

Thereupon the defendant, further to maintain the issues on his part to be maintained, called as a witness BETTY SHEPPARD, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Corrigan:

Q Will you tell your name to the jury?

A Betty Sheppard.

Q And you are the wife of Dr. Stephen Sheppard?

A Yes, I am.

Q Who just preceded you?

A Yes.

Q Where do you live, Mrs. Sheppard?

A 19027 Inglewood Drive, Rocky River.

Q And you have lived there at that address how long?

A Five years.

Q Do you have a family?

A Yes, I do.

Q What does your family consist of, outside of your husband?

A I have one daughter, nine, and another daughter six.

Q And did you have another child?

A Yes, I did.

Q And did that child die?

A Pamela died in April. She was 11 months old.

Q Now, does Chip, Dr. Sheppard's son, live with you?

A Yes, he does.

Q You are taking care of him?

A Yes.

Q Were you on friendly terms with Marilyn, your sister-in-law?

A Yes, I was.

Q And how close were you with her?

A I think we were very close.

Q Visited back and forth?

A Yes, we did.

Q Do you recall seeing her during the week prior to the day she was murdered?

A Yes.

Q Where did you see her during that week?

A Well, I saw her almost two weeks prior at her home.

Q And what was the occasion that you went to her home two weeks prior to the day of her murder?

A We were out sailing in the evening with another couple, and we went to Sam and Marilyn's house to visit with them, and we beached the boat and went up to the house and talked to Sam and Marilyn for a while that evening.

3 Q And was there anything that you noticed that was out of the ordinary in the relations between your brother-in-law and sister-in-law?

A No. Everything was fine, and we had a very enjoyable evening.

Q Did you have occasion to notice at the time that you knew them Sam's treatment of his wife?

A It was just like always, very respectful, and they were very happy about just being together and having dinner.

Q And as far as you could observe, they lived pleasantly together?

A Yes.

Q When was the next time after that that you saw them?

A My husband and I went to their home on Wednesday, and that was the time when I was taking Marilyn some maternity clothes.

Q That was Wednesday prior to July 4th?

A That's right.

Q Was that as a result of the conversation you had with Marilyn?

A Yes.

Q And when did that conversation take place that you had that gave rise to your delivery of some maternity clothes?

A That was the Friday that we were visiting them after the sail. Marilyn and I were in the kitchen talking.

Q And did you learn at that time that Marilyn was pregnant?

A Yes, I did. Marilyn asked me if I had noticed, and I said no, and she was very happy to tell me about it.

Q Now, then, on that Wednesday, then, you delivered the maternity clothes to her?

A Yes.

Q Those were the clothes you had when you had Pamela, is that right?

A That's correct.

Q Now, then, was Sam home at that time?

A No, he wasn't. He was out of town.

Q Did you stay any length of time?

A No. As a matter of fact, we were just about to leave when Marilyn and Chip drove in the driveway after us, and they had seen us turn into the driveway, so they came in, and then Marilyn was taking Chip to go look at some airplanes, model airplanes that were being flown in a field nearby, so we visited very shortly, and then we all left again.

Q Had you been over there on various occasions and watched the activity of Sam around the house?

A Yes. We visited there.

Q What did you notice about his activities around home there?

A Sam was like all normal husbands. He went around and helped Marilyn with things. He was very generous in helping her take care of things in the house, and they did a lot of sport activities together. We would go swimming, and go down to the beach together, and Sam and Marilyn and Chip did a great deal of things as a family.

Q Do you recall Friday prior to the 4th of July?

A Yes.

Q Will you tell the jury what occurred on Friday, as far as it

relates to Marilyn and Sam Sheppard?

A This is the Friday before the 4th?

Q That's right.

A On Friday before the 4th, we had a dinner party at our home, and Dr. Richard and his wife, Dorothy, and Dr. Sam and Marilyn, my husband and I were there, and we had dinner together, and it was a very joyous occasion. It was at that time that Marilyn told the rest of the family about their approaching baby, and we were all very happy and pleased about it, and Sam and Marilyn were, also. We complimented Marilyn on how well she looked and how well she felt at the time.

Q Did you have knowledge at that time that Sam and Marilyn had decided upon the name of this baby?

A Yes, we did.

Q What was the name that you learned they had decided upon?

A The name was to be the same as my husband's Stephen Allen.

Q Now, then, your husband testified they departed, they were the first to depart on Friday night.

A Yes, they were. They had to get home because their sitter had to be home by a certain time.

Q Did you see Sam again that evening after he left for his home?

A Yes, we did.

Q Tell the circumstances under which you saw him.

A After we had our dinner, another couple from Texas, who were visiting, came into our home to visit with us, and it was a lovely night, and we decided to go out on the lake, so we went down to the Yacht Club and Richard and Dorothy and Steve and I, and this other couple, went on Richard's cruiser. We went up the lake to Sam's house, and the plan was that we would meet again up there. However, the water had become very choppy, and as we tooted the horn and we waited for the lights of the beach house to go on, and Sam came down and by the time he arrived, the cruiser was quite close to the beach house, so that Sam had to take off his trousers and he had to come into the water and help push the boat away so that we would not get in too close to shore.

Q And then after he pushed the boat out where it could navigate, did he get on the boat, or did he leave and go --

A No, he did not. He just pushed us away and said that Marilyn was upstairs and he was going back, so we said goodbye.

Q Now, did you see Marilyn on Saturday?

A No, I did not.

Q Did you hear from her on Saturday?

A No, sir.

Q Now, on Sunday morning you were awakened?

A Yes.

Q By the alarm?

A No. By a telephone call.

Q You got some information about what had happened in Marilyn's house, is that correct?

A Yes. I answered the phone.

Q And did you accompany your husband?

A Yes, I did.

Q To Marilyn's house?

A Yes.

Q Now, then, when you arrived at Marilyn's house, will you tell the jury what you noted before you went into the house, if you did note anything?

A As we drove up to Marilyn's house, there was quite a few cars. I know there was the Mayor's station wagon, and the police ambulance, and two police cars, Dr. Richard's car, and those are the only ones that I definitely recall. There were several people standing outside, and the doors of the ambulance were open, and that's all that I believe I noted on the outside.

Q Did you go into the house?

A Yes, I did.

Q Who entered first, if you remember?

A I did.

Q And what door did you enter?

A The back door, the one towards Lake Road.

Q Did you notice anything out of the ordinary as you went into the house?

A Yes. As soon as we entered the hallway, I saw the upturned medical bag.

Q Do you remember whether there was any people in the house at that time?

A Yes, there were.

Q Do you remember who they were?

A Officer Drenkhan, I know was in the den using the telephone, and Sam was on the floor of the den. Later I saw Esther Houk and Dr. Richard, Chief Eaton, and I believe -- I don't know the names of who the other people were.

Q Now, as you entered that hallway, where did you go?

A I stayed in the hallway, just stepped beyond the medical bag and looked into the den, and that was --

Q What did you see?

A That was when I saw Dr. Sam lying on the floor motionless, and I nodded to my husband and sort of pointed toward the den, and so then he went in.

Q Did you see what he did in there?

A Yes, I did. I thought at the time that Dr. Sam was dead because he was so motionless, and I just nodded to Steve, and Steve went over and touched his head, and with that Sam moved his one foot, and then Steve, I guess, just saw that he was all right at the time, and then that was all



that I did. I just stayed there.

Q Where did you stay?

A I stepped back just a little bit farther into the dining room.

Q Did you see where your husband went after he came out of the den?

A He came into the dining room and went around the living room up to the upstairs.

Q That is, he went through the L?

A Yes.

Q And what did you do in the meantime?

A I went out and shut the screen door which was open on the porch.

Q Yes.

A And then I came back into the dining room and stayed there.

Q Did you talk to anybody during that time?

A No, I did not.

Q Did you see anything happen while you were standing there?

A While I was standing there, Chief Eaton came in the door from the Lake Road, and then Dr. Carver and Dr. Dozier came in.

Q Dr. Carver and Dr. Dozier?

A Yes.

Q You knew those two men?

A Yes, I did.

Q Where did they go?

A Dr. Carver went into the den to look at Sam, and Dr. Dozier stepped into the living room beyond me, and what he did then, I do not know.

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Q Did you see Richard at any time during the time that you were standing there in the living room, your brother-in-law, Dr. Richard Sheppard?

A I didn't see Dr. Richard until we were getting ready to leave.

Q Were you inside or outside at that time?

A Inside.

Q Inside?

A By the kitchen door.

Q Now, did you see your husband re-appear after he went around upstairs?

A Yes.

Q And where did he go then?

A He went back into the den to talk to Sam.

Q Did you go in there while he was talking to him?

A No, I did not. I stayed outside.

Q Did you hear the conversation?

A Yes, I could hear parts of it.

Q What part did you hear?

A I heard him ask whether or not he needed a stretcher or if he would be able to walk with help.

Q Did you hear any response from Sam?

A Sam said, "yes, I can manage with help."

Q And then did you see what happened in regard to Sam, what was done?

A Dr. Carver got on one side of Sam, my husband on the other, and they helped him to his feet.

Q And did you notice what they did then when they helped him to his feet?

A Well, they had one of Sam's arms around their shoulders, and it was then that I noticed he didn't have any clothing on his chest or his back, and so I suggested we take a coat out of the hall closet. And Steve reached in and grabbed his coat and we threw it over his shoulders.

Q Now, then, did you follow your husband and Sam and Dr. Carver out?

A I stopped when Richard and Esther brought Chip down through the kitchen, and they went out and then I followed them.

Q Did Sam and your brother go out before Dr. Richard and Chip went out?

A They followed me. Chip went out first, and then I went out, and then Sam and Dr. Carver and Steve. I followed Chip, and then Dr. Sam and Steve and Dr. Carver came.

Q Richard took the little boy out?

A No. Esther Houk took the little boy out.

Q Did you notice the little boy?

A Yes.

Q Well, how close were you to him?

A Quite close.

Q Does he know you?

A Yes, he does.

Q And were you very friendly? You were his aunt?

A Yes, I was. Still am.

Q And did you notice Chip at that time?

A He was not fully awake. He didn't say a word. And he was not dressed and more or less was being led by Mrs. Houk.

Q And from your experience with raising children, can you state to the jury just what his condition was as to being fully awake or partially awake?

A No. I would say he was partially awake, perhaps, to the extent that he could make his feet walk. I mean, they weren't carrying him. He was able to walk. But he didn't know what was going on or just where he was. He made no intent of knowing what was going on.

Q And no recognition of you?

A No, not at all.

Q And then you proceeded out behind them?

A That's right.

Q And then where did you go?

A I went out to the driveway and I got in the driver's -- under the driver's seat of the station wagon.

Q And did you notice what was done in regard to Sam?

A Well, Dr. Carver and Steve were assisting Sam into the front seat of the station wagon. They had to move his feet and sort of lift him into it because he couldn't

manage himself very well, and I was in the middle part of the seat, having gotten in from the other side of the car, and I helped pull him in a little bit from that angle.

Q And then you proceeded to the hospital?

A Yes.

Q During the trip to the hospital, did you make any observation of Sam?

A Yes, I did.

Q That would be helpful to this jury as to his condition?

A It rather frightened me because Sam was shaking so much, and he was moaning. He was --

Q He was what?

A Moaning.

Q Yes.

A And he was holding his neck. I had my arm around the back of the seat, and he was more or less resting against my shoulder, and he was supporting the back of his neck with his arms. He had them back like that (indicating).

And he kept shaking, very decided shakes. I mean, not just like when you are cold. It was very visible shaking.

Q Shaking?

A Yes. And his trousers were very wet and damp.

Q Did you make an observation as to what his state of consciousness was?

A Well, I don't know that I can answer that very well, except that he said -- just kept repeating the same phrases over and over. Is that what you mean?

Q Yes. You see him today sitting in the court room here. Did he look like that?

A No, not at all.

Q Well, will you tell the jury what differences you noticed, if you can, between Sam today and Sam on the morning of July 4th?

A Well, he is not shaking now and he was definitely in pain. He kept moaning and groaning and he kept complaining about his neck and said, "Why couldn't it -- why did it have to happen?" And, "Why couldn't it have been me?"

And there is a great bit of difference between him.

Q "Why couldn't it happen?"

A "Why couldn't it have been me," he kept saying.

Q Well, you have told all you remember about his appearance, that you can think of?

A Yes, I think I have. His face was swollen, it was bruised.

Q Did you notice the manner in which he talked or which he made these remarks?

A Well, it wasn't coherent like normal people speak. I mean, you would have to catch the phrases as he was saying them. It didn't come out spontaneously like you are talking normally.

Q Like we are talking back and forth now?

A That's right.

Q Sort of a mumbling way?

A Yes, that and hesitant.

Q Yes. Now, then, when you arrived at the hospital, will you describe to the jury how Sam got out of the automobile?

A When we arrived at the hospital the interns brought a cart to the door of the car which has a stretcher on top of it, and Dad Sheppard was there and several interns -- I don't recall just now who, but they had to more or less lift Sam on to the cart. He couldn't seem to manipulate his legs properly, he couldn't lift them. They just seemed to be weighted down, and they had to more or less pull him on to the cart and get him into position so they could wheel him away.

Q Did you go into the hospital that morning?

A Yes, I did.

Q And how long did you remain there?

A I don't believe it was very long, but I can't say.

Q Did you make any further observations of Sam at that time?

A No, I did not.

Q He was taken away then and taken under the care of the doctors?

A Yes.

Q Where did you go then?



A I stayed in the waiting room until Steve came out, and then he took me to Dorothy's home.

Q Did you return back to Marilyn's home that morning?

A Yes, I did.

Q And what time did you return back?

A It must have been about 10:30 in the morning.

Q Was there anybody with you?

A Dorothy was with me, the two of us.

Q Who is Dorothy?

A Dr. Richard's wife.

Q And did the two of you go there alone?

A We went to the house alone, yes.

Q Do you know when you arrived back on that second occasion whether Marilyn had been moved from that house?

A Yes, she had.

Q Did you have a particular purpose in going back there?

A We went back to get clothing for Chip, and also to get the provisions out of the refrigerator that Marilyn had purchased for the picnic that day.

Q Did you know about the fact that there was going to be a picnic?

A Yes. I was invited.

Q And when were you invited?

A For Sunday afternoon.

Q But I say, when was the invitation?

A When?

Q Yes.

A Oh, it must have been about a week, week and a half before the 4th. I don't know exactly.

Q And that invitation was extended by Marilyn herself?

A Yes.

Q Now, then, when you arrived back at about 10:30 in the morning, will you describe the condition, the situation on the outside of the house with regards to the people, and so forth?

A Well, at this time there were cars all over the lawn and the driveway, and reporters and photographers were both outside and inside the house. Also several deputy sheriffs and people from the Coroner's office, I later found out. I didn't at the time.

Q When you got into the house, did you see reporters in there and photographers?

A Yes. There were reporters and --

Q How many of them were there?

A I have no idea. They were all over the house.

Q They were all over the house?

A Yes.

Q Were there quite a number of them?

A Yes, quite a number.

Q Yes. And how did you know that they were reporters and

photographers?

A There was a gentleman who was staying with Dorothy and me while we were taking the things out of the refrigerator, and one of the men came in and wanted to know our names and where we lived, and this gentleman turned to us and said, "I would be careful what I say because these men are reporters and photographers."

And with that we answered no more questions.

Q Now, then, did you notice Marilyn's purse that day?

A Yes. Dorothy and I were getting the buns, and so forth, from the top of the refrigerator and we looked over to where the bread box is, and Marilyn's billfold was open. And Dorothy and I both remarked about that because it looked as though someone had taken something out of it and just left it in a hurry.

Q I see. And that billfold was where?

A It was on the shelf right next to the bread box.

Q Now, then, you removed some of the provisions, the provisions that would spoil?

A Yes, we did.

Q And did you go anywhere else in the house that day?

A We went upstairs to Chip's room.

Q Did anybody accompany you as you went upstairs?

A This same gentleman from the Coroner's office.

Q And where did you go?

A We asked him if he would please close the door to Marilyn's bedroom, which he did, and then we went upstairs and went into Chip's room and took clothing from his dresser drawers and from the closet.

Q And at that time did you take any of Marilyn's clothes?

A No.

Q And you departed then?

A Yes, we did.

Q Were these people that were there when you came still milling around the house?

A Yes, they were.

Q Did you go back again to that house?

A I went back again on the 6th.

Q That would be Tuesday?

A Yes.

Q And what time did you go there on that occasion?

A I think that was also in the morning about ten o'clock.

Q Did anybody accompany you on that occasion?

A Yes. I had Chip with me and Mrs. R. A. Sheppard, Sr.

Q That is, Sam's mother?

A Yes.

Q When you got there, what did you see?

A Well, when we first arrived, there was no one there, but about two minutes after we arrived there were several cars again. There were two deputy sheriffs that arrived and

another Bay Village police car and several cars of reporters and photographers.

Q Were you able to get in the house?

A Not for about an hour.

Q And did you ask for admission?

A Yes. I had called out at the Bay Village police station to make arrangements to go into the house, and they had told me to be there and that this one patrolman would meet me, and then when I got there the deputy sheriffs also arrived. So that I waited until they were finished with what they wanted to do.

Q And where did Chip and Sam's mother, where were they?

A We were in the yard until the reporters and photographers persisted in annoying us, and then we went to our car.

Q They persisted in what?

A Annoying us.

Q In what way?

A They wanted to take pictures of Chip and Mother Sheppard, and they wanted to know what we were doing and just wanted to find out anything to put in the paper, and so we went to the car.

Q So you sat in the car for a period of an hour?

A Yes.

Q Before you got in the house?

A That's right.

Q And what was your purpose in going in the house on that day?

A I went to pick up clothing so that Sam could go to the funeral.

Q And did you pick up some clothing on that day?

A Yes, I did.

Q And where did you get that clothing?

A Deputy Yettra accompanied me upstairs to the bedroom where I picked up the clothes.

Q The bedroom where Marilyn was murdered?

A No. The bedroom where they slept in the wintertime, where they kept their clothing.

Q That was the room that Hoversten had occupied?

A That's correct.

Q And you got some clothes and went out?

A Yes.

Q And did Mrs. Sheppard come into the house on that day, the mother?

A She only stepped in long enough to ask Sheriff Rossbach if she could do anything about the photographer that took a picture when she had requested him not to.

Q I see. Then you attended the funeral?

A Yes.

Q And the funeral was on Wednesday in the afternoon?

A Yes.

Q And that was at the Saxton Funeral Home?

A Yes, that's correct.

Q That is located where?

A It's on Detroit Avenue.

Q Out pretty far?

A In Lakewood.

Q Was there any scene of disorder around there then when the funeral took place?

A There were television cameras and also photographers and reporters.

Q They were all around there?

A Yes.

Q And after the funeral, did you go to the house?

A Do you mean at any time after that?

Q Yes. Do you recall going back to the house after the funeral?

A No, sir, I don't think I have been back.

Q Now, then, did you get a notice on the 21st of July to come to the Prosecutor's office?

A Yes. I did not receive it direct. They called at Dorothy's house and Dorothy was to tell me to be there.

Q And where were you told to go? To Mr. Mahon's office?

A Yes.

Q And did you prepare to go there on the -- that was to go on the 22nd?

A Yes. We made arrangements to go.

Q On the 22nd?

A I'm not sure of what the date was.

Q Well, if I tell you the date of the inquest started on the 22nd of July, does that refresh your recollection?

A It was the 22nd, then.

Q Now, on the 21st, after receiving that notice to go to the Prosecutor's office to see Mr. Mahon, did you receive another notice?

A Yes. At 11:30 at night we were subpoenaed to go to the Coroner's inquest.

Q What time did you get the subpoena?

A About 11:30.

Q Did you notice in the afternoon paper the editorial of the Cleveland Press, "Why not call an inquest, Dr. Gerber?"

A Yes, I did.

Q And it was that night that you got the subpoena?

A Yes, it was.

Q So did you attend the inquest?

A Yes, I did.

Q Will you describe the conditions around that school, that was at Normandy School?

MR. MAHON: I want to object  
to this, if your Honor please. This isn't of  
any benefit here.



THE COURT: We are not interested in the setting of the inquest. The objection will be sustained.

MR. GARMONE: He sustained the objection, so you will have to put another question. He is not interested in the surroundings.

Q Did you attend the inquest?

A I did.

Q And where did that inquest take place?

A Normandy school in Bay Village.

Q And in what part of the school?

A In the gymnasium.

Q Who conducted the inquest?

A Coroner Gerber.

Q And who was with him?

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

THE COURT: The objection will be sustained.

MR. CORRIGAN: Mark these, please.

(Defendant's Exhibits 6 to 12, inclusive, being photographs, were marked for identification.)

Q I want to hand you, Mrs. Sheppard, Defendant Sam Sheppards

Exhibits 6, 7, 8, 9, 10, 11 and 12. I will show them to the Prosecutor first.

Will you look at these photographs and state whether or not you can identify the scenes that are depicted in those photographs?

A Yes, I can.

Q And what do those scenes -- what scenes are depicted in those photographs?

MR. MAHON: Objection.

THE COURT: I think she may

say what they are.

A These are scenes taken at the Coroner's inquest in Bay Village.

Q During the time that you testified?

A Yes.

MR. CORRIGAN: I introduce them in evidence.

MR. MAHON: Objection, if your Honor please.

THE COURT: The objection will be sustained.

MR. DANACEAU: If the Court please, in order to avoid confusion, I believe one of those exhibits has already been marked previously and it will now have two exhibit numbers.

THE COURT: I know, but that was for another purpose entirely. It will work out.

MR. DANACEAU: All right.

MR. CORRIGAN: Cross-examine.

CROSS-EXAMINATION OF BETTY SHEPPARD

By Mr. Mahon:

Q Mrs. Sheppard, when did you first become acquainted with Marilyn?

A I have known Marilyn ever since about 1940.

Q You knew her then before she was married?

A Oh, yes.

Q Do you know when she first went to California?

A Do you mean to be married?

Q Yes.

A Yes. I was there.

Q You were in California then?

A Yes, I was.

Q And you attended the wedding?

A Yes, I did.

Q And when did you come to Cleveland or to Bay Village or Rocky River?

A We have only lived in Rocky River for the last five years.

Q Well, when did you come from California?

A We came from California in -- it must have been 1946.

Q Marilyn and Sam were married in 1945, is that correct?

A Yes, that's correct.

Q So the following year you came -- you left California?

A Yes.

Q And when did you next see Marilyn?

A I saw Marilyn -- we went back to California in the fall of 1947, and I believe that was the next time.

Q I see. Well, did Sam and Marilyn come to Cleveland in the following years for vacations?

A Yes, they did.

Q Did they come every year?

A I think practically every year. I can't say definitely. I know of two years that they did.

Q Did you ever know of any trouble between Sam and Marilyn?

A No.

Q None at all?

A No.

Q Does the year 1950 strike you in any way?

MR. CORRIGAN: Object. Too remote.

THE COURT: She may answer.

A Well, I don't exactly know what you mean by "strike" me.

Do you mean --

Re 17 Q Well, does it refresh your recollection as to whether or not  
ng there was any trouble between Sam and Marilyn?

A No, it does not.

Q It does not?

A No.

Q Did you ever discuss such a matter with your husband?

MR. GARMONE: Objection. It falls  
into the hearsay rule unless she was present.

MR. MAHON: I am not asking what  
was said. I am asking if there was any discussion.

MR. GARMONE: Between whom?

MR. MAHON: Between her and her  
husband.

THE COURT: She may answer yes  
or no.

A Well, discussion about what?

Q About some difficulties between Sam and Marilyn.

A No.

Q Did you ever have any discussion with Dr. Sheppard, Sr.,  
or his wife, concerning that subject?

MR. GARMONE: Objection.

THE COURT: She may answer yes  
or no.

MR. GARMONE: Exception.

A In 1950?

Q 1950, or any other time.

A No.

Q Did you ever have any discussion with Dr. Richard or his wife at any time concerning any difficulties between Sam and Marilyn?

MR. GARMONE: Objection.

MR. CORRIGAN: Objection.

THE COURT: She may answer  
yes or no.

MR. GARMONE: Exception.

A No.

Q You never did. All right. What time did you receive the telephone call on July the 4th?

A Approximately 6 o'clock, 6:10, something like that.

Q c Had you been out the night before at all?

A Yes.

Q You and your husband?

A Yes.

Q And you had not seen Sam or Marilyn the night before, though, had you?

A No.

Q What time did you arrive at your home on the night of the 3rd?

A After being out, we arrived back, I suppose, shortly after midnight, perhaps before. I don't definitely know.

Q Did you have any company at your --

A Yes, we did.

Q And who were they?

A Their names?

Q Yes.

A Dr. Foster, Miss Canalis, and Mr. and Mrs. Davis.

Q Did they come home with you when you came home?

A Yes, they did.

Q Were they staying at your home, at your house?

A They were my guests that evening.

Q Stayed all night?

A Oh, no, just for the evening.

Q Did anyone remain there overnight?

A No. Just my family.

Q And they remained, you say, until after midnight?

A Yes.

Q How much after midnight?

A About 2, 2:30.

Q What time did you retire that night, or that morning, rather?

A As soon as our guests left.

Q And then you were aroused again about shortly after 6 o'clock?

A That's right.

Q And you went with your husband to Sam's home?

A Yes.

Q You went in first, and you saw Sam lying on the floor of the

den, is that right?

A Yes, that's right.

Q How long were you there before you left?

A I have no idea.

Q Well, do you know what time you arrived back at the hospital?

A No, I do not.

Q And then you went sometime later back to the house?

A Yes.

Q And was it at that time that you saw this great group of people there?

A That's right.

Q You saw Deputy Sheriffs?

A I don't know that the Deputy Sheriffs were there. I do know the coroner was there.

Q Well, now, Mrs. Sheppard, --

A I know I said that before.

Q You said that before?

A But I did not name them, and I do not know who they were.

Q Well, I am not asking you about naming them, Mrs. Sheppard, but you testified here before that there were deputy sheriffs there. Now, as a matter of fact, there were no deputy sheriffs there, isn't that a fact?

A That is possible. I do not know who the gentlemen were.

I said that this one gentleman I found out later was from



the Coroner's office because I met him there when I went to the Coroner's office.

Q Now, were there any other people that you saw there who you are just guessing at, as to who they were?

A No, I am not guessing. No, I am not.

Q You were guessing about the deputy sheriffs, though, weren't you?

A No, I wouldn't say I was guessing.

Q Well, then, will you tell us how you knew they were deputy sheriffs?

A Because I saw deputy sheriffs later in the day at Dr. Richard's house, and they questioned us and they entered into this case quite a few times. It is very confusing to keep you all separate.

Q Well, Mrs. Sheppard, for your information, if you don't know it, the Sheriff never questioned anybody before the 5th of July. Do you know that?

A That is possible.

Q So that it couldn't -- they couldn't have been there on the 4th, could they?

A I agree.

Q Now, you obtained some clothing at that time?

A That's right.

Q How long did you remain in the house at that time?

A I do not know.

Q When your husband first -- the first time you were there, and your husband, you said, went through the living room to the upstairs?

A Yes.

Q And you remained in the living room?

A In the dining part of that house.

Q In the dining part of the living room?

A Yes.

Q Did you see any disturbance there?

A Yes, I did.

Q And what was it?

A Marilyn's desk was upset. There were drawers pulled out. The top part was down, and there were papers on the floor. Now, the drawers that were pulled out, they were not taken out, the drawers were not taken out, were they?

A Do you mean whether or not they were on the floor or still in the desk?

Q That's right.

A They were just pulled out.

Q They were pulled out, but still hanging in the space where the drawers slide in, is that right?

A Yes, that's right.

Q And those drawers were full of some kind of material, weren't they?

A I didn't notice particularly what it was.

Q How?

A I did not notice particularly what it was.

Q You didn't notice that?

A No.

MR. MAHON: Get me that  
photograph.

Q And on the floor not very far from the desk was a pile of papers?

A I wouldn't call it a pile. They were more or less scattered around, as I recall it.

Q Well, they weren't scattered all over the room; they were within a few feet there, weren't they? If you drew a circle of three feet, that would cover the place, wouldn't it?

A I can't answer you that yes or no, because I don't know.

Q Well, there were a number of papers there, weren't there?

A Yes, there were.

MR. GARMONE: Is that the one  
you want? State's Exhibit 13.

MR. MAHON: That's right.

Q I want to show you here, Mrs. Sheppard, what has been marked State's Exhibit No. 13, and ask you if you recognize that scene?

A I think that is probably as it was. As I say, I don't recall enough about the exact locations to tell you.

Q Well, does that appear as the papers were strewn on the

floor, as it shows in that photograph?

A I can't tell you if it is or not. My recollection is -- my recollections about that are very vague. I know there were things on the floor.

Q Well, let's look at the desk. This shows the desk also, does it not?

A Yes.

Q And it shows the desk open?

A Yes.

Q And that is what you just testified, that it was open?

A Yes.

Q And it shows the three drawers pulled out but still in their place there, isn't that right?

A Yes.

Q Is that the way they were?

A Yes, I think so.

Q And will you look at this photograph and see if you can see what is in those drawers, or whether or not they are full?

A Yes. They are full.

Q And is that the way they appeared on that morning?

A I did not look.

Q I believe you said, the second time you went back there, you wanted to get clothing -- some more clothing for Chip, is that right?

A On that Sunday, yes.

Q And you did obtain that clothing?

A Yes.

Q And then you went back another day, I believe you said on a Tuesday, the following Tuesday?

A Yes.

Q And on that occasion you wanted to obtain some clothing for Sam for the funeral, I believe you said, is that right?

A That's right.

Q And what did you obtain?

A I obtained a suit for him to wear to the funeral, shoes, socks, underwear, shirt, tie.

Q I see. And that was the last time that you were at the house?

A Yes.

MR. MAHON: That is all.

REDIRECT EXAMINATION OF BETTY SHEPPARD

By Mr. Corrigan:

Q Mrs. Sheppard, I forgot to ask you: Was there a time when Marilyn and Sam lived with you?

A Yes, there was.

Q And when was that time?

A They stayed with us after they had the fire in their home.

Q And for how long a period of time?

A From four to six weeks.

Q I did ask you, did I not, if Sam's little boy was living with you?

A Yes, you did.

Q And he is living with you?

A Yes, he is.

Q That care that you have him in is as a result of the request of his father?

A Yes, that's right.

Q There is one thing that I wanted to ask you that I overlooked.

Did you ever go down at night to the Sheppard home and see Sam and Marilyn skiing at night, in the nighttime?

A I think I have on one or two occasions.

Q One or two occasions?

A Yes.

MR. CORRIGAN: I think that is all,  
Mrs. Sheppard. Thank you.

MR. MAHON: That is all.

(Witness excused.)

MR. CORRIGAN: The next witness will  
be rather extended, your Honor. Will you want to  
start with him this afternoon?

MR. GARMONE: We have moved pretty  
good today. I think we are entitled to a little --

THE COURT:                      You have a suspicious  
look in your eye, Mr. Corrigan.

MR. CORRIGAN:                      At this time of day,  
I always have.

THE COURT:                      Ladies and gentlemen  
of the jury, we would only have a few minutes  
with the next witness this afternoon. It is  
probably not worthwhile, so we will now be  
adjourned. Without any formality at all, we  
will be adjourned until 9:15 tomorrow morning,  
and will you please be very careful not to  
discuss this case with anyone?

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(Thereupon at 4:10 o'clock p.m. adjournment  
was taken to 9:15 o'clock a.m., Tuesday, December  
7, 1954, at which time the following proceedings  
were had):