

Q And in your capacity as Mayor and supervisor of the Bay Village police, did you ever learn of such a print?

A I don't recall.

Q Were you at any time that you can recall on the living room side of the staircase, in other words, in the "L" which you identified this morning?

A Yes.

Q Now, when was the first time you walked into that portion of the house?

A I don't know. It was some time during the morning. I don't know what time.

Q Do you recall seeing a brown jacket, brown corduroy jacket?

A Yes.

Q Where was it when you first saw it?

A It was laying on the couch.

Q And in what position, if you can remember?

A Well, as I remember, it was folded and laying on the couch itself closer to what I would say the top end or possibly the south end.

Q Did you observe any bloody portions of the house other than in Marilyn Sheppard's room?

A No.

Q Did you observe any bloody instruments or weapons in or about the house?

A No.

Q By the way, did your son, Larry, come at some point?

A Yes, he did.

Q Did he go up to the second floor?

A I don't know.

Q You don't remember?

A No, sir.

Q Do you know whether Mrs. Houk ever went up a second time, having gone up initially when you entered the house?

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

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

A I don't recall.

Q Please keep your voice up, Mr. Houk, so all of the jurors can hear you.

Did you confer with Chief Eaton at any time about the investigation, what was to be done?

MR. SPELLACY: Objection, May we have the time?

THE COURT: The objection is sustained. Please fix the time, Counselor.

Q At any time in the morning of July 4th?

A As I recall, my only conference, if you want to put it that way, was Patrolman Drenkhan mentioned to me that he thought this was too big for us and we should call somebody

else in.

Q And you authorized him to do that, did you not?

A Yes, sir.

Q Well, thereafter did you continue to run an investigation for Bay Village, or did you completely submit to the authority of the other departments involved?

A Well, I left that up to the discretion of the Police Department.

Q My question is, Mr. Houk, whether or not despite the assistance of the Cleveland police and other officials, did Bay Village continue to operate the investigation and keep files and records and things like that?

A As far as I know, they did.

Q Well, then you kept fairly close track of what was going on, didn't you?

A Well --

Q Through contact with your own policemen?

MR. SPELLACY: Objection.

THE COURT: Sustained. It is argumentative in form.

Q Did you frequently contact your own policemen to determine the developments of the investigation?

A Yes.

Q Now, you knew that Sam Sheppard's specialty as a doctor was surgery, did you not?

A Yes.

Q Neurosurgery?

A Yes.

Q And you knew he was the police surgeon for Bay Village?

A Well, actually, it was on an un-official basis.

Q Didn't he have a badge?

A I believe he did.

Q It was an unpaid basis, wasn't it?

A Yes.

Q Didn't he go out on police business when people were hurt?

A Yes, he would.

Q You were aware that Doctor Sheppard was often called out late at night on emergency surgery down at the hospital, were you not?

A Yes.

Q And you knew that it was his habit, did you not, to leave the light on on the second floor when he was out on service?

A No, I didn't.

Q You didn't know it?

A No.

Q Did you know how many cars he owned?

A He had several at one time. I believe it was two.

Q Did you make any observations on the morning of

July 4th as to whether or not any of the cars which had been there the previous day were missing?

MR. SPELLACY: I object.

THE COURT: Sustained.

Q Did you make any observations as to how many cars were there on the morning of July 4th?

A To the best of my recollection there were two.

Q Do you know where they were?

A Pardon?

Q Do you know where they were?

A In the garage.

Q Both in the garage?

A Yes, sir.

Q Now, you told us on direct examination during a conversation on the night of July 4th at Bay View Hospital, with the defendant Sam Sheppard, he gave you a description of a man as the assailant who was six feet three inches, is that right?

A He said at least six foot two, and probably closer to six foot three or four.

Q And you say he described to you broad shoulders and a tapered figure?

A Yes, sir.

Q Was there any additional detail that he gave you?

A Yes, as I mentioned, he had either a black, or, dark

sweater or jacket, and he had long straight hair that stood straight up on the top of his head.

Q Did he tell you when he made these observations, at what point in the struggle or whatever took place?

A No.

Q Did you ask him?

A I don't recall that I did.

Q When was the first time that you ever mentioned to anyone that Sam Sheppard told you the assailant was six feet two or taller?

A I don't recall.

Q Did you ever mention it to anyone before today in this courtroom?

A Yes.

Q Whom?

A I believe I testified to that in the first trial.

Q The record reflects that you did not?

MR. SPELLACY: Objection.

MR. CORRIGAN: Objection.

THE COURT: Sustained. The jury

is instructed to disregard the voluntary statement of counsel, and counsel is directed to put questions.

MR. BAILEY: Very well, your Honor.

Q Do you have a clear recollection of testifying in 1954 that Sam Sheppard gave you this description on the night of July 4th?

A That was my recollection.

Q Are you able to tell us whether or not as a result of the information you received from Sam Sheppard that night, any alarm was put out or whether you communicated it to anyone in authority, so that such a person might be sought?

A Well, I told the police officers there.

Q Which one?

A I don't recall which one. I talked to our own police department. I talked to two officers from the City of Cleveland, to the Chief. I don't remember now which ones.

Q Do you recall whether or not after you made these reports to the police, this description was broadcast in any way?

A I am afraid you would have to ask them that. I don't know.

Q No, I said, do you know?

A I don't know.

MR. CORRIGAN: I believe he answered the question, your Honor. I object to the repetitious question.

THE COURT: Objection overruled.
Please put another question, counselor.

MR. BAILEY: Yes.

Q You are unable to tell us the name of any person to whom you gave this information about the assailant being six foot two inches or taller?

A That's right.

Q How long did your conversation with Sam Sheppard last that night?

THE COURT: That night, counselor?

MR. BAILEY: Yes, your Honor, the night of July 4th.

Q The evening in question at the hospital?

A I didn't consider it a question; it was more of a--

Q Evening conversation?

A I would say perhaps ten or fifteen minutes, maybe less. I don't know.

Q But it was you who put the question as to what Sam could remember as to the person he said he thought--

A Yes, I asked him if he remembered now that he was feeling better if he remembered seeing anybody.

Q Do you recall when Sam Sheppard left the residence that morning, this is after you arrived and I assume after some police arrived, at some point Sam left, did he not?

A Yes, he did, but I don't remember I was there at the time.

Q Did you at some time leave and then come back and find

him gone?

A Yes.

Q Were you present when Stephen Sheppard arrived?

A I don't believe I was.

Q You say that you were able to see a bruise on Sam's face when you first saw him?

A Sort of a bump.

Q Sort of a bump?

A Yes.

Q Can you describe that in a little more detail, Mr. Houk?

A Well, actually not. It was just like a lump on one side of the face, I believe it was -- I believe it was the right, I'm not sure.

Q And at some later point did you see any of his brothers or any other doctors examining him?

A Did I see them examining him?

Q Yes.

A No.

Q Did you learn that they had taken him at some point in the morning to the Bay View Hospital?

A I heard that.

Q Prior to the time that that was done, were you aware that he was going to be taken to the hospital by someone?

A No.

Q Did you or anyone else in your presence issue any orders that he not be removed?

A No, sir.

Q I take it as of the time you first saw Sam and talked with him and saw his hands behind his neck, and his complaints of pain and a broken neck, that you were satisfied that he was injured?

A Yes.

Q When you saw him in the hospital that night can you describe his condition?

A I can't describe his condition. I'm not a doctor.

Q Just what you saw, Mr. Houk, can you tell us that?

A He was just laying in bed.

Q Was he sitting up or lying down, as you talked to him?

A As I recall, he was lying down, I am not sure.

Q Do you recall whether or not he was wearing any apparatus around his neck?

A I don't know whether or not he was that night.

Q In the course of the conversation, did he make any complaints of pain or anything to you?

A I don't recall whether -- I couldn't say for sure whether he did or didn't.

Q Now, how long was it from that occasion on the evening of July 4th in Bay View Hospital until you next talked with

Sam Sheppard?

A I'm not sure of the exact period of time. I think it was two or three nights later.

Q Now, did you ever have conversation with Sam Sheppard in the presence of other people beside his brother about this case?

A Will you state that question again, please?

Q Surely. You have described two conversations, I believe, subsequent to the meeting of July 4th in the hospital, one of which was shortly before the inquest, and then I think there was another in your office, is that correct?

A Yes.

Q Steve was present at one, and the other time you and Sam were talking alone?

A Correct.

Q Now, did you have other conversations with Sam Sheppard about the case?

A Well, there was Sunday morning, in my home.

Q When was that?

A Oh, a rough guess, I would say possibly eight or ten days after the 4th. This is a rough guess. I don't know for sure.

Q Now, at your request did you have some conversations with Stephen Sheppard not in the presence of Sam Sheppard?

A Yes.

Q Do you know Otto Graham, don't you, you knew him?

A Yes.

Q Did you arrange a talk between yourself and Doctor Steve with the presence of Mr. Graham at one time?

A Mr. Graham and Mr. Davidson.

Q Yes, a red-headed gentleman, was he, Mr. Davidson?

A Red-headed? No, as I remember him he was dark.

Q Was he an ex-FBI man or something of that order?

A Yes.

Q You asked Doctor Steve to come down to your office so you could talk to him in the presence of these people, did you not?

A No, it was at my home.

Q At your home, I am sorry, and you had some conversation with him then?

A Yes.

Q Now, did you have a further meeting with Doctor Steve Sheppard behind the Bay View Hospital in your automobile or his?

A Yes.

Q Did you at that time ask Doctor Stephen Sheppard to convince Sam Sheppard to plead guilty to manslaughter?

A I did not.

Q Did you talk with Doctor Steve about the case on that occasion?

A Yes.

Q And you held the meeting in the parking lot behind the Bay View Hospital at night, did you not?

A No.

Q Where was it?

A In broad daylight.

Q It was in broad daylight, all right. Do you recall any specific reason why that place was chosen for this meeting, just yes or no, do you recall?

A Well, no.

Q Did you have some request to make of Stephen Sheppard, is that why you called this meeting?

A No.

Q Well, he did come there at your request, did he not?

A It is possible, I don't know whether he suggested we go out there or whether I did.

Q You don't remember who caused the meeting to take place?

A No, I don't.

Q And do you have any notion as to why it wasn't done in your office?

A No.

Q But you did have a request to make of Steve Sheppard?

A No.

Q At that meeting, you did not?

A No.

Q Do you recall the conversation?

A I recall parts of it or little bit, very little.

Q Was there any suggestion?

A But no request.

Q Mr. Houk, was there any suggestion that Sam make admissions to relieve the pressures in the case?

A Absolutely not.

Q You never suggested that at any time to Stephen Sheppard?

A Never.

Q As the investigation wore along did you feel you were under pressures of some sort?

A Well, it certainly wasn't a picnic.

Q Well, understanding that it wasn't a picnic, was any pressure brought on you that you were aware of?

A Well, in what way do you mean pressure?

Q Were you questioned?

A Yes.

Q You have told us that there was a conversation between you and Sam about Doctor Moritz, and that he said to you Doctor Moritz was interested in you or something along those lines; is that right?

A That's right.

Q And you replied to him that you understood that that

was because Sam had given Doctor Moritz your name in connection with this case, is that right?

A It is possible; I don't recall.

Q Now, did you and Sam ever have any disagreement or dispute about any suspicion that might have been pointed in your direction by Sam or his brothers?

A Will you rephrase the question again, please?

Q Surely. Did you and Sam ever have an argument about this case?

A No.

Q Well, at some point did you feel that suspicion was being pointed in your direction by Sam or by the brothers?

A Well, let me put it this way --

Q The answer, sir, would be yes or no, did you?

MR. SPELLACY: Objection. He has asked the question.

THE COURT: Objection overruled. The witness may answer the question, unless you want to withdraw the question, Counselor.

MR. BAILEY: No, I will plead the question. Go ahead.

A Well, at the time in my office when the conversation took place that I related between Sam and Steve and myself -- I will put it this way, I had a feeling there that they were trying to tell me something.

Q Was that the only occasion where you felt that they might be pointing suspicion at you?

A Well, there was another time when I was--when I had been asked some questions by an officer who was investigating the case.

Q I think that answers it.

MR. SPELLACY: Objection.

MR. BAILEY: Well, I have reason for limiting it, and I will be glad to explain it to the Court at the bench.

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

THE COURT: May I hear the question?

(Last question and answer were read by the reporter.)

MR. BAILEY: The reason, your Honor, I anticipate that the next few words could include the words "lie detector test." At the same time--

MR. SPELLACY: I instructed the witness not to answer about a lie detector test.

MR. BAILEY: I assume you did. But the answer to that question should have been yes or no, that's all.

THE COURT: Let say the objection is sustained, and counsel is directed to put the

question again.

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

THE COURT: Please proceed,
gentlemen.

Q Mr. Houk, there was another occasion, then, when you felt that suspicion was being pointed at your direction, isn't that true?

A Yes.

Q Now, I believe you said in a prior conversation that you asked Sam if he had a better friend in the world than you, and he said no?

A That's right.

Q Wasn't that said? And you considered Sam your very close friend?

A I did.

THE COURT: Mr. Houk, please,
you are going to have to keep your voice up.
Speak out, sir.

Q You were partners in a boat together?

A Yes.

Q You had an aluminum boat of some kind that was used on the lake?

A Yes.

Q You each owned a half interest?

A Right.

Q Did you have further conversation with Sam Sheppard after what you understood to be accusations of some sort had been pointed at you?

A Not that I recall.

Q Did you make any effort to find out why this was being done?

A Actually, I don't believe I did.

Q You never came around and asked Sam, "What are you bringing my name in as a suspect for?" anything like that?

A I did on one occasion. This was prior to this time.

Q You asked him to cut it out?

A No.

Q You didn't?

A No.

Q Were you present at the City Hall on the night that Sam was arrested, do you remember?

A I was present.

Q Mr. Houk, I understand that you have been divorced for about four years now from Esther Houk?

A That's right.

Q Have you seen Esther recently?

A I saw her in the hallway down here today.

Q Well, prior to today, let's say during the last month or so?

A No, sir.

Q Did you have any encounter or conversation with her?

A No, sir.

Q Prior to coming in today to testify, have you refreshed your recollection from any notes or records, the original case or anything at all?

A Yes.

Q You read over your prior testimony, for instance?

A Parts of it.

Q Now, I will ask you to search your memory once again, if you will, Mr. Houk, and tell me if you know of anywhere that your claim that Sam Sheppard told you a man six feet two or taller, and the other things that you mentioned in your description, is reported or recorded?

A I have no idea whether it is or isn't.

Q I think you said in a later conversation with Sam he told you that upon reflection it was probable that the man or being he encountered was not as big as he originally thought, but that his view had been distorted, either because of his injuries or because he got knocked down or both, is that correct?

A That's right.

Q Did you ever question Sam any further after the occasion in the hospital on the evening of July 4th about what he could recall of the so-called assailant?

A Not to my knowledge.

Q Now, the house owned by Sam Sheppard was put in the control or custody of some police officers from the day of the murder and for some time thereafter, was it not?

A Yes, I believe it was.

Q You knew that the Chief of Police had the keys to the house?

A No, I didn't.

Q Well, did you know that somebody in Bay Village had access to that house, some police officer?

A Yes.

Q You were in the house on the morning of July 4th; were you there in the afternoon?

A I believe I was there, on and off, quite a bit that day.

Q Since July 4th, 1954, have you ever been in that house?

A I am not certain whether I have or not.

Q You don't remember?

A Well, it seems to me that the people who now own the place, that we visited them.

Q Between the day of the crime and the day the trial ended, the first trial, were you in the house at any time during that interval?

A I couldn't say for certain that I was. I don't

remember whether I was or not.

Q Do you recall whether you went in there perhaps with one of the investigating officers?

A It is possible but I don't remember.

Q And aside from the police reports which others were making as a matter of course, did you ever make any record or notes or anything else of your knowledge of this affair, did you write it down anywhere?

A Not that I remember.

Q Did you give somebody a signed statement or any statement, some police official of what happened that morning before they arrived?

A Well, I gave a lot of statements to different officials.

Q Did you, Mr. Houk, have any other customers such as Mrs. Sheppard that you visited with the same frequency in the area?

A Not that I recall, no.

Q Well, there were quite a number of mornings you were there even before eight o'clock, were you not?

A I don't believe so.

Q You say that you were not?

A I didn't say that I was not. I said I don't believe so. It was generally during the day.

Q And you knew, because you knew Sam was a surgeon,

he was usually out of the house quite early and on his way to the hospital, didn't you?

MR. SPELLACY: Objection.

THE COURT: Sustained. May I see
counselors, please?

(Thereupon counsel and the Court conferred at
the Court's bench out of the hearing of the jury.)

THE COURT: Ladies and gentlemen
of the jury, we are going to adjourn for the
afternoon.

While you are away on your evening
adjournment, you will bear in mind the instruc-
tions given you on each occasion when you leave
this room, and that is you shall not discuss this
case or what you know of it amongst yourselves;
you shall not permit anyone else to discuss it
with you; you shall not permit yourselves to
overhear anything that relates to this case,
by any means of communication, including news-
papers, any printed material, radio, or television.
Adjourn until 9:15 tomorrow morning.

Mr. Hoult, will you please return at 9:15.

(Thereupon an adjournment was taken to 9:15 a.m.,
Thursday, November 3, 1966, at which time the
following proceedings were had:)

I N D E XWITNESSES

<u>State's</u>	<u>Direct</u>	<u>Cross</u>	<u>Redr.</u>	<u>Recr.</u>
J. Spencer Houk		292		
Esther Houk	313	342	386	
Doris Bender	388	394	396	397
Fred Drenkhan	401	447	465	467
Larry Houk	469			
Robert Schottke	471			
Nancy Ahern	535			
Robert Schottke		545	595	

Thursday Morning Session, 9:15 a.m., November 3, 1966

THE COURT: Good morning, ladies
and gentlemen.

Call Mr. Houk, please.

- - -

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

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

THE COURT: Please proceed,
counselor.

By Mr. Bailey:

Q Mr. Houk, on the morning of July 4th when you arrived
at the Sheppard home, pursuant to the call you received,
did you notice what if any lights were burning in the
house?

A I believe there was a light in one of the upstairs
windows.

Q Do you remember which one?

A I think toward, it would have been toward the westerly
side of the house.

Q From your familiarity with the interior of the house,
could you tell from the light that you saw in which room
it was burning?

A No, I am not sure.

Q Mr. Houk, when you received the call from Doctor Sheppard who told you that he thought "they" had killed Marilyn, did you question him as to what he meant who "they" were or get any additional details from him or did you try to?

A Or did I what?

Q Did you try to get additional information from him?

A No.

Q Something more specific?

A No.

Q Did you say anything in return?

A I presume I might have said, "I'll be over," or, "I'll be right over," something to that effect.

Q Do you have any clear recollection of a remark or comment made by you in response to this request by Sam Sheppard?

A No, I don't.

Q Mr. Houk, I think you told us yesterday that when later on in the morning of July 4th you went up to the second floor, that you did not know at that time which bedroom was Marilyn's sleeping bedroom?

A Yes, sir.

Q And that the only other time you had been up there, she was sleeping in a different bedroom or using a different bedroom, was that your testimony?

A That's the way I recollect, yes.

Q And is your recollection quite clear that you had never been in this particular bedroom, that is, the one in which she died on any prior occasion?

A I can't state that for a certainty because I have been upstairs several times; once when they were having some remodeling done or something that they wanted to show us, to that effect.

Your question was had I ever been in that bedroom?

Q Yes.

A I can't say for sure whether I was or wasn't.

Q In April of 1954 didn't you come into the house on one occasion during that month and go directly up the stairs to the bedroom when Marilyn was in bed?

A Well, the only time that happened was, as I say, on this time when she was ill, and I took some lunch or breakfast or something up for her.

Q I think yesterday you told us the occasion which she was ill and you took something up to her, she was in the bedroom on the east end of the house, isn't that true?

A No, as I recall, it was in the room that would have been south --

Q A room different than the one in which she was found on the morning of the murder?

A Yes.

Q Now, I ask you whether or not in that same bedroom, in April of 1954, Marilyn was using the same bedroom in which she was found on July 4th, you did not come in the house one time and go directly upstairs to that bedroom?

A That's right.

Q While she was there?

A That's right.

Q This was a different occasion than the time you brought lunch to the south bedroom, was it not?

A No, I don't see what you are -- I don't follow your question, frankly.

Q All right; we are speaking of two different bedrooms on the second floor; do you understand that?

A Yes.

Q Yesterday you told us in response to one of my questions that upon one occasion you brought lunch or some tray or something up to Marilyn when she was in bed in the south bedroom or a bedroom other than the one in which she was found on July 4th?

A That's right.

Q And I believe you said that you had no recollection of ever having been in the one in which she was found prior to the morning of the murder?

MR. SPELLACY: Objection.

Q Well, if you didn't say that, please correct me.

A Well, I said it was possible I had been in the bedroom.

Q Mr. Houk, did you know Eleanor Helms?

A Eleanor --

Q Helms, does the name ring a bell?

A Not that I recall, no.

Q Did the Sheppards have a maid or cleaning lady that would appear occasionally, if you remember?

A Yes.

Q And had you met her?

A Yes.

Q On more than one occasion?

A Yes.

Q Where did you meet her?

A Well, at the Sheppard home.

Q Now, do you recall that in the spring of 1954 Doctor and Mrs. Sam Sheppard took a trip to California, do you know about that?

A Yes.

Q Did you know that following the trip, in other words, after they came back, they shifted bedrooms from the south bedroom you have described to the one in which Marilyn was found on July 4th?

A I didn't know that.

Q I ask you whether or not in April of 1954 on a day that Mrs. Eleanor Helms was present, you entered the house

and went directly upstairs to the bedroom at the head of the stairs in which Marilyn was found on July 4th, and went into that bedroom and had a conversation with Marilyn?

A No, not in that room.

Q Do you have some difficulty in remembering back in 1954?

A Naturally.

Q Would you just read these few pages and see if that refreshes your recollection.

THE COURT: Let the record indicate what page of the transcript he is reading from, if you are going to have him testify from it.

MR. BAILEY: I will be glad to indicate it. I am only asking him at the moment if it refreshes him.

THE COURT: I understand, if you are going to have him pursue testimony --

A It states that I went upstairs --

Q Just whether or not it refreshes your recollection?

MR. SPELLACY: May we see it, Mr. Bailey?

MR. BAILEY: Certainly.

Q Now, does reading that help you recall the incident in April?

THE COURT: Let's hold the testimony.

please, until the counselors have an opportunity to examine. If this is the way we are going to proceed, we are going to have to handle it on a basis that both sides will have the opportunity to review the record.

MR. BAILEY: Very well, your Honor.

MR. CORRIGAN: Is there a question put to the witness?

MR. BAILEY: Yes, the last question was, "Does that help him to refresh his recollection?"

MR. SPELLACY: May we have the record indicate, your Honor, that this is not the testimony of Spencer Houk.

MR. BAILEY: No suggestion that it is the testimony of Spencer Houk.

THE COURT: May I see counselors at the side of the bench, and may I see the transcript, please.

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

THE COURT: Let the record show that the Court is going to sustain the objection at this time to the question.

MR. BAILEY: I didn't hear an

objection, your Honor.

THE COURT: Is there an objection?

MR. SPELLACY: There is an objection based on the fact that this is not the testimony of Spencer Houk that he has shown.

THE COURT: Given the transcript of the 1954 proceeding, the part of the transcript dealing with the testimony of Eleanor Helms, and the Court believes it improper to expect this witness to have his recollection refreshed predicated upon the testimony of another witness in the 1954 proceeding.

MR. BAILEY: May I be heard, your Honor?

THE COURT: Yes.

MR. BAILEY: My understanding of the rule on refreshing recollection is one can use a hat, Houk, or peppercorn, if it in fact refreshes his recollection.

Of course, he did not hear that testimony, but if seeing a written transcription of what happened does refresh his recollection and enables him to remember the incident so he can testify about it, from memory, then I think this is a proper instrumentality.

I am not seeking to impeach anyone, your Honor; but to bring to mind an incident to which he was a party and which he ought to remember.

THE COURT: Counselor?

MR. CORRIGAN: Your Honor, we would have no objection to the question if the question is phrased in this manner, "Now that you have had an opportunity to read the cross examination of one Eleanor Helms, does that cross examination of her refresh your recollection with respect to this?"

But to leave the inference that this is a recollection of his --

MR. BAILEY: No, I don't intend to leave any inference.

MR. SPELLACY: Certainly the inference is there.

THE COURT: Please proceed along those lines, counselor.

Objection is overruled, and counsel is instructed to proceed along the lines of the testimony of Eleanor Helms in this question. (Thereupon proceedings were resumed within the hearing of the jury, as follows:)

Q Mr. Houk, you have just glanced over, have you not, a portion of the cross examination of the woman, Eleanor Helms?

A Yes.

Q You recall now, do you, that she was the lady who did cleaning for the Sheppards on occasion?

A Yes.

Q Now, having glanced through that transcript, and without reference to what was in it, does that help you to remember an incident in April of 1954?

A I already stated that I did remember that incident.

Q And that was an occasion when you came into the house, and Mrs. Helms was present, is that right?

A That's right.

Q And young Sam was at home, Chip, as he is called?

A Yes.

Q Marilyn's son?

A Yes.

Q And you went up the stairs to Marilyn's bedroom, is that true?

A That's right.

Q And she was in the bedroom?

A That's right.

Q And you remained for a time and then came down the stairs, didn't you?

A That's right.

Q And you indicated to someone that she was sleeping, is that correct?

A I don't recall that.

Q Do you recall saying that you would be back later on?

A No, I don't.

Q Mr. Houk, do you recall an incident in the late spring or early summer of 1954 when an appliance was installed in the Sheppard home, a large appliance?

A No, I don't.

Q Did you ever meet a man who delivered bread to Marilyn Sheppard's home, from time to time?

A I can't say that I did.

Q Do you remember a man or a truck with the sign of the Spang Bakery on it that would appear at the home from time to time?

A Quite possible. I don't specifically remember.

Q I ask you if on an occasion you assisted a man who drove a Spang Bakery truck and an appliance installer, in bringing a large appliance into the Sheppard home, that is, an instance where the three of you carried it in, a large appliance, do you have any recollection of that?

A It is quite possible. I have a vague recollection, but I am not sure.

Q In your vague recollection do you have any recol-

lection of what the appliance was?

A No, I don't.

Q Or where it was taken?

A No, I don't.

Q Do you have some memory of two men that carried something in with you?

A As I said, I have a vague recollection of something like this, but I am not clear on it.

Q You are not clear. Did Marilyn Sheppard ever give you a key to the Lake Road door of the Sheppard home?

A No, sir.

Q Do you recall having conversation with her about a key in the presence of an appliance installer, and a man from the bakery?

A No, I don't.

Q I believe you testified yesterday that you used to call on Marilyn fairly frequently, as much as two or three times a week in some periods, is that right?

A Yes.

Q And what was the purpose of all these calls?

A I told you that yesterday.

Q You said that on some occasions you cashed checks for her?

A Yes.

Q On some occasions you delivered goods from your

market?

A Yes.

Q You say that all of these visits were in connection with either the cashing of checks or the delivery of meat?

A Well, occasionally she would call and ask me to bring some bread or something from the bakery that she had forgotten.

Q You say that on most of the occasions when you dropped in to see Marilyn it was as a result of a call made to you?

A Yes.

Q At your home or at the market?

A At the market.

Q When you dropped in early in the morning, was this pursuant to calls received at the market, or calls received at your home?

A I don't recall dropping in in the morning.

Q You say that you do not?

A That's right.

Q Did she ever call you at home that you can recall and ask you to come over to the house?

A Not that I recall.

MR. BAILEY: That is all.

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REDIRECT EXAMINATION OF J. SPENCER HOUK

By Mr. Corrigan:

Q Mayor Houk, what was the condition with regard to daylight when you went over to the Sheppard home pursuant to the call that you had received from Doctor Sheppard on July 4th, 1954?

A The condition of the daylight?

Q Yes, sir.

A Well, it was light, I would say more like dawn; not real bright.

Q Now, sir, Mr. Bailey asked you whether or not you had a gun and whether or not you brought this gun with you and your answer was no, is that correct?

A That's right.

Q What is the fact, sir, as to whether or not you knew that Marilyn Sheppard had been murdered at the time you left your home?

A All I knew was what Sam had said on the phone.

Q Mr. Bailey asked you about some footprints that you saw down on the beach when you went down with Chief Eaton, do you recall that?

A Yes.

Q Do you know whether or not anybody had been down on the beach that morning before you and Chief Eaton had gone down?

A No, I don't.

Q Do you know how many people had been down?

MR. BAILEY: I object. He said
he didn't know if anyone had been down.

THE COURT: Sustained.

Q Who participated in this investigation beside the
Bay Village police department?

A The Coroner's Office, the Cleveland Police Department,
and I believe the County Sheriff's office.

Q Now, do you know, sir, whether or not Sam Sheppard
had called the police before he called you that morning?

A I don't know anything about it.

Q As far as you know, you are the only one that Sam
Sheppard called, is that correct?

MR. BAILEY: I object. Leading.

THE COURT: Overruled.

A Yes.

Q You testified that Sam Sheppard was unofficially the
police surgeon of the Police Department?

A Yes, sir.

Q Do you know whether or not he knew or had access
to the telephone number of the Police Department?

MR. BAILEY: We will stipulate
that he did.

THE COURT: Do you wish a response

to your question, counselor? Do you wish a response to the question?

MR. CORRIGAN: Yes, sir.

THE COURT: You have a stipulation that he did.

Q Will you respond to that question, please?

THE COURT: Do you understand the question, Mr. Houk?

THE WITNESS: Would you repeat it again, please?

Q Do you know whether or not Sam Sheppard knew or had access to the telephone number of the Bay Village Police Department?

A I presume he did, yes.

Q You had testified on cross examination that on one occasion you visited Marilyn Sheppard when she was ill, and you took a meal of some sort to her; do you recall that?

A Yes.

Q Now, will you tell the Court and jury at whose request did you visit her and take that meal to her?

A Well, Sam would call and told me that she was sick, had asked me to drop in. He didn't ask me to take the meal upstairs.

Q Now, sir, the question was asked of you relative to

a conversation had in your home with Sam Sheppard, this I believe on a Sunday, do you recall that?

A Yes.

Q Will you tell the Court and jury who instigated that meeting at your home, how did that come about?

A Sam just came to the house.

Q And you had conversation with Sam?

A Yes.

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

A Well, it was in sort of a general vein at first. Sam mentioned that he gathered from reading the newspapers and hearing things on radio, and so forth, that my family and I were being given a rather rough time, and I stated that this was so, and Sam expressed regret about it and he said he was sorry that that happened, but it was one of those things.

And at that time I asked him about an incident that happened a relatively few days before,,when I was being asked, or questioned by one of the investigating officers-- I have forgotten whom-- but in this questioning the officer had asked of me had Sam ever spoken to me about my attentions to Marilyn; and I, of course, had said no.

And this officer said, "Well, Sam says he did."

And I says, "Well, it is hard for me to believe that he had said that because he certainly hadn't."

And I asked Sam about this, and he says, "Spen, it is a damn lie; I never said anything like that," and he said, "You better watch these fellows, I know how they work, they are trying to play one of yus against the other."

Q Mr. Bailey asked you whether or not you at some other time were the subject of an accusation or felt that you were the subject of an accusation by the brother Sheppards, do you recall him asking you that question?

A Yes.

Q What is the fact, sir, as to whether or not you were the subject of an accusation by one of the brother Sheppards?

THE COURT: Please fix the time, counselor. Please fix the time, if you can.

Q Were you at some time the subject of an accusation by one of the brother Sheppards, and if so will you tell us when and by whom?

A I can't say it was a specific accusation. But some time, as I recall, I am not positive, but I believe it was after Sam's arrest, Doctor Stephen Sheppard went to the Cleveland police theorizing that I had done it and gave them I don't know how many reasons why, and so forth.

Q Now, as a result of that was there a confrontation

between you and Doctor Stephen Sheppard?

A Yes.

Q And where was that confrontation?

A At the Cleveland Police Station.

Q Will you tell the Court and jury what is the fact with regard to your denying in that confrontation any accusation made by Doctor Stephen Sheppard?

MR. BAILEY: I object.

THE COURT: Sustained.

Q Will you tell us, sir, what you said to Doctor Stephen Sheppard when you confronted him at the Cleveland Police Station?

MR. BAILEY: I object.

THE COURT: Sustained.

Q Prior to July 4, 1954, how many murders had you had in Bay Village that you know of?

A How many mayors?

Q How many murders?

A Oh, I am sorry. None that I know of.

Q So that you and your department were inexperienced with regard to the manner of investigating a murder, is that correct?

A That's correct.

MR. CORRIGAN: No further questions,
your Honor.

THE COURT: Counselor Bailey?

RE CROSS EXAMINATION OF J. SPENCER HOUK

By Mr. Bailey:

Q Mr. Houk, did you ever inquire of Sam Sheppard as to why he called you instead of the police that morning?

A I don't believe that I specifically inquired, no.

Q Did he ever tell you why he called you instead of the police, having in mind that he was the police surgeon and knew the police officers?

A I don't recall that he did.

Q You just testified about a conversation in which it was discussed that you were having a rough time?

A Yes.

Q And in that conversation he said, "Your number, Spen, was the first one that came to mind," didn't he?

A It is possible he did, sir.

Q Did you ever ask him why your number was the first one that came to mind?

MR. SPELLACY: Objection.

THE COURT: Overruled.

A No.

Q Do you know today why your number was the first one that came to Sam's mind?

A No.

MR. BAILEY: That is all.

THE COURT: Anything further,
gentlemen?

Gentlemen, anything further?

MR. BAILEY: Not from the defense,
your Honor.

MR. CORRIGAN: Nothing further on
the part of the State, your Honor.

THE COURT: You are excused,
Mr. Houk.

Counselor Corrigan or Spellacy?

MR. CORRIGAN: The State will call
Mrs. Esther Houk to the stand, please.

THE COURT: You may visit among
yourselves, ladies and gentlemen, if you wish,
while we are awaiting the arrival of the next
witness.

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