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Monday Afternoon Session, November 15, 1954.

(1:10 o'clock, p.m.)

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

DIRECT EXAMINATION OF JOHN P. EATON

By Mr. Mahon:

Q Will you tell us your name, please?

A John P. Eaton.

Q E-a-t-o-n?

A Yes, sir.

Q And where do you live, sir?

A 550 Vineland Road in Bay Village.

Q And what is your business?

A I am the Chief of Police of Bay Village.

Q And how long have you been Chief of Police?

A Officially since 1941, and for 16 years before that I was Marshal.

Q How long have you resided in Bay Village?

A Since 1919.

Q How many men do you have on the Police Department of Bay Village?

A Full time there are 7 of us; part time, 5. These 5 men are subject to call and paid on an hourly basis when they work.

Q Chief, I want to call your attention to the morning of the 4th day of July of this year. Did you receive some emergency call on that morning?

A Yes, I did.

Q And what time was it?

A It was shortly after 6 a.m.

Q And who was it that called you?

A Extra patrolman Cavanaugh came after me.

Q To your home?

A No. He came in the west end of the city on a street called Maple Drive, where I happen to have a garden project.

Q You have a what?

A A garden project, I've got a garden up there.

Q And were you engaged in some work at the garden at that time?

A That's right.

THE COURT: What time did you say it was, again?

THE WITNESS: I believe it was 10 minutes after six when he arrived there.

THE COURT: Thank you.

Q And where did you go after he picked you up?

A He took me to the Sheppard residence on Lake Road.

Q That is the residence of Dr. Sam Sheppard?

A That's right, Dr. Sam H. Sheppard.

Q Had you ever been to that place before that time, Chief?

A No, I had never been there.

Q Did you know Dr. Sam Sheppard?

A Yes, I knew Dr. Sam Sheppard.

Q Did you know the rest of his family?

A I have met them from time to time.

Q Had you ever been at Bay View Hospital?

A Yes.

Q On more than one occasion?

A Oh, I think so. I don't recall how many times, but I know I have been there more than once.

Q When you arrived at Dr. Sheppard's home, was there anyone there?

A Yes, there were several people there.

Q And who was there?

A The Mayor and his wife, Mayor Houk and his wife were there; Patrolman Drenkhan was there; Ronnie Callahan and Dick Sommers, firemen, were there, and Dr. Richard Sheppard, Jr., and Dr. Stephen Sheppard were there. There may have been others, I don't recall.

Q Did you see Sam Sheppard there?

A Sam Sheppard was there, yes.

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Q And where were these people when you arrived? Were they in the house or out in the yard, or where?

A The two firemen at that time, as I recall, were out in the yard by the ambulance. Dr. Sheppard was in the study, and there were some of the people I mentioned there with him.

Q Where was Dr. Sam Sheppard at in the study?

A He was sitting in a chair in the study, which was placed in front of the desk.

Q About what time was it that you arrived at the house there?

A I estimate about 6:25 to 6:30, as near as I can tell.

Q Did you make some inquiry of Dr. Sam Sheppard when you arrived?

A No, not at that time.

Q What did you do when you arrived?

A I went directly to the bedroom at the head of the stairs.

Q Who directed you?

A I think it was Cavanaugh said that she was -- Mrs. Sheppard was in the bedroom at the head of the stairs, and I went up, the first thing I did.

Q And was there anyone up there with you upstairs?

A I don't recall that there was.

Q And what did you see when you arrived upstairs?

A Well, in this bedroom, which is approximately 11 by 16 feet, there were two single beds, and on the one nearest the door

was the body of Marilyn Sheppard. She was lying on the bed with her head approximately a third or perhaps a little more down from the head of the bed. Her knees were bent over the end of the bed and were underneath the cross-rail, which is a round cross-rail; it is a four-postered type bed. Her face was completely covered with blood, and you could see that there were several -- quite a few wounds on her head mostly in the top of her head that I could notice. The blood was -- the bed was blood-soaked, and there was blood spots on the bed next to it, which had not been occupied, but had been turned down ready for occupancy.

Q You mean the clothing had been turned down?

A The bed clothing had been turned sort of over a little from the corner. There were blood spots on the door and on the wall around there, and even on the ceiling there were some blood spots.

Q On the ceiling?

A As I recall, there was some blood spots on the ceiling, and on the curtain the blood had gone completely through the curtain material and spattered the woodwork behind the curtain.

Q You have told us all of your observations now, Chief?

A Between the two beds there was a small stand upon which was a telephone. Directly behind it -- behind Mrs. Sheppard's

bed and to the right of it, there was a small chair, a rocking chair, with some of her clothes on it. There was a chest of drawers against the west wall. I believe that's about all.

Q Well, after you had viewed that scene, Chief, what did you do?

A I looked through the rest of the upstairs quickly to see what had happened there. I looked in the room where the boy was sleeping, and everything seemed to be pretty much in order there. I didn't see anything that looked out of place.

Q Was the boy still there?

A He was still there.

Q In bed?

A In bed.

Q Asleep?

A I should judge so. He wasn't moving or making any sound of any kind.

And I looked in the bathroom. It appeared to be normal, and in the dressing room, which is -- or the bedroom, I presume, would be just to the east of the bathroom, everything appeared to be in order there, and I went on into the end room, the east room, which I found later was the one that Dr. Hoversten had occupied. That bed was not

made up. Some of his valises or bags -- there was a large bag, the type that they use for, I guess you call it a clothes bag, it is a zipper type bag, and there were some clothes and shirts in that. That was laid out on the floor.

There was nothing -- it seemed to be -- nothing seemed to be disturbed, or anything that looked like except the way he might have left it.

MR. GARMONE: Object to the latter part of the answer and ask it be stricken, and the jury instructed to disregard it.

THE COURT: The jury will disregard the latter part of the answer, just the last statement.

A (Continuing) And the spare bedroom, which is on the extreme left end of the hall, nothing appeared to be disturbed in there at all.

MR. GARMONE: Objection, now, to these conclusions. Let him describe the manner in which the room was found.

MR. DANACEAU: Well, he is. He says nothing was disturbed.

THE COURT: All right. Let's go ahead. Put your question.

Chief, will you just directly answer the

question given you, what you know rather than any conclusion.

Q Did you find anything out of order in that room?

A Are you talking about the spare room?

Q That's right.

A No, nothing I could see was out of order.

Q In the bedroom in which you saw Mrs. Sheppard's body on the bed, outside of the bed itself where the clothes were rumpled, the body was lying, outside of that could you see any disorder in the room at all?

MR. GARMONE: Object to the question as to its form.

THE COURT: He may answer that.

A No, I did not.

Q What else did you do after inspecting the rooms up there, Chief?

A I then went downstairs and inquired of somebody who had examined and pronounced her dead, and I was directed to Dr. Richard Sheppard, and I inquired of him as to about how long he surmised she had been dead. He told me "From an hour to an hour and a half."

Q What further did you do then?

A Then we examined the outside of the house and the downstairs for anything that might indicate where a possible point of entry had been.

Q What did that inspection disclose, Chief?

A That inspection showed no place that we could find where there had been any forcible entry or any indication that anybody had tried it.

Q Did you, yourself, make any inspection of the windows, the doors on the second floor?

A I did at that time, a very quick inspection.

Q And what did you find concerning the windows and doors there?

A In Mrs. Sheppard's room there were three windows, one of which was open slightly a few inches. There was a screen on the outside of that window, and there was no indication that it had been disturbed or moved in any way that I could see.

MR. GARMONE: If the Court please, I don't want to interrupt the witness, but I think he should describe the condition that it was found in rather than give his conclusion to the jury.

THE COURT: It isn't quite a conclusion. I think what he means to say is that: You saw no evidence of disturbance, is that right?

THE WITNESS: Yes, sir.

THE COURT: All right.

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- Q And what was the condition of the other windows outside of this one that was screened and opened slightly?
- A You mean in Mrs. Sheppard's bedroom?
- Q Yes.
- A They were closed.
- Q Did you observe whether or not there was any locks on them, Chief?
- A At that time, I didn't.
- Q Did you later?
- A Later I checked all the windows in the house to see if they were locked.
- Q And were those windows locked?
- A They were all locked.
- Q And did you observe the windows in the other rooms, also, as to whether or not they were locked?
- A Not at that time. I didn't examine the locks, but they were all closed.
- Q Did you observe any evidence where they had been any entry made or attempted entry made there?
- A I could see no such -- nothing like that at all.
- Q Well, what did you do following that, Chief?
- A Then we went downstairs and went around the outside of the house and examined it from the outside.
- Q Yes.
- A At that time Dr. Sheppard was still in the office, and the

people, as far as I can remember, there were about the same people there as there were when I came there. The Mayor and I went down to the beach and --

Q Up to that time, Chief, had you talked to Dr. Sam Sheppard at all?

A No, I had not.

Q You had not?

A I had not been in the office or the den at all.

Q You hadn't gone into the den at all?

A No.

Q I see. And then you were about to tell us you went someplace else?

A The Mayor and I went down on the beach.

Q Were you by yourself when you went down?

A Mayor Houk and I were together.

Q Yes. I believe you testified before, did you not, that when you went around the house you found no evidence where anyone had attempted to get in?

A That's right.

Q You have testified to that?

A I don't know whether I have or not, but we did not find any evidence of anybody having tried to gain entry into the house.

Q Then you said you went down to the beach?

A We went down to the beach.

Q That was yourself and Mayor Houk?

A Mayor Houk and myself.

Q And how did you go down to the beach, down those stairs?

A We walked down the stairs to the boat house.

Q And what was the condition of the beach when you got down there, Chief?

A The waves were fairly high and there were the footprints of two men and a dog leading to the east. There were some people on the end of the west pier, which is about 150 feet from there, I would estimate. So we walked over to talk to these people.

Q Did you walk over on the beach?

A On the beach.

Q How far was the water coming up on the beach, Chief, at that time?

A The water at that time -- about every second or third wave would wash up to the edge of the shrubbery all over the -- entirely across the beach. I mean, by watching your step and taking -- when the waves receded, you could get through without getting your feet wet, which we did.

Q And you went over to that pier?

A And talked to two men, two men and a boy that were there.

Q Now, that pier is east of the Sheppard property there?

A Yes, sir.

Q And about how far, would you say?

A I would estimate about 150 feet.

Q And you had some conversation with the men there on the pier?

A We asked them if they had seen or heard anything at all, and they said, "Well, a couple of your firemen were just over here and we told them we hadn't."

They mentioned a couple teen-age boys who had been on, I believe, the pier, and I am not sure whether they said they talked to them or were next to them, but they said when they came -- they left shortly after they arrived.

Q And what did you do following that?

A We went back over along the beach up past the boat house and up to the house again.

Q And what did you do there at the house on that occasion?

A Well, at first we talked to the -- at least I talked to one of the firemen, and they told me they had seen this --

MR. GARMONE: Just a minute.

I will object to any conversation.

THE COURT: You may not state the conversation you had with them.

Q You talked to a fireman. What did you do after that?

A Then we went back into the house and placed a call to Dr. Gerber and a call to the Cleveland Detective Bureau asking them to send us out some experienced help if they could.

Q When you got back to the house from the beach, who was there at the house then?

A Approximately the same number of people, with the exception of Dr. Sam and I believe Dr. Richard and Dr. Steve was gone, too.

Q Dr. Sam was gone and Dr. Steve and Dr. Richard, is that right?

A Yes, sir.

Q Had anybody asked you anything about Dr. Sam leaving the premises there?

A No.

Q What further did you do then after coming back from the beach?

A We searched the house and the grounds around the house two or three times during that day.

Q Now, the ground -- the front of that house faces Lake Erie, does it not?

A That depends how you look at it. What I would call the front, of course, faces Lake Road. I guess maybe they call the front towards the north, I don't know.

Q Well, the portion of the house that faces Lake Erie, that has a porch on it, does it not?

A That's right.

Q And from that porch it leads right into the living room, does it not?

A Yes, sir.

Q We have been calling that the front of the house. Which door did you enter when you entered the house first?

A The door that faces Lake Road.

Q By the way, did you see the dog around there that morning?

A The dog was there for a while after I arrived. Then he disappeared -- she disappeared. I don't know where she went.

Q Now, will you describe the ground from the house down to the lake, the contour of it, and so forth?

A For a short distance north of the house the ground was level. Then it slopes off very rapidly down to the lake bank itself, the lake, the beach, or the shoreline.

Q And what was the condition of the portion of the land there that slopes down to the lake as to whether or not there was an underbrush growth there, and so forth?

A There was a very dense growth of underbrush there, and it would be rather difficult to get through it without --

MR. GARMONE: Now, if the Court please, I will object to the surplus to the answer he is giving. Let him describe what is there.

THE COURT: Yes. That answers the question, it was a dense growth of underbrush. Then you just end with that.

Q And where was that underbrush located, Chief -- withdraw

that for the moment.

Down near the beach there there is a beach house of some kind, is there not, that is up on stilts or a foundation?

A That's right.

Q Some distance above the water level?

A Yes, sir.

Q That is not a boat house, is it?

A No.

THE COURT: Speak a little louder.

THE WITNESS: No, it is not a boat house.

Q It is a beach house of some kind, I believe, where they change clothing in there?

A They could change clothing. It seemed to be used mostly for storage of an outboard motor and things of that type.

Q I see. Now, the land directly to the rear of that and up the hill, what is the situation on that portion of the land there?

A It is steep and grown up densely -- was grown up densely with underbrush.

Q With underbrush?

A Yes, sir.

Q And that continued up to the level portion of the land

on the top of the hill there?

A That is right.

Q Did you make a search, was there a search made there over that particular part of the land?

A That was later on, yes.

Q What else did you do, Chief?

A Shortly -- probably around nine o'clock -- I am not certain of the time -- Dr. Gerber arrived, and shortly after his arrival I took him into the hospital to talk to Dr. Sam.

Q You took Dr. Gerber to the hospital?

A Yes. At that time --

Q You say that was about what time?

A I am not certain of the time. It probably was around nine a.m. It could have been a little later than that.

Q And did you go into the hospital -- when you speak about the hospital, do you mean Bay View Hospital?

A Bay View Hospital, yes, sir.

Q That is located on West Lake Road also, is it not?

A That is right.

Q On the north side?

A Yes, sir.

Q And about what distance is that from Sam Sheppard's home?

A I would estimate about three and a half miles.

Q And that would be east of Sam Sheppard's home, is that right?

A East, yes, sir.

Q Did you go into the hospital with Dr. Gerber?

A No, I did not.

Q What did you do?

A As we drove in the hospital driveway, Dr. Steve and Dr. Richard followed us right in, and they had returned from the house in the meantime.

Q Were they at the house before Dr. Gerber and you left there?

A Yes.

Q And did they follow you to the hospital?

A That is right.

Q All right. Tell us what happened then?

A Dr. Gerber went into the hospital with them, and I went home to change my clothes, because I still had my working clothes on.

Q You mean you changed into your police uniform?

A My uniform, yes, sir.

Q When you were picked up that morning, you were working on this garden project in your working clothes?

A I had some overalls and things like that on.

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Q Well, after you changed your clothes at your home, what did you do?

A Then I returned to the hospital, and as I drove up to the rear entrance, Dr. Gerber came out, so I did not have to go in, and he handed me Dr. Sam Sheppard's clothes and his pocketbook, whatever he had had on him that morning. He asked me to put them in safekeeping and make an inventory of them. Then I returned up to Sam Sheppard's residence.

Q And what did you there then?

A Well, I can't recall all the things I did, because there were a good many things happening. We had put out earlier a broadcast to pick up any transients that might be going through, and we started to get results on that. It kept me pretty busy covering everything that turned up. That, and being at the house searching with the others in the house and outside the house.

Q Did you find anything in the house or outside of the house that you were looking for, Chief?

A You say what we were looking for -- we were looking --

MR. GARMONE: Just a minute.

Will you answer that question, please, first?

A Will you please state that again?

MR. MAHON: Read the question.

(Question read by the reporter.)

A No.

Q Were you looking for some specific thing, Chief?

A We were looking first for whatever kind of weapon might have been used for Mrs. Sheppard, and we were also looking for a T-shirt which Dr. Sam was supposed to have been wearing the night before.

Q Did you find either the weapon or the T-shirt?

A We found things that might have been used as a weapon, but I don't --

MR. GARMONE: If the Court please,
I will ask that that go out.

THE COURT: The question is:
Did you find any weapon or the T-shirt?

A We found weapons, but not the T-shirt.

Q What kind of weapons did you find, Chief?

A There were a couple of wrenches of some description found, I believe, in the Jaguar --

MR. GARMONE: Now, if the Court please, I am going to object to the phraseology of the question and the words used by this witness about "weapons being found." Let him describe what he found, and let the jury determine for their own interpretation what conclusion to draw.

THE COURT: Just tell what you found.

Q What, if anything, did you find, Chief?

A There were a couple of wrenches -- at least I'd call them

that -- approximately a foot long, maybe a little longer than that.

Q Where did you find them?

A I did not find those myself. I wasn't present when they were found. I believe they were found --

MR. GARMONE: I will ask that all be stricken from the record and the jury be instructed to disregard it. Hearsay, at the best.

THE COURT: Will you establish later who found them?

MR. MAHON: Yes.

THE COURT: All right. We will let it rest at the moment. It will be only material if it were later established if they were found and by whom.

All right. We will hold that.

Q You were shown by someone else some wrenches, as you call them?

A That's right.

Q You have no personal knowledge as to just where they were found, Chief?

A No.

Q Did you, yourself, find anything, or have you any personal knowledge of where someone might have found something?

A Well, I did find in the den a riding crop, I believe you call it, with a sort of a four-cornered dagger that fitted into it. I don't think it had anything to do with the murder, but --

Q Anything else?

A I don't recall of anything now.

Q Well, what further did you do in connection with your investigation of the death of Marilyn Sheppard, Chief?

A It became my job more or less to keep things organized, to supply the necessary men to take care of the things that were happening, and that we needed to cover, because our regular routine had to go on and our regular police work had to be taken care of.

Q You directed all of that?

A That's right.

Q Well, now, on that day, or any other day, did you do anything else to extend your investigation?

A We got some magnets -- the first thing we got some magnets from the Carboloid Division of the General Electric Company and manufactured sort of a magnetic drag and tried to use that.

Q Used that where?

A On the bottom of the lake to pick up any metal, any objects that might have been thrown in the water.

Q And how long did you continue that search?

A Well, it was apparent very shortly that the magnets were not going to work, so we discontinued that. Then I contacted --

Q When was it that you made that effort, Chief?

A That was either on Monday or Tuesday. I'm not certain which day it was now.

Q 4th of July was on a Sunday.

A Sunday.

Q That was either the following Monday or Tuesday. That would be the 5th or 6th of July?

A I believe that's right, one of those two days.

Q Now, after you abandoned that search, what did you do?

A Then I contacted a diver from the Commercial Diving Service, a man named Bill Virgin, and made arrangements with him to search with his diving equipment the bottom of the lake.

Q And was that done?

A That was done several days later. We had to wait till the --

Q Do you know about when?

A On July the 8th he left the dock at 7:45 a.m. and returned at 7:15 p.m., and again on July 14th he left his dock at 1 o'clock and returned at 7:30 p.m.

MR. GARMONE: Are those you are
reading from?

THE WITNESS: My own notes, yes.

MR. GARMONE:

May I see them?

THE WITNESS:

If you wish to.

That is the part right there.

Q And was there any cause for the delay between the 8th and the 14th, Chief?

A Well, the diver said that the weather was too rough, and it would not be of any advantage to search until it was quieter.

MR. CORRIGAN:

Object to what the

diver said.

Q What was the condition of the lake between the 8th and the 14th?

A Rough and quite roiled up.

Q What else did you do to further your investigation, Chief?

A Then we contacted the Colonel ~~Mearns~~ ^{Mearns}, he was in Fort Hayes -- I believe the Commanding Officer of Fort Hayes in Columbus -- and arranged for him to send up a man with a mine detector, a Sergeant ~~Golden~~ ^{Golden}, who came up -- was there Saturday, Sunday and Monday of that week.

Q What was the date? Do you know the date?

A I'd have to have my book in order to give it to you.

(Mr. Garmone hands book back to witness.)

A He arrived on Saturday, Sunday, Monday, July 11th, 12th and 13th.

Q And what did he do?

A He used this mine detector to search the premises to find any metal objects which might have been hidden or buried.

Q Was anything found in that search?

A A lot of things which had no bearing, like nails, and a lot of small things.

Q The search there that was made by the diver in the lake, was anything found in that search?

4 A I believe a couple of pieces of rusty pipe, and things that didn't seem to have any bearing on --

MR. GARMONE: I will ask the latter part of the answer be stricken and the jury be instructed to disregard it.

THE COURT: The latter part of the answer may be disregarded.

Q Do you know where in the lake that was found, that rusty pipe?

A No, I do not.

Q What else, if anything, did you do in furthering the search of the investigation?

A I took altogether three statements, one on July 4th, one on July 5th, and one on July 10th, and that's all the statements I took myself.

Q Statements of who?

A On July 4th and July 5th, there were a couple of transients that came through that were turned over to us for investi-

gation, and we checked them out.

On July 10th, a man by the name of Lee -- Leo Stawicki, came to me with a story that he had been proceeding along Lake Road easterly in the morning of the 4th of July, and he claimed to have seen some individual standing near where the Sheppard house was or is.

Q What did you do about that, Chief?

A I took Mr. Stawicki back in the police car. We drove by the Sheppard residence a couple of times in both directions, and he told me that he had been traveling approximately 45 miles an hour that morning, and he had a car with a trailer attached to it, on which was a boat.

There were three other individuals in the car, all three of whom were asleep. He claimed as he drove along the road his lights picked up an individual whom he described as being dressed in a white shirt and having, he said, bushy hair, and as we came along he pointed out a tree and said, "That is the tree beside which he was standing."

And that tree is directly to the east of Dr. Sheppard's driveway.

Q What else did you do concerning that, Chief?

A I took his statement and turned it over to the County -- Mr. Rossbach, and, I believe, a further statement was taken from him.

Q What else did you do?

were there, and I'm not certain of whether Mr. Parrino was or not. There were several others. I don't recall who they all were now.

Q Chief, did you pick up some gloves that morning?

A I did.

Q And where?

A Around the boat house there is a boardwalk, and these were under the south end of that walk on the west side of the boat house.

Q Was anyone with you when you picked those up?

A I don't recall that there was.

MR. MAHON:

Mark these State's

Exhibit 23 and 24.

(State's Exhibits 23 and 24, being gloves, were marked for identification.)

Q Chief, I want to show you what will be marked here for identification State's Exhibit No. 23, and ask you if you have seen this pair of gloves before?

A Yes. Those are, I believe, the gloves I picked up that morning.

Q Are they the gloves you picked up?

A To the best of my recollection, they are.

Q And showing you what will be marked State's Exhibit No. 24, this pair of gloves, have you seen those before?

A They were picked up at the same time.

A About this particular incident, you mean?

Q Well, about your investigation.

A As far as the active part of the investigation, I didn't have much more to do with it.

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

A I did.

Q Do you know when that was?

A I don't recall the date, no.

Q It was on a Saturday, was it not?

A I wouldn't remember that.

Q Was anyone from your department out there with you?

A Mayor Houk and myself, Fred Drenkhan.

Q How?

A Patrolman Drenkhan and Police Sergeant Hubach, the four of us were there.

Q And there were some pictures shown out there, were there not?

A There were.

Q There were other people beside you and the men from your department out there, weren't there?

A There were a considerable number.

Q Do you know who they were?

A Chief Story was there, of course, Dr. Gerber and Dr. Adelson, Carl Rossbach and Dave Yettra, and I believe you

Q These are the two pair of gloves that you picked up there down by that beach house?

A I believe so.

Q Is that right?

A Yes, sir.

MR. GARMONE: What was your answer,
you believe so?

THE WITNESS: I believe they are.

Q On Exhibit No. 23, on one of the gloves -- well, on both of the gloves, there are some red stains on them, is that correct, Chief?

A That's right.

Q And was that the condition of the gloves when you found them?

A That was the condition, yes.

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(State's Exhibit 25, being
a pair of trousers, were
marked for identification.)

Q Chief, I want to show you what has been marked State's Exhibit 25 and ask you if you ever have seen these trousers before?

A They are the trousers turned over to me by Dr. Gerber on the morning of July 4th.

Q On the morning of July 4th?

A That's right.

THE COURT: Did I understand
you to say they were turned over to you by
Dr. Gerber?

THE WITNESS: That's right.

THE COURT: All right.

Q And then what did you do with them, after that, Chief?

A I put them in the station and kept them there part of the day, and then Dr. Gerber that evening, as I recall, took them with him out to the County Morgue.

Q What was the condition of these trousers when you first saw them when Dr. Gerber gave them to you?

A They were damp.

Q They were damp?

A Yes, sir.

Q And where were you at when Dr. Gerber gave you these trousers?

A Outside the hospital, Bay View Hospital.

Q And was that the occasion that you have already testified to, when you took Dr. Gerber to the hospital?

A That's right.

Q And then you changed your clothes at your home and went back and picked him up?

A That's right.

Q And was it on that occasion that Dr. Gerber gave you these trousers?

A That is the time, yes, sir.

Q The trousers were damp at that time?

A Yes, sir.

Q Can you tell us about what time of the day that was?

A It was in the morning, possibly 9:30. I don't recall exactly.

Q Now, in addition to the trousers that Dr. Gerber handed you, did he give you anything else at that time?

A A pair of loafer-type shoes, a pair of socks, a pair of shorts and a pocketbook with the articles that were in it.

Q A pocketbook?

A Yes.

Q Was that a billfold?

A Billfold, yes.

Q And did you examine the billfold?

A I did.

Q Tell us what your examination disclosed?

A You mean as to the contents?

Q Yes.

A In the billfold was a check for a thousand dollars made out to Sam Sheppard from the Sheppard Clinic and dated June 30th. There were three \$20 bills.

MR. CORRIGAN: Three what?

THE WITNESS: Three \$20 bills,
\$60 but three \$20 bills.

A (Continuing) There were three \$1 bills, which were not in the purse, but were just folded up with it, closed up. They were not inside the purse.

Q They were not inside the purse?

A No.

Q What do you mean, they were not --

A Neither was the check inside the purse, as I recall. It evidently had been taken out and laid on top of the purse, and the whole thing just folded together. They weren't in any pocket, as you might expect them to be.

Q I see.

A There was some other things, a bunch of cards, but I don't have that list with me. I'm sorry.

Q There was some cards in it?

A Cards of different service stations, gasoline cards or charge, credit cards I guess you would call them. There was

hotel cards in there, cards from different clubs. I had a list at the station. I thought I had it with me, but I don't have it.

Q What was the condition of the billfold?

A It was wet.

Q That was wet, also?

A Yes, sir.

Q And how about the paper?

A They were wet.

Q And the check?

A It was wet.

Q And the cards?

A They were all wet.

Q And the money?

A That was wet, too.

Q Now, the billfold and the socks and the loafers, what did you do with those articles, Chief?

A They were all turned over to Dr. Gerber.

Q And were they turned over at the same time that the trousers were turned over?

A That is right, yes, sir.

Q You received them all together from Dr. Gerber?

A Yes, sir.

Q And you turned them all back to him?

A That is right.

Q That same day?

A Yes.

Q Chief, showing you what has been marked here State's Exhibit No. 7, have you seen this jacket before?

A That is the jacket that was lying on the couch -- do you call it? -- in the living room.

MR. GARMONE: I will ask that the question that the witness put to Mr. Mahon be stricken from the record.

THE COURT: Is that a statement, or are you asking a question?

THE WITNESS: No. I say, that is the jacket that was lying on the --

THE COURT: All right. He says that is the jacket.

THE WITNESS: -- on the couch in the living room by the foot of the stairs.

Q And when did you first see that jacket, Chief?

A I first saw it there as I made -- in the morning when I went upstairs to the bedroom, as I passed by at that time.

Q When you went upstairs -- withdraw that for a moment.

To go to the second floor there, you have to go up on to a platform, is that right?

A Yes.

Q And there are steps that lead to that platform from the

kitchen and also steps from the living room that lead to that platform, is that correct?

A That is right.

Q Which way did you go to the second floor, Chief?

A That first trip in the morning I went through the bedroom -- I mean through the living room.

Q Through the living room?

A Through the living room and up the stairs.

Q And as you went through the living room, you passed alongside of that couch?

A That is right.

Q Is that right?

A Yes, sir.

Q And this jacket was lying on that couch at that time?

A It was.

Q Chief, these divers that were searching the water, in the water, or anyone who was making any search there, how far out in the lake was the search made?

A The first day they searched, they searched out about 200 feet and approximately the same distance each side. And we were not satisfied with that, and we asked them to come back; and the second day they searched, they searched farther out.

Q About how far out did they search?

A We told them to search at least to the end of the pier, possibly 300 feet. I am not certain of the distance.

Q I see. And what was the distance along the lake that was searched?

A About 200 feet each side.

Q 200 feet each side?

A Of this boat house.

MR. MAHON: You may inquire.

Oh, I would like to -- no, I won't for the present. All right.

By Mr. Mahon:

Q Chief, what time did you arrive at the house there?

A Referring to when?

Q The first time that you went to Dr. Sheppard's home, what time did you arrive?

MR. GARMONE: He has already testified to that.

THE COURT: He has testified he arrived at 6:10.

MR. GARMONE: No, he didn't. He said about 6:25.

THE COURT: Yes, he got the call at 6:10 and arrived there at 6:25 or 6:30.

Q What time did you go up to the bedroom at first?

A Immediately upon my arrival.

MR. MAHON: All right. That is all.

MR. CORRIGAN: Chief Eaton --

THE COURT: May I ask just one question? You didn't offer those exhibits?

MR. GARMONE: Not yet.

MR. MAHON: They haven't been connected up yet, Judge.

THE COURT: All right.

MR. MAHON: Oh, I would like to offer the gloves, yes. That's Exhibit --

THE COURT: 23 and 24.

MR. MAHON: 23 and 24, but not the trousers.

MR. GARMONE: We will object to the introduction of them.

THE COURT: They will be received.

MR. GARMONE: Exception.

(State's Exhibits 23 and 24 were received in evidence.)

CROSS-EXAMINATION OF JOHN P. EATON (2:10 p.m.)

By Mr. Corrigan:

Q Chief, you were Chief of Police for 14 years?

A Since 1941, yes, sir.

Q Thirteen years. And prior to that you were Marshal?

A Before that, from 1925 until that time, I was Marshal.

Q So you have 29 years of police experience, haven't you?

A Well, a little more than that because for a while I was on without being Marshal.

Q What is that?

A I was on prior to that, prior to being Marshal for a short time.

Q Yes. You are also a mathematician, aren't you?

A Not exactly.

Q What?

A I don't consider myself so.

Q Well, you have taught mathematics?

A Algebra, junior high school.

Q That requires you to be exact, doesn't it?

A Yes, sir.

Q Did you know Dr. Sheppard personally before?

A I met him from time to time.

Q In fact, he was connected with the Police Department, wasn't he?

A Unofficially, yes.

Q And he did work for the Police Department?

A What type of work are you referring to, Mr. Corrigan?

Q Well, whenever there was an accident in the village, he was called upon?

A Not always. He would be called to some of them.

- Q Have you been on accidents with him?
- A I don't recall any specific instance. I may have.
- Q You knew his wife, Marilyn?
- A By sight. I have met her.
- Q Have you been at dinners or any affairs of that kind with Dr. Sheppard and his wife?
- A On one occasion they were guests at a dance club to which I belong.
- Q And he bore an excellent reputation in that community, didn't he?
- A As far as I know, yes.
- Q What?
- A As far as I know, yes.
- Q Yes. Now, when you arrived at the house, you went upstairs?
- A Yes, sir.
- Q That was the first thing you did?
- A That's right.
- Q And you walked around upstairs, the child was still asleep?
- A I presume so. He was not moving or not making any motion.
- Q Now, you say that there was no evidence of any -- what was it you said about that?

THE COURT: Forcible entry, I think.

MR. CORRIGAN: What?

THE COURT: I think he used

the expression "forcible entry."

Q Forcible entry. Did you discover that the front door was unlocked?

A When I came in, it was open.

Q No. I mean, did you discover that the night before the front door was unlocked?

A It was related to me. I didn't know it otherwise.

Q Who related it to you that it was unlocked?

A I believe Mayor Houk did.

Q Mayor Houk. And, of course, if the door was unlocked, that would be an easy source of entry, wouldn't it?

A That's right.

Q And you wouldn't have to have any burglary tools or find any marks on any windows?

A That's right.

Q Now, did you learn further -- did you ever talk to Dr. Hoversten?

A Yes.

Q Did you talk to him about his entry into the house on

Friday night?

A I'm not sure whether I got it from him or somebody else. I did hear somebody say something about it.

Q What?

A I am not sure whether he told me or I got it secondhand.

Q Were you told that when he entered the house late Friday

MR. MAHON: Objection, now, unless it was Hoversten that told him. He says he doesn't know whether it was Hoversten that told him.

A | I don't recall.

A I don't recollect.

A I made a note of it, yes.

A I made a mental note of it. I didn't write it down.

A I made a mental note of it.

A No, sir.

A I don't recall.

MR. DANACAEU: We object to that.

He used the word "learn" and we object to the

continuous use of that word.

THE COURT: The objection will
be sustained.

MR. CORRIGAN: What word should I
use?

MR. DANACEAU: Use any word you
want to, as long as you have the witness testify
to what he knows.

Q Were you informed on that morning?

MR. DANACEAU: By whom?
We object to the question in its form.

THE COURT: Let him tell if
he heard anything of that. Let him tell about it.

THE WITNESS: I was so informed.

Q Yes. And you were informed by Mayor Houk, were you not?

A That is right, yes, sir.

MR. CORRIGAN: See, if you let
me alone, I'll get the thing clear and straight.

MR. DANACEAU: Well, Mr. Corrigan,
you are an experienced lawyer; you know how to
ask questions properly, so go ahead and do so.

THE COURT: All right, gentle-
men, let's go ahead.

Q Now, then, when you learned that from Mayor Houk as a
result of his conversation with Sam, you and Mayor Houk

went down onto the beach?

A That is right.

Q And when you went down onto the beach you saw some tracks?

A Tracks of two men and a dog.

Q Which way were the tracks going?

A East.

Q Did you see any tracks coming west?

A No.

Q All you saw was tracks going east?

A That's right.

Q And I believe you testified that the waves at that time, every third or fourth wave was rolling up onto the beach and rolled up to the very edge of the pier?

A That is right.

Q And you got your feet wet?

A Well, I didn't get my feet wet, but I had to watch my step to keep from getting them wet.

Q And there is along the bank some piling that is there to save the bank from being washed away by the waves?

A Yes, sir.

Q And every third or fourth wave, the wave was coming up as far as that piling?

A That is right.

Q What?

A Yes, sir.

- Q Now, then, you did not see any steps of any men coming back from the pier?
- A That's right.
- Q But you saw the steps of the men going over there?
- A Yes, sir.
- Q And you and Mr. Houk walked over to this pier at Huntington Beach and talked to some fishermen there?
- A That is right.
- Q Was there one, two or three fishermen there?
- A Two grown men and a boy.
- Q Two men and a boy?
- A That's right.
- Q And when they told you that they saw someone in the morning, they didn't say they were teen-agers, did they?
- A My recollection is they did, but I could be wrong on that.
- Q Didn't they say they were either men or teen-agers, they couldn't distinguish which?
- A You may be right. I don't recall.
- Q All right. Now, then, after you had gone to the pier and came back, was it then that the call was put in for the Coroner?
- A The call was put in immediately after I came down from upstairs. It was undoubtedly before we went down to the beach.
- Q I see. And can you tell me whether the Coroner -- what time

the Coroner arrived at the scene?

A As I recollect, it was sometime shortly after eight o'clock.
It was early.

Q Now, there was also a call put in for the Cleveland Police
Department?

A Yes, sir.

Q And some men from the Cleveland Police Department arrived
on the scene?

A That's right.

Q Do you know who the first one was?

A I think they came together. There was Detective Schottke
and Detective Gareau and a man from the Bertillon.

Q Did they arrive before the Coroner or after the Coroner?

A I believe just afterwards.

Q After. When the Coroner arrived, were you inside the house
or outside the house?

A I don't recollect. I am not sure.

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- Q When the Coroner arrived, did he inquire who was in charge?
- A I don't remember if he did or not. He came and talked to me about as soon as he got there, though.
- Q Well, you were not in uniform at that time?
- A No, I was not.
- Q Did he get a statement from you?
- A No.
- Q Did he get a statement from anyone before he entered the house, that you know of?
- A Not that I know of.
- Q Do you know who was in the house when he went into the house?
- A My two patrolmen, Mayor Houk; I'm not certain about Mrs. Houk then.
- Q Did you follow him into the house?
- A I think he came in -- I was in the house, I believe, when he came in.
- Q Well, when he came in did he give any order to the people that were in the house?
- A As I recall, he said that no one, including the relatives of Dr. Sheppard, were to stay in the house.
- Q What?
- A As I recall, he said no one, even including the relatives of Dr. Sheppard, were to stay in the house.
- Q Well, did he order everybody out of the house?
- A I don't remember he did, no.

Q Well, you all got out, didn't you?

A Not all of them. I stayed there, and my patrolmen stayed there, the Mayor stayed there.

Q The Mayor stayed there, and you stayed there, and the patrolmen?

A That's right.

Q Where did Dr. Gerber go after he came into the house?

A As I recall, he talked to Mayor Houk and myself, and then he asked -- said he wanted to go to the hospital right away.

Q Didn't he go upstairs?

A He may have. I don't recall. I wasn't with him then.

Q Well, you are in the house then?

A I don't recall just where he went.

Q And you are the Chief of Police, and the Coroner arrives. Now, what did the Coroner do when he arrived in the house?

A I couldn't tell you what he did first and what he did second, I don't know.

Q You don't know whether he went upstairs or not?

A I presume he did, but I was not with him.

Q I don't want your presumption. I just want to know what you know.

A I don't know.

Q Now, then, do you know this -- you do know that you went to the hospital with him, don't you?

A I drove him there.

Q And you do know that Schottke and Gareau arrived before you went to the hospital with Dr. Gerber?

A Yes, I believe they did.

Q What did Schottke and Gareau do when they came into the house?

A About the first thing they did was to inquire of the Mayor and myself about what had -- as to what had transpired.

Q You told them?

A We told them what we knew.

Q And then did they go upstairs?

A I don't know where they went from there.

Q What were you doing while they were in the house and while Gerber was in the house that you did not notice what those three important individuals were doing?

A About the first thing that we told Mr. Schottke and Gareau was that our experience was very little in all these lines, and asked them to do whatever they thought should be done and we would help them in any way we could.

Q You turned it over to them, was that the idea?

A We asked them for their help and the benefit of their experience.

Q In the course of time, you turned over to Dr. Gerber the various things that you had picked up?

A Clothes.

Q What?

A The clothes.

Q Now, when you went to the hospital, or you drove Dr. Gerber to the hospital -- withdraw that.

You stated that Sam was taken out of the house, Dr. Sam. Do you know who took him out of the house?

A I do not. I was not there.

Q You were not there?

A Not at that time.

Q When you came into the house, did you look at Dr. Sam's condition?

A Not closely.

Q Were you in the room where he was?

A No, sir.

Q What?

A No, I was not.

Q Do you know what position he was in?

A He was in a sort of seated and reclining position slumped down on the large chair he was in.

Q Did you notice the condition of his face?

A I don't believe I did then, not closely.

Q Did you notice blood on his mouth?

A I can't say I did.

Q Now, then, you went to the hospital with Dr. Gerber, you drove him there?

A Yes, sir.

- Q Did you have any conversation with him on the way to the hospital?
- A We probably did, but I don't recall what it was.
- Q Well, was there a conversation on that morning with Dr. Gerber where it was asserted that Sam had killed his wife because she was pregnant?
- A Not that I recall.
- Q Not that you recall, and you would recall that, wouldn't you?
- A I think I would.
- Q Did you hear that?
- A I heard that she was pregnant. The Mayor told me that.
- Q But did you hear about the reason for the murder?
- A No.
- Q At no time?
- A Not that reason, no.
- Q What?
- A I hadn't heard that reason, no.
- Q You hadn't heard that reason. You never heard it?
- 3 A Since then I have heard that theory.
- Q When did you hear it?
- A I wouldn't be able to tell you that. It was sometime --
- Q Who did you hear it from?
- A I don't even know that.
- Q Did you make any note of it?
- A I did not.

- Q You did not. And you can't tell me who you heard it from or when you heard it, but you did hear that advanced as a theory for the murder of Marilyn Sheppard, didn't you?
- A That was one of the theories that I heard.
- Q Now, when you got to the hospital, then you went home and got your uniform?
- A Yes, sir.
- Q Dr. Sheppard, Dr. Steve Sheppard and Dr. Richard Sheppard were in the house before you arrived that morning, weren't they?
- A Yes.
- Q And when you drove to the hospital they came down and arrived at about the same time you did?
- A That's right.
- Q And they greeted Dr. Stephen Sheppard?
- A I didn't get that.
- Q I mean, they greeted Dr. Gerber?
- A They arrived there right after we did.
- Q Did anybody at that time, or up to that time, take any statements from Dr. Stephen Sheppard or Dr. Richard Sheppard?
- A Not to my knowledge.
- Q Did anybody up to that time take statements from anybody?
- A I don't believe so.
- Q Now, then, when you came back, you met Dr. Gerber again,

and he turned over to you this pair of pants, a pair of shoes, a pair of socks, and a pair of underpants?

A And a pocketbook.

Q Do you have that pocketbook with you?

A I do not.

Q Where is it?

A The property clerk in the prosecutor's office has it.

Q May we have the pocketbook?

MR. CORRIGAN: I wish that the Court would instruct the prosecutor to have his witnesses bring their material with them so I don't have to ask them to be bringing them in all the time.

MR. MAHON: If your Honor please, I think the prosecutor can run their own case without Mr. Corrigan telling them how.

MR. CORRIGAN: All right.

MR. DANACEAU: We give you assurance that the pocketbook will be here before this case is over.

MR. CORRIGAN: Well, I would like to have it now because I want to ask the witness some questions about the pocketbook. I am up to the point where he received it, so will you please

get the pocketbook?

Q Now, when the pocketbook was turned over to you, and when the pants were turned over to you as Chief of Police of that city, did you examine the pocketbook?

A I did.

Q And there were three one-dollar bills?

A Yes.

Q And were they in any compartment in the pocketbook?

A They were folded with the pocketbook, as I recall, but not in a compartment.

Q Not in the compartment?

A That's right.

Q Those three one-dollar bills, do you know where they were found in Sheppard's trousers?

4 A I do not.

Q You did not see the garments when they were turned over to Dr. Gerber?

A No.

Q Now, you, then, several days later turned over to Dr. Gerber the articles that you had received at the hospital?

A I think it was that same day, Mr. Corrigan.

Q Did you receive them back as Chief of Police of the Police Department of the Village of Bay?

A I have never -- no, he has had them --

Q Did you ever see them again?

- A I saw them at this meeting we had at the Coroner's office.
- Q 16th of July?
- A Sometime in July, yes.
- Q Why were you turning all of the stuff over to Dr. Gerber?
- A He requested it and we turned it over to him.
- Q I know, but you were the Chief of Police.

MR. DANACEAU: We object to the
argument part of it. He said he turned it over
to him at his request.

- Q Was Dr. Gerber running this case or were you running it?

MR. DANACEAU: We object to that.

THE COURT: The objection will
be sustained.

- Q Who was in charge of the case?

- A As far as this property is concerned, that was turned over
to Dr. Gerber.

- Q But he is not a detective.

MR. DANACEAU: We object to that.

THE COURT: Yes.

- Q You know what his authority is in a case of this kind,
do you not?

THE COURT: You will disregard
that statement entirely.

- Q Now, will you, Chief Eaton, give me a list of everything
that was taken out of that house from the 4th day of July

down to the present time?

A I can give you the list of the things that I had in my possession.

Q No. I mean the list of the things that were taken out of the house since the 4th day of July down to the present time.

MR. DANACEAU: By whom?

MR. CORRIGAN: By anybody.

MR. DANACEAU: We object to that.

THE COURT: He is asking him

if he can give us a list. He can answer whether he can or not.

A I cannot.

Q You have been in control of that house ever since the day of the murder, haven't you?

A No, sir.

Q Well, who has been in control of the house?

A The keys were turned over to Mr. Keefe of the Coroner's office. I have a receipt for them. I don't recollect the date, but it was sometime afterwards.

Q The keys were turned over to who?

A Ray Keefe.

Q And who is Ray Keefe?

A He works for Dr. Gerber's office.

Q And when were the keys of the house turned over to Ray Keefe?

A I think it was about a month after July 4th, sometime early in August.

Q About a month after July 4th?

A Yes.

Q Well, for a period of a month you had the keys to that house?

A That's right.

Q And you were in control of the house?

A That's right.

Q Now, what was taken from that house from July the 4th to a month later?

A I can't answer that.

Q Why can't you?

A Because I don't know.

Q Well, isn't it peculiar that you, as the Chief of Police, cannot tell this jury what was taken out of that house during the period that you had the keys to the house?

MR. PARRINO: Objection.

MR. MAHON: Objection.

THE COURT: Objection will be sustained.

MR. CORRIGAN: Except.

Q On the 24th of August, when Sam Sheppard was in jail, Mr. Garmone went to you with an order from Sam Sheppard requesting you to turn the keys of the house over to his attorney, didn't he?

A That's right.

Q What?

A I am not sure of the date, but I had such a letter, and about that date, yes.

Q But that occurred?

A Yes.

Q And you had the keys at that time, didn't you?

A I don't believe I did at that time. August?

Q Well, you were willing to do it, except you called these --

MR. DANACEAU: We object to his comment about wanting to do it.

THE COURT: Let's not make statements. Put whatever you have in the form of a question.

MR. CORRIGAN: All right. Probably I was a little wrong there.

Q What did you do in regard to that request?

A Referred it to the prosecutor's office.

Q And what did the prosecutor's office tell you?

A They said not to --

MR. MAHON: Objection to what we told him, now.

MR. CORRIGAN: What?

MR. DANACEAU: Mr. Mahon is objecting to the question.

THE COURT: I suppose they are entitled to know whether he was authorized to turn them over, certainly.

You referred the matter to the prosecutor's office?

THE WITNESS: Yes, sir.

THE COURT: All right. Did you get any instructions as a result?

THE WITNESS: I was instructed not to honor the request.

Q Not to honor the request.

Now, then, you still have the keys to the house, haven't you?

A I have them now, yes.

Q And you are still holding the house, aren't you?

A Yes, sir.

Q And what are you holding the house for now?

MR. DANACEAU: Object.

MR. MAHON: Objection, now.

THE COURT: Objection will be sustained.

Q Why are you holding control of that house at the present time?

MR. MAHON: The objection was sustained.

THE COURT: The objection will be sustained.

MR. CORRIGAN: Well, I am entitled to know why this man is holding our property, or Sam Sheppard's property.

THE COURT: Simply because he has the key doesn't mean he is holding your property.

MR. CORRIGAN: He is holding the property.

MR. DANACEAU: We object to the arguing by counsel. The Court has ruled on it twice now.

MR. CORRIGAN: All right.

Q But, anyway, you have control of the property right at the present time, don't you?

A I have the keys in my possession.

MR. DANACEAU: Objection.

THE COURT: Objection sustained.

Q Now, you then say that you made some search, and what were you searching for?

A I was searching for anything that might have a bearing on the case.

Q And what did you pick up?

A I personally picked up?

Q Yes.

A I don't recall I specifically picked up anything.

Q Did any of the members of your department pick up anything?

A Yes. There were different articles picked up by them, and
5 also brought in by citizens who found them.

Q What?

A And there were articles brought in by people who found things
that might have a bearing --

Q Tell me what was brought in.

A One thing, for instance, a golf club was found near Sandusky
in the edge of the lake, and that was turned over by the
State Patrol.

Q A ball?

A A golf club.

Q A golf club was found where?

A Somewhere near Sandusky. I'm not sure where.

Q Well, I am talking about what was taken from the Sheppard
home, what was brought out of the Sheppard home. I don't
care anything about Sandusky.

A About what?

Q I don't care about anything found in Sandusky. I want to
know what was taken from the Sheppard home.

MR. DANACEAU: We are way beyond

that. That isn't the question, your Honor. That
wasn't the question at all, nothing about the
Sheppard home.

THE COURT:

We are mixed up on the question now. Start all over and put a question to him.

Q What was taken from the Sheppard home?

A I can tell you things that I took out of the Sheppard home.

Q Well, what did you take out of the Sheppard home?

A A set of keys for the Jaguar were turned over to me. In a copper mug on the shelf in the den --

Q Copper mug where?

A A copper mug on a shelf in the den, or in this office --

Q Who turned that over to you?

A I took it myself out of his mug. It was a \$20 bill, a \$10 bill, and two one-dollar bills, and then found in a drawer in a dressing table in the room occupied by Mr. Hoversten -- that's the east room upstairs -- there was a silver dollar, five fifty-cent pieces, two quarters, and a nickel.

Found in a pocket of a new secretary -- that is a sort of a combination notebook and pocketbook -- in the desk, four \$20 bills, two \$10 bills, and also the secretary itself, or this pocketbook-notebook combination.

Found in a chest of drawers in a room next to the east room, which you probably know as the dressing room, was a \$20 bill and two twenty-five-cent pieces.

Q That was money?

A That was money. That was kept for safekeeping.

Q What else was taken out of the house?

A I took nothing else out.

Q I mean members of your department.

A The members of my department took nothing else out.

Q Nothing was taken at all by the members of your department?

A I don't believe so.

Q What?

A I don't recall that there was.

Q Well, surely you would have a list of it?

A I have a list of what I had in my possession.

Q But now I am talking between the time that you took charge of that house and down to the present day, did any of the members of the department bring anything into the station or into headquarters that were taken by them from Sam Sheppard's house?

A I don't recollect there was.

Q When you got this mine detector -- first you got a machine -- what was the first machine you got?

A We constructed a machine or a drag with magnets.

Q And that was put into the water?

A That's right.

Q For the purpose of magnetizing any metal that was in the water?

A Yes, sir.

Q That was unsuccessful?

A That's right.

Q Now, on the morning of July the 4th there was a lot of people on those grounds, wasn't there?

A There were people -- yes, there were some people there.

Q That were not connected with the police department?

A That's right.

Q And they were in the house and in the garage and over the grounds, weren't they?

A They were on the grounds. I don't believe they were in the house.

Q And it was the 4th of July morning, and you had a traffic jam in front of that house, didn't you?

A We had one a good many days since then, too.

Q No. I am talking about that particular morning.

A There may have been, but I was not aware of it, and I wasn't there at the time.

Q Well, you did see a traffic jam in front of the house and a lot of people stopped their cars and came into the property of Sam Sheppard?

A I don't know that.

Q On that morning.

A I don't know that, no.

Q Well, you know there was a lot of boys there?

A There were boys there that were deputized to do some searching, yes.

Q How many boys were deputized?

A I couldn't say. Several.

Q Well, there were at least 10 or 12, weren't there, Doctor?

A At least that, I should say.

Q What?

A You are probably right.

Q And they were deputized by whom?

A I think the Mayor gave them the orders on that day.

Q But, anyway, they were deputized -- they were teen-aged boys?

A That's right.

Q And they were over the place all morning long?

A I'm not sure how long, but during the day they were there.

Q Were you there about 10 o'clock in the morning when Dr. Gerber came back from the hospital?

A I brought him back.

Q Did he have a boy with him, a 12-year-old boy with him?

A Not with me, no.

Q What?

A No.

Q Did you go into the house with Dr. Gerber?

A I don't recall whether I did or not.

Q Did you go upstairs when the body was removed?

A I was not there when the body was removed.

Q You had gone. I see. Now, then, in addition to the magnet, then you secured a diver?

A Yes, sir.

Q And a ship?

A He supplied his own equipment and boat.

Q And they worked off the shore for a period of two days, two different days, and searched the lake out 300 yards and 200 yards in each direction?

A 300 feet, I think it was. 200 feet in each direction, each side.

THE COURT:

He said 200 feet

before.

Q Well, was it 200 feet or 200 yards?

A Feet, not yards.

Q And they found nothing of any importance?

A That's right.

Q And then you secured from the Army a mine detector, and that was operated for three days around the house and around the grounds of Dr. Sheppard?

A Yes, sir.

Q What were you looking for?

A Anything that might be --

Q Did you ever figure out what kind of a weapon had caused the wounds on Mrs. Sheppard?

A I had some theories, but --

Q What?

A I had my own theories, but nothing definite.

Q What was it? What was your theory? I would like to hear it.

A It was some blunt semi-sharp instrument, probably like a file, large file.

Q Like a large file?

A Something of that description. It wasn't too blunt as it did cut some.

Q At the meeting of the 16th of July in the Coroner's office, were the wounds that Marilyn Sheppard suffered on her head explained to you?

A Yes, sir.

Q What?

A They were discussed.

Q And were they discussed that the wounds on her head were all one inch apart?

A No.

Q They were not?

A No.

Q Did you ever know that?

A I saw the wounds and it didn't impress me that way.

Q What?

A I saw those wounds and it didn't impress me that way.

Q I know, but did the Coroner who made the examination inform you that wound wounds 1 to 6 was one inch apart?

A No, I don't recall that. I don't recall he did.

Q And that they were irregular?

A They were irregular. I noticed that.

Q But you were not informed of that?

A I don't recall that I was --

Q Did --

MR. MAHON: Let him finish his
answer, please.

Go ahead.

A (Continuing) I do not recall that that was brought out
in any way.

Q It was not brought out in any way. Is this the first time
you heard it?

A From -- it seems to me I read something in the paper about --

Q Well, it was in the paper when I examined Dr. Adelson.
Is that the first time you heard it?

A That's the first time I heard about it.

Q Now, then, was the matter of the wound inside her mouth
discussed at the meeting of the 16th of July?

A All her wounds were discussed at that time.

Q No, I am talking about this particular wound inside her
mouth.

A There was some reference to it, yes.

Q Was there any reference made to the fact that there was no
wound on the outside of her mouth?

A I don't recall there was.

Q Was there any reference made to the fact there was two chips of her upper teeth gone?

A We knew that before that.

Q Did anybody suggest that Marilyn Sheppard might have bit her assailant?

A No, nobody did that.

Q Nobody suggested that. Was there any information given to you that there was no mark on the outside of her nose, there was no swelling of her nose, and the only mark was up here on the bridge one-fourth by one-eighth inch, and the nose showed evidence of being broken?

A I don't understand just exactly --

Q I am asking you if it was explained to you that the nose of Mrs. Sheppard, there was a break somewhere in it?

A I believe it was referred to as a broken nose.

Q Was it explained to you that there was no mark on the outside of her nose?

A I don't recall that at all.

Q Except a small, little abrasion on the top of the bridge of the nose one-fourth by one-eighth inch?

A No.

Q What?

A I don't recollect that at all.

Q You don't recollect that. Now, you say that there was no evidence of disturbance in the room when you viewed it.

I am talking about the 4th of July when you went up into the room, there was no evidence of any disorder in the room?

A Except the fact that the murdered woman was on the bed.

Q The murdered woman was on the bed.

A And she was partway down on the bed, and there was a slight -- the sheet had been pulled somewhat showing it had been pulled toward the bottom.

Q What?

A There was some creases or wrinkles on the side of the sheet showing it had been pulled toward the bottom of the bed.

Q Yes, but the other bed clothes on the bed, where were they?

A The pillow was at the head of the bed, her head was off the pillow; the sheet was drawn over up as far as her middle; her left hand lay across and this much of it was out from under the sheet (indicating).

Q But the other bed clothes, where were they?

A Toward the foot of the bed, over the foot of the bed.

Q They were all crumpled up, weren't they?

A Well, they were pulled down over the foot of the bed.

Q Well, they were in disorder, were they not?

A Yes.

Q Now, then, as you entered the room, you also found, did you not, that her pajama tops were pulled up?

A They were.

Q The other pajamas, the lower part of her pajamas were pulled down and there was one leg -- the right leg inside the pajama pants and one outside?

A I couldn't see the right leg. It was covered up.

Q How is that?

A I could not see the right leg because it was covered up. The left leg was bare because it was uncovered.

Q Did you see the pajamas at all, the lower part of the pajamas?

A On her right leg, just the bottom of the pajama toward the foot projected underneath the cover.

Q You could tell without lifting the sheet up that Mrs. Sheppard's left leg was out of her pajamas?

A That's right.

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Q And you could tell that Mrs. Sheppard's right leg was in the pajamas?

A I surmised so, from the looks of it.

Q What?

A I surmised so, from the looks of it.

Q And there was signs of struggle on the bed, wasn't there?

A No, I don't think you would call it a struggle.

Q Well, the blood was thrown up on the -- you say it was thrown on the ceiling?

A It was spattered, not thrown.

Q Spattered on the ceiling?

A That's right.

Q As high as the ceiling?

A And on the walls.

Q And on the walls and on the doors?

A Right next to it.

Q Now, as you entered that room, Chief, from the hallway, the bed is on your left-hand side, isn't it?

A That's right.

Q What?

A That's right.

Q And there is nothing between that bed and the hall to be disturbed or between the wall to be disturbed? There is no furniture there?

A The only furniture there was was a stand between the two

beds and a chair at the foot.

Q That was on the other side of the bed, the stand?

A No. The stand was directly opposite the door.

Q What?

A The stand was directly opposite the door but beyond the foot of the bed.

Q Well, let's get this right. As you entered the room, the bed is on your left-hand side?

A That's right.

Q Then at the end of the bed near the window there was a chair?

A That's right.

Q And that chair was located two or three feet from the end of the bed, wasn't it?

A That's right.

Q And it was standing against the north wall of the room?

A Very close to the north wall.

Q And there were some clothes on that?

A That's right.

Q Now, what else is there to the right of that bed in that room?

A No other furniture.

Q No other furniture. So there was nothing to be disturbed, was there?

A No.

Q Now, then, did you examine -- there is a closet in that room, isn't there?

A Yes, sir.

Q Did you examine that closet?

A I did later.

Q What time later did you examine it?

A Well, I wouldn't know. Sometime later in the day.

Q How many other closets are upstairs?

A There is a closet in Chip's room; there is a closet in the spare bedroom, which is to the west end of the house; there is a closet in the room that Dr. Hoversten occupied and there is a linen closet at the end of the hall, and I recall there was a closet in what they call the dressing room or the room next to Dr. Hoversten, between that and the bathroom.

Q Now, the house was full of furniture and full of the things that people accumulate, there was tools in there, was there not?

A What kind of tools are you referring to?

Q Any kind of tools?

A In the house?

Q Yes, in the house.

A I don't recollect seeing any tools.

Q Well, did you see --

A There was some tools in the den.

Q That's what I say, there was tools in the den?

A Yes.

MR. MAHON: No. You said in
the house.

MR. CORRIGAN: Well, isn't that
in the house?

THE WITNESS: I was still upstairs.

Q What?

A I was still upstairs.

Q Well, upstairs, did you go in with anybody or did anybody
go in the boy's room? Was Dr. Sheppard ever brought into
the boy's room by you or anybody that you know to check
the boy's room to find out what was in there?

A Not by me. I believe he was brought in by others.

Q What?

A I believe he was brought in by some of the others.

Q But you never checked it?

A I checked the room, yes.

Q What?

A I checked the room, yes.

Q And there was all kinds of toys in that room?

A There were toys in there, that's right.

Q Of various types and shapes?

A Yes.

Q Yes. And down at the very foot of the stairs, as you come

up, did you notice the mantle?

A The mantle by the fireplace in the living room?

Q The fireplace, yes.

A I saw that.

Q There was fireplace tools there, was there not?

A Yes, sir.

Q There was sticks of wood there?

A Yes, sir.

Q Now, in your search for a weapon, you were searching for something like a heavy file?

A That would be a --

Q With a sharp --

A Semi-sharp edge to it.

Q With a sharp edge.

MR. DANACEAU: He said semi-sharp
edge.

Q What do you mean by a semi-sharp edge?

A It wouldn't be as sharp as a knife or hatchet that would make a clean cut. It was more of a blunt type sharp.

Q Something that would have an edge that would make a clean cut.

MR. MAHON: No. He said the
opposite to that.

MR. DANACEAU: He said the very
opposite to that.

THE COURT:

He said something

that did not make a clean cut.

Q Well, a semi-sharp edge. I cannot understand that, Chief.
Give me an example?

A I referred to a file, a large file, because that is not
sharp like a knife yet it is sharp enough, if you wield
it with some force, to make an incision.

Q Well, a file, a heavy file, has sharp edges on it, hasn't it?

A Some are sharper than others, yes.

Q I don't know a whole lot about files, but my little
recollection of it is that a file has an edge something
like that, a square edge? (Indicating).

A It would have a square edge, yes.

Q A square edge, or when it is this other type of file, it
is rounded, a rounded file, and that has a sharp edge?

A I was not thinking of a half round type of file. I was
thinking of the blunter type.

Q Blunter type?

A Yes.

Q With the square edge on it?

A Square edge.

Q Well, did anybody tell you that all these wounds that were
on Mrs. Sheppard's head were ragged and jagged and were not
sharp wounds, anybody tell you that?

A I think it was brought out at the Coroner's office that

they were not made by a sharp instrument.

Q Yes, they were ragged and jagged?

A I don't recall that particular terminology, no.

Q All right. Now, then --

THE COURT: Could you suspend
here a few moments, Mr. Corrigan?

MR. CORRIGAN: I could, yes.

THE COURT: Ladies and gentlemen of the jury, we will have a few minutes' recess at this point. Please do not discuss this case.

(Thereupon a recess was taken at 2:58 o'clock, p.m., after which time, at 3:13 o'clock, p.m., the following proceedings were had:)

Q Chief, I will hand you a leather purse with a badge attached. Was that the purse that you received from Dr. Gerber on the morning of July 4th?

A Yes, sir, this is the purse.

Q And it is in the same shape as when you received it?

A It is dried out.

Q It was wet at the time?

A Yes, sir.

Q And were the papers inside the purse wet?

A They were all wet. I don't see that check in there or the money.

Q

The check?

MR. DANACEAU:

I didn't get the

last.

THE WITNESS:

I don't see the

check or the money that was with the purse.

Q

Well, I have examined in your presence everything that is in the purse, have I not, Chief?

A

Yes, sir.

Q

And the check is not there?

A

I don't see it.

Q

And that was a check for a thousand dollars?

A

Yes, sir.

Q

Made out by the -- who was it made out by?

A

The Sheppard Clinic.

Q

Now, when this purse was handed to you by Dr. Gerber, the three \$1 were not in any compartment of the purse, were they?

A

That's my recollection. The three \$1 bills and the check were folded.

Q

Were folded?

A

And everything was sopping wet. It was kind of hard to get it back in there.

Q

In the fold of the purse?

A

Yes.

Q

Now, there was some money in that purse, wasn't there, that

was in a compartment in the purse?

A Three \$20 bills.

Q Three \$20 bills. You did not find those three \$20 bills in that purse until you were informed by Steve Sheppard, the brother, where they were?

A That's right.

Q That's correct?

A Yes, sir.

Q And when did he inform you that there was three \$20 bills in a secret compartment in that purse?

A As I recall, several days later. I wouldn't know the exact date.

Q Several days later. Then you looked in it as per his instructions and found the three \$20 bills?

A Yes, sir.

Q Now, can you show the jury just where that secret compartment is?

A As I recall, they were shoved down in here. I don't see the compartment. I believe it was in there, because it was a place I hadn't looked.

Q This pulls out, does it not, but it is a compartment that is on the inside of the purse here?

A As I recollect, it was in there, yes.

Q And that is where you found the three \$20 bills after you were informed by Steve Sheppard, the brother, a couple of

days later?

A Yes, sir.

Q He also informed you where the money was in the house, did he not?

A He informed me that there was money in that pocket secretary.

Q In the what?

A That pocket secretary, he called it, he said, a combination pocketbook and notebook.

Q And that was several days later, wasn't it?

A Yes, sir.

Q And you went there and you found the money as he told you?

A That's right.

Q So that it wasn't the result of any search that was made by you that you discovered this money, but it was because of information that had been furnished you by Stephen Sheppard?

A We had examined the secretary but hadn't found the money in it.

Q What?

A We had examined the secretary previously but hadn't seen the money in it.

Q But my question was, it wasn't the result of your search but it was the result of information that was furnished you by Stephen Sheppard?

- A That's right.
- Q Yes. Now, when the Cleveland detectives came to the place, did you search the house with them?
- A I was with them from time to time.
- Q Yes. There was a cigarette butt found in the bathroom, was there not?
- A I know nothing of that.
- Q You know nothing of it?
- A No, sir.
- Q In the morning, after you had received these articles from Dr. Gerber, the pants, and so forth, you went to Bay View Hospital with Mr. Schottke and Mr. Gareau of the Cleveland Police Department, did you not?
- A That's right.
- Q And in what room was Sam Sheppard at that time?
- A I don't know the number of the room. It was in the new wing.
- Q Did you have any difficulty going into his room?
- A No.
- Q Did anybody interfere with your entrance to his room?
- A No, sir.
- Q Did the Drs. Sheppard throw a wall around that room?
- A Not at that time.
- Q So that you could not get in?
- A We got in all right.

Q You got in, walked right in, didn't you?

A Yes, sir.

Q Nobody stopped you. Now, then, there was a police guard put in front of Dr. Sheppard's room that day, was there not?

A It was kept there as long as he was in the hospital.

Q I know. My question was, there was a police guard put in front of Dr. Sheppard's room on the 4th of July?

A Yes, sir.

Q What time?

A Some time during the day. I don't recollect the hour.

Q Well, who assigned the police guard to that room?

A I did.

Q Well, your records would show what time he was assigned there?

A They should, yes.

Q On whose orders -- did you receive orders from someone else to put a police guard in front of that room?

A It was not an order, it was a suggestion by Dr. Gerber.

Q By Dr. Gerber?

A Yes, sir.

Q He suggested that you throw a guard around the room?

A That's right.

Q And that guard was kept there Monday, Tuesday, Wednesday and Thursday?

A It was kept there as long as Dr. Sheppard was in the hospital.

Q And the guard was around the clock, wasn't it?

A Yes, sir.

Q What?

A Yes, sir.

Q And when Dr. Sheppard went to his wife's funeral on Wednesday afternoon, he was accompanied by a police officer, wasn't he?

A That's right.

Q And when he went to his wife's -- when he went to view his wife in the Saxton Funeral Home on Wednesday -- or on Tuesday, he was accompanied by a policeman, was he not?

A I don't recall anybody going with him at that time, no.

Q What?

A I don't believe so that time.

Q Well, when he was accompanied by a police guard?

A That's right, on Wednesday, the day of the funeral.

Q The day of the funeral. Now, then, when you and Mr. Schottke and Gareau, Mr. Gareau, went there in the morning of July 4th, Stephen Sheppard was there, and Richard Sheppard, his two brothers were there in the hospital?

THE COURT: You mean when they went to the hospital that morning?

MR. CORRIGAN: I am talking about

the hospital.

A I was not at the hospital with Schottke and Gareau in the morning.

Q What?

A I was not at the hospital with Schotte and Gareau in the morning.

Q Were you there on more than one occasion on July 4th?

A In the hospital only one occasion.

Q In the hospital on one occasion?

A Yes.

Q But you do know that Schottke and Gareau went there in the morning?

A I was so informed, yes.

Q Now, in the afternoon you went with Schottke and Gareau, did you not?

A Yes, sir.

Q And in the morning, before you made your trip with Schottke and Gareau, you were informed by Schottke and Gareau that Dr. Sheppard was the man and you needn't look any farther?

A That was not exactly the way it was -- happened, Mr. Corrigan.

Q Well, was such information given to you by those two men that at least parallels the question that I have asked you?

MR. MAHON: I object to the
form of that question.

MR. DANACEAU: Object to that.

THE COURT:

Let him say what

they told him.

A They informed me that the physical evidence pointed very strongly to Dr. Sam.

Q And what was the physical evidence that you had at that time?

A Mostly the fact that his story -- we could not find anything to substantiate his story.

Q The only thing that you could find was that he was in the house and his wife was dead; that was the physical evidence, wasn't it?

A And there was no evidence of anybody else being there.

Q No evidence of anybody else being in the house?

A That's right, yes, sir.

Q So you jumped to the conclusion, or Schottke and Gareau jumped to the conclusion because of those facts he must have murdered his wife?

MR. MAHON:

I object to the

form of that.

MR. DANACEAU:

I object.

THE COURT:

Yes.

MR. CORRIGAN:

What is that?

MR. MAHON:

He didn't jump

to any conclusion.

Q Well, that was the conclusion that was reached that

morning, wasn't it?

MR. DANACEAU: We object. He has
already stated what they said.

THE COURT: No. He hasn't said
he had any conclusion.

Q Well, did you agree with them?

A I did.

Q Yes, you did. So that finished your investigation of it
that morning, didn't it?

A No, sir.

Q What?

A No, sir.

Q You had determined on that morning that Sam had killed his
wife, so the effort then from that time on was to try and
get evidence against Sam Sheppard?

MR. MAHON: Objection. Now,
he didn't say that, your Honor. He didn't
say that he had determined it. Object to
the question.

MR. CORRIGAN: He just said he
agreed with them.

THE COURT: I think the objection
will have to be sustained.

MR. CORRIGAN: All right.

- Q Well, anyway, you did go to the hospital with them in the afternoon?
- A Yes.
- Q In the meantime, a bag had been found by one of these boys that was searching around the property?
- A That's right.
- Q Were you there when it was found?
- A No.
- Q Did you see it?
- A I saw it after it was found.
- Q And where did you see it first?
- A Detective Gareau brought it in the house.
- Q Can you tell us what time that was?
- A To my recollection, about 2:30 in the afternoon, maybe a little later.
- Q Then you went to the hospital with the bag?
- A The three of us.
- Q What was done with the bag?
- A You mean at the hospital?
- Q No. What was done with the bag? What became of it?
- Where is it now?
- A It was turned over to the Coroner along with the things that were in it.
- Q At the Coroner's office?
- A That's right.

Q Was everything in the Coroner's office?

A Up --

MR. DANACEAU: We object. Just
a moment.

THE COURT: Objection will be
sustained.

Q Did you receive -- as Chief of Police of Bay Village did
you receive that bag?

A I did not.

Q Where was it the last time you saw it?

A In Gareau's possession.

Q And that was the morning or the afternoon of July the 4th?

A That's right.

Q Now, you went to the hospital with the bag?

A Yes, sir.

Q What was in it?

A A wrist watch, a ring and a chain.

Q Now, then, when you went to the hospital Sam Sheppard was
in bed?

A Yes, sir.

Q And did you ask him, before you showed him the bag, if he
had a wrist watch?

A Mr. Schottke asked him.

Q That was before he was shown the wrist watch?

A That's right.

Q And what was his answer?

A He said he owned a wrist watch.

Q Did Schottke ask him what kind of a wrist watch?

A I believe that's right.

Q Did he tell him?

A I think so.

Q Did he ask him if he owned a ring?

A Yes.

Q And did Sam answer that he did?

A He did.

Q Was the ring described?

A I believe it was a signet ring of some description, or a --

Q Did he ask him about a chain, a key chain?

A He did.

Q And this was all before these articles were shown to him?

A That's right.

Q And he said that he owned all those things?

A Yes.

Q And then the articles were shown to him and he identified them as his?

A That's right.

Q Now, during that conversation, they accused him, did they not, of having murdered his wife?

A No, sir.

Q What?

A No, sir, they did not.

Q Well, didn't Gareau say to Schottke -- or say to Dr. Sheppard on that particular occasion, "I don't care what my partner thinks about this, but I think you killed your wife"?

A I don't recall that.

Q Was there anything said like that?

A After Dr. Sam was shown these three articles and the bag, and he was told where they had been found, he denied having any knowledge of how they got down in the bag, then Schottke said, "Doctor, the evidence points very strongly towards you."

Q "Towards you"?

A I don't believe that he said "You murdered your wife."

I think he said, "The evidence points towards you."

Q Well, it was as much an accusation that you were satisfied that they were accusing him, that they were putting the crime on Dr. Sheppard?

MR. MAHON: Objection.

THE COURT: Objection will be sustained.

MR. CORRIGAN: Except.

Q In that conversation was it not also said by Schottke and Gareau, "How did your teeth get under your wife's body?"

A I don't recollect any such conversation as that.

Q You have no recollection of that?

A No.

Q Now, in the investigation of this crime did you talk to Leonard Snyder?

A I don't believe so. I don't recall that man's name.

Q Do you know who he is?

A I don't recognize the name, no.

Q Well, he is the guard at Huntington Beach. Did you talk to any of the employees at Huntington Beach?

A I talked to Lawrence Silk.

Q Who?

A Lawrence Silk.

Q Who is he?

A Well, they call him the guard there. He is on the Metropolitan Park Police Force.

Q There was some construction work going on right near Dr. Sheppard's home on July the 4th, was there not?

A I don't recollect what you mean. I don't know where you are referring to.

Q Well, are you aware of the fact that there was some work done right near Dr. Sheppard's home on July the 1st or 2nd or 3rd?

A I don't know what kind of work you are referring to. I don't remember of anything.

Q You don't remember any work. Did you check at the Country

Clubs?

A I personally did not check any Country Clubs.

Q Did you check to see if anyone had left work on the 3rd day of July and not returned to work the next day, or has not returned to work since?

A I recall no such incident.

Q You recall nothing like that?

A No.

Q There was a fire in Dr. Sheppard's home. You recall that?

A Previous to this time.

Q In '53.

A About the year before.

Q You did know that the description of the man that Dr. Sheppard gave was that he was at least six feet tall, was heavy set, he was a white man and had bushy hair. You knew that, didn't you?

A Dr. Sheppard gave me no such description.

Q What?

A He did not give me that description.

Q Have you got any description that he gave you?

A This bushy-haired man showed up a couple of days after this. It wasn't the first day or so we learned about it.

Q But at least you did learn that somewhere along the line?

A Yes, somewhere.

Q That he was a white man?

2 A He was supposed to be, yes.

Q As far as he could tell, he was white, and that he was as tall as him, or taller?

A That was the general description.

Q Do you know how tall Dr. Sheppard is?

A I'd have to estimate. Probably a little over six feet.

Q Did you start a system of finding out who visited the Sheppard home, who worked in the Sheppard home? Did you do that?

A I did not myself, no.

Q Did you attempt to assist whereby you would eliminate all the visitors, all the tradesmen or all the people that came into the Sheppard home that would not answer that description of being a bushy-haired man at least six feet tall?

A Different ones that made deliveries there were checked out. Not by myself, no.

Q How about the workmen, how about the visitors?

A I don't recall about the workmen.

Q How about the patients of Dr. Sheppard?

A Some of them were checked.

Q Some of them were checked. I see. But there was no thorough check made, was there, Chief?

A That depends on what you mean by "thorough." That covers a lot of ground.

- Q I mean the check a police officer would make who has been in the business as long as you have been.
- A Perhaps somebody that had more experience in homicide did. We did not check everybody in the hospital that he came in contact with.
- Q Now, on the 6th of July, that would be on Tuesday, there was an article brought into the police department by Officer Drenkhan that was found in the room -- or on the 4th of July, I should say. Do you know anything about that?
- A What was the article? I'm not sure.
- Q Something he found in the room. He describes it as a piece of paint, or something of that nature, some small item.
- A There was a piece of paint and a small piece of leather that were brought in.
- Q It was a piece of paint and a small piece of leather brought into your department on the 4th of July.
- A That's right.
- Q What was done with those?
- A Turned over to Dr. Gerber.
- Q Did you ever see them again?
- A I think they were in evidence at this meeting we had out there at the Coroner's office. I haven't seen them --
- Q But at least they were not turned back to your department?
- A No. I haven't had them in my possession.

Q Now, then, on the 6th of July you had a meeting in the City Hall at which Mr. Parrino and Dr. Gerber were present. Do you remember that meeting?

A We had a meeting in the evening -- late afternoon or evening of the 6th. Dr. Sheppard, Sr., Dr. Richard Sheppard, and Dr. Stephen Sheppard, the Mayor, and myself, and Dr. Gerber, I believe Mr. Petersilge; I don't recall about Mr. Parrino, he may have been.

Q Was it your decision then to turn over the whole thing to Dr. Gerber?

A That was not discussed.

Q What?

A That was not discussed at that time.

Q Well, when was it your decision to turn everything over to Dr. Gerber?

A Everything was turned over to him right from the first day.

Q From the first day?

A Except the articles which I had in my safe for safekeeping.

Q Although he is not a police officer or he is not a detective?

A He is the County Coroner.

Q Now, during this period during that week, the place was flooded with reporters and photographers going in and out of that place, isn't that so?

A No, sir.

Q Why, your picture was taken inside of the house, wasn't it, Chief Eaton?

A It might have been.

Q Well, the photographer was in there then?

A Perhaps in that instance, but that doesn't constitute a flood.

Q And John Mahon's picture was taken inside of the house. You saw that, didn't you?

A It might have been. I don't recall.

Q And Parrino's picture was taken inside the house, and Gerber's was taken half a dozen times inside the house, wasn't it?

A It could be.

Q Now, then, at the meeting on July the 16th, was a T-shirt exhibited?

A I don't believe so. I don't recall there was.

Q You know a T-shirt was found on the beach, don't you?

A There were two or three T-shirts found at different places.

Q No. I am talking about one particular T-shirt that was found by one of the officers of your department.

A That's right. It was on the pier next door, underneath the pier next door.

Q And that T-shirt was found -- Mrs. Schuele's pier is west of the bath house of Dr. Sheppard about 50 feet, isn't it?

A Some such distance, yes.

Q It extends out into the water and it is the first pier west of Dr. Sheppard's property?

A That's right.

Q And it is about on a line with his property and a line with the Schuele property?

A Yes.

Q And the T-shirt was found there, wasn't it?

A It was found somewhere around that pier there. I wasn't there.

Q Well, your Officer Lipha and Jack Furr, the Director of Public Safety of your city, found that T-shirt, did they not?

A They found a T-shirt, yes.

Q And they found it in the water attached to a piece of wire?

A That's right.

Q Where it had snagged. Now, was that T-shirt exhibited at this meeting on July the 16th?

A It may have been. I don't recollect.

Q Now, then, you were present on Wednesday the 21st day of July at a meeting at the Bay Village City Hall, that was the night before the inquest. Do you recall that meeting?

A Yes.

Q And at that time on Wednesday, on July 21st, you had been informed before that on the 16th day of July when you had this meeting, you had been informed what the cause of death was that was claimed by the Coroner of Mrs. Sheppard?

- A That's right.
- Q That's right. You knew that?
- A Yes, sir.
- Q And the Coroner had finished all his examination of Mrs. Sheppard's body and she was buried at that time?
- A Yes, sir.
- Q Now, on Wednesday, the 21st day of July, there was an editorial in the Cleveland Press -- you saw it -- "Why don't Sam Gerber call an inquest?" You read that, didn't you?
- A I didn't read it. In fact, I didn't read much in the papers in those days.
- Q What?
- A I read very little in the papers in those days.
- Q Well, you heard about it?
- A I probably did.
- Q And that night, on Wednesday, the 21st of July, Gerber called a meeting out at the City Hall, didn't he?
- A There was a meeting there, yes.
- Q And there was present at that meeting you, some of your police officers, Deputy Sheriff Rossbach, Yettra, Deputy Sheriff Weitzel, Sheriff Sweeney, Mr. Danaceau, Mr. Mahon, Mr. Schottke, Mr. McArthur and Dr. Gerber?
- A You have got something misplaced because they were never out there.

Q What?

A They were never out there.

Q They were never out there?

A Not in Bay Village, no, sir.

Q The night before the inquest?

A The 21st, that is on a Wednesday evening --

Q There was subpoenaes issued, served by the members of your department on that night, wasn't there?

A No.

Q Who served the subpoenas?

A I never saw any subpoenas.

Q Well, you were served with a subpoena?

A For the 21st?

Q Yes.

A No.

Q You testified at the inquest, didn't you?

A I wasn't served any subpoena. I never testified --

Q How did you get word to go to the inquest?

A I might have had a subpoena for the inquest, but you are talking about something that happened the night before. This was not the inquest.

Q Well, I am asking you who served the subpoena on you the night before?

A I don't recall who served the subpoena on me, but that had nothing to do with any meeting that happened on Wednesday.

Q I will get to that. Who served the subpoena on you?

A Somebody from the Sheriff's office. I don't recall who it was.

Q Somebody from the Sheriff's office?

A Yes.

Q Are you sure of that?

A I think so.

Q You think so.

A I am not even sure it was served to me personally. I don't recall.

Q What?

A I am not even sure that subpoena was served on me personally. I don't recall because quite --

Q Have you finished?

A They quite frequently leave those subpoenas at the station. I don't even see who serves them.

Q Well, you got to the inquest, anyway, didn't you?

A Yes, sir, I did.

Q Was there any discussion with you before the inquest was held about having the inquest?

A No. The only discussion was where to have it, which one of the buildings would be most appropriate in the city.

Q Well, now, let's see. Who discussed with you where to have the inquest?

A It wasn't discussed -- it was discussed between the Coroner

and the Superintendent of Schools.

Q Well, how did you know that?

A I just heard about it.

Q You just heard about it?

A That's right.

Q And the Coroner and the Superintendent of Schools discussed where to hold the inquest?

A That's right.

Q And it was held in Normandy School?

A Yes, sir.

Q In the gymnasium?

A That's right.

Q Attended by some five hundred people?

A More or less.

Q You testified?

A I did.

Q And Dr. Sheppard testified?

A Dr. Samuel Sheppard?

Q Yes.

A Yes, he testified, I guess. I wasn't at any of these testimonies.

Q At the time that Dr. Samuel testified, you had his statement, did you not, which had been obtained on the Saturday of the week following -- in the week following the 4th of July?

A They had a statement, yes.

Q You had the statement of Dr. Stephen Sheppard?

A Yes, sir.

Q You had the statement of Dr. Richard Sheppard?

A That's right.

Q You had the statement of Mr. Callahan?

A Yes.

Q Mr. Sommer?

A That's right.

Q Mr. Drenkhan?

A Yes.

Q In fact, all the witnesses, with the exception of the Superintendent, of those that testified, you had statements in the police department already in existence before this inquest was called, didn't you?

A They were not in our police department, not all those statements.

Q What?

A Some of them were in the Cleveland Police Department.

NS Q Now, were you there when Dr. Sheppard testified?

MAG A I was not.

TK 22 Q Dr. Sam Sheppard?

A No.

Q You did not remain?

A I was only in the -- the time that I testified was the only time I was in the inquest room.

Q And there was lots of reporters and photographers there that day, wasn't there, those two days?

A That's right, yes, sir.

Q Now, you say, and referring to these tan gloves that are placed here in evidence, that you found those gloves?

A That's my recollection, I found them.

THE COURT: Exhibit 23 is the white ones and Exhibit 24 the leather ones.

MR. CORRIGAN: What did you say?

THE COURT: 23 is the white ones and 24 the leather ones.

Q Where did you find them?

A They were underneath the walk that surrounds the boat house on three sides, underneath the south end on the west side of the boat house.

Q And you walked down there and you discovered the gloves?

A As I looked down over the edge of that walk, I saw this white material there showing from underneath the walk.

- Q You looked down over the edge of the boat house landing?
- A It's a walk.
- Q Or the boat house walk?
- A That's right.
- Q And saw the gloves?
- A That's right.
- Q Now, isn't it a fact that Dr. Steve Sheppard called your attention to these gloves?
- A I have heard that before, but I have no recollection as to --
- Q You have no recollection of it?
- A No. I just can't believe he did. I don't remember that.
- Q You don't remember it?
- A No, sir.
- Q And that he called you down and told you the gloves were underneath there, and you reached down under and pulled them out?
- A I reached down and pulled them out, that's right.
- Q You didn't go down around and make an examination of it from the beach?
- A I did that, too.
- Q What?
- A I did that, too.
- Q Before you found the gloves?
- A I think it was before, yes.

Q You think it was before?

A I am certain it was.

Q What?

A I am certain it was.

Q You are certain it was. And you will say now that you were not -- these gloves were not pointed out to by Stephen Sheppard?

A I do not recollect him doing that.

Q That's the best you will say about it?

A That's right.

Q This is the pair of pants that was handed to you by Dr. Gerber.

MR. CORRIGAN: What number is
this?

MR. MAHON: State's Exhibit 25.

Q I want to call your attention to the right-hand pocket. Was that the condition it was in when it was handed to you?

A I don't recall that it was torn like that, no.

Q You don't recall?

A No.

Q And, of course, there are certain spots taken out of this particular part of the pants which shows a darker spot right there, you can see it, can't you?

A Yes, sir.

Q Those were not taken out?

A They were not out that morning, no.

Q And the only spot that is on that pants -- did you examine them?

A I examined them casually, yes.

Q The only spot that you found on that pants was this one spot near the knee, is that correct?

A That would be about the location of it, I guess.

MR. GARMONE: Would you have the witness speak louder? I don't think he is being heard.

THE COURT: What was that answer?

THE WITNESS: He said, "they are about the knee" and I said, "that's about the location."

Q About where?

A That's about the location of the knee there.

Q Yes, about the location of the knee, on the left knee of the pants?

A That's right.

Q There were no other spots anywhere else on the pants, were there?

A There was a stain on the pocket.

Q Well, you know what that stain is from, don't you?

A I think it's from the pocketbook.

Q Yes.

A And also a stain on the shorts, a similar stain.

MR. GARMONE: I missed one word
you used in answer to one question. Did you
use the word "casual"?

THE WITNESS: Whereabouts?

MR. GARMONE: That you examined
the trousers casually?

THE WITNESS: That's right.

MR. GARMONE: That is all I wanted
to know.

Q Now, in addition to Mr. Stawicki informing you that he saw
a man on the road on the 4th of July in the early hours of
the morning, there was another man that informed you that
he saw a man on the road in the vicinity of Dr. Sheppard's
house on the early morning of July 4th, wasn't there?

A I don't believe I ever received that information personally.

Q Do you recognize the name of Knitter?

A I remember hearing the name, yes.

Q Well, didn't he come to the police station with his wife?

A That may be, but I did not talk to him.

Q You didn't talk to him, you weren't interested in it?

MR. MAHON: I object to that,
now. He didn't say that.

THE COURT: The jury will dis-

regard that entirely.

Q Didn't you have an officer there by the name of Adler, haven't you?

A A police officer?

Q Yes.

A No, sir.

Q Do you have an officer there that makes sketches?

A No, sir.

Q What?

A No, sir. In our department, you mean?

Q In your department, yes.

A No.

Q Did an officer of your department make a sketch of the --

A No, sir.

Q -- of the man described by Mr. Knitter?

A No, sir.

Q I see. All right. But, anyway, you did talk to Stawicki?

A That's right.

Q And Stawicki came to you. He lives out in Newburgh way somewhere, works in a mill?

A That's right.

Q What?

A I am not sure where he lives, but it's somewhere on the east side.

Q Somewhere on the east side. And you took him down on to

Lake Road when he informed you that he had seen a man, a man without a hat or a coat on, with a white T-shirt and bushy-haired, on the road that night when he was driving in from a fishing trip?

A That was his statement.

Q What?

A That was his statement, yes, sir.

Q That was his statement. And that you took him down and he pointed out the spot where he saw the man, didn't he?

A That's right.

Q And when he pointed out that spot, you told him that he must be wrong, and you drove him out and said you would bring him back the other way?

A I didn't tell him he was wrong.

Q But you said, you checked him, you brought him back the other way?

A We went by it two or three times.

Q And he picked out the spot every time, didn't he?

A That's the spot he said he saw the man.

Q Now, the spot that he picked out of where this man was standing with the bushy hair and without a hat or a coat on in that early hour of the morning, was just west of the maple tree that stands at the east side of Dr. Sheppard's driveway?

A That's right.

MR. CORRIGAN:

That is all.

REDIRECT EXAMINATION OF JOHN P. EATON (3:55 p.m.)

By Mr. Mahon:

Q When was it that you saw that man, Chief?

A Which man is this you are referring to?

Q The man you are talking about, Stawicki.

A The 10th of July.

Q The 10th of July. Now, Mr. Corrigan has talked to you or asked you whether or not this wasn't a meeting out in the Bay Village City Hall on the night of the 21st of July; do you recall that?

A The names he mentioned, they were never there then.

Q Well, on the night of the 21st of July there was a meeting, was there not?

A Yes, sir.

Q In the office of Chief of Police Story of the City of Cleveland?

A That's right.

Q In the Central Police Station, right next door to this building, isn't that right?

A Yes, sir.

Q And at that meeting were practically all of the names that he mentioned, isn't that right?

A That's right.

Q And what was the purpose of that meeting?

A To coordinate our efforts and to try to eliminate all the false moves and loose -- or some of us were covering the same territory twice. We were trying to put some system into it so we could be more efficient.

Q And that was to be placed under one head?

A That's right.

Q And was it placed under one head?

A How's that?

Q Was it placed under one head?

A It was.

Q And who was that person?

A Chief Story.

Q Of the Cleveland Police Department?

A Yes, sir.

Q Now, did that come about as a result of a request by the Council of Bay Village?

A It did.

Q To the Mayor of the City of Cleveland?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q And following that meeting, Chief Story was the head of the investigation, isn't that right?

A Yes, sir.

Q You said you saw some footprints on the beach and the prints of a dog on the beach when you went down there in the morning?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q On the 4th of July?

A That's right.

Q Do you know who made those prints?

MR. GARMONE: Object unless
he knows of his own knowledge.

MR. PARRINO: That is what he
is asking him for.

MR. DANACEAU: That is what he
is asking him.

THE COURT: I understood that
is what he was asking. You may answer.

MR. GARMONE: He says, "Do you
know who made those prints?"

MR. DANACEAU: That's right.

MR. GARMONE: Of his own knowledge.

THE WITNESS: You mean, did I see
them made?

MR. GARMONE: Yes.

THE WITNESS: I didn't see them

made, no.

Q You say you did not see who made them?

A I was not present when they were made.

MR. MAHON:

That is all.

RE CROSS-EXAMINATION OF JOHN P. EATON (4:00 p.m.)

By Mr. Corrigan:

Q Now, Chief Eaton, this meeting on the 21st of July placed the investigation under one head. That was decided by you group of officers?

A That was decided by our City Council.

Q I know, but you have --

A They requested it and Cleveland agreed to do that.

Q But I say, you had the meeting, as Mr. Mahon says, in which it was decided that Chief Story should lead the investigation?

A It was decided before that.

Q What?

A Cleveland had accepted that before we had this meeting.

Q Yes. Now, after the Cleveland police took over, do you know anything they did to discover who the murderer of Marilyn Sheppard was?

MR. DANACEAU:

We object to that.

THE COURT:

He may answer that

yes or no, if he knows what they did.

A Only by rumor.

Q Only by rumor. Shortly afterwards the Press come out with editorials urging the arrest of Sam Sheppard, didn't they?

A I suppose they did. I didn't read them.

Q Well, you heard about them?

A I heard about them.

Q Yes. And the only thing that you know that the Cleveland Police Department did to solve the murder of Marilyn Sheppard was to go out there a number of nights into that house and spray luminal all around?

MR. MAHON: Objection to that,
now.

THE COURT: The objection will
be sustained.

Q Do you know that they did that?

A I wasn't there.

Q You weren't there. Although you had the keys to the house? How did they get in?

A They could use the keys any time they needed them.

Q And the other thing that they did, the Cleveland Police Department, was to try to make this man confess?

MR. MAHON: Now, if your Honor
please, I want to object to this as to what they
did.

THE COURT: Objection sustained.

MR. MAHON: If Mr. Corrigan
wants to testify, let him take the witness
stand.

MR. CORRIGAN: No. I will prove
these things.

MR. MAHON: You are not making
an opening statement now.

THE COURT: The jury will dis-
regard that entirely.

MR. CORRIGAN: I am not going to
ask, your Honor, questions that I am not going
to prove in this case before I get through.

THE COURT: I know, but it will
be time enough to ask them when you are ready to
prove them, Mr. Corrigan.

MR. CORRIGAN: I think that is all.

MR. MAHON: That is all.

(Witness excused.)

MR. CORRIGAN: I want to mark this
purse, your Honor, and its contents Defendant's
Exhibit T.

(Defendant's Exhibit T,
being a billfold and con-
tents thereof were marked
for identification.)

THE COURT: That means the bill-
fold and its contents, I take it?

MR. CORRIGAN: And its contents,
yes.

And where is the check for the thousand
dollars that was supposed to be in it? Does
anybody know about that?

MR. DANACEAU: I will try to find
out.

- - -