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54/11/16 Testimony Describes Tool Marks on Pillow

Cleveland Press

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Testimony

Describes Tool Marks on Pillow

Surprise testimony by Coroner Sam R. Gerber rocked the Sheppard murder trial today when the coroner for the first time disclosed what he called "surgical instrument impressions" on the blood-stained pillow on Marilyn Sheppard's murder bed.

Then the coroner showed the pillow to the jurors and projected enlarged pictures of it

**Trial Sidelights,
Second Front Page.**

onto a screen set up in front of the jury box.

The coroner gave his testimony under questioning by Assistant County Prosecutor Saul Danaceau.

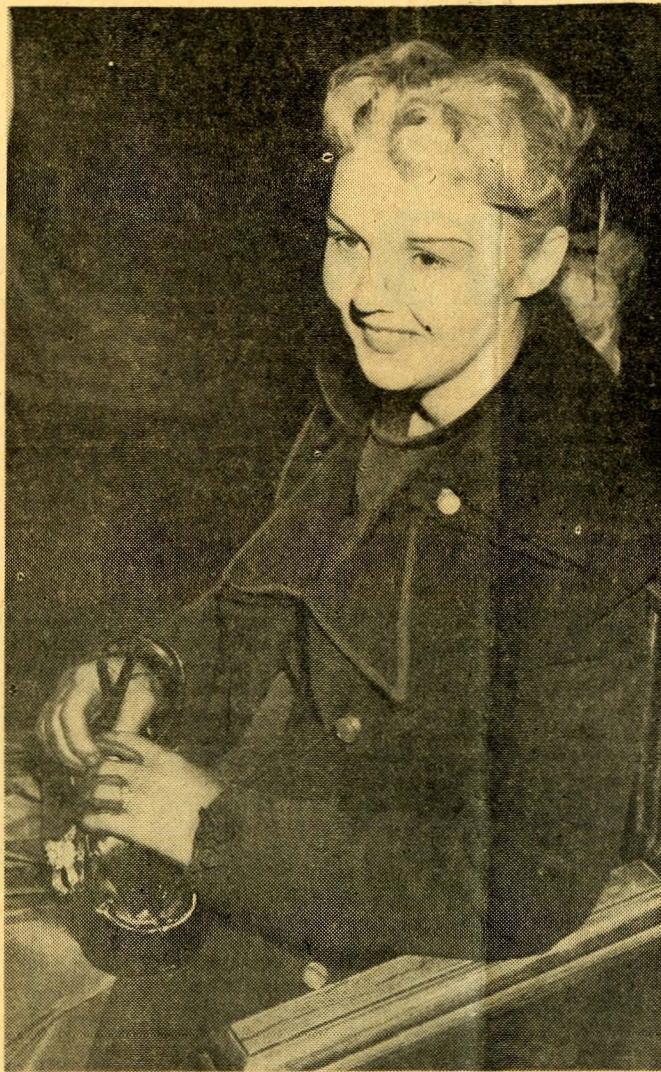
Opening phase of questioning set up Dr. Gerber's medical background. He has been coroner for 17 years. He described in detail the facilities and staff of the coroner's office. Dr. Sheppard made notes as the coroner spoke.

Dr. Gerber described in detail how he saw Marilyn Sheppard in her murder bed after

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Gerber Describes Blood Stains on Marilyn's Pillow

Continued From Page One



BLOND VISITOR at the Sheppard trial today was Mrs. R. W. Williams, 5270 Knollwood Dr., Parma. She was accompanied on her visit by her mother-in-law, Mrs. Walton H. Williams of Willard.



DAILY RITUAL at the Sheppard trial is the unlocking of Dr. Sam's handcuffs after Deputy Sheriff James Kilroy brings him into the courtroom.

being called to the Sheppard's house in Bay Village on July 4

Q.: Were Dr. Richard and Dr. Steve Sheppard there before you left the house?

A.: Yes.

Q.: What time did you leave?

A.: Before 9.

Q.: Where did you go?

A.: Chief Eaton took me to Bay View Hospital.

Q.: When you arrived had Sam Sheppard already been removed?

A.: Yes.

Q.: Did Chief Eaton go in the hospital with you?

A.: He went to the entrance. As we drove into the parking lot Dr. Steve and Dr. Richard drove up alongside us. We all drove into the lot at the same time. Chief Eaton asked Dr. Steve to take me to Dr. Sam Sheppard's room.

Q.: At the hospital, who went into Sam Sheppard's room with you?

A.: Just Dr. Steve.

Q.: Did you observe Dr. Sam Sheppard?

A.: Yes. I walked to his right side and told him who I was and he acknowledged that he knew me.

Q.: Don't give me the conversation yet, just tell me your observation.

A.: He was in bed and he had a bruise on the right side of his face near the eye.

Q.: Did you take his pulse?

A.: Yes. It appeared normal.

Q.: Now will you relate your conversation?

A.: I asked him if he could tell me what happened and he said he'd try. His story went about as follows: He was sleeping on the couch. He thought he heard someone call "Sam". He immediately jumped off the couch, rushed upstairs, and at the head of the stairs something clobbered him on the back of the head or neck. He was rendered unconscious and doesn't know how long.

Then he heard a noise from the living room, rushed downstairs, thought he saw a form go out the door and to the stairs to the beach, rushed after it.

At the foot of the stairs alongside the bathhouse, he wrestled or hassled with the form. He was rendered unconscious again, woke up later, went back to the house and upstairs to the second floor to his wife's bedroom, felt her pulse at the neck and realized that something was seriously wrong, that she probably was dead, went back downstairs and some time later called Mayor Houk.

I asked him if he could see the form as he went up the stairs and he said no, it was too dark. I asked him if he could see the form going down to the beach and he said no, it was just an outline. I told him I wouldn't ask any more questions and I left.

During the time I was talking with him, Dr. Richard and another doctor from the hospital came in and the other doctor took Dr. Sam's blood pressure.

Q.: Did you observe the blood pressure?

A.: I observed the upper level. It was 128.

Q.: Is that normal?

A.: That's normal for systolic blood pressure. I then left the room.

Asked About Forms

Q.: Do you recall anything else that Dr. Sam Sheppard said?

A.: I asked him about the forms, could he describe them, and he said it was too dark to see anything.

Q.: Did you testify that he said he was clobbered on the back of the neck just as he got up to the head of the stairs?

(Objection. Overruled.)

A.: Yes.

Q.: Did Dr. Sam Sheppard at that time give you any further description of either the form he said he saw upstairs or the form that he saw on the beach?

A.: No.

(Dr. Sam took many notes during this portion of Dr. Gerber's testimony.)

Q.: Did Dr. Sam have any difficulty talking to you at that time on that morning?

(Objection. Overruled.)

A.: No.

Q.: Did Dr. Steve or Dr. Richard say anything at all during your conversation with Dr. Sam at that time in that room?

A.: I don't recall them saying anything.

Q.: Did you request the clothes of Dr. Sam Sheppard?

A.: Yes. I received them from Dr. Richard Sr.—a pair of pants, shorts, socks, pair of shoes, belt and a handkerchief.

(It developed that the two newspaper-wrapped packages that Detective Chief McArthur has been carrying in and out of the courtroom every day, contained Dr. Sam's shoes, socks and shorts.)

Identifies Wallet

Dr. Gerber was handed Dr. Sam's wallet and identified it as the wallet given him by Dr. Richard Sr. Danaceau also handed him the three 20-dollar bills, the three one-dollar bills, and the check for one thousand dollars. All of these were in the wallet, according to earlier testimony.

Q.: Did you find the wallet in Dr. Sam Sheppard's pants?

A.: No. Dr. Sheppard Sr. handed them to me along with the three one-dollar bills and the check. I didn't know anything about the three 20-dollar bills.

Dr. Gerber testified that all of Sam's belongings were still wet when he received them.

All of these articles were introduced as evidence. Dr. Gerber said they were all of the things he had received from Dr. Richard Sheppard Sr. that morning.

Q.: By the way, when you observed Dr. Sam Sheppard in the hospital that morning, did you observe any bleeding around the mouth?

A.: No, sir.

Q.: You did see swelling around the eye?

A.: Yes, sir.

Returned to House

Q.: Where did you then go?

A.: Chief Eaton picked me up and we went back to Sam Sheppard's home.

Q.: What time did you arrive?

A.: About 9:30.

Q.: Who was in the house when you arrived?

A.: Some of the Bay Village police, the mayor, Detective Grabowski and at one time or another either Detective Schottke or Detective Gareau.

O.: What did you do?

A.: I wanted to move the body as soon as possible.

Q.: Did you make arrangements for the removal?

A.: I directed Chief Eaton to call the Pease Funeral Home in Westlake.

Q.: Then what did you do?

A.: After the body was removed from the bed I directed that some photographs of the bed be made.

Tells of Pictures

Q.: To whom did you give those directions?

A.: To Grabowski and the Bay Village police. They took the pictures. Then I turned over the pillow and found a blood stain on the opposite side. It was a large stain. On the pillow was an impression of an instrument.

Q.: What kind of an instrument?

A.: A surgical type.

Q.: Did you take the pillow to the coroner's office?

A.: Yes.

Q.: Did you take a picture of it?

A.: Yes, a colored slide.

Coroner Gerber took the slide out of a small box he carried and handed it to Danaceau.

Q.: Does this fairly represent what you saw on the pillow that morning?

A.: Yes.

(Danaceau then handed Ger-

ber the blood-stained pillow. Gerber arranged the pillow on top of Judge Blythin's desk, holding it in a position so that the blood stains were easily visible to the jury and the entire courtroom. As he began to talk he mentioned the words "surgical instrument" and Defense Lawyer Garmone jumped up with an objection. Attorney W. J. Corrigan joined Garmone, who stood alongside of Danaceau.)

Q.: Explain to the jurors what this instrument is?

(Danaceau pointed to the impressions on the pillow which Gerber had said were impressions of a surgical instrument.)

A.: This is the pillow as I first looked at it.

(At this point the pillow was on the judge's bench and Gerber was standing in the witness box and used a pencil to point out the blood stains and the evidence on the pillow that he was describing. Garmone ran around behind the witness chair, climbed up into the witness box and leaned over the judge's bench.)

A.: (Continued). The stain was in this position. I turned over the pillow later and saw this stain (pointing to another large stain on the opposite side of the pillow.) I saw this imprint. It is an imprint, I believe, of a surgical instrument.

(Garmone at this time shouted a loud objection. Danaceau hit back at him with a demand that he get out of the witness box. Judge Blythin told him to move out of the witness box and ordered the witness to continue his answer.

A.: (Continued). This impression represents the blade. One blade on each side is three inches long. The space between the blades indicates the fact—

(Garmone threw in another objection against Gerber's testimony involving anything that he thought was indicated.

A.: (Continued). There is no overlapping of the blades. The impression indicates two blades, one on each side. There is a tooth-like indentation at the end of each blade.

Picture Is Shown

(While a screen was being set up, the defense attorneys took the pillow to their side of the table and with Dr. Sam looking on, huddled around it. The pillow was then passed around to the jury and each juror looked at both sides of it. Juror Hanson looked at it most briefly.)

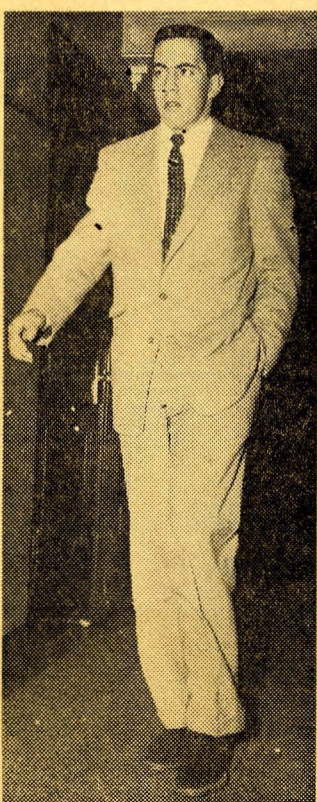
Juror Williams appeared deeply moved and swallowed and bit her lip. Jurors Orenstein and Bird, sitting next to each other, studied the pillow together. By the time the jury finished looking at it, Dr. Gerber had the projector operating and the lights were turned down and a picture was flashed on the screen.

(Dr. Sam, seated at the trial table to the left of the screen, bent forward, carefully viewing the picture.

(Mrs. Munn and Mrs. Reese, aunt and step-mother of Marilyn, sat alone in the far corner of the courtroom while everyone else came to the side by the doors to get a view of the screen.)

Corrigan Objects

(Before Dr. Gerber could proceed, Corrigan made this speech: "I want the record to show that Dr. Gerber has stepped down from the witness stand, the courtroom is darkened, a screen is set up about 15 feet in front of the jury box and on a table is a projector operated by Dr. Gerber. The pillow has already been introduced into evidence and passed around to the jury. Color pictures are being shown on the screen. That the projection is one yard square. That the picture of the pillow is not the pillow in the condition found on July 4. That the picture was taken on July



BACK AGAIN for cross-examination in the Sheppard trial, Larry Houk, 16, son of Mayor J. Spencer Houk, missed more classwork today. He's a junior at Bay Village High School.

5 after being handled by Dr. Gerber and other persons, and I object both to the pictures and the projection."

(Judge Blythin said that the court "will not subscribe that the pillow is not the same as it was on July 4 until there is some proof offered to show that it is not the same.")

(Corrigan then said "I would like the record to show an objection before each question." And the judge said the record would show the objections overruled.)

Gerber approached the screen with a pointer in his hand and Danaceau asked:

Q.: Which side of the pillow does this slide show?

A.: The pillow is shown as I first looked at it. There is a foot rule on the pillow to indicate the size.

Objects Again

Q.: Do you wish to point out anything to the jury?

(Corrigan and Garmone both objected to this. Corrigan said "There is a picture. Let the jury look at it and decide for themselves what they see.")

Gerber made several starts to explain the picture and each time Corrigan or Garmone would object and finally Blythin said: "Mr. Corrigan, you know very well that this is in the nature of expert testimony, and in that nature we'll proceed."

Corrigan said, "all right," but Gerber had to ask him to get out of his way so he could get closer to the screen.

Gerber identified Slide No. 1 "the stain as I originally saw it." Slide No. 2 was flashed on the screen. Gerber said, "this is the other side. And here are the imprints of a two-bladed instrument."

Corrigan and Garmone objected, saying "let him describe what he sees and not draw any conclusions."

Dr. Gerber testified that the impression of the two-bladed instrument was about 3 inches long in one direction and 2¾ inches long in another.

Dr. Gerber said that he also had a color slide of Marilyn's watch and Sam's watch.

Q.: On what date were the pictures of the pillow taken?

A.: July 5.

Q.: Were these pictures a true representation of what you saw on the morning of July 4?

A.: Yes.

(Corrigan leaped to his feet and shouted, "I ask that the entire matter be stricken from the record. That a juror be withdrawn and a mistrial declared. This is prejudicial evidence." Judge Blythin overruled him.)

(For about five minutes while the darkened courtroom was in bedlam with several attorneys talking at once, Attorney W. H. Corrigan went over to the witness box where the bloody pillow was resting on the witness stand. Corrigan, son of the defense chief, picked up the pillow, punched it, pulled at the bloody spot, smoothed it out with his hand, pressed it out and at one time pulled part of the bloody spot up and seemed to crease it between his fingers.)

(Prosecutors John Mahon and Thomas Parrino finally noticed what he was doing to the pillow and Parrino walked across the courtroom and took the pillow from Corrigan and gave it to Mahon who continued to hold it during the showing of the colored slides.)

Q.: Doctor, do you have black and white photographs of the same object?

A.: Yes.

(Gerber went out in the hall to get them.)

Q.: Is this a black and white photo of one side of the pillow?

A.: Yes.

Q.: Is this other one a black and white photo of the other side of the pillow?

A.: Yes.

(Danaceau then offered them to the court in evidence as state's Exhibits 33 and 34. He then began to hand them to the jury and Corrigan jumped up, objected. He said "you have the pillow here, why should you want to offer the pictures?" This was overruled by the court and after the jury finished looking at the photos a recess was called until 1:15 for lunch.)

Questioning Resumes

(A few moments before trial was resumed at 1:20 p. m. Dr. Sam and Defense Attorney Corrigan conferred earnestly over two pictures that Sam had in his hand. Dr. Sam was pointing out details of the pictures and appeared to be arguing with Corrigan about some aspect of the pictures.)

As the trial resumed, Dana-ceau took up his direct examination of Coroner Gerber.

Q.: What do your color slides show that the black and white do not?

A.: The colored slides show the color of the blood—the dryness—the fact that there is depression of one layer of blood overlaid on an original bloodstain. The colored slide also has a ruler in it to show the scale.

Q.: On your first visit to the hospital that morning did you notice anything about the neck of Dr. Sam?

A.: He had something on the neck—I call it a stocking bandage. It's made of cotton—about six inches wide—and wrapped around the neck.

Q.: Did you make a colored

slide of Dr. Sam's trousers as they appeared on July 4?

A.: Yes.

Q.: There was a stain on the trousers?

A.: Yes. On the right leg, around the knee.

Q.: What type of stain?

A.: It was a blood stain. We cut out a piece of trousers and analyzed the portion of the stain.

(Corrigan objected to Gerber testifying as to the results of the blood stain analysis and Danaceau said that it would be brought in through another witness. Dr. Gerber told how he took the bed sheets, a pad under the sheet covering the mattress, the bedspread and the pillow. All of these were taken from the house that morning. He said also that a pair of moccasins and sneakers were taken to the coroner's office and kept by him.)

Found Teeth Chips

Q.: After Marilyn's body was removed, did you search for other items around the bed?

A.: Yes. I found a couple of chips of teeth and I took these.

Q.: What else did you find in that room that day?

A.: Nothing else.

(The screen and projector have been put in place again so Dr. Gerber can show more slides.)

Q.: What did you observe in Dr. Sam's den?

A.: I noticed drawers out of the desk and on the floor, some of the contents spread on the floor. The chair was pushed away from the desk and beside it was some tools, also a watch.

Q.: Did you later ascertain whose watch it was?

A.: Yes. Marilyn' Sheppard's. Danaceau then showed Gerber state Exhibit No. 19 which he identified as the watch.

Q.: Tell what you observed about the watch.

A.: I saw blood—

(Objection by Corrigan, "How can you tell it's blood by looking at it?" Overruled.)

A.: (Continued) There was blood on the face of the watch and on the band.

Q.: Wet or dry?

A.: Dry.

Q.: What else did you see?

A.: A shotgun and a small gun.

Q.: There has been some testimony regarding a shotgun and Dr. Richard Sheppard, will you tell us about that?

A.: Dr. Richard took the gun from the home of Sam Sheppard and I requested the Bay Village police to pick it up from him.

(At this point Detective Sgt. Harold Lockwood walked into the courtroom with two tremendous bundles in shopping bags, one in each arm, and the court was silent as everyone watched him walk across the room and place the bags on the floor in front of the jury box.)

Q.: When did Richard remove the gun?

A.: July 12.

Q.: When was it returned?

A.: About the 19th.

Q.: Going back to July 4, do you recall when a green bag was given to you?

A.: Yes, about 1:30, by Detectives Schottke and Gareau and Mr. Keefe.

Q.: Whose watch was in the bag?

A.: Dr. Sam Sheppard's.

Q.: What did you see?

A.: The watch was stopped at 4:15. There was blood over the band. Blood on the face of the watch. Blood on the part of the watch that holds the band and water under the crystal.

Q.: Did you have a colored slide made of the watch?

A.: Yes.

See More Slides

(At this point Danaceau asked the court's permission to project the slides of Marilyn's watch, Dr. Sam's trousers and Sam's watch. This was done over the objection of Corrigan.)

Then Judge Blythin said, "Doctor, I have one question to get clear in my mind. When you made the colored slides, did the machine itself make the colors or are they added?"

Gerber answered "The colors are in the negative."

Then the judge questioned,

Then the film itself makes the color?"

Gerber answered "Yes."

Q.: (By Danaceau) What does the colored film show that is not in the black and white picture?

A.: It shows the intensity of the color of the blood.

Presents Sheets

Q.: I am now showing you what has been marked state's Exhibit 37. Is that the bed sheet that you referred to as being under Marilyn Sheppard's body?

(He shows the sheet, very heavily spotted with blood.)

A.: Yes.

(As this was exhibited, Dr. Sam Sheppard had his eyes closed, his hands folded. Three of the members of the jury, Mrs. Louella Williams, Mrs. Lois Mancini and Mrs. Feuchter kept moving their eyes from the sheet to Dr. Sam and back again.)

Q.: This is another sheet, marked state's Exhibit 38. Is this the sheet that was over Marilyn Sheppard's body?

(Objection by Garmone. Overruled.)

A.: Yes.

Q.: This is a mattress pad. Is it the pad referred to? (Showing a pad with rather heavy blood spots.)

A.: Yes.

Q.: You also mentioned the quilt. This is state's Exhibit 40. Is that the covering referred to? (Showing a red and white tufted quilt.)

A.: Yes, sir.

Q.: Are these the pajamas that Marilyn Sheppard had on her that morning?

A.: That was not taken from the body that morning. That was left on the body.

Q.: Where was it taken off?

A.: At the coroner's office.

(Objection by Corrigan who asked, "Was he there?" The coroner said no, so Danaceau said he would get to it another time.)

Sam Makes Notes

(After the lights had been turned up, Dr. Sam began writing on a pad. While Dr. Gerber held up the blood-stained bed clothing he stopped taking notes but resumed his writing when that testimony was over. When McArthur, Parrino and Danaceau began pulling Marilyn's pajamas out of a paper bag on the floor, Dr. Sam took a quick glance at the objects and stopped writing and closed his eyes. At that moment he was within 4 feet of the night clothing Marilyn wore when she was murdered.)

Q.: Dr. Sam's watch was stopped at 4:15?

A.: Yes. It started up later.

Q.: Was it a self-winding

A.: Yes.

Q.: What time of day was it when you first saw Dr. Sam's watch?

A.: 1:30 p. m. July 4.

Q.: And at that time the watch was stopped at 4:15.

A.: Yes.

Q.: From what you have observed can you tell us when, in your opinion, Marilyn Sheppard died?

(Objection. Overruled.)

A.: Between 3 and 4 in the morning.

Q.: On what do you base that?

A.: I base the time of death on observations of her body, on a report of Mr. and Mrs. Ahern, and on an autopsy report.

Q.: Did you ascertain what she had eaten at dinner the night before?

A.: Yes.

Q.: Going back to July 4, did you arrange to have a meeting out at the home?

A.: Yes. With Mayor Houk, Chief Eaton, Detectives Schottke and Gareau, and Deputies Rossbach and Yettra.

Permitted Pictures

Q.: After the body was removed and police pictures taken, were other pictures taken?

A.: I permitted the representatives of The Cleveland Press to take pictures about 11:30 a. m.

Q.: Was the body removed before these pictures were taken?

A.: Yes.

Q.: Did this party go into the bedroom?

A.: I believe he did, but wherever he went, I went with him.

Q.: Later, did others take pictures?

A.: Yes. The Plain Dealer and the News. And again wherever they went I went with them.

Q.: By the way, did you see the doctor's bag upended?

A.: Yes, in the hallway between the den and the Lake Rd. door. The contents of the center of the bag were on the floor.

Gerber then identified state's Exhibit No. 11 as a photograph of the bag that he saw.

Q.: Do surgeons also have an instrument bag?

A.: Yes.

Q.: This bag was not that type?

A.: No. But it could be used for the same purpose.

Q.: Were there other bags on the premises?

A.: Yes. There was one in the garage. It was in a jeep.

Q.: What did it contain?

A.: The same type of things as in the other bag.

Q.: Was there a third bag?

A.: I did not see it.

Q.: Did you learn of it later?

A.: Yes.

Q.: Where are the two bags?

A.: They were given to Dr. Sam Sheppard. The first one on July 9 and the second on July 12.

Q.: On July 5 when you met the police in the home, did you go into the bedroom again?

A.: Yes.

Found Nail Polish

Q.: Was anything picked up there?

A.: A piece of nail polish and a piece of what appears to be leather or leatherette.

Q.: A triangular piece about one-quarter inch?

A.: Yes.

Q.: Describe the nail polish.

A.: It was a fragile piece of nail polish, it was tested and in all the carrying around it crumbled. It was originally a half-inch in diameter.

Q.: Going back to July 6, Tuesday, did you meet any members of the Sheppard family?

Bay Slaying Is Top Whodunit for Gerber

For 56-year-old Coroner Samuel Robert Gerber, his appearance today as a prosecution witness at Dr. Sam Sheppard's murder trial climaxed 135 days of concentration on one question:

Who killed Marilyn Sheppard?

Dr. Gerber was resting in his apartment at the Tudor Arms Hotel, preparing for a July 4 holiday, when he received the phone call that catapulted him into "the most baffling case I've even encountered in my 17 years as Cuyahoga County coroner."

"It's prevented me from eating or sleeping regularly," he admitted.

The coroner admits that he "is not a detective," but felt compelled to "help out" in directing the original murder investigation.

He found the seven-man Bay Village police force, inexperienced in murder cases, in confusion at the Sheppard home.

It was Dr. Gerber who first ordered all but police and public officials out of the house

so an intensive search for clues could be organized.

He called all agencies working on the case to a meeting at the new \$700,000 County Morgue on the Western Reserve University campus—which Dr. Gerber prefers to have known as the Coroner's Office—to pool their information.

Later, when the experienced Cleveland Homicide Squad took control of the investigation on invitation of the Bay Village City Council, Dr. Gerber willingly stepped into the back-ground.

But, in the first two weeks of the case, he firmly demanded that the investigation be pressed—despite the desire of some other officials to "let this thing die down" when Dr. Sam insisted he was innocent.

A.: Dr. Sheppard Sr. and either Richard or one of the sons.

Q.: Where?

A.: At the mayor's office in Bay Village.

Q.: What was the occasion?

A.: We talked about whether or not the police of Bay Village and the sheriff's men could talk to Sam Sheppard.

(Objection by Garmone. Overruled.)

Q.: Were arrangements made?

A.: No, sir.

Attorneys Clash

(Corrigan jumped up, "I object. What has the defendant to do with what went on then? This defendant sitting here?") John Mahon said, "We want to find out about the availability of Sam Sheppard. Danaceau threw in, "You have been hol-

What the Coroner Asked

Coroner Samuel R. Gerber testified today that he asked Bay Village Mayor J. Spencer Houk, Police Chief John Eaton and Patrolman Fred Drenkhan questions immediately after arriving at the 28924 Lake Rd. murder home on July 4.

He was not permitted to recite the questions or answers to the jury.

What Dr. Gerber asked was:

"Who's dead? Where is she? What happened?"

The answers added up to:

"Marilyn Sheppard. Upstairs. We don't know."

lering about how he was willing to talk at all times; how he cooperated with them." The judge said, "We shall go on—this is correct. He is testifying as a coroner as to what he tried to accomplish." Corrigan again hollered, "What did Sam Sheppard have to do with this? Did he refuse to see anyone?" The judge overruled and said "proceed."

Q.: You say you had this meeting and made no arrangements to see Dr. Sheppard?

A.: No, sir.

Q.: And you could make no arrangements?

A.: No, sir.

(Objection again by Corrigan. Overruled.)

Q.: What, if anything else, occurred at this meeting?

A.: Only that I told Dr. Sheppard Sr. and the other persons present what I intended to do if I did not get cooperation.

(Again Corrigan jumped up and objected, asking, "Is this man bound by what others did and said?" The judge said, "This is what occurred and the coroner has a right to relate it." Corrigan said, "I object to it all.")

Q.: What else was done?

A.: There was nothing accomplished.

Objection Sustained

(Corrigan jumped up, "I object. I want this stricken from the records. That is a conclusion." So the judge said, "The jury will disregard the statement, 'There was nothing accomplished.'")

Saw Sam July 8

Dr. Gerber then described how he was unable to interview Dr. Sam on July 7 because Dr. Sam's physician wouldn't permit it. Then he described how he and Deputies Carl Rossbach and Dave Yettra and Detectives Schottke and Gareau got into Dr. Sam's hospital room on July 8.

Q.: Was anybody else there?

A.: Not at the beginning. A few moments later Corrigan and Attorney Arthur Petersilge came in.

Q.: When they came in, what happened?

A.: I don't have an adjective to describe it. Corrigan stated flatly that we couldn't talk to his client. I advised Corrigan that we were there for that purpose. I told him if he didn't permit us to talk to Dr. Sam I would issue subpoenas and take Dr. Sam to some other place where police officers could question him.

Corrigan said I had no right under the law. I said that I did. I said that when you have a person who is sick you get a doctor to take care of the problem. If you have a legal problem you get a lawyer to take care of it.

Writes Subpena

I told Dr. Sam that he would have to make up his own mind whether he talked to the police officers at the hospital, or be subpoenaed and brought downtown to the coroner's office or the courthouse and be talked to there by officers.

Most of the conversation was with Corrigan. Dr. Steve and Petersilge said something but I do not recall.

I saw I wasn't getting any place so I stepped out into the hall. I wrote a subpoena for Dr. Sam and gave it to the deputy sheriff and told him to go into the room and serve it on Dr. Sam.

Corrigan said then that maybe we could arrange something. I tore up the subpoena. Then Corrigan and I started all over again. And I wrote out another subpoena. Then Corrigan agreed to let Dr. Sam talk.

The conditions were that he would talk to the deputy sheriffs but objected to the presence of the Cleveland detectives. He would also like to have present Patrolman Drenkhan of Bay Village whom he knew well.

Q.: Dr. Sam made these stipulations?

A.: These were the conditions that he stipulated. We then left the room and sent for Patrolman Drenkhan who took about an hour to get there.

Mid-afternoon recess was called a few minutes later.