

CROSS EXAMINATION OF J. SPENCER HOUK

By Mr. Bailey:

Q Mr. Houk, did you know Sam fairly well before July 4th, 1954?

A Yes, sir.

Q Would you say that he was in a healthy condition?

A Yes, sir.

Q Is it fair to say he was a rather athletic sort?

A Yes, sir.

Q I can't hear you, Mr. Houk?

A Yes, sir.

Q Was he built pretty much the way he appears today?

A I would say he was.

Q How frequently was it your custom to visit the Sheppards in their own home let's say in the six months preceding Marilyn's death?

A Well, on numerous occasions.

Q Did you always visit the two Sheppards together, or were there times that you saw one or the other there?

A There were times when I saw one or the other.

Q Which one?

A Marilyn.

Q How frequently would you visit Marilyn in Sam's absence?

A Well, I wouldn't exactly call it a visit, but on occasions

two or three times a week.

Q Did you drop in for coffee?

A No. Quite frankly, we often had coffee, but it wasn't unusual for her to call and ask me to drop something off that she had forgotten at the store, or on several occasions she would have a check that she wanted cashed, and she asked me if I had my little green box, if I would stop and cash a check.

Q So that during this six month period I described, you would say you had seen her two or three times a week?

A Not every week, sir. On occasion.

Q Just on the average?

A Pardon?

Q Is that a fair average of the number of times you would see her?

A Well, I wouldn't say a fair average, no, because there would be some weeks when I wouldn't be there at all. Other weeks two or three times.

Q On the night of July 3rd, I believe you said that you were observing the lake at 9:30 or 10:00?

A Yes, sir.

Q Can you recall what you did after that, Mr. Houk?

A Yes, sir.

Q Would you tell us?

A Esther and I went back up to the house, and went in

the house. I know I was listening to the ball game, and I think she was watching the television.

Q Did you listen to the ball game until it concluded?

A Yes, sir.

Q That was the Indians and the Chicago White Sox, was it not?

A I don't remember who they played. It was the Indians.

Q More important, do you remember what time the night ball game was over?

A I believe it was between 12:00 and 12:30, sometime in there.

Q And thereafter you went directly to bed?

A Yes, sir.

Q Where was Mrs. Houk when you last saw her before retiring?

A She was still downstairs.

Q What were the weather conditions that night, if you can recall, beyond what you already told us about the wind from the north or northeast?

A Well, that's about all.

Q Do you have any recollection as to whether or not during the course of the evening you had occasion to have a fire going in the living room?

A I don't recall whether we did or didn't.

Q When the phone rang, at the time you described as

being slightly before six o'clock on the morning of July 4th, did it awaken you?

A Yes, sir.

Q You were not already awake?

A No, sir.

Q Can you describe the voice, the manner of the voice that you heard when you picked up the phone, was there anything unusual about the voice of Sam Sheppard, whose voice you well knew?

A Well, he certainly sounded excited, agitated.

Q Was his voice pitched above its normal tone?

A I couldn't say.

Q In any event, when he said to you, "Get over quick, I think they've killed Marilyn," you accepted that, in other words, you didn't think there was any hoax or joke?

A No, sir.

Q You thought he meant business?

A Yes, sir.

Q Did you at that time own a gun of any kind?

A I don't recall whether I did. I know I had a shotgun.

Q Do you remember whether or not it was in the house at the time that you got this call?

A I presume it was.

Q Did you have ammunition for it?

A I don't remember. I imagine I did.

Q You had knives in the kitchen of some description?

A Yes.

Q Now, you say when you received the call and Sam told you, "They've killed Marilyn," you believed that?

You believed that someone had killed Marilyn, because he said so, isn't that true?

A Well, he didn't say "They have." He said, "I think they have."

Q And this is all the information he gave you other than the request that you come quickly, is it not?

A Yes, sir.

Q At the time he made this statement and you heard it, you believed that there was some very serious trouble over in the Sheppard place, did you not?

A Yes, sir.

Q As Mayor of Bay Village, you were the superintendent or Commissioner of Police or functioned in that role, is that correct?

A Safety Director was one of the jobs, yes.

Q In the course of serious police investigations, wouldn't Chief Eaton answer to you?

A Yes.

Q And you knew most of the members of the force, did you not?

A Yes, sir.

Q That consisted of how many?

A I have forgotten now. I think six or seven at the time.

Q And you knew them all by name, did you?

A Yes, sir.

Q And they, of course, were on 24-hour duty as always, were they not?

A I don't believe 24-hour duty. They were I believe working shifts then.

Q Wasn't there always a policeman on duty at Bay Village?

A Yes.

Q You knew that, did you not?

A Yes.

Q Your phone was functioning to the extent that you could receive Sam Sheppard's call, and also functioning well enough so that you could place calls out?

A Yes, sir.

Q Did anything Sam said give you any indication how many people might be described by the word "they"?

A No.

Q Did anything Sam said give you any indication as to how "they" might be armed?

A No.

Q Did anything he said indicate whether "they", the people he thought had killed Marilyn, were still around or where

they had gone?

A No.

Q When you hung up the phone after this call, did you believe that murder had probably occurred, or that a killing, because Sam told you that he thought it had?

A Well, all I said was I accepted it at face value.

Q You didn't think he imagined this or that he was drunk, did you?

A No.

Q How far would you say it is from your recollection of the distance from your home to the home of Sam Sheppard?

A Well, this is a rough guess; I would say perhaps three or four hundred yards.

Q Three or four hundred yards?

A Yes, sir.

Q About three or four football fields?

A Well, no, it couldn't have been that far either.

Q What was the frontage of your property on Lake Road?

A I believe it was 92 feet.

Q And Bracino's, the house next to you?

A I think about a hundred.

Q And Schuele's?

A Probably about the same.

Q It is more likely that the distance involved was about three hundred feet, wasn't it, rather than yards?

A Perhaps.

Q When you had visited the Sheppards on prior occasions on a social basis or for any purpose, did you from time to time walk from your home to the Sheppard home?

A Actually, very seldom, because as a rule we would be going out in the car, and they would either pick us up or we pick them up.

Q Well, I understand that you have disability of your left knee?

A The right knee.

Q Did this disability prevent you from walking any substantial distances?

A No.

Q When the phone rang, Mr. Houk, how were you attired?

A I presume in my pajamas.

Q You had undressed the night before and left your clothing somewhere in the bedroom, I assume?

A Yes.

Q Now, did you then put the same clothing back on?

A I imagine I would have. I don't remember.

Q Do you remember what you did put on?

A Actually, I don't.

Q You put on some trousers, no question about that?

A No.

Q Did you put on a jacket or coat of any kind that you

can remember?

A I don't remember.

Q Did Mrs. Houk awaken when the phone rang?

A Yes.

Q And when the conversation was concluded she asked you about it?

A Yes.

Q And did you repeat it for her benefit?

A Yes.

Q In substance, in any event?

A Yes.

Q You waited for a time while she got dressed?

A Well, actually, I think I went downstairs first, but I did wait, as I recall, I went out to the station wagon that I had, and started the engine and waited for her a real short time.

Q How long is a real short time?

A I would say perhaps maybe a half a minute or a minute, I don't remember.

Q Now, you are sitting in the station wagon and Mrs. Houk comes down and gets in it with you; how much time has elapsed from the time you received the phone call until you both were in the station wagon?

A Probably three to five minutes.

Q During the time that it took you to accomplish these

things, that is to say, to get dressed, to go to the station wagon, and to start the engine, to wait for your wife, and to back out the driveway, were you thinking about what Sam had told you?

A Actually, I wasn't thinking about anything, other than getting over there as quick as I could.

Q Getting over there as quick as you could. Well, were you apprehensive at all that the word "killed" had been used, meaning that killers might be there, did you consider that?

A Actually, I didn't.

Q You didn't take the shotgun that you had, did you?

A No, sir.

Q Did Mrs. Houk bring any weapon that you know of?

A No, sir.

Q Were you satisfied when you backed out of the driveway that whoever had killed Marilyn Sheppard had departed the premises?

MR. SPELLACY: Objection.

THE COURT: Overruled.

A Well, as I said, actually, I just, I didn't give it any thought.

Q You didn't give it any thought?

A No; all I was think was getting over there.

Q Did you have any reason to expect that the only one

that would be in the house when you arrived was Sam Sheppard?

A I don't know. All I did, as I say, I got his call and all I was thinking was getting over there as fast as I could. I never thought about that.

Q Well, you have never been an active police officer?

A No, sir.

Q You have never been connected with law enforcement as a policeman or detective, have you?

A No, sir.

Q I take it that occasions such as this were new to you, in your experience, you had been called by someone who said, "My wife has been killed," is that right?

A Yes.

Q Mr. Houk, when you drove over to the Sheppard house with your wife, unarmed, were you at all concerned that someone with a disposition to kill might be awaiting you there?

A I didn't even consider it.

Q You never considered it?

A No, I didn't.

Q Well, Sam didn't tell you that anyone had left the house, did he?

A No, sir.

Q And you didn't know from his call whether he was being held at gunpoint or what the circumstances were, because he

didn't say anything about it, isn't that true?

A That's correct.

Q Were you concerned about the safety of Mrs. Houk under the circumstances?

A I never thought of it.

Q You never thought of it. When you hung up the phone after talking with Sam, did you believe or understand that there was an emergency afoot?

A Yes.

MR. SPELLACY: Pardon me; keep your voice up.

A Yes.

Q Then your purpose was to render what aid you could as rapidly as possible?

A Yes, sir.

Q Did you bring Mrs. Houk along in order that she might render aid herself to whatever situation awaited you?

A No.

Q You say no?

A No.

Q Why didn't you call the police from your home when you got this information?

A I can't tell you why I didn't.

Q Did you ever think of it, Mr. Houk?

A At the time, no.

Q You knew how to get in touch with them by telephone, didn't you?

A Certainly.

Q You knew that one of them was available on duty, did you not?

A Certainly.

Q And you believed that Marilyn Sheppard had been killed or probably killed, did you not?

A Yes.

Q THE COURT: Keep your voice up, please, Mr. Houk.

THE WITNESS: I am sorry.

THE COURT: The jury must hear you.

Q But you say that the thought of calling a police officer under the circumstances never entered your mind?

A That's correct.

Q Why did you take your car instead of going on foot to the Sheppard house?

A Well, as I said, the main thing in my mind was getting over there as fast as I could.

Q Did you feel that you could get there faster by getting in your automobile and starting it, and backing out of your driveway, and driving down the road and pulling into the Sheppard driveway, than you could by having walked three hundred feet?

MR. SPELLACY: Objection to the
form of the question.

THE COURT: Overruled. He may
answer.

A Well, the car was right beside the front door of my
house, and I just thought I could get over there quicker
that way.

Q You took the car because you felt that that would be
faster, is that true?

A Yes, sir.

Q When you approached the house and pulled into the
driveway, did you see anyone from the outside?

A No, sir.

Q Did you look around the outside of the house at all
before you went in the Lake Road door?

A No, sir.

Q Did you observe anything unusual about the exterior
of the house or its entrance?

A No, sir.

Q Did you have any reason to believe that there was
nothing lurking as to danger as to the safety of you and
Mrs. Houk behind that door?

A I didn't even think about it.

Q So that you had no concern about one or more killers
walking on the premises as you entered the Sheppard home,

is that right?

A As I say, I just didn't think about it.

Q Do you have any recollection of what you expected to find when you got there?

A No.

Q In other words, between the time that you got the call and the time you actually walked in the door, no images of any kind as to what you might encounter flashed across your mind, isn't that true?

A That's right.

Q When you came in the door, who came in first?

A As I said, I believe I did.

Q And was Mrs. Houk close behind you?

A Yes, sir.

Q Since you had hung up the phone and explained to her what the situation involved, had you had any further conversation on the way over there, just yes or no?

A None that I recall.

Q You knew the floor plan of the Sheppard house quite well from your visits there, did you not?

A Yes.

Q You knew where Marilyn's bedroom was, didn't you?

A No.

Q Had you ever been in it prior to the morning of July 4th or at any time?

A In --

Q Up in Marilyn's bedroom?

A I don't believe I had ever been in that room.

Q Can you recall whether or not once when she was sick you helped her get some lunch and brought it up to her there?

A Yes, sir.

Q So you had been in her room before?

MR. SPELLACY: Objection.

THE COURT: Objection sustained
in its present form.

Q Having in mind this incident where you brought luncheon up to Marilyn in the bedroom, you now tell us that you had been there at least once before July 4th?

A Well, yes, but at that time, as I recall, she wasn't in that bedroom.

Q It was another room on the same floor?

A Yes, sir.

Q Did you know when you arrived at the Sheppard house which bedroom Marilyn was sleeping in, let's say, during the month of July?

A No, sir.

Q Now, you knew the access to the second floor from your prior visits to the house, and your knowledge of the floor plan, did you not?

A Yes, sir.

A Yes, sir.

Q And is it fair to say that the swiftest way to get to the second floor is to cut through the kitchen, step on the landing, and go up that way, rather than around through the living room?

A I would say so.

Q Now, as you came in with Mrs. Houk behind you, you observed Doctor Sheppard where?

A I didn't hear the question.

Q You observed Doctor Sheppard where?

AA In the den.

Q Where did you say the den was located, as you walk in the door?

A To the -- well, this door to the right of the hallway.

Q Can you describe the position of his body when you first saw him?

A Well, as I say, he was half sitting and half slumped, I would say, in this easy chair in the den.

Q Where were his hands?

A I don't recall.

Q Do you recall seeing him with his hands clasped behind his neck at any time that morning?

A Yes, I do.

Q And was he in that position when you first saw him?

A I don't recall, when I first saw him. When I recall is when he walked out into the kitchen and back, he had his hands in that position then. And he said, "I think my neck is broken," or something to that effect.

Q When you first saw Sam Sheppard that morning, did he appear to you to be in a dazed condition?

A Yes.

Q Can you say whether or not he was wet or dry?

A Well, the only thing I know is that his shoulders were dry. I don't know about the rest of his --

Q He was wearing nothing above the waist, is that true?

A Yes.

Q Did you observe whether or not the trousers he was wearing were wet or dry?

A No, I didn't.

Q Did you at any later time make an observation in that regard?

A Not to my knowledge.

Q Did you ever observe whether or not the chair he was sitting in was wet?

A I couldn't say. I don't know.

Q Did you make any observations as to any stains of any kind that appeared on his trousers?

A No, sir.

Q Mrs. Houk went up to Marilyn's bedroom, as I understand it?

A That's correct.

Q Prior to the time she went up, had you had any conversation in her presence with Sam Sheppard?

A Other than to say, asked him what had happened or something to that effect.

Q And he said he didn't know, right?

MR. SPELLACY: Objection.

A No.

THE COURT: Overruled. Put a question, counselor. Put a question, counselor. Overruled.

Excuse me, the objection is sustained.

Put a question, counselor.

Q You asked Sam what happened; did he tell you what had happened?

A Not at this time.

Q Now, what was said by Sam in your presence and that of Mrs. Houk before she went to the second floor?

A He said somebody ought to try to do something for Marilyn.

Q And is that all that was said?

A As far as I can remember it was.

Q Did you observe Mrs. Houk go to the second floor?

A Well, I saw her leave the room.

Q When she left the den did she turn to the left or the right, if you know?

A I don't know.

Q Do you know whether she went up through the kitchen to the second floor?

A I assume but I don't know.

Q Sam had not said anything about Marilyn being up on the second floor, had he?

A Not to my knowledge.

Q Did you tell Mrs. Houk to look on the second floor for Marilyn?

A No.

Q Did you observe her look around the first floor before she ascended the stairs to the second?

A No, sir.

Q Did you have any reason to believe that Marilyn Sheppard would be in the bedroom?

A No.

Q So immediately after Sam suggested somebody ought to do something for Marilyn, you saw Mrs. Houk depart but you didn't see where she went, is that correct?

A That's correct.

Q But you learned very shortly thereafter that she had gone up to the second floor?

A Yes.

Q And the two of you had some conversation about what she had seen?

A Well, actually, not conversation, but as I say.

Q I take it in any event you understood that Marilyn was in bad shape wherever she was?

A Yes.

Q Now, prior to the time that Mrs. Houk went to look for Marilyn, had Sam said anything to indicate whether or not the perpetrators of whatever damage had been suffered were still around or had left or how many there were?

A No.

Q Did you have any reason to believe that they were not still on the premises at that time, these killers?

A I never thought of it.

Q You never thought of them. Did you even ask Sam whether or not the killers had left the premises?

A No.

Q You never put that question to him?

A No.

Q You never made any inquiry as to where they had gone or where they might be, whoever they were, is that right?

A That's right.

Q Now, did you make any notes, Mr. Houk, as to what took place that morning upon your first arrival?

A I don't believe I did.

Q After Mrs. Houk had come up from downstairs, or, down from upstairs, I am sorry, it was her suggestion that the police be called, is that correct?

A Yes.

Q Was that the first time it had occurred to you that the police were appropriate to the situation, when she suggested it?

A I imagine it was.

Q Prior to that time you had not given any consideration to bringing the police into this, is that true?

A That's right.

Q When you called the police can you tell me who you reached?

A Yes, Patrolman Drenkhan.

MR. SPELLACY: I am sorry; I can't hear you.

A Patrolman Drenkhan.

Q You had some conversation with him?

A Yes.

Q And shortly thereafter he arrived?

A Yes, sir.

Q Would you say he was alone?

A Yes.

Q Did you notice how he got there, what transportation

he might have had with him?

A No, I believe he drove up in a police car.

Q Was someone else in that car with him?

A I don't believe at the time there was.

Q How long did you stay there after Patrolman Drenkhan arrived?

A Well, it was some time. I can't remember exactly how long.

Q Wasn't there a time not too long after he arrived when you went back to your own home?

A Yes, sir.

Q Did you drive back?

A No, there were cars behind my -- the ambulance was in there and I believe one or two police cars.

Q So you walked back to your home?

MR. SPELLACY: I am sorry; I didn't hear you.

A There were one or two police cars and I believe the ambulance had come in behind my car.

Q You walked back to your home?

A Yes.

Q Mrs. Houk did not accompany you this time, did she?

A That's correct.

Q What was the purpose in going back to your house?

A Well, I realized, in fact, I remarked to my wife, I

felt that I should go home --

THE COURT: I am sorry, I cannot hear you, Mr. Houk, and I doubt that the jurors can.

A I remarked to my wife that I thought I should go home and awaken one of the kids and have them lock the door.

Q Was this because you were apprehensive that dangerous individuals might be still in the area?

A Yes, sir.

Q Now, had Sam Sheppard prior to your departure for your home given you any additional information that made you think these individuals might still be around?

A No, he hadn't.

Q He told you that his last recollection was an encounter on the beach, did he not?

A No.

Q Did he tell you that he had awakened on the beach?

A Yes.

Q Partially on the water?

A He said he came to on the beach.

Q Now, prior to the time that you went home, did you go down to the beach to see what evidence there might be or what people there might be down in that area?

A No. To the best of my knowledge the first time I went down on the beach was with Chief Eaton.

Q That is after you had been home and had come back, was it not?

A I believe so, I am not sure about it. The times are kind of hard to remember.

Q Yes, I understand; after you received this information, then, you made no effort to see if whoever had perpetrated this affair might still be down the beach area?

A Do you mean immediately?

Q Yes.

A No.

Q Did you instruct any of the officers who were under your supervision to make such a check?

A I don't believe I did.

Q When you went down to the beach with Chief Eaton, you observed some sand?

A Yes, sir.

Q I think you said three to five feet depending upon the swells was above the water line?

A Yes, sir.

Q At that time; and you observed some footprints in the sand?

A Yes.

Q They led off in the direction of your house, did they not, to the west?

A I'm not positive but I believe they led to the east

toward Huntington Park. I'm not sure.

Q How many sets of footprints did you see?

A I believe one set.

Q One set. Did you see any footprints on the east side of the porch, any sand on the east side of the little porch down by the beach?

A Do you mean directly behind the home, the Sheppard home?

Q Yes, as you came down the stairs, there is a little summer house there, isn't there, there is a porch in front of it?

A (Witness nods.)

Q In 1954, the access stairs from the porch to the beach led off the easterly side of that porch, did they not?

A Yes.

Q And you looked down in the area of the bottom of those stairs, did you not?

A Yes.

Q Now, did you see anything in the sand beside footprints?

A No, I didn't.

Q Did you see that it was disturbed in any way?

A No.

Q Were the footprints you saw made by a bare foot or by

a shoe, if you could tell?

A Actually, I couldn't tell.

Q You were unable to distinguish readily whether or not they were made by a shod foot or bare foot, is that correct?

A Well, put it this way, I don't remember which impression I had. I just do remember that there was a set of footprints.

Q Did you take any steps to cause these to be preserved in any way?

A No, I don't believe I did.

Q At the time you saw these footprints you had information from Sam Sheppard that he regained consciousness on the beach following some kind of encounter with someone, didn't you?

A Yes.

Q Now, of course, didn't you hear Sam enlarge upon his story, that is, give detail in addition to that which he told you when you first walked into the house, prior to the time that you and the Chief went down to the beach?

A No.

Q You never did; you didn't hear him questioned by anyone else in your presence?

A Well, other than the statement that Doctor Richard had made, I heard that conversation.

Q Had you heard any conversation disclosing that there

had been an encounter on the beach that you could remember?

A No.

Q So that at the time you went down there you had not heard that fact from Doctor Sheppard, is that right?

A Right.

Q Now, did you and the Chief have some conversation when you were down observing these footprints?

A I presume we did.

Q Did you see footprints leading from any spot on the beach to the base of the stairs, that led up to the Sheppard property?

A No, sir.

Q Did you follow the footprints to find out where they terminated if at all?

A Well, as I recall, we did, and --

Q Which way did you walk following them, if you remember?

A As I recall we walked east.

Q Mr. Houk, can you tell us whether or not the sand that you observed was moist or dry where these footprints were?

A Actually, I don't recall.

Q In any event, you followed the footprints for a distance and they terminated?

A Yes, sir.

Q In the Huntington Park area?

A Pardon?

Q In the Huntington Park area, is that where they ended?

A Yes.

Q And it was just a single set that you remember?

A Yes.

Q When you first saw Sam Sheppard, slumped in his easy chair, do you remember whether or not he was wearing anything on his feet?

A On his feet?

Q Yes.

A I couldn't tell.

Q You couldn't tell?

A I didn't observe.

Q You don't know whether he had his shoes on when you went there or not?

A No.

THE COURT: I am sorry, Mr. Houk.

A That's right, I don't.

THE COURT: You will have to keep your voice up, sir. The members of the jury and the rest of the people in the room must hear your testimony, sir.

Q When you came back to the Sheppard house the second time, how long did you remain?

A I can't state the specific time. Actually, we were all in such a state of shock, as far as actual time is concerned, I can't be accurate.

Q It is fair to say that within a short time a large number of people gathered on the premises, did they not?

A Yes, sir.

Q The Cleveland police came out?

A Yes.

Q The Coroner arrived with some personnel?

A I remember the Coroner was there, yes.

Q Was the County Sheriff's office represented?

A I'm not sure.

Q You saw newsmen there?

A Not on that morning.

Q There were none on that morning?

A I say, I didn't observe any. I didn't say that there weren't any.

Q After you came back from your house, did you stay there most of the morning?

A Well, I left another time with Sergeant Hubach of the Bay Village police force. He and I went over to the Ahern's home.

Q You had some conversation with the Aherns and then returned?

A Yes, sir.

Q When you went back to your home, Mr. Houk, how long did you remain?

A I would estimate probably ten or fifteen minutes.

Q Did you do anything while you were there in addition to telling your children to lock the doors?

A I called the Aherns.

MR. SPELLACY: Sir, I didn't hear you.

A I called -- pardon me -- I called the Aherns.

Q From your home. Did you do anything else during the ten or fifteen minutes that you were there?

A Not to my knowledge.

Q So your activities there consisted of conversation with your children, and a call to the Aherns?

A Yes, actually, it was just to my son.

Q Just to your son; that I take it was very brief?

A Pardon?

Q I take it that was very brief, that conversation?

A Well, I had to awaken him, and told him what had happened, and told him to --

Q I am not interested in what you told him, just the duration, was it a fairly short conversation?

A Reasonably short.

Q The phone conversation with the Aherns, was that also brief?

A Well, I don't really recall the duration of that conversation.

Q Now, are those two things all that you did when you were back at your home that morning?

A As far as I know, it was.

Q When you arrived at the Sheppard home, was the door closed?

A Yes, sir.

Q Was it locked?

A No, sir.

Q What kind of lock was there on the Lake Road door of the Sheppard home on July 4th?

A I don't even know.

Q You don't know?

A No, sir.

Q Did you make any observations of the door that morning?

A No, I didn't.

Q Did you without giving the conversation consult with any of the investigating officers as to whether or not there had been a forcible entry into the house?

A Not that I recall.

Q You say there was some kind of lock there but you have no memory as to what kind, is that true?

A I guess. I don't remember.

Q Did you ever open the door that leads out to Lake Erie, that leads out to the front porch?

A As I recall, that door was open.

Q It was open when you arrived?

A I believe it was.

Q Was there a screen door in place?

A I believe so.

Q And was that, if you remember, on a spring of any kind so that it remained shut, unless it was being held open?

A I don't recall.

Q On prior occasions when you dropped in to visit with Marilyn Sheppard, or to do errands for her, did you find the Lake Road door locked as a matter of custom or was it usually open?

A I don't really remember.

Q You described for us a conversation that you had with Doctor Sam Sheppard and Doctor Stephen Sheppard some time before the inquest relating to a Doctor Moritz, is that true?

A No, that wasn't Doctor Moritz. They said that a psychiatrist from the east side --

Q Did you have a conversation, the subject matter of which was Doctor Moritz?

A Well, on the day prior to the inquest, or about

~~that time, I think it was then, when Sam had expressed to~~

me that Doctor Moritz had shown an interest in me.

Q You had some talk about him then?

A Just that, yes.

Q Well, Sam mentioned to you that Doctor Moritz had an interest in your affection for Marilyn, did he not, wasn't that his statement?

A No.

Q Was that word used, do you recall, in the conversation?

A Pardon?

Q Was that word used in the conversation?

A No.

Q And you responded to that by saying what?

MR. CORRIGAN: Objection. He responded to what?

THE COURT: Sustained.

Q When Sam Sheppard said that Doctor Moritz had an interest in you, what did you say?

A I don't recall now what I did say.

Q Do you recall whether or not you were angry?

A No, I don't believe I was angry.

Q If you made any statement in response to what Doctor Sam Sheppard had said, you have forgotten it, is that right?

THE COURT: Counselor, I didn't

follow your question.

MR. BAILEY: The question was this:

If Mr. Houk made any statement in response to what Sam Sheppard said, he does not now remember.

Q Is that correct?

A Yes, sir.

Q As the investigation progressed did you keep pretty close track of what was going on?

A Yes.

Q Would you frequently call the Bay Village police station to be brought up to date on developments?

A Well, actually, my office was in the townhall which is where the police station was.

Q Did you frequently drop in for such purpose?

A Yes.

Q You conversed with all the officers involved in the investigation?

A Yes.

Q Now, you have said from time to time you would visit with Mrs. Sheppard on your way to work or on the way back and cashed checks for her, to drop off orders; how long prior to the time of her death had you been friendly on this basis?

A Oh, I would say for some time.

Q How long is some time?

A I don't know exactly how long. Perhaps a year or more.

Q Wasn't there a time when there was a fire at Doctor Sheppard's home?

A Yes.

Q And Doctor Sam Sheppard and Marilyn and the young boy lived with Doctor Richard Sheppard while the garage was being repaired, do you recall that?

A I believe they did.

Q Doctor Richard Sheppard's house is located somewhat to the east of Doctor Sam's on the same Lake Road, is it not?

A That's correct.

Q You have been there?

A Yes.

Q And for a three-week period of time, the two brothers and their families were living together in that house next to the hospital, were they not?

A I believe that is correct.

Q And didn't you visit almost daily during that interval with Marilyn Sheppard?

A No.

Q You did not?

A That's correct.

Q Well, in the three-week period, if you can recall it,

how many times would you say that you did go by and visit with her?

A I don't recall.

Q Was it once or more than once?

A I have no idea. It wasn't very often, I can tell you that.

Q Didn't you bring young Sam Sheppard home from school when they were living there on a number of occasions?

A It is possible that I did.

THE COURT: Counselor, perhaps
at this point, unless you wish to proceed --

MR. BAILEY: Fine.

THE COURT: You may, do you wish
to proceed?

MR. BAILEY: No, this is a convenient
place to take a recess.

THE COURT: Ladies and gentlemen
of the jury, we have reached the point in the
afternoon where we customarily take a recess,
which we will do this afternoon, and while you
are away on your afternoon recess you will bear
in mind the instructions given on each occasion
when you leave the room; you shall not discuss
this case, what little you know of it, amongst
yourselves; nor permit anyone else to discuss

it with you, nor permit yourselves to overhear anything that relates to this case, by any means of communication.

We will take our afternoon recess.

(Thereupon a recess was had.)

THE COURT: Counselor Bailey, you may proceed.

MR. BAILEY: Thank you, your Honor.

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

MR. BAILEY: Might Mr. Romito read the last question and answer, your Honor?

THE COURT: Mr. Reporter, would you please read the last question and answer.

(Following question and answer were read by the reporter:)

"Didn't you bring young Sam Sheppard home from school when they were living there on a number of occasions?"

"It is possible that I did."

By Mr. Bailey:

Q When you say it is possible, Mr. Houk, you mean you have no clear recollection of that ever happening?

A I believe that I did.

Q You did bring him?

A Yes.

Q During this three-week period how many times did you deliver young Sam Sheppard from school to the house of Richard Sheppard where Marilyn was?

A I have no idea.

Q Was it more than once?

A It possibly was but I don't remember.

Q When you arrived at the Sheppard home in the morning and made a phone call to the police, from what phone did you make it?

A From the one in the den.

Q From the one in the den?

A Yes, sir.

Q In the presence of Sam Sheppard?

A Yes, sir.

Q With whom did you speak at the station?

A With Patrolman Drenkhan.

Q The same Patrolmen Drenkhan who subsequently arrived?

A Yes.

Q How far is the police station from Sam's house?

A I would say perhaps a mile and a half.

Q Now, after you had completed this telephone call and knew that the police or some of them were on the way, did

you leave the den?

A It is possible that I did.

Q Do you have some memory of where you might have gone beside the den, prior to the arrival of Patrolman Drenkhan?

A No, no specific memory of it.

Q Did you go in the living room??

A No, I don't believe it did.

Q Did you go into the kitchen?

A It is possible. I don't remember.

Q Did you go upstairs?

A No.

Q After they arrived did you at some point go to the second floor where Marilyn lay?

A Yes.

Q How long after the police arrived did this occur?

A I don't remember exactly how long.

Q I am not asking for precise minutes, but your best memory; was it shortly afterward?

A Shortly afterward, I would say, yes.

Q May be 15 or 20 minutes, or less?

A I believe it would have been less.

Q Who accompanied you, anyone?

A No.

Q Between the time that Mrs. Houk had gone upstairs, presumably, and the time that you went upstairs, did anyone

else go up, would you know?

A To the best of my recollection, when I went up the stairs and looked into the room, there were a couple of Bay Village, I think they were the men that drove the ambulance, that were in the room.

THE COURT: Mr. Hoult, you must keep your voice up, please. You trail off at the end of your responses, and we must hear you, and it is imperative that the jury hear you, sir.

Q Now, is that the first time that day that you had been in that room, the time you just described?

A Yes, yes, sir.

Q And you say that the other time that you were up on the second floor when Marilyn was in bed, she was in a different room?

A As I recall she was.

Q Now, when you started up the stairs, did you know which bedroom you were going to look in?

A No.

Q But you went directly into the one in which she was found, did you not?

A Well, as I said, when I got up to the top of the stairs, the men were in this room.

Q Had you been given any information by anyone prior to this time as to what room the body lay in?

A Not that I recall.

Q As you ascended the stairs, was it your purpose to go into the bedroom where you had last seen Marilyn on the prior occasion?

A No, I hadn't even thought of that.

Q You hadn't thought of which room you were going to look in when you got there, is that it?

A Yes.

Q Now, had the body been moved, if you know, by anyone between the time you arrived at Sam's house, and the time you went into Marilyn's bedroom to look?

A Not that I know of.

Q Can you describe the manner in which the deceased was positioned on the bed, as to the position first of her arms?

A I don't remember, actually, I just stayed there a minute. It was a hell of a thing to have to see.

Q Yes, I'm sure it was. Did you make any observations about her clothing, pajamas?

A Well, as I stated before, the only thing I can remember was that there was, I believe it was a sheet, pulled up about to her hips.

Q Did you know or had you learned from anyone prior to going up those stairs the state of her array, and I refer to her clothing or night dress or whatever?

A No.

Q Did you make any observations as to the room itself?

A I can't say that I did.

Q I think you said on direct examination that that was the one bed in the room, the one she was lying on, is that right?

A I said, that's the one I remember.

Q Do you remember any of the other furniture that you observed, what else was in the room?

A No, I don't.

Q You have no memory?

A No.

Q Well, was she lying on the only bed in the room?

A I can't state that, sir. I don't know. I just told you where I saw her, and as I said that's the only bed that I remember being in the room.

Q So that if there was another one there you didn't see it, is that correct?

A I don't remember having seen it.

Q Did you make any observations as to the walls?

A No, sir.

Q Did you see any substantial quantities of what appeared to be blood?

A Yes.

Q There was some on the bed and around and on Marilyn Sheppard, was there not?

A Yes.

Q Did you see any in any other places?

A I didn't. As I stated before, I just stayed up there a very brief moment.

Q Well, you said about a minute, I believe, is that correct?

A I don't think it was that long.

Q Do I understand that you just stepped into the room and stepped right out again?

A Actually, I didn't go into the room. I just stood in the entrance of the doorway and looked in.

Q Well, prior to the time you went up, had your wife described the position of Marilyn, what her condition was?

A No.

Q Did you see anything lying on the floor?

A No.

Q You saw no unusual objects that came to your attention?

A No.

Q As you went up or came down the stairs to the second floor, did you notice any bloody fingerprints on the banisters?

A No.

Q Did you at any time see such a fingerprint?

A No.