

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

DIRECT EXAMINATION OF ELMO W. HOWELL

By Mr. Petersilge:

Q Will you state your name, please?

A Elmo W. Howell.

Q And whereabouts do you live, Mr. Howell?

A At 23728 Bruce Road.

Q And Bruce Road is where?

A In Bay Village.

Q And how long have you lived there?

A About three years.

Q About two years?

A Three.

Q What business are you in?

A I have a machine shop that I operate, own?

Q Where is that located?

A It's on 12900 Berea Road.

Q Are you acquainted with the defendant, Dr. Samuel H. Sheppard?

A Yes, sir.

Q How long have you known him?

A About two years.

Q Did you know him professionally?

A Well, I have consulted him.

Q Or socially or in some other way?

A All three ways, I guess.

Q All right. Will you tell us how that was?

A I met him through the Cleveland Sports Car Club that we belong to, and I knew him socially, he visited our house, and I consulted him professionally.

Q How frequently did you see him at the Sports Car Club?

A Oh, infrequently, a couple months, I imagine.

Q You are interested in sports cars, I take it?

A Yes, sir.

Q Do you own any sports cars yourself?

A Yes, sir, I do.

Q What do you own?

A Well, we have two of them at the moment. We have a Jaguar coupe and a Triumph TR-2 roadster.

Q And in addition, do you have any special racing car or cars that you own or are interested in?

A Not at the moment, no, I don't. I used to have.

Q Now, have you on any occasion attended these sports car races with Dr. Sheppard?

A Yes, sir, we did -- I did.

Q And can you tell us approximately when that was?

A About the middle of June at Put-in-Bay Island.

ke 17
ma

Q Was that last June, that is, of this year?

A Yes, of 1954.

Q And what was the occasion that you attended there?

A Well, I was entered in the race, and I offered to let Sam drive a car that I owned. It was the first time that he had ever raced, so the car that I had, I offered it to him, was suitable for a first time driver, and he took me up --

Q Was he what you would call a beginner or novice, or something like that?

A Yes, I would say.

Q What car was it?

A It was an MG, a stock MG.

Q And did Dr. Sheppard drive the car in that race?

A Yes, sir, he did.

Q How did he come out?

A Well, he was doing pretty good until he missed a shift in one of the laps, and I don't know -- I guess the motor stalled, or something like that, and he dropped out.

Q When you were at Put-in-Bay, how long were you there?

A I was there from Thursday afternoon until Sunday afternoon.

Q Was Dr. Sheppard alone on that occasion, or was he accompanied by his wife or family?

A Mrs. Sheppard was with him. Marilyn was with him.

Q And do you know how long they were there?

A They got there Friday afternoon, I believe, and he left

on late Saturday afternoon.

Q Do you know where he stayed on that occasion?

A Yes. We had a cottage together.

Q And do you know the reason that he went back on Saturday?

A There was an emergency operation, I believe, and he was called in to the hospital.

Q Did his wife go back with him, or did she follow later?

A No, she didn't. She came back Sunday with some other friends.

Q Now, you say that he has also visited at your home?

A Yes, sir.

Q And you consulted him professionally?

A Yes, sir.

Q As a result of those contacts, Mr. Howell, have you formed any opinion about the temperament of Dr. Sheppard?

A Well, I always felt him to be very even-tempered and extremely interested in the things that -- or, not interested -- but I mean excited about the things that he was deeply interested in, and very even-tempered about most all social affairs, and so forth.

Q And on the occasions when you saw him and his wife together, how did they act toward each other?

A I would say very much normal.

Q Do you recall the last time that you saw Dr. Sheppard before the death of Marilyn?

A I believe it was a Thursday evening, the first part of July,

just around 10 o'clock, at our house.

Q And what was the occasion there on which you saw him?

A Well, he and a friend of his dropped in just to talk over sports cars for a few minutes, and have a bottle of coke and go home.

Q And how did he appear on that occasion?

A Very normal.

Q Are you acquainted with the general character and reputation of Dr. Sheppard in the community in which you live as being a law-abiding citizen?

A Well, I personally haven't made any study of it. From what I have known of him, I would say he is a very law-abiding citizen.

Q And what would you say as to whether his reputation is good or bad?

A His reputation is good.

MR. PETERSILGE: You may cross examine.

MR. MAHON: No questions.

(Witness excused.)

- - -