

THEREUPON, the State of Ohio,  
further to maintain the issues on its part  
to be maintained, called as a witness FRED DRENKHAN,  
who, being first duly sworn, was examined and  
testified as follows:

**DIRECT EXAMINATION OF FRED DRENKHAN**

By Mr. Spellacy:

Q For the record would you kindly state your name?

A Fred Drenkhan.

Q Would you spell your last name, please?

A D-r-e-n-k-h-a-n.

Q Where do you live, sir?

A 479 Canterbury.

Q In what city is that?

A Bay Village.

Q How long have you lived in Bay Village?

A Since about 1941.

Q What is your business or occupation, sir?

A At the present time I am chief of police in the city  
of Bay Village.

Q How long have you been Chief of Police in the City of  
Bay Village?

A Since January 1st, 1965.

Q How long have you been a member of the Bay Village  
Police Department?

A Since 1948.

Q Now, specifically, in 1954 were you a member of the Bay Village Police Department during that year?

A Yes, I was.

Q What were your duties as a member of the Bay Village Police Department in 1954?

A I was a patrolman.

Q At the time did you know one Sam Sheppard?

A I did.

Q How long had you known Sam Sheppard?

A Approximately three years.

Q How did you come to know him?

A Through our workings with the hospital, Bay View Hospital, in the city. The defendant acted as an assistant and answered calls when we needed him for emergencies.

Q Other than through business and through your duties as a member of the Bay Village Police Department, did you have occasion to know him socially as well?

A I did.

Q Did you know Marilyn Sheppard?

A I did.

Q Now, directing your attention to July 3rd, 1954, did you have occasion to work that day as a member of the Bay Village Police Department?

A I was working a midnight to eight turn.

Q Did you report to work the evening or the night of July 3rd, 1954?

A Yes, I did. I was probably picked up at that time. We were picked up at our homes.

Q During the year 1954 approximately how many people or how many members were there on the Bay Village Police Department?

A There were seven full time men, and four part time men.

Q Seven full time and four part time, is that correct?

A Yes.

Q How many shifts did you work?

A There were three. The 24-hour period was divided into three shifts.

Q Approximately how many men worked in each shift?

A Two.

Q Two men on each shift?

A Yes.

Q Now, directing your attention once again to the night of July 3rd, do you recall what night that was or what day of the week it was?

A July 3rd would have been a Saturday.

Q You indicated that you reported to work around midnight of that day?

A Yes.

Q That would have been the morning of the 4th, is that correct?

A That's correct.

Q The 4th would have been a Sunday?

A That's correct.

Q Do you recall who your partner was that particular night?

A Patrolman Roger Cavanaugh. He was a part time officer.

Q If you would, please, would you describe roughly the boundaries of Bay Village?

A Bay Village is bounded on the east by Rocky River, the City of Rocky River; on the south by the City of Westlake, and the Norfolk and Western Railroad.

On the west side by the City of Avon Lake or the Lorain County line; and on the north by Lake Erie.

Q Now, with regard to the directions of north and south, approximately in miles how wide is Bay Village?

A At its widest point it is approximately a mile and a half. At its narrowest point, about a half mile.

Q From east to west how long is Bay Village?

A A little over five miles.

Q Are there any main roads in the City of Bay Village?

A Westlake Road, Route 2 and 6; it is known as Lake Road.

Q Is that the main artery that goes through the city

of Bay Village?

A That's right.

Q And was this true in 1954?

A That's correct.

Q Now, as a member of the Bay Village Police Department, what specifically were your duties the morning of July 4th, 1954?

A We were on patrol, preserve the peace and order of the city, arrest violators of the law that we saw.

Q What area of the city did you patrol, if you can recall, on the morning of July 4th?

A The entire city.

Q Do you pay specific attention to any one road or any portion of the city?

A Mostly to Lake Road or Westlake Road.

Q Now, the morning of July 4th, 1954, did you spend a considerable amount of time on Lake Road, Westlake Road, as you call it?

A We probably did, yes.

Q Do you recall approximately how many times you were on Lake Road that night?

A Oh, possibly ten, twelve times.

Q Can you tell us whether or not you observed the weather conditions that particular evening or that morning?

A Yes, during the early morning hours there was a strong wind out of the north. It was cool.

Q Pardon me?

A It was slightly cool.

Q And did you observe anything with regard to the lake at that time?

A The lake was rough. You could hear the roar of the water on the beach.

Q Did you know at that time where Marilyn and Sam Sheppard lived?

A Yes, I did.

Q Did you have occasion to travel in the vicinity of their home?

A Yes, we did.

Q During the course of your duty that evening?

A Yes, we did.

Q Chief Drenkhan, what time were you supposed to go off duty that morning?

A At 8:00 in the morning.

Q Directing your attention now to before 8:00, did you have occasion to return to the police station at any time?

A Yes, we had returned to the fire station which was also used as a police station at that time on Cahoon.

Q Where is Cahoon Road in Bay Village?

A It is the approximate center of the city.



Q With regard to the Sheppard home, where is Cahoon Road?

A Approximately a half mile, three-quarters of a mile away.

Q Would that be east or west?

A West.

Q The Sheppard home would be west of Cahoon Road?

A That's correct.

Q So Cahoon would then be east of the Sheppard home, is that correct?

A Yes.

Q What time were you at the combination fire station and police station that morning?

A Approximately 5:00, 5:30 in the morning.

Q Did anything unusual happen while you were there?

A Yes, at about 5:57 we received a call.

Q Who did you receive that call from?

A From Mr. Houk, then Mayor Houk.

Q As a result of receiving that call what was the first thing that you did?

A The Mayor called, he said something, he asked who I was, and I told him it was Fred; and he said, "Get over here right away, something terrible has happened to Marilyn," and I asked him where he was. He says, "At Sheppard's."

At that point I directed Patrolman Cavanaugh to follow me over in one of the other cruisers that was parked there.

Q Patrolman Cavanaugh was your partner that evening?

A That's correct.

Q What if anything did you do then?

A I proceeded over to the Sheppard home.

Q And did you proceed over there before Patrolman Cavanaugh?

A I did.

Q Approximately how long did it take you to travel from Cahoon Road to the Sheppard home?

A Two, three minutes.

Q Approximately what time did you arrive at the Sheppard home?

A It would have been 6:00, 6:02.

Q And after arriving there what was the first thing that you did?

A I pulled into the drive, got out of the car, and went to the Lake Road door, and I went into the front door.

As I walked into the door Mrs. Houk was there. There was an upturned medical bag in the hall, and I looked into a study that was to the right and saw the defendant sitting in his chair; and Mrs. Houk said to me, "See what



you can do for Marilyn."

Q What did you do then?

A With that I followed her and she directed me then through the kitchen up a short landing, and on up the stairs.

Q Now, this short landing, you arrived at the short landing through the kitchen, is that correct?

A That is right. It is a landing that goes between the kitchen and the living room.

Q On one side of the landing is the kitchen, and on the other side is the living room, is that correct?

A That's correct.

Q Were you able at this time to see into the living room?

A Yes. The stairwell has a solid wall on the east wall and is open on the west side or the left side as you go up.

Q So if I understand you, it is solid on the kitchen side?

A Yes.

Q And open stairwell on the living room side, is that right?

A Yes.

Q Did you have occasion to look into the living room at that time?

A Yes, as I went up the stairs I glanced down into the living room.

Q What if anything did you see when you glanced down into the living room?

A I went up the stairs. I looked down over the railing as I was going up, there was a couch directly underneath the open stairwell, and there was a jacket lying on the couch.

Q Now, were you able to determine at this time what type of jacket it was?

A It was brown. At that time, a suitcoat or sport jacket of a type.

Q Then did you continue upstairs?

A Yes, I did.

Q Where did you go when you went upstairs?

A I went directly up the stairs, and right at the head of the stairs I entered into the room where the deceased was lying.

Q And could you tell us what you saw at that time?

A I entered into the room and on the first bed, as you immediately enter in the room, the deceased was lying on one of a set of twin beds.

She was lying about half way down, with her legs underneath a cross bar of the bed.

She was beaten about the head, incised and lacerations about the head, a great deal of blood on the pillows and on the sheets.

The shades were pulled in the room. The room was dark. There was no light on. And I looked at the deceased and determined that she was dead, or appeared to be dead.

Q Did you recognize the person in the bed?

A Yes.

Q And who was that person?

A Marilyn Sheppard.

Q Approximately how much time did you spend in the room?

A At that time a very short time.

Q Did you have occasion at that time to observe the windows in the room?

A As I was standing in the room, I glanced through the room, yes, I did, there were three windows in the room, one on the west side and two on the north side.

Q Can you tell us whether or not you observed these, whether these windows were open or closed?

A The shades were pulled on all three windows. The west window on the north side was open approximately three inches, and the shade did not cover that portion.

Q What did you do after you made these observations?

A I immediately went downstairs and went back out to the police cruiser and called back to the station requesting that they contact a doctor, the Chief of Police, and additional help.

Q What did you do after making this call in your police cruiser?

A I was advised that the doctor was on the way, and I returned back into the home. I went on into the study where the defendant was sitting on the red chair.

Q Now, at this time can you describe what the defendant was wearing?

A He was wearing -- he had no shirt on. He had a pair of trousers, and shoes and socks, as I recall.

Q Did you have conversation with him there at that time?

A Yes, I did. I asked him what had happened.

Q What did he tell you?

A He told me that he heard Marilyn scream, that he remembered fighting on the stairs, and of being in the water. At that time the conversation stopped. He didn't say any more.

Q Was anyone else in the home at that time while you were there?

A Mr. Houk and Mrs. Houk were there at that time, yes.

Q Did anyone else arrive after you came, immediately after you came?

A No, there wasn't -- oh, the fire department arrived with the ambulance, yes, they were there.

Q Do you recall who those men were?

A It was Fireman Sommers and Fireman Callihan.

Q Now, after having this conversation with Sam Sheppard, what if anything did you do then?

A I returned upstairs and found that the firemen had taken the cot to the upstairs and I directed them to remove it, that the doctor was on the way. When I returned --

Q When you say a cot, what do you mean?

A A stretcher on wheels.

Q Was this a flat stretcher or was it one that folded?

A No, it was a full stretcher. It did not fold, no.

Q Did they remove that from the room then?

A Yes, they did.

Q Did you stay in the room at that time?

A No, I returned downstairs and when I got downstairs Doctor Richard Sheppard arrived, and I directed him upstairs to where the deceased was.

Q And did you have occasion to accompany him upstairs at that time?

A Yes, he knew where the upstairs was, and we passed through the kitchen and he led the way up.

As he went up he asked for two knives from the kitchen, and I followed him on upstairs and he went on up into the room.

Q What transpired in the room?

A He examined the deceased with a stethoscope and

determined that she was dead.

Q How long did you remain in the room at this time?

A Not very long. I believe I left with him at that time.

Q Now, did you make any observations in the room either on the prior occasion or the occasion that you went up there with Richard Sheppard, as to the number of beds that were in that room?

A Yes, there were two twin beds in the room. The bed where the deceased was lying was the nearest to the door.

There was a night stand in between the two beds, and then another bed.

Q Can you tell us what if anything was on the night stand?

A There was a telephone and an alarm clock.

Q Can you tell us what the condition of the bed on the westerly side or the other twin bed, what the condition of that bed was?

A Yes, it was open, as if somebody might have been preparing to go to bed. The sheets were folded back.

Q Now, can you tell us what if anything you observed as to clothing in the room?

A There was a rocking chair on the northeast corner of the bedroom, and there was some clothes lying on this rocking chair, women's apparel.



Q Did you have occasion to examine the windows?

A Yes, at that time, yes.

Q And what did you find with regard to the windows?

A All of the windows were locked. The window on the west side had an aluminum screen on it.

The window on the north side that was open had a screen on it that was hooked on the bottom.

There was no screen on the northeast window.

Q Did you make any observations as to forcible entry into that room by the windows?

A There was no indication that those windows had been disturbed or anything, or any dust disturbed on the window sills at all.

Q Did you have occasion to examine the first floor of the Sheppard home on that morning?

A Yes, I did.

Q Approximately when did this examination take place?

A At various times. The most thorough examination was conducted with Detective Grabowski at about eight o'clock.

Q Who is Detective Grabowski?

A He is with the Scientific Investigation Unit of the Cleveland Police Department.

Q And did he arrive on the scene that morning?

A Yes, he did.

Q At approximately what time?

A About ten to eight.

Q Now, prior to this time, did you have occasion to make any other phone calls other than calling for a doctor?

A Yes. At about 6:30 I returned to the study and I attempted to contact the Cleveland Police Department. This was my first contact with them, and asked if they could send us somebody in the Scientific Investigation Unit.

Q And did you call anyone else that morning?

A I called Doctor Gerber -- or, Mr. Ray Keefe, who is an assistant to Doctor Gerber.

Q And who is Doctor Gerber?

A He is the County Coroner.

Q Did Doctor Gerber arrive on the scene there that morning?

A Yes, Doctor Gerber arrived approximately eight o'clock, also.

Q Did you have occasion to call anyone else?

A No. At about 7:30 I again contacted Cleveland to attempt to get them to send out some of their officers from their Homicide Unit, and I talked to a Captain Hauschild.

Q Captain Hauschild?

A Yes.

Q Did you at any time leave that home that morning?

A Yes, in the morning -- after Doctor Richard Sheppard

had examined Marilyn and pronounced her dead, I then went down to the beach. I walked through the home and went on down to the beach.

Q When you say you went down to the beach, by what means did you go down to the beach?

A I went through the lake side door, the north door, and walked down the steps leading down to the boat house.

Q For the record, approximately how many steps are there leading down to the boat house?

A 52.

Q 52 steps. What did you do when you went down to the boat house?

A I stood on the platform there and looked down on to the beach and both to the east and to the west.

Q When you say you looked down on to the beach, approximately how far were you from the beach?

A I believe that boat house platform must set above the beach eight feet or so.

Q Can you tell us what the condition of the beach was at that time when you walked down there?

A The lake had calmed down. There wasn't a heavy surf running, maybe eight-inch waves, twelve-inch, one foot waves. It was about three to four or five foot of beach. A portion of it was dry.

Q Can you tell us what your observations were as to any

marks on the beach?

A The beach seemed undisturbed that morning at the time I was there.

Q What portion of the beach did you examine?

A The beach right at the foot of the steps leading from the platform down on to the sand itself.

Q And at that time, in July of 1954, which way did the steps run from the beach house?

A East.

Q East?

A Yes.

Q And approximately how many steps were there down from the beach house?

A Approximately ten.

Q About ten steps?

A Yes.

Q Did you see any footprints at that time?

A No, sir.

Q What time was this that you made this observation?

A It was approximately 6:20.

Q About 6:20. Do you know if any other members of the Bay Village police or fire department went down to the beach after you, after you went down there?

A Fireman Cavanaugh and Fireman Sommers went down, and Chief Eaton went down.

Q They went down there after you had gone down there, is that correct?

A Yes.

Q After you made these observations regarding the beach, did you return then to the home?

A Yes, I did.

Q Did you see in the home Sam Sheppard at that time?

A Yes, that was about 6:30. That was when I went in to call Coroner Gerber and Cleveland.

Q Did you see Sam Sheppard leave the home at any time that morning?

A Shortly after that I saw him leaving the home; I believe it was Doctor Stephen Sheppard had arrived at that time, and Doctor Carver from Bay View Hospital.

Q Was Coroner Gerber there at that time?

A No, he wasn't.

Q Was Officer Grabowski of the Cleveland Police Department there at that time?

A No, he wasn't.

Q Did any other members of the Cleveland Police Department arrive at the home later that day?

A About 8:20, 8:30, Detective Careau and Schottke arrived from the Cleveland Homicide Unit.

Q Now, you indicated previously that you had occasion to look through the home with Detective Grabowski. Would you

tell us what observations you made insofar as the living room portion of the home is concerned?

A The living room is an L-shaped affair. On the north wall there was a desk. This desk was a type that open down on an angle, kind of a secretarial type desk. There were three drawers in this desk. Two of them were pulled out.

There were some papers laying on the floor, lying on the floor, in front of this desk.

Q Officer, are you able to draw a diagram of the first floor of the home?

A Yes, I think so.

MR. SPELLACY: Could we have a blackboard, your Honor?

THE COURT: Mr. Ferguson or Mr. Patrick, will you assist, please.

Gentlemen at the counsel table, will you position yourselves so that the jurors may see the blackboard, when you are finished with your conferences there.

A This was the living room area, it stretched in an L-shape form.

The stairs going upstairs; this is like a hallway going from the kitchen into across here, and then you could go upstairs at this point.

These are steps going upstairs.



Q Officer, you have indicated "Lake" up at the top there. Are you referring to Lake Road or Lake Erie?

A Lake Road.

Q That would then be the south, is that correct?

A Yes, and this is north. I am sorry. I am doing this backwards. North should be at the top.

Q Well, this is the Lake Road side up here, is that correct?

A Yes. The driveway came in off of Lake Road.

Q Would it be easier, officer, for you to make Lake on the north, Lake Erie?

A All right.

Q All right, and we can start all over.

A All right.

Q Where is the entrance to the home insofar as Lake Road is concerned?

A This would be the Lake Road entrance.

Q And would you depict, sir, Lake Road running across.

THE COURT: Counselor Spellacy,  
the last three jurors here cannot see the diagram.

These jurors here cannot see, officer.

THE WITNESS: I will step out of  
the way.

Q Would you please do that again, show us where the entrance is on the Lake Road side of the home?

A This is the entrance, the Lake Road entrance here.  
Here is a walk over to the garage.

Q As you walk in the Lake Road entrance, where do you walk?

A You come into a hallway here. This would be the dining room area, the living room area, the kitchen, and the hallway.

Q Would you so mark each of those rooms.

So if I understand you correctly, as you walk in the hallway, immediately to your right is a den, is that correct?

A That's correct.

Q And across the hall from that is the kitchen?

A Yes, it is kind of an angle.

Q If you were to walk straight down the hall you would walk into the combination dining room and living room, is that correct?

A Yes, there is a dining room table there.

Q Would you indicate where Lake Erie is?

A Yes.

Q Now, you indicated you saw a desk; will you position that desk, please?

Is there an entrance going out to Lake Erie?

A Yes, this goes out to a large screened-in porch that goes all the way across the north side.

Q And would you indicate the porch area, please? And is there an entrance off of the porch?

A Yes. Right on this, approximately.

Q Would you describe that desk for us now as you observed it that morning?

A This desk is a secretarial type desk, with a top that folds down and makes a writing surface.

There are three drawers the width of the desk, underneath this secretarial type writing surface.

The bottom two drawers were pulled out half way or a portion of the way.

And immediately in front of -- there was a chair here, there were some papers piled together, envelopes, tax stamps, miscellaneous letters of this type.

Q Will you describe the manner in which they were laying on the floor?

A They were grouped similar to this, in small stacks or gatherings.

Q What condition were those drawers in, again, please?

A The drawers did not appear to be disturbed at all, nor was the top of the desk. It seemed that the papers were in order.

Q You indicated before that there was a couch in the room, in a portion of the room, is that correct?

A Yes.

Q Where was that located?

A This is the landing that comes from the kitchen, and it comes up about two or three steps here, and you can go up this landing and back down into the living room. This wall is open and the couch was in this position.

Q Now, when you went back into the living room did you make further observations insofar as that couch is concerned?

A Yes. This is where the couch was, and the jacket was lying on the couch at this point.

Q That would then be the southerly end of the couch, is that correct?

A That's right.

Q Do you know if there was a television set in that room?

A The TV was here. I believe there was another couch here.

Q Officer, did you have occasion to make observations that morning as to whether or not there were any light switches in the house?

A Yes. There were light switches controlling the stairway here and up here.

Q Which stairway do those light switches control?

A The ones going upstairs.

Q Can you describe what those stairs were made of, or

what was on the stairs?

A They were just wood.

Q Just bare wood?

A Yes.

Q When you had occasion to go down to the beach, did you notice whether or not there were any lights on the beach or on the stairway going down to the beach?

A I believe there was a light half way down on the steps. This light is controlled from the den, with steps going down to the boat house.

Q What do you mean it is controlled from the den?

A The switch, as I recall, worked off of a switch in the den.

Q Were there any other light switches in that particular home?

A There were light switches here. I think there was one that controlled the overhead, and one controlled the light in the ceiling.

Q What type of light was that in the ceiling?

A A hanging light.

Q Similar to what we have here in this courtroom?

A Yes, well, not as big, but it was a hanging one.

Q Of that type, though?

A Yes.

Q Now, officer, when Detective Grabowski was there, did

you have occasion to do anything with him, other than making his examination of the room?

A We checked the entire home for any signs of forcible entry, and Detective Grabowski began to dust for prints and take pictures, and I did, too, at that point.

Q You say you made an examination for forcible entry; what did you do insofar as that examination was concerned?

A We examined all the windows about the home, and the doors, the locks, there were chain locks, on both this Lake Erie door and this Lake Road door.

We examined the windows and the doors upstairs and down.

Q What if anything did you find insofar as those chain locks on the Lake Road door and on the door going out to Lake Erie?

A They were all intact.

Q Pardon me?

A They were all right.

Q They were all intact?

A Yes.

Q You indicated then that you had occasion to take pictures?

A Yes, I did.

Q Resume your witness chair. Officer, what portions of the house did you have occasion to take pictures of?



A I took pictures of the study, of the hall, of the living room, and of the upstairs bedroom.

Q You described for us the condition that you found the living room in.

Did you have occasion to make observations insofar as the condition of the den?

A Yes, I did.

Q What did you see in there?

A There was a large red leather chair that sets on the north side of the den.

Then there was a large wooden desk, and this desk had the drawers removed. There is six drawers--three on the right and three on the left. The two top drawers on the right were removed. They were sort of setting on top of each other.

Q I didn't hear you.

A The two top drawers were removed and they were setting on top of each other.

Right next to them was a green box like a fishing box or a tool box, and the contents of this box were tipped or spilled over, and there were some tools laying there, some outboard motor shear pins, and a lady's watch.

The three drawers on the lefthand side of the desk were removed and they were stacked on top of each other or setting on top of each other.

There didn't appear to be anything disturbed in these drawers.

Q In other words, the drawers were just stacked on top of one another?

A Yes.

Q Now, you indicated you had occasion to take photos; is that correct?

A Yes.

MR. SPELLACY: Mark these.

(State's Exhibits 16, 17, 18, 19, and 20 were marked for identification by the reporter.)

Q Officer Drenkhan, showing you what has been previously been marked for identification as State's Exhibit 15, can you identify that for us, please?

A Yes.

Q And would you keep your voice up and tell the Court and jury what that is that you are holding in your hand?

A This is the living room portion on the south side of the house with a picture of the couch and a brown, or, a jacket lying on the couch, just underneath the stairway.

Q This is what you observed when you went up the stairs at approximately six o'clock on the morning of July 4th, 1954?

A Yes.

Q Pardon me?

A Yes.

Q Do you know when this picture was taken and who took it?

A This is not my picture.

Q Do you know who took that picture?

A I believe Mike Grabowski took this of the Scientific Investigation Unit, yes.

Q He is with the Cleveland Police Department?

A Yes.

Q Is that a fair and accurate portrayal of the couch and the coat and the position the coat was in when you observed it on July 4, 1954?

A Yes, it is.

Q Showing you what has been previously marked for identification purposes as State's Exhibit 1, can you identify that for us, please?

A Yes. This is the jacket, what appears to be the jacket that was lying there.

Q That was lying where?

A On the couch in the living room.

Q Showing you what has been previously marked as State's Exhibit 14, can you identify that for us, please?

A This is a photograph of the hall as you enter in off the Lake Road entrance to the home, showing an upturned medical bag, directly in front of the door going into the

den.

Q Is that a fair and accurate portrayal of the bag as you saw it on July 4th, 1954?

A Yes, it is.

Q And who took that picture, officer?

A I did.

Q When did you take that picture?

A It was about eight o'clock.

Q That would be on the morning of the 4th?

A Yes, the morning of the 4th.

Q July 4th?

A Yes.

THE COURT: Counselor, it is 2:45, and unless you are going to wind up very shortly with the officer --

MR. SPELLACY: I will be a few more minutes.

THE COURT: Perhaps this is a good time to take our afternoon recess, then.

Ladies and gentlemen of the jury, while you are away on your afternoon recess bear in mind the instructions given you on each occasion when you leave the room.

Do not discuss this case or what you know of it amongst yourselves. You shall permit

no one else to discuss it with you, nor permit yourselves to overhear anything that relates to this case, by any means of communication.

We will have our afternoon recess.

(Thereupon a recess was had.)

THE COURT: Gentlemen, before we start, it is my understanding from the court reporter that Exhibits 16 through 21 have been marked rather than 16 through 20.

MR. SPELLACY: That's correct, your Honor.

THE COURT: 16 through 21 are all photos?

MR. SPELLACY: That's correct, your Honor.

THE COURT: Thank you. Please proceed, counselor.

By Mr. Spellacy:

Q Chief Drenkhan, showing you what has been marked for identification purposes as State's Exhibit 16, can you identify that for us, please?

A This is the desk in the living room, with the drawers open, showing the material where the items lying on the floor in front of the desk.

Q Is that a fair and accurate portrayal of the desk in

the living room as you saw it on July 4, 1954?

A Yes.

Q Who took that photo?

A I took this photo.

Q At what time did you take that photo?

A This one was at 9:20.

Q Is that in the morning?

A In the morning.

Q Showing you what has been marked for identification purposes as State's Exhibit 17, can you identify that for us, please?

A This is the photograph behind the desk in the den, showing two of the drawers stacked upon each other; the green fishing or tool box, the tools, the shear pins, and the watch.

Q What type of watch was that that was laying on the floor behind the desk?

A This is a lady's watch.

Q Now, directing your attention to the bedroom and particularly to the body of Marilyn Sheppard, did you have occasion to observe her left wrist?

A Yes, I did.

Q What if anything did you see on her left wrist in the bedroom when you first observed it on the morning of July 4, 1954?



A Nothing.

Q Did you notice any blood at all on that particular wrist, the left wrist?

A Yes, there was blood on the wrist.

Q And can you describe the type of blood it was on the wrist?

A I don't understand.

Q Well, can you describe the formation of the blood on the wrist?

A Well, it was dried blood, or smeared blood. It was not built up or anything. It had been smeared.

Q You indicated that this was a lady's watch that was on the floor in the den, is correct?

A Yes.

Q Do you know whose watch that was?

A To my knowledge, it was identified as Marilyn's, Marilyn Sheppard's.

Q Did you observe anything on that watch when you saw it on July 4th, 1954?

A Yes, there was a red substance about the face and the band.

Q Officer, who took the photograph that we have identified as State's Exhibit 17?

A I took this picture.

Q When did you take that picture?

A About 8:15 in the morning of July 4th.

Q Now, you have described for us the drawers that were in the den as being stacked on top of one another, is that correct?

A Yes.

Q What if anything happened to those drawers during the course of the morning?

A The three drawers that were out from the left side of the desk were tipped over. They were placed to the left of the desk, and about eight o'clock in the morning prior to taking the photograph Doctor Stephen Sheppard stepped over them and spilled one of the drawers.

Q When you say spilled over one of the drawers, did he knock one drawer off the top of the other one?

A Yes. They were on top of each other, and one tipped off, yes.

Q Showing you what has been marked for identification purposes as State's Exhibit 18, can you identify that for us, please?

A This is another picture of the den showing the desk, and part of the -- two of the drawers that were in the left side of the desk, showing the contents that were spilled out of the one drawer that was tipped over, and partial contents in the other drawer.

Q Now, does this picture fairly and accurately portray

the scene when you first observed those drawers on the morning of July 4th, 1954?

A This picture, no, the drawers were stacked on top of each other.

Q And it was after the drawers were tipped, as you have described here, that this picture was taken, is that correct?

A That's correct.

Q And who took that picture?

A I took this picture.

Q Does that fairly and accurately portray the drawers after they were tipped on the morning of July 4th, 1954?

A Yes, it does.

Q Showing you what has been marked for identification purposes as State's Exhibit 19, can you identify that for us, please?

A This is another picture of the den, just a different angle, showing the portion of the three drawers that were stacked on top of one another.

The center drawer was the bottom drawer, and these drawers were on top of each other.

Q And this also was taken after the drawers were tipped over, is that correct?

A Yes, it does.

Q Does this fairly and accurately portray the drawers

after they were tipped over on the morning of July 4th, 1954?

A Yes, it does.

Q And who took that photo?

A I took this photo.

Q Now, showing you what has been marked for identification purposes as State's Exhibit 20, can you identify that for us, please?

A This is a photograph of the deceased lying on the bed, in the upstairs bedroom.

Q From what direction was that photograph taken?

A This was taken from the northwest corner looking towards the southeast or towards the entry into the room, the door leading into the room.

Q And who took that photo?

A I took this photo.

Q And when was that photo taken?

A On the morning of July 4th.

Q At approximately what time?

A Approximately 9:00 a.m.

Q Does that fairly and accurately portray the body of Marilyn Sheppard lying on the bed when you first saw it on the morning of July 4th, 1954?

A Yes, it does.

Q Showing you what has been marked for identification purposes as State's Exhibit 21, can you identify that for us,

please?

A Yes. This is a picture of the deceased lying in bed. It is taken from the doorway as you enter into the bedroom. It is taken at the opposite angle.

Q And who took that photo?

A I did.

Q Does that fairly and accurately portray the body of Marilyn Sheppard as you saw it on the morning of July 4th, 1954?

A Yes.

Q What time was that photo taken?

A Approximately 9:00, 9:00 a.m.

MR. SPELLACY: If it please the Court, at this time I would like to introduce into evidence State's Exhibits 14, 16, 17, 18, 19, 20, and 21.

MR. BAILEY: No objection.

THE COURT: They may be received.

MR. SPELLACY: And request permission of the Court to pass these photographs received into evidence to the jury.

THE COURT: Is there any further testimony from this witness?

MR. SPELLACY: Yes, just a few more questions.

THE COURT: You may proceed,

counsellor.

MR. SPELLACY: Mark this.

(State's Exhibit 22 was marked for identification by the reporter.)

Q Chief Drenkhan, showing you what has been marked for identification purposes as State's Exhibit 22, can you identify that for us, please?

A This appears to be the watch that is shown on the photograph in the den, lying by the green fishing box.

Q What is it that you are holding in your hand right now?

A A Hamilton watch, lady's watch.

Q And did you see one like that on July 4th, 1954?

A Yes, I did.

Q And where did you see a watch like that on July 4th, 1954?

A Lying by the green fishing box.

Q And that would have been in the den?

A In the den.

Q Now, approximately how long did you remain at the Sheppard residence on July 4th, 1954?

A I was about the home all day. I left on a couple of occasions, once to return to the station, once to question some fishermen, once to eat.

But I was about the home all day.



Q You say once to question some fishermen; where did you question those fishermen, and when?

A On the morning when I went down to the beach, I saw two, or three people on one of the piers over at Huntington. I later went down over to Huntington and talked, and identified who these people were.

Q Do you know if any of the members of the Bay Village Police Department had talked to those fishermen prior to your going down there?

A Yes. I learned later that they had, or, I learned when I talked to them that they were queried by two firemen.

Q By two firemen?

A Yes.

Q Now, directing your attention to the Lake Road door, did you have occasion to make an examination of that door?

A Yes, we -- yes, I did.

Q What type of examination did you make on that door?

A We were examining the door to see if there was any type of forcible entry.

Q Did you find any?

A No, sir.

Q What if anything did you find with respect to a lock on that door or a chain on that door?

A There was a chain lock that was, oh, about two foot off the floor, and this was intact.

Q When you say intact, what do you mean?

A Well, all the bolts and the screws were into the frame, and the door, and the chain wasn't broken. It was just hanging there properly.

Q It was just hanging?

A Yes.

Q It was not latched when you observed it?

A No.

Q After July 4th, 1954, did you have occasion to talk to Sam Sheppard at any time?

A I talked to him on a couple of occasions. I talked to him, I questioned him on July 20th at Bay View Hospital.

Q July 20th at Bay View Hospital?

A Yes, concerning the crime.

Q Directing your attention to July 4th, when was the first time after the 4th that you questioned or talked to Sam Sheppard?

A I beg your pardon. I talked to him on the 20th. But the first time I had talked to him after the crime was on July 8th, Thursday, at Bay View Hospital.

Q Who was present with you when you talked to him at that time?

A Deputy Rossbach and Yettre from the Sheriff's department.

Q Approximately what time was it when you talked to him?

A About 1:30 in the afternoon.

Q 1:30 in the afternoon?

A Yes.

Q Where did this conversation take place?

A This took place in the hospital room at Bay View Hospital.

Q What conversation did you have with him?

A We questioned him concerning the crime to determine exactly what happened, what he knew about the crime.

Q What did he tell you?

A He related in detail what had happened that morning as to the best he recalled, the fact that he was sleeping on the couch, that he heard his wife call, "Sam, Sam," and he woke up and he thought that she was possibly having a convulsion, which he said she had when she was pregnant, when she was pregnant.

He jumped off the couch and he ran up the stairs and as he reached the top of the stairs and entered into her room, he saw a white form.

He said he felt that he had been struck; that the next thing he remembered he was sitting on the floor and he was looking down at the floor, at a reflection of light off his badge. This was a badge that he carried in his wallet; that he got up and he examined Marilyn, the deceased.

He took her pulse by her throat and determined that

she was dead, and that he left the room and went to the next room where his son was sleeping.

Although he didn't awaken the boy or examine him in any way, he felt that he was all right, or determined that he was all right;

That he returned downstairs and he walked through the living room, and as he reached, as he came to the point where the living room is at the L there he saw a figure by the lake side door, that would be the north door, and he gave chase to this figure, down the steps to the beach, and at the point of on the beach the figure seemed to wait for him.

He felt that he was going to really let him have it, and the next thing he said he remembered he was lying in the water with his feet into the water, and his head kind of up on the beach.

That he then couldn't remember whether it was light or dark but there was light from some place.

That he returned upstairs and went on up into the deceased's room, his wife's room, and put a cover over her, then came downstairs and wandered about the house wondering what to do.

Q Did he tell you what he did then?

A He said then he called Houk, Mr. Houk.

Q Did he give you at this time a description of the man that was waiting for him on the beach?

A The only thing he could say is that the man on the beach was, had the appearance he was bigger than he was, and that he had bushy hair.

Q Bigger than he was and he had bushy hair?

A That's right.

Q Now, you indicated further that you had conversation with him on July 20th, is that correct?

A Yes. This was at the Fairview Park Police Station which was an adjoining community.

Q Who was present at this conversation?

A Doctor Steve Sheppard, the defendant, and Sergeant Hubach, and myself.

Q Who is Doctor Steve Sheppard?

A The defendant's brother.

Q There were just the four of you present at that time, is that right?

A Yes.

Q What conversation did you have with him there at the station?

A We had called and asked whether we could talk to him, to determine whether there was any information that he would give to us, to give us any leads concerning this crime.

Q And did he come to the Fairview Park Police Station?

A He did. It was about 7:30 in the evening.

Q And what was the conversation you had there with Sam

Sheppard?

A We were attempting to determine whether there was anybody who might have been trying to get even with him, whether his wife, the deceased, had had any affairs, anything of this nature, to seek any help that he might be able to give us.

We explained to him the fact that we didn't feel it was robbery. He agreed to this --

MR. BAILLY: I object to that and ask that it be stricken, what the police felt or didn't feel.

Q Officer, is this conversation that you had with Sam Sheppard?

A Yes.

THE COURT: Objection overruled at this point.

Q After you explained to him that you didn't feel it was robbery, what if anything did he say?

A He agreed.

Q Now, did you have further conversation with him relative to Marilyn?

A Well, at that point we were attempting to determine if there was anybody who could have known Marilyn or whether she had been doing anything that would cause anybody to want to get even with her.



Q What conversation did you have with him relative to that matter?

A Well, we questioned him if he knew of anybody like this, which he said no, that she was a fine girl and there was nothing that he would know about any of her activity.

Q And did you have further conversation with him?

A We asked him if he had any extra-marital affairs. The only one he mentioned at that time was Susan Hayes. He said this was the only person he knew.

Q The only person he what?

A He knew or had any problem.

MR. BAILEY: May we approach the bench?

THE COURT: Yes.

(Thereupon counsel and the Court conferred at the Court's bench out of the hearing of the jury, as follows:)

MR. BAILEY: I don't at this juncture understand why Susan Hayes is being brought into this, and the defendant's private life, and I object to any mention of Susan Hayes or extra-marital affairs, unless some offer of proof is made tying it in to 2nd degree murder.

THE COURT: Objection is sustained.

MR. SPILLACY: This is conversation

that they had inquiring along -- in their opening statement they were claiming that Marilyn, intimating certainly that Marilyn was fooling around. And I think this is certainly proper under the circumstances, to show that they made inquiry into the marital affairs of both these parties.

THE COURT:           Objection sustained, counselor.

(Thereupon proceedings were resumed within the hearing of the jury, as follows:)

THE COURT:           Objection sustained.

MR. SPELLACY:       I have no further questions.

THE COURT:           Counselor Bailey or Sherman?

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## CROSS EXAMINATION OF FRED DRENKHAN

By Mr. Sherman:

Q Chief Drenkhan, on the evening of July 3rd you stated you were on patrol duty, is that correct?

A Well, we started the midnight period, that would be July 4th, the evening of July 3rd, morning of July 4th, yes, sir.

Q When you were on patrol duty how many cars did Bay Village have on patrol that evening, if you know?

A One car.

Q So that your car was the only car then patrolling the whole city of Bay Village, is that correct?

A That's correct.

Q Now, I believe you mentioned that the number of times you were down Lake Road was approximately twelve, is that what you stated?

A Yes.

Q Do you recall, officer, Chief Drenkhan now, at the last trial you testified that it was five or six times that you may have gone by the Sheppard home?

A Yes.

Q Well, would you say that this would be a reasonable number of times, five or six times, that you actually went by the Sheppard home, after midnight?

A Yes, because we only come out for Lake Road for a period

of time and then we go in.

Q I see. Now, do you recall anything unusual at the Sheppard home on your passing by the Sheppard home that evening?

A No, I don't.

Q You were aware at that time where Doctor Sheppard lived, were you not?

A I was.

Q Do you recall in any of your passes by the Sheppard home that evening whether you observed lights on in the house at any time?

A Nothing unusual, no lights.

Q No lights that drew your attention specifically to the home that night?

A No, sir.

Q You then apparently went back to the police station and were there when the call came in, is that correct?

A Yes, sir.

Q Did you yourself receive the call from the police station?

A Yes, I did.

Q I mean, from the Mayor? Do you recall, sir, the exact words that were used by Mayor Houk?

A As near as I can recall it was the fact that something had happened to Marilyn, that he thought it was murder, and

to come over right away.

Q Did he make any mention at that time of what Doctor Sheppard had said?

A No.

Q What time did you then arrive at the Sheppard home?

A 6:00, 6:01, 6:02. Just as fast as it took me to get into the car and go over there.

Q Were you in the car by yourself or was your partner with you at the time?

A I was in the car by myself.

Q When you arrived at the Sheppard home, who was there at that time?

A Mr. Houk and Mrs. Houk.

Q Anyone else?

A And the defendant.

Q Where was Doctor Sheppard when you arrived at the house?

A He was in the study sitting in a leather chair.

Q When you arrived was the front door open or closed, do you recall?

A As I recall I was met at the door by Mrs. Houk.

Q And after being met at the door where did you then go?

A I walked, or, I went to the den and just glanced in at Sam and she directed me through the kitchen upstairs.

Q When you glanced in at Sam, at that time, did you have

an opportunity to observe him at that time?

A Just for moments, yes.

Q Did you observe what his condition was at that time?

A I believe he was half sitting and half lying on his chair, in a slouched position.

Q How close did you get to him?

A Oh, from here to the jury--well, it wouldn't be that far. It would be from here to this gentleman here.

MR. SPELLACY: Indicating the court reporter.

Q Indicating the court reporter, which would be approximately five feet, is that correct?

A Yes; I just glanced in the door.

Q Now, at that time you were then standing at the doorway to the den, is that correct?

A Yes, just this side of it, because, that is, I just looked in.

Q Now, you say you were directed by Mrs. Houk, is that correct?

A Yes.

Q Is there a reason why you were directed by Mrs. Houk?

A Well, I didn't know where to go at this point or what really happened.

Q So at this point did you know that something had happened to Marilyn?

A Yes, I did.

Q But knowing that, you had no idea where to look for Marilyn without direction, is that correct?

A That's right.

Q And standing at this doorway to the den, how much of the house is visible from that doorway?

A You can see into the dining room area and the lake side door, the north door.

Q So you can see part of the dining room, although you cannot see the whole dining room, is that correct?

A (Witness nods.)

Q What did Mrs. Houk tell you or how did she direct you to where Marilyn was?

A Just with a motion, through the kitchen, let me go on ahead of her, and up the steps.

Q You then proceeded through the kitchen and up the stairs, is that correct?

A Yes.

Q Did you stop on the stairway or on the landing on your way up?

A No.

Q I believe you stated you observed on your way up the couch, is that correct?

A Yes.

Q Did you make a special attempt or did you look over



the railing to see this couch?

A No. The railing is open and as I went up I was looking into that portion of the house.

Q From going up the stairway how much of the living room can you observe?

A There are some French doors on the west side, about at an angle, again, to about --

Q Would you mark where the French doors are, officer?

A About here, on an angle like this.

Q So from the stairway, officer, your view is restricted to what would be the southwest corner of the living room, is that correct?

A Yes.

Q And the northern part of the living room is obscured from your view?

A Yes.

Q When you went up the stairs, officer, did you at that point have any indication where Marilyn was?

A No, other than at the head of the stairs.

Q And going up the stairs, could you see where Marilyn was?

A No.

Q Was any part of Marilyn's body visible to you as you walked up the stairway?

A Not until I got to the head of the stairway.

Q When you got to the head of the stairway --

A At the top.

Q -- how much of Marilyn was visible to you at that time?

A The bed she was lying on, and just a small portion of her.

Q So, to be sure what you are saying, were you actually at the doorway when you were able to observe this?

A No, it would be at the top step of the stairway going up, and on into the landing or the hallway there.

Q How much of the room can you see at that point?

A Oh, approximately to the west--north window.

Q What part if any of Marilyn's body were you able to observe before you actually got into the bed room?

A Oh, about from her upper waist, her breast, at an angle, down to the foot of the bed.

Q And this was looking from the doorway?

A Yes, or, before you enter into the doorway.

Q Officer, do you know if anyone had been up to see Marilyn before you arrived?

A To my knowledge, Mrs. Sheppard was, yes, or, Mrs. Houk.

Q And had anyone else been up before you arrived?

MR. SPELLACY: Objection.

Q -- that you know of?

A Other than the defendant, I don't know.

Q Handing you what has been marked State's Exhibit Number 21, would you look at the right hand of Marilyn Sheppard on that photo, please?

Now, is that the position her right hand was in at the time you first observed her on the morning of July 4th?

A As I recall, it may have been outside of the sheet.

Q It may have been outside of the sheet?

A Right.

Q Do you recall if it was off the bed in any manner?

A I don't recall.

Q To your recollection, the only difference in that photo would be that the sheet may now be over the hand, is that correct?

A Yes.

Q Chief Drenkhan, how long did you stay in the bedroom at that time?

A Not more than four or five, ten seconds maybe.

Q You then went back downstairs, is that correct?

A Yes.

Q Going up the stairway, there is a railing on the righthand side on the way up, is there not?

A Yes.

Q And there is also a shorter railing or banister on the lefthand side, is that correct?

A Yes.

Q Do you recall either when you went up at that time or at any other time that you were on that stairway observing a bloody fingerprint on the railing?

A No, I don't.

Q Do you recall at any time being on the stairway with Sergeant Hubach of the Bay Village Police Department?

A I'm sure I was. I don't know what specific time you are speaking of.

Q Thinking back, do you recall at any time Sergeant Hubach pointing out to you a bloody fingerprint on the railing?

A I don't recall that.

Q You are not removing the possibility that he may have pointed this fingerprint out, is that correct?

MR. SPILLACY: Objection.

THE COURT: Overruled.

A That's correct.

Q Now, did you go in any of the other rooms upstairs in the Sheppard home?

A At that time?

Q That morning.

A Yes, that morning I did.

Q What other rooms did you go into that morning?

A Into the boy's room; that is on the north side next to the bedroom where we found Marilyn. And there is a guest

room and there is a room that a Mr. Hoverston had been staying at.

S

There was a bathroom; and there was a vacant room where nobody slept in, with one bed, as I recall, on the southwest corner of the home.

Q When did you go into the bathroom on the second floor of the Sheppard home?

A Some time that morning early.

Q Do you recall when you were in the bathroom, seeing a cigarette butt in the toilet?

A Yes, I do.

Q And do you know if that cigarette butt was saved as evidence?

A I don't know that.

Q Do you know if the cigarette was a filter or a non-filter?

A My recollection is that it was a filter but I can't be sure.

Q Officer, you then went downstairs after -- strike that. After your first visit upstairs you returned to the downstairs. Is that when you then went out to the beach, immediately after coming downstairs?

A Well, I had been upstairs to look at the deceased. I returned and made a radio call. I returned upstairs to have the firemen remove the cot. I had been downstairs and

I talked to the defendant.

I had been upstairs with Doctor Richard Sheppard, prior to going to the beach.

Q Now, when you came downstairs and talked to the defendant, were you close to the defendant at that time?

A Yes.

Q And do you recall at that time whether you observed any injuries on the defendant?

A His face appeared red about the eye, and as I recall about the mouth.

Q Do you recall whether or not he was clasping his hands behind his neck?

A Yes, he was.

Q From your observation did the defendant appear to be in pain at that time?

A Yes, he did.

Q Now, in further observing the defendant, did you observe how he was dressed at that time?

A I believe it was a brown or a tannish pair of slacks and a pair of loafers and socks.

Q Doctor Sheppard at this time was still in the den, is that correct?

A That's correct.

Q Did you observe at that time whether or not Doctor Sheppard's pants were wet?

A I don't remember.

Q Do you remember as to whether or not his shoes were wet?

A I don't remember that.

Q After talking to Doctor Sheppard, you then proceeded down on the beach, is that correct, or shortly thereafter?

A Yes.

Q Now, on the way down to the beach, the first group of steps are concrete, is that correct?

A Yes, they are concrete, or wood. They alternate. I don't recall now which.

Q On your way down to the beach did you observe on any of these steps any water?

A On the top step is a concrete step, it was wet, yes.

Q By wet, did it have the appearance of a footprint of some type?

A As I recall, no. It was just wet.

Q As opposed to the other steps that were dry?

A Yes, sir.

Q Now, as you progressed down, you went down to the platform where the beach house is, is that correct?

A Yes.

Q Did you ever actually get down on to the beach at that time?

A No, I didn't.



Q So that your observations of the beach area were all made from this platform at the boathouse, is that correct?

A That's right.

Q Now, you stated you saw no footprints. You did not actually get down on the beach and walk around to find an area where there might be footprints?

A That's right.

Q You further stated there were no signs of struggle where you observed, is that correct?

A That's correct.

Q Had you at any time prior to this time asked Doctor Sheppard where the struggle took place on the beach?

A No, I didn't.

Q So that, again, you were making a general observation from your platform?

A Yes, both ways.

Q Now, at what time -- did you call the Cleveland police for assistance, Chief Drenkhan?

A Yes, I called them first at 6:30 or thereabouts.

Q And do you recall what you said to them when you called them, the Cleveland police, for assistance?

A I had asked for help -- no, I don't recall specifically, but I was advised they couldn't send any help from their Homicide Unit at the time.

Q Now, when you first talked to Doctor Sheppard, did he

tell you that he had been in the water?

A Yes.

Q And did he state when he had been in the water?

A No.

Q At this time were you the only officer on the scene?

A Officer Cavanaugh must have been about.

Q So that knowing that Doctor Sheppard stated that he was in the water, you still made no examination that you can recall as to whether his pants, shoes, or socks were wet, is that correct?

A That's right.

Q Did you have any reason why you did not make that examination?

A No, I just don't recall whether they were wet or dry.

Q Officer, in looking at the house, you had a door in the front, the lake side door, is that correct?

A Yes.

Q And also a door in the back going out on to the porch?

A That's correct.

Q And there is another door then from the porch down to the back yard, is that correct?

A That's correct.

Q Now, we have also added since that time a pair of French doors in the living room, is that correct?

A That's correct.

Q Now, was there not also, officer, a door in the den, in the back of the den?

A Yes, there was.

Q Do you know, officer, whether or not there was a check made of the locks of all of these doors?

A Yes, we looked at all the doors and windows.

Q Do you know what type of locks were on the French doors in the living room?

A I don't recall now but they were doors that weren't used. They were sealed doors.

MR. SPELLACY: Pardon me?

A They were more or less sealed doors.

Q They weren't nailed shut in any manner, were they?

A I don't recall if they were nailed or just what type of latch or lock they had on them.

A What kind of lock or locks was on the back door?

A There were chain locks, there were chain latches, and then as I recall there were the regular door locks, key locks, on the back door, or the lake side door; and I believe the south door, the Lake Road door, was a tumbler type lock.

Q Did it also have a chain lock on the front door?

A Yes.

Q Do you know what kind of locks were on the den door?

A I don't recall specifically. I recall it more or less

as these bolt locks that you turn.

Q So you can't be specific as to what was actually there?

A No.

Q Officer, I believe you testified on direct examination that the top of the desk in the living room was not disturbed, is that a correct interpretation of your testimony?

A It appeared as normal, used.

Q Officer, handing you what has been marked as State's Exhibit 16, would you look at that, please?

Does that depict the desk and the living room we are talking about?

A Yes, it does.

Q You stated that that is a fair representation of the desk when you first observed it, did you not?

A Yes.

Q Does that not show that the drawers on the top of the desk were pulled out, and there is a disarray on the top?

A Yes. There are two small drawers pulled out on the upper portion, yes.

Q So there was some disarrangement, also, on top of the desk, is that correct?

A Yes.

Q Officer, when you first arrived were there any lights on in the house that you recall?

A The only light that I recall was the one upstairs in the guest room. I don't recall if there were any lights on downstairs.

Q Would that be, rather than the guest room, in the dressing room upstairs, officer?

A I assume, yes, I assume you could call it a dressing room.

Q And that adjoins the guest bedroom, is that correct?

A Yes.

Q Now, did you not on prior occasions observe this light, or, had you on prior occasions observed this light being on as you were patrolling Lake Road?

A No, I didn't.

Q Did you know if there was any significance to the fact when this light was on, whether or not Doctor Sheppard was home or not?

A No, I didn't.

Q Officer, do you know whether any search was made for weapons on the day of July 4th or any days thereafter?

A In the home?

Q In the home or anywhere else?

A Yes, there was.

Q Would you tell me what searches were made in an attempt to find a weapon?

A The entire home was searched.

Q By whom was the home searched?

A By different officers, including myself.

Q Were any other areas searched in an attempt to find weapons?

A The bank on the north side was searched. The lake was searched.

Q The lake was searched; in what manner was the lake searched, officer?

A To my knowledge, they used divers, skin divers or something of this type.

Q Do you know of any other search for weapons?

A That's all that comes to me now.

Q Do you recall in a search for a weapon whether or not a mine detector was used?

A Yes, I believe there was, I recall something on that.

Q In this extensive search for weapons, were any other homes in the vicinity searched in the attempt to find the weapon?

A Not to my knowledge.

Q So if there was you do not know about it, is that correct?

A That's correct.

Q Now, on that morning did you check the automobiles of Doctor Sheppard as to whether or not the engine was warm on the cars?

A No, I didn't.

Q Do you know if any of the automobiles, or if the automobiles were checked in an attempt to determine if the engine was warm on the car?

A I don't know that. I think the first time I saw the automobiles in the garage was somewhere around 11:00.

Q Now, you knew Doctor Sheppard prior to July 4th, did you not?

A Yes.

Q And would you say that at that time he was in approximately the same physical condition that he is now?

A I think he is a little heavier.

Q A little heavier. He was a pretty good athlete at that time, was he not?

A Yes, he was.

MR. SHERMAN: Nothing further,  
your Honor.

THE COURT: Any redirect,  
gentlemen?

REDIRECT EXAMINATION OF FRED DRENKMAN

By Mr. Spellacy:

Q Officer, as a matter of fact, you were a close friend of Sam Sheppard, isn't that correct, socially?

A Not real close, yes. I was a friend.



Q You had been out with him socially, is that correct?

A Yes.

Q Now, you indicated you were in the room where Marilyn Sheppard's body was found, shortly after six o'clock, is that correct?

A Yes.

Q What time was this photo taken?

A 9:00 a.m.

Q How many people were in that room between six o'clock and nine o'clock, if you know?

A Well, there would probably be at least eight that I could name.

Q Was Stephen Sheppard in that room between six o'clock and nine o'clock?

A Yes.

Q Was Richard Sheppard in that room between six o'clock and nine o'clock when that photo was taken?

A Yes.

Q For what purposes did Richard Sheppard go into that room?

A To examine the deceased and determine if she was dead.

THE COURT: Counselor, does the record reflect the photo to which you made reference by number?

MR. SPELLACY: I am sorry, your Honor, it probably doesn't. Referring to State's Exhibit 21, the one shown to Officer Drankhan by Mr. Sherman.

THE COURT: Gentlemen, when you are examining from exhibits, you will refer to them by number, please.

That refers to both sides at the table.

Please proceed, counselor.

Q Who else was in that room beside Richard and Stephen Sheppard?

A Doctor Gerber, two firemen, Mrs. Houk. Before nine, Detective Schottke, Gareau, Detective Grabowski, Coroner Gerber.

MR. SPELLACY: I have nothing further.

THE COURT: Counselor Sherman or Bailey?

RECROSS EXAMINATION OF FRED DRENKHAN

By Mr. Sherman:

Q Chief Drankhan, do you have any recollection of at any time seeing the arm of Marilyn Sheppard out over the bed as you came up the stairway?

A I couldn't be sure. I couldn't answer.

Q You did testify that that photo is a fair representation

of the manner that Marilyn Sheppard was when you first saw her, is that correct?

A Yes.

MR. SHERMAN: No further questions.

MR. SPELLACY: I have nothing further.

THE COURT: You are excused, officer.

Ladies and gentlemen of the jury, it is 4:15, and we will not commence with another witness this afternoon, so we will adjourn.

While you are away on your overnight adjournment, you will bear in mind the instructions given you in detail on each occasion when you leave the room. You shall not discuss this case or what you know of it amongst yourselves. You shall not permit anyone else to discuss it with you, nor permit yourselves to overhear anything that relates to this case by any means or media of communication.

We are adjourned until 9:15 tomorrow morning.

(Thereupon an adjournment was taken to 9:15 a.m., Friday, November 4, 1966, at which time the following proceedings were had:)