

JOHN SPENCER HOUK, having been first
duly sworn, was examined and testified as follows:

EXAMINATION OF JOHN SPENCER HOUK

By Dr. Gerber:

Q What is your name, please?

A John Spencer Houk.

Q Where do you live?

A At 29014 Lake Road.

Q How long have you lived in this community of Bay
Village?

A About 14 years.

Q What is your occupation, Mr. Houk?

A I am in the retail meat business and also Mayor of
the City of Bay Village.

Q Do you have an official position with the City of
Bay Village?

A That's right.

Q And that is Mayor?

A That's right.

Q How long have you been Mayor?

A I am starting on my fifth year this year.

Q Are you acquainted with Dr. Samuel H. Sheppard?

A I am.

Q Were you acquainted with Marilyn Sheppard, his wife?

A Yes, I was.

Q How long have you known Sam and Marilyn Sheppard?

A About two and a half years.

Q Where did that acquaintanceship and knowledge begin, where were they living at the time?

A They were living three doors east of us on Lake Road.

Q Were you social friends?

A Yes, we were.

Q Did you and your wife visit back and forth with Dr. Sam Sheppard and Marilyn Sheppard?

A Yes, we did.

Q Did they visit you?

A Yes, they did.

Q Do you own anything in common with Dr. Sam Sheppard?

A Yes. We owned a boat in common.

Q What kind of a boat is that?

A A 14 foot aluminum outboard motor boat.

Q Could you describe it, please, more?

A Well, it is about 14 feet long and made of aluminum, and it is just an ordinary 14 foot outboard motor boat.

Q Does it have any compartments in it or is it just walls and places to sit down?

A Well, there is walls and places to sit down, and there is a quarter-deck over the top in the front. But it is not enclosed except by the deck itself.

Q It was propelled by an outboard motor you say?

A That's right.

Q Could it be propelled by oars?

A It could be, yes.

Q When did you acquire the boat?

A I can't remember exactly. I think it was the summer before last.

Q That would be the summer of 1952?

A I believe that's right, but I am not sure.

Q Was the motor acquired, the outboard motor acquired at the same time?

A No, sir.

Q Who used the motor boat, the outboard motor boat?

A Well, all of us used it. The Sheppards used it. Our family used it. And my son used it.

Q Where is this boat kept?

A It is normally kept in the boathouse that extends underneath the wall at our next door neighbor, the Bursinos.

Q Where else is it kept?

A On some occasions it would be pulled up on the beach behind the Sheppard home.

Q Was this a light boat that could be carried?

A One man couldn't carry it alone, but one man could pick up one end of it, either end.

Q And pull it or drag it ashore?

A Yes.

Q That is, pull it over the sand, over the beach?

A Yes.

Q Could one man also launch it?

A Yes, sir.

Q Can you recall the last time that you used the boat and who was in your company at the time you used the boat?

A The last time I used the boat was on Friday night prior to this occurrence, and my brother-in-law, Paul Gerhardt, was with me.

Q Where did you leave the boat at that time when you finished using it?

A In the boathouse.

Q Did you remove the outboard motor?

A Yes, sir.

Q And where was the outboard motor put?

A Well, I have two of my own, and I was using one of them, and it was put in a box that I have behind my home down on the wall.

Q Did Dr. Sheppard own an individual motor for the boat?

A Yes, he did.

Q And you had two of your own?

A That's correct.

Q To your knowledge do you know whether or not anyone used the boat after you did?

A Not to my knowledge.

Q Where was the boat on Saturday, July 3rd?

A Well, to the best of my knowledge it was where we left it the previous night on Friday in the boathouse. I can't be certain whether it was used or not, but to the best of my knowledge it was not.

Q Where was the boat on Sunday, July 4th?

A I believe it was still in the boathouse.

Q Do you water-ski?

A No, sir.

Q Do you know anything about the paraphernalia necessary for water-skiing?

A Yes, sir.

Q What things are necessary for water-skiing?

A Well, the skis and a ski rope.

Q Can you describe a ski?

A Well, a water-ski looks quite similar I believe to any other set of skis, and it has a place on it where the feet can be inserted and held with a rubber clamp of some sort.

Q Can you describe a ski rope?

A Well, it is a long rope that is attached to a boat

on one end, and on the other end is a bar which the skier holds onto to pull him up.

Q How long is the bar?

A I wouldn't have any idea exactly how long it is. I would judge, oh, probably a foot long.

Q How thick is this bar, the diameter?

A I wouldn't know. Probably about an inch.

Q Do I understand you correctly that there are two ropes to the ski rope, it is a combination of two ropes?

A (no answer)

Q The end that fastens to the boat, does it fasten in two places or in one place?

A It fastens in one place.

Q One place, and when it attached to the bar are there two ropes that come out to the bar or one rope?

A I believe there are two.

Q Then the bar is attached on both ends, the rope is attached to both ends of the bar?

A Yes, sir.

Q Is it fastened by knots?

A I believe they are.

Q Were they any ski ropes in the boat, to your knowledge, at any time?

A Yes, there were on a lot of occasions.

Q Can you recollect how many ski ropes?

A No, not exactly. I believe, however, that there were at least three.

Q Did you see Dr. Sam Sheppard and Marilyn Sheppard on July 3rd?

A Yes, sir.

Q Do you recall at what hour that may have been?

A It was between 6:15 and 6:30 on the evening of July 3rd.

Q Where did you see them?

A As I came home from work they were backing out of their driveway. I pulled in the driveway at my home and they drove past, heading west, and slowed down and hollered at me and said "Hi" or something like that.

Q Did you talk to them by telephone on July 3rd after 6:15?

A No, sir.

Q Did you see Dr. Sheppard, Sam Sheppard, and his wife on July 4th?

A Yes, sir.

Q Where did you see them?

A I saw them at their home, in response to his call.

Q What time was that?

A As near as I can determine it was about ten minutes to six in the morning.

Q What time did you get the call?

A As I say, as near as I can determine it was about ten minutes to six. I didn't look at the clock at that time or a watch, but I am basing that on the time that the police station has a record of the time I called into them. As near as I can determine, the call that I received was from 12 to 15 minutes before that call.

Q Now, referring to July 3rd, at approximately 6:15 P.M., when you were driving by the Sheppard home, when you saw them backing out of the driveway, and then when they stopped, subsequently stopped to say hello at your driveway --

A They didn't stop, sir. They slowed down.

Q Slowed down. That was the time, the only time that you can recall that you saw them on July 3rd, that is, at that time, no later than that?

A No, sir.

Q And there were no telephone calls or communications subsequent to that time until 5:45 or 5:47 A.M. on July 4th?

A That's correct.

Q Is that what I understand you to say?

A That's right.

Q And who called you?

A Dr. Sam Sheppard.

Q And what did he tell you?

A He said, "My God, Spen, get over here quick. I think they have killed Marilyn." And I said, "What?" He said, "My God, get over quick."

Q Was that all the conversation?

A Yes, sir.

Q Then what did you do?

A I grabbed some clothes that were laying there and threw them on, as did my wife, and we hurried downstairs, got into our station wagon and drove directly to the Sheppard home.

Q Now, where is the telephone located over which you received the call?

A Right next to my bed.

Q Do you recall now who was in your home on the night of July 3rd?

A Just our immediate family.

Q That would be who?

A My mother and my wife and my two children.

Q Do you recall what time you retired for the night?

A Not exactly, but it would be some time I believe between 12:30 and 1:00.

Q Did the children precede you to bed?

A Well, actually, the three of us went to bed at about the same time. I can't say whether I went up the steps first or the kids did. But it was about the same time.

Q When you say the three of you, who do you mean by the three of you?

A My two children and myself.

Q Then your wife and mother had previously retired?

A No. My mother had previously retired, but my wife did not.

Q Do you have any idea as to what time your wife retired?

A I don't precisely, no.

Q Did you have any telephone calls after you retired except this one that we have mentioned?

A No, sir.

Q Did the children or your wife to your knowledge or your mother to your knowledge have any telephone calls after midnight?

A No, sir.

Q How long do you think, then, it took you to get over to the Sheppard home?

A From the time I received the call?

Q Yes.

A Well, I would judge probably about five minutes.

Q And how did you go?

A I drove over.

Q You and your wife went together?

A That's correct.

Q When you got to the Sheppard home were you met by anybody?

A No, sir.

Q What door to the Sheppard home did you go into?

A The door that is on the Lake Road side.

Q Was that door opened or closed?

A The door was closed.

Q Was it locked?

A No, sir.

Q Then all that was necessary to do was to turn the knob and push the door open?

A That's right.

Q Do you know whether your wife preceded you or you preceded your wife when you went into the house?

A I can't truthfully say. I think we both went in together.

Q I wish you would now relate to the best of your recollection what you saw when you got into the house and what was said to you and what you said and what you did.

A Well, as we went in the first thing I noticed was the doctor's medical bag laying in the hallway, and I do remember at that same time seeing the door that opens on to the lake being opened, and that is all I remember of first impressions.

I went immediately in to the den which is to the right of the hallway as you go in, and Dr. Sam Sheppard was half sitting and half lying in this big easy chair, and we went immediately to him and asked him what had happened, and he said, "I don't know, but somebody should try to do something for Marilyn."

My wife immediately went upstairs and I stayed there with Dr. Sheppard and said something like, "Sam, get a hold of yourself, tell me what happened." He said, "I don't know exactly what happened." He said, "All I remember is waking up on the couch and I heard Marilyn screaming and I started up the stairs and something or somebody clobbered me and the next thing I remember I came to down on the beach and I came back up the stairs and I think I tried to do something for Marilyn, and that's all I know, that's all I know."

Q Go ahead.

A Almost immediately after, my wife came downstairs, and looked at me and shook her head and said, "Hon, call the police, call the ambulance, call everybody." I then called the Bay Village police department and told them to come up and following that I called Dr. Richard Sheppard and told him to get up right away.

Q Go on.

A The first to respond were the police and the ambulance

which was manned by the Bay Village firemen, and to the best of my knowledge the first man to come in was Officer Drenkhan.

Q Spell it?

A D-r-e-n-k-h-a-n, I believe.

Q To interrupt, how was Dr. Sam Sheppard attired?

A The only thing I remember his having on were trousers.

Q Do you recall anything else about him?

A Do you mean with regard to his dress?

Q Yes.

A Truthfully, sir, I can't. I understand that he --

Q No, don't tell that. What about his physical condition?

A I did notice a slight groove or bump on the right side of his face.

Q Anything else?

A No, sir.

Q Did he complain to you about anything other than his wife?

A Yes. He complained about his neck. He did some time right at that time get up from his chair and walk out to the kitchen and back, held his hands over his neck behind, and said, "I think my neck is broken."

Q Was his trousers wet, did you notice whether or not his trousers were wet?

A I did not notice.

Q Did you notice whether or not the upper part of his chest and shoulders were wet?

A I know that his shoulders were dry.

Q Did you touch his shoulders?

A Yes, sir.

Q Did you touch his hair?

A No, sir.

Q Did you notice whether or not it was dry or wet?

A I didn't notice.

Q Did you observe anything on his trousers?

A No, sir, I did not.

Q Had you seen these trousers before?

A Truthfully, sir, at that time I didn't even pay any attention to the trousers, other than to know that he had trousers on.

Q Did he have any shoes on and stockings?

A I didn't even notice that.

Q Did you try to do anything for him?

A No, sir, other than to talk to him, as I said, and try to find out what had happened.

Q Did you go into the bedroom where Mrs. Sheppard was found dead?

A No, sir, I did not go into the bedroom.

Q Did Dr. Sheppard go into the bedroom where the death

occurred during your stay at the home, at the Sheppard home?

A Dr. Sam Sheppard?

Q Yes, Dr. Sam Sheppard?

A No, sir.

Q You say the ambulance was manned by firemen arrived and then Officer Drenkhan arrived. Who came next, to the best of your knowledge?

A I believe Dr. Richard Sheppard.

Q Do you have any idea as to the time that he arrived?

A Not accurate. I would say from, oh, five to ten minutes after the police and the ambulance got there.

Q Did you have any conversation with Dr. Richard Sheppard?

A No immediate conversation I don't believe at that time.

Q What did you observe when Dr. Richard Sheppard got there or what did you see him do?

A He came in the house and he immediately went upstairs and I remember his coming down and asking if anyone had a knife, and there was some flurring around in the kitchen looking for a knife.

Q Who did the flurring?

A Well, there were several of us there at that time. I can't be certain, but I believe it was one of the firemen who got a knife for him.

Q What did he want the knife for?

A I don't know, sir.

Q Did he talk to his brother, Dr. Sam Sheppard before he went upstairs, before he went in the kitchen and then upstairs?

A Not to my knowledge.

Q When you called Dr. Sheppard, Dr. Richard Sheppard, did you tell him what was then existing or what had happened?

A Well, I can't give you my exact words, but I indicated I believe what had happened.

Q Could you give us some idea of what you said?

A Well, this is just guessing, but I believe that I said, "Rich, you better get up here quick, something terrible has happened, I think Marilyn is dead or been killed," or something like that. I can't tell, remember specifically what I said.

Q When Dr. Richard Sheppard got there did he talk to anyone before he went upstairs?

A I can't say for certain. It seems as if he asked, I heard him say to someone "Where is she?" or something like that, but I can't be certain of that.

Q Now, do you know what time the Chief arrived, approximately?

A No, sir, I can't tell.

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Q During the list of names, you arrived with your wife, and then the ambulance arrived with the firemen, and then Officer Drenkhan and then Dr. Richard Sheppard and who came next, do you know?

A I truthfully don't know who did come next.

Q What did you tell the police or the officers of Bay Village to do, did you give them any directions?

A Yes. Officer Drenkhan asked me what I thought we should do. I said, "I think we should call some outside help immediately," and directed him to call the Coroner's office and whoever else he thought he should call.

Q You leave that at his discretion?

A Yes. I believe he said, "Well, how about Cleveland Homicide?" and I said fine, or something like that. I can't remember precisely.

Q Now, how long did you stay at this time in the house or about the house?

A Well, I can't tell exactly how long it was I stayed. We were all pretty much upset. But the first time I left I would judge would probably have been, oh, roughly 45 minutes.

Q During that time was there any further conversation with Dr. Sam Sheppard and Dr. Richard Sheppard?

A Not that I remember, except that when Dr. Richard Sheppard came down from upstairs he did go over and talk

to Sam briefly then. I didn't hear the conversation, I don't know what was said.

Q Then after Dr. Richard talked to Dr. Sam, what happened?

A Well, I can't state specifically what happened. Everything, everybody was there then that I had mentioned.

Q What time was Dr. Sam Sheppard removed from the house?

A I can't tell that, I don't know.

Q Were you there when he was removed?

A I don't believe I was. I didn't see him being removed.

Q Do you know who moved him?

A No, sir. I didn't see it. I heard.

Q What did you hear?

A Well, I heard that he went west, in the car with Dr. Stephen Sheppard.

Q Did you see Dr. Stephen Sheppard come then?

A I did not see him come.

Q When you left to go to your home, who did you leave in the Sheppard home?

A Well, the police department was there, of course, and Dr. Richard, my wife, and I can't truthfully say whether the rest, whether anybody else was there or not.

Q You left your wife there?

A Yes, sir.

Q What was the purpose of your leaving?

A Well, it suddenly occurred to me, and I mentioned to my wife, that we had rushed off and left the house unlocked, and I says, "I think I will go home and lock up the house because mother and the kids were there." And she said, "Oh, don't do that, don't bother waking up the kids." And I still felt it should be done. So I went home and woke up my son, Larry, and told him what had happened and instructed him to lock the door after I left, the one door can be locked only from the inside.

Q Then where did you go then?

A Then I went back over to the Sheppard home.

Q And you stayed there from then on?

A Well, probably from then on the whole day, I believe.

Q Can you recall how long you remained at home when you went to wake up your son?

A Well, not specifically, no.

Q How long do you think it took from the time you left until the time you got back?

A Well, I would judge ten to fifteen minutes.

Q When you got back were there any new people there than at the time that you left?

A Well, I believe that there were, but I can't be certain. I mean, things had happened so fast and the whole thing was such a shock I just can't remember whether,

just the events of their coming, that is, when they came.

Q Was Dr. Richard still there, Richard Sheppard?

A I don't remember.

Q Was Dr. Stephen Sheppard there?

A Well, they were both there sometime during the morning, but at that specific time just when I came back I can't remember whether they were there or weren't there.

Q Did you observe Dr. Stephen Sheppard come to his brother's home, Dr. Sam Sheppard?

A No, sir.

Q Did you make any observations of the things that happened after you came back the second time, that is, after you left and then came back?

A No specific observation other than more or less what I had seen the first time I was over. I do recall going down onto the beach with Chief Eaton and seeing some footprints, which we followed over to the westerly pier of Metropolitan Park, and later learned, I guess, that it was our firemen's footprints that we had followed. They had already gone over that way. And we talked, the Chief and I, talked with a couple of fishermen on the wall there or on the wharf.

Q What did they tell you, what did the fishermen tell you, can you recall?

A Well, we had asked, we asked them if they had seen

any person or persons walking along the beach at any time, and they reported having seen two, what appeared to be teen agers walking in that general area. I believe that they said around, around 5:00 or 5:30, I can't be certain of that. The Chief made a record of it.

Q Do you recall what time that was that you talked to them?

A No, sir, I don't.

Q After you got back do you recall having any conversation with Sam Sheppard?

A No, sir.

Q Or was he still there or was he gone?

A I believe, sir, that he was gone, but I can't be certain of that. But I did not have any more conversation with him.

Q Did you go anyplace in the house other than the study off to the right of the hall? What other rooms did you go into?

A At what time?

Q When you arrived there or shortly, during the time you were there in the morning.

A Well, immediately upon arrival I was in the study, and I was in the kitchen, and shortly after, I believe it was right after the firemen and policemen came I did go up the steps and look into the room.

Q Did you go in the living room?

A You mean immediately at that time?

Q Yes.

A No, sir, not at that immediate time.

Q Subsequently did you go in the living room?

A During the day?

Q During the early morning. Did you walk through the living room?

A Well, I know that I walked through the living room and went out the northerly door when I went down on the beach, yes.

Q What was the condition of the living room?

A Well, I noticed that the desk that was there, the drawers were pulled out, and that there was some stuff laying around there.

Q Would you call that chaos?

A No, sir.

Q Or chaotic?

A No, I wouldn't call it that, sir.

Q Did Dr. Sheppard discuss with you anything at all about the taking of Dr. Sam Sheppard to a hospital, did anyone discuss that with you?

A No, sir.

Q Did you order the removal of Dr. Sam Sheppard to a hospital?

A I did not.

Q Did anyone ask your approval on the removal of Dr. Sam Sheppard to the hospital?

A No, sir.

Q When you walked down on the beach can you tell us the condition of the lake at that particular time?

A There were swells, but it was not exceedingly rough.

Q How wide, approximately how wide is the beach from the embankment out to the edge of the lake?

A You mean at that particular point at the foot of the stairs?

Q Yes, at the foot of the stairs, and other places that you can describe that you are acquainted with.

A Well, at that particular point at the foot of the stairs, if there are no waves and the lake is flat, I would judge perhaps six feet.

Q And at this time was there any beach or was the water or the waves clear up to the steps?

A At this time there was some beach.

Q How much?

A Well, I would estimate about three feet in between waves, so to speak. It would wash up and then wash back.

Q If you walked on the beach, which you did, would you get wet at that time on the morning that you were there?

A No. You could walk on the beach without getting wet.

Q Would the waves come up high enough to splash you with water?

A No.

Q What was the temperature of the water at that time, do you know, was it cold or warm or chilly?

A I have no idea.

Q During your acquaintance did you have any occasions to be in the company of Dr. Sam Sheppard and Marilyn?

A Yes.

Q Would you call them numerous or occasionally?

A Well, for last year I would say occasionally. In other words, sometimes it might be twice a week we would be in their company, and again we might not be in their company for a couple of weeks.

Q When Dr. Sheppard, Dr. Sam Sheppard and Marilyn Sheppard came to your home, did they make themselves at home, did they do things the same things that you, your wife, and children would do in the home?

A Yes, they made themselves very much at home.

Q Did Marilyn Sheppard come over alone to visit?

A On occasions she would. Not often.

Q Were there other people present when you were together, other groups, other couples?

A Yes, on a lot of occasions there were.

Q Did you ever notice or hear personally of any

arguments or difficulty between Marilyn Sheppard and Sam Sheppard?

A Nothing specific. Normal arguments that any couple might have. I would suggest, truthfully, that perhaps they argued less than my wife and I did.

80 Q How did Dr. Sheppard, since you bring that up, did Dr. Sheppard treat his wife like you treat your wife?

Put it this way, when you have a project, when you are going to do something or purchase something, do you discuss that with your wife?

A I most certainly do.

Q Do you know whether Dr. Sam Sheppard discussed something like that with his wife when he decided to buy something?

A Well, no, I don't believe he did.

Q In so far as you know, he didn't?

A Yes, I would say that would be right.

Q Were there any disagreements about the purchases that Dr. Sam Sheppard made or may have made, with his wife?

A Well, I had heard a couple of mild disagreements to the effect that perhaps he was going out and buying a car or something like that when she could use some new furniture.

Q Did you notice Dr. Sheppard's disposition and evidence of a bad temper?

A No, sir, I never did.

Q Were you ever present when Dr. Sheppard disciplined his son?

A No, sir.

Q Do you have any knowledge of Dr. Sheppard's son being disciplined?

A No, sir.

Q Did you ever see Dr. Sam Sheppard in a violent rage?

A No, sir, I did not.

Q Can you describe the condition of the couch in the living room of the Sheppard home, that is, when you arrived there or shortly after you arrived there?

A No, sir, I cannot.

Q Did you make any observations later on of the couch?

A To my knowledge, the first time I saw the couch was sometime after your arrival.

Q What was the condition of it then?

A Well, it seemed to be smooth and generally in good order.

Q Did you notice a jacket on the couch?

A Yes, sir.

Q A corduroy jacket?

A I believe it was a corduroy jacket.

Q Did you notice the condition of the corduroy jacket?

A Well, it seemed to be folded neatly and just laying on the couch.

Q Was it wet, that is, that you noticed?

A Not that I noticed.

Q Did Dr. Sam Sheppard go to his wife's bedroom while you were there?

A No, sir.

DR. GERBER: Thank you ever so much,
Mayor. We may recall you or may not, but you
can go about your business.

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