

THE COURT: Counselor Corrigan
or Spellacy, do you have another witness?

MR. CORRIGAN: The State will call
Mr. Houk.

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THEREUPON, the State of Ohio, further
to maintain the issues on its part to be main-
tained, called as a witness J. SPENCER HOUK,
who, being first duly sworn, was examined and
testified as follows:

DIRECT EXAMINATION OF J. SPENCER HOUK

By Mr. Corrigan:

Q Will you state your name, please?

A J. Spencer Houk.

Q Will you keep your voice up so the folks in the back
of the room can hear you, and we will all be able to hear
you.

Where do you live, Mr. Houk?

A 25630 1st Street, Westlake.

Q How long have you lived at that address, sir?

A Approximately three years.

Q Are you married, sir?

A Yes, sir.

Q What is your wife's name?

A Margaret.

Q How long have you been married to Mrs. Margaret Houk?

A A little over four years.

Q Calling your attention to the month of July, 1954, where did you live?

A On Lake Road in Bay Village.

Q And do you recall your address?

A I believe it was 29120.

Q At that time with whom did you live at that address?

A My wife, my two children, and my mother.

Q What was your wife's first name?

A Esther.

Q Do you know the defendant Sam Sheppard?

A Yes, I do.

Q Do you see him in this courtroom?

A Yes, sir.

Q Will you point him out, please?

A Right here.

MR. CORRIGAN: May the record show that he pointed out the third man at the trial table, on the defense side of the trial table.

THE COURT: The record may so indicate.

Q Did you know Sam Sheppard in July of 1954?

A Yes, sir.

Q Where was your home in relationship to his home on Lake Road?

A The third house west.

Q Your house was the third house west from his home?

A Yes, sir.

Q What was the name of your son?

A Larry.

Q Where is your son today?

A He is in Korea.

Q In what capacity is he in Korea?

A He is a doctor. He is in the Medical Corps.

Q With the United States Army, sir?

A Yes, sir.

Q Calling your attention specifically to the 4th of July, 1954, do you recall how you were awakened that morning or day?

A Yes.

Q Will you tell the Court and jury how?

A By a phone call.

Q And at what time did you receive the phone call?

A Oh, I would estimate some place around a quarter to six.

Q Keep your voice up, please.

A I would estimate around a quarter to six in the morning.

Q From whom did you receive that call, if you know?

A Sam Sheppard.

Q Will you relate to the Court and jury what that conversation in that telephone call was, as best you can recall?

A Yes. He said, "My God, Spen, get over here quick, I think they've killed Marilyn."

Q Now, in 1954 what was your profession or occupation?

A Well, I owned a meat market in Bay Village, and was also Mayor.

Q Mayor of Bay Village?

A Yes, sir.

Q How long had you been Mayor of Bay Village?

A My first year was 1950. So it would have been four years.

Q Now, sir, pursuant to that telephone conversation, what if anything did you do?

A Well, I immediately started to get dressed, and my wife asked who it was --

Q We are not interested in any conversation between you and your wife, but rather what you did.

A Well, I immediately started to get dressed.

Q And what else did you do?

A You lost me some place. I got dressed, went downstairs, got into the car, I believe it was a station wagon I owned

at that time

at that time, and started the motor and my wife and I drove over to the Sheppards.

Q I take it you had some conversation with your wife?

A Yes.

Q Then pursuant to that conversation you and your wife drove over to the Sheppards, is that correct?

A That's right.

Q What time was it when you arrived over at the Sheppards?

A Well, I could only guess. I would imagine probably five minutes after we got the call.

Q Did you go into the Sheppard home?

A Yes, sir.

Q Through what door did you enter?

A The door that is on the Lake Road side.

Q What if any observation did you make upon entering through that door?

A Well, the first thing I saw was a doctor's grip or suitcase. It was standing on end, and the contents were laying around by the bag.

Q Where was that in relation to that door?

A Well, as you enter the door it was just in the hallway.

Q Now, with regard to that door, can you recall whether or not that door was locked, unlocked, closed or open?

A It was closed, but unlocked.

Q And do you recall whether or not you or Mrs. Houk first entered that door?

A I believe it was me.

Q Now, will you describe the physical interior as you observed it, aside from the medical bag, upon first entering it, that is to say, what is the first observation that one makes when going in that door?

A Well, I don't quite follow what you mean by --

Q Does the door enter into a room, a specific room?

A It enters into this hallway that went straight back toward the lake and eventually entered into a larger room back there.

Q I see. Now, are there rooms off of this hallway?

A Yes.

Q Do you know, sir, what the room off to the right was or can you describe that room?

A Well, it was what they referred to as the den.

Q Can you describe and tell us what the room was immediately off to the left?

A Yes, the kitchen.

Q Now, again, where in relationship to the door that you entered, the room which you referred to as the den, and the room that you referred to as the kitchen, where did you see this medical bag that you testified to?

A In the hallway.

Q Will you describe to the Court and jury the observations that you made respecting that medical bag?

A Well, it was opened. It was standing on end, and I don't remember all that was in it, where it was laying on the floor.

I think some bottles and possibly a stethoscope or something of that nature. I don't actually remember.

MR. CORRIGAN: Mark this.

(State's Exhibit 14 was marked for identification by the reporter.)

Q Now, sir, I hand you what for purposes of identification has been marked as State's Exhibit 14, and ask you whether or not you can identify that, sir?

A Yes, sir.

Q Will you tell the Court and jury what that picture depicts?

A Well, it depicts what I saw when we first entered the house.

Q Will you keep your voice up, please.

A Yes. Pardon me. This is what I saw when I first entered the house.

Q Is that a fair and accurate picture of what you saw when you first entered the house?

A Yes, sir.

Q Will you tell the Court and jury after you entered the house where you went?

A Well, I went immediately into the den.

Q What if anything attracted you to go into the den?

A Well, I saw Sam in there.

Q When you say Sam, you mean Sam Sheppard?

A Yes.

Q Where did you see him, describe for the Court and jury where you saw him and his condition?

A Well, he was I would say half sitting and half laying or slumped down --

Q Keep your voice up.

A -- in an easy chair that was in this den.

Q Will you describe to the Court and jury how he was dressed?

A Well, he had trousers on, I know that. He was bare from the waist up, and, actually, that is all I remember.

Q Did you have an opportunity to make any observations of his face?

A Yes.

Q What did you observe about his face?

A Well, there was a fairly large size lump, I would describe it. I'm not sure whether it was the right or left side.

Q Now, sir, at this time where was Mrs. Houk, if you know?

A Well, she was with me in the room with Sam Sheppard.

Q Did you have conversation with Sam Sheppard at that time?

A Well, yes.

Q And was Mrs. Houk present?

A Yes.

Q Will you relate to the Court and jury as best you can recall what that conversation was, that is, what did he say to you and what did you say to him?

A Well, I asked him something to the effect, "What's happened?"

And he said, "I don't know, but somebody ought to try to do something for Marilyn."

Q Did you have any further conversation with him at that time?

A Well, yes.

Q Will you tell the Court and jury what that was?

A I asked him something to the effect, pull himself together, or, gee, what happened, or something to that effect.

And he said, "I don't know, all I remember is waking up on the couch, I heard Marilyn screaming, I started up the stairs and I think it was something or somebody clobbered me. The next thing I remember I came to down at the beach, and I remember coming back up the stairs," and he said, "I think I tried to do something for Marilyn," and he says, "That's all I remember."

Q Now, was that conversation in the presence of yourself and Mrs. Esther Houk?

A No, I believe that she had left the room then.

Q Do you know where she had gone?

A Yes, she went upstairs.

Q Did there arrive a time when Mrs. Houk again came back into the lower portion of the house?

A Yes, there was.

Q And did you have conversation with her?

A Well, yes.

Q And was that conversation in the presence of the defendant Sam Sheppard?

A Yes.

Q Will you relate what that conversation was?

A Well, Mrs. Houk came down and walked into the room, and she was just sort of shook her head and said, she said, "Call the --" I forget just how she put it, "Call the police," or "Call the ambulance, call anybody," something to that effect.

Q What if anything did you then do?

A I called the Bay Village police.

Q Did you make any other calls?

A Yes, sir.

Q Who else did you call?

A Doctor Richard Sheppard.

Q And did you make any other calls?

A No, sir.

Q Did there come a time, sir, when you went upstairs into the upper portion of that house?

A Yes.

Q When was that?

A To the best of my recollection it was shortly after the police had arrived.

Q Who was the first party to arrive after you and Mrs. Houk had arrived?

A Patrolman --

THE COURT: I am sorry, counselor,
Patrolman who? I did not get the patrolman's
name.

A Drenkhan.

Q Patrolman Drenkhan?

A Yes.

THE COURT: Please keep your
voice up, Mr. Houk.

Q You indicated you went upstairs with the police,
do you recall with what police?

A No, sir, I don't.

Q Who arrived with Patrolman Drenkhan, if anyone?

A As best that I can recall, Patrolman Drenkhan came
alone.

Q Can you recall who arrived after Patrolman Drenkhan?

A Well, there were two of the firemen, Bay Village firemen, who manned the ambulance, and I believe another part-time patrolman.

Q Can you recall who next arrived?

A Yes, it was Doctor Richard Sheppard.

Q Now, sir, do you recall approximately what time of the morning Doctor Richard Sheppard arrived?

A Well, it would have been shortly after the policemen and firemen arrived. I couldn't tell exactly what time it was.

Q Do you know, sir, whether or not you went upstairs before or after Doctor Richard Sheppard arrived?

A To the best of my knowledge it was before.

Q Now, will you tell the Court and jury where you went upstairs and what observations you made upstairs?

A Well, I went up the stairs and right at the top of the stairs or approximately the top was this bedroom, and I stood in the doorway and looked in the bedroom.

Q Will you describe the room and what you saw in the room?

A Well, I saw Marilyn lying in bed. I would say possibly her head was a third of the way down the bed. It isn't very pleasant. Her --

Q Keep your voice up, please.

A Her head was lying in a pool of blood, as best I can remember.

Q How many beds did you observe in that bedroom?

A Just the one.

Q Where was that in relation to the door, the entrance door?

A Well, it would have been to the left.

Q To the left of the entrance door?

A Yes, sir.

Q How far was the outside edge of that bed from the edge of the entrance door?

A (No response.)

Q Let me rephrase it. As you enter that door, there is a door jamb on that door, is that correct?

A Yes, sir.

Q And you are facing north toward the lake?

A Yes.

Q Now, with regard to the door jamb on the left, you indicated that the bed was inside the room on the lefthand side of that door; how far inside that jamb, approximately, was that bed located?

A Well, it is just a guess. I would say probably two or three feet.

Q Now, sir, in what direction did you observe Marilyn to be lying on that bed?

A Well, her feet would have been toward the north and her head toward the south.

Q Now, with regard to the headboard of that bed, with relationship to the north side of the room and the outside of that room, where was the headboard located?

A To the southside.

Q Now, with reference to the south wall, was it along the south wall?

A You mean the headboard?

Q Yes, sir.

A Yes.

Q Did you observe the type of footboard, if any, on that bed?

A I didn't observe that.

Q Did you make an observation as to how Marilyn was dressed?

A I believe there was a sheet that came about, oh, probably half way up on her body.

Q How long did you remain in the doorway of that bedroom?

A Just a very short time.

Q Then what did you do?

A Then I went back downstairs.

Q Now, did you make any observation of the downstairs, generally?

A Well, I walked through the downstairs, yes.

Q Now, as best you can recall, describe it downstairs portion of that house, and its condition?

A Well, do you mean by that the rooms?

Q Yes, sir.

A Well, as I said before, there was a hallway and the den was off to the right, the kitchen to the left, and then directly ahead was this, well, I guess you would call it a combination living room and dining room, and that extended across I believe the entire width of the house, and then it sort of circled around again toward the front. It was really all one large room.

Q Now, did you make observation with regard to the furniture and the furnishings of that room?

A Well, I noticed this one -- I don't know exactly what you would call it, a chest of drawers or something of that kind. The drawers had been pulled out, and there was some material or something on the floor. I don't remember what it was.

THE COURT: Counselor, will you forgive me for interrupting you. What direction does this combination living room and dining room run across this house? What portion of the house is it? On the north side?

Q When you enter the hall, Mr. Houk, the hall takes you into the living room, is that correct?

A Correct.

Q The long access of that living room, is that perpendicular to or parallel to the hallway that you enter?

A Perpendicular.

Q The long access runs in what direction?

A The long access would run east and west.

Q East and west?

A Yes.

THE COURT: Thank you.

Q Out in front of that living room is there any other portion of the house?

A Yes, there is a porch out there.

Q The porch runs the long access of that living room, east and west, is that correct?

A Yes, sir.

Q We are talking now about the north side of the house that front on Lake Erie?

A Yes.

Q When you are at the westerly end of that living room, is it not a fact that the living room then comes back in an L-shape, in a southerly direction?

A Yes.

Q Now, where are the steps in that house leading upstairs with relationship to the various rooms that we have talked about?

A Well, you could get access to the stairs from either the kitchen or from this, well, L-shaped extension as you put it, that part of the living room.

Q The L-shape extension, if I may use a better term, the base of the L, from that point you would have access to those steps going upstairs, is that correct?

A Yes, sir.

Q Do these steps lead directly upstairs from the base of the L or from the kitchen?

A I believe they do.

Q To refresh your recollection, sir, is it not a fact that they lead to a platform and then from that platform the steps extend upstairs?

A This is possible. Actually, it has been so long I don't remember whether there is or isn't.

Q In going up the steps at the head of the stairs what direction would one be facing?

A You would be facing north.

Q Now, when you went up the stairs how did you go up the stairs, from the kitchen side or from the base of the L living room side?

A From the kitchen side.

Q If you know, how did Mrs. Houk go up these stairs?

A I don't really know.

THE COURT:

Pardon, counselor, I

didn't hear him.

THE WITNESS: I don't know.

THE COURT: Thank you.

Q Now, you had indicated that drawers were pulled out. By that do you mean that they were pulled out and set somewhere, or were they still in the cabinet from whence they had been pulled out?

A Well, they were pulled out this way, but they were still in the cabinet.

Q They were not removed?

A No, sir.

Q Did you make any observations with regard to any other furnishings in that house?

A Well, in the den there was a desk in there, and there were drawers pulled out of that desk, and, let's see, I remember seeing --

Q For a moment, with regard to those drawers, were they pulled out or were they removed?

A Those were removed.

Q Where if you know did you see them?

A Well, they were lying on the floor at what would have been the, well, as best I can explain it, on the west side of the desk that was in the room.

Q How many drawers were there?

A I believe three.

Q Did you make any other observations with regard to furnishings in that house?

A No, not particularly.

Q Did you have occasion to go into the living room?

A Yes.

Q Did you go out on to the porch?

A Yes, I did.

Q What time did you go out on the porch?

A I haven't the slightest idea what time it would have been.

Q Were you alone when you went out on to the porch, or was someone with you, if you can recall?

A Yes, I believe--yes, it was Chief Eaton who was with me.

Q Will you tell the Court and jury, is it not a fact that Chief Eaton since has passed away?

A Yes, sir.

Q Did you go into the L-shape or the base of the L-shape living room at all that morning?

A Yes, I did.

Q And can you recall approximately when you went into that portion of the house?

A As far as times are concerned, I just can't remember times. This was a long time ago, and it happened during the morning, but I can't tell you when.

Q Did you make any observations as to that portion of the house as to the location of the various furnishings?

A Well, there was this couch that was located approximately at, as I recall, at the foot of the stairs.

Q Did you make any further observations with regard to that couch that you saw at approximately the foot of the stairs?

A Well, there was a jacket or a coat lying on it.

MR. CORRIGAN: Mark this.

(State's Exhibit 15 was marked for identification by the reporter.)

Q Now, sir, handing you what has been marked for purposes of identification as State's Exhibit 15, can you identify that, sir?

A Yes, sir.

Q Keep your voice up, and tell the Court and jury what State's Exhibit 15 is?

A Well, it is a picture of a jacket or a coat, coat-jacket, laying on this couch at the foot of the stairs.

Q Does that, sir, accurately and fairly depict that which you had observed with regard to that jacket and couch, on the morning of July 4th in the Sheppard home?

A Yes, sir.

Q Now, sir, did you have further conversation with Sam Sheppard later that day?

A Well, actually it was -- it was in the evening.

Q And where was that?

A At Bay View Hospital.

Q And who was present?

A Just Sam Sheppard and I.

Q What time was this?

A I really don't know. It was in the evening. Probably around seven or eight o'clock.

Q Sir, do you know a man by the name or did you know a man by the name of William Corrigan?

A Yes.

Q Will you tell the Court and jury, if you know, what William Corrigan's occupation or profession was in 1954?

A Yes, he was an attorney.

Q Did you have occasion to see William J. Corrigan on July 4th, 1954?

MR. BAILEY: I object to that.

THE COURT: Overruled.

A Yes, I did.

Q Will you tell the Court and jury where you saw him?

MR. BAILEY: Objection.

THE COURT: Overruled.

A At Bay View Hospital.

THE COURT: Fix the time, counselor.

Q What time did you see him at Bay View Hospital?

A Well, it was at the time I had gone down and talked with Sam Sheppard. I don't know as I said exactly what the time was.

Q Where did you see him at Bay View Hospital?

MR. BAILEY: Excuse me. You mean Mr. Corrigan? Are you referring to Mr. Corrigan or Sam Sheppard? Mr. Corrigan?

MR. CORRIGAN:: Yes.

MR. BAILEY: I object.

THE COURT: Overruled.

A Well, it was in a large room, as I recall. I think it was on the first floor of the hospital.

Q And who was present or who was in his presence when you observed him?

A Well, there was Doctor Richard Sheppard, Doctor Stephen Sheppard, and the late Doctor Sheppard--I have forgotten his first name--Sam's dad.

Q Now, sir, you have indicated that you had conversation with the defendant Sam Sheppard some time that evening, that is, the evening of July 4th at Bay View Hospital, is that correct?

A Yes, sir.

Q Will you relate to the Court and jury as best you can recall what that conversation was, what he said and what you said?

A Well, I asked him how he was feeling, and he stated something like, "As good as could be expected under the circumstances," or, "Better than I was," or something to that effect.

Q Will you keep your voice up, please.

A And he said, "On top of everything else," he said, "there was two Cleveland detectives accused me of this."

MR. BAILEY: Excuse me, I object,
and I would like to be heard at the bench.

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

MR. BAILEY: If we are about to hear
evidence that Cleveland police officers accused
Sam Sheppard of the murder, it is immaterial, and
I move for a mistrial if evidence is received
that police officers accused the defendant of guilt.

MR. SHERMAN: He stated it already.

MR. BAILEY: Well, I was a little
slow in cutting it off. I don't think it is
admissible for any purpose.

THE COURT: Counselor Corrigan?

MR. CORRIGAN: This is a statement
attributed to the defendant. If the defendant made
this statement, it is admissible evidence against

him. I know of no rule of law that precludes it.

MR. BAILEY: It is not an admission.
Not all conversation of the defendant is admissible evidence. It must be an admission.

MR. SPELLACY: It must be what?

MR. BAILEY: It must be an admission.

THE COURT: Overruled.

MR. BAILEY: May I make my motion
now to protect the record?

THE COURT: Yes.

MR. BAILEY: The defendant moves
for a mistrial based on the ruling of the Court.

THE COURT: Overruled.

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

MR. BAILEY: Mr. Reporter, will
you please repeat my question?

THE COURT: You may read the
question, Mr. Reporter.

(Following question was read by the reporter:)

"Will you relate to the Court and jury as best
you can recall what that conversation was, what he
said and what you said?"

A Well, as I stated, I asked Sam how he was feeling,
and he said something to the effect that as good as he could

under the circumstances, or better, something like that; but on top of everything else those two Cleveland detectives had accused him of killing Marilyn.

I said, "Yes, I know," and he said, "You don't believe I could have done that, do you, Spen?"

And I said, "No, I don't."

Oh yes, I asked him at that time now that he was feeling a little better if he had remembered seeing anybody that morning or during the night, and he said, "Well, I do remember having seen a man go out the door that was toward the lake."

He stated that he didn't see his face, but that he got a good look at his, well, profile, I think he put it, from the rear.

He described this man as being very tall, at least six foot two, and probably closer to six-three or four; that he had very wide shoulders, that tapered down to a narrow waist.

And I believe he said he had a dark jacket or sweater on, and long straight hair that stood straight up on top of his head.

I asked him if he thought he could recognize this man if he saw him again, and he said, "Well, as I said, I didn't see his face, but from the profile or the look I got at him from the rear, I believe that I could."

Q Now, sir, going back to the morning of the 4th of July, after Doctor Richard Sheppard arrived, did you have any

conversation -- I don't want the conversation -- but did you have any conversation with Doctor Richard Sheppard?

A It is possible that I did, but I don't remember.

Q Do you know, sir, whether or not in your presence Doctor Richard Sheppard had any conversation with Doctor Sam Sheppard? I don't want the conversation. I just want to know whether or not you recall any conversation?

A Yes, sir.

Q Now, sir, will you tell us what Doctor Richard Sheppard said and what Doctor Sam Sheppard said in that conversation?

MR. BAILEY: I object and ask to be heard.

THE COURT: Just before I rule on the objection, do I understand that Doctor Richard Sheppard and Doctor Sam Sheppard and the witness were together?

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

THE COURT: Do you wish to be heard, counselor?

MR. BAILEY: Yes.

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

MR. BAILEY: The answer I anticipate

from prior evidence is that Doctor Richard is alleged by this witness to have said --

THE COURT: I didn't follow you.

MR. BAILEY: Doctor Richard is alleged by this witness to have said, "Sam, did you have anything to do with this?" to which Sam replied, "Hell, no," and it is a flat unequivocal denial, and it is horribly prejudicial.

It simply serves the function of letting the jury know that his brother thought he might have done it, at least he asked the question.

THE COURT: Where did this conversation allegedly take place, counselor?

MR. CORRIGAN: It took place in the den shortly after Doctor Richard had arrived, in the presence of Mayor Houk, Richard, and Sam Sheppard.

THE COURT: Objection is overruled.

MR. BAILEY: Motion for a mistrial, again.

THE COURT: Overruled.

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

Q Now, sir, will you relate the conversation between Doctor Richard Sheppard and Doctor Sam Sheppard, in your

presence, on the morning of July 4th, 1954, in the den?

A Well, I heard Doctor Richard --

Q Keep your voice up, please.

A Doctor Richard said to Sam, he said, "Sam, she's gone," and Sam said, "Oh, my God, no," and sort of slumped, I believe, down to the floor, I'm not sure of that.

Then Doctor Richard said either, "Did you have anything to do with this?" or "Did you do do it?" and Sam replied, "Hell no."

Q Now, sir, when was that if you recall in relation to the time that Doctor Richard Sheppard had gone upstairs in that home?

A Well, it was a very short time afterward. I don't know exactly.

MR. CORRIGAN: May it please the Court, it is now approaching noon, and perhaps this would be a good point to break off.

THE COURT: Yes, counselor, but I have a question I would like to put to the witness.

Mr. Houk, how long after you first arrived at the Sheppard home would you estimate that you placed your telephone call, your first telephone call?

THE WITNESS: I would say probably three to four minutes.

THE COURT: My understanding of the testimony is that the first one to arrive after you and Mrs. Houk was Patrolman Drenkhan, or Drenkhin?

THE WITNESS: Drenkhan.

THE COURT: How long after that call did the patrolman arrive, in your best estimate?

THE WITNESS: I would say probably around five minutes.

THE COURT: Now, did he come alone?

THE WITNESS: Yes, I believe he did.

THE COURT: I have nothing further. Counselor, do you wish to recess?

MR. CORRIGAN: If we may, your Honor.

THE COURT: Ladies and gentlemen of the jury, we will have our luncheon recess, and while you are away on your luncheon recess you will bear in mind the instructions previously given you.

You shall not discuss this case or what little you know of it, even amongst yourselves. You shall not permit anyone else to discuss it with you; nor shall you permit yourselves to overhear anything that relates to this case by any means of communication, having in mind the

detail with respect to newspapers, radio and television.

We will stand recessed for lunch until 1:30.

(Thereupon an adjournment was taken to 1:30 p.m., Wednesday, November 2, 1966, at which time the following proceedings were had:)

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Wednesday Afternoon Session, 1:30 p.m., November 2, 1966

THE COURT: Good afternoon,
ladies and gentlemen.

JURY: Good afternoon.

THE COURT: Ladies and gentlemen,
the custom and tradition of our courts here in
this county over the years has been to permit
lawyers admitted to the Ohio bar to be seated
inside the bar railing, as you see at the back of
the courtroom, and to the extent that the normal
seating accommodations in this room permit, this
tradition and custom will be observed; and the
lawyers from time to time who are interested in
this proceeding you will see them sitting at the
back inside the bar railing.

I wanted to explain their presence to
you so that you know who these gentlemen are. They
are members of the Ohio Bar who from time to time
will be in and out of this room, in the orderly
fashion that the Court has indicated.

Counselor Corrigan?

MR. CORRIGAN: Mr. Houk, please.

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THEREUPON, the witness J. SPENCER HOUK resumed the witness stand and was further examined and testified as follows:

DIRECT EXAMINATION OF J. SPENCER HOUK (Cont'd)

By Mr. Corrigan:

Q Mr. Houk, in July of 1954 did you have any appreciable physical defect?

A Well, I have got this stiff knee, yes.

Q Keep your voice up, please.

A I have got a stiff knee.

Q How long have you had a stiff knee?

A Ever since I was eight years old.

Q Now, sir, this morning you testified that in 1954 your wife's name was Esther; is that correct?

A Yes, sir.

Q And you had testified that the present Mrs. Houk's name is Margaret?

A Yes, sir.

Q Will you tell the Court and jury what disposition was made with respect to your marriage with Mrs. Esther Houk?

A We were divorced in I believe it was--January of 1962.

Q 1962. Now, sir, on the morning of July 4th, 1954, did you have occasion to observe the lake or the beach immediately in front of or behind the Sheppard home?

A No, sir.

Q With whom did you make this observation?

A Chief Eaton.

Q At what time of the day or morning was that observation made?

A Well, I wouldn't know the exact time but was barely early in the morning.

Q Will you tell the Court and jury what your observations were?

A Well, the lake was relatively calm at this point.

Q Keep your voice up, please.

A Okay, I am sorry. The lake was relatively calm. Let's see, I went down, Chief Eaton and I had gone down to the beach.

We talked with a couple of fishermen who were fishing off the breakwall, which would have been at the westerly end of Metropolitan Park, or Huntington Beach, and asked them if they had seen --

Q We are not interested now in any conversation that you had, but rather your observations as to the condition of the beach and the lake at that time?

A Well, as I stated, the lake was relatively calm. There were some swells, but it was relatively calm.

Q What was the condition of the beach?

A What do you mean by condition?

Q How much or how little beach exposure was there at

that time?

A Oh, I would judge probably three to five feet.

Q Now, preceding that observation of the beach and the lake, did you have an opportunity to make an observation of the lake and beach earlier, or the day before, or the day before that?

A Well, on the night before.

Q What time on the night before?

A I would say about 9:30.

Q With whom if anyone were you when you made that observation?

A I was with my wife.

Q Where was that observation made?

A Well, from the breakwall it is behind my house, right on the lake front.

Q What was your observation as to the condition of the lake from the breakwall behind your house?

A It was extremely rough.

Q Where is the breakwall in relationship to the drop-off from the rear of your property?

A I don't exactly follow your question.

Q Describe for us, if you will, the location of the breakwall to the rear of your property?

A Well, it was at -- there is an embankment at the rear of our property, it slopes down to the lake, and there

were some steps that led down to this breakwall.

Q Do you have a beach at the rear of your property?

A There was a small beach, yes.

Q Is that inside the breakwall or outside the breakwall?

A It would be outside.

Q Outside the breakwall?

A Yes, sir.

Q How far is the breakwall from the drop-off or the embankment of your property?

A All I could do would be to guess on that. It would be, as I said, there were some stairs that led down from the top of the property down to this breakwall, I would estimate probably fifty or sixty feet.

Q What is fifty or sixty feet?

A From the top of the property where it started to slope down toward the lake, to the breakwall.

Q I see. So that coming down from the breakwall measured from the top of the embankment down to the breakwall is fifty or sixty feet, is that correct, or is it fifty or sixty feet out?

A No, from the top of the property down to the breakwall.

Q And is the breakwall at the immediate foot of the property, the foot of the cliff or the embankment?

A Yes.

Q What was --

THE COURT: Pardon me, counselor,
a minute. Mrs. March needs some water.

(Interruption.)

THE COURT: You may keep that
water with you, Mrs. March.

Please proceed, counselor. I am sorry.

Q Did you have an opportunity, sir, to make an observation as to the weather?

A Well, as I stated, the lake was rough, and the wind was rather strong out of the north, or northeast, and it was rather cool.

Q Now, sir, did there come a time when you had a conversation with Sam Sheppard at the City Hall?

A Yes.

Q Will you tell the Court and jury when that was, as best you can recall?

MR. BAILEY: I object, and may
we approach the bench?

THE COURT: Yes.

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

THE COURT: Just a minute, please.
What date are you talking about?

MR. CORRIGAN: That is the question

I just put to him now, when?

MR. BAILEY: We know it was after the 4th of July because he was in the hospital.

MR. CORRIGAN: Yes.

MR. BAILEY: Now, this man was the Mayor, and my understanding is he was the supervisor of the police, and took an active part of the investigation and circulating reports and directing the police. I think he stands as a police officer, and therefore I suggest that since Sam Sheppard had been denominated a suspect, Mr. Corrigan has already put in evidence, that absence an appropriate warning, any conversation with this man is inadmissible.

THE COURT: From the time of Miranda, I take it?

MR. BAILEY: Yes.

THE COURT: When did this conversation take place?

MR. CORRIGAN: This conversation took place, your Honor, I believe about the 9th of July at the City Hall, and this was at a time prior to there being any arrest, the issuing of any warrant, or of any detention of this man whatever.

THE COURT: How did this meeting come about?

MR. CORRIGAN: I don't know who instituted the meeting.

MR. BAILEY: Houk did.

MR. SPELLACY: I think they called, if I am not mistaken, I think it was initiated by-- he came there to the meeting with Steve Sheppard, I think they had called him and asked if they could come up and talk to him.

THE COURT: Please proceed.
The objection is overruled at this time.

Let the record show that the objection is overruled because the Court sees no basis for the applicability of the rule announced in Miranda, or any other decision that the Court knows of that would preclude testimony, this testimony, at this time.

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

THE COURT: Do you wish the question read back, counselor, or do you want to restate the question?

MR. CORRIGAN: I will restate the question, your Honor.

By Mr. Corrigan:

Q When did this meeting come about, sir?

A I would estimate about two or three weeks after Marilyn's death. I'm not sure of the exact time.

Q And who was present at this meeting?

A Sam Sheppard and Doctor Stephen Sheppard.

Q How did this meeting come about?

A Well, I don't recall whether they had called me on the phone and said they were coming up, or whether they had just come up to the townhall and asked to talk to me.

Q Now, sir, at this meeting was there conversation had between you and Doctor Sam Sheppard and Doctor Richard Sheppard?

A Doctor Stephen Sheppard.

Q Or, Doctor Stephen Sheppard, I am sorry.

A Yes, sir.

Q Was this conversation in the presence of all three of you?

A Yes, sir.

Q Will you relate to the court and jury what that conversation was, that is, what was said and by whom?

A Well, I'm not sure exactly by whom, but I believe it was Doctor Stephen, however, I'm not sure, stated that they had been paid a visit by an east side psychiatrist, whom they didn't know but who had offered their services, his

services, to them, and that he had advanced some theories that they thought were reasonable and thought that I should know about.

He went on to relate that this psychiatrist had advanced the theory that there was a possibility that a schizophrenic personality had committed this crime, and he went on to explain in some detail the type of individual the schizophrenic was.

As I recall, he stated he was generally the type of individual who more or less kept to himself, a loner, who didn't mix well with other people, that he was the type that liked to fish.

But there didn't necessarily have to be that type of man. It could be somebody who was secretly in love with the woman, but that in either case this type of individual wouldn't do anything until he learned that the woman who he had set up on a pedestal, or something to that effect, had become pregnant, at which time this type of personality would have the urge to kill.

Doctor Sam also said that this man had suggested to him that maybe this person whom -- Doctor Sam had described to me earlier as being six foot two, or over, possibly wasn't that tall, but that maybe Sam in his injured condition had just imagined him as being that tall.

Sam stated that the more he thought of it the more he

felt that this was true, and that he now felt this man was probably around I believe he said five-eleven, or -- five-eleven or six, and probably weighed around 180, 185 pounds.

Q Now, sir, did there come a time when you had another conversation with Doctor Sam Sheppard?

MR. BAILEY: Excuse me, Mr. Corrigan; I move to strike all the conversation except the remarks about the assailant, as irrelevant and hearsay.

THE COURT: Overruled. This conversation that you just testified to, sir, was in the presence of the defendant?

THE WITNESS: Yes, sir.

THE COURT: And he participated in these conversations, as I understand it?

THE WITNESS: Yes, sir.

THE COURT: Overruled.

Q Now, sir, did there come a time when you had another conversation with the defendant Sam Sheppard at your office at the City Hall?

A Yes, there was.

Q When was that, as best you can recall, in relation to the time of the death of Marilyn?

A I don't know the exact day, sir. I just can't remember. As I recall, it was about a day before the inquest, some time

around there.

Q Who was present on that occasion?

A Just Sam Sheppard and I.

Q What time of the day or night was that conversation?

A I know it was the day but I don't remember the time of day.

Q How was that conversation instigated?

THE COURT: Counselor, may I interpose, please?

Does your question go to how this conference --

MR. CORRIGAN: How this meeting.

THE COURT: -- how this meeting was initiated?

MR. CORRIGAN: Yes, how was that meeting initiated.

A I don't recall whether I had called and asked to talk to Sam, or whether he had come up. I have forgotten, sir.

Q Now, sir, will you relate to the Court and jury what that conversation was?

A Well, I asked Sam at the time if he had ever had a better friend than I was, and he said no.

I then said, "Sam, I'm appealing on the basis of friendship, if there is a chance that you may have done this, I feel that you did it in just a fit of anger, or something

like that, and if you done it I think you should tell the truth and that your friends would still be behind you," and he stated that he hadn't done it, and he couldn't have done it, or hadn't done it, and that Marilyn wouldn't have wanted him punished; and, let's see, he did say that a Doctor Moritz, I believe, had expressed a keen interest in me.

Q You say a Doctor Moritz had expressed a keen interest in me; was that with reference to you, Mayor Houk, or with reference to the defendant Sam Sheppard?

A In reference to me.

Q In reference to you, Mayor Houk, is that correct?

A Yes.

Q Now, sir, the things that you have testified to here today, that is, with regard to the telephone call that you received, the Sheppard home, your going there, the observations that you made, and so on, these occurred in what county, sir?

A Cuyahoga.

MR. CORRIGAN: Nothing further,
your Honor.

You may inquire.

THE COURT: Counselor Sherman
or Bailey?