

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

DIRECT EXAMINATION OF JOHN EATON

By Mr. Corrigan:

Q You have been sworn before, you are Chief Eaton?

A Yes, sir.

Q You have been sworn before.

THE COURT:

I think he was

excused, Mr. Corrigan.

Q I subpoenaed you to bring here to this court room the keys of the Sheppard residence. Did you do so?

A Yes, sir.

Q Will you show them to me?

A These are the keys to the house.

Q These are three keys to the house of Dr. Sheppard?

A These two are to the house and that is to the padlock that's on the garage.

Q And where did you get these keys?

A This key here we had made shortly after July 4th.

Q You had it made?

A Yes, sir.

Q And what about the other key?

A It was found in the house. I wasn't present, so I don't know anything about the details.

Q Who knows about it?

A Sergeant Hubach.

Q It wasn't found that day, was it?

MR. DANACEAU: We object to it.

He wasn't there.

MR. CORRIGAN: Well, if he doesn't know about it, we will bring Sergeant Hubach.

MR. DANACEAU: We will have him here.

Q Will you tell Sergeant Hubach to come down to court, Chief?

A Yes, sir.

Q All right. Who put it on this chain? Who put this key on this chain?

A I do not know.

Q You don't know. Now, what other keys to the house have you got?

A These are keys, I believe, to the boat house.

Q When did they come into your possession?

A About the 10th of November.

Q From whom?

A From the Prosecutor's office.

THE COURT:

Speak a little

louder, Chief. I don't hear you at all.

A From the Prosecutor's office.

Q Did the keys of the house come into your possession from the Prosecutor's office, also?

A The keys to the house were originally in our possession until, I believe, the 28th of August, and then they were turned over to the Prosecutor.

Q And they were in the possession of the Prosecutor then?

A Until they were returned to me.

Q And when were they returned to you?

A I believe it was the 10th of November.

Q Now, I also asked you to bring here to court a notice that was served upon you. Did you do so?

A Yes, sir.

Q Have you got it?

(Witness hands document to Mr. Corrigan.)

MR. CORRIGAN:

Will you mark that?

(Defendant's Exhibit 13, being a notice, was marked for identification.)

Q Is this the notice that was served upon you?

A Yes, sir.

Q And what date was it served on you?

A It was in August. I'm not certain of the exact date.

Q Is the date on it?

A August 23rd is on it.

Q August 23rd?

A Yes, sir.

Q Well, was that the day?

A It was that day or probably a day later, I'm not certain.

Q What?

A It was that day or a day later. I'm not certain.

Q I see. Signed by who?

A Samuel H. Sheppard.

MR. CORRIGAN: I desire to  
introduce it in evidence.

MR. DANACEAU: Objection.

MR. MAHON: We object to it.

THE COURT: I don't know what  
it is.

(Exhibit handed to the Court by Mr. Corrigan.)

THE COURT: The objection will  
be sustained.

MR. CORRIGAN: Except.

Q Did you also find some money in that house?

A Yes, sir.

Q And did you bring the money to Court?

A I did.

Q Where is it?

A It's in here.

Q Will you take it out, please?

(Witness complies with request.)

Q Handing you a box which I will have marked --

(Defendant's Exhibit 14,  
being a box, was marked  
for identification.)

Q That box contains one silver dollar, four one-half --  
five one-half silver half dollars, two silver quarters  
and a nickel, correct?

A That's right.

Q Where was that money found?

A It was found in a dressing table in the east bedroom.

MR. CORRIGAN: I introduce  
that in evidence.

MR. DANACEAU: No objection.

MR. MAHON: No objection.

THE COURT: It will be received.

(Defendant's Exhibit 14  
received in evidence.)

MR. CORRIGAN: That's in a gold  
box.

Mark this, please.

(Defendant's Exhibit 15,  
being a small box, was  
marked for identification.)

Q Handing you a box which is marked Defendant's Exhibit 15,  
will you look at that, Chief, and tell the jury what it is?

A I believe it's referred to as a pocket secretary. It's

a combination notebook and pocketbook.

Q And who found that?

A We were directed to it by --

Q No. Who found it, was the question?

A I found it.

Q And where did you find it?

A It was in a desk, in a drawer, in the den; in the desk in the den, in the first drawer.

Q In the desk in the den. And was there any money in it?

A Yes, sir.

Q And inside that is four \$20 bills and two \$10 bills, correct?

A That's right.

MR. CORRIGAN: I introduce that  
in evidence.

MR. DANACEAU: No objection.

MR. MAHON: No objection.

THE COURT: There is no  
objection, I take it?

MR. MAHON: That's right.

THE COURT: It will be received.

(Defendant's Exhibit 15  
received in evidence.)

Q I hand you a red box which is marked Exhibit 16.

(Defendant's Exhibit 16,  
being a red box, was  
marked for identification.)

Q Will you examine this red box marked Defendant's Exhibit 16 and tell what is in it?

(Witness examines exhibit.)

Q What is in it?

A One \$20 bill and two silver 25-cent pieces.

Q And where was that found?

A That was found in a drawer in the first bedroom east of the bathroom, in a drawer of a bureau, I guess they call it.

Q The room occupied by Dr. Hoversten?

A No. It was next to the room occupied -- it was between his room and the bathroom.

Q That was the dressing room?

A That's right.

Q I will hand you a paper which is marked Defendant's Exhibit 17.

(Defendant's Exhibit 17, being a paper, was marked for identification.)

Q What does it contain?

A It contains one \$20 bill, a \$10 bill, two \$1 bills, and a set of keys -- or, two 10-cent pieces and a set of car keys and one benzedrex inhaler.

Q And where did you find that?

A The \$20 bill, the \$10 bill and the one -- the two \$1 bills were found in a copper stein on a shelf in the den. The benzidine inhaler was turned over to me by Dr. Gerber.

I'm not certain where the keys were found.

Q When was the inhaler turned over to you by Dr. Gerber?

A July 4th.

Q And what is that, just something that you inhale in your nose?

A I presume so. I don't know.

Q I see. All right.

MR. CORRIGAN: I introduce that  
in evidence.

MR. MAHON: No objection.

THE COURT: It will be received.

(Defendant's Exhibit 16 & 17  
received in evidence.)

Q You've brought everything you have?

A Yes, sir.

Q Where is Marilyn Sheppard's purse?

A I don't have it.

Q When is the last time you saw it? Who has it?

THE COURT: Where is Marilyn  
Sheppard's what?

MR. CORRIGAN: Marilyn Sheppard's  
purse.

THE COURT: Oh, yes.

A I do not know where it is.

Q You don't know where it is?



A No, sir.

Q All right.

MR. CORRIGAN: I think that we will take possession of these keys, your Honor.

MR. MAHON: Well, under what authority is he taking possession of the keys?

MR. CORRIGAN: Under what authority is anybody holding them?

MR. MAHON: There's been a murder committed.

THE COURT: The question -- now, then, they are in the possession of the police.

MR. CORRIGAN: Why are they in the possession of the police?

THE COURT: I don't know, and it is wholly immaterial.

MR. CORRIGAN: You are a Judge, you are a Court, and I say that this is the only way I can get possession of these keys.

THE COURT: No, sir, it is not.

MR. CORRIGAN: Well, what other way can I?

THE COURT: The Court will order the keys into Court, if you issue a proper subpoena for them.

MR. CORRIGAN: Well, I have issued a proper subpoena for them, and I have them in Court now.

THE COURT: All right. They are here and they will stay here.

MR. CORRIGAN: They belong to Sam Sheppard.

THE COURT: No, sir.

MR. CORRIGAN: Who do they belong to, your Honor?

THE COURT: They belong to the police at the moment.

MR. CORRIGAN: Why do they belong to the police?

MR. DANACEAU: If the Court please, do we have to have a legal discussion?

MR. CORRIGAN: Yes. A man's home is his castle.

MR. DANACEAU: Mr. Corrigan, cut out this dramatization and showmanship.

MR. CORRIGAN: You talk about showmanship.

MR. DANACEAU: I certainly do.

MR. CORRIGAN: Well, go ahead and talk about it.

MR. DANACEAU: Well, I'm talking about it, sir.

MR. CORRIGAN: They've got the house keys and they have no use for them. They have had possession of the house since the 4th of July.

MR. DANACEAU: Is this a trial or is this just a show house?

THE COURT: The keys are in the possession of the police officers, and they are going to remain there until they are removed legally.

MR. CORRIGAN: I have removed them here into this court room this morning. The very purpose I brought this man here was to bring those keys in.

MR. DANACEAU: The only purpose was to stage this show, and nothing else.

MR. CORRIGAN: Talk about your show.

MR. DANACEAU: I'll talk about it as long as you are acting.

MR. CORRIGAN: Yes, it's a show.

MR. DANACEAU: As long as you are putting on a performance, I'll talk about it, sir.

MR. CORRIGAN: I'm maintaining  
peoples' rights in this court room, sir.

MR. DANACEAU: All you are doing  
is putting on a show, and nothing else.

MR. CORRIGAN: I'm maintaining  
peoples' rights to their home --

THE COURT: Mr. Corrigan, please.

MR. CORRIGAN: -- that have been  
taken by the police.

MR. DANACEAU: More of the same.

MR. CORRIGAN: Yes.

MR. DANACEAU: That's right.

MR. CORRIGAN: That's what I am  
here for. I'm an American lawyer maintaining  
rights in this court room.

THE COURT: Mr. Corrigan, please,  
do show some respect to the Court.

MR. CORRIGAN: I have every respect  
in the world for the Court, but I insist that the  
Court should come to my assistance in this matter.

THE COURT: The Court will not  
come to your assistance, excepting when he  
believes when you are correct and right.

MR. CORRIGAN: I have the keys.

THE COURT: And you know very

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well that you are not right in this case.

MR. CORRIGAN: I know I am right.

THE COURT: All right. The Court will rule, in any event, and his ruling will remain that the keys belong to the police at the moment.

MR. CORRIGAN: That is all.

I want Mr. Hubach to come here. Will you bring him here, Mr. Eaton, or order him into the Court?

THE COURT: Will you have Sergeant Hubach come in?

THE WITNESS: What time?

THE COURT: I don't know. When do you want him, Mr. Corrigan?

MR. GARMONE: Any time, your Honor.

MR. CORRIGAN: Any time. You just better leave that key here so that I can identify it.

THE COURT: You better leave them with me. Is that all that is in here, the keys?

THE WITNESS: Yes.

THE COURT: You will have

Sergeant Hubach come?

THE WITNESS:

Yes, sir.

THE COURT:

You have no questions?

MR. MAHON:

Yes, just one or two.

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CROSS EXAMINATION OF JOHN EATON

By Mr. Mahon:

Q Chief, since you have had that key -- you got it sometime in November, the key to the house, is that right?

A Yes, sir.

Q From that time down to date has the house been accessible to the Sheppard family?

A Yes, it has.

Q And have they been in the house during that period of time?

A Once, on one occasion, at least.

Q To take care of the heat, and so forth, and water, and all of those things?

A Yes.

Q Is that right?

A Yes.

Q Have they ever been denied at any time the right to go into that house since you have had possession of the keys?

A They have not. —

MR. MAHON:

That is all.

REDIRECT EXAMINATION OF JOHN EATON

By Mr. Corrigan:

Q Each time any member of the Sheppard family went in the house they had to get your permission?

A That's right.

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Q And each time they went in, they were accompanied by a police officer?

A Yes, sir.

MR. CORRIGAN: That is all.

RECROSS EXAMINATION OF JOHN EATON

By Mr. Mahon:

Q Chief, since you have had possession of that key to the house, since November, do you have some police officer go to the house to look it over?

A Yes.

Q At regular intervals?

A Yes.

Q How often?

A About once a week.

MR. MAHON: That is all. 3787

REDIRECT EXAMINATION OF JOHN EATON

By Mr. Corrigan:

Q And the order that Sam Sheppard could not go into his home, where did that come from?

A Pardon me. Will you repeat that?

MR. DANACEAU: We object to that.

We know of no such order.



Q Did you make that order?

MR. DANACEAU: Just a minute.

MR. MAHON: Was there such an order?

THE COURT: Let him tell what the situation was.

MR. MAHON: There is no evidence there ever was such an order.

THE COURT: No, there isn't any evidence about an order, but he is the Chief of police. Let him answer if there was.

A I didn't understand the question, I'm sorry.

THE COURT: Will you restate your question, Mr. Corrigan? The Chief doesn't understand it. Or let the reporter repeat it.

(Question read by the reporter.)

A There was no order he could not go in his home.

Q The order that Sam Sheppard could not go into his home except in the custody of a policeman or with a policeman, how did that originate?

A That was suggested, I believe, by the prosecutor's office.

Q I see.

MR. CORRIGAN: That is all.

MR. MAHON: That is all.

(Witness excused.)

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