

Thereupon the State of Ohio, further to maintain the issues on its part to be maintained, called as a witness J. SPENCER HOUK, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Mahon:

Q Will you tell us your name, please?

A J. Spencer Houk.

Q Where do you live, sir?

A At 29014 Lake Road, Bay Village.

Q And what is your regular business?

A The regular business is a retail meat dealer.

Q And you are in business for yourself?

A That's right.

Q And where is your store located?

A In the Bay Village Shopping Center.

Q Where is that located in Bay Village?

A At Dover and Wolf Road.

Q How long have you been a resident of Bay Village?

A I believe about 17 years.

Q How long have you operated your store there?

A I believe that this August of this year completed the fifth year.

Q The fifth year?

A Yes.

Q And what was your business before you were in the meat business?

THE COURT:

Let's have it ✓

quiet in the back, please, gentlemen.

A Would you ask the question again, sir?

Q What was your business before you were in the meat business?

A Well, I have always been connected with the meat business in one capacity or another.

Q Were you engaged in that business before you opened the store in Bay Village?

A Yes, sir.

Q In what capacity?

A Well, I owned a stand in the Central Market, the old Central Market downtown, and I was associated with my father in the wholesale meat business.

Q How long did you have a stand at the Central Market, approximately?

A Well, that would be hard to guess. I believe five or six years, something like that.

Q And was that just prior to the time that you opened your store in Bay Village?

A Yes, sir.

Q You are also Mayor of the City of Bay Village, is that right?

A Yes, sir.

Q And how long have you been the Mayor of that city?

A My first term began in 1950.

Q And you have been Mayor continuously since that time?

A That's correct.

Q Did you hold any other public office in Bay Village?

A Yes, sir, I did.

Q And what was that?

A Prior to being Mayor I was a member of the Council.

Q And how long were you a member of the Council?

A I believe it was four years, but I am not sure.

Q And at the present time you are Mayor of the City of Bay Village?

A Yes, sir.

Q You are acquainted with Dr. Sam Sheppard?

A Yes, sir.

Q How long have you known him?

A As of now, do you mean?

Q Yes, as of now.

A Well, I would judge about three years.

Q By the way, you have a family, have you?

A Yes, sir.

Q And what does your family consist of?

A My wife, my two children and my mother.

Q And how old are your children?

A How old, sir?

Q How old are they?

A Sixteen and fourteen.

Q Boys or girls?

A The boy is sixteen and the girl is fourteen.

Q And in your household, in addition to your wife and your two children, is there someone else that resides there?

Yes, sir; my mother.

Q Who is that?

A My mother.

Q You know where Dr. Sam Sheppard lives?

A Yes, sir.

Q And where do you live in relation to where his home is?

A It would be, not counting Dr. Sheppard's home, it would be -- our home is the third home west of Dr. Sheppard's home.

Q The third home west of Dr. Sheppard's?

A That's correct.

Do you know Mr. and Mrs. Don Ahern?

A Yes, sir.

Q Do you know where they live?

A Yes, sir.

Q Where do they live in reference to your home?

A Well, immediately west of our home is a cemetery, and then there is another home, and I believe the Ahern's home is next.

Q There are two homes and a cemetery in between your home and the Ahern's home?

A No. I believe just one.

Q One home, is that right?

A I believe that's right, sir.

Q How long have you lived at that location?

A I don't remember the precise year, but I believe it would be either four or five years at the end of this year.

Q Do you know how long Dr. Sam Sheppard resided at his present home on Lake Road there?

A I don't recall the exact time.

Q Well, did he move there subsequent to the time that you moved on that road?

A Yes, sir.

Q Can you tell us approximately when he moved? Do you know what year it was?

A I believe it was in '51.

Q You were acquainted with Mrs. Sheppard, Marilyn Sheppard, were you?

A Yes, sir.

Q And did you become quite friendly with the Sheppard family, that is, Dr. Sam and his wife, Marilyn?

A Yes, sir.

Q Did you on occasions call at their home?

A Yes, sir.

Q Frequently or otherwise?

A I would say frequently.

Q Did they call at your home?

A Yes, sir.

Q And was that frequently or otherwise?

A Well, I would say it was frequently up until, perhaps, the last year, and they still came over on numerous occasions but not quite as frequently as before.

Q And did you and Sam Sheppard and his wife and your wife attend social functionings outside of the home?

A Yes, sir.

Q I mean together?

A Yes, sir.

Q And would they be frequent or otherwise?

A Well, I wouldn't say frequently. The friendship was actually more or less on an informal basis, more the spur-of-the-moment thing. We did, however, attend social functions with them.

Q Did you ever attend any social functions at the Sheppard home?

A What do you refer to as social functions?

Q A party of some kind where there was a gathering of people there?

A Yes, sir.

Q You have?

A Yes, sir.

Q And when was the last time?

A Well, I don't know whether you would call it a social function or not, but the last time that I recall was the -- I believe it was the Saturday night before this occurrence that a group of us wound up over at the Sheppard house.

Q The Saturday night before this occurrence, and are you referring to the occurrence of Marilyn's death on July 4th?

A Yes, sir.

Q That was on a Sunday, is that right?

A The time we were over there or what?

Q No. Marilyn's death was on a Sunday, July 4th, wasn't it?

A Apparently, yes.

Q So the Saturday before that would be the 3rd of July.

Do you mean the Saturday before the 3rd?

A No, sir. No, I mean the Saturday prior to that.

Q Prior to the 3rd of July, is that right?

A Yes.

Q And was there a party of some kind on that night?

A Yes, sir.

Q And where was that at?

A That was at the home of the Critchfields, who live on Lake Road.

Q And where on Lake Road do they live?

A On the south side of Lake Road, I believe just a little bit east of the Sheppard home.

Q But on the south side of Lake Road?

A Correct.



Q The Sheppard home was between Lake Road and Lake Erie, is that right?

A That's correct.

Q And your home is between Lake Road and Lake Erie?

A That's correct.

Q So is the Aherns, is that right?

A That's correct.

Q All on the north side of Lake Road?

A That's correct.

Q And the Critchfields lived on the south side?

A That's correct.

Q Of Lake Road, is that correct?

A Yes.

Q How many people attended that function at the Critchfield home?

A Well, there were several couples. I would estimate perhaps five or six couples.

Q Was that in celebration of anything particular?

A Not that I recall.

Q Just a social gathering?

A That's right.

Q And you had been at the Sheppard -- that is, Sam Sheppard and his wife's company on other social functions of that same nature, had you?

A Yes, sir.

Q And that covered a period of a couple of years, did it?

A Well, I would say yes, from the time that we knew them.

Q And did the Sheppard family have any business dealings with you through your store?

A Yes, sir.

Q And what were those dealings?

A Well, --

Q They were customers in your store there, were they?

A They were, and, well, yes, I would say the entire family at one time or another.

Q I can't hardly hear you back here.

A I'm sorry. Yes, they were.

Q And were other members of the Sheppard family customers of yours, also?

A Pardon me?

Q Were other members of the Sheppard family, his brothers, his father, customers of yours?

A Dr. Richard Sheppard and his wife were regular customers of ours, and Dr. Steven Sheppard, on occasion, would buy a large order from us for their freezer.

Q Did you do any business with the Bay View Hospital?

A Yes, sir.

Q And the Bay View Hospital is located in the city of Bay Village, also, is it not?

A Yes, sir.

Q And where is the Bay View Hospital located in relation to where Dr. Sam Sheppard's home is?

A Do you mean in distance?

Q Yes. Let me see if I can help you, and shorten it up.

Bay View Hospital is located on the north side of West Lake Road, is it not?

A Yes, sir.

Q Between Lake Road and Lake Erie?

A That's correct.

Q And it is some distance east of Sam Sheppard's home, is that right?

A That's right.

Q Can you tell us about how far?

A Well, it is just a guess, but I would say about two miles.

Q About two miles. Now, the business that you did with the hospital, was that a small amount of business or quite a large amount of business?

A Well, I have no idea what their total volume of business is, but I believe it would be proportionately small in comparison to the total that they might use.

Q Well, in volume, how much did it amount to?

A Well, it varies considerably. As I remember, from \$150 to \$300 a month.

Q Well, over the period of the last couple of years before July the 4th, you and Sam Sheppard and his wife Marilyn were

pretty good friends, is that right?

A Yes, sir.

Q Rather close friends?

A Yes, sir.

Q Is that right? Did you see either Dr. Sam Sheppard or his wife Marilyn on July the 3rd of this year?

A Yes, sir.

Q What time did you see them?

A Do you mean the last time or at any time?

Q July the 3rd.

A At any time?

Q Yes, at any time. When did you first see them that day?

A I believe it was that day that Mrs. Sheppard was in the store and bought a considerable amount.

Q Bought some merchandise there?

A Yes, sir.

Q Do you know about what time that was?

A My recollection is that it was in the morning, but I am not certain of that.

Q Did you have some ownership in a boat, Mayor?

A Yes, sir.

Q What kind of a boat?

A 14-foot aluminum boat.

Q And what did you use to operate that boat?

A Outboard motors.

Q An outboard motor?

A Not just one outboard.

Q How is that?

A Not just one outboard motor, but there were three really altogether.

Q Three outboard motors, is that right?

A That's right.

Q Now, did someone else have some interest in that boat?

A Yes, sir.

Q Who was that?

A Dr. Sam Sheppard.

Q And how much of an interest did he have in that boat?

A Half interest.

Q Did you and he each have a half interest in that boat?

A That's correct.

Q And how long had you had that boat?

A I am not certain of the time, but I believe it was the summer before last.

Q That would be the summer of 1953?

A No.

Q '54, '53?

A It would be --

Q Or '52?

A '52, I believe.

Q What is that?

A '52, I believe. I am not certain of that.

Q And on occasions would you use the boat yourself at times?

A Yes, sir.

Q And on occasions would Sam use the boat himself?

A Yes, sir.

Q And then on occasions did you use the boat jointly?

A On occasion, yes.

Q And where did you keep this boat?

A It was generally kept in the boat house behind the property of Mr. and Mrs. Alex Bruscano.

Q And where is their property in reference to yours and Dr. Sam Sheppard's?

A It is immediately next door to ours.

Q To the east or west?

A To the east, and then in relation to Dr. Sam's it would be -- the Schuele's house is next to the Bruscano's, and then Dr. Sam.

Q Whenever you or Dr. Sam wanted to use the boat, you'd go there and get it and take it out, is that right?

A Well, I wouldn't say that is exactly true. On occasion it was left on the beach behind Dr. Sam's house.

Q Well, was the boat used quite frequently during the summer months?

A Yes, sir.

Q Did you engage in any skiing, water skiing?

A Personally?

Q Yes.

A I tried it a couple of times, but I never quite made it.

Q Dr. Sam engaged in that quite frequently, did he not?

A Yes, sir.

Q And friends would come there also and participate? Is that right?

A Yes, sir.

Q And was it that boat that would be used to pull the skiers through the water?

A That's right.

Q Now, getting back to July the 3rd again, you saw Mrs. Sheppard at your store making some purchases?

A Yes, sir.

Q Could you tell us what time of day that was?

A As I said, I can't remember the time of day. I believe it was in the morning, but I am not quite sure.

Q Did you see her after that at any time?

A Yes, sir.

Q And when and where?

A As I was coming home from work, I noticed their car backing out of the driveway, and I pulled into my driveway, and as I got out of the car they slowed down and hollered something to me, "Hi," or something like that.

Q Now, you say "they." Who do you mean by "they"?

A Dr. Sam and Mrs. Sheppard.

Q It is very difficult to hear you back here. Would you keep your voice up?

A I am sorry. I will try to talk a little louder.

Q That was Dr. Sam and Marilyn, is that right?

A Yes.

Q Can you tell us about what time that was?

A My best guess is between 6:15 and 6:30.

Q Now, did you see them any more that evening or that night?

A No, sir.

Q Did you hear from them any more that night in any way?

I am talking about the night of the 3rd of July.

A No, sir.

Q Did you hear from them on July 4th at any time, or either of them?

A Yes, sir.

Q And what time?

A I would judge between a quarter of 6 and ten of 6.

Q In the morning?

A Yes, sir.

Q And who was it that you heard from?

A Dr. Sam Sheppard.

Q And how did you hear from him?

A By a phone call.



Q A telephone call?

A That's right.

Q And where were you when the telephone call came in?

A In bed.

Q And will you relate to the jury what was said in that telephone conversation?

A Sam said --

Q I can't hardly hear you back here, Mayor. Will you speak up?

A I'm sorry. Sam said, "My God, Spen, get over here quick. I think they've killed Marilyn."

And I said, "What?"

And he said, "Oh, my God, get over here quick."

Q Was there anything further said at that time?

A No, sir.

Q Well, what did you do following that?

A I immediately got out of bed and started to get dressed.

Q Was your wife there?

A In the same bed, do you mean?

Q Well, was her attention called to this telephone call that you had?

A Yes, sir, it was.

Q Did you tell her about it?

A Yes. She asked me, I believe.

Q I see. Well, what did she do also?

A She immediately got dressed, too.

Q And after you got dressed, what did you do?

A I immediately went down the stairs and went out the door to the -- on the west side of our home and got into the station wagon that was parked right there and started the motor, and Mrs. Houk came out and we drove immediately over to the Sheppard home.

Q And when you arrived there, did you drive into the yard?

A Drove into the driveway.

Q And then what did you do?

A Well, we immediately went into the house.

Q As you approached the house there, did you observe anything about the house as to whether or not there were any lights on?

A I observed one light on in an upstairs window.

Q In an upstairs window?

A Yes, sir.

Q And which way did that window face?

A It faced Lake Road.

Q And was that -- can you tell us which window that light was in or that you observed the light from?

A Not specifically which window, but I believe that, as I recall --

Q Well, let me withdraw that for the moment.

Were you familiar with the upstairs in the Sheppard

home?

A Yes, I was.

Q Well, could you tell from what room the light was shining?

A Well, I can't be positive of this, but as I recall, it would have been the window about where this dressing room was.

Q Dressing room?

A I believe that is what they refer to it as.

Q Now, as you drove in there, into that driveway of the Sheppards that morning, will you tell us whether it was daylight or dark at that time?

A It was daylight, but it wasn't real bright.

Q Now, after you got out -- you got out of your station wagon there, did you?

A Yes, sir.

Q Did you approach the house?

A Yes, sir.

Q How?

A Yes, sir.

Q And which door did you approach?

A The door that faces on the Lake Road side.

Q On the Lake Road side?

A Yes.

Q And was that door at that time open or closed?

A It was closed.

home?

Yes, I was.

Well, could you tell from what room the light was shining?

Well, I can't be positive of this, but as I recall, it would have been the window about where this dressing room was.

Dressing room?

I believe that is what they refer to it as.

Now, as you drove in there, into that driveway of the Sheppards that morning, will you tell us whether it was daylight or dark at that time?

It was daylight, but it wasn't real bright.

Now, after you got out -- you got out of your station wagon there, did you?

Yes, sir.

Did you approach the house?

Yes, sir.

How?

Yes, sir.

And which door did you approach?

The door that faces on the Lake Road side.

On the Lake Road side?

Yes.

And was that door at that time open or closed?

It was closed.

Q And what did you do to get in, or did you go in?

A Yes, sir.

Q You did go in?

A Yes, sir.

Q And what did you do to go in?

A Just turned the knob and walked in.

Q The door was not locked?

A That's right.

Q It was closed but not locked?

A That's right.

Q And you turned the knob and pushed the door open?

A Yes, sir.

Q And as you enter that house, what do you first enter into?

A Into a sort of a hallway.

Q And are there rooms that lead off of that hallway?

A Yes, sir.

Q And are there any rooms that lead off from the left as you go down that hallway?

A From the left?

Q As you are entering, going forward?

A Yes, sir.

Q Are there any rooms that lead off to the left?

A Yes, sir.

Q And what room is that, or rooms?

A The kitchen.

Q The kitchen. Are there any more rooms that lead off to the left?

A No, sir.

Q Are there any rooms that lead off to the right as you proceed in that hallway?

A Yes, sir.

Q And what rooms or room is that?

A What they call the den.

Q And then as you proceed -- are there any other rooms that lead off to the right outside of the den?

A No, sir.

Q Then as you proceed down the hallway, you come to what?

A Well, let's see -- well, I believe they always referred to it as a sort of a combination living room and dining room.

Q As you go down the hall at the end there it runs into a living room, combination living room and dining room; is that right?

A Yes.

Q And that takes in the entire width of the house, does it not?

A I believe so, the house proper. That doesn't include the --

Q How?

A The house proper, yes.

Q Well, this den, that is a part of the house that juts out just for that den, isn't that right?

- A Yes, sir.
- Q That doesn't go the entire length of the house at all, does it?
- A That's correct.
- Q How?
- A No, it doesn't.
- Q And so the living room extends from the west wall -- from the east wall over to the west wall of the house, is that right?
- A Of the house proper.
- Q Well, when you say the house proper, do you mean that portion of the house excluding the den?
- A Yes.
- Q I see. And then in the living room, also, there is another section of it that takes an L form that extends right to the front of the house, or do you call it the rear of the house, the south wall; isn't that right?
- A Yes, sir.
- Q You are thoroughly familiar with that house, aren't you?
- A Yes, sir.
- Q You have been there many times?
- A Yes, sir.
- Q Now, as you entered that house -- let me first ask you, about what time was it that you did enter that house that morning?

Well, anything relative to time would just be a guess.

Q Well, what is your best estimate?

A Well, my best estimate would have been about five minutes after I received Dr. Sam's call.

Q And you received that call, I believe you testified, between a quarter to six and six o'clock?

A No. I testified, I believe, estimated between a quarter to six and ten of six.

Q And ten of six?

A Yes, sir.



Q So would it be fair to say that you went into the house, then, about five minutes to 6?

A Approximately, yes.

Q And as you opened the door and started to enter, what was the first thing that you observed?

A Well, the first thing that came to my attention was this doctor's grip, that it was setting on end in the hallway, and it was open, and some of the contents strewn around. I didn't particularly pay any attention at that time.

Q I can't hardly hear you back here.

A The first thing that I noticed was the doctor's grip. It was setting on end and open, and there were some contents out.

Q Spilled out on the floor?

A Yes, sir.

Q Now, in reference to the door that leads from the hall into the den, where was that grip?

A As I recall it, it was reasonably close to the door of the den, but somewhat in a southerly direction. In other words --

Q Somewhat to the south of the door?

A That's correct.

Q A short distance?

A That's right.

Q How far would you say?

A Well, it would just be a guess. I'd say two to three feet.

Q How many?

A Two to three feet, possibly.

Q Then that would be in between the front door entrance and the door that leads into the den?

A That's correct.

Q When I say the front door, it should be the back door, the Lake Road door, that is the one you entered, is it not?

A The Lake Road door.

Q Well, now, you tell the jury just what you did when you entered that hallway.

A Well, we went immediately into the den, which is to the right -- the right door off the hallway, and Dr. Sam was half sitting -- I would say more slumped down in his easy chair, and I immediately went up to him and asked what happened, words to that effect, and he said, "I don't know exactly, but somebody ought to try to do something for Marilyn," and with that, my wife immediately went upstairs, and I remained with Dr. Sam, and I said something to the effect of "Get ahold of yourself," or something like that; "Can you tell me what happened?"

And he said, "I don't know. I just remember waking up on the couch, and I heard Marilyn screaming, and I started up the stairs, and somebody or something clobbered me, and the next thing I remember was coming to down on the

beach."

And that he remembered coming upstairs, and that he thought he tried to do something for Marilyn, and he says, "That's all I remember."

Q Was that the extent of what he said?

A To my knowledge, it is.

Q How?

A As best I remember, it is.

Q Did you say anything to him?

A Well, I asked him to get ahold of himself, or something like that, and tell me what happened.

Q What else happened there following that -- withdraw that for the moment.

As you went into the den there and talked to Sam, can you tell us how that den is furnished?

A There is a desk in it, and there is an easy chair that is in front of the desk, and I don't recall whether there was <sup>other</sup> any/chair in there or not.

Q Well, did you observe anything in disorder in that room that morning?

A Yes, sir.

Q What did you observe?

A Well, there were some drawers out of the desk, and they were lying on the floor. I can't be certain, but I believe

there were two on the floor and one lying crossways on top.

Q On top of those two, you mean?

A Yes, sir.

Q Anything else that you observed?

A At that particular time?

Q Yes.

A No, there wasn't.

Q Now, you said that Sam was slumped in a chair, is that right?

A Yes, sir.

Q And that the chair was at the desk?

A Well, it was northerly of the desk. It would be in front of the desk, so-to-speak.

Q It would not be in the position that a chair would be if you were occupying it and using the desk?

A That's correct.

Q Is that right?

A That's right.

Q It was to the front of the desk, or the back of the desk, and not where you would sit -- not on the side that you would sit if you were working at the desk, is that correct?

A That's correct.

Q What kind of a chair was that that he was slumped in?

A The best description I could give of it was that it was sort of a lounging chair.

Q Now, while you were talking to Sam there, you told us that your wife went upstairs, is that right?

A Yes, sir.

Q Did you see her again?

A Yes, sir.

Q Did she come down?

A Yes, sir.

Q Did she say anything?

A Yes, she did.

Q What did she say?

A Well, she just sort of held out her hands this way (indicating) and shook her head, and she was white as a sheet, and she said, "Hon, call the police, call the ambulance, call everybody."

Q And what did you do following that?

A I immediately went back into the den and called the police department first.

Q And then did you call anyone else?

A Yes, sir.

Q Who did you call?

A Dr. Richard Sheppard.

Q Did you speak to him?

A Yes, sir.

Q What else did you do?

A I can't state specifically. I remember my wife, after my

having made these two calls, my wife coming in and offering Dr. Sam some whiskey, and he refused it, and was --

Q Did he say anything when he refused the whiskey?

A Well, I can't give his exact words, but as I recall it, he said, "No. I don't want that. I have got to think. I have got to think."

Q Got to what?

A Think.

Q Got to think. Did he say that more than one time?

A I can't truthfully say whether he did or not.

Q What happened following that?

A Well, it was shortly after that that the police arrived, and the ambulance -- you want me to go on and relate it, is that it?

Q Yes, and tell us just what happened there.

A Well, it was shortly after that that the police department arrived, and the ambulance, and the first man that I recall coming into the house was Patrolman Drenkhan, and the others came in shortly afterwards.

Q You say the others. Who do you mean by the others?

A Well, there was another policeman and two of the firemen.

Q They were Bay Village officers, were they?

A Yes, sir. And Patrolman Drenkhan, as I recall, went immediately upstairs. I am not certain about that, whether

he stopped and said anything to Dr. Sam or not, but as I recall, he went upstairs almost immediately, and I believe he came down again shortly afterwards, and I believe he went out to the police car to use the radio.

Q What else happened, if anything?

A Well, the other men, I believe, went up together. The men went upstairs, too, and as best as I can recall, it was about at that time that I went up the steps.

Q To the second floor?

A Yes, sir.

Q Where did you go upstairs?

A I went to the top of the stairs and looked into the room.

Q You looked into what room?

A The room in which Marilyn was.

Q What did you see there?

A Pardon?

Q What did you see?

A Well, I saw Marilyn lying there in the bed.

Q Describe her condition then, just what you saw.

A Well, it is not pleasant to describe, but her head was down on -- I should judge, it is just a guess -- probably a third of the way from the top of the bed, and was on the -- it would have been on the west side of the bed, and her face was a mass of blood, and I believe that there was a sheet pulled up to about -- to the hips.

Q Did you enter the room yourself?

A No, sir.

Q What did you do following that?

A Came back downstairs, and it was shortly after that, I believe, that Dr. Richard arrived.

Q And what did Dr. Richard do -- by Dr. Richard, you mean Dr. Richard Sheppard?

A That's correct.

Q What did he do when he arrived?

A Well, he entered the door from the same -- the same door as we had entered previously, the door on the Lake Road side, and, as I recall, he paused by the den door, and almost immediately he started up the stairs. And --

Q And what route did he take to go up the stairs?

A What route?

Q Yes. You can enter those -- you can go up those stairs either from the kitchen entranceway or from the living room, can you not?

A That's right.

Q Which way did he go up?

A He went through the kitchen.

Q Through the kitchen. Did you go up with him?

A No, sir.

Q Did you observe him do anything as he went up?

A He started up the stairs and almost immediately came down



and asked for a knife. And there were at the time several of us in the kitchen, and someone -- I am not certain who, whether it was one of the policemen or one of the firemen -- got him a knife and he went back upstairs.

Q Did he come down again after?

A Yes, sir.

Q How long was he up there?

A Well, it was a relatively short time. I would say perhaps -- it is just a guess at best because I have no specific recollection of time -- but I would judge three to four minutes.

Q And when he came down, what did he do?

A He went -- as he came down the first thing I remember him doing is going immediately to the den.

Q Was Sam still in the den?

A Yes.

Q And what happened in the den?

A Dr. Richard bent over Dr. Sam, and I heard him say that, "She's gone, Sam," or words to that effect, and Sam slumped farther down in his chair and said, "Oh, my God, no," or words to that effect.

And I then heard Dr. Richard say either, "Did you do this?" or "Did you have anything to do with it?"

And Sam replied, "Hell, no."

Q Anything else said there?

A I can't say whether there was anything else said or not.

Q Now, to get back to your entrance into that house that morning, you saw Sam in the den slumped in the chair?

A That's correct.

Q Will you tell the jury how he was dressed at the time?

A As I recollect at the time, all I remember having seen was a pair of trousers, a pair of trousers.

THE COURT: Just one moment,  
please.

Will you folks in the rear be kind enough  
to be very careful when moving? It just cuts off  
the speech and makes the situation impossible.

We will have to have quiet.

(To the witness.) Thank you.

Q Will you state that again, Mayor?

A Will you state your question again, sir?

MR. MAHON: Will you read the  
question, please?

(Last question read by the reporter.)

A All that I can recollect his having on was a pair of trousers at that time.

Q Was there any covering from the waist up?

A No, sir.

Q Did you notice anything about the trousers?

A No, sir, I didn't.

Q Did you observe whether or not they were wet or dry?

A Truthfully, I didn't observe.

Q Did you observe his hair?

A Observe it? In what way do you mean?

Q Did you look at it?

A Well, I presumably saw it, but I --

Q Well, can you tell us whether it was wet or dry?

A I can't tell you that, sir. I don't know.

Q Did you observe his body, the upper part of his body?

A The shoulders, yes.

Q And can you tell us whether they were wet or dry?

A The shoulders were dry.

Q Now, after Dr. Richard came down and talked to Sam, came down from upstairs and talked to Sam in the den, what happened following that?

A To the best of my recollection, immediately after that I talked with Officer -- Patrolman Drenkhan, and he said something to the effect, "What do you think, Spen? This looks too big for us."

I agreed with him. I suggested, I believe, that he call the Coroner's office and whoever else he saw fit.

And I believe it was right after that that I talked with my wife and told her I thought I should go home and lock up the house or have the house locked up.

Q And what did you do then?

A Well, I went home and --

Q Now, before you went home, Mayor, did anyone else arrive there on the scene outside of your police officers, firemen from Bay View and Dr. Richard Sheppard, had anyone else arrived there?

A To the best of my recollection, there had been nobody else arrived at that time, but I can't be sure.

Q Well, then you went to your home?

A That's correct.

Q Did your wife return to your home with you?

A No, sir.

Q Did she remain at the Sheppard home there?

A That is correct.

Q And how long did you remain at your home?

A Do you mean from the time I left until I got back?

Q Well, let me ask you this: Did you return again to the Sheppard home?

A Yes, sir.

Q What time did you return to the Sheppard home again?

A Well, I would judge from the time I left until I got back it probably would have been about 15 minutes.

Q About 15 minutes. Now, had anyone arrived outside -- other than those that you left there, during that 15 minutes?

A I believe there were some more people there.

Q Can you tell us who they were or who they are?

A Not specifically I can't. As I recall, there were -- Chief Eaton, I believe, had arrived.

Q That's the Chief of Police of the City of Bay Village?

A That's right.

Q Yes.

A And probably some more, but I truthfully don't have any recollection of just who all was there that wasn't there before.

Q Well, after you got back to the Sheppard home for the second time, did some other people arrive there, after you got back?

A (No response.)

Q Well, let me see if I can help you some. Did Dr. Stephen Sheppard arrive there at any time?

A I don't recall having seen Dr. Stephen come.

Q When you got back there, did you see him there, whether you saw him come or not, did you see him there that morning?

A Do you mean at that particular time when I got back?

Q Was he there when you got back that second time?

A To the best of my knowledge, he wasn't.

Q He was not?

A That's right.

Q When you got back there on that second call, where was Sam Sheppard?

A I can't be certain, sir. I don't recall having seen Sam when I got back.

Q You did not see him?

A To the best of my knowledge, I didn't.

Q Well, did you go into the den the second time that you returned there?

A I don't believe I did.

Q Did you see him around there any more, any other time that morning?

A Yes, I did. Are you referring to Dr. Steven?

Q Dr. Sam.

A No, sir, I didn't.

Q Were you there when he was taken away from there?

A I don't believe I was.

Q Well, what did you do when you arrived there the second time?

A As I recall, it was shortly after I came back that Chief Eaton and I went down on the steps and onto the beach.

Q You say you went down to the beach?

A Yes, sir.

Q Did anyone go down with you?

A Yes, sir.

Q Who went down with you?

A Chief Eaton.

Q Now, when you got down to the beach did you go right down on the beach, on the sand?

A Well, we eventually did, yes. We went down to the end of the steps.

Q And did you go to the beach down the steps in the yard there of the Sheppard family?

A Yes, sir.

Q And what was the condition of the beach there when you went down?

A At the foot of the steps?

Q Yes.

A Do you refer to how much beach was there?

Q How much beach was there, yes.

A Well, there was some swells, considerably -- the lake wasn't what you would call rough, but there were still swells, and I would estimate that when the swells, so-to-speak, was down,

it was perhaps six feet, and that when it came up, oh, I don't know, around three feet at that particular point.

Q You mean that the water would flow up within three feet of the embankment there?

A That is the best of my estimate.

Q And then would recede so there would be six feet, -- so it would be six feet from the embankment?

A Approximately, yes.

Q Did you go down on the beach on the sand?

A Yes, sir.

Q Off of the steps?

A Yes, sir.

Q Were you able to walk on the beach there without getting wet?

A Yes, you could. At that particular point was the most narrow point. The beach widens out somewhat as you get past the end of the breakwall at the end of the Sheppard home.

Q And how far would you have to go from the steps for it to widen out?

A Well, I would say probably 15 or 20 feet.

Q Had you observed the lake the night before?

A Early in the evening, yes.

Q About what time?

A Well, it was when the fireworks were going on at Edgewater Park, and I believe that was around 9:30 to 10, something



like that.

Q And where did you observe the fireworks from?

A From the breakwall at our own home.

Q At your home?

A Yes, sir.

Q Were you down on the breakwall?

A Yes, sir. My wife and I both.

Q And what was the condition of the lake at that time?

A It was quite rough.

Q Was it rougher than it was the morning of the 4th when you were down there?

A Yes, sir.

Q Was there any beach there at the time when you were observing the fireworks on Saturday night?

A You mean at our place?

Q Yes.

A Well, actually there's very seldom any beach at our place. In other words, if you go in swimming, you step directly from these concrete blocks that we have down there into the water.

Q You haven't any beach in front of your property, is that it?

A None to speak of. Occasionally, if the water is real calm, or the water happens to be down a little, there might be just a very small amount.

Q Now, those stairs that you go down to reach the beach from the Sheppard family, there are a number of steps, are there not?

A Yes, sir.

Q Can you tell us about how many there are?

A I wouldn't have any idea how many.

Q The steps start in some stones that are set in the ground, on the ground surface, on the hill surface, is that right?

A I believe that is correct.

Q They lead over to some steps that are constructed of wood, is that right?

A Yes, sir.

Q And then you have those wood stairs down to a platform where there is a -- not a boat house, but a bathhouse, a place where you change clothes if you want to go bathing; there is such a building down there setting on piers at the lake shore, is there not?

A There is such a building, but as I recall, there is a platform on the steps prior to getting down to the building.

Q Yes. That is at the same level that this platform is on, isn't that right? Well, that platform extends up probably eight, ten feet above the beach, does it not?

A Of the boat house, are you referring to?

Q Well, it is not a boat house, is it?

A A beach house.

Q A beach house of some kind, isn't it?

A That's right.

Q And that platform is at that same level as the beach house, isn't it?

THE COURT: Are you asking about the level of the top of it, the bottom of it, or what part of it?

MR. MAHON: The bottom of the beach house.

THE COURT: Is the beach house on the same level as the platform? That is the question.

MR. MAHON: That's right.

THE WITNESS: Well, I have never particularly paid any attention to it.

Q Well, let me see if I can clear it up. From this platform you have to go down more stairs to get down to the sand, right down to the beach proper, don't you?

A From the platform --

Q From the platform to go down.

A Yes, sir.

Q Is that right?

A Yes, sir.

Q And the beach house is up on the level, that is, the floor level of the beach house is at the level of that platform,

isn't it? In fact, that is where you enter the beach house from is right there, isn't it, from that platform?

A I'm sorry, sir. I don't quite understand your question.

THE COURT: Let me try it,  
Mayor.

If you are going to the beach house, where would you enter it? Would you enter it from the beach, or from the platform, or from the top bank?

That will get it, won't it?

THE WITNESS: Well, you would enter  
it from the platform.

Q From the platform?

A Yes.

THE COURT: Mr. Mahon, could you  
stop right there?

MR. MAHON: Yes.

THE COURT: And then we are still  
on the platform.

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

(Thereupon at 3:15 p.m. a recess was taken.)

(Thereupon, the following proceedings were  
had commencing at 3:12 p.m.)

By Mr. Mahon:

Q Mayor, can you tell us what time Chief Eaton arrived there  
at the Sheppard home?

A I don't remember seeing him come.

Q What did you do down at the beach when you got down there?

A We followed --

Q You say "we." Now, who do you mean by "we"?

A Chief Eaton and I.

Q All right.

A We followed some footprints from where we picked them up  
to the most westerly pier at Huntington Park.

Q Then what did you do?

A We talked briefly with two fishermen, who were on this  
breakwall fishing and they mentioned, I believe, having  
seen a couple of boys or men, who appeared to be teenagers,  
in that area some time before. And we then walked back to  
the Sheppard home, that is, to the steps at the bottom of  
the Sheppard home.

Q And what did you do there?

A Well, I can't specifically say at that time just exactly  
what we did do. We went up the steps, and at one time  
I recall the Chief and I talking with the Schueles, who  
live next door.

Q Well, after you were down on the beach you went upstairs.  
Do you know about what time that was?

A Well, these times are pretty hard to estimate. As I say,  
I didn't look at a clock or a watch, or anything like  
that. I would --

Q Well, let me ask you this, then, Mayor: When I say you  
went upstairs, I meant the stairs that lead from the beach  
up to the top of the hill there.

A That's right.

Q When you got back up there, can you tell us whether or not  
Coroner Gerber had arrived at that time?

A To the best of my knowledge, he had not.

Q Had any Cleveland police officers arrived at that time?

A I don't believe they had.

Q Was Sam Sheppard still there at that time?

A Not to my knowledge.

Q Did you go in the house when you came up from the beach?

A I can't specifically say whether I did or didn't.

Q Well, had anyone arrived between the time you went down on  
the beach until you came back up?

A Well, I do remember seeing my son on the steps, I believe  
it was, as we were walking back on the beach.

Q Did you go over to the Ahern home that morning?

A Yes, sir.

Q Do you know what time that was?

A I would say between possibly 7 to 7:30.

Q Was that before or after you had been down on the beach?

A That was after I had been down on the beach.

Q That was after you had been down on the beach?

A Yes, sir.

Q Had you called up the Aherns before you went over there?

A Yes, sir.

Q What time did you call them?

A Well, I would imagine it would have been someplace between, oh, 6:20, 6:25.

Q And where did you call them from?

A I called them from my own home.

Q That was after you had been to the Sheppard home and returned to your home?

A Yes, sir.

Q You called up the Aherns?

A That's correct.

Q Did you call anyone else at that time?

A Not to my knowledge.

Q Did anyone accompany you to the Ahern home?

A Yes, sir.

Q Who?

A Sergeant Hubach.

Q That is a member of the Bay Village Police Department?

A That's right.

Q And at the Ahern home you had some talk with Mr. and Mrs. Ahern?

A That's right.

Q That was concerning their movements of the night before?

A Yes.

Q And then after talking to them, where did you go?

A Well, Sergeant Hubach received a call before I left the Aherns, and I remained for a few minutes, and then, as best as I recall it, I stopped at my own home again on the way back and talked to my mother and my daughter for a few minutes, and then returned back to the Sheppard home.

Q Do you know about what time you got back there then?

Well, let me withdraw that.

Did you see Dr. Gerber on that Sunday morning, July 4th?

A Yes, sir.

Q What time did you see him?

A Oh, I would judge around 8 or 8:15, something like that.

Q And was that at the Sheppard home?

A Yes, sir.

Q Did you see some Cleveland police officers there that morning?



A Yes, sir.

Q Where did you see them?

A At the Sheppard home.

Q What time did you see them?

A Well, it was -- as best I can recollect, it was sometime -- well, as far as time is concerned, it is just a guess.

Q Was it before or after you saw Dr. Gerber?

A It was, as I recall, after I saw Dr. Gerber.

Q And were those officers Detectives Schottke and Gareau?

A Yes.

Q Did you see Steve Sheppard there that morning?

A Yes, I did.

Q What time did you see him?

A Well, again, these times that morning are just something that you have to guess wildly at. The first time that I specifically remember having seen Dr. Steve was at one time coming up from the -- on the stairs, and seeing he and Dr. Richard sitting on the step.

Q What steps are you talking about?

A That were attached to the house on the lake side. That is, I guess it is just one or two or maybe just one step down.

Q You mean the steps from the porch down to the ground?

A That's right.

Q Do you know about what time that was?

A I would think it would be around -- or guess it would be around 8:30.

Q That was around the time that Dr. Gerber was there, is that right?

A Well, I think -- as I remember, Dr. Gerber was there around 8 or 8:15, around in there.

Q Do you know how Sam Sheppard left that place?

A How he left?

Q Yes.

A I don't remember having seen Sam leave the place.

Q Did anyone ask you about him leaving at all?

A No, sir.

Q Did you see Sam Sheppard any more that day?

A Yes, sir.

Q And where did you see him?

A I saw him that evening down at the hospital.

Q That would be the evening of July 4th?

A Yes, sir.

Q And did anyone accompany you to the hospital?

A Yes. My brother-in-law rode down with me.

Q And where was he in the hospital?

A I don't know that he was even in the hospital. I know when I got out, he remained in the car.

Q Who got out?

A I say --

Q Who remained in the car?

A My brother-in-law at the time --

Q I am talking about where did you see Sam Sheppard in the hospital?

A Well, I saw Sam in bed in this room he was in.

Q When you first saw him at his home on that morning, did you see any injuries on him, did you observe any?

A Yes, sir.

Q And will you describe them to the jury?

A Well, the only thing that I noticed was a bump on the side of his head. It would be about in this area, in the area of the right eye.

Q Did he make any complaint to you at that time about any injuries?

A Yes, sir.

Q What did he tell you?

A He complained about a severe pain in his neck, and at one time when I was first talking with him he got up and walked into the kitchen and held his hands over the back of his neck (indicating) and made the statement that he thought his neck was broken.

Q And did he walk any other place besides into the kitchen?

A None that I saw.

Q Did he have any difficulty in walking into the kitchen?

A No, I wouldn't say difficulty.

Q How long was he on his feet?

A It would have been a very short period of time, just long enough to walk from the den into, oh, I should judge the middle of the kitchen and back again.

Q About how long would you say that took?

A Well, the best I can judge, it would have been a matter of seconds rather than minutes, perhaps, oh, 15 or 20 seconds.

Q Now, after he walked in the kitchen, what did he do?

A He returned immediately to the den.

Q And sat down in a chair?

A Yes, sir.

Q Did he sit up in the chair?

- A As I recall, he went into the -- about the same position that we had seen him when we first came in, this reclining position.
- Q He was in a reclining position when you first -- the first time that you saw him, is that right?
- A That's right.
- Q Now, how long were you there before he got up off of the chair?
- A To the best of my recollection, it was when -- during the time that my wife was upstairs.
- Q While your wife was upstairs?
- A To the best of my recollection.
- Q He got up -- was he assisted at all in getting up?
- A No.
- Q He got up, walked from the den across the hall and into the kitchen?
- A That's right.
- Q And then walked back again into the den?
- A Yes, sir.
- Q And sat down in the chair?
- A Yes, sir.
- Q In that same reclining position, is that right?
- A To the best I remember, that's right.
- Q Did you see him get up any other time?
- A No, sir, I didn't.

How long was your wife upstairs?

A It was a relatively short time. I would say perhaps -- well, I would judge that it wouldn't have been over three minutes.

Q The last time that you saw Sam in the house there, was he still in that chair?

A The last recollection, yes, that I have of having seen Sam in the house was when he was in that chair.

Q Do you know about what time that was?

A Well, it was at the time that Dr. Richard was talking to him, so it would probably have been around 6:15, 6:20, something like that.

Q Did you look over the rest of the house there that morning?

A You are referring to the downstairs?

Q Yes.

A I can't be certain whether it was that morning or that afternoon. It was some time after -- to the best of my knowledge, the first time I went into any other part of the house was after Dr. Gerber had arrived.

Q Were you in the dining room at all shortly after you first arrived there that morning, in the living room?

A You refer to the dining room as the --

Q Dining room and living room, it is a combined room, isn't it?

A Yes. Yes, I would have been in that room when I recall Chief Eaton and I going out through that room and out the back door.

Q Is that when you went down to the beach?

A Yes, sir.

Q You say the back door. That is the front door, isn't it?

A All right, the front door, the lake side.

Q The front door, the lake side door, is that right?

A That's right.

Q And was that door open or closed when you started to go out there?

A It was open.

Q Did you observe anything about the furniture in the house as you went through that door?

A Yes. The desk that sits somewhere close to the door as you go out of it toward the lake, the desk is on your left, and as I recall, there were, I think, about three drawers that were pulled part-way out, and there was some stuff strewn around on the floor.

Q And when you say it was strewn around on the floor, will you tell us over what area it was strewn around?

A Well, I would say it was a relatively small area.

Q Did you observe anything -- what kind of material was this that was strewn around on the floor?

A Well, at that particular time that you ask about I didn't particularly notice.

Q Well, was it clothing?

A No. It was stuff apparently out of the door. I believe

there was some tax stamps, or something like that.

Q Well, was it paper?

A Yes.

Q It was paper?

A Yes.

Q You don't know what kind of paper, but it was paper that was there? It was not clothing or jewelry or anything of that kind?

A No. It was paper.

Q Paper. Now, did you observe anything about the other drawers that were pulled out?

A No, I didn't at that time.

Q Well, did you notice whether or not there was anything in those drawers?

A At that time I didn't.

Q Did you observe anything about any other place down on the first floor there?

A You are still referring to the same time?

Q Yes.

A When we went out, Chief Eaton and I?

Q Yes.

A No, I didn't.



Q Did you make an examination later of the first floor and second floor? Let's take the first floor first.

A Well, yes. I went through the entire first floor with -- I know with one of the officers. I believe it was the Coroner, perhaps one of the Cleveland detectives.

Q You say the Coroner?

A I say either the Coroner or possibly Mr. Schottke or Gareau.

Q And did you make any observations at that time?

A The best I can recall, there were -- all the drawers still had some things in them.

Q All the drawers, and what drawers are you referring to now?

A The drawers that were in this desk.

Q The desk. You say that those drawers contained some articles of merchandise, or whatever it might have been?

A Well, as best that I can recollect, they did. Now, the top one I feel sure had something in it. I didn't pay any particular attention as to what it was, or anything of that kind.

Q Well, wasn't it of some significance of those drawers being out of there, Mayor?

MR. CORRIGAN: Object.

MR. GARMONE: Object to the question as to its form. It is cross-examination.

THE COURT: I suppose that calls for a conclusion.

THE WITNESS:

Pardon?

THE COURT:

Objection sustained.

Q Did you make any examination at all as to the contents of those drawers, Mayor?

A I can't truthfully say whether I did or didn't.

Q Let me show you what is marked here as State's Exhibit No. 7. Have you ever seen this coat before?

A I believe I have.

Q Where have you seen it?

A In the Sheppard home.

Q Did you see it on the morning of July the 4th?

A I believe it was in the morning, yes, sir.

Q You believe it was in the --

A Morning.

Q -- morning. And where did you see it?

A Well, I saw it lying -- as best as I remember, it was lying on the couch in the Sheppard home. If that is -- truthfully, sir, I am not sure of the kind of --

Q How?

A I am just not sure of the specific coat.

Q Well, did you see a coat on the couch that morning?

A Yes.

Q And how was it on the couch? What was its appearance on the couch?

A Well, it was folded neatly and just lying on the couch.

Q And when you say folded neatly, will you take this coat and demonstrate what you mean by folded neatly?

A As I recall, it was about in this manner (demonstrating).

Q And how was it lying? Will you demonstrate from that ledge that you have there?

A Well, when I saw the coat that was on the couch, as I recollect, it was towards the -- more toward the southerly end of the couch.

Q And was it entirely up on top of the couch or not?

A No, it wasn't entirely up on the top of the couch.

Q Well, how was it? Will you explain? Can you demonstrate on this ledge here as to its appearance as you saw it?

THE COURT: From the bench would  
be better, perhaps.

Q Or on the Judge's bench there.

A This is south, correct?

Q Well, assuming that this is the length of the couch here, you would be at the end of the couch now.

A Well, as I recall, it was about in this fashion.

Q Laying flat up on top of the couch?

A Yes, with possibly the end up a little bit.

Q End up a little bit? What do you mean "the end up a little bit"?

A Well, sort of in this fashion.

THE COURT:

He said the end

over.

Q Oh, the end over?

A Yes.

Q Is that what you said?

A Yes.

Q Did you see anyone do anything about that coat that was on the couch there?

A Did I see anybody touch it or move it, do you mean?

Q Did you see anyone take any photographs of it?

A Well, sir, I know there were some taken, but I can't specifically say that I remember having seen it done. It is possible that I could have.

MR. MAHON:

Mark this State's

Exhibit 8.

(State's Exhibit 8, being a photograph, was marked for identification.)

Q I want to show you what is marked here State's Exhibit No. 8, and ask you if you recognize this scene?

A Well, to the best of my recollection, it was lying more flat, as I said, down here.

Q Do you recognize the scene in that photograph?

A The scene, yes.

Q What is it?

A Well, that is the couch in the Sheppard home. And what

else do you want?

Q That portrays the couch in the Sheppard home?

A Yes, sir.

Q Does that couch appear as you saw it on the morning of July the 4th?

MR. CORRIGAN: Objection. He said it does not.

MR. GARMONE: May you qualify --

MR. MAHON: I will qualify it.

Q With the exception of the coat?

MR. GARMONE: I mean at which time he saw it, whether it was his first visit or the time he came back to the home after he returned to his own home.

MR. MAHON: He said when he was with Dr. Gerber and the Cleveland police officers he saw it.

MR. GARMONE: All right.

MR. CORRIGAN: Well, I object, your Honor.

THE COURT: Are you objecting now to the photograph itself?

MR. CORRIGAN: Yes. I am objecting to the photograph, and I am objecting to the question,

because Mr. Mahon had Mayor Houk demonstrate before you and before the jury that this coat lied lengthways on the couch, the end being toward the south end of the couch, the collar of the coat being toward the south end of the couch.

Now, this photograph shows an entirely different situation than explained here by Mayor Houk.

THE COURT: I don't know whether it is or not, but he may ask him whether this is a fair representation of what he saw. He may say it isn't. I don't know.

MR. DANACEAU: The question, as I understand it, if the Court please, excludes the coat.

MR. MAHON: Excludes the coat, yes.

THE COURT: All right.

Q Outside of the coat, as it appears in this photograph, is the rest of the scene the same as you saw it there on the morning of July the 4th?

A To the best of my recollection, it is.

25 Q But your recollection is that the coat was not in the position that is shown on this photograph; is that right?

A No, I believe now that that is the way that I saw it.

Q You believe that the way it is portrayed on this photograph is the way that you saw it?

MR. CORRIGAN: I think I will  
object to that question.

A Well, actually --

MR. CORRIGAN: Withdraw it.

THE COURT: He may answer.

THE WITNESS: Pardon?

THE COURT: You may answer.

Q You may answer.

A What was the question again?

Q Do you now believe that the way that you saw the entire scene, including the coat, is the way that it is portrayed on this photograph?

A I believe it was.

Q Did you make any examination of any other part of the house there -- let me withdraw that for the moment and make it direct.

After Dr. Gerber and the Cleveland Police arrived there, did you make any examination with them of the contents in the den, the contents of the material or furniture in the den?

A I can't remember specifically. I believe that I did go into the den with them. I must have, but I just -- actually, so many things were happening and things were happening so fast that as to just particular times and events, I can't just recall all of them later in the day.

Q Did you go around the house with Chief Eaton at all?

A On the outside?

Q Yes.

A I believe I did.

Q Well, do you just believe you did or do you know whether or not you did?

A Well, I know that at one time during the day, that I did walk around with somebody. It could have been Chief Eaton.

Q And were you making some examination of the house?

A Well, I would say of the house and the premises.

Q Well, did you make an examination of the house on the outside?

A I believe we did.

Q Did you find any evidence at all of any attempt to force an entrance into that house?

MR. CORRIGAN: Object.

THE COURT: He may answer that.

A No, sir, I did not.

Q Now, on the night of the 4th of July you saw Sam Sheppard at the Bay View Hospital?



A That's right.

Q Did you see him after that?

A You mean the same night or any time after that?

Q Any time after that.

A Yes, sir.

Q Where did you next see him after that?

A The next time was still at Bay View Hospital, and it was several nights after that, someplace around the 6th or the 7th.

Q And that was at Bay View Hospital?

A Yes, sir.

Q Did you see him after that?

A Yes.

Q Where?

A Well, I saw him after that on several different occasions, and it's hard to remember just which one came first. I believe that would have probably been on the 9th.

Q Where did you see him?

A At his home.

Q At his home?

A I believe that was the -- you will have to refresh me on those dates. I believe it was the -- if I remember correctly, it was the 9th that he came back to the home.

Q And what time did you see him at his home?

A Well, the first time would have been just as he arrived

there, and I have no recollection of the time of the day. I mean, I believe it was in the morning, but as to time I am not sure.

Q Was anyone with him?

A Well, I believe he was -- as I recall, Mr. Rossbach was in the car with him when they arrived. Now, I am not sure of that.

Q Did you go into the house there?

A At that particular time?

Q Yes.

A No.

Q Well, were you around the premises there?

A Yes.

Q Well, was there anybody else besides Sam and Rossbach there?

A Yes. There were a lot of newsmen, photographers and I presume a lot of neighbors.

Q Well, did they go in the house, all of those people?

A No, not all of those people, that is, I know that Mr. Petersilge was there and --

Q Mr. Petersilge, that is one of the lawyers here, is that right?

A Yes. As I remember, he was there, and I believe the Coroner was there, and I certainly don't know who all was there. I didn't go in, as I remember, to the house proper at all.

Q Mr. Corrigan there?

A I believe he was.

Q Anybody else, now, that you know of, that was there?

.. Any of the other lawyers there, his lawyers here?

A Mr. Mahon, I can't answer that question truthfully.

Q All right. If you don't know, just say so.

And how long did you stay around there that day?

A Well, I remember, as I say, when they first came, and then I don't believe I stayed there. I may have, but I don't believe I stayed there. I think I went home and returned later, and at that time, why, I was on the back porch, that is, the screened-in porch that you called the front porch.

Q Well, were these same people still there when you got back?

A Yes.

Q And how long had you been gone?

A As I say, sir, I am not positive that I actually left the general area or not. It seems to me that I did, but I am not positive.

Q Well, let me ask you this: How long did these people stay around those premises that day, how many hours?

A Well, that was a long time ago, and it's again hard to judge hours, but as a guess I would say perhaps two or three hours.

26 Q And did you observe what was being done around there?

A Well, I was on the outside of the house, and they were on the inside.

Q Sam was not under arrest at that time, was he?

MR. CORRIGAN: Object.

A No, sir.

MR. CORRIGAN: He was in custody.

MR. MAHON: What?

MR. CORRIGAN: He was in the custody of the Sheriff all the time he was there.

MR. MAHON: He was not in the custody of the Sheriff.

MR. CORRIGAN: Well, I will prove he was. Go ahead.

Q There had been no warrant issued for him up to that time, had there, Mayor?

A No, sir.

Q Was there a warrant issued eventually?

A Yes, sir.

Q And when was that issued?

A Well, I'm sorry that I am so fuzzy on these dates, but there were so many different times, so many times that I was here, there, or the other place with regard to this, that I can't be specific as to the date.

Q Well, was it the early part of July or the latter part of July, do you know?

A Well, it would have been the latter part.

Q After the 4th of July did Sam ever come to your house, Mayor?

A Yes, he did.

Q When was the first time after the 4th of July that he came to your house?

A It was on a Sunday morning. I can't give you the exact date, but it was, as I recall, the Sunday morning following the meeting that the officials held out at Dr. Gerber's office.

Q Do you know when that was?

A The exact date, no, sir.

Q And what happened at your house at that time?

A Well, the first that I knew Sam was there, Dr. Sam, was when I heard his voice downstairs. I went down and walked into the kitchen and observed him giving my mother a shot of some kind. He had been treating my mother for sometime, and I walked out into the room -- we call it a glass porch -- it is a glassed-in porch, actually, that can be changed back in the summer, and shortly after that, in fact, almost immediately, my mother left and presumably went upstairs, and Dr. Sam and I sat there for sometime talking.

Q When you say gave your mother a shot, you mean an injection? You don't mean a glass of whiskey?

A No, I don't mean a glass of whiskey. An injection.

Q An injection, medicine of some kind, is that right?

A That's correct.

Q Now, you had some talk with Sam there, then, didn't you?

A Yes, sir.

Q And was that about Marilyn's death?

A Well, it was -- you might say partially in regard to that, yes.

Q Well, will you tell us the conversation?

A Well, as I remember the conversation, after the usual "How are you's," and so forth, Dr. Sam mentioned that he had noticed by the papers that we were having a pretty rough time.

I said, "Yes, that was so."

And he said he's sorry that we had been dragged into this thing, but it was just one of those things, that our number was the first one that came to his mind, and I imagine something to the effect that, "Well, that's just the way that things go," or something to that effect, and then he mentioned having a terrifically rough time himself and said that if it wasn't for the feeling that Marilyn was right there beside him, why, he just couldn't go on.

And then I believe that I said, "As long as this has come up, there is something I had -- that I couldn't quite

understand," and mentioned to him that in one of the questionings that I had been put through downtown, that one of the questions I had been asked was, 'Had he, Sam, ever spoken to me about my attentions to Marilyn?'"

And I told him that I had answered "No," and when I did the person that was doing the questioning pulled out a piece of paper and said that, "It says right here that he had."

And Sam mentioned then -- he said that it was a damn lie, that there wasn't any truth to it, and said to "Watch those fellows, they are trying to play one of us against the other."

Then we talked in a more or less lighter vein. We recalled a picnic that we had on the 4th of July the previous year, and went over that, and Sam remembered some of the things that I had forgotten about that, and then Sam mentioned how much Marilyn loved that home that they had there, and said, a couple of times when he talked about perhaps selling or moving back out to the Coast, she had said that if he did, why, she was going to stay there, and he said she was kidding, of course.

And then I believe he asked if there were -- he understood that Dr. Marowitz -- is that correct? -- was going to interview him, and I said I understood that he was,

and Sam mentioned that he had heard of him, that he understood that he was a very good man and he'd be glad to talk to him.

I don't recall anything else having been said then.

MR. MAHON: Does your Honor  
want to continue at this time?

THE COURT: How much is it  
likely to take from you?

MR. MAHON: I don't think  
it will take much longer, but there are some  
things I might want to go into yet.

THE COURT: All right.  
(To the witness) Would you rather break  
off here today now?

THE WITNESS: Whatever the Court  
pleases.

THE COURT: Let's go a little  
while, if you can.

MR. MAHON: All right.



Q Did you see Sam after that occasion?

27 A You can supply me with the dates, I presume?

Q I am not asking you about a date now. Did you see him after that particular occasion?

THE COURT: Let's have quiet,  
please, ladies and gentlemen. ✓

A Well, I saw him the night that he was arrested, if that is the word you use.

Q Do you know when that was, Mayor?

A The exact date, sir, I am sorry, I don't. I just can't possibly remember all the dates that have occurred since this tragic thing happened.

Q You say you can't recall the date, Mayor?

A The date of the arrest?

Q Arrest.

A I don't recall the specific date.

THE COURT: Would you know it  
if you heard it?

MR. CORRIGAN: It is matter of  
record.

Q Well, have you some means that you can refresh your recollection?

A I have some means that I can refresh it, yes, not right at the moment.

MR. CORRIGAN: It is a matter of

record. It is of record, your Honor.

THE COURT:

The record would

show it, yes, but the record isn't here.

Q Did you ever have occasion to see Sam at your office in the City Hall?

A Yes.

Q Can you tell us when that was?

A Well, there were, to my knowledge, there were two occasions. The one, I remember, was the day before the inquest, and then there was another one prior to that time with Dr. Sam and Dr. Steve, I believe.

Q Can you tell us when that was?

A The exact date, I can't. I would think it would have been about 10 or 11 days -- about 10 days after Marilyn's death.

Q Now, what conversation did you have at that time with him?

A On the time that Dr. Sam and Dr. Steve was there?

Q That's right.

A Well, at that time, as I recall, they had called and told me they were coming up, or asked if they could.

Q Who called you?

A I can't be sure whether it was Dr. Sam or Dr. Steve.

Q But there was an appointment made, is that right?

A As I best recall, there was.

Q And did someone come in response there? Did Sam and Steve come to keep an appointment?

A As I say, sir, they came to the office, to the best of my recollection, they called, one or the other, and made an appointment, but I am not certain of that.

Q Well, then did they come to the City Hall?

A Yes.

Q All right. And then did you have a conversation with them?

A Yes.

Q Now, will you relate the conversation, and tell us who it was that spoke the words?

A Well, I can relate the conversation as best as I can remember it, but I certainly can't tell which of the two said each word. They both took part in the conversation.

MR. CORRIGAN: We will object to it, then. I say, object to it if he can't tell who said it.

MR. DANACEAU: Well, let him relate the conversation.

MR. CORRIGAN: Well, whose is it, Steve's or Sam's?

MR. DANACEAU: He will tell as he goes along.

THE COURT: He is relating a conversation where at least both were present.

MR. DANACEAU: Right.

MR. CORRIGAN: But which said

which?

THE COURT: And both participating,  
according to his statement, so far at least.

You may go ahead.

A They informed me that the reason for their call was that they had been paid a call by an east side psychiatrist, they had not requested his help, but that he had come over and voluntarily offered his services to them. And that he had suggested, this psychiatrist, certain --

MR. CORRIGAN: Will you pardon me  
a moment, Mr. Mahon?

(Thereupon a discussion was had between Court and counsel, outside the hearing of the jury, after which the following proceedings were had within the hearing of the jury:)

THE COURT: Ladies and gentlemen of the jury, we will now be adjourned until 9:15 tomorrow morning, and will you please observe the caution which the Court has expressed to you each day, do not discuss this case with anyone, not even among yourselves. Without any formality at all, we will adjourn until 9:15 tomorrow morning.

(Thereupon, at 4:30 p.m. an adjournment was taken until 9:15 a.m., Wednesday, November 10, 1954.)

Wednesday Morning Session, November 10, 1954.

Thereupon J. SPENCER HOUK resumed the stand  
and was examined and testified as follows:

DIRECT EXAMINATION (CONTINUED)

By Mr. Mahon:

Q Mr. Houk, when we adjourned court yesterday, you were  
telling about a conversation that you had with defendant  
Sam Sheppard and his brother Steve at the City Hall in  
Bay Village. Do you recall that?

A Yes, sir.

Q Will you relate that conversation to us?

A Well, Dr. Steve and Dr. Sam came up to the City Hall and  
told of having been paid a visit by an East Side psychiatrist;  
that they hadn't sought his services, but that he had  
volunteered his services to them; and that he had suggested  
some theories to them that seemed logical, and that they  
thought I should know about these theories, and they went  
on to explain that he had advanced the idea that perhaps  
a schizophrenic had committed this crime, and went into  
considerable detail to describe to me what a schizophrenic  
was.

Normally, they brought out, that was a type of a man  
who has pretty much kept to himself, in other words, a loner,

he didn't mix much with other people, and that in most cases he would not necessarily even be known by his victim. In other words, it might be a person who worked in the general area of where his victim shopped, or worked near the home, and things of that sort.

And they also mentioned that it could be a close personal friend, but that in either case, this type of individual would not bother the victim inasmuch, in his crazed mind, that he had set her up on a pedestal, and that he wouldn't bother the victim until he learned of her pregnancy, at which time this woman, who the man would have set up as a goddess in his mind, had been destroyed, and at that time he had the urge to kill, he must kill because his goddess had been destroyed.

It was also brought out at this time that he had advanced another theory that seemed logical, that the person whom Dr. Sam envisioned as being very tall and husky was really not that tall, but because of the fact that he was strong enough to overpower Sam, that he, in his dazed state, envisioned -- merely envisioned him as being that tall, that it could have been a shorter person, and it was also pointed out that this type of person might well be one who likes to fish, and at that time I did point out or suggest that Dr. Steve and Dr. Sam

take a look at a man who worked in the general area of the Sheppard home, who vaguely fitted that description, more or less the original description that Sam had given, not the shorter man, and I suggested that they look at this man and report back.

And sometime later, I believe in a telephone conversation, if I am not mistaken, Sam called and said that they had seen this individual, he couldn't be sure, but it might well be possible, and that they had reported it to, I believe they mentioned Sergeant Hubach.

Q Was that the extent of the conversation at that time?

A I believe it was.

Q Did you have any conversation with Sam after that at any time?

A Yes, I did.

NS Q

And when was that?

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Well, that would have been -- well, this particular conversation took place, I would judge, around the -- oh, ten days, perhaps, after Marilyn's death, and there was conversation, of course, at my home.

MR. CORRIGAN:

I can't hear, ✓

your Honor. There is so much noise in this court room.

THE COURT:

Can we have quiet

in the rear, please. We shall have to restrict the movements in this court room unless we can have quiet. We just cannot continue. ✓

(To Mr. Mahon.) All right.

Q The conversation you related took place when?

A That particular conversation, as best I remember it, was, oh, perhaps ten days after Marilyn's death.

Q Now, did you have other conversations with Sam besides that one?

A Yes, I did.

Q And when did that take place?

A Well, the next one would have been the one, I believe, that took place in my home, and then the --

Q Have you related that conversation?

A Yes.

Q You related that yesterday?



A Yes. And then the next one that I recall was the day before the inquest.

Q Do you know when the inquest was?

A I believe it was the 22nd.

Q This conversation that we are now talking about took place the daybefore that?

A Yes, sir.

Q And where did that take place?

A That, again, took place in my office at the City Hall.

Q And who was present at that time?

A Well, just Dr. Sam and I.

Q And will you relate what that conversation was?

A Sam came to the office and sat down, and actually I started the conversation. I asked him if he had ever had a better friend than I, and he said, "No. Did anybody question it?"

I believe I said no. And I appealed to him then, strictly on a friendship basis and said, "Sam, if by any chance you did do this, come out and say you did," that I figured that if it was done, it was done in a fit of rage -- "If it was done by you, it was done in a fit of rage."

And I appealed to him on the basis of friendship again, saying that his entire family and all of his friends were being brought into this, and again just said that if he had done it, to come out and admit it, that we would still be all behind him.

Sam replied that he couldn't have done it, that he hadn't done it. And shortly thereafter he got up to leave. I suggested to him that he leave, that I didn't know what was coming next. And at that time he mentioned to me that the real reason that he had come up to the office was that he felt that I should know that Dr. Markowitz, in the interview that he had had with Sam, expressed --

Q Doctor who?

A Dr. Markowitz.

Q Moritz?

A Dr. Moritz, in the interview that Sam had had with him, had expressed or shown a rather acute interest in me, and I told Sam at that time that it wasn't surprising inasmuch as I had learned that he had just mentioned my name.

Q Who is Dr. Moritz?

A Well, he is a -- I don't know what his official title is. He is, as I understand, a psychiatrist who is also very able in giving truth serum, evaluating the results.

Q Do you know with whom he is connected?

A I believe he is connected with the Western Reserve Hospital. I am not sure of that.

Q Did you attend a meeting at the Coroner's office sometime in July?

A Yes, sir, I did.

Q And there were a number of officials there?

A Of the officials there?

Q Yes.

A Yes, sir.

Q And there was exhibited to the people there some photographs concerning this murder?

A Yes, sir.

Q Was Dr. Moritz there at that time?

A Yes, sir.

Q Did he speak there at that time?

A Yes, sir.

Q Did you relate to Sam what Dr. Moritz had said at that meeting?

MR. CORRIGAN: What was that question again?

MR. GARMONE: Did he relate to Sam what Dr. Moritz had said at that meeting.

MR. CORRIGAN: Object.

THE COURT: Will you give me the question again?

(Question read by the reporter.)

THE COURT: Well, he may answer that. He may say yes or no.

A To my knowledge, I didn't.

Q You didn't?

A That's right.

Q Did you have any further conversations with Sam after that one you have just related?

A I may have, but I don't remember.

Q You testified yesterday that you and Sam and his family and your family were very close friends?

A That's right.

Q You called on each other frequently?

A That's right.

Q Did you have conversations over the phone on any occasions?

A Oh, yes.

Q Was that frequent or not?

A Well, I would say quite frequent.

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- Q And would you call him or would he call you?
- A Well, it was perhaps both ways.
- Q And would that be at both your place of business, at City Hall, and your home?
- A Yes.
- Q And where would it be more frequent, which place?
- A Well, truthfully, I would say at home.
- Q Now, you told us yesterday that Sam was at your home and gave your mother a shot?
- A An injection, yes.
- Q Injection, is that right?
- A That's right.
- Q And was he called to come to administer to your mother?
- A No.
- Q Had he been calling before that to administer to her?
- A Yes, he had.
- Q How?
- A Yes, he had.
- Q Did you know that he was coming on that occasion?
- A No, I did not.
- Q You were later questioned by the police, were you not, Mayor, the Cleveland police?
- A Yes, I was.
- Q And were you at the Central Police Station when Inspector

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McArthur was there, and when Steve Sheppard was there?

MR. CORRIGAN: I object.

THE COURT: When who was there  
before you mentioned Steve Sheppard?

MR. MAHON: Inspector McArthur.

THE COURT: Well, he may answer  
whether he was there.

A Yes, I was.

Q And did Steve Sheppard make some charges against you at  
that time?

MR. GARMONE: Objection.

MR. CORRIGAN: Object. It is  
leading.

MR. GARMONE: It is not in the  
presence of the defendant.

THE COURT: I suppose it was  
not in the presence of Dr. Sam.

MR. MAHON: I am merely asking  
the question. He can answer that yes or no.

MR. CORRIGAN: We object.

MR. GARMONE: We object.

THE COURT: He has answered the  
question.

MR. GARMONE: As to the meeting.

THE COURT: Oh, you mean he can still answer this question yes or no?

MR. MAHON: That's right.

THE COURT: Well, he may do that.

MR. CORRIGAN: Object to that.

That is entirely improper, your Honor.

THE COURT: You may just answer the question yes or no.

A Will you repeat the question again, please?

MR. MAHON: Will you repeat the question?

(Thereupon the last question was read by the reporter, as follows: "And did Steve Sheppard make some charges against you at that time?")

MR. CORRIGAN: I object to that question, your Honor. It is entirely improper.

THE COURT: It is overruled. He may answer yes or no.

A Yes, he did.

MR. CORRIGAN: How would that bind Sam Sheppard what somebody else did in this case, your Honor?

MR. DANACEAU: We object to this

arguing after the thing is over.

MR. CORRIGAN: How would it be competent in this case?

MR. DANACEAU: We object to this continued argument after the question has been answered.

THE COURT: Your exceptions may be shown.

All right. Go ahead, Mr. Mahon.

3 Q Did you, Mr. Houk, submit to lie detector tests? ✓

MR. GARMONE: Object.

MR. CORRIGAN: Object to that.

In what way does that bind Sam Sheppard?

Now, John Mahon is going to be a Judge, ✓  
and he asks this kind of questions in this courtroom.

MR. MAHON: Now, I object to that statement, if your Honor please, and those comments.

THE COURT: You will disregard that entirely.

MR. PETERSILGE: Your Honor, the Court of Appeals has held that the lie detector tests and results are not admissible in evidence, so how can it possibly be relevant?

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MR. MAHON: I am not trying to  
put the results in.

MR. PETERSILGE: Whether he took it  
or not can't be relevant if you can't put the  
results in.

THE COURT: The Court will let  
him answer yes or no, but not beyond that.

MR. PETERSILGE: Exception.

MR. CORRIGAN: Exception.

A Yes.

THE COURT: Will you answer  
that yes or no?

A Yes.

Q Mr. Houk, you have some physical impediment, do you not?

MR. CORRIGAN: Now, just a minute,  
Mr. Mahon.

I now move that a juror be withdrawn and  
the case continued because of the improper  
questions asked by the prosecutor of Mr. Houk.

THE COURT: It will be overruled  
and exceptions.

MR. CORRIGAN: Except.

THE COURT: The question now is:  
Do you have any physical impediment?

THE WITNESS: Yes, sir.

Q And what is it, Mr. Houk?

MR. CORRIGAN: Object to that as immaterial.

THE COURT: It may be material for the jury to understand his hesitancy, and so forth.

All right.

A I have a stiff right knee.

Q A stiff right knee?

A Yes, sir.

Q And does that impair your walking?

MR. CORRIGAN: Object.

THE COURT: He may answer.

A Well, to an extent, yes.

Q Have you been ill lately, Mr. Houk?

MR. CORRIGAN: Object.

THE COURT: He may answer.

A Yes, I have.

Q And when were you ill?

MR. CORRIGAN: Object.

THE COURT: Overruled.

A Well, I went into the hospital I believe around the 8th of September.

Q And what hospital?

MR. CORRIGAN: Object. It is immaterial.

THE COURT: He may answer.

A Lakeside Hospital.

Q And when did you leave that hospital?

MR. CORRIGAN: Object.

THE COURT: Overruled.

A Well, it would have been about the 1st of October.

MR. MAHON: You may inquire.

CROSS-EXAMINATION OF J. SPENCER HOUK  
(9:45 a.m.)

By Mr. Garmone:

Q Mr. Houk, you have been Mayor of the City of Bay for a period of about five years, is that right?

A That's correct.

Q And you are still acting in that capacity at the present time?

A Yes, sir.

Q Now, prior to the 4th day of July, on or about the 30th of June, in the early morning of Thursday, did you receive a call from Sam Sheppard at your home?

A Will you repeat that date, sir?

Q Around the 30th of June, that would be the early Thursday morning prior to the 4th, did you receive from Sam Sheppard a telephone call at your home?

A Not that I recall.

Q Well, to refresh your memory, did you on or about that date, at the time that I have mentioned, go out in your boat with Sam Sheppard on a rescue expedition?

A Yes, sir.

Q And wasn't that three or four days prior to the 4th of July?

A Yes.

Q And didn't you answer that rescue effort as the result of a telephone call that came to your home by Sam Sheppard?

A No, sir.

Q Well, how did it come about?

A Mrs. Sheppard called.

Q Mrs. Sheppard called. Did you meet Sam?

A Yes.

Q Get the boat out?

A The best I can recall, the boat was on their beach at that time.

Q And did you go some two miles out in the lake and tow back two men who had been floundering around in Lake Erie?

A It was just one man.

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- Q And about what time of the morning was that, to the best of your recollection?
- A It's hard to remember exactly. I would say around, perhaps, 1:30 or 2:00 in the morning.
- Q And you were accompanied at that time by Sam, is that right?
- A That's correct.
- Q Marilyn didn't go along, did she?
- A In the boat?
- Q In the boat.
- A No, sir.
- Q Now, you related in response to one of Mr. Mahon's questions about some men that were working in the general area. During what period of time were those men working in that general area?
- A Do you mean with regard to the conversation?
- Q Conversation, that's right.
- A Well, there weren't -- there was only one specific man. It was said of a man who might be working in that general area.
- Q Did you have any particular man in mind when you related that statement to Sam?
- A Yes. I requested that they check out a -- that Sam and Dr. Steve take a look at a certain man who worked in that area.
- Q Now, during the month of June -- I will withdraw that.

Are your offices located in the same building that the offices of Chief Eaton are in?

A Yes, sir.

Q During the month of June, parked on the lot that houses the police station and your office, was there a temporary office set up, to the best of your recollection?

A Do you mean on the premises outside?

Q Outside, yes.

A The only one that I recall was the mobile unit of the County of Cuyahoga.

Q And about how many men would you say used that mobile unit off and on during the day between the middle of June and the 4th day of July?

A I have no idea how many.

Q Olmsted Village, is that located too far from Bay Village, if you know?

A Do you mean North Olmsted or Olmsted Falls?

Q The Village of Olmsted.

A Olmsted Township?

Q Township.

A Well, I know where it is. It's quite a distance, yes.

Q About how much of an automobile run would it be?

A Just a guess, I would say probably 20 miles, 15, 20 miles.

Q 15 or 20 miles. Now, do you know what work these fellows who are occupying that mobile unit were engaged in while

it was parked on the field that the City Hall of Bay is on?

A I presume they were engaged in reappraisal work.

Q Was your home reappraised, Mr. Houk, sometime between the middle of June and the 4th of July, to your knowledge?

A Not to my knowledge.

Q Did you at any time after the 4th of July have any conversation with the Constable of Olmsted Township?

A Yes, sir.

Q And who was present when that conversation took place?

A Mr. Bruscino, my son and the Constable or Justice of the Peace and myself.

Q As a result of that conversation, were there any police officers called in that may be connected with the Cleveland Police Department or the Police Department of Bay?

A Not that I recall.

Q Now, during the course of that conversation, Mr. Houk, was there a description of a man given to you and Bruscino and whoever else was present by the Constable of Olmsted Township?

A Not that I remember.

Q Well, to refresh your memory, was there anything said about a man five foot nine, weighing about 180 pounds and whose hair was bushy had been in the vicinity of West Lake Road and the home of Sam Sheppard, Bruscino and your home sometime between the middle of June and the 4th day of July?

A Not that I recall.

Q You don't recall?

A That's correct.

Q But it is possible that that conversation could have taken place during the course of that meeting, is that right?

A As I say, I don't recall.

Q You don't recall. Now, are you able to tell the jury the approximate date that this mobile unit was moved from the grounds out there in Bay, if it has been moved? I don't know.

A I can't tell the approximate date, but as best I can recall, it was perhaps the latter part of July.

Q Now, is the man that you had the conversation with in the presence of Bruscino, was his name Harry Morrison?

A He introduced himself, but I don't remember his name.

Q And you don't recall what the conversation consisted of?

A Well, it mostly consisted about my son.

Q Now, did he come over to your place or did you go over to Olmsted Township?

A Mr. Bruscino and I went over to Olmsted Township.

Q Olmsted Township. Now, you have been in the company of Mr. and Mrs. Sheppard on many occasions, is that right?

A That is right.

Q Over a period of two years or better?

A That's correct.

Q During all that time, Mr. Houk, you never saw Sam Sheppard



mistreat his wife, Marilyn, did you?

A No, sir.

Q During all that time you never saw Sam Sheppard mistreat his son, Chip, did you?

A No, sir.

Q Sam was very active, was he not, in the Village of Bay with the younger boys?

A He was.

Q He was looked upon more or less as a leader, is that correct?

A Are you still referring to the younger boys?

Q The younger boys.

A That's correct.

Q Now, can you relate to the jury some of the civic activities of Sam Sheppard during the period that you knew him and associated with him?

A He was very active in our Civil Defense Program, he was a member of the Bay Men's Club and he was the unofficial police surgeon, he was very helpful in that capacity.

Q And was he on call 24 hours a day, as far as accidents that would happen in the confines of Bay?

A I would say that was true. If he wasn't available, he usually left somebody else to cover it.

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Q Now, on the morning of the 3rd, that would be Saturday morning, Marilyn came into the meat market that you operate, is that right?

A As I said, I don't remember whether it was the morning or the early afternoon, but she did come in.

Q And she made some purchases there?

A Yes, sir.

Q To the best of your recollection, can you tell the Court and jury what her purchase order consisted of?

A Well, actually, she had phoned the order in earlier, and one of the other men had put the order up, and when she came in I waited on her, and this other man brought the order out. As I recall, it was some wieners, and I believe some chicken, cut-up chicken, and there may have been other things.

Q Were you invited to a party or an affair that was going to be had at the home of Dr. Sheppard on the 4th?

A No, sir.

Q You were not. Now, this work that Sam did with the police department, he did that without pay, did he not?

A Yes, sir.

Q And he was subject to call, as far as police officers are concerned, throughout the entire day and night, am I correct in that?

A That's correct.

Q Now, coming down to the 4th of July, you had received this call, and as a result of the call, you went over to the Sheppard home. How long had you remained at the Sheppard home before you went back to your own home, Mayor?

A From the time I got there, do you mean?

Q Yes. From the time you arrived there until you went back.

A Well, I imagine from the time we got there until I left, it could possibly have been around 25 minutes. That's as close as I can --

Q Now, during that 25-minute period, Chief Eaton arrived, did he not?

A I don't believe that he had arrived when I --

Q Well, did Sergeant Hubach arrive?

A I can't be certain but I don't believe he did.

Q Well, will you tell the jury who did arrive in that 25 minutes that you first remained on the Sheppard premises other than Mrs. Houk?

A Well, I know that Patrolman Drenkhan, Patrolman Cavanaugh, and two firemen -- I can't think of their names for the moment, Dr. Richard Sheppard.

Q Now, did you notice the activities of these firemen and patrolmen that arrived? Did they go upstairs?

A Yes, they did.

Q And did they come back downstairs while you were there

during that period?

A I'm positive that Patrolman Drenkhan did.

Q How about the firemen?

A I can't be certain. I believe they did.

Q As a matter of fact, Mayor, the firemen, Patrolman Drenkhan, after having gone upstairs, came back downstairs and went through the kitchen and down into the basement, did they not?

A I don't recall their having gone to the basement.

Q You don't recall that. You wouldn't say that they didn't?

A I don't believe they did.

Q Now, was it on that occasion that you walked down to the beach?

A Do you mean while I was first there?

Q First there.

A No, sir.

Q You left the place and went to your home, is that right?

A That's right.

Q Then came back. How long were you gone?

A I would say 10 to 15 minutes, as an estimate.

Q Now, when you came back to the Sheppard home, who was there, in addition to the people that you described were there prior to your leaving?

A I know there were some others there.

THE COURT:

You know what?

THE WITNESS: I know that there were some others there. I believe that Chief Eaton was there at that time.

Q Who else? Was Dr. Gerber there?

A No, sir.

Q Had there arrived anyone from the police department of the City of Cleveland, Schottke or Gareau?

A No, sir.

Q Now, when you arrived back, did you immediately go down to the beach with Chief Eaton, or did you spend some time in and around the Sheppard home or the grounds, the upper portion of the grounds of the Sheppard home?

A Well, I can't truthfully answer whether immediately I did, or whether I spent some time around the grounds. To the best --

Q But you did go down eventually to the beach, is that right?

A That's correct.

Q How far west from the beach that constitutes the Sheppard home did you and Chief Eaton walk -- or east, rather?

A East would be right.

Q East.

A Well, it was to the first pier that you encounter, as I remember, at Metropolitan Park.

Q Well, about how far would that be from the Sheppard beach?

A Well, that would be awfully hard to estimate.

Q Well, approximately how many feet, how many yards?

A Well, I would say approximately 200 yards.

Q When you arrived there, you stated that Chief Eaton had had some conversation with two men that were fishing there?

A Yes, sir.

Q What time of the day was that, to the best of your recollection?

A Well, again, these times are awfully hard to estimate with any degree of accuracy.

Q Well, was it 6:30, quarter to 7, or close thereto?

A I would imagine perhaps around 20 to 7. That is just a guess.

Q And am I correct in saying that Chief Eaton had questioned these men, and these men had said to him that they saw two people on the beach sometime earlier?

A Yes, sir.

Q Did Chief Eaton establish at that time what the hour was that these fishermen had seen these men on the beach?

A I believe that he asked them about what time it was.

Q And as these questions were being put to the fishermen, was Eaton making a notation of them, or was he just taking them mentally?

A As I remember, he took some notes on it. I'm not sure.

Q Now, was the place pointed out where they had seen these men?

A I believe that it was.

Q Did he at any time take the men back to the spot that was the topic of discussion?

A You mean the spot where these fishermen had reported seeing these two --

Q That's right.

A No, sir.

Q Are you able to tell the Court and jury now the approximate location of where that point was that they had pointed out to Chief Eaton?

A He did most of the talking to these men, but as best as I can recall, it was a spot that was between the pier on which we were standing talking with these men and the Sheppard home.

Q And the Sheppard home. To your knowledge, was Sam ever confronted with these two men --

A Not to --

Q -- by yourself or anyone connected with the police department of the City of Bay?

A Would you repeat the question again, please?

Q To your knowledge, was Sam ever confronted with these two fishermen on the pier by yourself or any members of the police department of the City of Bay?

A Not to my knowledge.

Q

To your knowledge, was Sam ever confronted with these two men who were on the pier by any members of Inspector McArthur's staff?

A

Not to my knowledge.



Q Do you know whether or not, Mayor, that information was turned over to the Police Department of the City of Cleveland?

A I presume that it was. I'm not certain.

Q And are you able to tell this Court and jury whether there was any investigation, that you know of, that was conducted by any members of the Police Department of the City of Cleveland regarding that particular incident?

A I certainly can't say for sure. I assume that the --

Q You don't know, is that it?

MR. DANACEAU: Just a minute.

Let the witness complete his own answer.

MR. GARMONE: Okay. Don't shout.

MR. DANACEAU: I am not shouting,  
I am just telling you, let the witness complete his own answer.

THE COURT: He was going to  
say that he presumed something.

MR. GARMONE: He said he assumed.

A I assumed that they had made reports and that all reports were turned over to the --

Q But you don't know of your own knowledge whether those things took place, do you, Mayor?

A No, sir.

Q Now, as you walked along the beach, you saw some footprints

there, did you not?

A That's correct.

Q And where did those footprints lead to?

A They led to the same pier on which we talked to these two men.

Q Is that a pier that is located at the foot of Huntington Park?

A It is one of the piers of Huntington Park.

Q One of the piers of Huntington Park. Was there any effort made by the Chief to preserve any of the prints that you and he had observed in your walk from the Sheppard home to the pier where these two men were fishing, if you know?

A Do you mean to preserve them afterwards?

Q Well, to preserve them or make some effort to take a print of them. Was that done by anybody in your presence or by any member of the Bay or Cleveland Police Department?

A I don't remember that it was.

Q Now, how long would you say that you and Chief Eaton spent with these two fishermen over there at the pier at the foot of Huntington Park or one of the piers at the foot of Huntington Park?

A A very short time.

Q Well, approximately how long? Three minutes, four minutes?

A Perhaps two or three minutes.

Q Not more than two or three minutes?

A That's right.

Q During that period, was he able to get their names and addresses, if you know?

A I'm not certain whether he took their names and addresses or not.

Q And it would be almost impossible for him, wouldn't it, Mayor, within two or three minutes' time to take any description about the people that they were talking about?

MR. PARRINO: Objection.

MR. MAHON: Oh, I object to that.

THE COURT: Yes. Objection will be sustained.

Q Well, during that two or three minutes, was there any effort by the Chief of Police of Bay to take a description of the two men that these fishermen were talking about that they had seen on the beach between the point where they were at and the Sheppard home?

A I can't be certain of that, sir. I didn't -- the Chief did most of the talking, and I can't be certain.

Q Now, after you left that point, where did you go next?

A Back to the Sheppard home.

Q And when you arrived back at the Sheppard home, were there some additional people there whose names you have not, up to the present time, mentioned to the jury?

A Well, I cant say specifically because there were a lot of people around at one time or another, and --

Q What was the time of the day that you first saw Schottke and Gareau there?

A I believe it would have been around 8:30 or quarter to 9:00. That is just a guess, however.

Q And what, if anything, did you observe Schottke and Gareau doing?

A You mean at that particular time of the day?

Q At that particular time of the day.

A To the best of my knowledge, they were just making a general look-around the premises and the house. It is possible that I wasn't even there at the time they came. Now, I'm not sure.

Q Well, when you first saw them, then, you say they were just making a general observation of the house; is that right?

A I believe that is right.

Q Now, from the first time that you saw them making this general observation of Sam Sheppard's home, how long did they remain on the Sheppard premises, to the best of your knowledge or recollection?

A Truthfully, I wouldn't have any idea.

Q Well, would you say it was a matter of five minutes, six minutes, seven minutes, without being specific?

MR. DANACEAU:

Well, how can he

say one of those minutes without being specific?

Q Well, how much time, approximately, then? Let's put it that way.

THE COURT:

If you know?

Q If you know?

A Truthfully, sir, I couldn't even guess.

Q Do you know whether or not at any time while you saw Schottke and Gareau on the Sheppard premises, that they were taken to the pier to interview the two fishermen that you and Eaton had talked to earlier?

A Not to my knowledge.

Q Do you know whether or not, to your knowledge, whether Schottke and Gareau had been taken down to the beach and pointed out these footprints that you have described that led up into the Metropolitan Park area or the Huntington Park area?

A I don't know whether they had or not.

Q But, to your knowledge, it was not done, is that right?

MR. DANACEAU:

We object to that.

If the witness doesn't know anything about it, how can he say, to his knowledge, that he knows?

MR. GARMONE:

Let the witness answer the question himself. He doesn't have to answer it if he doesn't want to.

MR. DANACEAU: I am not answering  
it for him. You are putting words in his mouth.

MR. GARMONE: I am trying not to.

THE COURT: He says he doesn't  
know.

That is your answer, isn't it?

THE WITNESS: That is right.

Q Now, about what time would you say that Dr. Gerber arrived?

A I would estimate around 8:00 or 8:15.

Q And at that time did he order everybody out of the home?

A I don't believe he did.

Q When Dr. Gerber first arrived, how many people, would you  
say, were in the home then?

A I wouldn't have the slightest idea.

Q Well, were there many people?

A I wouldn't say many.

Q Well, about how many, guessing?

A It would have to be a guess. I imagine, oh --

Q Ten or 15, 20?

A I was going to say 8 or 10, but it's strictly a guess.

Q Eight or 10. At the time of Dr. Gerber's arrival, were  
there any reporters and photographers inside the home of  
Dr. Sheppard?

A I don't know.

Q You don't know, is that what you said?

A That's right.

Q Was Schottke and Gareau still there when Gerber came on the scene?

A As best I remember, Gerber got there before Schottke and Gareau.

Q Well, then, Schottke and Gareau followed Gerber, is that right?

A To the best of my recollection.

Q Now, when Gerber arrived, did he have some contact with you?

A (No response.)

Q Did you meet with him?

A Well, I met him, yes, talked with him.

Q And where did that meeting take place?

A I believe it would have taken place in the Sheppard home. I'm not certain.

Q And how long would you say that you and Dr. Gerber were together when you first met him at the Sheppard home?

A I wouldn't have the slightest idea.

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Now, we have been talking about the second visit that you made to Sam's home after you had received the telephone call. Did you then leave the premises, Mayor, again?

A Do you mean after the second visit?

Q After the second visit.

A On several occasions, yes.

Q On one of the occasions I believe you testified that you went over to the Aherns, is that right?

A That's correct.

Q And then did you come back to the Sheppard home?

A Actually, I was back and forth between the Sheppard home most of the day, but I was -- did leave the home on several occasions. As far as relating them to time is concerned, I just can't do it.

Q Now, how long -- or how often would you say that you had been in the company of Mr. and Mrs. Sheppard socially over the course of the two-year period that you knew Sam and Marilyn?

A I believe it was a little over two years that we knew them, and when you say socially do you refer to parties, or --

Q Parties, where you and Mrs. Houk were together with Sam and Marilyn.

A I couldn't begin to estimate the number of times.

Q Was it very frequent?

A Well, I would say it was very frequent up until the last



year, and even then it was quite often.

Q During that entire period, isn't it a matter of fact, Mayor, that Marilyn and Sam always displayed a close affection toward one another?

A Well, I would say as much as the average couple.

Q Did you during any of those periods ever see Sam Sheppard lose his temper?

A No, sir.

Q He was an even-tempered person, as far as your observations were concerned, isn't that right?

A Yes, sir.

Q Now, between the 4th of July and the day that Sam was arrested, or the evening that Sam was arrested, he was in and around the village, was he not?

A Yes, sir, as far as I know.

Q And, Mayor, wasn't his arrest brought about as a result of the articles that appeared in the newspapers demanding his arrest?

MR. DANACEAU: Objection.

THE COURT: Objection sustained.

(Thereupon the following was proffered into the record by Mr. Garmone out of the hearing of the jury: If the witness were permitted to answer, the answer would show that his arrest

was brought about by an editorial in the Cleveland Press demanding his arrest.)

MR. GARMONE: That is all at this time.

THE COURT: Mr. Mahon, may I inquire, please, is your redirect examination likely to take more than 10 or 15 minutes?

MR. MAHON: No. Just one or two questions.

THE COURT: I think we will finish if we can.

MR. MAHON: Yes.

REDIRECT EXAMINATION OF J. SPENCER HOUK

By Mr. Mahon:

Q Mayor, Mr. Garmone has questioned you about some men that the fishermen on the pier saw on the beach. Do you recall that?

A Yes, sir.

Q I believe on your direct testimony you testified that the men on the pier said they were teenagers?

MR. GARMONE: He said "teenagers or adults."

MR. DANACEAU: Let the witness answer the question, Mr. Garmone. You are not on the stand.

MR. GARMONE: Let's get the record.

MR. MAHON: Just a minute, please.

MR. DANACEAU: We object to Mr.

Garmone's interruptions.

THE COURT: He will explain what they were.

MR. MAHON: That is what I am going to ask him to do, if your Honor please, if I get an opportunity.

MR. GARMONE: All right. Go ahead.

Q You testified on direct examination that the name "teenagers" was used, is that correct?

A Yes, sir, that's correct.

Q Well, now, will you give us -- tell us just what the fishermen said, whether it was men or teenagers they saw?

A Well, as I said before, Chief Eaton did most of the talking to these fishermen, but I did hear the word -- expression "teenagers" used. They thought they were teenagers.

MR. MAHON: That is all.

#### RECROSS-EXAMINATION OF J. SPENCER HOUK

By Mr. Garmone:

Q Now, Mr. Houk, to refresh your memory, when Mr. Mahon asked you the question about who these men were that the fishermen described, did you use the statement that they said they

were teenagers or adults?

A As I recall, that was asked, I believe, yesterday, and I believe that I said "men or teenagers."

Q The exact words that you used were "teenagers or adults."

MR. CORRIGAN: Or "men."

Q Or "men," is that right?

MR. DANACEAU: You are substituting "men" for "adults"?

MR. GARMONE: Well, "men" for "adults." We can get the record and get the exact words.

MR. CORRIGAN: Here it is right here.

MR. MAHON: What page?

MR. GARMONE: Page 690.

THE COURT: Why don't you help the Mayor on that?

MR. GARMONE: I will.

Q Mayor, page 690 --

MR. DANACEAU: Would you mind reading the entire answer, please?

MR. GARMONE: Where do you want me to start? I haven't started reading anything yet.

MR. DANACEAU: Well, go ahead.

MR. GARMONE: I will start where  
you tell me to start.

MR. MAHON: It is your examination.

THE COURT: Let's go ahead.

Q "Q. Mayor, can you tell us what time Chief Eaton arrived  
there at the Sheppard home?

"A. I don't remember seeing him come.

"Q. What did you do down at the beach when you got  
down there?

"A. We followed" --

There is a hesitation there.

"Q. You say 'we'? Now, who do you mean by 'we'?

"A. Chief Eaton and I.

"Q. All right.

"A. We followed some footprints from where we picked  
them up to the most westerly pier at Huntington Park.

"Q. Then what did you do?

"A. We talked briefly with two fishermen, who were  
on this breakwall fishing and they mentioned, I believe,  
having seen a couple of boys or men, who appeared to be  
teenagers, in that area sometime before. And we then  
walked back to the Sheppard home, that is, to the steps  
at the bottom of the Sheppard home."

MR. DANACEAU: That's correct.

MR. GARMONE:

That's right.

Q That was your answer yesterday, was it not, Mayor Houk?

A Yes.

Q Now, in your examination yesterday, Mayor, there was some questions put to you about a corduroy jacket that was identified as State's Exhibit 7. Is that right?

MR. PARRINO:

Yes, sir.

Q You didn't see that jacket until after Gerber had arrived, isn't that a fact?

A To the best of my knowledge, that's correct.

Q And how many people had been in and out of that home before Dr. Gerber's arrival, to the best of your recollection?

A Well, there were quite a number of them.

Q 10 or 15?

A I would say that was correct.

Q So far as you know, Mayor, this jacket could have been handled by anyone of those people that were there prior to you having seen it, is that right, in the condition that you saw it in, is that correct?

A As far as I know, yes.

Q And when you saw the jacket, it was lying on the couch, and sort of in a condition such as that, or close thereto (demonstrating)?

A No. I would say it would be folded a little more neatly than that.

Q Well, was it such as that (demonstrating)?

A No.

Q Well, will you fold it in the manner in which you saw it?

A I'm not very good at this folding business.

Q Well, take your time.

THE COURT: You can use the  
bench.

A It was something like this (demonstrating).

Q Something like that. And what was the approximate time after Gerber's arrival, that you have described to the jury, as first having seen this jacket?

A I couldn't give an estimate of time.

Q Well, you had gone down to view the beach with Chief Eaton prior to Gerber's arrival, had you not?

A Yes, sir.

Q And during that period you don't know how many people came in and out of the Sheppard home?

A I'd have no way of knowing.

Q So far as you know, the jacket may have been placed on that couch by any one of the number of people who were in and out of the Sheppard home during that morning before you saw it, is that correct, Mayor?

MR. MAHON: Objection, now.

Objection to the question.

THE COURT: The question is, as

far as he knows.

MR. GARMONE:

As far as he knows.

THE COURT:

He may answer that.

A

That's correct.

MR. GARMONE:

That is all.

MR. MAHON:

That is all.

MR. GARMONE:

Just a minute.

That is all, thank you.

(Witness excused.)

THE COURT:

Ladies and gentlemen,

we will have a few minutes' recess at this point.

Please do not discuss this case at all.

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(Thereupon a recess was taken.)

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