars around, or he turned his car around there, the driveway, and we went over to our home and proceeded to get Chip dressed and see that he had breakfast with our children, trying to keep a ring on our own thoughts because of the four children present. Dr. Steve and Betty, his wife, came, Dad came, we drank a cup of coffee. The majority of the day was composed of dazed thoughts and constant reporters and numerous and many loyal friends, and we appreciate.

Betty and I asked permission from the police department and waited your o.k. to go to the home and pack clothes for Chip. We went up in the morning some-time around 10:30 or 11:00, about that time. We went up there into Chip's room, packed up his clothing. We had a police officer, I have seen him here, I do not know his name, he is not a Bay Village man as far as I know, with us every step of the way at all times. Packed his clothing, a few particular clothes that he wanted, or that we thought he would like, went downstairs and were given permission to remove a quantity of food that had been purchased for a picnic that we were having at

Sam and Marilyn's that afternoon for the interns. We were thinking of spoilage and that it should be removed. We were given that permission, took the food, and little Sam's clothes and went back to our house. Would you like to ask me something now?

Q What time approximately was it when you said you met Dr. Richard and Chip coming back into the house?

A The phone call was at 6:00, about 6:00,^{on} my alarm clock. It would be guessing on my part. I should imagine around 6:30, a quarter to 7:00, someplace around in there.

Q You had been over to your mother-in-law's house?

A I was over to get her.

Q And you came back?

A Bring her, yes.

Q This was between your mother-in-law's house --

A It is very close.

Q Is only the difference of the hospital?

A That's correct.

Q The lot on which they live and you live?

A Yes.

Q And you drove?

A Drove.

Q Were you and Marilyn friendly?

A Very friendly.

Q Did Marilyn confide in you?

A Marilyn would talk to me as she would to a big sister.

Q Did she tell you about any difficulties with Dr. Sam?

A I wouldn't call it difficulties, Dr. Gerber. I would say that it was adjustments, little things. She would turn to me as the older sister. We were quite close in that, we both lived in the village. Marilyn had a little time adjusting to the demands that a doctor's wife has. The times that you will think that dinner can be served at a certain time, and your husband is called to the hospital, some of the times that you encounter that it is a little hard to understand, and then again it may be that you are planning to do something and your husband is called on an emergency case. And I tried with my experience and being older and having gone through all this adjusting before she did, that perhaps some of the things I could tell her and help her would make her adjustments easier.

Q She did tell you, though, that there was some misunderstanding, that she wasn't getting along at that particular time?

A No, doctor, I did not say that.

Q I say, she told you that?

A No, she did not, doctor.

Q Did you write her a letter or several letters on occasions?

A We were quite a family that thought a great deal of each other in correspondence, and I did write to her as I would write to any of my family at any time.

Q And you mentioned in that letter that there would be adjustments that she would have to make in order to get along with the doctor at times?

A Perhaps I may have. If you have such a letter, I would appreciate seeing what I wrote.

Q I don't have the letter.

A I don't know what I may have written. I have a terrific amount of correspondence, not just personal.

Q Can you recall ever saying anything specific either orally or in writing about advice to Marilyn about getting a divorce or not getting a divorce?

A I can't remember anything so specific as that. Adjustments that one must do and how you must accept the responsibilities of a child, and the adjustments of married life.

Q Did she ever mention divorce to you?

A I don't believe Marilyn ever mentioned divorce to me in a serious frame of mind at any time.

Q But she did mention it, she did mention divorce, whether it was serious or not serious?

A I think that word could have been used, anyone's term, in any group of people, I doubt that there would be people here who wouldn't use that word. It is a term.

Q Did she ever complain to you about Dr. Sam's attention to other women?

A No.

Q What about back in 1951 or 1952 did she ever complain about his attentions to other women?

A I believe that once when Marilyn was home in the summertime for two months with Chip that she was, oh --

MR. DANACEAU: Upset?

A Not upset. I heard that.

Q Disturbed?

A No, not disturbed either.

Q Unhappy?

A Not unhappy, but you let me think my words, I would appreciate it. I will rephrase that and perhaps we will get around the words that you want to interject.

Q No, no one wants to interject words.

A Marilyn and Chip were home one summer for a couple of months, and Sam was in Los Angeles in school. There was a school dance I believe in Los Angeles at the college, and someone arranged for Sam to take a girl to this dance in order to go. It was a college function, and Sam wrote her and told her that he was going to this

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dance. And we more or less were kidding her a little bit about the fact that if you had been there you would have got to go, and she felt that maybe she missed something. It wasn't something that I believe that she should have been too alarmed about or would have been too alarmed about at any time.

Q Were you present at a Halloween party in 1951 where Marilyn angrily left the party because of the fact that Sam was paying attention to one Susan Hayes?

A Marilyn did go home from a Halloween party, not angrily, though. Marilyn, as I recall, was tired and ready to go home and when Marilyn wanted to do something she usually went ahead and did it.

Q At this same party were you present when Susan Hayes took Dr. Sam's pipe and smoked it?

A I don't recall that.

Q Do you know a Dr. Ward?

A I know of a Dr. Ward, yes.

Q Do you know a Mrs. Ward?

A Yes.

Q Weren't you present when Mrs. Ward stated publicly that Marilyn Sheppard went home because Susan Hayes was paying too much attention to her husband?

A I don't recall a public statement to that effect.

Q Did you hear Mrs. Ward make some nasty sarcastic

remarks about Susan Hayes in regard to the things that she was doing to Marilyn, because of her attention to Dr. Sam?

A Dr. Gerber, I make a practice of keeping away from people with nasty remarks as much as possible.

Q You were present at that party?

A I was present at that party.

DR. GERBER: (Addressing audience.) You will have to refrain from any noise whatsoever. Otherwise, we will have to clear the room.

Q How long did you remain at this party, this Halloween party?

A I should imagine for the majority of it. I cannot recollect that now.

Q Over how large an area did this party exist?

A What do you mean, sir?

Q Well, was it in a big room or little room, what size room was it in?

A About a 50 foot square room.

Q There were how many people at this party?

A I have no idea of judging that now.

Q Was there a good number of people, a hundred or two hundred or three hundred?

A I imagine under a hundred.

Q Was it possible or probable that some events or happenings could have occurred without having attracted your attention?

A Undoubtedly. I am not an eagle-eye.

Q Did Mrs. Marilyn Sheppard make any other statements or have any other conferences with you in regard to divorce from Dr. Sam Sheppard?

A No, sir.

Q Did she ever tell you that Dr. Sam Sheppard was seeking a divorce from her?

A No.

Q Did she discuss with you Dr. Sam Sheppard's attention to a woman in Los Angeles while he was in school?

A No.

Q Didn't she ever discuss with you his attention to a lady by the name of Margo?

A I don't know a Margo.

Q Did she ever discuss with you attentions by Dr. Sam to a lady by the name of Huttleson?

A No attentions by Dr. Sam to a lady by the name of Huttleson. That was the name of a girl who lived in a nearby apartment to theirs, a very good friend.

Q Did she ever discuss any incidents that occurred at the Chapman home in California?

A Only telling us what a lovely ranch home they had.

Q Did she discuss with you the happenings that occurred there in March of 1954?

A The only thing that Marilyn told me after she returned was describing the home because she knew I might be interested in the architecture or the design, the interior of the home.

Q Did she tell you anything about Mr. Chapman telling both Dr. Sam Sheppard and Marilyn Sheppard never to return to their home, never to visit them anymore?

A No, she did not.

DR. GERBER: That is all.

Thank you.

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DR. GERBER: Now, I would like to caution the audience, please. We have had decorum here. It is very difficult and I wish you would show everyone respect. I don't want to have to clear the room.

BETTY SHEPPARD, having been first duly sworn, was examined and testified as follows:

EXAMINATION OF BETTY SHEPPARD

By Dr. Gerber:

- Q What is your name, please?
- A Betty Sheppard.
- Q You are married?
- A Yes.
- Q Who is your husband?
- A Dr. Stephen A. Sheppard.
- Q Where do you live?
- A 19027 Inglewood Drive, Rocky River.
- Q How long have you been married to Dr. Stephen Sheppard?
- A Ten and a half years.
- Q How long have you lived at this address?
- A Four and a half years.

Q Where did you live previously?

A Harvey Road, Cleveland Heights.

Q Directing your attention to Sunday, July 4, 1954, in the morning, will you relate what happened?

A Approximately about 6:00 o'clock our telephone rang. I answered the phone. It was my sister-in-law, Dorothy. She said, "Betty, is Steve there, I want to talk to him." I could tell by her voice that something had happened because she was quite nervous. So I awakened Steve and told him he was wanted on the telephone. He answered, spoke to her, and said, "Call me back if you hear any more," and with that he got out of bed. I asked what happened and he told me that the house had been ransacked and that they thought Marilyn had been killed. I said, "What are you going to do?" He said, "I guess I will go down there and see what is going on." So I asked if I could go along. He said yes, but hurry about it and don't take time to powder your nose.

So we did. We dressed very hurriedly and left the house and used the siren in the car so that we got there within five minutes or so. We got out of the car and as we got there I noticed the ambulance still in the yard and I remember thinking that something must have happened because I had been hoping that we would pass it on the way to the hospital. So I went in the house

and I noticed that Sam's bag was spilled on the floor of the hallway, and I looked into the den and saw Sam lying on the floor very motionless, and my first thought is that he, too, was dead. And I just nodded my head to my husband and he went in and touched Sam's head to see if he was all right, and with that I saw Sam move his leg, and I too realized that he was alive.

Then I stepped into the dining room. I noticed that the screen door on the porch was open. So I automatically went out and closed it, and just stood in the room. I don't know how long I was standing there. I remember seeing a man come in in his shirtsleeves, which I later found out to be Chief Eaton, and I recall seeing a policeman in the den on the telephone, and I could hear him say, "It is homicide, we need your help." I believe my husband went upstairs at that point and I remained downstairs. Then I remember seeing Dr. Dozier and Dr. Carver coming in the door, and they examined Sam. At that point I believe Dr. Richard brought Chip down through the kitchen and was taking him outside, and Dr. Carver and my husband had helped Sam to his feet, after asking if he wanted a stretcher, and he said no, he could get up with their help. Then we noticed that he didn't have anything over his shoulders, so we grabbed a coat out of the hall closet and threw that over

Sam and I went out the door. Going to the hospital I was sitting in the middle next to my husband and Sam was on my right. Dr. Carver climbed in the back of the station wagon, and we used the siren and went to the hospital. When we got there they met Sam with a stretcher and he with very great difficulty got out of the car and was put on the stretcher and taken into the hospital, and I stayed in the waiting room of the hospital. Sam was shaking and moaning and just holding his head all the way down from the house to the hospital. And I noticed, I was quite frightened because he was shaking so much. I didn't know what was wrong, and I didn't look at him or examine him or anything. His pants were wet, I recall that. Then I waited in the waiting room while my husband went down to take care of Sam, and when he came back and said, "I will take you to Dorothy's house," I got in the car and went to Dorothy's home. Do you want to know what I did the rest of the day?

Q No, I don't want to know what you did the rest of the day, but I would like to know, will you elaborate on what happened at the house?

A That is all that I did, and that's all that I remember doing. I don't know how long I was standing in the dining room, but I stayed in one spot until I was told to do something else, and when they got Sam

ready to go to the hospital I moved. Until then I didn't.

Q Did you handle anything?

A I did not touch anything.

Q What did you see in the dining room?

A I did notice that Marilyn's desk drawers were open, that things were on the floor, that it was disarrayed. It was not neat like they usually kept it. However, there are not pieces of furniture in the house that could be upset, other than the desk, because it was furnished very simply. There was nothing else to be touched.

Q Did you go in the den?

A I did not.

Q Could you see in the den?

A All I recall seeing in the den was that Sam was lying on the floor and there was a policeman at the telephone.

Q Can you describe the doctor's bag that was --

A I noticed that it was on its side. It was on the end of the bag, tipped, and a lot of things were spilled out. Other than that, I don't know anything else about it.

Q Did you see Marilyn?

A No, I didn't.

Q Frequently?

A Oh, you mean, yes, not frequently. We were in different parts of the city. She had her activities and I had mine. They were at our home for dinner the Friday before this happened.

Q Did you see her on other occasions?

A Family gatherings.

Q When did you learn that she was pregnant?

A I learned when I was at her house after a sail one night. My husband and I and another couple sailed to Sam and Marilyn's home, and we beached the boat and went upstairs to visit with Sam and Marilyn. Marilyn and I were in the kitchen and she told me then of her approaching baby.

Q When was that?

A That was the week before the Fourth. I cannot tell you the exact night.

Q It was the previous week?

A Yes.

Q Or during that week of the Fourth?

A I don't remember exactly. It was either the week before or the previous week. I can't tell you exactly.

Q Did Marilyn ever discuss with you any difficulties that she was encountering with her husband?

A She discussed minor marital problems with me, but none any other than what my family or your family or any

other family would have.

Q Did she discuss anything with you about Dr. Sam's attention to other women?

A No.

Q What were the minor marital problems that she discussed?

A Marilyn and I discussed our children quite often. Marilyn did not at first like being tied down with the baby, and quite often we would get into discussions about when you are married and have children you do have to give up certain things, you have to stay home and take care of your children or make arrangements that they are taken care of. And this was very hard for Marilyn to do.

Q Do you remember what time you retired on the night of July 3?

A It was quite late. It was either 2:00 or 2:30.

Q Did you receive any telephone calls, were there any telephone calls to the house that night?

A Not until the one at 6:00 o'clock.

Q Do you know of anyone leaving your house before that time, 6:00 o'clock?

A I don't understand what you mean.

Q Did anyone leave your house between 2:00 o'clock and 6:00 o'clock?

A No. After our guests went home, there was no one else to leave the house.

Q Did all the guests go out at one time?

A All of them.

Q How many cars were there?

A There were two cars.

Q Did one linger a little bit longer than the other?

A No, they went at the same time.

DR. GERBER: That is all.

Thank you.

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RICHARD SOMMER, having been first duly sworn,
was examined and testified as follows:

EXAMINATION OF RICHARD SOMMER

By Dr. Gerber:

Q What is your name, please?

A Richard Sommer.

Q Richard Sommer?

A That's right.

Q Where do you live?

A 27031 Westlake Road, Bay Village.

Q Do you have an official connection with Bay
Village?

A I am on the fire department.

Q How long have you been on the fire department?

A A year.

Q One year?

A One year.

Q Calling your attention to the morning of July 4th,
will you relate what happened?

A I was on duty early in the morning of July 4th.
At approximately 5:57 a call came in taken by Patrolman
Drenkhan. He said that they needed an ambulance down at
Dr. Sam Sheppard's house. At that time I awoke the volunteer
Ron Callahan, and he and I both went down to Dr. Sheppard's

house. When we got there, the patrolmen were there ahead of us. We went in the house, took the stretcher in up to Mrs. Sheppard's room, saw Mrs. Sheppard, left the stretcher outside in the hallway, came downstairs, then didn't go up again until Dr. Richard came, at which time I went up again, along with Patrolman Drenkhan. Heard Dr. Richard pronounce the woman dead. Went back downstairs. At that time we noticed the water on the stairway going out the door leading to the beach.

We went out there and saw Sergeant Hubach, told him that we had saw these two fishermen at Huntington Beach. He said, "Would you want to go down and get a statement from them and get their names?" So Fireman Callahan and myself went down to Huntington Beach and got their names, and asked them had they seen anything peculiar in the neighborhood, and they said no, except that they had seen a couple of other men, or boys, on the beach approximately, oh, a half hour before they were there, about 5:30.

Then we came back to Dr. Sam's, came upstairs, got our stretcher, and went back to the fire station.

Q Did you touch or handle anything while you were in the Sheppard home?

A No, sir.

Q Did you see the dog?

A Yes, sir, I did see the dog.

Q Where did you see the dog?

A The dog followed us down the beach over to Huntington.

Q When did you first see the dog?

A I first saw the dog when I entered the house.

Q Where was the dog at that time?

A He was in the hallway.

Q In the hallway near what?

A Near the study where Dr. Richard -- where Dr. Sam was.

Q Did you notice anything wrong with the dog?

A No, sir. To my knowledge the dog was perfectly normal.

Q Describe the dog for me.

A The dog was brown, looks like an Irish setter. It is a reddish brown. That is the first time I saw him. After that I didn't see him until we were down on the beach.

Q How big a dog is it?

A Oh, I would say a little over two foot high, two and a half foot high, approximately so.

Q And how much does it weigh?

A I couldn't be sure.

Q About?

A 20 pounds.

Q Did it follow you down on the beach?

A It did.

Q Did you go on the beach?

A I walked on the beach near the water.

Q Did the dog follow you on the beach?

A Yes, he did.

Q Did the dog come back with you?

A I last saw the dog at the pier at Huntington. The dog turned around then and came back, I believe. I didn't see the dog after we got on the pier. There was a cat on the pier and it didn't go out any farther.

Q Was this a friendly dog?

A It was very friendly.

Q Was the dog frightened when you first saw the dog?

A It didn't appear to be.

Q When you arrived there who was ahead of you?

A Going into the house?

Q No, when you arrived at the Sheppard home who did you find there?

A When I arrived at the Sheppard home I found the Mayor and his wife, Patrolman Drenkhan and the other patrolman who was with him, Roger Cavanaugh.

Q Where were they when you arrived?

A I can't be sure, but I believe that they were outside or met us at the door or near the door.

Q How did you know where Mrs. Sheppard's room was?

A I had asked somebody where she was. I don't remember who answered and said she was upstairs. Someone said you can't get the stretcher through the kitchen. So I said we will go around.

Q Did you notice the living room as you walked in, did you notice the condition of the living room as you walked in?

A The only thing in the living room that I saw, sir, was the desk.

Q And what did you notice about that?

A Just that it appeared to have been messed. The drawers were pulled out.

Q Did you notice any other furniture in the living room?

A No, sir.

Q Did you notice a couch as you went up the stairs?

A No, sir.

Q Did you touch anything?

A To my knowledge, no. We were handling the stretcher at the time.

Q Did you touch the desk in the living room?

A No.

Q What further instructions were you given?

A After we brought the stretcher back down to the ambulance I got a hold of the other man that was with me,

came back to the fire station.

Q Do you have anything to add that I may have neglected to ask you?

A No, sir.

DR. GERBER: Thank you. This meeting is recessed until Monday morning at 9:00 o'clock.

Monday, July 26, 1954

DR. RICHARD HEXTER, being first duly sworn
was examined and testified as follows:

EXAMINATION OF DR. RICHARD HEXTER

By Coroner Gerber:

Q Will you state your name?

A Dr. Richard Hexter.

Q Where do you live?

A I live in Bay Village.

Q The address?

A 28214 Lincoln Road.

Q How long have you lived in Bay Village?

A For the last 15 years.

Q What is your profession?

A I am a physician and surgeon.

Q When did you graduate?

A The University of Louisville, Kentucky, 1934.

Q After graduation what did you do?

A After graduation I spent three years in residency
in medicine and surgery.

Q At what hospital?

A I will take that back, it is four and a half years.
A year and a half at City Hospital in Cleveland, two
years at Lutheran Hospital and a year in City Hospital
of Louisville, Kentucky.

Q After your internship and residency what did you then do?

A I went into practice of medicine.

Q Where?

A In Lakewood, Ohio.

Q Are you still in practice in Lakewood, Ohio?

A I am in practice in Cleveland, just beyond the border of Lakewood.

Q Are you affiliated with any hospitals in Cleveland?

A Yes, I am.

Q What hospitals?

A On the staff at Lakeside, St. John's, Lutheran and Berea.

Q Have you taken any postgraduate courses?

A No, sir.

Q What do you do at these hospitals?

A I bring my patients in for the practice of medicine, both medicine and surgery.

Q On July 4, 1954, were you called by Chief Eaton of Bay Village?

A Yes, I was.

Q What was the request?

A The request was for me to go down and examine Dr. Sam Sheppard at Bay Village Hospital.

Q What time did you appear at Bay Village Hospital?

A Approximately about 2:30.

Q In the afternoon?

A In the afternoon.

Q Of July 4th?

A Yes, sir.

Q What did you do then?

A I went down the corridor to examine Dr. Sam Sheppard but before I went, was allowed to enter the room, Dr. Steve Sheppard gave me the facts what had happened to his brother Sam.

Q Now when Chief Eaton of the Police Department of Bay Village called you, did he give you any instructions?

A No, sir. Chief Eaton asked me to examine Dr. Sam Sheppard. I had first declined to examine the doctor because I felt that I had no official permission to go and examine the man and I didn't want to go down until I received such permission.

Q Did you get that permission?

A Yes, I did, from you.

Q Who else gave you the permission?

A Chief Eaton called me back in half an hour and told me that they had called the hospital that I was given permission to examine Dr. Sheppard and then you came on the telephone and told me that the official permission had been granted.

Q Did you inform Dr. Sam Sheppard that you were there to examine him?

A Yes, sir.

Q For the Bay Village Police Department and the Coroner's office?

A Yes, sir.

Q Did he make any objections?

A No, sir.

Q Did he tell you to go ahead and make the examination?

A Dr. Sheppard said very little to me.

Q He permitted you to make the examination?

A He permitted me to make the examination.

Q Did Dr. Stephen Sheppard raise any objections to your examination?

A None whatsoever.

Q Did he give you his permission?

A Yes, sir.

Q Was that implied or direct permission?

A There was no direct permission. It was just merely implied, from what I could gather.

Q Did Dr. Sam Sheppard or Dr. Steve Sheppard raise any objections?

A No, sir.

Q At approximately what time did you start to make the examination or complete the examination?

A I didn't look at my watch so I can't tell you the exact time of the start or completion of the examination. However, to the best of my recollection I feel I was in that room about 45 minutes.

Q Now will you recite just what you did in your examination, and I am giving you a report that you gave to me on July 4th, to refresh your memory.

A This is a five-page report of the examination of Dr. Sam Sheppard, most of which I think is a little bit too detailed in technical language to understand. Forgive me for saying that. I will try to give you the general gist of what took place.

Q Is this report in your handwriting?

A Yes, it is.

I did a thorough and complete examination of Dr. Sam Sheppard. And I want to reiterate a thorough examination. The physical findings in my examination were essentially negative, except for the fact that I had found that Dr. Sam Sheppard had an edema or swelling on the right side of the forehead,

his zygoma or the cheekbone on the right side.

He also had a swelling of both the upper and lower eyelids on the right eye with some evidence of bruising. He also had laceration at the inside of his mouth at the level of the gum line.

The left side of his face was essentially negative.

There was a tight felt neck pad around his neck.

If I may digress for a moment. I was told by Dr. Steve that there were bluish marks on the throat, that there was edema or swelling on the back of his neck. I asked that the felt collar be removed so that I could examine that and all that region. I saw no bluish marks on the neck, as had been implied to me. I saw no edema on the back of his neck. I want to state that I thoroughly examined, I not only looked but I also palpated his skull, the occipital region and also the entire cervical vertebrae. I saw no swelling on the back of the neck, and I saw no contusion on the back of the neck.

I will skip over some of the rest of the physical examination which I thought was perfectly normal.

At the chest the doctor complained of pain on palpation at the level of the eighth and ninth ribs, at the sternal junction and I noticed no contusions or abrasions.

In the abdomen the doctor also complained of pain in the right upper quadrant, at the level of the liver. The extremities were completely negative for any fractures, abrasions or contusions.

There were certain reflexes that were absent, I will not mention these names, because as I say they are a

little bit too technical to understand, unless you desire me to name them. Do you want me to name them?

Q No, that is all right.

A Thank you. My impressions at the end of the physical examination were as follows:

If I may go back for just a moment. Dr. Steve told me at the time that there were no fractures present anywhere. He asked me would you like to examine the X-ray records and I said no sir, I don't know enough about that technical area to be able to say yes or no as to whether or not any fractures were present.

Dr. Steve stated to me that I could rest assured there were no fractures, because their X-ray man had examined the X-rays and said that there were no fractures present.

Coming back to the impressions on my final examination, they were as follows: 1. Abrasions of the mouth on the right side. 2. Infra and supra-oribtal ecchymosis on the right. 3. Edema of the face and forehead on the right. 4. Injury to the right rib cage. 5. I ruled out the following: 1. Basilar skull fracture. 2. Fracture of the zygoma on the right side. 3. Fracture of the right parietal region. 4. Fracture of the eighth and ninth ribs.

This report I brought back to you after the examination.

Q What was the appearance of Dr. Sam Sheppard when you first looked at him?

A When I first walked into the room I walked up to Sam and offered my condolences, because I had had some dealings with Sam before and I knew him. My impression of the patient was that he was lying quietly in bed, conscious, coherent, and I thought alert.

Q Did he appear to have any distress?

A None whatsoever.

Q Did you check his pulse?

A Yes, sir.

Q What was his pulse, as you remember?

A Pulse was 78.

Q And his blood pressure?

A Blood pressure 134 over 70.

Q What was the condition of his skin?

A The skin was that of a normal individual who was apparently an outdoor type of man, was completely tanned throughout most of the body.

Q You state in your report that the head is normal in contour and the skull feels normal to palpation?

A Yes, sir.

Q What do you mean by palpation?

A By palpation I mean taking your fingers to a particular part and feeling it.

Q Did you find any evidence on palpation of any defects?

A No, sir.

Q Did you find any evidence of any abnormalities?

A No, sir.

Q Now, the ears. You have on your record here you say that the ears are normal in shape, the external canals are normal and the drums are intact. No blood was noted, was that the result of your examination of the ears?

A Yes, sir. I looked for blood in the ear canals and looked for a possible rupture of the ear drums. They were negative.

Q In your report on the eyes, you say that the pupils are equal and regular and they react to light and accomodation. There is no mystagmus. Conjunctiva and sclera are normal.

A Yes, sir. I amnt a neuro-surgeon or neurologist. Each doctor is trained to give each patient a general neurological examination to try to determine some type of brain injury or brain tumors or whatever may be involving the content of the skull.

From the examination it was my conclusion and impression that there was no gross evidence of any skull fracture or any injury that was at that time apparent to the eye.

Q Would that indicate that there was no damage to the

brain when you say that the pupils are clear and regular?

A As far as I could determine at that time there was no evidence of any injury to the brain.

Q The nose. You say that the nose was normal in size and shape and that there is no evidence of contusion or abrasion?

A That is correct. There was no gross evidence of fracture present. I felt no depressions and didn't feel any grating of bone. Yet on pressure of this area Dr. Sam complained of pain.

Q You say further that the lower and upper eyelid is edematous, what do you mean by that?

A That again shows me that there is digression from the normal of the skin area. Again swelling of the upper and lower eyelids from the normal as shown by fluid being exuded into the skin area.

Q Diagnosis is made by observation and by palpation, is that correct?

A Observation, palpation, and may I say sir complete examination.

Q You say there is ecchymosis of the supra and infra-orbital regions. What do you mean by that?

A Supra and infra-orbital is a term that we use and employ, supra means over and above the eyelid and on the eyelid and infra means below the eyelid. Ecchymosis

means an extravasation of blood into the subcutaneous tissue that is visible to the eye. That is due to some type of injury.

Q Would you call that a black eye?

A Those are rather technical terms. It is a black eye, yes.

Q You say there is edema and redness over the right parietal and temporal region?

A By that I mean it is the extravasation of tissue in the surrounding skin area due to some type of injury, which we term edema and the lay people know as swelling.

Q This area you said measured six by six centimeters, how much would that be?

A We figure 2.54 centimeters to each inch.

Q You say that is painful on palpation?

A Yes, sir.

Q You say further that the skull table does not feel depressed to palpation and no abrasions are noted. Now what do you mean by that?

A I can say that I palpated the patient's skull table, by that I mean the outside of the skull, looking for depressions from the normal contour. By that we can

determine a fracture that would depress the skull in towards the brain, telling me that a patient might have suffered a violent external blow, which would cause a skull fracture. I felt none in my examination.

Q In the examination of the neck, who removed the neck pad, did you remove it?

A I asked that it be removed. I asked if it could be removed and Dr. Sam was asked if he wanted it removed and he said yes and Dr. Steve Sheppard removed the neck brace with the assistance of an intern who was present at the examination.

Q You said the patient moved his head from side to side with some difficulty. What do you mean by that?

A I asked Dr. Sam if he could move his head from side to side. I wanted to try to determine grossly how much injury the man had that I could safely examine him more thoroughly. I was afraid of a possible fracture and I did not want to subject him to any severe examination if he had too much pain, for fear if he did have a fracture movement of the neck either by himself or by someone else might cause very severe spinal cord injury.

Dr. Sam was able to move his neck from left to right rather slowly with some difficulty. With alleged pain he did move the neck.

(Discussion had off the record.)

Q Now Doctor, after your observation with regard to the movement of the neck did you note any contusions or abrasions of the throat?

A Mr. Coroner, I did not notice any abrasions of the throat or neck, particularly so after Dr. Steve had told me that there were some bluish marks on the throat and neck.

I very carefully examined the throat to see if there were such evidence present and did not see any.

Q Now you make an observation here that the back of his neck is thick, what do you mean by that observation?

A If I may go back just a moment, the collar was removed. I examined the throat with the patient lying flat in bed, the throat on both sides. I then asked Dr. Sam if he could sit up so that I could examine the back of the neck and he said he thought he could.

Then with the support and help of both Dr. Steve Sheppard and the intern, with Dr. Steve supporting the head so it wouldn't move too much, the patient was raised up in bed in a sitting position. Then I was able to very thoroughly visualize the back of the neck and examine it.

By thickness of the neck I mean it was that of a muscular individual who apparently was very well and

very normally developed.

Q Did you see any swelling or edema of the neck?

A No, sir, I did not.

Q Did Dr. Sheppard, Sam Sheppard complain of any pain in the occipital region on the back of the head?

A Dr. Sam sheppard did not complain of any pain when he was raised from a flat position to a sitting position, but on palpation, and I would like to emphasize that if I may please, sir, he did complain of pain, on deep palpation in the occipital region just at the level of the first cervical vertebra.

Q You state further there are no abrasions or contusions on the back of the neck?

A Yes, sir.

Q What do you mean by back of the neck?

A By back of the neck I mean from the skull that can be seen at just above the parietal and occipital region clear down to the buttocks.

And by the back of the neck I can very definitely pinpoint it from the top of the skull to the level of the first dorsal vertebra.

Q The level of the first dorsal vertebra is where?

A Starting at the chest.

Q Is that the shoulder region?

A Yes.

Q Describe the mouth. You say the teeth are intact. There are several small abrasions on the inside of the mouth, to the right at the level of the teeth, can you give any further description?

A I asked Dr. Sam if he could open his mouth so I could look inside of the mouth for examination. He had a little, I should not say a little, he had a good deal of difficulty in opening his mouth, because he did allege pain on opening of the lower jaw. He could only open the mouth in my estimation to 50 per cent, which is just normal enough room for a physician to be able to use a tongue blade and a flashlight to visualize the content of the mouth.

The teeth appeared to be intact as far as I could see. I could not get a thorough look at the teeth. The tongue appeared to be normal. There was an abrasion on the right side of his mouth and mucuous membrane at the level where both teeth meet in midline on the right side of the cheek.

Q And you examed the chest and you state here it was normal in contour, respiration 14 per minute. There are no rales and he alleges pain on palpation at the level of the eighth and ninth ribs. At the sternal junction no fracture noted by palpation. No contusion or abrasions are noted. Can you elaborate more on that?

A Well sir, I again visually looked at the chest walls. I palpated the chest walls. By walls I mean of course the rib chest wall and I also listened to the lungs and to the heart.

On examination, visual examination and inspection of the chest wall I found no contusion or abrasions or no edemation of the entire chest wall.

The percussion note was normal. The heart, no rales indicated that there was not anything out of the way as far as the contents of the chest were concerned. By that I mean the lungs. The heart sounds were normal. There were no murmurs. The rhythm was regular. Palpation, and then again I mean by finger touch, revealed -- I should not say revealed, let me state that the patient alleged pain on pressure at the level of the eighth and the ninth ribs and by the sternal junction I mean the breastbone.

Q The abdomen. You say the abdomen was normal in appearance. The liver and the kidneys and spleen and bladder not palpable. He alleges pain on palpation in the right upper quadrant. Will you explain that?

A Visual examination of the abdomen revealed that to be normal. Again I did not note any abrasions or contusions or edema. Palpation at the abdominal content revealed that the kidney, rather the spleen, the bladder

and the liver were not palpable. Those are one of the examinations we make to try to determine any enlargement of those particular organs or any other tumor masses that we can feel in the abdomen.

By pain, when I stated that the patient alleged pain, he complained of pain on deep pressure in the upper right quadrant, and that of course to me means that the region of the liver and gall bladder area.

Q The extremities. You say that there is no abnormality. The function is normal and equal. What do you mean by that?

A I examined both the upper and lower extremities and noted no abrasions or contusions of either the upper arm or the forearm and the fingers anteriorly and posteriorly. The fingers flexed and extended normally. The elbows flexed and extended normally. I again was looking for fractures or any other abnormality that might be visible to the naked eye. I also examined the lower extremities from the hips clear down to the toes, again looking for abnormalities. I did not note any.

Q What do you mean by reflex?

A Well, a reflex is a superficial function that we look for in the abdomen, the chest, the extremities to see if there is any injury involving any of the centers which throw those reflexes out of their normal function.

Q Where are the centers located?

A Well, they are located in the brain.

Q Anyplace else?

A Well, of course there are some in the abdomen, there are some -- they are in the extremities -- they are in the scrotal region. We get them in the knees, the ankle and we get what are known the Babinsky.

Q What is Babinsky?

A Babinsky is the reflex that we elicit on stroking the sole of the foot and a certain action of that of the large toe will tell us as to whether or not there is any abnormality present.

Q Where would this abnormality be located that was present?

A It would be located in the brain.

Q In this instance was the Babinsky negative?

A Yes.

Q What is the Cremasteric?

A The Cremasteric reflex is elicited by stroking the inner thigh of the patient close to the lower scrotum.

A normal reflex of the Cremasteric on stroking of the thigh will move the testicle up and down.

Q In this instance --

A In this instance they were both absent.

Q Is it possible or probable on occasion to have

Q Cremasteric absent?

A Yes, it is probable and can be possible. I have not seen any. I just cannot answer that question because I have not seen any that way but the question as your propound it, it can be possible and probable.

Q Now the reflex of the left abdomen, what do you mean by the reflex of the left abdomen?

A We can very lightly stroke the abdomen up or down or sideways, stroking the abdomen either with your fingers or light touch with some instrument. The opposite side of the skin will suddenly contract or move up and down.

Q In this instance was the reflex absence or present?

A In this instance the right abdominal reflex was present and the left abdominal reflex was absent.

Q Again can that occur and not be abnormal?

A Well, sir, that can occur, it can be probable. Of course, I am not an authority on it, I suppose we can have a patient with absent normal reflexes. On the other hand, an abnormal reflex or absence of abnormal reflex may indicate some trouble.

Q Could a reflex be absent as a result of sedation?

A No, sir, I don't think so, Doctor. You can simulate simple pain or allege various things but I think the absence of a reflex in an individual who has other reflexes present cannot be simulated. Those are actual

physical findings and we must give the patient the benefit of the doubt when there are no normal reflexes and we find certain reflexes absent.

Q On the reflex of the biceps, you say that is present and active?

A Yes.

Q What do you mean by reflex of the biceps?

A It is the reflex that we elicit by pressure of the elbow and the doctor hits the thumb with the reflex hammer and the forearm moves back and forth.

Q You say the triceps is present and active?

A That is in back of the elbow, eliciting again in the upper arm posteriorally.

Q Ankle clonus you say is negative. What do you mean by that?

A Ankle clonus is elicited with a patient lying flat in bed. The lower extremities extended and you put forcible pressure against the sole of the foot and under normal circumstances the foot will stay pressed towards the head of the patient. If there is any other condition present there will be a sudden quivering back and forth rather markedly in your hand of the foot in this particular or any instance where the ankle clonus is abnormal.

Q What do you mean by impressions?

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A Impression is the term that we put down when we first see the patient, either in the hospital or the office when they first come in to us. They give you their history and we do a physical examination and you put your impression down to give you some working diagnosis as to what to eliminate and what to look for and your impressions are those particular things that you work upon to try to take care of this patient.

Q Your impressions are: Abrasions of mouth on the right side. Infra and supra-orbital ecchymosis on the right side. Edema of face and forehead on the right and injury to right rib cage. Was that your diagnosis?

A Yes, sir. These are my impressions, Doctor, and if I would have had charge of that patient in the final diagnosis when I sign a chart in the record room I would have rather continued with ~~that~~ particular impressions as my final diagnosis or as things would be developed, I would have changed them to whatever final diagnosis I would have finally arrived at.

Q In your examination you say that it is necessary to rule out basilar skull fracture, fracture of the zygoma on the right side, fracture of the right parietal region, and a fracture of the eighth and ninth ribs. These are the impressions that you had that you thought should be ruled out?

A Yes, sir. The reason I put down, if I am allowed to add, sir.

Q Go right ahead.

A The reason that I put down that certain things should be ruled out. For example, the basilar fracture and the fracture of the zygoma and the fracture of the parietal region and the fracture of the eighth and ninth ribs we feel it a fair hospital practice that if a patient who is injured has pain either on saying so or else on examination by inspection and palpation and they have been severely injured, that a patient should receive the benefit of the doubt and those areas of fracture should be ruled out, or confirmed by X-ray diagnosis and I put those down for a patient and I would either send for X-rays or for confirmation or otherwise.

Q Doctor, was the examination of Dr. Sam Sheppard made with the same care and caution that you would make any other examination?

A I realize the seriousness of the situation. I did not know at the time when I was called what had transpired. I was asked to go down and examine Dr. Sam Sheppard for you, Mr. Coroner, and also for Chief Eaton. I can very honestly state that I gave Dr. Sheppard a fair and thorough and a just examination. I felt that I might be called upon later to verify my findings.

As a result I did a thorough examination and again may I say, sir, an honest and a fair examination.

Q Who was present when you made this examination there in and about or throughout the entire examination?

A Throughout the entire examination Dr. Steve Sheppard was present and also an interne or resident. I don't want to insult him if he is not a resident. We call him an interne, whose name at the present time I do not recall. This interne left the room a couple of times to get some implements that I asked for that were not present at the start of the examination.

Q Now, did you take the pulse yourself?

A Yes.

Q Did you take the blood pressure yourself?

A Yes.

Q Did you ^{make} all these other examinations yourself?

A Yes.

Q Would you recognize the name of the other doctor, whether he be a resident or an intern or would you recognize his face if you saw him?

A I would rather recognize his face, sir, instead of his name.

Q Have you seen Dr. Sheppard since?

A Dr. Sam Sheppard?

Q Yes.

A No, sir, I have not.

Q Has anyone talked to you about this examination?

A By that will you please --

Q Outside of myself has any other person talked to you about this examination?

A By that do you mean officially or unofficially, sir?

Q Either officially or unofficially?

A Officially I have not been contacted by anyone either from Bay View Hospital or Police Department or the Coroner's office.

I will take that back. Saturday afternoon or Saturday noon two of the Cleveland detectives caught up with me at Lutheran Hospital and asked me some questions pertinent to Mrs. Marilyn Sheppard.

Unofficially of course this has been a topic of discussion by everyone, including myself. I think two detectives from the Cleveland Police Department stopped me and asked me some official questions.

Q Has a member of the Sheppard family or representative of the Sheppard family ask you about it?

A These policemen asked me about it --

Q No. Any member of the Sheppard family or representative of the Sheppard family ask you any questions about this examination?

A No, sir.

Q Did you discuss the examination with Dr. Charles Elkins?

A Yes, sir. Only very casually, very little. I didn't know that Dr. Elkins had examined Dr. Sam Sheppard until I believe it was Tuesday morning or Wednesday. I don't know when the date was.

I happened to be in the laboratory at Luthern Hospital discussing another case with Dr. William Sindclair and Dr. Charles Elkins walked in with some spinal fluid that he said was that of Dr. Sheppard's. He gave it to Dr. Sindclair.

I said to him, "Oh, did you see Dr. Sheppard also?" And he said yes. I asked him what he found and he told me that he had found exactly what I did. Confirmed my findings as far as the neck and the face and the reflexes were concerned. Outside of that we discussed it for just a very few moments. We did not discuss it in detail.

CORONER GERBER: That is about all. I direct you not to discuss this with anyone other than the people who are investigating this, privately. Only discuss it officially.

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NANCY AHERN, having been previously sworn,
was recalled and further testified of follows:

FURTHER EXAMINATION OF NANCY AHERN

BY DR. GERBER:

Q What is your name?

A Nancy Ahern.

Q You have already been sworn?

A Yes.

Q You have already testified?

A Yes.

Q You stated previously that Marilyn Sheppard and
Dr. Sam Sheppard and Chip Sheppard visited at your home
on the evening of July 3?

A Yes.

Q And the hours that you set were about from 6:00 to
8:00?

A Approximately that.

Q During that time Dr. Sheppard had a call while he
was at your house to go to the hospital or go someplace?

A Yes. I didn't mention that the last time. I forgot
about it for the moment.

Q How long was he gone at that time?

A I would say fifteen minutes.

Q Did you have anything to eat at your home?

A No, I don't think so, unless it would be some potato

chips or something like that. I don't recall anything.

Q You just had the highballs?

A No, we had cocktails.

Q Cocktails.

A Yes.

Q Did Marilyn Sheppard have anything to eat while she was at your house from 6:00 to 8:00?

A I don't think so. I don't recall anything that we had.

Q You went over to the Sheppard home and Marilyn preceded you?

A Yes.

Q Dr. Sam Sheppard returned to your home?

A Yes. She left. He left a few minutes before she did. I don't know, they may have passed each other on the way. I am not sure, what the timing would be there, he did come back to our house.

Q What time did you have dinner at the Sheppard home?

A Well, it probably took us another 20 minutes to toss salad and get things all set on the table, and dish up the childrens' dinner. That would probably be around 8:30.

Q Around 8:30?

A Yes.

Q Do you recall now what you ate?

A Yes. We had cottage ham. That is why Mrs. Sheppard left early to see how it was coming. Tossed green salad, applesauce, rye bread. We had a vegetable of some kind. I can't remember what the vegetable was just now. Then we had blueberry pie for dessert and ice cream.

Q Did you have anything more to drink?

A No, not the rest of the evening either.

Q Did you eat, or did Mrs. Sheppard eat anything after you had your dinner?

A Not that I know of, unless we did some nibbling in the kitchen when we put things away. Nothing specific.

Q What would you nibble?

A I don't know, sometimes clean off a dish or something that might be left on the dish.

Q Some food that you had at the dinner table?

A Yes.

Q During the evening did you nibble any food?

A No, I can't think of it, no, because we all had quite an adequate amount.

Q Did Marilyn eat the same food you ate?

A Yes.

Q Did she eat just as much or just as little?

A Well, we were all quite hungry.

Q About the quantity, would you have any idea?

A No, but we all did a pretty good job. We just about

cleaned up everything. It was sort of a spur of the moment thing, so consequently there was not anything fancy or planned, any big amount, and we just about came out even.

Q Did she eat the main course, that is, the ham itself, the same as you did?

A I think so. I am not sure, but I am pretty sure she did. I know we all ate it. I am quite positive she did.

Q You are quite positive she did?

A Yes, I think we were all trying to decide who will take the last piece of ham. I remember laughing about it.

Q You are quite positive she ate it the same as the rest of them?

A The same as the rest of them, yes.

Q Did she complain of being hungry later on in the evening?

A No.

Q You had been out with her to previous dinners?

A Yes.

Q Was she a fairly good eater or a picky eater?

A No, she ate well.

Q What was the dog doing at the time you were eating dinner?

A Oh, I don't know. Koko is a sort of lie-in-the-corner kind of a dog, and he could have been around and nobody paid much attention. I honestly don't know where the dog was during dinner.

Q Do you know who owned the dog and whose dog it was, who claimed ownership to it?

A I think it belonged to both of them. Koko is a dog that would sit by anyone who would pet her.

Q Do you know whether or not the dog preferred anyone in particular at the household, Chip or the mother or the father?

A Oh, I suppose maybe if there was a preference she would jump on Marilyn's lap, but of course she was there all the time with her, but never anything definite. The thing I did particularly notice they both told him to mind.

Q You stated before but would you state over again what time you got through with supper?

A I would say it was someplace between 10:00 and 10:30, nearer 10:30. The reason I know that was that we immediately said the children would have to get home and get in bed, it was past their bedtime.

Q When you left that evening or that morning on July the 4th, do you know where Koko was?

A No, I don't know where she was. I don't know if she

sneaked out the door with us when we went out. It was just the kind of dog you didn't pay too much attention to so I can't answer where she was.

Q Do you know whether or not you made any observation of Koko during the time you were watching the television?

A Yes, I think Koko came over and sat down over by my chair for me to pet her, and Dr. and Mrs. Sheppard both said "Go away Koko, go away, go over and lie down."

Q What time would that be?

A I would say between 11:00 and 11:30, sometime in the middle of the evening when we were sitting there.

Q Did you notice whether or not when you left whether the kitchen door was closed?

A No, I did not. Trying to look back, I am trying to remember if there was a light in the kitchen or not. There was no light in the den, I am quite sure. That hall is quite dark, and to walk out there has to be a light on in the place, but whether there was one in the kitchen or not I can't remember. I walked out of the door at some time when there has been one or two, but I can't remember specifically at the time whether there was one in the kitchen or not. Mr. Ahern says there was one light in the kitchen. He's quite sure there was a light on in the kitchen. I can't definitely remember. I know that we could see our way out of the door.

Q Do you know whether or not the kitchen door that led to the landing and the one upstairs was closed or open?

A No, I don't recall it. I don't remember ever having been there when I saw it closed, unless that was the way they left the dog in, and I have never been there when they were ready to go to bed at that late hour.

Q I would like to have you recall if possible whether or not you and Marilyn, whether Marilyn told you any confidential things?

A Yes.

Q Did Marilyn say anything to you about a divorce sometime early in April of this year in a conversation that you had with Marilyn?

A Was there a divorce mentioned?

Q Was there a divorce mentioned?

A The word divorce, you mean?

Q Yes.

A Yes.

Q Did she tell you what she meant by divorce, and where this divorce conversation came up and who it was with?

A Yes.

Q Would you tell me about it, please?

A Marilyn mentioned one day that Dr. Chapman had told her when they were at the ranch that Dr. Sheppard had

talked of asking Mrs. Sheppard for a divorce, and that on the way up to the ranch Dr. Chapman and he talked it over and it was quite a long chat, and Dr. Sheppard came to the decision that Mrs. Sheppard was the one for him and the one that was right for him, and that he was going to try to make a fresh start, and apparently that was his decision. He decided to forget about the divorce that had been in his mind. Dr. Chapman told Mrs. Sheppard this and she mentioned it to me one day.

Q When you refer to Dr. Sheppard you mean Dr. Sam Sheppard?

A Yes.

Q And when you refer to Mrs. Sheppard you mean Marilyn Sheppard?

A Yes.

Q When did this conversation take place and where?

A You mean when did Marilyn and my conversation take place?

Q Yes.

A I dropped into her house one morning and this apparently happened to be a morning when -- I don't know quite how the conversation got around to it, I suppose maybe for her it was one of those mornings when you feel like talking to somebody. She and I had never discussed personal things before.

On that particular morning she -- we started talking about Dr. Sam -- or she did, and she told me that in confidence, and spoke of his being interested in a young lady in California, and that she thought now it was all over or that it had been a trying experience at the time and that is the time that she told me about the story I just told you.

Q That was at the Sheppard home?

A Yes.

Q In what month?

A I don't really know. I suppose it would be sometime, it could have been in April or it could have been in May. I am not just sure. I know it was after they returned from California anyway.

Q That was in May -- April or May of 1954?

A Yes.

Q Could it have been in March?

A No, it couldn't, because we were away during the month of March.

Q When did you return, you say you were away, when did you return?

A About the first or second day of April.

Q And how long after that do you think this conversation occurred?

A Oh, I think, I really can't remember for sure.

Q About a week?

A As I say, it could have been during the month of April and it could have been in May, but it wasn't the week after, I know it was a while after, but to put any date of any specific time I can't do that.

Q Could it have been a month?

A It could have been. I really don't know exactly when.

Q Now, during this conversation you say she mentioned some woman in California?

A Yes. That was when she brought up the watch that I testified and told you about before.

Q Did she mention the name of the woman?

A No, never.

Q What did she say about the watch?

A She asked me the other day if she was upset about the watch, and I said no I didn't think she was upset about the watch itself, but of course the reason for me saying that, as you can see now, it happened before this fresh start that Mrs. Sheppard apparently spoke to me of, and she said that he did buy this girl a watch, and I of course questioned her and said wasn't she upset, and so she said no but Dr. Sheppard was going to charge it to business expense, and I don't know whether that is when I found out about it or what. But she said, "I told

him I wouldn't do that or that I wouldn't let him do that to his father, he would have to pay for it himself," or words to that effect.

Q Did she tell you that there had been another affair with some other woman?

A No, she never used the word "affair."

Q What did she say?

A She said she thought there had been something else before this there had been someone else before this girl.

Q Another woman, or what did she mean by someone else?

A Well, I suppose another woman, that is the sort of thing that we were speaking about, and I think that may go back to long before we knew them. When they were in California before when he was a young intern.

Q Did she mention any other persons besides these two individuals?

A No, and she never mentioned names. These of course were names that were unfamiliar to me.

Q Did you have any subsequent conversation with her about these matters?

A Never. I just happened to be there at a time when she apparently needed someone to talk to, and she told me, but of course this **is** the first time that I ever repeated it.

Q Did Marilyn discuss the question of children with

you in reference to herself and in reference to her husband?

A Only saying that they thought it would be nice if Chip had someone else, being an only child it was always sort of lonesome for him.

Q Did she tell you anything?

A Yes. She said that she didn't think that Dr. Sam was all for it, and that he enjoyed things pretty much as they were now.

Q Did she want children?

A She wanted them, yes.

Q Did she tell you that Dr. Sam did not want any added responsibility, is that why he did not want children?

A She never said it in that way, but of course I hate to say yes to something like that, because she may have said it in a kidding way. I think maybe she meant that but she did say something, words to that effect.

Q When she told you that, what was your impression that she was serious or kidding?

A Well, that is a little hard to reply to because when a child is six years old lots of men hate to start over again with a brand-new baby, so I can't quite answer that the way you would probably like to have me.

Q Was this conversation that you had a serious conversation, the whole conversation?

A Oh, it was mentioned several different times, so I can't remember whether that particular one was serious or otherwise.

DR. GERBER: That is all.

Thank you.

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1:00 o'clock p.m., July 26, 1954

DR. GERBER: Let the record show that the photographers were told that they could take pictures of the witnesses only at the time they came into the room, and at the time they were leaving, with flashbulbs, and that at no time were they to take flashes during the time the witness was on the witness chair, that there was to be no smoking in this building because of School Board orders, that the people were to conduct themselves accordingly, or else the room would be cleared of spectators.

Let the record further show that no remarks will be included in the coroner's record other than those made by the coroner, and the testimony of the witness, and remarks made by the assistant county prosecutor Saul Danaceau; that the entire record will be of this fashion.

ETHEL SHEPPARD, having been first
duly sworn, was examined and testified as follows:

EXAMINATION OF ETHEL SHEPPARD

By Dr. Gerber:

Q What is your name, please?

A Ethel Sheppard, Mrs. Richard A.

Q Mrs. Richard A. Sheppard?

A Yes.

Q I didn't get your given name?

A Ethel.

Q Mrs. Sheppard, is Dr. Samuel Sheppard a son of yours?

A Yes.

Q And how old is he?

A 30.

Q Was Mrs. Marilyn Sheppard a daughter-in-law of yours?

A Yes.

Q She was the wife of Dr. Samuel Sheppard?

A Yes.

Q Calling your attention to Sunday, July 4th, will you
tell me what you learned on Sunday, July 4th, early in
the a.m.?

A I was awakened by the telephone and I heard my husband--

Q Will you talk a little louder? I can't hear you.

A I heard my husband make some remark over the phone

that rather alarmed me, I mean, I could tell that something unusual had happened, and when he finished his telephone conversation I asked him what it was and he said, "Something has happened at Sam's, I don't know what, but you go on and rest a while and I will be back and tell you." He left, and of course I didn't stay in bed, I got up and dressed and went downstairs and was finishing dressing when my daughter-in-law arrived and said, "Mother, I want to take you over to my house," and I asked her if she knew what had happened, and she said, "No," but she wanted me to be with her until they did find out. So I went with her and we waited there until Dr. Sheppard came back, and he told us that Dr. Sam was in the hospital and that Marilyn was gone.

Q What time did this occur?

A I don't know. They tell me it was six o'clock. It must have been because I was awakened from a sleep and it must have been six or shortly after.

Q This daughter-in-law you referred to, what was her name?

A Marilyn.

Q No, the other daughter-in-law?

A Dorothy.

Q Did Dorothy Sheppard tell you anything?

A No.

Q Did she tell you that Dr. Sam had been removed to the hospital?

A No, I don't think she knew it at that time.

Q Did she tell you that Marilyn was dead?

A I believe she said when Mr. Houk called he said, I believe that she said he thought that she was. I don't recall that, doctor. In fact, it is very hard for me to recall definitely those details.

Q What did you do next?

A Well, I think the first thing I did, we were in the drive in the house, went out to meet Dr. Sheppard when he came, and we walked up and down a few minutes, unable to believe that this, that there was such a tragedy, and then we went in the house and I think Dorothy said, "Well, we must have some coffee or some breakfast."

Q Now, when you said you were in the drive, whose drive was this that you were talking about?

A My oldest son's, Richard's. It is just across the front of the house.

Q When you said, you were talking about Dr. Sheppard --

A My husband.

Q Which Dr. Sheppard were you talking about?

A My husband.

Q He was now at Richard's home?

A He arrived there a little later, I don't know, maybe

it was a half an hour.

Q Did you ever hear of any difficulties between your son, Sam, and Marilyn?

A Marilyn talked with me quite freely about many little difficulties. Sam didn't care as much about social life as she did, and the little difficulties such as that that would take place in any family, and other little things that he didn't help her as much as when they were in California and things like that.

Q Anything specific other than generalities?

A Yes. I think Marilyn had mentioned to me that Sam had had some dates with Miss Hayes.

Q Do you recall the time?

A Yes. On May 5th I went to my husband's office with Marilyn for a check-up.

Q On May 5th of what year?

A Yes, '54. I had not talked with her since her trip to California, and on the way over I asked her about it, and she told me she had not had as pleasant a time as she thought. That was the time.

Q Now, this was on May 5th?

A Yes.

Q In the automobile on your way over to your husband's office?

A Yes.

Q How long did that conversation take?

A Well, as long as it took us to drive from Lake Road over to Lorain.

Q Did she tell you why she didn't have as good a time as she thought she would?

A Well, she said that she had planned, of course, before she went to stay on the ranch at, near Monterey I believe it is, of Dr. and Mrs. Chapman, they had been invited, she had been invited to spend some time there while Sam was taking some work in Los Angeles.

Q And what else?

A And I didn't know about these plans, of course, and I said, "Well, where was Sam?" and she said, "He was in Los Angeles," and that she had thought that he had had some dates with Miss Hayes, and that was the thing that she told me.

Q Was she upset about it when she told you?

A I wouldn't say so. She asked me if I knew when she was coming back. I didn't, I didn't even know she had left. I didn't know anything about her whereabouts. So I said --

Q You said she was coming back, who do you mean "she"?

A Miss Hayes. I said, "No, I don't have any idea, I know nothing about it."

Q Did she tell you of any other conversations that she

had with her husband, Marilyn tell you that?

A Yes.

Q What were they?

A She told me that he had told her that he had given Miss Hayes a watch and that he had done it to replace the one that she lost, and she sort of laughed at that. Then she said that it was, they went to a wedding, and that Miss Hayes had lost the watch and that he had replaced it.

Q What was the purpose of the visit to the doctor, your husband?

A Well, I, Marilyn hadn't been well for some time, and Sam had asked father to check her, and I had been in the hospital for a week and had just been released on Monday, I had been there for a virus, and I happened to be staying over there for a couple of days, and Dr. Sheppard had told Marilyn to call his secretary and make an appointment, which evidently she did, for Wednesday, May 5th. And it was around ten or ten-thirty in the morning and she asked me to go with her, which I did.

Q You stayed over there, what did you mean by over there?

A Well, I stayed over at Dr. Richard's home. He, his wife had asked me to stay there that day, and since I had just gotten out of the hospital I remained there

on Tuesday, and I was still there Wednesday morning. So Marilyn came by and picked me up.

Q Was this in the morning?

A Yes.

Q Did she say anything about being pregnant?

A Why, yes, after her examination she certainly did.

Q No, but before the examination?

A No. No, she didn't realize, I think that is one reason she wanted to have a check-up, of course. After the examination she seemed very happy about it and told me about it, as we drove home.

Q Insofar as you know, on May 5th was the first she knew that she was definitely pregnant?

A Well, I should say definitely.

Q After May 5th did you have any other conversations with her in reference to Sam?

A No, not after May 5th. I have seen Marilyn very seldom since spring. In May I saw her just once after that.

Q Go right ahead.

A It was at a breakfast at the hospital, a Guild Breakfast, and I saw her just for a few minutes in the hall with other people and said hello and "You are looking fine." That's the only other time in May.

Q Was there a family meeting to discuss Sue Hayes?

A No.

Q There was not?

A Not that I know anything about.

Q When did you see Marilyn in June?

A June 10th.

Q And what was that occasion?

A We moved to Bay Village and she and Sam and their son came by, as did the other children, to help with placing things when they were unloaded, and they helped place the furniture and carry things in, did little things that the movers would hand to them.

Q What address do you live at now?

A 23048 Westlake Road.

Q You are the wife of Dr. Richard A.?

A Sr.

Q Sr. Do you know of any other difficulties that Sam and Marilyn had?

A There might have been. As I say, I saw Marilyn, I have seen her only four times since we moved to Bay Village, and twice was at my house and twice was at her house. They were altogether each time I saw them.

DR. GERBER: Thank you Mrs.

Sheppard.

RICHARD A. SHEPPARD, having been first duly sworn, was examined and testified as follows:

EXAMINATION OF RICHARD A. SHEPPARD

By Dr. Gerber:

- Q What is your name, please?
- A Richard Allen Sheppard.
- Q Where do you live?
- A I live at 23048 Westlake Road.
- Q What is your profession?
- A Osteopathic physician and surgeon.
- Q Would you speak up a little bit louder?
- A Osteopathic physician and surgeon.
- Q How long have you been an osteopathic physician and surgeon?
- A I graduated in 1911, June, 1911.
- Q How long have you practiced in and about Cleveland?
- A Since 1923.
- Q How long have you been connected with the Bay View Hospital?
- A Since its inception.
- Q And what year was that?
- A Well, let's see, it is a little over five years as I recall.
- Q Before that was it known under any other name and

located at any other place?

A We had another hospital which was called the Cleveland Osteopathic Hospital at 32nd and Euclid.

Q How long was that in existence?

A That was started in '35.

Q Were you a member or are you a member of both staffs?

A The Cleveland Osteopathic Hospital at 32nd and Euclid just gradually disappeared when we started out here at Bay.

Q Were you a member of --

A Both of them, yes.

Q Of the Cleveland Osteopathic Hospital at 32nd and Euclid?

A That's right.

Q Are you a member of the staff at Bay View Hospital?

A I am.

Q Do you hold any official position?

A Chief of Staff.

Q Do you hold any official position on the Board of Directors or Board of Trustees?

A Yes, I am a member of the Board.

Q Do you hold an office as a member of the Board?

A At the present time I am Treasurer.

Q Is Dr. Sam Sheppard a son of yours?

A He is my youngest son.

mg fols

Q Marilyn Sheppard, was Marilyn Sheppard your daughter-in-law?

A She, she was.

Q Did you ask Dr. Sam and his wife to come to Cleveland or the nearby environment to practice here?

A I encouraged them to come here. I thought there was a good location and good opportunity for them.

Q Did Dr. Sam Sheppard take any training at Bay View Hospital?

A He took some training in general surgery under me after he had finished his training in neuro-surgery at the Los Angeles County Hospital.

Q Was it at your suggestion, your family's suggestion, that Dr. Sam Sheppard move to Bay Village to live?

A We felt it would be much more advantageous if he would locate close to the hospital.

Q Any arrangements that were made with the City of Bay Village and the hospital, were they made prior to the arrival of Dr. Sam?

A I wouldn't know.

Q The understanding that you have with Bay Village in reference to the hospital, were they made in '49 or '50?

A I know nothing about them, if there is such a thing as an understanding with them.

Q Are there any understandings between --

A Not that I know of.

Q Between Bay Village and Bay View Hospital?

A Not that I know of.

Q Was there an understanding that all patients that were emergency and were picked up by ambulance, by the police ambulance, would be brought to Bay View Hospital?

A I know nothing about that.

Q Do you have any contract, the hospital, that is, with the City of Bay Village?

A I am quite sure that we have not. It has never been brought up at a board meeting.

Q Calling your attention to July 4, 1954, when did you first learn of the incident that occurred at Dr. Sam's house?

A On the morning of July 4 I was awakened by a telephone call from my daughter-in-law, Mrs. Dorothy Allison Sheppard, the oldest son's wife, stating that something terrible had happened down at Sam's, and they thought that Marilyn was dead. She got a call from Mayor Houk that they thought Marilyn was dead and Sam was very badly hurt, that her husband was going out to the scene immediately, and she had already called Dr. Steve who is my second son, and that I should go to the hospital and arrange for the admittance of the patients, get things ready for them.

Q Do you know what time that was?

A That was around 6:00 o'clock.

Q Then after that what did you do?

A I dressed as hurriedly as I could and immediately went to the hospital.

Q What happened then?

A We alerted the interns and residents and the hospital staff that something terrible had happened out at Sam's, and we should get ready for the emergency.

Q Then what happened?

A We waited around there for I expect ten minutes and then we brought Dr. Sam in.

Q About what time was this?

A About ten minutes after I got there, I imagine. I expect maybe 6:20, something like that.

Q Then what happened, doctor?

A Well, Dr. Steve came in with Dr. Sam, and immediately the interns and residents placed him on a cart, took his clothes off, and took him back into a room to be taken care of.

Q Did you talk to Dr. Sam?

A I didn't at that time.

Q Did you talk to him later?

A Sometime later that day I did.

Q How much later?

A I wouldn't recall. Sometime that morning.

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Q Was it an hour afterwards or two hours afterwards?

A Oh, I expect sometime within the hour.

Q Did you make an examination of Dr. Sam?

A I did not.

Q Did Dr. Sam tell you anything?

A I don't believe that he did. I was concerned about him and asked how he was feeling, and he told me a terrific pain in the back of his neck, and I didn't want to bother him. I was very happy to know that he was still alive and was able to talk.

Q Did you find out what else had happened at Dr. Sam's house?

A I found out through the brothers.

Q What did they tell you?

A Well, they told me that they had gone upstairs and found Marilyn was gone, and that the room was splattered with blood, the walls, bed, well, they described a very horrible situation, and that Sam was lying on the floor and they thought he was gone, too, when they got there. His desk, the drawers were open, that material was scattered on the floor, that his bag, his doctor's bag, was lying in the hall opened, and the contents dumped on the floor. Those are the things that I recall.

Q Later after this first time did you talk to Dr. Sam?

A I talked to him every day, I imagine.

Q What did he tell you? You talked to him later on in the day of July 4 in the afternoon?

A I imagine I did. I don't recall what we talked about.

Q Did you make an examination of him at that time?

A I made no examination, but I observed that he had a bruised place above his right eye, and his right eye was swollen practically shut, and his neck muscles seemed to be swollen, and he complained of the back of his neck very severely.

Q Did Dr. Sam ever confide in you?

A Yes. He was a boy who confided in me a great deal. We had a lot of things in common, professionally and otherwise.

Q Did he ever inform you that he was having difficulties with his wife, marital difficulties?

A He had told me, I don't know just when it was, that he had some difficulty with Marilyn in regard to she didn't understand that a doctor has to give so much time to his patients, and she somewhat resented it that he couldn't give her as much attention as she felt she should have.

Q Did this occur on more than one occasion?

A No, I don't believe it did. I think, I think it

only occurred once, and that has been some years ago in the early married life.

Q Is that when he was living in California or living in Cleveland, the suburbs?

A That was while he was living in California.

Q Did Marilyn confide in you?

A Yes, I think Marilyn felt very free to talk anything over with me that was bothering her.

Q Did she tell you anything about these marital difficulties?

A She did.

Q When?

A Well, I think it was sometime last year. She felt somewhat as if she was neglected, and I also told her at that time how difficult it was to be a doctor's wife, and advised her to read the biography of Harvey Cushing, that his wife was a very ideal doctor's wife, and that she might then realize some of the problems that she would have.

Q Did she inform you at that time that some of the difficulties were due to Dr. Sam's attentions to Susan Hayes?

A Marilyn was somewhat concerned about Susan Hayes, and she mentioned the fact that she thought maybe Susan was trying to make Sam, and she mentioned a couple of

times when she thought he might have been out with Susan instead of making certain house calls, and I investigated and I didn't find anything wrong at that time.

Q Did you inform Marilyn that you made, about these investigations?

A I don't recall that I informed her at all. I tried to let her know that this was something that every doctor's wife has to worry about, that the female patients have a tendency to make the doctor's wife jealous.

Q Did she, Marilyn that is, tell you anything about these difficulties since March of this year?

A No.

Q Did Marilyn ever tell you about the difficulties she experienced while she and Dr. Sam were in California?

A No, she didn't.

Q Did Dr. Sam tell you --

A No.

Q -- about what went on in California?

A No.

Q Do you recall the day that you made the diagnosis of pregnancy on Marilyn?

A Yes, I can recall the date if you want me to -- do you want the date?

Q Yes, please.

A Well, I have got it here. I looked up the record.

It was May 5.

Q Of 1954?

A That's right.

Q Did you make an estimate as to delivery date?

A I thought sometime in December would be the due time.

Q Early or late?

A Well, I think the latter part of the month, as nearly as I could figure, sometime around the 14th, I mean, the 16th or 17th, the early part of the latter part of the month.

Q And that was based on what?

A Well, that was based upon the size of the uterus and the history of her menstrual period. I didn't really set down in the chart the exact date of when we thought she would deliver.

Q Did she give you the history of her menstrual period?

A I don't recall now whether she gave me a detailed report of it or not.

Q Were there any other signs or symptoms that would lead you to the December date?

A No, that was all.

Q Did you make any recommendations at that time as to what she should do or shouldn't do?

A Yes, I told her to take good care of herself.

I didn't think it would be wise for her to do any more skiing, water skiing. She loved to water ski, she and Sam. I also asked her to stop smoking, and take just as good care of herself as possible, because she was going to have a baby.

Q Did Dr. Sam know of this imminent pregnancy or delivery?

A He knew I was examining her that day, and it was either that afternoon or the next day that Marilyn and Sam and I met in the parking lot just incidentally, and I shook hands with him and congratulated him on having a new offspring on the way, and he seemed to be very happy, and both were very happy over the possibility of a new baby.

Q From your examination and history do you believe that Marilyn knew she was pregnant?

A She knew it after I told her.

Q No, but before that?

A No, I don't think she did.

Q She knew that she wasn't feeling right?

A She wasn't feeling right.

Q She knew that she had missed menstrual periods?

A I am quite sure that she knew that.

Q Did you have occasion to treat her for amenorrhea on any occasion?

A No.

Q From your examination and history was there any reason to believe that there may be difficulty as the result of this pregnancy at the time of delivery?

A No, I thought she was quite a normal little female. I thought she could deliver normally.

DR. GERBER: That is all.

Thank you, doctor.

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DOROTHY SHEPPARD, having been previously sworn,
was recalled and further testified as follows:

FURTHER EXAMINATION OF DOROTHY SHEPPARD

BY DR. GERBER:

Q You are Mrs. Dorothy Sheppard?

A Yes, sir.

Q You testified previously?

A Yes, sir.

Q When you testified on a previous occasion I asked
you whether or not you had written a letter to Marilyn
Sheppard in regard to marital difficulties that they were
having in which you gave advice?

A Yes, sir.

Q Do you recall now what you wrote?

A No, sir, I do not recall.

Q Is this your handwriting and signature?

A Yes, sir.

Q Would you read that letter to yourself to help you
refresh your mind?

A (Witness reads letter.)

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DR. GERBER: Let the record
show that Mr. William J. Corrigan repeatedly
interrupted the process of this trial, and
had been informed on numerous occasions to

not interfere, at this particular time he continued to interfere and would not cease after being warned. He ^{was} warned that he would be asked to leave or ejected if he wouldn't leave. He was asked to sit down first. He refused to sit down and I therefore ordered him removed or ejected from the hearing room.

Q Now, Mrs. Sheppard, after having refreshed your memory, will you now state for the record the advice that you gave to Marilyn Sheppard and why you gave that advice?

A Dr. Gerber, the advice that I wrote my sister-in-law in that letter is I think typically summed up in one of the sentences there, the preaching of a big sister.

I think very often big sisters do as mothers do, have a tendency to preach, and we may make things appear much greater than they really are.

Q What year was this written in?

A The date wasn't on the letter, I don't believe, was it? It says August 28.

Q Is this your handwriting on the envelope?

A Yes, sir.

Q And that says August 28, 1950, does it?

A 1950.

DR. GERBER: That is all.

Thank you.

This inquiry is now recessed for further hearing, and at which time the hearings will be held at my office, 2121 Adelbert Road, Cleveland, Ohio.

(Recessed at 1:55 P. M.)

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Monday, July 26, 1954.

RICHARD A. LEASE, being first duly sworn, was examined and testified as follows:

EXAMINATION OF RICHARD A. LEASE

By Coroner Gerber:

Q What is your name please?

A R. A. Lease.

Q Where do you live?

A 28208 Osborne Road, Bay Village.

Q How long have you lived there?

A Since November, 1952.

Q What is your occupation at the present time?

A Administrator for Bay View Hospital.

Q Is that an occupation or profession?

A That is a debatable question. Some say that it is a profession. Some call it a very ticklish occupation.

Q What is the date that you said that you started?

A The date I started at the hospital? You asked me when I moved here.

Q What date did you start at the hospital?

A I first went to the hospital on September 19, 1952. As I recall that was on a Saturday. Regular employment began the following Monday.

Q When you started was Susan Hayes an employee of the

hospital at that time in Bay View Hospital?

A Yes, she was.

Q Have you checked your records?

A Yes.

Q With regard to Susan Hayes?

A Relative to her employment, yes.

Q What are the dates of her employment?

A She was first employed January 1, 1949 and then she left 12/31/52. Was re-employed 8/29/53 and left 2/3/54.

Q According to your records was the employment continuous from January 1, 1949, to December 31, 1952?

A Yes, it was. It was continuous as we consider employment. There were vacations in there, but that is considered employment.

Q At any time during this period was she off the payroll except vacation?

A No, not to my knowledge.

Q What were her duties during the time that she was employed?

A She was a laboratory technician with some superficial responsibility in the absence of the pathologist.

Q Supervisory responsibility where?

A In the laboratory relative to other technicians.

Q Where were the other technicians employed?

A In the laboratory.

Q Did the superficial work or the work which was necessary for the technicians to perform take them out of the laboratory at any time?

A Yes, it did. It was necessary for them to go on the floor to draw blood and occasionally if internes or orderlies were not available they would even assist in bringing patients to the laboratory and taking samples and so forth.

Q How many hours a day was it usual for a technician to work?

A We consider a standard eight hour day. However, there were special calls.

Q These special calls, are they listed or registered any place?

A I think they are. I couldn't say definitely that we would be able to check all special calls.

Q Special calls were in excess of the usual amount of time expected from them to put in on the job?

A You mean in addition to the regular eight hours?

Q Yes.

A That is correct.

Q Were they paid separately for that?

A No, not -- in instances if they were domiciled at some distance from the hospital we paid transportation, otherwise their employment of emergency calls were included

in the regular rate of pay.

Q Do you have any idea as to the frequency that was necessary for these emergency or special calls?

A I could not give you positive information on that. I would say it would not be unusual to have three or four or possibly five special calls during the week.

Q Who initiated these special calls?

A That could be either an interne or the doctor in charge of the case that might be brought in.

Q Were the special calls cleared with the head of the laboratory department?

A Not individually I don't think. Do you mean by that the pathologist?

Q Yes.

A No, I don't believe that he was consulted each time that it was necessary to bring in a technician.

Q Do you know the reasons for the making of the special calls?

A No, I would not be in a position to discuss clinical reasons for the calls. Our understanding was that no technician should be called in for any duty that an interne or a resident on the floor was competent to handle. Other than that I could not discuss it.

Q How many technicians were employed?

A That varied. I would say from two to three registered

technicians.

Q Daily?

A Yes.

Q How many bed hospital is Bay View Hospital?

A We have approximately 100 beds, not counting bassinets.

Q How long did you have these 100 beds?

A Since last November, around the 20th. I am not exactly sure what day we opened that wing.

Q November 20, 1953?

A That is correct.

Q Prior to November 20, 1953, how many beds were in existence?

A 53, that is adult beds. I am not considering bassinets.

Q Do you know whether or not when there were 53 beds in existence there were as many special laboratory calls or technician calls as there were after November 20, 1953?

A I would assume that there were fewer.

Q Were there two to three technicians at the time you had the 53 beds?

A There were two, yes, sir.

Q And after the figure was raised to 100 there were just three?

A Three.

Q Can you tell me how many emergency operations that you average after five o'clock at night time?

A The best that I could do on that would be a guess and I don't think that I should guess. I was not asked to check that figure and I don't know.

Q What would be your best guess?

A My best guess would be very poor. It varied considerably. There would be some occasions when we would have two or three in a night. Then we might go for a period of nights with none at all.

Q Would special laboratory work or emergency laboratory work would be necessary in all these cases?

A I would say the majority of them.

Q The emergency calls made for technicians were they supposed to be rotated amongst the three technicians after you got the 100 beds?

A Well, that is the understanding. However, we have one technician that is domiciled right there in the nurse headquarters and being available she gets more than her share of calls.

Q How long has this technician been domiciled there?

A Oh, I would say a matter of three months approximately.

Q Prior to that time you did not comicile a technician?

A No, no, we did not.

Q Is there any way of telling from your records the names of the technicians who handled the emergency work since 1951?

A I could find some of it, I am certain now. Whether I could find the record of all of it or not I don't know. Those that were paid transportation for coming in or any additional stipend was paid of course and we have a record of it, otherwise I doubt whether I would know.

Q Does the laboratory record in and of itself indicate the name of the technician that performed the work?

A It is my impression that it does.

Q Could you then tell from these laboratory resumes or record whether or not you could get the name of the technician who performed the emergency work?

A If the record was available and if the technician's name is on it we could.

Q When you say it is available, what do you mean?

A Well, whether or not it is available now. As far as I recollect they are all available, but I would not want to say that they just are without really knowing.

Q Are they two sets of records, one that is held for the laboratory and one that is put into the chart of the patient itself?

A That is correct.

Q Does the one that goes into the chart of the patient

have the name of the technician on it?

A I don't believe that it does. I think all that it carries is the doctor's signature.

Q Then the one place that you could find this would be in the log of the laboratory itself?

A I believe so.

Q Why did Miss Hayes leave on December 31, 1952?

A Miss Hayes had been there quite a while and as I indicated she had some supervisory responsibility. As a result of that responsibility she incurred the dislike of some of the other people in the hospital and after a series of consultations and conferences I think that was quite well cleared up, and she continued her employment. Then along shortly before she left she came to me and wanted to requisition a piece of equipment, as I remember it was a calorimeter. I discussed it with her and said I would take it under advisement. Her idea was that she had to have it immediately and finally she said if she did not get it she would leave. I said in effect okay and she left after giving her regular notice. She did not leave immediately.

Q These difficulties that you speak of, who did these difficulties concern?

A Oh, they would concern or did concern other employees, I would say mostly women employees. To me I would interpret

it as an effort to demonstrate perhaps the authority that she did not possess.

Q Where were these employees working or what were their jobs?

A Certain other technicians. Occasionally somebody on the switchboards. Perhaps office people.

Q Was the contact which she had with these employees one that was necessary in her job?

A Not entirely.

Q Could you explain any reason why she would have difficulty with the telephone operator?

A I imagine various reasons. I would have to be a pretty good psychologist in order to explain all of them. I don't think I would be justified in going any further than to indicate that she had no authority whatsoever over the switchboard but occasionally would more or less order the person on the switchboard to do something and it was resented.

Q Would she have any difficulty with people that were working in the dietary department?

A I don't recall any difficulty that she had with anybody in the dietary department. She may have had. I know of none.

Q What about the lab maid or lab help other than the technicians, did she have difficulty with them?

A Not that I know of. At least not of anything that I would consider enough to make a note of or a remark about. We have one laboratory maid, she is still in our employ and it may be that there was some little difference of opinion, but it was never reported to me by the maid.

Q But she would have direct control over the laboratory maid?

A Yes, yes, she would.

Q What about the difficulty with the business people?

A That was mostly a matter of getting the slips and the reports up to the office on time. The blood bank reports and matters of that kind that I know are difficult. Everybody tries to get away from having late charges come up. I know the office, I know that at time it was considered that they perhaps could have been arranged a little bit more routine than they were.

Q I would like to have you elaborate on that. I will ask the questions that would help me straighten it out in my own mind.

A All right.

Q Did the business office think that the records from the laboratory were not put in expeditiously or they did not arrive on time?

A That was the main point. We would have more late charges

coming up than we thought we should have. However, we find that that same thing was true in the X-ray department and some of the other places. They are working against it all the time.

Q The difficulty that you had with the telephone operators what was the nature of these particular difficulties?

A Really I told you all that I can on that. It was not anything that I considered serious enough to get into detail, but I know that there were these little differences that came about.

Q What I am trying to find out is what she ordered them to do or direct them to do that would cause difficulty with the telephone operator?

A Well, I would assume there that it would be a question of calling people in for emergencies and oh, things of that nature. That is the only reason she would have to say anything to the telephone operator.

Q If this Miss Hayes had to be reached in emergencies, at home or other places, would she leave her telephone number?

A Yes.

Q When she was on call?

A That is correct.

Q And who established the order of call?

A The pathologist in charge of the department. You mean

the rotation of technicians?

Q Yes.

A That is correct.

Q Did you ever have any complaints that Miss Hayes was not available when it was her time to be called?

A No, I never did.

Q Did you ever have any complaint from the telephone operator that Miss Hayes would direct that some other technician would be called when she was called?

A No, I think not.

Q Why was Miss Hayes re-employed on August 29, 1953?

A We needed another technician and the pathologist and I were both attempting to find a well-qualified technician and Miss Hayes was a very well-qualified technician. The need was urgent and she was re-employed.

Q Do you know whether or not when Miss Hayes left the first time whether she had told you she was going to California, do you remember?

A No, I don't remember. I would have to check some dates there. I don't know when Dorothy Shabla, the other technician who was employed a good many years, she went to California and shortly after that Miss Hayes did remark that she was considering going out there for employment. That is March '53. I would say not before she left the first time, just from comparing dates.

Q Was Miss Hayes a visitor to the hospital after she had quit on January 31, 1952?

A Do you mean --

Q Did she come back and see people?

A She may have. I couldn't say, I couldn't answer that yes or no.

Q Not to your knowledge?

A That is correct.

Q A person who has been employed the length of time that Miss Hayes was employed and left, was it usual for some of the hospital personnel to give a little party for them?

A No.

Q When did Miss Hayes leave after she was re-employed on August 29, 1953?

A Her pay record shows that she drew her last pay as of February 3, 1954.

Q Do you know she left then?

A As I understand her objective then was to go to California and join someone with whom she had worked in the laboratory. There was a little discussion there on that point too that she wanted additional help in the laboratory, which maybe I should have got for her. However, I did not think it was necessary. It was always a question in a thing like that as to who is right.

Q The pathologist who is in charge of the laboratory is he responsible for making the recommendation as to the number of employees or individuals that should be working in the laboratory?

A He is responsible, but he does not pay their salaries.

Q Is he responsible for making the recommendations?

A Yes.

Q Then if the recommendation for an extra technician was necessary shouldn't it come from the pathologist?

A I assume it probably did.

Q What is the name of the pathologist?

A Dr. Hartman.

Q What is his first name, please?

A I think it is C.E. I am not certain of that.

Q Is he a Cleveland resident?

A Yes, he is.

Q I mean Cuyahoga County?

A Yes.

Q Does he spend a full day at Bay View Hospital?

A No, he is not presently the pathologist in the hospital.

Q When he was employed as a pathologist did he spend a full day there?

A No.

Q Was it part-time employment?

A Well, it was part-time in terms of the number of hours that he put in. However, he would complete his work say usually up until two o'clock in the afternoon and then if something came up that was necessary for him to come back he would come back. If by part-time you mean a straight eight hour day proposition then it was part-time.

Q He was permitted to do other work other than for the hospital?

A Yes, that is right.

Q Were the technicians permitted to do other work other than performed at the hospital?

A No. Now, when you say permitted, I don't recall that there was anything in our understanding with the technicians that would delimit their activities in that respect, but we do have an understanding with all our employees that they have enough to do there to use up the energy that they have.

Q Dorothy Shabla, she worked as a technician at Bay View Hospital?

A Yes, she did.

Q Can you give us the dates, please?

A From February 2, 1948 to March 31, 1953.

Q She resigned on March 31, 1953?

A That was the date of her last pay. Mrs. Shabla --

now let us see, she is married now. It was Miss Casale, and it is Mrs. Shabla now, told me that I would say at least six months before she left that she was going to leave.

Q Did Mrs. Shabla experience some difficulties with the other people as Miss Hayes did?

A No, I think not.

Q Miss Enola J. Lombardo, she was employed at Bay View Hospital?

A Yes, the record shows that she was there from October 1, 1951, to April 13, 1952.

Q She left to go to other fields of employment?

A Yes, the only thing that I can say as far as Enola Lombardo is concerned is what the record shows. She was not an employee after I came to the hospital.

Q Ruth Gahagen, was she employed at Bay View Hospital?

A Yes, she started December 16, 1947 and is presently employed.

Q What does she do?

A She has responsibility in the kitchen as an assistant dietician.

Q Do you know of your own knowledge whether she had had any difficulty with Susan Hayes?

A No, I couldn't say specifically.

Q Did she ever make any complaint to you about a matter

in which she was being treated by Dr. Sam Sheppard?

A Ruth may have. Specifically, I couldn't name any. I get complaints about various things about the hospital quite frequently.

Q Do you recall what this complaint was?

A The only answers that I know of that was perhaps as a result of something Dr. Sam said is the difference of opinion relative to whether or not internes should eat the regular provisions that was served or be allowed to order breakfast on a short order and I was consulted about that and I authorized the people in the kitchen to take care of the internes just the same as we had always taken care of them and that they would not be given any special privileges as far as ordering special meals.

Q Mary Johnson.

A There are two Mary Johnsons, which one do you mean?

Q The dietician.

A She came to us from Deaconess Hospital in March, March 9, 1953.

Q She is presently employed?

A Yes, she is.

Q Did she make a complaint to you about Dr. Sam?

A As I think about this particular thing I believe that she is the one rather than Miss Gahagan that spoke to me about this little hassle about whether the internes

should have special meals or not.

Q Did she make a complaint about Hayes?

A Not to my knowledge.

Q You say there was another Mary Johnson?

A Yes, she is a switchboard operator and has charge of the schedule of people on the switchboard.

Q Is her name Mary or Elmira?

A Elmira, but they are both Johnson.

Q Isn't one Johnson and the other Johnston?

A That is correct. Let me see what was on this slip?

That's right, on the slip it was Johnson, she would have been the dietician. So that I do have that one name Elmira Johnston which was not requested. That is my error. I did not check that close enough.

Q Marjory Wiggins is she employed?

A Yes, she is employed and has been there since January 17, 1949.

She is in charge of the business office, in charge of the bookkeeping and so forth.

Q Did she ever make any complaint to you about the activities of Susan Hayes?

A No, I don't recall any complaints about the activities. She did talk with me about trying to expedite the transmission of charges and that type of thing.

Q Did she ever tell you that she was unhappy about the

actions of Dr. Sam Sheppard?

A I don't think she did in so many words.

Q What was your impression of what she was talking about, what she meant?

A I think that some of this difficulty, and as I mentioned before arose due to the fact that the young woman was probably a little bit too familiar with the internes, and perhaps a few members of the staff and that was resented.

Q Didn't Miss Marjory Wiggins complain to you that because of the fact that Dr. Sam Sheppard telling her not to bear down on Susan Hayes?

A I don't think he ever told her that. As far as I know he never did.

Q Elmira Johnston, she is the telephone operator at Bay View Hospital?

A Yes, she is the co-ordinator on the switchboard, in other words, in charge of the switchboard.

Q When did her employment start?

A August 17, 1953.

Q She had an opportunity to be acquainted with Susan Hayes?

A Yes, she probably knew who she was.

Q Did she ever make any complaints?

A No.

Q Alice Mauss?

A She has been there since January 27, 1947.

Q She is now presently employed?

A That's correct.

Q And she is a telephone operator?

A Yes.

Q Did she complain to the administration of the hospital that she was having difficulty because of the telephone calls during working hours that Susan Hayes was making to Dr. Sheppard?

A She never complained to me about that.

Q Did you ever have any reports from anyone else about this condition?

A No, not as far as Dr. Sheppard is concerned. We did make a study of the telephone calls, because our telephone bills in my judgment are too large and I asked the switchboard girls to check every outgoing call and find out if -- well, I'll put it this way, find out whether any people in the -- whether they were employees or staff members were doing their telephone work at the expense of the hospital. It was carried through for a period of time, approximately two months.

Q What did you find?

A We found that -- well, I would say the usual thing I expect, that employees were talking to their friends and

occasionally even members of the staff would come in and call their patients and so forth, using the regular hospital phones.

Q Weren't some of these calls personal calls?

A I imagine they were.

Q Did you at that time elicit who some of the individuals were that were making these calls?

A Yes, we did.

Q Was Susan Hayes one of them?

A No, she was not, I am quite sure. I believe I still have that list. As I recall her name was not on it. That was after she left anyway now that I stop to think about it.

Q Who is Daisy Dove?

A She is the maid in the laboratory, washes glassware and so forth.

Q How long has she been employed?

A Since May 12, 1949.

Q Did Daisy Dove complain to anyone in particular about the actions of Susan Hayes and Dr. Sam in the laboratory?

A She never complained to me about the actions of the two people.

Q Was such information imparted to you by other persons?

A Not in the laboratory or any other place. Maybe I am associating the two. I am not taking them separately. You asked the question about the two of them.

Q The two individuals?

A She did complain about what she considered sort of a high and mighty attitude on the part of Miss Hayes directing her relative to her employment.

Q Wasn't there some conversation about Daisy Dove not being able to do her work because of the actions of Dr. Sam and Susan Hayes, she did not want to be around when those actions were in progress and that she could not finish her work and had to work late?

A Not to my knowledge.

Q No one to your knowledge informed you of that difficulty?

A No one did.

Q Shirley Nimmergood is she employed by the Bay View Hospital?

A No. We kept the record of her employment at the hospital. She was employed 12/31/51, that is her employment, not with the hospital from 12/31/51 to 11/3/52.

Q Who was she employed by?

A Dr. Samuel Sheppard.

Q Why was the record kept at the hospital?

A She checked a good many of the records that were there and spent oh, I would say a rather large part of her

time in the hospital building.

Q Where was her office?

A She had one office that is cubicle adjacent to the technicians room.

Q You say that she was the secretary to Sam Sheppard?

A Yes.

Q Were the secretaries of any other doctors that are on the staff at Bay View Hospital quartered in the hospital?

A She was no quartered in the hospital. All the secretaries of the doctors have access to the medical records and other records for purposes of getting information for insurance reports and so forth.

Q Did they have offices the same as Shirley Nimmergood had?

A We made space available for them there or some other places.

Q Each day?

A No.

Q Was Shirley Nimmergood there each day?

A That I wouldn't know.

Q You say you would not know?

A No, I would not.

Q Did you keep a record of any other secretary to any other doctor?

A No, we did not.

Q This was the only one?

A That's right.

Q Did any portion of her pay come from the hospital?

A No.

Q How did she receive her money insofar as you know, payment by check or through the hospital?

A That was before I took over at the hospital. I would assume that she was paid by the clinic, but I am not sure about that.

Q Are there any phones in the hospital that do not go through the switchboard?

A No, we have no direct lines out.

Q Do you keep a record of long distance calls

A Yes, at least we try to.

Q How do you keep that record, how is it recorded?

A That is under the direction of the person in charge of the switchboard and the way it works say a person takes off the receiver and asks for an outside line and unless the person calling tells the switchboard operator that it is a long distance call the only way that she would know that it is a long distance call would be to listen in. That is the reason that I say we try to.

Q Would the operator, that is the operator in the hospital know what number is being called?

A No.

Q What city is being called?

A No.

Q What individual is being called?

A No.

Q What sort of record would they keep?

A The only record they could keep would be if a person calling out would get the switchboard operator and say, "I am going to call long distance, such and such a place, charge it to my account." If they don't say that, they pick up the receiver and dial 211 and then they will have long distance and she would not know.

Q If a long distance call to any city in the United States or any other place would appear on the charge account would they check out with the telephone company who made the call, where it went to, to make a subsequent charge to the proper party?

A We have tried to do that.

Q Have you been successful?

A Not entirely.

Q Do you have a record of those calls?

A We have all the telephone bills that have been paid, if that is what you mean.

Q Yes.

A Every invoice is available.

Q Do you have it listed in accordance with the telephone number, is that in your record, do you have that available?

A I don't think it would show a telephone number. What we would have to do would be turn to the invoice for the Ohio Bell Telephone Company each month and then check the slips. Now, if Philadelphia is called it would show Philadelphia, but it would not show what the telephone number is.

Q But as the renter from the Telephone Company you can then inquire as to the place where that call was made, say in Philadelphia?

A Yes, I think that could be done.

Q Do you have all the records available since January 1, 1954 of long distance calls?

A I think we do have.

Q Would you furnish those please at some future date inclusive of the present date? I suggest that those which have not been billed you can get them from the Telephone Company in advance?

A I don't know if they will do that just on a request, but I can ask them.

Q They will do it. Has your investigation that you made disclosed any telephone calls made, long distance calls or otherwise, that you have a record of by Dr. Sam Sheppard?

A I don't recall if they did. That is something that I would want to check.

Q Would you check that and make a report?

A Yes, I will.

Q Do you recall or were you present at any meeting of the Board of Trustees or of the Sheppard family that took up the problem that arose from the association of Dr. Sam and Susan Hayes?

A That question was never discussed at the Board of Trustees meeting during the time that I was at the hospital and neither was it discussed at a family gathering of which I was a member.

Q At which you were present?

A That's right.

Q Do you have any information or knowledge of such a gathering?

A No, I don't.

Q Could you explain to me why a record of Shirley Nimmergood was kept and not of any other person in similar circumstances?

A Well, I don't think the circumstances were similar. As I mentioned that was before I took over at the hospital, but as I get the picture she was doing clinical work instead of all the doctors in the clinic sending people over to check the records for reports and so forth, either Miss or Mrs., I am not sure which she was, she did not work for them and as a matter of convenience the time when

she came in I imagine she had a time clock, and there again I don't know for certain, that was recorded. It was just simply a matter of convenience.

Q You stated that you thought that she was paid from the Clinic, Sheppard Clinic, not from Bay View Hospital?

A I believe that is right.

Q Do you have a record of the Sheppard Clinic in your office?

A No.

Q That is not one of your responsibilities?

A No, not at all.

THOMAS S. REESE, being first duly sworn was examined and testified as follows:

EXAMINATION OF THOMAS S. REESE

By Dr. Gerber:

Q What is your name, please?

A Thomas S. Reese.

Q Where do you live, Mr. Reese?

A 4233 Silsby Road, University Heights.

Q You lived in Cuyahoga County practically all your life?

A In Cuyahoga County?

Q Yes.

A I have.

Q Most of that time you have lived where?

A Well, I was born in East Cleveland. I lived there until I went to college and then I was married and lived in an apartment on Eddy Road and moved to another double house off of Shaw Avenue and then up on Terrace Road. I then lived in an apartment on Shaker Heights for a while and then moved to Silsby Road.

Q You are in business in Cleveland?

A I am.

Q What is the name of your business itself?

A Dinoc Company.

Q What is your connection with that business?

A I am the vice-president of the business.

Q Are you the father of Marilyn Reese Sheppard?

A Yes, sir, I am.

Q When was she born?

A She was born April 14, 1923.

Q Is her mother presently living?

A No, her mother is dead.

Q What was the age of Marilyn when her mother died?

A Oh, about five or six years old.

Q Have you since remarried?

A Yes, I have.

Q What is your wife's first name?

A Jane.

Q How long since you remarried?

A Well, I was married in 1930, I believe and that would be 23 years.

Q After Marilyn's mother's death did she continue to reside with you?

A No. Both Marilyn and I moved into my mother's home on Stanwood Road.

Q And after that did Marilyn go to school in East Cleveland?

A I believe she did. And then about a year or slightly longer after I was married she came to live with me and then

she went to Cleveland Heights school.

Q Did Marilyn live with any other persons other than you and your wife?

A No.

Q At a later date?

A No. Well, I don't believe I understand your question.

Q Did she live with her aunts or anyone else?

A No, she did not live with them. She visited them of course, but she did not live with them.

Q Marilyn then went to Cleveland Heights High School?

A That's right.

Q And she graduated in what year?

A I would not be able to answer that right off-hand. I don't know exactly what year it was.

Q She graduated in approximately 1942?

A I would say so, yes.

Q How old was she when she graduated?

A I believe she was 18.

Q Then did she go to school?

A Yes, she did. She went to Skidmore College.

Q To the best of your memory can you recall when she became acquainted with Sam Sheppard?

A Well, she became acquainted with Sam Sheppard while she was going to Cleveland Heights High School.

Q Did Marilyn later marry Sam Sheppard?

A She did.

Q Will you give us please the details of what you can recall about that marriage and what occurred?

A Yes, I will. Marilyn had been going with Sam for some time and at that time she had left college and was working I believe at the Life -- Time magazine and she came to me I believe it was in February and said that she wanted to get married, she wanted to marry Sam and Sam at that time was in California. I said, "Well, Marilyn, if that is what you want to do we will arrange to do it." So I took Marilyn out to California.

Q Will you speak up a little louder, I can hardly hear you?

A I am sorry. I took Marilyn out to California and the wedding ceremony was performed, I had some additional business to attend to and I stayed there I believe a week, maybe a little longer and then came back home.

Q And then Marilyn married Sam Sheppard as far as you know while he was still in college?

A Yes, that's correct.

Q And do you know where they went to live?

A Well, I would not recall the exact address, but it was sort of a terrace, an apartment terrace which was quite close to the Los Angeles County Hospital.

Q Did Marilyn communicate with you after you arrived

back in Cuyahoga County?

A You mean after she was married?

Q After she was married.

A Yes, yes. She would write to me and I would frequently call her on the phone and talk with her.

Q The communication either by letter or telephone, did that occur frequently?

A Well, it depends on what you may call frequently. Maybe once a month, thereabouts.

Q Did she inform you as to how she was getting along, what was happening in her married life?

A Well, there was no mention of that. She would give me the news.

Q Did she during that time tell you that she was having any difficulties with her husband?

A No, sir, she did not.

Q Did she ever tell you that she was having any difficulties with her husband?

A No, Marilyn never told me that.

Q Did she inform you about her first baby?

A Well, yes, sure.

Q Was she happy about it when she informed you?

A Oh, of course, she was happy.

Q When did you see Marilyn while she was still in California?

A Well, I had occasion to go back there on business. I can't recall the exact date. However, Marilyn at that time was pregnant and was expecting her baby in about a month.

Q What other time did you see her in California?

A Then I had occasion to go back to California again, I think it was '47 or '48, thereabouts, and the baby was approximately a year old.

Q Did you see her after '48?

A No, I did not see her again until after she came back to Cleveland.

Q And during the time that she lived in California did she visit Cleveland?

A Yes, she was back once or twice.

Q When did she come back?

A To Cleveland?

Q To Cleveland.

A I believe it was in 1951.

Q Now, during the time that she either visited you or you visited her, did she tell you how her married life was getting along?

A No, she never discussed that.

Q After she moved or returned to Cleveland, did you see her frequently?

A Well, I would see her quite often, but then I would

call her up and talk to her.

Q How many times a month or a year did you see her after she moved back?

A Oh, I would say maybe three or four times in a year.

Q And during those times do you know whether or not she was happy or unhappy?

A Well, to the best of my knowledge she was happy.

Q In 1954, did you see Marilyn?

A '54.

Q Subsequent to January 1, 1954, this year?

A Oh, yes, yes.

Q Do you recall how often you saw her?

A I would say three or four times.

Q Did you see her before she went to California in February?

A You mean immediately before?

Q At any time?

A Well, I can't recall. I saw her, but I don't remember how long it was prior to her going to California.

Q Did Marilyn ever ask of you money at any time?

A She never asked for money. When they were still married, of course Sam was in school and I helped them out financially all the time they were in California.

Q Since Marilyn has been back, in 1951, have you helped them out financially?

A No.

Q She never made a request?

A No.

Q Did you see Marilyn when she returned from California in the latter part of March of '54?

A No, I did not. I talked to her on the phone. I didn't exactly see her.

Q Did she tell you anything about the trip to --

A Well, when I did see her afterwards I just asked her casually if she had a nice trip and she said she did. There wasn't any particular discussion about it.

Q When and where did you see her at this time that you mentioned?

A She was out there early in March.

Q Out where?

A In California.

Q Yes.

A She returned, well, she returned in March and I had a boat which I just purchased and she stopped in to see me on the boat. It must have been early in May.

Q Where was the boat located?

A The boat was located at the Cleveland Boat Service or dry dock.

Q Where is that located?

A That's about 53rd or 54th and Lake Shore Drive, east.

Q This was early in May?

A Yes.

Q Did she come by herself or was she with someone?

A The first time I believe she stopped in, she and Chip came down. They had been out visiting somewhere and they stopped in on the way back to the west side.

Q Do you recall what day that was?

A No, I am sorry, I cannot recall.

Q Was it a weekday or Saturday or Sunday?

A It was on a weekday. I am reasonably sure that was in the evening.

Q In the evening. When did you see her again?

A Well, probably about a week later or thereabouts that she and Sam and Chip came down to the boat one Sunday afternoon and stayed there to help me with getting the boat in shape.

Q Could you give me the date approximately?

A Well, I would say that was somewhere in the vicinity of the middle or third week in May.

Q Was it before Decoration Day?

A Yes.

Q Shortly before Decoration Day?

A Yes, it was.

Q When did you see her next?

A The next time I saw her was a week before the 4th of

July when she and Sam and Chip came down to the boat. By that time my boat was in the water at Lakeside Yacht Club. They came down about the middle of the afternoon and stayed through the evening and we went to dinner together.

Q Where is the Lakeside Yacht Club?

A That's about 49th, East 49th and Shoreway.

Q Where did you go to dinner?

A At a Chinese place up on Superior, right under the bridge there about 38th Street, I don't know the name of it.

Q Who else besides you and Marilyn and Sam and Chip were there?

A At the dinner?

Q At the dinner.

A My wife was there.

Q Anyone else?

A No, I don't think there was.

Q Was there anyone else on the boat?

A Yes, there was.

Q Who was that?

A Well, it was a man who was helping by the name of Robert Dow.

Q How do you spell that name?

A I think it is D-o-w or D-o-w-d.

Q And what does he do?

A He is an electrician and he was doing wiring on the boat for me.

Q You employed him or he was just offering service?

A He was just helping me out as a friendly gesture.

Q Had he been there prior to the time that Marilyn and Sam and Chip arrived?

A Yes, I think he was.

Q He stayed during the time of their visit?

A Yes.

Q He did not go along to dinner with you?

A No, he did not.

Q At this time, before Decoration Day, did you have any conversation with Marilyn and Sam or Marilyn and Chip?

A Well, only, it was the first time she had seen this boat and we of course discussed the boat and just general conversation.

Q How was she, was she happy and contented?

A She appeared to be.

Q Did she say anything about being pregnant?

A No.

Q Did you have any discussion with her on Sunday prior to July 4th when she visited with Sam and Chip?

A Well, a discussion of what sort, Dr. Gerber?

Q Of any sort, of anything?

A Well, only the general conversation that you have when you are visiting with people.

Q Was she happy at that time?

A Yes, she appeared to be very happy.

Q Did she say anything about her pregnancy at that time?

A Not to me. She told my wife about it and requested that my wife not tell me about it. She wanted me to tell me herself.

Q Is that the first time to your knowledge that you knew anything about the pregnancy?

A At which time.

Q A week prior to July 4th, the Sunday prior?

A No, I didn't know then, because my wife didn't tell me, Marilyn requested that she wanted to tell me herself and she evidently had no opportunity, due to the conditions on the boat to tell me.

Q When did you first find out that she was pregnant?

A I found out she was pregnant when I arrived at the Bay View Hospital the morning after this all happened, or the morning it all happened and Dr. Richard Sheppard asked me if I knew she was pregnant and I said no, I didn't and then he told me that she was.

Q On July 4th, did someone call you with regard to the death of your daughter Marilyn?

A They called my wife.

Q And who was it that called?

A Dr. Stephen Sheppard.

Q At what time of day was that?

A Well, I believe it was around 6:30 in the morning.

Q Did you talk to Dr. Stephen Sheppard at that time?

A No, I did not. I was on my boat.

Q How did you find out then?

A My wife and my son and my brother-in-law and sister-in-law came right immediately down to the boat and told me.

Q About what time would this be?

A I would say that was shortly before eight in the morning.

Q And then what did you do?

A I was just in the process of getting up and I immediately dressed and we went right over to Bay View Hospital.

Q What did you do over there?

A We contacted Dr. Richard Sheppard and Dr. Richard Sheppard told me sketchily what had occurred and said that Sam was hurt and is in the hospital and he asked if I would like to see him and I said if he is able I would and I went in to see him.

Q What did he tell you?

A Well, I was of course upset at the time and I don't

know as I can repeat the conversation verbatim, but I went into the room and my brother-in-law went in with me. I went over to the bed and took his hand and said, "My God, Sam, what has happened?" And he was, his face was swollen up and his eye closed and he had this collar-like affair on and he was rolling back and forth in the bed and he said that they had killed Marilyn and he had heard her cry for help and he had run up the steps and he had been hit up there and had grappled with these parties or party and then ran down the stairs after them and heard the noise out on the porch and ran out on the porch and ran down to the beach and again grappled with these people and was knocked out, knocked unconscious down there. I asked Sam were they white or negroes and he said I couldn't tell. Then I made some remark to the effect of keep your chin up and we will get to the bottom of this and as he was obviously under a severe emotional strain and apparently in some pain I thought it was --

Q Did he tell you that he was knocked out in the bedroom?

A I don't think he said in the bedroom. I think he said at the top of the steps when he was getting ready to go into the bedroom.

Q Did he say he was knocked out at the top of the steps?

A Yes, he said he was hit and knocked down at that

point.

Q Did he say he was rendered unconscious?

A No, he didn't say that. I mean we didn't go into any detail on it.

Q When you asked him whether they were white or colored, did he give you any description?

A No. No, he just said I couldn't tell.

Q Did he say whether there was one or two?

A I am not positive whether he said there was one or two. I was under the impression the way the conversation went that there were two.

Q What about that pier, did he say that there was one or two at the pier?

A No, he did not say whether there was one or two. He just said he was knocked out down there.

Q Did he say that he recognized anything on the beach?

A No, we did not discuss it in that detail Dr. Gerber.

Q Did he say where he was hit when he was upstairs?

A No, he did not say where he was hit. He just said he was hit.

Q Did he say that he was hit anything, any object?

A No, no, all he said was he went up to the top of the steps and when I got up I was hit.

Q And did he relate, to the best of your memory, did he relate anything else in regard to this event that

happened?

A No, no. As I say, my conversation with him that morning was very brief and under severe stress on both of our parts.

Q Did Dr. Sam ever tell you that he cried or yelled for help at any time?

A No, he did not.

Q Called for help?

A No, he did not tell me that.

Q Would you mind repeating for the record the name of the brother-in-law?

A Mr. Worth Munn. He lives on Skidmore Drive in Gates Mills.

Q Was he with his wife?

A You mean when he went to the hospital?

Q When he went to the hospital?

A Yes, yes, he was.

Q Who went in the room with you?

A Dr. Richard Sheppard and Mr. Munn.

Q Was Mr. Munn in the room when you talked to him?

A Yes.

Q Was Dr. Richard Sheppard in the room when you talked to him?

A Yes.

Q Did they ask any questions that you can recall?

A When I left the room Mr. Munn remained behind for a few moments. At a time like that it is hard to evaluate time, and he left for a moment and then came on out with me.

Q Did Richard remain in the room?

A While we were talking with Sam?

Q Yes.

A Yes, he did.

Q Did he come out with you or did he remain after he left?

A No, I think he stayed there with Mr. Munn, he and Munn came out together.

Q Mr. Munn is married to your sister?

A That's right.

Q What is your sister's name?

A Henrietta.

Q Did Dr. Sam tell you anything about Marilyn at that time?

A Well, only that she had been killed.

Q Did he tell you how?

A No, he did not. He just stated flatly that she had been killed.

Q Did he say what happened to her?

A No, he did not say what happened.

Q Have you had any conversation with Dr. Sam alone,

independently of your daughter?

A Well, yes, Sam has stopped down at the boat, stopped at the Yacht Club a few times on his way coming back from I believe he went to Youngstown or somewhere down state and he would stop in occasionally and had a talk with me, but I don't believe that we were completely alone at any of those times. There was usually other people present, as there was pretty near always somebody with me on the boat.

Q Independently of your daughter. Your daughter was not present on these occasions?

A No.

Q Did he ever seek any advice from you in any way whatsoever?

A No. He never asked me for any advice.

Q At any time that you can recall did he seek advice in any business or any other confidential matter whatsoever?

A No, I can't recall anything of that sort.

Q The times that Dr. Sam stopped to see you you worked on your boat, is that it?

A Well, no, both times we would eat dinner at the Yacht Club and he would come in and sit down and we would talk for a while and then he would go right back to the west side.

Q Did you see him drive up on either of these occasions?

A No, I did not.

Q Was he with anyone on either of these occasions?

A Not to my knowledge. No, I am sure he was not with anyone.

Q Did you see him drive?

A Yes.

Q Was there anyone in the car when he drove you?

A No, no.

Q After you saw Dr. Sam Sheppard in the hospital and talked to him have you seen or talked to Dr. Sam Sheppard since then?

A Yes, I have talked to him.

Q When and where?

A Well, you say talked to him, I talked to him over the telephone, he called me I believe it was a week ago Friday.

Q A week ago this past Friday?

A That's right and he asked me he said they were going out to the mausoleum to make some arrangement about a crypt for Marilyn and asked me if I could be present. That was about eleven o'clock I believe and that they were going out at two o'clock. I told him I would try to get there. He called back again in about five or ten minutes and he said that they had postponed it until Monday and he also said at that time he said at that time

he said that he would like to come down and spend some time with me on the boat and said, well, at that time I told him I would try to get over there. I got to thinking it over and I talked to my sister and she said she had made the arrangement as far as the mausoleum went and I got to thinking it over and under the circumstances I decided that it would be best if I did not see Sam until the air was cleared so I called him back Saturday morning and told him that.

Q This past Saturday morning?

A No, that was a week ago.

Q Was that the only contact that you had with Dr. Sam Sheppard?

A You mean since then?

Q Since the funeral?

A Yes, yes. Of course, I saw him at the funeral home. I mean not the funeral home, at the mausoleum.

Q Have you been in contact with any of Dr. Sam Sheppard's relatives?

A No, I have not.

Q When you were first notified on July 4th, did you go directly to the hospital?

A Yes.

Q You did not go to anyone's home?

A No, we went directly to the hospital and then from

the hospital I went over to the elder Dr. Sheppard's home.

Q Did Dr. Sam Sheppard tell you at any time that he could identify the assailant or assailants?

A No, no, he did not tell me that. As I say I asked him the question of whether they were white or negro and he said he couldn't tell.

Q Has anyone -- have any of the Sheppard family or anyone representing the Sheppard family talked to you since the death of your daughter, other than what you have mentioned here?

A Well, my wife and the elder Mrs. Sheppard and I believe Dorothy Sheppard, talked together and arranged, made the funeral arrangements.

Q Other than that has there been any occasion when you talked other than making the funeral arrangement?

A Not to my knowledge.

Q Do you wish to add, is there anything that you can add that would contribute to the solution of this case?

A No, Dr. Gerber, I don't think there is. I think I have told all I know about it.

Q Do you know of any person whom Marilyn would take into her confidence?

A Well, you say do I now know of any person that Marilyn would have --

Q Yes.

A Yes, my sister Henrietta, she talked to her confidentially.

Q You mean Henrietta Munn?

A Mrs. Munn, that's right.

Q How did you learn of this?

A Well, after all this occurred my sister told me about it.

Tuesday, July 24, 1954, 2:30 o'clock P.M.

Hearing resumed in the Coroner's Office,
2121 Adelbert Road, Cleveland, Ohio.

Present:

Samuel R. Gerber, Coroner

Saul S. Danaceau, Asst. County Prosecutor

James E. McArthur, Chief of Detectives
City of Cleveland

Betty Sheppard (Mrs. Stephen A. Sheppard)

Samuel Reese (Chip) Sheppard

SAMUEL REESE (CHIP) SHEPPARD, being
first duly sworn was examined and testified as
follows:

EXAMINATION OF SAMUEL REESE (CHIP) SHEPPARD

By Coroner Gerber:

Q What is your name?

A Chip.

Q What is your full name?

A Samuel Reese Sheppard.

Q What is your middle name?

A Reese.

Q And your nickname?

A Chip.

Q How old are you?

A Seven.

Q What grade in school are you?

A I will be in the second next year.

Q Do you know where you live, the address?

A Bay Village, 28924 Westlake Road.

Q What school do you go to?

A Glenview School.

Q Do you know what street that is located on?

A I think it is on Wolf.

Q On Wolf Road?

A I am not sure.

Q Are you in a summer camp now?

A Yes.

(Memorandum of name and location of camp
made off the record.)

Q Do you know what it means to tell the truth?

A Yes.

Q Now will you hold up your right hand?

(Witness holds up his right hand.)

Q Do you solemnly swear that you will tell the truth?

A Yes.

Q All the truth?

A Yes.

Q And nothing but the truth?

A Yes.

Q So held you God?

A Yes.

Q Do you know what God is?

A Yes.

Q Do you remember when you had some robbers at your house?

A Yes.

Q Will you tell me what you know?

A I don't know anything except in the morning I just found out about it.

Q And what did you find out?

A That my dad had a bad bump on his head. My mother's face was cut up and my dad had a bad bump on his head.

Q Go ahead and tell me what else you found out?

A I don't think I found out anything else.

Q Did you see your dad's bump?

A No.

Q Did you see your mother's face cut up?

A No. I didn't see my mother.

Q Did you hear anything during the night?

A No.

Q And after you learned about the bad bump what happened to you then?

A Aunt Betty and Uncle Richard -- I mean Aunt Dorothy

and Uncle Richard came.

Q Did you get up during the night?

A No.

Q Did you hear any noise during the night?

A No.

Q Who woke you up?

A My Uncle Richard.

Q Was that just before they took you to your Uncle Richard's house?

A Yes.

Q Were you sleeping that night?

A Yes.

Q You say that Uncle Richard woke you up?

A Yes.

Q Did you see anyone else that morning?

A I saw the doctors.

Q You saw the doctors?

A Yes.

Q Did you see anyone at the house, at your home, at your house? Who else did you see?

A I didn't see Kokie my dog.

Q Do you know the Mayor?

A Yes.

Q Did you see him?

A Yes.

Q Do you know the Mayor's wife?

A Yes.

Q Did you see her?

A No.

Q Do you know the Mayor's boy? Larry, is that his name?

A Yes.

Q Did you see him?

A No.

Q Do you know which bedroom your daddy slept in?

A No, I didn't think he was sleeping in his bedroom.

Q Any other time, not that night but before that?

A Well, there is a hall and then there is a bathroom and then there is a room and then there is another room beside it and that's where my mother and dad slept together. And then sometimes when a lot of them are there they go up the stairway straight up into the room into the bedroom.

Q In which bed did your daddy sleep in?

A My dad sleeps in the one next to the window.

Q Did you see Kokie the dog later on that day?

A No.

Q Did you see him the night before?

A No, I don't think so.

Q Did you have supper with the two Ahern children?

A Yes.

Q That was where?

- A That was at their house.
- Q Or your house?
- A Their house I think.
- Q Where was KoKo then?
- A She is at our house.
- Q What is the dog's full name?
- A Kokie Sheppard.
- Q It was a nice dog, Kokie?
- A Yes.
- Q Did she like you?
- A Yes.
- Q Did Kokie go where you went?
- A Sometimes.
- Q Who called Kokie most of the time to come to him?
- A Well, I think I did.
- Q You think you did?
- A Yes.
- Q Did KoKo bark?
- A I think she barked that night.
- Q Did KoKo make much noise usually?
- A Not too much.
- Q Is Kokie usually quiet?
- A Yes.
- Q What makes you think Kokie barked that night?
- A Well, somebody told me.

Q Oh, somebody told you?

A I think.

Q Did you hear Kokie bark?

A No.

Q Where did Kokie usually sleep?

A She sleeps in the kitchen.

Q Were the doors closed?

A No.

Q When she slept in the kitchen?

A No.

Q She stayed there of her own accord?

A Yes. When we first got her we had to shut her up.

We don't shut her up any more.

Q Do you know who put Kokie to bed that night?

A No.

Q Who put you to bed that night?

A My mother did.

Q Did you sleep with the light on in your room?

A No.

Q Was there a light in the hall?

A There are two lights in the hall, but they were not on.

Q There were two lights in the hall, but they were not what?

A But they were not on.

Q Was the light on in your room?

A No.

Q Were there lights any place else on the second floor?

A There was a light in my room right next to my dresser.

Q Was the burning?

A No, that is the only light in my room.

Q Did you go to sleep before the two Ahern children went home?

A No.

Q They went home first?

A Yes.

Q Do you remember what your daddy was wearing that night, what kind of a jacket?

A No.

Q Do you remember what kind of pants he was wearing?

A Well, I think I know the jacket, the color of the jacket, I think it was red and yellow with a blue B on it.

Q Who was wearing that?

A My dad, I think.

Q Did your daddy show you how to punch the punch bag that night?

A Yes.

Q Who did he show it to, you?

A He showed it to Mike Ahern first.

Q And what is the other girl's name?

A I think Leslie.

Q After that you came upstairs?

A We ate dinner.

Q In the kitchen?

A Well, the kids ate in the kitchen and the parents ate out on the porch.

Q What did you have to eat?

A We had ham.

Q Did you have blueberry pie?

A Yes.

Q Did you fall right asleep when your mother took you up to bed?

A No.

Q Did you stay up for a while, stay awake for a while?

A Just for a little bit.

Q Did you hear anything then? Did you hear people talking or anything at all?

A No.

Q Do you read while you are in bed or play when you are in bed?

A No.

Q With toys?

A No.

Q Did you hear any loud noises?

A No.

Q Did you hear any loud noises later on?

A No.

Q Did you have to get up to go to the bathroom?

A No.

Q Did mommie wake you up during the night after you went to sleep?

A No.

Q Did your daddy wake you up after you went to sleep?

A No.

Q Did anybody wake you up?

A No.

Q Until your Uncle Richard woke you up?

A No.

Q Did you wake up of your own accord?

A Well, my Uncle Richard carried me downstairs and I woke up in the hall I think or else in the kitchen. Do you remember what kind of lights are in your daddy's bedroom?

A No.

Q Where was the telephone in your daddy's bedroom?

A Well, there is a little table right beside and there is a lamp there and there is a telephone.

Q What kind of a lamp was that?

A Well, I don't know.

Q Was it a big one or a little one?

A It was a small one.

Q What was it made of?

A I think it was made out of copper.

Q Copper?

A Yes, or lead.

Q What color was it?

A Gold.

Q Was it on the stand where the telephone is?

A Yes.

Q And that is between the two beds?

A Well, see, that was not the bed -- were you talking about the twin bedroom?

Q Yes.

A There isn't a lamp in there. There is a little light up between the beds and there is a little table. There is the same thing that I was talking about except that there wasn't any lamps where they keep the telephone.

Q There was not any lamp in that twin bedroom?

A No.

Q Where was the light?

A It was up between the beds.

Q In the ceiling?

A In the ceiling.

Q This other lamp that you are talking about was that in

the room where you had the single bed?

A Yes, in the great big bed.

Q Do you remember Dr. Hoversten?

A Yes.

Q Was he sleeping in that room?

A Yes.

Q That is where the lamp is that you are talking about?

A Yes.

Q Did you see Dr. Haversten that night or that day?

A I saw him that day.

Q Did he go away?

A Yes, he went to another person's house to stay all night and play golf in the morning.

Q Do you know what time he left?

A No.

Q Was it in the evening?

A Yes.

DR. GERBER: I want to thank you
ever so much. I am glad you came.

EXCERPT FROM TESTIMONY OF SAMUEL REESE (CHIP) SHEPPARD

Q Where is the summer camp?

A In Pennsylvania.

Q What is the name of the town?

A I don't think I know.

Q What is the name of the camp?

A Camp Ha-a-tod-nac and the boys camp is Oak Leaf.

Thursday, July 29, 1954, 10:00 o'clock a.m.

Hearing resumed in the Coroner's Office,
2121 Adelbert Road, Cleveland, Ohio.

PRESENT:

Samuel R. Gerber, Coroner

Saul S. Danaceau, Asst. County Prosecutor

JERVASE CHARLES FLICK, being first
duly sworn was examined and testified as follows:

EXAMINATION OF JERVASE CHARLES FLICK

By Coroner Gerber:

Q What is your name?

A Jervase Charles Flick.

Q And where do you live, sir?

A 3137 Rocky River Drive. That is Cleveland 11.

Q Is that in Rocky River?

A That is Cleveland, Cleveland 11.

Q How old are you?

A 69.

Q What is your profession?

A Well, radiologist, roentgenologist.

Q Are you a physician?

A Osteopathic physician.

Q Where did you graduate?

A Kirksville, Missouri.

Q What year?

A Well, I took my fourth year in Indiana. I graduated in 1913.

Q Where did you take your previous years?

A Pre-medics?

Q The previous years before 1913.

A I took one year in Philadelphia, two years in Kirksville and fourth year in Indiana.

Q What years in Philadelphia?

A 1908 to 1909 I was in Philadelphia and 1909 and 1910, 1910 and 1911 I was in Kirksville and then I went back and took the fourth year in Indiana. I first practiced in Indiana.

Q Where did you specialize in roentgenology?

A In those days of course we had no leaders in roentgenology. I was at the Children's Memorial Hospital in Chicago. I was in Dr. Blane's office who wrote the Army Manual for the First World War. Then I went to Delaware, Ohio, and we had a sanitarium there and I worked under Dr. Botintead. Then I went to Boston.

Q Did you do radiology in Boston?

A Yes, from 1928 to 1951.

Q And in 1951?

A Came here in December.

Q That is you came here, you mean Bay View Hospital?

A Yes, December, 1951.

Q And other than the X-ray work that you performed at Bay View Hospital have you performed X-ray work at other places?

A Now?

Q Yes.

A No, no outside office.

Q Do you know whether or not X-rays were made of Dr. Sam Sheppard on July 4, 1954?

A Well, they called me in the morning --

Q Who is "they"?

A As a matter of fact, Dr. Selnick called me in the morning and asked me to come out and interpret films that were taken during the night on Dr. Sam, and I looked at the films and I think I wrote on the progress records --

(The coroner hands documents to the witness.)

Q Who is your X-ray technician?

A Four or five of them, Kerner, William Kerner, he is the head technician. He has been in the business about 15 years.

Q Any others?

A Frieda Kava, a girl called Mancita, I don't know her last name, but I think she is a Puerto Rican. Eileen Hugel. I think she was at Lakewood for quite a number of years

and then she married and we have her on call for night X-rays.

Q Do you know who made the X-ray plates on Dr. Sam Sheppard?

A Well, the first ones were made by Mrs. Huge. That is my recollection.

Q Any subsequent X-ray plates made?

A Well, then there were subsequent plates made and they were made by Kerner, Mr. Kerner.

Q Do you know when the X-ray plates that Mrs. Huge made were made?

A I wouldn't know. That would have to be --

Q Do you know when Mr. Kerner made a subsequent X-ray examination?

A Well, I have two requisitions here, one is 7/4/54 but it does not give the hour. That is the one I am pretty sure Carver asked for, that is the interne Carver, and he asked for chest, skull and a cervical series and that was taken by Mrs. Huge. That is 7/4/54, the date of the requisition. The next requisition was 7/6/54 and he was down in room 111. The first time he was in room 115. I don't know whether he had the X-rays taken and was admitted to the room or was admitted to the room and had the X-rays taken.

Q Do you know from your knowledge where these X-rays were

taken?

A Where they were made?

Q Yes.

A In Bay View, X-ray Laboratory.

Q In the main laboratory?

A I don't think there were portables, if that is what you mean.

Q Yes, that is what I am trying to find out.

A No, I don't think so, because I think hers were taken with the patient supine and she shot in from the lateral.

Q Do you know whether any of these plates that were made were made by the portable machine?

A I don't think so.

Q You were required to bring with you certain records, did you bring these records?

A Yes.

Q Will you please identify the records that you brought with you?

A Do you mean the records or the films?

Q All the records that you brought with you, considering an X-ray plate as a record.

A Well, here they are. That would be a posterior skull.

Q Can you make the identification as it now appears on the plate itself?

A Left occipital. He has identified that as a left skull.

Q Does it bear a date?

A Yes, 7/4/54.

Q Is there a number on it?

A 54-5560, that will be the case. 7/4/54 left occipital.

Q The next one?

A That is number 54-5560, the date 7/4/54 and the indication right anteroposterior, or right AP.

Q Of the what?

A Of the skull.

Q The next one.

A That is the same number, 54-5560, 7/4/54, right lateral skull.

The next one is 54-5560, date 7/4/54, right postero-anterior of the skull and mandible.

This is 54-5560, date 7/4/54, left anteroposterior of the skull and mandible.

Q On this film who put the red mark, the one by the arrow and the one with the circle around it?

A I probably did that in interpreting and in classifying that as the first lot. This I called attention to--

Q This, you mean the arrow?

A Yes, you see that is probably a little bit duller. That is three-quarter as we call it black and that is on gray. It is to call attention to that.

Q The arrow is on the right or the left side of the head?

A That is the right side.

Q The one with the circle?

A That is just to put it in the first series.

The next one is 54-5560, and the date is 7/6/54.

Q What is that an X-ray of?

A The left lateral neck.

Q What about the markings on that plate in red?

A The patient had the collar on and the films taken erect at 72 inches and the technician, I put his initials on here, which were W.K., that will be Will Kerner, of the left lateral neck.

Q And who put the red markings on?

A I put those red markings on to identify.

Q The two in the circle refers to the second series?

A This is the second series. Here is one of the first series, again. This is the upper cervical spine.

Q What is the number on it?

A It is the first series 54-5560, date 7/4/54, it is what we call an open mouth film, AP, that is anterior-posterior of the atlas and axis. That should go in your first file. That is one that Huge took.

Q Going back to the one in the second series, that is the left lateral of the neck?

A Left lateral neck.

Q I see the initials are R.N.S.

A That is the doctor.

Q Which doctor?

A R.N.S., that would be the oldest brother.

Q That is Richard?

A R.N. is Richard.

Q R.A.S.?

A That's the father.

Q S.A.S.?

A That is Steve.

Q Steve Sheppard?

A Yes, and S.H.S. is Sam.

Q On that same film you have marked in red the figure 4, does that refer to the 4th cervical?

A Yes, we count them down, I count it, one, two, three, four. It is easier to identify it. Here is one that goes back to the first series, 54-5560, date 7/4/54, left lateral skull. That is the first series.

This is the first series number 54-5560, date 7/4/54, left lateral neck.

Q Do you have any red markings on this?

A Yes, I do. This is the one.

Q Would you read the markings on it, please?

A There is an arrow pointing to the anteroposterior of the spinous process of C-2. There is also an arrow pointing to an inverted U, opaque shadow below the spinous

process of C-4. There is an arrow pointing to the anterior process of the intervertebral disk between C-5 and C-6.

There is a mark stating that it is a supine film, 36 inches and was taken by Eileen, probably Mrs. Huges.

Q What is the question mark you referred to?

A The question mark, I couldn't figure out what that was whether that was a chip or artefact or what. There are three markings on that film where you will see more or less burned out that did not appear on the second film. This as I recall is gone, and that could be seen, the inverted U was gone.

Q You have one of the arrows pointing to the intervertebral disk, is that in ink?

A That is what we call an ink pencil.

Q The one pointing to the second, is that in ink, in ink pencil?

A Yes, that is in ink pencil and the one pointing to the fourth, the one pointing to the inverted U is the glass pencil, where you write on glass.

Q And then alongside of it it has a question mark?

A Well, I couldn't see what that was, whether that was a chip or just what that thing was.

Q These markings were all made by you?

A Yes, you have seen this film. This is the first one.

Q This is series number one?

A That is series one. That is still Eileen, that is why I put that on. Supine, he is lying on his back and she is shooting this way.

Q When you are making an indication of direction with your hand, what direction are you referring to?

A The man is lying that way.

Q The man is lying on his back?

A Yes, and she is taking a lateral.

Q This is a lateral?

A Yes, this is called a left lateral. Apparently she had the left side of his head to the plate and she shot over toward the right side to hit the left side.

Q The film is of the left side of his head?

A That is the reason for that L there.

Q And the X-ray tube was on the right side?

A Right side.

Q Of the head?

A Yes, that is number 1.

Q And that was, the X-ray tube or rather the film was 36 inches?

A That was my assumption, because don't you remember you and I measured the size here and we computed that. I have heard since that she was closer than that.

Q This 36 inch is computed distance, but not actual distance?

A No. The actual distance was less than that. I know

that these were 72 inches. Those shadows are much bigger because like if you are making shadows for the kids you make rabbits on the wall, if you want to make big rabbits you go close to the light and if you want a small rabbit you go out.

Q Are there any other places recording the actual distance from which this film was made?

A No, just chest X-rays, skull series and cervical series. Judging from the size, 36 is a very common, it is one of the more common ones and so is 72. Most hospitals take 36 and 40 and then they take 76 and that's considered infinite, practically no distortions.

Q Let us go to the next one.

A Here is another one on your first series 54-5560, the date is 7/4/54 and the film is AP film of the cervical spine. That is your first series.

This will be case number 54-5560, the date is 7/6/54 and this is the left lateral neck, 72 inches. Kerner. Left lateral. This is the third film.

Q Go ahead and describe it.

A This is the third film and the collar was off and the neck was cleaned with alcohol. The patient was erect. Left lateral, patient erect, 72 inches, Kerner was the technician, collar off, neck cleaned with alcohol. It is a third lateral that we took.

Q The description that you gave is written in red of this film, the description that you gave?

A Yes. The description that I gave I wrote on the film in red. Now, that would be the second series.

Q Referring to the left lateral neck with the collar on and marked two with a circle around it, marked W.K., erect, 72 inches, do you have any further description of this?

A Yes. This film shows white markings obliquely across the anteroposterior region of the spinous process of C-2. Also oblique markings three-quarters of an inch lower down, cleansed. The neck was ordered cleansed with alcohol. And another film was taken with the collar off and the patient erect.

7/6/54, 54-5560, right posteroanterior by Kerner. That is put right on there and that is just to identify the right side. Posteroanterior. The arrow points to the red glass markings, the arrow points to dullness in the right three-quarters of the frontal sinus as compared to the left one-quarter portion.

Q Now, this plate also contains a number two with a circle around it, does that refer to the second series?

A The second series, 7/6/54.

Q Let us go to the next one.

A This is 54-5560, 7/6/54, left lateral lumbar spine and pelvis and it is marked "Up", meaning that the patient

was erect. Marked "Up" in red, glass marking.

This is another one 54-5560, and the date 7/6/54, AP upright, that means he was standing with his back or sacrum to the film, shooting through his belly, standing, the film is marked "up".

AP anteroposterior was taken of the patient supine. Anteroposterior pelvis, patient supine. That's number 54-5560 and this is the first series, 7/4/54.

Q Did you indicate that left anteroposterior?

A Left AP or left anteroposterior. Patient supine.

Q Of the pelvis?

A Of the pelvis, that is right. Now, this is 54-5560, date 7/4/54, that will be the first series, AP chest, patient would be supine, he would not be lying on his face, he would be lying on his back. There is no marking especially on this film. This would be the first series.

Q Doctor, would you please count the number in the first series?

A In the first series I count 11. Those are the ones taken by Eileen Huges.

Q The size and description that you have given for each plate individually, does the name of the Bay View Hospital appear in the legend?

A You mean in what I wrote?

Q No, in the marker.

A Well, I didn't identify the Bay View Hospital.

Q But I am asking you whether it does appear?

A Yes, it is a standard plate. I would have to look individually if 11 of them were there. This one is Bay View Hospital, this one --

Q Just look at the 11 of them.

A Well, I would say that, yes, that all 11 of 7/4/54 bear the imprint "Bay View Hospital," one possibly indistinctly as compared to the rest.

Q Do these 11 bear the name of the patient Dr. Sam Sheppard?

A Yes, I would say that they all bear the same name.

Q Would you say that the first 11 of the first series bear the name of Dr. Sam Sheppard?

A Yes.

Q Will you count the others of this series?

A Five.

Q Do they bear the name of Dr. Sam Sheppard?

A Yes.

Q Do they bear the legend Bay View Hospital? Four of them contain the name of Dr. Sam Sheppard and Bay View Hospital?

A Yes.

Q One of them shows the same stamp with Sam marked on it?

A Yes, the thing slipped here, you can see the marker slipped up.

Q The marker slipped up?

A Yes.

Q What else did you bring with you?

A That is all.

Q What are these?

A These I would call requests.

Q Can you tell me how many pages?

A Two requests.

Q How is that indicated, these two requests, how are they indicated?

A The patient's name, Dr. Sam Sheppard, the date of course is 7/4/54. At this time it was in room 115 and gives his weight as 180 and his height six feet-one, his age, 30. It gives his address as 28924 Lake Road. Telephone TR 1-4454. Requisition calls for specific areas, chest, skull series, cervical series. The clinical diagnosis is traumatic injuries. Interne's signature is Dr. R. Carver and the doctors in charge were R.A.S. and S.A.S.

Q You have a similar requisition dated 7/6/54?

A Yes.

Q Attached to these requests is a three page report?

A Yes.

Q Your name is typed at the bottom of the third page?

A I think it is on the other too.

Q And dated 7/8/54?

A Yes.

Q Your name is typed at the bottom of the second page?

A Yes.

Q Dated 7/6/54?

A Yes.

Q Your name is signed, typed on the first page?

A No.

Q The first page is headed Sheppard, Dr. Sam?

A Yes. May I call attention to one thing. That was taken on 7/4, but I always have the girl write down here when we read it. The one taken on 7/4 was interpreted on 7/6 and the one taken on 7/7 was interpreted on 7/8.

Q Doctor, you are now correcting the third page to read 7/6 instead of 7/7/54.

A The date 7/7/54 should read 7/6/54.

Q This exhibit marked Exhibit 1 consists of five sheets of paper that are typed and written in ink?

A It will be two requisitions and three legends, as you call them.

Q Now, I am handing you what is indicated as Bay View Hospital case summary record, what is that?

A Well, that is made up by Dr. Strohm, Dr. C. Strohm, and that is supposed to be a summary of the name, and the

service and the admittance and all that stuff is on there.

Q Does this contain the name of Dr. Sam Sheppard?

A Yes, Dr. Sam Sheppard.

Q Attached to this Bay View Hospital case are how many sheets of paper?

A Attached to it are 21 pages plus a summary sheet. The lab is one big sheet with two small ones attached and they were counted separately.

Q This is Exhibit 2. Will you verify the fact that what you have just testified to has been identified as Exhibit 1 and 2?

A Yes, I identify them as this is Exhibit 1 and this is Exhibit 2.

Q By this you mean that which refers to the X-ray?

A Exhibit 1 is requests plus the legend of the X-rays.

Q And Exhibit 2?

A And Exhibit 2 was the summary record plus the hospital chart.

Q Are there any other records or reports with regard to Dr. Sam Sheppard from the time that he was admitted to the hospital on July 4th, that is Bay View Hospital up until today that you know of?

A Not that I know of or have access to.

CORONER GERBER: Let the record show that all of the exhibits including the X-ray reports have been retained by the Coroner.