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Thursday Afternoon Session, December 9, 1954, 1:15 o'clock

Thereupon, further to maintain the issues
on his part to be maintained, the Defendant
called as a witness MRS. ARTHUR G. PAINE, who,
being first duly sworn, was examined and testi-
fied as follows:

DIRECT EXAMINATION OF MRS. ARTHUR G. PAINE

By Mr. Petersilge:

Q Will you please give us your name?

A Mrs. Arthur G. Paine.

Q And where do you live, Mrs. Paine?

A In Bay Village.

Q And the address, please?

A 28913 Lake Road.

Q That would be on the south side of Lake Road, would it?

A Yes, sir.

Q And where would it be in reference to the home of Dr. Sam
Sheppard?

A Well, I would say directly across from him.

Q Can you see their home from any of the rooms in your house?

A Yes, sir, we do.

Q And what rooms are they?

A Well, from the three front bedrooms and the living room.

We have a large picture window in our living room. We have a very good view from that.

Q Can you speak just a little louder so that they will hear you back here?

A We have a large picture window in our living room, we have a very good view, we can see their whole house from that.

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

A Yes, sir.

Q And did you know his wife, Marilyn?

A Yes, sir, very well.

Q And did you know their son, Chip?

A Yes, we did.

Q Do you have any children yourself, Mrs. Paine?

A I have two boys.

Q How old are they?

A 12 and 15.

Q And did they spend any time with the Sheppards?

A Oh, yes. They were over there almost, well, more than they were home.

Q And where was that that they were with the Sheppards?
In their home or down on the beach or --

A They were in the home and down on the beach, and played basketball over there, and Dr. Sheppard taught Bob, the 15-year old, to water ski. And they did most of their

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swimming at the Sheppards' beach. They also -- Bob also used Dr. Sheppard's bar bells.

Q Bar bells, did you say?

A Yes.

Q Did you and your husband also visit the Sheppards?

A Yes, we did.

Q And have you seen them at any parties that you attended jointly?

A Yes. I would say five or six in a period of three years.

Q How long have you known Dr. Sheppard and his wife?

A A little over three years.

Q Was that ever since they moved to that home opposite you?

A Yes. We met them shortly after the moved there.

Q Now, have you ever consulted Dr. Sheppard professionally, either for yourself or for members of your family?

A My 15-year old boy was a patient of his, and my husband, and our younger boy, he cut a fish plug out of his back once.

Q Now, as a result of the contacts that you had with Dr. Sheppard professionally and also in a social way and as a neighbor, have you been able to observe his conduct toward his wife and toward other people?

A Yes, sir.

Q And what sort of a person would you say Dr. Sheppard was, as you observed him?

- A Well, he was a wonderful person. I had all the confidence in the world in him as, well, as a friend and as a doctor.
- Q And what did you observe with respect to his conduct toward his wife, Marilyn?
- A He was a very devoted husband.
- Q And how did she seem toward him?
- A The same. They always appeared very happy together.
- Q Did you visit with Marilyn back and forth during the day as neighbors sometimes will?
- A Yes, I did.
- Q And did you have occasion to go to their home at different times of the day and also evening?
- A Yes, sir.
- Q Are you familiar with the custom that they had as to locking or not locking their doors?
- A Well, I'm familiar with the door on Lake Road. As I say, I've been there at all hours of the day, and sometimes quite late at night.
- Q And what did you find with respect to that?
- A Well, I have never been over when the door was locked.

or --

A Well, I tidied up in the living room a little, and in the kitchen, and I would say I was up about an hour after they left.

Q Did you have occasion to look across to the Sheppard home before you went to bed that night?

A Yes, sir, I did.

Q And what did you observe?

A Well, as I was finishing up in the living room, and I was thinking about going upstairs, I saw their downstairs lights go out.

Q And was that anything unusual that fixed it in your mind?

A Well, yes, it was, and that's probably why I remember it, was that I thought, well, for once the Sheppards' lights went out before ours did. As a rule, they were up a little later than we were.

Q Could you see the upstairs lights in the Sheppard home from your living room?

A Well, not unless I was really looking for them. I doubt it, and especially in the summertime. There's so many large trees there. If I tried, perhaps, I could, but I'm not sure that I could see all of them.

Q At least, did you have any recollection of what lights were on upstairs?

A No, sir, I can't -- I just remember seeing the downstairs lights go out, and that's all I remember. I mean, I don't always seem to look that way when I am going to bed.

Q Now, Mrs. Paine, are you familiar with Dr. Sheppard's character and reputation in the community as a law-abiding citizen?

A He has an excellent reputation in the community, and with all the teenagers and the younger children, in fact, the young and the old, both, always thought he was terrific.

MR. PETERSILGE: You may examine.

CROSS EXAMINATION OF MRS. ARTHUR G. PAINE

By Mr. Mahon:

Q Mrs. Paine, this dog Koko, you got to know the dog pretty well, didn't you?

A Oh, yes, I did.

Q And the dog was friendly with you?

A She was friendly with everyone. She was that type of dog. I know dogs very well because we owned one for 13 years, and our dog was entirely different than Koke. Koke was just a friendly pet, and very -- well, she was spoiled, because I have been over there and had coffee while Marilyn and Chip were eating their breakfast on their screened porch, so, of course, this would be in the summertime, and

Koke has jumped on the bench that they sat on and slept with her head on Marilyn's shoulder while Marilyn was eating breakfast.

Q Well, what I am trying to establish, Mrs. Paine, is:

You were not a stranger to the dog at all, were you?

A No, I don't think Koke would have barked at strangers.

MR. PARRINO: I object to this,
if your Honor please.

Q I didn't ask you that, lady.

THE COURT: The question is:

You were not a stranger to Koke?

THE WITNESS: Oh, no, sir, I wasn't.

Q You had seen the dog many times, and probably petted the dog many times, isn't that right?

A Yes, sir.

Q Now, you have said that you were over to the Sheppard home many times during the day and sometimes at night?

A That's right.

Q And you never found the Lake Road door locked?

A No, sir.

Q Do you lock your doors when you are home?

A We do now.

Q Did you before --

A We have always kept our Lake Road door locked -- our door on Lake Road and our door in the back in the den, but we

have one door that enters into the garage.

Q Well, during the day do you keep your doors locked?

A Two doors I would say we try to keep locked. In the summertime, it is a little difficult with the children going back and forth.

Q It is not an unusual thing to have your doors unlocked during the day, is it?

A Well, it depends upon the individual, I guess.

Q And it is not unusual to keep your doors unlocked at night when you are up, isn't that right?

A I suppose not.

Q Now, on this morning of July the 4th, you went upstairs in your home at what time?

A I know -- I'm quite -- I would say our guests left around 11:30, and as far as I can recall, I went up about an hour after they left, which would make it around 12:30. It might have been a little later, I'm not sure.

Q Around 12:30 in the morning, then, of July 4th, you went up to retire?

A Yes, sir, I did.

Q And before you went upstairs to retire you had looked across the street and you saw the lights in the Sheppard home go out, is that right?

A Yes, sir, the downstairs lights.

Q The downstairs lights?

A Yes, sir.

Q You could not observe the upstairs lights from where you were?

A I don't think I looked upstairs. I don't recall that. I do remember -- and it impressed me, because the --

Q All right. You did not see the lights on upstairs?

A No, sir, I didn't.

Q You did see the lights go out on the first floor?

A Yes, sir.

Q About 12:30 in the morning?

A As I recall.

Q Then you retired?

A Yes, sir.

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- Q And when did you next get up?
- A I'm not sure. I awoke when the ambulance came out.
- Q And that was what time?
- A I would say I ran to the window and watched, and I didn't think of the time at that time, but I would say between 5:45 and 6:15. I'm not -- I don't recall.
- Q All right. Between 12:30 and 5:45 to 6:15 you did not see the Sheppard house, did you?
- A No, sir.
- Q So you don't know whether or not lights went on again in that house during that period of time, do you?
- A No, sir, I do not.

MR. MAHON: That is all.

THE COURT: Thank you.

MR. GARMONE: Wait a minute.

They have another question to ask.

THE COURT: I beg your pardon?

MR. MAHON: That is all.

MR. PETERSILGE: Thank you.

(Witness excused.)

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