

(After recess, 11:02 o'clock, a.m.)

Thereupon, the State, further to maintain the issues on its part to be maintained, called as a witness ESTHER HOUK, who, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF ESTHER HOUK

By Mr. Danaceau:

Q May we have your name, please?

A Pardon?

Q May we have your name, please?

A Esther Houk.

THE COURT: Will you speak
directly to that mike, please, Mrs. Houk?

THE WITNESS: Yes.

Q And you are the wife of Mayor Houk?

A Yes.

Q Of Bay Village?

A Yes.

Q And you have two children?

A Yes.

Q A boy 16?

A Yes.

Q And what is his name?

A Lawrence Houk.

Q Lawrence Houk?

A Yes. They call him Larry.

Q They call him Larry?

A Yes.

Q And you also have a daughter?

A Yes.

Q How old is she?

A She is 14.

Q And they all live with you at what address?

A 29014 Lake Road.

Q And also living with you is Mayor Houk's mother, your mother-in-law, is that correct?

A Yes.

Q How old a woman is she?

A She is almost 78.

Q I beg your pardon?

A She is almost 78.

Q 78?

A Yes.

Q And how long have you lived at this address on West Lake Road?

A It will be four years the first of January.

Q Do you recall when it was that the Sheppards moved into their home on West Lake Road not far from where you live?

A I know when they moved in. They moved in in July or August

of '52, I believe.

Q Well, how many years have they lived there?

A I thought they lived there two and a half years, but that would make it two years.

Q Well, at least two years, at any rate?

A Yes.

Q A little over two years?

A Yes.

Q Now, after they moved in, did you get to know them?

A The following spring we became acquainted.

Q That is, you and your husband became acquainted with Dr. Sheppard and Marilyn Sheppard?

A Yes.

Q And you would visit back and forth?

A Yes.

Q And got to know one another quite well, is that correct?

A Yes.

Q You had social visits at their home and they visited you socially?

A Yes.

Q And you also met at other places socially where both you and your husband were present and Dr. Sheppard and Marilyn Sheppard were present, is that correct?

A Yes, that's correct.

Q And, of course, you knew that your husband and Dr. Sheppard

owned a boat, each a half interest?

A Yes.

Q To what extent did you know of the skiing, water skiing activities of Dr. Sheppard and Marilyn Sheppard?

A Well, we frequently on warm days met on the beach, and the teenagers became interested in skiing and learning to ski. So every opportunity there was, why, during the warm months, we would go down and --

MR. CORRIGAN: If your Honor please,
that muffles the voice the way it is.

Q Put that aside.

THE COURT: Don't go too close
to it.

Q Were you a water skier or merely an observer?

A I tried a few times, but I didn't succeed in getting up.

Q So you limited yourself, as far as water skiing, to an observer, is that correct?

A Yes. I either rode in the boat or watched.

Q Mrs. Houk, directing your attention to Saturday, July 3rd of this year, and that night, you recall that, do you, that date and that night, do you not?

A Yes.

Q Will you tell the jury where you were the evening, the early evening of July 3rd, Saturday evening?

A We were at home.

Q By "we," will you tell us who you mean?

A My husband and I were home. The children were out. My mother-in-law was home. I believe my husband watched a program, a fight, on television at I believe it's nine o'clock, and after that we walked down to the lake to see the fireworks at Edgewater Park.

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Do you recall at about what time it was that you walked down to the lake to see the fireworks?

A

I believe it was 9:30, or shortly afterward. I don't know whether we walked down when the fireworks were to start, or after the fight was over.

Q

Well, you did walk down to the beach, is that correct?

A

Yes.

Q

And --

A

Not to the beach. We have a wall in back of our place, and there is a sidewalk -- or a regular walk there.

Q

Is that a concrete walk?

A

Yes.

Q

And you stood on the wall?

A

Yes.

Q

How high above the beach is the top of that wall upon which you stood?

A

Six or eight feet, I believe.

Q

Now, was that a windy night?

A

Very.

Q

Very windy?

A

Yes.

Q

Was it warm or cool?

A

It was cool.

Q

I take it you had jackets on?

A

Yes.

Q What was the condition of the lake? Was it rough?

A The lake was very rough, as I recall.

Q And the waves were coming in and hitting the wall, the concrete wall?

A Yes.

Q Is that correct?

A Yes. They were splashing up quite high.

Q And how long did you remain down at the beach?

A I believe we were down there until 10:30. I know we came up when the fireworks were over.

Q You waited until the fireworks display at Edgewater Park had been completed?

A Yes.

Q And then you went back up?

A Yes.

Q Do I understand you correctly that you and Mayor Houk were the only two who went down?

A Yes.

Q Then you went up to the house?

A Yes.

Q And went into the house?

A Yes.

Q Then what did you proceed to do?

A I believe my husband turned on the ball game.

Q Turned on the radio?

A Yes, on the radio, and --

Q What did you do?

A I watched television.

Q You watched a show on television?

A I know I watched a show on television. What I watched particularly at 10:30 I'm not sure. I don't remember when I turned the play on.

Q But, at any rate, later on that evening you did turn on the television and saw a play?

A Yes.

Q Do you recall what that play was?

A I believe it was Strange Holiday.

Q Strange Holiday?

A I think that was it.

Q And did you continue to watch the television until that play was completed?

A Yes.

Q And did your husband continue to listen to the ball game on the radio until that ball game was completed?

A Yes. Our children came in at --

Q What time did your children come in?

A Well, our daughter came home first, as I recall -- and I don't know exactly what time -- but I know she became interested in watching the play with me. It was between

11 and 12 that she came in. Probably nearer a little after 11.

Q What time did Larry come home?

A I think Larry came home a little after 12, somewhere between -- it must have been shortly after 12, because he did listen to quite a bit of the ball game.

Q He listened to the end of the ball game?

A Yes.

Q With your husband?

A Yes.

Q And after the end of the ball game -- can you tell us about what time it was that the ball game ended?

A I don't remember whether the ball game or the play was over first. The play was -- it seemed to me it must have been between 12:30 and quarter of one the ball game was over. I'm not sure which ended first, though.

Q Well, at any rate, the men, that is, your husband and Larry, listened until the ball game was over?

A Yes.

Q Then what did they do?

A Well, they probably went to the kitchen for a snack, as they usually do before they go to bed.

Q And did they eventually go to bed?

A Yes.

Q And about what time did Mayor Houk and Larry go to bed?

A I believe he went up first.

Q By "he," whom do you mean?

A I'm sorry. I believe my husband went up first.

Q And then Larry?

A Yes.

Q And how about your daughter? What is her name, by the way?

A Linnette.

Q And what time did she go to bed?

A Well, she went about the same time. I don't remember which went first, but it was a usual evening. They went to the kitchen and fed themselves and wandered up to bed. It was probably --

Q Nothing unusual that evening?

A No. It was probably between 1 and 1:30 that the three of them went up. I don't --

Q Now, during the time they were downstairs watching television and listening to the radio -- that did take place downstairs, did it not?

A Yes.

Q Where was your mother-in-law?

A She was in bed.

Q She had gone to bed earlier?

A Yes.

Q And was upstairs during -- does she have a bedroom upstairs?

A Yes.

Q And she was upstairs?

A Yes.

Q After your husband, Larry and Linnette retired, what did you do?

A I picked up a magazine and read a story.

Q How late were you up that night?

A I remember when I went upstairs I looked at the clock, it was 2:30, and I was annoyed at myself for staying up that late.

Q At any rate, you went to bed about 2:30, was it?

A No. I set my hair, and things like that, before I went to bed, so I didn't go immediately.

Q About what time was it that you did go to bed?

A I didn't look at the clock when I got in bed. I would judge, oh, possibly that consumed 15, 20 minutes, maybe a half an hour.

Q That was 15, 20 minutes or a half-hour after 2:30?

A Yes.

Q Close to 3 o'clock?

A Yes. That would be close to 3.

Q Now, upstairs in your house are where the bedrooms are?

A Yes.

Q Now, where is your mother-in-law's bedroom?

A Her bedroom is at the west end of the hall.

Q And where is Larry's room?

- A Larry's room is in front -- there are two rooms in front.
Larry's is the westerly front room at the head of the stairs.
- Q And where is Linnette's room?
- A Linnette's room is the easterly front bedroom.
- Q And where is Mayor Houk's room?
- A His room is at the east room at the end of the hall.
- Q And where is your room?
- A I sleep in the bedroom on the lake side. Well, it is across the hall from Lin's room. My husband's room is at the end of the hall, Lin's room is in the front, and mine is in the back opposite (indicating).
- Q Well, where is your room in relation to the Mayor's room?
- A Right next to it.
- Q Right next to it?
- A Yes.
- Q I see. Now, did you fall asleep right away, or did it take sometime before you fell asleep?
- A I must have fallen asleep very shortly.
- Q And were you awakened during the night?
- A Well, I was awakened by the phone call.
- Q Well, that was at what time?
- A At around 6 o'clock. I didn't look at the clock.
- Q Now, when you went to sleep, did you recall whether you looked out over the lake? I think you said your bedroom faces the lake.

A I didn't look out, but I opened the windows, and --

Q When you opened the windows, was it very windy?

A Yes.

Q And was it very cool?

A Yes. The lake was pounding at that time.

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- Q You could hear the pounding of the lake?
- A Yes. We can very easily there, with that wall there.
The lake does make a lot of noise when it is rough.
- Q Now, prior to this phone call that you say awakened you had you been awakened by anything at all?
- A No.
- Q Everything was quiet, as far as you knew?
- A Yes.
- Q And at what time did this phone call awaken you?
- A I didn't look at a clock.
- Q Well, can you tell us now what time it was?
- A I understand it was around 6:00. It was --
- Q Who answered -- I beg your pardon. I thought you were through.
- A It was light, but I don't think the sun was up.
- Q It was light. And will you tell us what you mean by "it was light"?
- Was it light outside?
- A Yes.
- Q And it was also light in the house?
- A It was light enough in the house so that I didn't turn a light on to get dressed.
- Q It was not necessary to turn the lights on at all?
- A No.
- Q And who answered the telephone?

A My husband.

Q And did you hear -- let me withdraw that. Did you get up?

A Not when he answered the phone, no.

Q When did you get up?

A I didn't get up until I heard him -- well, I guess he left the phone and I heard his expression, and I believe I got up then to find out what --

Q What it was all about?

A Yes. Ordinarily, I was used to the phone ringing, but --

Q And did he tell you what it was about?

A Yes. I asked him.

Q And as a result of what he told you, did you immediately get dressed?

A Yes.

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

A Well, I ran downstairs, and I think I asked him if he would walk or ride.

Q And what did you do then? Did you walk or ride?

A The car was right there, and he decided it would be faster to drive.

Q That's that station wagon?

A Yes. It was parked right by the door; it was handy.

Q So you both got into the station wagon?

A Yes.

Q And drove over to the Sheppard home?

A Yes.

Q When you got there, you got out?

A Yes, sir.

Q And went in?

A Yes.

Q Through what door did you go into the home?

A We went through the door, the Lake Road entrance.

Q There is also an entrance from the lake side?

A Yes.

Q And is that the side that is generally referred to as the front side?

A I believe it is the side they refer to as the front side.

Q By "they," you mean Dr. Sheppard and Marilyn Sheppard?

A Yes.

Q You don't use that terminology at your home?

A No. It is reversed at our house. We call the Lake Road side the front.

Q So you entered into what the Sheppards refer to as their back door entrance?

A Yes.

Q Now, who went in first, you or Mayor Houk?

A It seems to me we both went in at the same time. I can't recall enough variation to --

Q But, you both went in. Did one of you have to open the door?

A My husband opened it.

Q And then you walked in?

A Yes.

Q Now, as you walked in, what is the first thing you saw?

A The first thing we saw was the upturned medicine case.

Q Well, where was this upturned medicine case that you say you first saw?

A It was in the hall before you reach the study or kitchen door.

Q And was it lying on its side?

A Well, I believe --

Q Will you describe --

A It was lying on its side, I suppose, or its end. It was up longway.

Q I see. And were there any of the contents strewn around the floor?

A Yes.

Q I see. Where did you first go?

A We first went to the study.

Q Is that the room that the Sheppards refer to as the den?

A The den or the study.

Q And did you look in or go in?

A Well, it was a matter of just a couple of steps. I suppose we went in.

Q Did you see Dr. Sam Sheppard?

A Yes.

Q And where was he when you saw him?

A He was sitting in a red leather chair at the north end of the desk.

Q And did he have any clothes on above the hips?

A No.

Q His back and shoulders were bare?

A Yes.

Q Did you go into the room at that time?

A I possibly went in a few steps.

Q Did you hear any conversation between your husband and Sam Sheppard at that time?

A I believe my husband asked him what happened.

Q And did you hear what he said?

A And, as I recall, he said he couldn't think, he didn't know. I heard other things he said, but as I recall, I couldn't have heard them then because it seems to me I went upstairs so very shortly.

Q You heard other things he said at a later time, is that what you mean?

A I must have heard them at a later time, because I -- he said he couldn't think, and he raised his head and I saw his face, and after what my husband had told me he said over the phone, I knew something had happened. And he mentioned --

Q Now -- I beg your pardon. Go ahead.

By "He mentioned," who do you mean, Dr. Sam Sheppard?

A Dr. Sam said -- I can't remember the exact words but something about, "Somebody should do something for Marilyn."

And I thought words were a waste of time at that point, and I went immediately upstairs.

Q You went immediately upstairs?

A Yes.

Q And where upstairs did you go?

A I went directly upstairs to the first room.

Q And that is the room that Marilyn Sheppard was in?

A Yes.

Q Now, you had been in that home many times before?

A Not upstairs.

Q Had you ever been upstairs before?

A I may have been upstairs before, but the only time I recall having been up was after the fire.

Q Go ahead. Are you through with your answer?

A Yes.

Q Well, you went up the stairs and you went right into a room that was right at the head of the stairs, is that correct?

A Yes.

Q Now, Mrs. Houk, would you mind telling us just what you saw in that room?

A I saw Marilyn on the bed.

- Q What was her position on the bed?
- A Well, she wasn't in the normal position of sleeping. Her body was down from the head of the bed, possibly a third of the way from the head of the bed.
- Q And was she lying face up or face down?
- A She was lying face up.
- Q And did you observe her head and shoulders?
- A Not closely.
- Q But you did observe them?
- A Yes.
- Q Will you tell, to the best of your ability, Mrs. Houk, and I know it is not an easy matter, will you tell just what you saw?
- A Well, what I saw -- there was so much blood it didn't look real, and her sheet covered her to her hips. And one arm was flung out. Why, I don't know, but I automatically put my fingers down for her pulse.
- Q Was that her right or left arm?
- A Her right arm.
- Q Her right arm was extended out with the palm up?
- A Yes.
- Q And you took a hold of her wrist, did you?
- A No. I just put my fingers on it.
- Q You put your fingers on her wrist?
- A Yes.

Q To see whether there was any pulse?

A Yes.

Q Did you find any pulse?

A No.

Q Then what did you do?

A I went directly downstairs.

Q Well, did you do anything to her hand? Did you put her hand --

A No.

Q You just left it as it was, is that correct?

A Yes.

Q Did you -- before you left the room, did you make any observation as to the walls or doors?

A No.

Q You just looked at the bed and what was on the bed?

A Yes.

Q Then you immediately went downstairs?

A Yes.

Q And where did you go?

A I went through the kitchen. I don't know whether I met my husband in the kitchen doorway or the hall, and immediately told him to call the police, call the ambulance, call everybody.

Q You were quite excited, were you not?

A Well, I wasn't so excited, I was numb.

Q Then what did you do?

A Then I went to the kitchen. I must have gone in the room and heard Sam say something.

Q In what room, in the den?

A In the den. I am not positive, but I have a sense that he wasn't coherent and was trying to think.

Q So what did you do?

A So I went to the kitchen and poured him a half a glass of whiskey.

Q And you took that whiskey to him?

A I took that to him.

Q And did you say anything to him?

A Yes.

Q What did you say?

A I'm not sure of the exact words, but I said something about, "Drink this, maybe this will help."

Q And what did he say in response?

A He said, "No, I don't want it. I can't think clearly now and I have to think."

Q And so he did not take the drink?

A I asked him, I said, "Shouldn't this help?"

But he is a doctor, he should know, and he said, "No."
So he didn't take it.

Q I see. Then what occurred from the den?

A Then I believe he was talking.

Q By "he," who do you mean?

A Dr. Sam was talking.

Q To whom?

A Not anybody in particular, I guess. I remember him --

Q Well, what did he say?

A He complained of his neck. He said he thought it was broken. He mentioned kidding Steve about locking his house so tight. He said he remembered being hit at the top of the stairs and either he was chasing someone or someone was chasing him down the steps. I remember that because I couldn't picture anyone chasing him.

And he wondered about Chip, which sent me -- the thought of Chip sent me immediately back upstairs.

Q Did you at any time see him leave the den and go in the kitchen?

A No, I didn't.

Q Or come back?

A No.

Q Your husband was here yesterday and testified to that. So that if that took place, it may have taken place while you were upstairs?

A Yes.

Q Now, when you first went upstairs, and you say you went into the room and saw Marilyn, did you at that time notice whether or not Chip's bedroom door was open?

- A Not when I first went up, no.
- Q You didn't make any observation at all?
- A No.
- Q Did you later go up to Chip's room?
- A Yes. When Sam mentioned Chip, I went.
- Q You went upstairs?
- A Up. That took very little time.
- Q And how long would it take you to run up those stairs or walk fast up those stairs from the bottom to Marilyn's room?
- A I don't know, but I do know I went up pretty fast.
- Q Well, how long would it take you?
- A I can't guess how long it would take you, but I know I ran up.
- Q About two or three seconds, about two or three seconds at the most? Isn't that correct?
- A I would have no way of evaluating. I know I moved very fast.

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Well, my question is: How long would it take anyone going up those stairways to get from the bottom to the top if they are walking fast?

MR. CORRIGAN: I object.

MR. DANACEAU: We will withdraw
that question.

Q Now, you went upstairs when Chip's name was mentioned,
and you went toward his bedroom?

A Yes.

Q When you went up there did you find the door open or
closed?

A Open.

Q His door was open?

A Yes.

Q And where is Chip's bed in relation to that open door?

A Well, the head of the bed is on the south wall of the
bedroom, but just how many feet from the door, I don't
remember. It is not real close, but, possibly three or
four feet, maybe a little more. I really don't remember
exactly.

Q Now, when you first went up to Marilyn's room, no one was
in the house to your knowledge, other than Dr. Sam Sheppard,
yourself and your husband?

MR. GARMONE: Object to the question

as to its form. Let her tell who was there.

THE COURT: Well, as far as she knows.

MR. GARMONE: I will withdraw the objection.

THE COURT: He is asking of her knowledge.

MR. GARMONE: All right.

Q And Chip, of course.

A No, there was no one.

Q And that was around 6 o'clock in the morning?

A Yes.

Q And it was around 6 o'clock, or a few minutes thereafter, before anyone else had come in, that you went up into Chip's room, is that correct?

A I went up to Chip's room just before the police and firemen arrived.

Q Well, that is what I was getting at, and when you went into Chip's room what did you observe?

2 A I noticed Chip lying on the bed on his right side, his back was toward me. I didn't look at anything else at that time, because I heard the siren and realized the police and ambulance were coming, and went right back downstairs.

Q Was Chip asleep at that time?

A He appeared to be at a glance I made at that time.

Q You took a glance, and then you returned downstairs?

A Yes.

Q Now, you say you heard a siren. Did some Bay Village police officers and firemen come in?

A I went out to the yard and I said something to Patrolman Drenkhan. I don't know whether he asked me what happened, or where Marilyn was, or what -- something was said, at that point I can't even remember an answer. It wasn't of any -- I just can't remember. Some word was said, and I walked --

Q By whom?

A Well, Fred -- as I came out, either Fred said something to me, or I said something to him.

Q Who is this Fred we are talking about?

A Patrolman Drenkhan.

Q By Fred, you mean Fred Drenkhan, one of the Bay Village patrolmen?

A Yes.

Q All right. Go ahead and tell us what was said.

A Then I walked back to the firemen as they were taking the stretcher out, and I remember saying, "I don't think it will do much good, but if you have to take it in, you can't get it through the kitchen doorway. You will have to take it around to the living room."

I don't know. I don't know why I thought they'd get

it up better that way, but I remember saying that.

MR. GARMONE: What was her answer?

I didn't hear that, Saul.

MR. DANACEAU: Would you mind repeating it, please? I may get it wrong.

THE WITNESS: I remember mentioning to the firemen that I didn't think the stretcher would do any good, but if they are going to take it up, I didn't think they could get it through the kitchen way.

Q And you don't know why you said that?

A No.

Q Well, now, did Dr. Richard Sheppard, the brother of Dr. Sam Sheppard, come to the house that morning?

A Yes.

Q About how long was it after you came down from Chip's bedroom that he arrived?

A It wasn't too long after the firemen and the policemen got there.

Q Do you know how he happened to come there, or who called him?

A I didn't at the moment he came.

Q You found that out later on?

A Yes.

Q Were you there when he did get there?

A Yes.

Q And when he got there, what did he do? Through what door did he come in, do you know?

A The Lake Road entrance.

Q The Lake Road entrance?

A Yes.

Q Then where did he go?

A He stopped at the door of the den or study.

Q In which Dr. Sam Sheppard was?

A Yes.

Q Did he go into it?

A I don't recall whether he actually went in and talked to him, or whether he just stopped there. I remember seeing him stop.

Q Did he then proceed upstairs?

A Yes.

Q Now, on his way upstairs did he ask for anything?

A I didn't hear him.

Q You didn't hear him?

A No, sir.

Q You didn't go upstairs at that time, did you?

A I did when he was upstairs the first time.

Q While he was upstairs?

A Yes, because it seems I thought again of Chip and realized I hadn't really checked him other than just looked, and

as I went upstairs to Chip's room, I saw Dr. Sheppard with a stethoscope. As I passed the door, I just noticed that he had the stethoscope at Marilyn's heart.

Q And then you went into Chip's room?

A Yes.

Q And what did you do in there?

A I looked around the room, and I looked at Chip, and then was again sure he was really sleeping.

Q He was still asleep?

A Yes.

Q Did he appear to be soundly asleep?

A Yes.

Q And what did you then do?

A Well, I spoke to Dr. Richard --

Q Well, did you then leave the room and go over to see Dr. Richard or meet him in the hall? Just where did you speak to Dr. Richard Sheppard, if you recall?

A I don't recall. I remember being concerned about getting Chip out of there as soon as possible at that point. Whether he had gone down and come up, or whether I saw him in the hall as he came out of Marilyn's room, I am not too positive.

Q But you did speak to him about Chip?

A Yes. I asked him if I could take Chip to our house, because I wanted to get him out of there as soon as possible.

Q And what did he say?

A He said no. Something to the effect that getting some clothes together and, "I will take him down to my house."

Q And what was then done?

A Well, I remember looking around Chip's room for clothes. I didn't know exactly where to look, or what, but I was trying to get some clothes ready for him, and I decided not to wake him myself, but I got Dr. Richard to wake him, because Chip -- I didn't want to alarm him in any way in waking up, and I thought if he saw me, it might startle him more than his uncle.

Q So did Dr. Richard Sheppard wake him up?

A Yes.

Q And proceed to put some clothes on him?

A We decided we didn't need clothes. We put a robe around him, but we had a little difficulty taking off the orthodontic -- oh, I don't know what you would call it -- it was something that wrapped around his head and chin.

Q Some device to correct a chin position?

A Chin position, yes.

Q And you had a little difficulty getting that off?

A Yes.

Q But ultimately it came off, I take it?

A Yes. I found the string.

Q Now, a robe was put around Chip?

A Yes.

Q And then who took him out of the bedroom and downstairs?

A Well, as I recall, Dr. Richard started to take him downstairs, and at some point before he went out, somebody asked Dr. Richard a question, so I continued to lead Chip directly outside to Dr. Richard's car.

Q Someone stopped Dr. Richard and engaged in conversation with him?

A Asked him a question or something. I remember he stopped, and I wanted to get Chip out.

Q So you proceeded with Chip, and you took him to Dr. Richard Sheppard's car and put him inside?

A Yes.

Q Now, as you were taking Chip to Dr. Richard Sheppard's car, did you observe Sam Sheppard being taken anywhere?

A When I put Chip in Dr. Richard's car, Chip asked about the ambulance. He said, "What happened?"

And I said, "Your father is hurt." I said, "He has got a bump on his head."

I didn't want to startle Chip, and as I put Chip in Dr. Richard's car, I recall seeing Dr. Sam sitting in Dr. Steve's car, because I wondered if Chip would question the fact that he was there instead of the ambulance.

- Q At that time you saw Dr. Sam Sheppard sitting in Dr. Steve Sheppard's car?
- A Yes.
- Q And who else was there in that car where Dr. Sam Sheppard was, if anyone?
- A I believe -- well, I know Dr. Steve's wife left with him.
- Q And what is her name?
- A Betty.
- Q Betty Sheppard?
- A Yes.
- Q Left with him in the car?
- A Yes.
- Q Did you see Dr. Steve Sheppard around there at that time?
- A I believe he was walking to the car.
- Q Is that the first that you saw Dr. Steve Sheppard and Betty Sheppard that morning?
- A No. I saw them come.
- Q At what time did they come?
- A Well, it took them longer to get there after Richard arrived than it took Richard to arrive after the police got there. I don't know. It wasn't too long after Richard arrived. I couldn't guess what time.
- Q Where had you previously seen Dr. Steve Sheppard?
- A I saw Dr. Steve and Betty as they came to the door.
- Q The same back door?

A Yes.

Q And you saw them come in?

A Yes.

Q Where did Dr. Steve Sheppard go?

A I didn't notice -- I didn't pay any more attention to Dr. Steve.

Q Where did Betty Sheppard go?

A I didn't see her come in the house, either. I don't know whether I went upstairs at that time, or went outside at that time. I remember seeing them, but I know I didn't see where they went.

Q Did you see the car drive away, that is, the car in which Chip Sheppard was?

A Yes.

Q And who drove away that car?

A Dr. Richard drove the car that Chip was in.

Q And who else was in that car besides Dr. Richard Sheppard and Chip?

A I don't know of anybody else being in the car.

Q Now, the other car in which Dr. Sam Sheppard was, what kind of a car was that?

A That was a station wagon.

Q Do you know whose station wagon that was?

A I believe it is Dr. Steve's station wagon.

Q And who drove that car away?

A I believe Dr. Steve did. I don't -- I can't say positively, but I think he did.

Q Now, besides Dr. Steve Sheppard and Dr. Sam Sheppard, was there anybody else in that car at that time?

A There may have been a doctor from the hospital or an intern from the hospital.

Q Did you see the two interns from the hospital come into the house that morning before Dr. Sam Sheppard was removed?

A I remember seeing one.

Q You remember seeing one intern?

A Yes.

Q From Bay View Hospital?

A Yes.

Q Well, didn't that intern accompany Sam Sheppard and Dr. Steve Sheppard when they left in the station wagon?

MR. GARMONE: Object to the question as to its form. It is leading.

THE COURT: Yes, the form, of course, is objectionable.

Q Well, did you notice whether or not this intern came from Bay View Hospital, and you say you saw in the house, did you notice whether or not he left with Dr. Sam Sheppard and Dr. Steve Sheppard when they left?

A I think he did, but I am not positive.

Q Now, can you give us, to the best of your recollection,

about what time it was that morning that these cars left the Sheppard home?

A I have trouble evaluating time that morning. They weren't there very long.

Q Let's assume that you got there at about 6 o'clock. About how long after that was it that they left, that is, Dr. Sam Sheppard and Chip Sheppard left?

A I'd say approximately 6:30.

Q Approximately 6:30?

A That is as near as I can guess.

Q Now, you remained there at the place?

A Yes.

Q At the Sheppard home?

A Yes.

Q And did Dr. Richard Sheppard or Dr. Steve Sheppard come back that morning?

A They both came back.

Q And how long was it after they left that they came back?

A I can't say exactly. Possibly a half-hour, a little more.

Q And where did they go?

A I remember -- I don't remember --

Q Well, let's take them one at a time. Where did Dr. Steve Sheppard go?

A I remember seeing him walk in the garage and through the house. I remember --

Q By saying through the house, both downstairs and upstairs?

A Yes. I remember I went upstairs and seen my son up there --

MR. GARMONE: Saw who up there?

MR. DANACEAU: Her son.

MR. GARMONE: Lawrence?

THE WITNESS: Yes.

MR. DANACEAU: She only had one

son, I take it.

A (Continuing) And I believe Dr. Richard -- Dr. Richard and Dr. Steve were up there then. I remember at that time I believe I looked into the east room, that was disorderly.

Q Is that the room that had been previously occupied by Dr. Hoversten?

A Yes. I didn't know that Dr. Hoversten had been there, but I found out then.

Q I am merely asking that for identification. You saw that room, the bed was unmade?

A Yes. And I believe that Dr. Richard and Dr. Steve were in the room at that time.

Q Now, what rooms did they go into downstairs? Let's take Dr. Steve Sheppard. What rooms did he go into downstairs, that you observed?

A Well, he walked through the living room, I can remember.

Q And where else?

A Well, there's only two other rooms.

Q Did he go into those rooms, too?

A I didn't see him go into those two rooms at that time.

Q Did you see him go into those two rooms at another time that day?

A No.

Q Now, where did Dr. Richard Sheppard go, as far as you observed?

A I think I smoked a cigarette with Dr. Richard on the front lawn about that time.

Q And did he go into the house?

A I believe he had been in and gone out.

Q He had been in and gone out?

A Yes.

Q Now, these movements of Dr. Steve Sheppard and Dr. Richard Sheppard before Chip was taken away and after Chip and Dr. Sheppard were taken away, were all before the Coroner got there, isn't that correct?

A Yes.

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Q Do you recall when it was that Chief Eaton of Bay Village -- he is the Chief of Police of Bay Village?

A Yes.

Q Chief Eaton?

A Yes.

Q Do you recall when it was that he came to the house?

A I -- it must have been after Chip and Sam left. To the best of my knowledge, it was before Steve and Richard came back, sometime in there. I'm trying to place it in relation to what I did as I recall.

Q Well, you answer as best you can, if you can recall. If you cannot recall, why, we prefer to have you so state.

A Well, that's the best I can recall.

Q You are not certain of it?

A No.

Q Were you present when any call was made for the Coroner or for the Cleveland Police Department?

A I remember Patrolman Drenkhan calling the Coroner's office.

Q Do you recall anyone calling for the Cleveland Police Department?

A No, I don't recall that.

Q Now, can you place the time of this call to the Coroner's office, as best you can?

A Just that it was shortly after Patrolman Drenkhan came.

Q Shortly after Patrolman Drenkhan came?

- A Yes.
- Q He got there before Chief Eaton, is that correct?
- A Yes.
- Q Now, at what time did the Coroner arrive?
- A Actually, that morning, I don't know.
- Q Well, can you tell us about how long you had been at the house and at the premises before the Coroner got there?
- A No, because I know when he arrived.
- Q I know you know when he arrived. I am trying to get an idea of how long you had been there before he arrived. Was it a matter of an hour, an hour and a half, two hours?
- A I can't guess at that because I know we arrived around 6:00 and I know he arrived around 8:00.
- Q He arrived around 8:00?
- A Yes.
- Q That is what I am trying to get at.

MR. DANACEAU: It is 12:00, your Honor.

THE COURT: I think that clock is a little fast, but we can stop right here.

Ladies and gentlemen of the jury, we will adjourn for the noon hour at this point and return at 1:15 this afternoon. Please do not discuss this case in the meantime.

(Thereupon, at 12:00 an adjournment was taken until 1:15 p.m.)

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Wednesday Afternoon Session, November 10, 1954.

Thereupon ESTHER HOUK resumed the stand and was examined and testified further, as follows:

DIRECT EXAMINATION (CONTINUED)

By Mr. Danaceau:

Q Mrs. Houk, when you first came to the Sheppard home on the morning of July 4th, and came into the Lake Road side through the door, did you see the dog Koko?

A I remember seeing the dog go out the door. I don't recall whether it was when we first opened the door or when it was opened later. I don't recall seeing the dog except when he went out the front door.

Q And did he later come back into the house?

A Yes. I later saw him lying on the rug in the kitchen.

Q Is there a rug in the kitchen where Koko is supposed to lie?

A Yes.

Q You have seen him there on other occasions?

A Yes.

Q Now, I also neglected to ask you this morning that when you came down and saw Dr. Sam Sheppard in the den or study, what his appearance was. Will you tell us that now?

A I don't quite know what you mean.

Q Well, I think you testified this morning that he had no clothes on above his trousers, is that correct?

A That's correct.

Q Did he appear as though he had been hurt or bruised in any way?

A I saw a bump on his forehead.

Q Whereabouts on his forehead?

A It was over his eye. I think it was the left eye.

Q Was his eye discolored?

A I didn't notice discoloration.

Q You did not notice that?

A No.

Q So other than that injury on the forehead over the eye, did you notice any other injury that was visible to you?

A No.

Q Now, did you observe his trousers? Did you observe anything on his trousers?

A I only noticed his trousers from his knees to the waist in the sitting position he was in. I believe his legs were a little under. I only noticed from the knees to the waist, and I noticed a blood spot on one leg.

Q And just where was that blood spot on ~~one~~ leg of his trousers in relation to his knee and the back?

A Nearer midway between his knee and his hips.

Q And how large a spot -- how large a blood spot was that?

- A Oh, roughly an inch and a half to two inches, as I recall.
- Q In diameter, is that what you mean?
- A Yes.

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- Q Now, did you notice whether or not his shoulders were dry?
- A I know his shoulders were dry.
- Q How do you know that?
- A Because I touched his shoulder when I talked to him.
- Q And at that time, what did you say to him?
- A He complained of trying to think, and I put my hand on his shoulder, like you would a child, and I said, "Don't try."
- Q Now, did you notice whether or not his hair was wet?
- A I didn't notice whether his hair was wet or not.
- Q Did you notice whether or not there was any sand in his hair?
- A No, I didn't notice.
- Q You didn't notice any sand?
- A No.
- Q You did see his hair?
- A Yes. It was mussed, but I have no recollection of --
- Q Seeing any sand?
- A I didn't see any sand.
- Q By mussed, what do you mean, just tousled around?
- A Yes.
- Q Did you touch the trousers at all?
- A No.
- Q Now, there has been some testimony here about an occasion when your husband and Dr. Sam Sheppard went out in their

boat into the lake to haul in a fisherman. Do you recall that incident?

A Yes.

Q And when did that take place before this July 3rd and 4th date?

A I believe that was the Wednesday night before.

Q And had you received, you or Dr. -- pardon me -- had you or Mayor Houk, or both of you, received a call?

A The phone rang and my husband answered it upstairs at the same time I answered it downstairs.

Q And who called?

A It was Marilyn.

Q And what did she say?

A She said she heard a sound out in the lake like somebody calling for help, but Sam thought it was her imagination, and she wondered if we would listen and see if we could hear it, too.

Q Did you?

A Yes.

Q And did you hear it?

A Yes.

Q And then what did you and your husband do?

A My husband told Marilyn to get Sam up and they would go out.

Q And did she get him up?

A Yes.

Q And did your husband and Dr. Sam Sheppard go out?

A Yes.

Q In your boat, that is, your husband's and Sheppard's boat?

A Yes.

Q About two miles off shore?

A I don't know how far it was.

Q You don't know the exact distance?

A No.

Q This was a case, was it not, of a fisherman whose motor had died down, died out?

A I believe he was still fishing and couldn't start the motor to come back.

Q And they hauled in his boat and took him, also, to the Cahoon Park runway, is that right?

A Bay Boat Club.

Q That's right. And that is the incident that occurred a few days before July 3rd?

A Yes.

Q Mrs. Houk, do you recall a visit at the home of Dr. Sam Sheppard and Marilyn Sheppard this past spring in which there was some discussion concerning an automobile accident in which your sister was involved?

A Yes.

Q There had been some damage to her car but no injuries to her?

A Yes.

Q And was Dr. Sam Sheppard there at that time?

A Yes.

Q And did he say anything at that time?

MR. CORRIGAN: Oh, object. Last spring?

THE COURT: She may answer that yes or no. Did he say anything at that time? You can answer that yes or no.

A Well, there was a conversation.

Q Well, did he participate?

A Yes.

Q And did he participate in a conversation on the subject of how to pretend a head injury even though there was none there?

MR. GARMONE: Object to the question, if the Court please.

THE COURT: I didn't get part of the question. Did he --

MR. DANACEAU: The question was: Did he participate in a conversation, the subject matter of which was how to pretend a head injury?

MR. CORRIGAN: How to what?

MR. DANACEAU: How to pretend there was a head injury when there was no head injury.

THE COURT: Well, she may answer

that.

Q Did he?

THE COURT: You can answer it
yes or no first.

A Yes.

Q And what did he say?

MR. GARMONE: Objection.

THE COURT: She may answer.

A He said as a doctor he knew a head injury was --

Q Will you speak up? They don't hear you there.

A As a doctor he knew a head injury was the hardest to
diagnose, I believe, or evaluate or an expression such as
that.

Q Will you tell us the substance of what he said?

A I don't know quite how to tell you the substance of what
he said without relating the conversation.

Q Well, then, relate the conversation.

MR. CORRIGAN: Object.

THE COURT: She may answer.

Q Go ahead.

A It pertained to insurance in case of an accident, and where
there was no obvious injury, a head injury could be easily
claimed.

MR. CORRIGAN: Could be easily what?

MR. DANACEAU: Could be easily claimed.

A (Continuing) As far as insurance was concerned. That's --
Q Do you recall anything more of that conversation that was said by Dr. Sam Sheppard?

THE COURT: At that time, you mean?

MR. DANACEAU: Yes.

A It was a general conversation on insurance and --
Q Well, this particular accident concerned damages to the car only, is that right?
A Yes.
Q And your sister was the owner of the car?
A Yes.
Q And the discussion that took place was concerned with a claim for a head injury?

MR. GARMONE: Object to the question, now, as to its form. Let her relate it.

MR. DANACEAU: Well, I am trying to have her relate it, sir.

MR. GARMONE: Ask her what the conversation was, then.

Q All right. I will ask you again what the conversation was other than what you have already related?
A Well, the car was old and the insurance value would not cover -- the car could not be -- what the company would pay for the car, it would cost more to have it repaired than

the car was worth, and it was an unfortunate circumstance in that the car was in perfect running condition and needed no money to keep it operating. My sister had no money to replace the car, and the insurance didn't cover her personal loss of transportation.

Q You say the insurance did not cover --

MR. CORRIGAN: I object to this,
your Honor.

MR. DANACEAU: Well, I am trying
to get her --

MR. CORRIGAN: I will object to
it now. It obviously refers to some conversation
that her sister had with the doctor about an
automobile accident in which there was some claim
for damages.

MR. DANACEAU: Well, it is more
than that, sir.

MR. CORRIGAN: What relation has
that to a murder?

MR. DANACEAU: It is more than that.
Q Proceed, please.

THE COURT: Let her answer. I
am not clear what the purpose of it is. All right,
go ahead.

A She only had claimed, apparently, to the car damage because

she apparently knew at the moment of no physical injury.

MR. CORRIGAN: Ask it be stricken
from the record.

MR. DANACEAU: Just a minute.
She is not through, sir.

MR. CORRIGAN: I don't care. I
ask that be stricken from the record.

THE COURT: I am taking it that
she is relating the conversation, is that right?

THE WITNESS: Yes.

THE COURT: All right.

A (Continuing) Dr. Sam said in that particular case that as
a doctor he knew that a head injury could very easily be
claimed because it could not be traced.

MR. CORRIGAN: Ask that be stricken
from the record.

THE COURT: Overruled.

MR. DANACEAU: You may inquire.

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CROSS-EXAMINATION OF ESTHER HOUK
(1:35 p.m.)

By Mr. Corrigan:

Q Mrs. Houk, have you gone over your testimony with the prosecutors?

A No.

Q When you came down here did you go to the prosecutor's office?

A I have been waiting there.

Q And you came on what day?

A I came with my husband.

Q But what day did you come? Yesterday?

A He was called to come down Monday afternoon.

Q Were you here Wednesday afternoon?

MR. GARMONE: Tuesday.

A This is Wednesday.

Q Tuesday afternoon?

A Yes.

Q Now, how many times have you talked about this case, have you got any idea?

A In what way do you mean?

Q To anybody, to authorities, gone over matters connected with this case? Well, let me put it this way:

Who was the first person that interviewed you about your knowledge of the murder of Marilyn Sheppard?

THE COURT: Can we have quiet, please, gentlemen? The Court will, from now on, if we can't have quiet, the Court will definitely restrict movement in the courtroom. We will have to do it in the interest of moving along as we ought to with this trial. Counsel have a right to have their questions heard, so does the witness have a right, and the jurors must hear it, and we just can't hear it with this shuffling movement all of the time. You have to work out some scheme that will avoid it, and if you do not, the Court will do it.

All right.

A Do you mean my first conversation or my first written statement?

Q Yes.

A Which?

Q The first person that got a statement from you as to what you knew about the murder of Marilyn Sheppard?

A The first written statement was given to Patrolman Drenkhan.

Q To who?

A Patrolman Drenkhan.

Q Yes. When was that statement given? I don't want you to be exact as to dates.

A Well, that was either the 5th or the 6th, I believe.

Q Of July?

A Yes.

Q Now, if you have any difficulty understanding my questions, Mrs. Houk, just tell me so, will you?

A Yes.

Q Because I want to make them just as plain as I possibly can.

And where was that statement given?

A That statement was given at the police station, Bay Village.

Q Now, who was the next person that took a statement from you, if there was any next person?

A The next written statement I believe was given to Mr. Mahon and Mr. Parrino.

Q These two gentlemen here?

A Yes.

Q And when was that statement given to Mr. Mahon and Mr. Parrino? Can you tell me how long after the 4th of July, approximately? A week or 10 days?

A Possibly. I can't remember when that statement was given.

Q Well, I don't expect you to. I just want to get approximate times. And then who was the next person that took a statement from you?

A Would the inquest be considered a statement?

Q Well, I will come to that. Did you give any other statements?

THE COURT:

He is talking about a

written statement.

THE WITNESS: Oh.

Q Written statement. Did you give any written statements to anyone besides Officer Drenkhan and Mr. Mahon and Mr. Parrino before the date of the inquest?

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

Q Was a statement taken from you by any officers of the Cleveland Police Department?

A I don't think so.

Q You don't know, or you didn't --

THE COURT: She said she does not think so.

A I don't remember a signed statement to the Cleveland Police Department.

Q Were any statements taken from you by Officer Rossbach?

A Not a signed statement.

Q A verbal statement?

A I talked to him.

Q Yes. Were you at the Cleveland Police Department at any time?

A I went with my husband of my own volition, I believe.

Q Were you interviewed by someone at the Cleveland Police Department when you accompanied your husband?

A I don't think so. I don't remember.

Q Did any officers of the Cleveland Police Department come to your house and interview you?

- A I saw so many detectives, I don't remember whether they asked me questions or not.
- Q I didn't quite get your answer.
- A I said I saw so many detectives I can't remember whether any of them questioned me or not. I really can't.
- Q I see. You have talked to a lot of people that have come to see you connected with these various law-enforcing agencies, is that correct?
- A I don't believe I have talked to so many of them personally, No.
- Q Now, then, you did testify at an inquest that was called by Coroner Gerber on July 22nd?
- A Yes.
- Q And that was out in the gymnasium of Normandy School in Bay Village?
- A Yes.
- Q Quite a large crowd of people were there?
- A Yes.
- Q Your photograph was taken?
- A Yes.
- Q And published in the newspapers?
- A Yes.
- Q There were lots of reporters there?
- A Yes.
- Q And lots of photographers?

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A Yes.

Q And the questioning that was conducted there, as far as you are concerned, was conducted entirely by Coroner Gerber?

A Yes.

Q Do you recognize Mr. Danaceau, the gentleman that questioned you?

A Yes.

Q He was there?

A Yes.

Q And had you talked to him before?

A No.

Q Did you see the editorial in the Press the day before calling upon Gerber to have an inquest?

A I remember seeing the editorial, but I don't remember when it was.

Q I see. And you testified there as you recollected the events of July the 4th?

A Yes.

Q Now, I want to ask you some questions, Mrs. Houk, about that neighborhood, so that we have it in the record here, the location of the house, and the location of your house, and the location of the lake, and so forth, and Huntington Park. You understand the purpose of my questions?

A Yes.

Q Now, you live on what is known as Route 6, or is it Route 2?

A It could be both.

Q It is the main highway that comes from Cleveland and goes to Lorain and points west?

A Yes.

Q And it is a heavily-traveled highway, isn't it?

A Yes.

Q And there is considerable noise made by the trucks and the automobiles that travel over that highway?

A Yes.

Q In the rear of your house, of course, is Lake Erie?

A Yes.

Q And on the night of the 3rd of July, you have stated there was quite a loud -- considerable noise coming from the roar of the waves on the lake?

A Yes.

Q You could hear it very distinctly in your house?

A Yes.

Q And it drowned out other sounds?

A No, not necessarily other sounds. I heard it when I opened the window to retire.

Q But, anyway, there was considerable noise coming up from the lake?

A It was noisy outside, yes.

Q And you say the wind was blowing. Was there noise in the trees?

A I only recall hearing the lake pounding. I don't recall the trees.

Q You didn't notice it?

A No, I didn't notice the trees.

Q Now, your house sits about 50 feet back from the road?

A I suppose about that.

Q And the houses all along there set back about the same distance?

A No.

Q Do some of them set nearer to the road than your house, or farther from the road?

A All of them, with the exception of one, I believe sit back further.

Q Set back farther?

A Yes.

Q Now, to the west of you, and right adjacent to your house, is the small Bay View Cemetery?

A Yes.

Q That cemetery is not used, is it, very much?

A No.

Q That just belongs to some old settlers that live out there?

A There have been just two funerals I believe in the last four years.

Q Then to the east of your house is the home of Mr. and Mrs. Bruscino?

A That's correct.

Q And then comes the home of Mr. and Mrs. Schuele?

A Schuele, yes.

Q And then comes the home of what was the home of Mr. and Mrs. Sheppard?

A Yes.

Q Now, proceeding further east, next to Mr. Sheppard's home is a large vacant lot?

A Yes.

Q And then comes two other houses?

A Yes.

Q And then you come to Huntington Park?

A Yes.

Q Now, in the rear of your house and these other houses there are trees, are there not?

A Yes.

Q I want to call your attention to the fact, and ask you if you have noticed that there are two large maple trees at the easterly end of Dr. Sheppard's lot, one on one side of the driveway and the other on the other?

A Yes.

Q And the driveway goes back along the easterly line of the lot to his garage?

A Yes.

- Q Now, you have been in that house many times, haven't you?
- A Yes.
- Q And you have been upstairs?
- A Only one time, to my recollection.
- Q Now, you recall that there was a fire in the house, that the house burned, there was a conflagration, I would say, along sometime in 1953?
- A Yes.
- Q And the house was vacant for a considerable period of time in 1953 during which Mr. and Mrs. Sheppard moved away and lived somewhere else?
- A Yes.
- Q Do you know how long it was vacant in 1953?
- A No, I don't know exactly.
- Q Let me put it this way, Mrs. Houk: Do you know how long they were gone before the repairs were completed?
- A I don't remember now.
- Q Well, was it several months?
- A Yes.
- Q And during that time you had gone into the house during the time those repairs were being made?
- A I went through the house a day or so later with Marilyn to see the extent of the damage.
- Q And at that time you had gone upstairs?
- A Yes.

Q And was that the only time that you have gone upstairs?

A I can't recall ever going up on any other occasion.

Q Well, all right. You can't recall going up any time other than that?

A No.

Q Now, on the night of the 3rd of July, after your husband watched the fireworks, you say you watched those from up in your lot?

A We watched them from the wall along the lake.

Q You didn't go down on the pier that -- well, let me preface that question with this:

Extending from Bruschino's lot there is a stone pier that goes out into the water?

A There are six jetties there that extend from the wall. Is that what you mean?

Q Now, I am talking about those -- when I was out the other day there extended out into the water from the shore some stone piers, I call them.

A Correct.

Q I don't know whether that is the right word or not, but you understand what I mean?

A Yes, I do.

Q And there is one goes out from Mr. Schuele's beach, is there not?

A Yes.

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- Q And there is one goes out from Mr. Bruscano's beach, is there not?
- A I believe there are three on his property and three on ours.
- Q And are there any extending out from your property?
- A There are three.
- Q Three?
- A On ours.
- Q Yes. Now, then, to go down to the lake from your property, as I understand it, as my observation was, it is a sort of a very steep bank there at the rear of your property?
- A Well, it's not -- it slopes down.
- Q Yes. Do you have any walk that goes down from the level, the street level of your property down on to the shore?
- A There are stairs from the street level to the wall.
- Q To the wall?
- A Yes.
- Q And then does that go down to the beach?
- A There are stairs in the wall, also.
- Q That go down to the beach?
- A That go down to the water.
- Q And there is likewise a stairway or a walk from Bruscano's property down to their beach?
- A Yes.
- Q And also from Schuele's?
- A I don't think -- I don't know whether they have a -- I don't

think they have steps going down.

Q I see. Well, then, the next place is Dr. Sheppard's, and, of course, there is the stairway that goes there?

A Yes.

Q And the boat that your husband and Dr. Sheppard owned in common was kept in a boat house behind the property of Bruscano's?

A That's correct.

Q Now, you had seen both your husband and Dr. Sheppard use that boat on many occasions?

A Yes.

Q And you had seen Dr. Sheppard use that boat to pull Marilyn around through the water on skis?

A Yes.

Q And they were -- that was one of their favorite recreations, was it not?

A During the summer, yes.

Q Yes, during the summer. And they would ski -- and you have seen them ski at night?

A What do you mean, at night?

Q After dark, when the moon was out?

A On a few occasions.

Q What?

A On a few occasions. I don't remember whether Marilyn skied after dark or not. I remember --

Q Well, on the --

MR. DANACEAU: Just a minute. Let
her finish her answer.

MR. CORRIGAN: I certainly will.
I have no intention of interrupting.

A I remember --

THE COURT: She said she did
not know whether Marilyn skied at night or not.
Were you going to say some more?

THE WITNESS: I was going to say
I recall skiing at night on a couple of occasions
after dark, and I don't remember whether Marilyn
skied after dark or not.

Q Well, there was someone skiing there, Dr. Sheppard could
hardly ski alone, isn't that true?

A He could ski alone.

Q Well, he would have to have somebody to run the boat?

A Well, yes, somebody would have to run the boat.

Q Somebody would have to run the boat?

A Yes.

Q Well, it wasn't unusual on nice calm nights, when the moon
was out, for people to go skiing off the Sheppard beach
and for the members of the Sheppard family to ski there?

A It wasn't unusual, but it didn't happen frequently after
dark.

Q Did your son ever ski with Dr. Sheppard after dark?

A Yes.

Q He did?

A Yes.

Q How about Linnette, your little girl?

A She never learned to ski.

Q But Larry did?

A Yes.

Q And you knew of other boys that skied after dark with Dr. Sheppard?

A On, a few, very few occasions.

Q Well, take the Saturday prior to the 3rd of July, when there was a party at the Critchfields, you were at that party? Do you remember it?

A I remember the party at the Critchfields. I didn't remember it was the 3rd of July.

Q Well, it wasn't the 3rd of July, but it was, as I understand it, it was the Saturday before the 3rd of July, the previous Saturday.

A Yes.

Q About a week?

A Yes. I forgot.

Q And Mr. Critchfield lived on the other side of the street two or three doors west or east of Dr. Sheppard?

A East.

Q And Dr. Sheppard and his wife were there and you and your husband?

A Yes.

Q And a number of other people, and a very pleasant evening was had?

A Yes.

Q There was some dancing?

A Yes.

Q And Dr. Sheppard and his wife on occasion did some jitter-bugging or high school dancing, high school steps, do you remember that?

A No.

Q Well, was there anything about the dancing that they did that you remember, that stands out?

A No.

Q All right. After the party was over at the Sheppard home, didn't a number of the people -- or, at the Critchfield home, didn't a number of the people adjourn to the Sheppard home and go down swimming?

A Yes.

Q Did you join them?

A I didn't go swimming.

Q But you went down on the beach?

A I was with the group, yes.

Q And Dr. Sheppard got the boat out and a number of people,

including Marilyn, enjoyed skiing on that night; do you remember that?

A I remember the skiing. I can't remember whether Marilyn skied that night or not.

Q But you do remember that those --

A I remember skiing.

Q -- those incidents took place that I have just recited?

A Yes.

Q Now, when you retired at somewhere around 2:30 in the morning, or you finished reading your story at 2:30 in the morning and then started to retire --

A What morning are you speaking of now?

Q I am talking now about the 4th of July. You say you finished the story about 2:30 in the morning and then commenced preparations for retiring?

A That's right.

Q And it took you about a half an hour to get ready to retire to bed?

A Possibly. I'm not sure exactly how long.

Q Well, it took you a little time?

A Yes.

Q That is the prerogative of a woman, that she can take time to do the necessary things to retire. I am married and I know what happens.

So you then -- the next thing that awakened you was

the telephone call that had been received by your husband?

A Yes.

Q In which you learned that something terrible had happened over at the Sheppard home?

A Yes.

Q Now, Mrs. Houk, what kind of a housekeeper was Marilyn Sheppard, from your observation?

A I would say a meticulous housekeeper.

Q A meticulous housekeeper?

A Yes.

Q Would Marilyn Sheppard go to bed and leave around the living room a lot of ashtrays filled with cigarette butts and ashes?

A I don't know.

Q Well, if she was a meticulous housekeeper as you observed, that would not happen, would it?

MR. MAHON: Objection, now.

MR. DANACEAU: Objection.

THE COURT: Yes. The objection
will be sustained.

Q Did you ever go into her house and find in the living room a number of ashtrays filled with cigarette butts and ashes?

A No.

Q Now, then, you have been in that house many times and you know where the fireplace is?

A Yes.

Q In the southwest corner of the L of the living room?

A Yes.

Q And you know what is in front of that fireplace, don't you?

A In front of it?

Q Yes. Fireplace tools, have you noticed those?

A There may be. I never particularly noticed them.

Q You never noticed them?

A No.

Q Did you notice various sizes of clubs of wood in front of the fireplace?

A Only one occasion, when we were there and there was a fire burning.

Q But you never paid any attention to that?

A No.

Q I see. All right. Now, then, when you drove over to the house with your husband, we were on fast time then, weren't we? On July 4th, that would be fast time?

A Yes.

Q And 6:00 in the morning would be 5:00 in the morning now.

Now, when you drove over to the house, you and your husband got out, and who went into the door first?

A As I recall, we went in at the same time. I don't recall enough difference to --

Q You just walked in?

A Yes.

- Q You didn't knock or ring?
- A Yes.
- Q Walked right in?
- A Yes.
- Q And when you got into the house, you got into the hallway that leads from the back door into the living room?
- A Yes.
- Q And you saw there some disorder in regard to a doctor's bag?
- A Yes.
- Q In the hallway?
- A Yes.
- Q The office or the den in which Dr. Sheppard was later found is a room that is off to the left of that hallway -- to the right of that hallway as you enter?
- A Yes.
- Q Now, what was it caused you to go, after you entered the house, to go to the den?
- A I assume we heard a moan or a sound which directed our attention there.
- Q You heard a moan or a sound that directed your attention to the den?
- A Yes.
- Q And then you went into the den, you and your husband?
- A Yes.
- Q And you saw Dr. Sheppard?

A Yes.

Q And where was -- you say he was sitting in a chair. You have been in that room before?

A Yes.

Q There is a desk in the middle of the room, is there not?

A Yes.

Q And then to the north of that desk or towards the lake there is an arm chair?

A There was.

Q Yes. And to the south of the desk was an office chair?

A Yes.

Q Now, which chair was he sitting in, the office chair to the south of the desk or the arm chair to the north of the desk?

A The arm chair to the north of the desk.

Q And how was he sitting?

A He was sitting with the upper part of his body over the arm of the chair, with his hands clasped behind his neck.

Q The upper part of his body was over which arm of the chair, the arm of the chair to the west or the arm of the chair to the east, the arm of the chair towards your house or the arm of the chair towards the vacant lot?

A The chair -- the arm of the chair would have been south and north.

Q What?

- A The arm of the chair would have been south and north, and, as I recall, the upper part of his body was over the south arm of the chair.
- Q Well, let me see now so I clear that up. Was the chair, the seat of the chair pointing towards the south or pointing towards the north, the seat of the chair where the man was sitting, like I am sitting now?
- A The seat of the chair would be pointing to the west. The back of the chair would have been to the east.
- Q To the east?
- A Yes.
- Q So that Dr. Sheppard's upper part of his body was now leaning over what part of the chair, the north or the south?
- A I said it was leaning over the south arm, to the best of my memory.
- Q That would be towards the street?
- A Yes.
- Q Towards the street. And his legs and his pants were exposed, you could see them as you came in the room?
- A I didn't notice his legs.
- Q But I say, if you had noticed them, they would be visible to you?

MR. DANACEAU:

Object to that.

She said she hadn't noticed it. How could it be visible?

THE COURT: The objection is
sustained.

Q There was nothing to conceal them from you?

A No.

Q And there was nothing concealing his shoes?

A Nothing other than the position they were in.

Q And as you looked at him in that room, what else did you notice about him in addition to the fact that his body, the top of his body, was leaning over the arm of the chair?

A I don't understand.

THE COURT: What did you notice
other than seeing him sit there and his body
leaning over?

Q You have stated that you noticed the upper part of his body was leaning over the arm of this chair?

A Yes.

Q Now, did you notice anything else at that particular time of entrance about Dr. Sheppard that attracted your attention in any way, that you can tell this jury?

A As we came in, he raised his body and turned his face towards us, and I noticed a bump over his eye, when we first came in.

Q He raised his body and you noticed this mark over his eye?

A Yes.

Q Did you see where his hands were?

A Yes.

Q And where were his hands?

A His hands were in back of his neck.

Q His hands -- will you illustrate to the jury just how his hands were?

A (Witness indicates.)

Q Both of them clasping the back of his neck?

A Yes.

Q And that was in a leaning position?

A He was over the arm of the chair this way and raised this way.

Q And raised his head?

A Yes.

Q And then you saw this mark on his forehead?

A Yes.

Q Was it a cut?

A No.

Q What was it?

A It was a swelling.

Q Like a swelling?

A A swelling.

Q Yes. Did you notice at that time his mouth?

A I noticed nothing about his mouth.

Q Did you ever during the time you were in that morning notice his mouth?

A I don't recall noticing anything about his mouth.

Q I see. All right. I don't expect you to recall everything, because you weren't writing it down, were you?

A Pardon?

Q You weren't writing it down, you weren't contemplating that you were going to be questioned about it in October or November?

A No.

Q Now, when he raised his head, did he say anything, that you remember?

A I did relate what I remember him saying. He said he was trying to think. First, he --

Q Well, did he say that at that time?

A No. He first raised his head and --

Q Wait a minute, Mrs. Houk. Did he say that "Someone" -- or did he mention the name of Marilyn?

A To the best of my recollection, he -- I think he said something and then said, "Someone should do something for Marilyn."

Q Yes. And did you say anything or make any inquiry at that time?

A Not that I remember.

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Q You left immediately and went to Marilyn's room?

A Yes.

Q And do you recall whether you went through the kitchen and up the stairway that leads from the kitchen, or whether you went through the living room and up the stairway that leads from the living room?

A I definitely went through the kitchen.

Q And went directly to Marilyn's room?

A Yes.

Q Did you know in what room she was sleeping?

A No.

Q But you did go right in there?

A I went right up to the head of the stairs, and I --

Q And walked in?

A I knew --

Q When you got into the room, were the curtains of the room up?

A I didn't notice.

2 Q But there was light in there, you know that?

A Yes.

Q You made no note of the curtains?

A I didn't note the curtains.

Q And when you got into the room, of course you saw this horrible sight?

A Yes.

Q Of this friend and companion of yours in that terrible

situation?

A Yes.

Q Do you remember whether you made any exclamation as you saw that sight?

A I doubt it.

Q You don't know?

A I don't think I did.

Q You determined, without going into details of it, that Marilyn was dead, or that you got no pulse?

A At that moment I must have known, but I refused to believe --

Q It was hard for you to come to the conclusion?

A I don't think I came to a conclusion. I just knew something terrible happened, and went downstairs.

Q You had seen this horrible sight.

I do want to establish this, Mrs. Houk, as it is important to my case, the position of the arms of Mrs. Sheppard as you noted them that morning.

A I am not sure of the left arm.

Q I couldn't hear that.

A I am not sure of the left arm. I recall the right arm distinctly.

Q Are you sure of the right arm?

A To what extent are you referring?

Q Tell me what your recollection is of the position of the right arm.

A The right arm was palm up.

Q Palm up?

A And extended away from the body.

Q Did it extend over the edge of the bed?

A I'm not sure whether it extended over the end of the bed or not. I only know I could touch the wrist without touching anything else.

Q Well, it did extend out straight, or was it at an angle?

A It extended out from the body.

Q The arm was not on the body?

A No.

Q Now, then, when you saw this -- have you any idea how long you remained in that room?

A Only long enough to put my fingers on her pulse.

Q Now, you then went downstairs, and as you went back through the kitchen to the den --

A Yes.

Q -- at that time did you notice that Dr. Sam had shoes on?

A I didn't notice at any time that morning.

3 Q I didn't get your answer, Mrs. Houk.

MR. DANACEAU: She says she didn't
notice it at any time.

Q Didn't notice it at any time?

A No.

Q It was then that you told your husband to call the ambulance

and to call the police?

A Yes.

Q And your husband then proceeded to make these telephone calls?

A Yes.

Q Did you remain in the den while he made the telephone calls, or did you hear him making telephone calls?

A I went to the kitchen when he went to make the call, I believe.

Q He went where?

THE COURT: She went to the kitchen and he went to make the call, she believes.

Q Well, the telephone was right in the den, wasn't it?

A Yes.

Q So that your husband didn't have to move out of that den to make the telephone calls?

A No.

Q And when you came down after viewing the horrible sight upstairs, where was Sam? When you came downstairs and went into the den the second time, where was Sam?

A Still in the chair.

Q And in the same position?

A Yes. Well, he wasn't over the arm of the chair. He was sitting in the chair.

Q Did you notice the expression on his face?

A I don't recall.

Q You don't recall?

A No.

Q Now, there was something about the condition that existed there that caused you to go to the kitchen and get some whiskey?

A Yes.

Q And you were familiar enough with the house that you knew where they kept the whiskey?

A Yes.

Q And you went into the kitchen and got a glass of whiskey?

A Pardon?

Q You went to the kitchen and secured a glass of whiskey?

A Yes.

Q Put it in a tumbler, I suppose?

A Yes.

Q And then you brought that whiskey back to the den where Sam was?

A Yes.

Q And offered it to him?

A Yes.

Q And what did he say when you offered him the glass of whiskey?

A Something to the effect that he didn't want it, he couldn't

think, and he wanted to think, and I said, "Wouldn't this help?"

And he said he didn't want it.

Q Well, did he say on that occasion, "I am trying to think, or want to think. I am trying to think and the whiskey won't do me any good"?

A Yes, something to that effect.

Q And at the same time, or during that period, was there any complaint about pain that he was suffering?

A He complained of pains in his neck.

Q Complained of pain in the neck?

A Yes.

Q Did he do that more than once?

A Yes, I believe he did.

Q Now, I will ask you if at that time -- and I get this information from your testimony in the inquest -- that you rubbed your hand over his shoulder like you would rub your hand over the shoulder of a child?

A Yes.

Q And told him, "Well, don't try to think"?

A Yes.

Q Now, then, did you at that time make any observation about the door that led from the living room onto the porch?

A I recall seeing the door from the living room to the porch open soon after I arrived, but I don't remember

exactly when I noticed it.

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Q But your observation of the fact that the door from the living room out to the porch was open was made before anybody else arrived, is that correct?

A I don't know that it was.

Q Well, you say it was soon after you arrived?

A Yes.

Q Can you tell me whether it was when you came in the house first -- that doorway would be directly opposite your entrance, wouldn't it?

A Almost, yes.

Q Did you observe it then?

A I could have.

Q What?

A I could have observed it then. I don't recall. I know it was open when we got there because nobody touched it.

Q Now, then, when you came downstairs and this incident of offering the whiskey was completed, did you hear Sam say anything else that caused you to do something?

A He wondered if Chip was all right.

Q Well, then, when you heard him mention Chip, you, of course, knew that was his boy?

A Yes.

Q Did you do anything in regard to checking chip?

A I went immediately upstairs to check Chip.

Q Now, as I understand, when you went upstairs the first time, you ran up?

A Yes.

Q And whether you let out any exclamation when you got in that room you don't remember?

A I don't imagine I did.

Q You ran down the stairs?

A Yes.

Q Now, then, there are no carpets on the stairs -- there were no carpets on the stairs, were there?

A No.

Q When you were in the kitchen and hurrying about getting the drink, and so forth, you were not trying to conceal any noise, were you?

A No.

Q And when you went up on the second occasion to check Chip, you ran up the stairs on that occasion, didn't you?

A Yes. I am not real noisy, though.

Q What?

A I don't make a lot of noise.

Q Well, you had shoes on?

A Yes.

Q Were they moccasins or shoes, do you remember?

A I don't remember.

Q I know that women's shoes usually have pretty heavy heels.

A I wear moccasins, too.

Q But you don't know what you had on that day?

A No.

Q Now, when you went up did you know where Chip's room was?

A No.

Q When you got upstairs did you go immediately to Chip's room?

A Yes.

Q Were the curtains up in Chip's room?

A I don't recall.

Q Was there a light in Chip's room so that you could see him?

A It was daylight in Chip's room.

Q Well, then, was the light coming from an electric light in the room, or was it coming from the light of the windows?

A It must have been coming from windows. I saw no light burning.

Q Do you recall that there are two windows in that room?

A I'm not sure whether --

Q You do recall that there are two windows in Marilyn's room that look to the north?

A Yes.

Q And outside those windows there is a porch roof?

A There must be.

Q Well, you have been there many times. Now try to think over it and see if you can't remember a porch roof over

the screened-in porch.

A Yes.

Q And the top of that, or the part of the porch roof that fits onto the house is right flush with the bottom of the windows in Marilyn's room and Chip's room?

A I don't know.

Q Are you familiar with an apple tree that is in the back of the house?

A No.

Q Did you ever see it or note it?

A I never paid any attention.

Q What?

A I don't know. I never paid any attention to it.

Q Now, then, you satisfied yourself that Chip was asleep?

A Yes.

Q I understood you to say that when you were in Chip's room, then you came downstairs again?

A Yes.

Q And was it that time that you got the whiskey, or was it the time that you went up and came down first? Was that the second time you came down? Are you sure on that point?

A I believe I got the whiskey the first time I came down.

Q I see. All right. After you came down after checking Chip, did you go back into the room where Dr. Sheppard was?

- A When I gave him the whiskey, yes.
- Q Well, I mean -- now, you said that was the first time you came down that you gave him the whiskey.
- A Yes.
- Q Now, then, you came down the second time after checking Chip, did you go in to where Dr. Sheppard was then?
- A I don't recall.
- Q You don't recall. Did you recall, or see if this will recall anything to you, that you heard him say somewhere along the line, "I kidded Steve for keeping his house locked so tight"?
- A Yes.
- Q You heard him say that?
- A Yes, I did.
- Q And then in the meantime your husband had called for the police. Did you see the police arrive?
- A Yes.
- Q Mr. Drenkhan, I understand, was the first one that arrived?
- A Yes.
- Q And he was followed immediately by Mr. Coleman and Mr. Sommer, who were firemen?
- A I believe it is --
- Q Callahan.
- A Something like that.
- Q Did you know those men?

A Yes.

Q You knew that they were firemen?

A Yes.

Q And they came into the house with the stretcher, do you remember that?

A I remember the stretcher was brought in, yes.

Q Now, as they came along the road in front of the house and into the yard, either Mr. Drenkhan had a siren going, or the ambulance had the siren going?

A Well, not really going. It just -- well, I call it rollover.

Q Well, you could hear it?

A I heard a slight sound that indicated they arrived.

Q What was that?

A I heard a slight sound of the siren that indicated they arrived.

Q I didn't quite get that.

A I said I heard a slight sound of the siren that indicated they arrived. The siren wasn't screaming or screeching.

Q But you in the house could hear the siren going, is that correct?

A Yes.

Q Now, then, those three men came in, and they busied themselves around the house in some way, didn't they?

A Yes.

Q What?

A I assume.

Q And do you remember that you went into the study again, or into the den again where Sam was after the police and firemen came?

A I probably did.

Q Well, to refresh your recollection, did you go in there, and again the name of Chip was mentioned, and did you go up to Chip the second time?

A No. I went up to check Chip, but not because his name was mentioned.

Q But, anyway, the police and firemen arrived, and then you saw, did you not, along in that picture of the morning, the brother of Dr. Sheppard, Dr. Richard Sheppard?

A Yes.

Q And did you see him come in the house?

A Yes.

Q Did you see him go upstairs?

A I didn't see him go up.

Q Do you recall the incident that I think your husband testified to here, that after Richard had started upstairs, there was some of these officers in the kitchen, Richard started upstairs, and went halfway up, and then ran down and asked for a knife?

A I did not see or hear that.

Q You did not see or hear that?

A No.

Q Well, after Richard had gone upstairs, did you go upstairs?

A Yes.

Q Now, that is the third time you went up?

A Yes.

Q And when you went upstairs, where did you go on this third occasion?

A To Chip's room.

Q You went into Chip's room again to check?

A Yes.

Q Is that so?

A Yes.

Q When you went upstairs and got to the head of the stairs, and before you went to Chip's room, did you see Dr. Richard Sheppard?

A As I passed the door, I saw Richard with the stethoscope.

Q You saw him in the room where Marilyn lay?

A Yes.

Q You then went into the room where Chip was?

A Yes.

Q Was he still asleep?

A Yes.

Q And still in the same position you had left him in?

A Yes.

Q Now, after you had determined that Chip was still asleep, was there anybody upstairs except Richard, Dr. Richard and yourself?

A No.

Q Did you have some conversation with Dr. Richard about Chip?

A Yes.

Q After having the conversation about Chip, did you and Dr. Richard then go into Chip's room?

A I don't remember whether he went downstairs again and came back up, or whether he came directly to Chip's room. I remember talking to him and going to Chip's room and getting his clothes together.

Q Well, anyway, whether he went downstairs and came back up again, there was a conversation somewhere along the line that had to do with getting Chip out of the house?

A Yes.

Q And you and Richard attended to that?

A Yes.

Q And when you went in this next time, Chip was still asleep?

A Yes.

Q And did you have any trouble waking him up?

A Richard wakened him. He seemed very groggy until we got out into the yard and he saw the ambulance.

Q That is, this little boy that you then started to get out of the house -- did you put any clothes on him? I suppose

he just had his pajamas on?

A Yes.

Q Did you put any clothes on him?

A No.

Q You did not. You just --

A I believe a robe was thrown around his shoulders.

Q He had, I think they call it an orthodontic brace on his mouth for straightening his teeth; do you remember that?

Is that the right name, "orthodontic"?

A I don't think it is a brace. I don't know what you'd call it.

Q Well, I don't know what it is either, but there was some kind of a brace, wasn't there, on his mouth?

A No. It was a cloth-affair that wrapped around his head and chin.

Q Did you take that off?

A Yes.

Q Did he wake up while you were taking it off?

A Yes.

Q Wide awake?

A I don't know exactly. He was just a sleepy little fellow. I don't know when he actually wakened wide. He walked downstairs, he was awake.

Q You said he was still groggy when you got him out in the air.

A Well, he seemed half asleep.

Q Half asleep at the time you got him into the yard?

A He hadn't noticed or commented on anything until he was out in the yard.

Q Now, then, did you at any time close any of those doors upstairs?

A Yes.

Q Which door did you close?

A I closed the door to Marilyn's room.

Q When was it you closed the door to Marilyn's room?

A Before taking Chip out of his room downstairs.

Q You went out of Chip's room and closed the door of Marilyn's room, and then you and Richard took Chip downstairs?

A Yes.

Q At that time there was a number of people in the house?

A No.

Q Sam was still there, the father, your husband was there, Drenkhan and Callahan and Sommer were there?

A I don't know exactly who was there and who wasn't. I didn't see my husband when I took Chip out. Somebody asked Richard a question. Sam must have been already out in the car.

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Q Well, when you got out into the yard, you and Richard had taken this little boy along, was anybody carrying him or was he walking?

A He was walking.

Q And where was he placed?

A Into Dr. Richard's car.

Q At that time, when you were down in the yard, did you see Dr. Sam Sheppard?

A Yes.

Q And where was he?

A In Dr. Steve's car.

Q That was in the other brother's car?

A Yes.

Q Had you seen Dr. Steve arrive at the house?

A Yes.

Q And had he arrived at the same time as Richard?

A No. Later.

Q Later?

A Yes.

Q And he arrived before you had taken this little Chip out of the house?

A Yes.

Q And his wife was with him? You know her, don't you?

A Yes.

Q Betty Sheppard?

A Yes.

Q Now, then, after the departure of those two people -- do you want a little rest?

A No. It's all right.

Q All right. After the departure of those two people, did you go back into the house?

A Yes.

Q Did you notice the desk that stood on the north wall of the living room near the door?

A Yes.

Q You are familiar with that desk, I take it? You had seen it before?

A Yes.

Q Did you ever see it open before?

A No.

Q And this day the desk was open, the shelf down and there was papers scattered on the floor?

A Yes.

Q Did you notice any disorder in the den?

A Yes. The desk drawers were pulled out and on the floor at one side of the desk.

Q Did you make any observation, Mrs. Houk, of wet footsteps that appeared, or marks on the stairway that went up to the upstairs that appeared to be wet footmarks?

A Yes.

Q And did you make any observation in any other part of the house or around the house that indicated to you wet footmarks?

A There was a puddle of water on the porch on the lake side of the house.

Q Now, the wet footmarks that were on the stairs, when did you first notice them in reference to the time that you took Chip down? Was it before or after?

A Before.

Q Before?

A Yes.

Q Was it the second time that you went up that you noticed those wet footmarks?

A I don't recall.

Q I see. But it was somewhere along in that period between the time of your arrival and the time that Chip went out?

A Yes.

Q This wet footmark that you saw, other than those on the steps, will you kindly try to locate that for the jury so that they know just where it was? They have seen the house and they have seen the porch.

A You mean the water on the porch?

Q Yes.

A It was near the edge of the porch.

Q Would it be upon the porch?

A It was on the porch.

Q On the porch?

A Closer to the edge toward the yard.

Q As you go on the front porch and go to the screen door, then to get down on the ground there is a step from the porch down on to the ground?

A Yes.

Q Now, was that nearer the -- was that water on the step or up on the porch platform?

A On the porch.

Q On the porch?

A Yes.

Q And that was where in reference to this door?

A It was nearer the step than the door.

MR. CORRIGAN: Well, I am going into a new phase, your Honor. Could we have our recess now?

THE COURT: Ladies and gentlemen of the jury, we will have our afternoon recess at this point. Please do not discuss this case.

(Recess had at 2:45 o'clock, p.m.)

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(After recess, 3:00 o'clock, p.m.)

Q Mrs. Houk, I have just a few more questions to ask you, and it is about your relationship with Marilyn Sheppard

and her husband.

From the time that they moved into that neighborhood, you became fast friends of theirs?

A Yes.

Q And Marilyn came to your house a great many times and you went to Marilyn's house a great many times?

A Over a period of two and a half years, yes.

Q And is it a fact -- and I have been informed of this -- that Marilyn depended upon you for advice in regard to certain things connected with her household?

A Not for advice in regard to -- when things went wrong, she frequently asked me where to have something repaired, or something of that nature, or -- well, I remember getting a furnace man, calling a furnace man for them, and things of that type.

Q Well, did she look to you for advice on mechanical things around the house, help in that regard?

A To a slight extent.

Q What is that?

A To a slight extent, yes.

Q You accompanied them on trips, you and your husband?

A Just one trip.

Q And that trip was where?

A To Canada.

Q And Marilyn and you and your two husbands went along on

that trip?

A Yes.

Q Was that an automobile trip?

A Yes.

Q And where did you go in Canada?

A We went to Pointe-au-Baril.

Q And how long did you stay together there?

A I don't recall whether we left Saturday or Sunday. Dr. Sam flew home and we came home by car.

Q Did you have a cottage?

A Yes.

Q And was that on some lake?

A It was on an island on the Bay.

Q And you had fishing and your husband fished and Marilyn fished and you fished and Sam fished?

A We all fished.

Q And had a very pleasant time?

A Yes.

Q And during the course of that, was there an emergency call come for Sam that caused him to fly home?

A Yes.

Q To the hospital?

A Yes.

Q And then you were left with Marilyn and your husband?

A Yes.

Q For some little time?

A A day.

Q Now, then, during the winter of 1952 and '53, '52 and '53 and '54, did you attend various sporting events in the town and Marilyn accompany you?

A Yes.

Q Basketball?

A We went to football and basketball games.

Q And basketball?

A Yes.

Q And did you attend some dinners with Marilyn and her husband?

A Yes.

Q Did they ever come over to your house and eat and did you ever go to their house and eat?

A Yes.

Q And your two children, Larry and --- what is the little girl's name?

A Linnette.

Q They used to go over to the Sheppard's house quite frequently, didn't they?

A Yes.

Q Sometimes Larry would go over by himself and visit them?

A Not --he didn't go by himself, very often. I think there may have been one or two occasions.

Q Now, there was a lot of activity around Dr. Sheppard's home

that the young folks in the neighborhood participated in, wasn't there?

A Yes.

Q They used their beach?

A Yes.

Q And it seemed to be a place where young folks would congregate?

A Yes.

Q Do you know this fact: That over the garage there are a couple of rooms?

A Yes.

Q Do you know this to be a fact: That the boys in the neighborhood, the 16-year olds and 15-year olds, they were allowed to use those rooms up there by Dr. Sheppard?

A Yes.

Q What?

A Yes, they were.

Q And like kids of that age, they always want to be sleeping away from home at night?

A Yes.

Q And they used to sleep up there, it was a sleep-out for them, is that correct?

A Some of them used it for that.

Q And Larry did?

A Larry --

Q Did Larry ever sleep up there at night?

A I believe he only slept there once or twice.

Q I see. And they would play basketball in the front yard?

A Yes.

Q Now, this association, of course, brought you very close to these people?

A Yes.

Q Did you ever in all that time see any disagreement between Dr. Sheppard and his wife?

A Well, they disagreed on things.

Q Such as what? Anything that you can call to mind that they disagreed on?

A Well, they disagreed on quite a lot of things. I can't recall offhand.

Q On what?

A They disagreed on quite a lot of things. I can't recall offhand anything --

Q Do you recall anything that they disagreed on, so as to give the jury an idea of the lives of these people?

A Well, Marilyn didn't like the boys around her quite so much, but I don't --

Q What was that?

A Marilyn didn't like the boys around there quite so much, but I don't know whether that would be disagreement or not.

Q I didn't get that.

MR. DANACEAU:

Marilyn didn't like

the boys around there too much.

A So much, but I don't know whether you would call that necessarily disagreement. It is just difference of opinion.

Q Anything else?

A Well, Marilyn wasn't too happy with some of the cars.

Q Some of the cars?

A Yes.

Q Well, she had a car, didn't she?

A Yes.

Q And Sam had a Jaguar?

A Yes.

Q All right. Anything else?

A Well, I can't recall offhand.

Q You can't recall anything else?

A No.

Q All right. Did you ever see Sam display temper?

A No.

Q You did not?

A No.

Q He was an even-tempered man?

A Yes.

Q Now, you knew that Marilyn was going to have a baby, didn't you?

A Yes.

Q And when did you learn that Marilyn was going to have a baby and how did you learn?

A She told us when we were at --

Q When you say she told "us," who do you mean?

A My husband and I.

Q Your husband and you?

A Yes.

Q All right.

A We were at a dinner. I believe it was an F.O.P.A. dinner.

Q You believe it was what?

A I believe it was an F.O.P.A. dinner.

Q That is the Fraternal Order of Police?

A Yes.

Q Association?

A Association.

Q And you were at a dinner?

A Yes.

Q And do you remember when that dinner was?

A It was the latter part of June. It was a Thursday night, oh, possibly around the 25th or 26th. It was a Thursday night, but I am not sure of the date.

Q Well, there was the party at the Critchfields that was on the Saturday preceding the 4th of July.

A Yes. I believe the dinner was -- I think it was possibly or probably the Thursday before that. I am not positive.

Q And then at this dinner that you and Sam and your husband attended, Marilyn told you about going to have this baby?

A Yes.

Q And did she inform you when she was going to have the baby?

A Yes.

Q And when was she going to have the baby?

A In December.

Q In --

A December.

Q In December?

A Yes.

MR. CORRIGAN:

Thank you, Mrs. Houk.

That is all.

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REDIRECT EXAMINATION OF ESTHER HOUK

By Mr. Danaceau:

Q What is the thing about the cars that you mentioned a moment ago that you say that Marilyn was unhappy about?

A Well, it wasn't a bad argument, but Sam brought home an MG that Marilyn didn't want. She liked her Mercury, and I believe Sam returned the MG, got the Mercury back, and Marilyn didn't like the Lincoln Continental, I believe it is called.

MR. MAHON: I can't hear you.

Can you hear? These people can't hear you.

A Well, Marilyn didn't like an MG that Sam brought home. She liked the Mercury, so Sam took the MG back and got the Mercury back, and then she didn't like the Lincoln Continental that he got in place of the Mercury.

Q Anything else?

A Not offhand.

Q Do you recall any disagreement pertaining to furniture?

MR. CORRIGAN: About what?

MR. DANACEAU: Furniture.

THE COURT: Furniture.

MR. CORRIGAN: Oh, furniture.

Object. Husbands and wives always disagree about furniture.

THE COURT: If there is anything, let's have it. My wife always gets her way about it.

MR. DANACEAU: Well, Mr. Corrigan questioned her about these things. That is the only reason --

MR. GARMONE: You may ask. Go ahead.

THE COURT: Let her tell.

MR. DANACEAU: Is there a disagreement between counsel? One objects and one doesn't object.

MR. GARMONE: We are abiding by the Court's ruling, that's all.

MR. DANACEAU: All right, sir.

Q Proceed, please.

A Well, as you say, Marilyn did want more furniture, and the only specific thing I can remember is Sam going off to Boston when they had a trip planned, and while he was gone Marilyn got a dishwasher and had it installed before he got back, and he wasn't very happy about that.

Q Well, now, going back to the morning of July 4th, concerning which you have been questioned a great deal about both by

myself and Mr. Corrigan, I believe you mentioned that on several occasions you went upstairs to Marilyn's room, Chip's room, and then when Dr. Richard Sheppard was up, that you were upstairs, did you have occasion during any of those visits that morning upstairs to go to the dressing room?

A Yes, sir.

Q And where is this dressing room in relation to Chip's room and Marilyn's room?

A It is east of Marilyn's room. I believe across the hall from Chip's room.

Q And did you go in the room?

A At one time I went through the room to what has been termed the room Dr. Hoversten was staying in.

Q And that was during the first half-hour or three-quarters of an hour that you were upstairs at various times?

A I probably went through there later than the first half-hour.

Q About what time was it? Assuming that you came there at 6 o'clock in the morning, about what time was it?

A It was probably -- it was after Dr. Steve and Dr. Richard returned from the hospital.

Q And they went upstairs?

A Yes.

Q And then you also went up the stairs?

A Yes.

myself and Mr. Corrigan, I believe you mentioned that on several occasions you went upstairs to Marilyn's room, Chip's room, and then when Dr. Richard Sheppard was up, that you were upstairs, did you have occasion during any of those visits that morning upstairs to go to the dressing room?

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Q About what time was it? Assuming that you came there at 6 o'clock in the morning, about what time was it?

A It was probably -- it was after Dr. Steve and Dr. Richard returned from the hospital.

Q And they went upstairs?

A Yes.

Q And then you also went up the stairs?

A Yes.

Q And it was then very broad daylight?

A Yes.

Q And the room was lighted up from the outside, daylight, is that right?

A Yes.

Q Now, was the light in the room burning at that time? Was there a light?

A There was a lamp.

Q A lamp light that was burning at that time?

A Yes.

Q And where was that lamp light?

A That lamp was on a chest of drawers, I believe. I'm not sure, but it seems it was on the east wall of this room, as I picture it.

MR. DANACEAU: That is all.

RECROSS-EXAMINATION OF ESTHER HOUK

By Mr. Corrigan:

Q Mrs. Houk, are you familiar with the fact, or did you have any conversation or overhear any conversation between Marilyn and Sam, or did you get it from Marilyn, that Sam was going to sell the Lincoln and buy Marilyn a Ford?

A I didn't overhear the conversation.

Q But do you know that fact?

A I heard after this that it was planned.

Q That it was planned?

A Yes.

Q Now, then, you were asked some questions about Hoversten's room.

A Yes.

Q I didn't ask you anything about that, but I will ask some questions now.

The time that you went upstairs and went to Hoversten's room was after Richard had driven away with little Chip, and Steve had driven away with Sam, and they returned to the house?

A I believe that is correct.

Q Now, then they went upstairs again?

A Yes.

Q When they returned to the house?

A Yes.

Q And your little boy, Larry, was in the house at that time, was he not?

A Yes.

Q And the two doctors and you and Larry went upstairs together?

A I remember them going up and Larry being up there when I went up. I didn't immediately follow them.

Q Well, is this a fact: That at sometime after they returned, you and Larry and Dr. Richard and Steve were upstairs

together?

A Yes.

Q Was there somebody else with you? Was there a police officer with you?

A There may have been, I don't recall.

Q And in that journey, the four of you went into Hoversten's room, or the room that you now know was occupied by Dr. Hoversten?

A I remember being in that room at the time they were there. I'm not sure whether they were right in the room, or they were out -- I was there at the same time.

Q Let us locate that room. That room is directly above the den, isn't it?

A Probably.

Q And the part that contains the den juts out from the east side of the house and stands between the east side of the house and the -- is located between the east side of the house and the garage?

A Yes.

Q And up above that is the room occupied by Dr. Hoversten?

A I imagine it would be.

Q And when you come down the hall, go east along the hall past Marilyn's room and past Chip's room and past the bathroom, you then come to a door that leads into a dressing room?

If you don't remember, just say so.

A I remember, but not as you described it.

Q Well, now, when you went into that room did you notice the condition of it?

A Dr. Hoversten's room?

Q Yes.

A Yes. The bed was unmade, and there was I believe a suitcase open on the floor.

Q Did you notice any money on the dresser?

A No.

Q You did not?

A No.

Q And then the four of you came back and went into Marilyn's room again where Marilyn was lying?

A I don't think I went back in that room at all. I'm sure I didn't.

Q Well, did the doctors go in?

A I don't remember whether they did or not at that time.

Q Well, at the time that you came up the hall, was the door of the room still closed as you had left it when you took Chip down, or had it been opened, do you remember?

A No.

Q You do not?

A I do not.

MR. CORRIGAN:

That is all.

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