

CROSS EXAMINATION OF ESTHER HOUK

By Mr. Bailey:

THE COURT: Please proceed,
counselor.

Q Mrs. Houk, when did you first meet Doctor and Mrs.
Sam Sheppard?

A I first saw Sam at the hospital. I don't recall when
we first met.

Q Do you remember the year?

A I believe it was 1952.

Q Is that when they moved in, if you know?

A I believe it was.

Q Were you living in the neighborhood before the
Sheppards?

A Yes.

Q Would you from time to time in the course of your
acquaintanceship visit with them socially?

A Yes.

Q Did you have meals together sometimes?

A Yes.

Q Cocktails, and so forth?

A Yes.

Q Was it your custom when visiting the Sheppards to walk
back and forth between the houses?

A Yes.

Q From time to time?

A On occasion.

Q Had you on some occasions walked the back way behind the houses, that is to say, between the beach and the houses across the Bracino's and the Schuele's?

A Not the back way.

Q You had never done that?

A Along the lake, but not through the yards.

Q When you say along the lake, do you mean along the beach?

A Yes.

Q Was it possible to walk from the beach directly behind your home to the Sheppard beach and stay on the sand?

A Yes.

Q This is down right at the water level, I take it?

A Right.

Q Were you familiar with the Sheppard steps and beachhouse down by the lake in 1954?

A Yes.

Q Do you recall a platform in front of the beachhouse?

A Yes.

Q And a set of stairs that went off to the east from the platform to the sand?

A Yes.

Q Were those the only stairs in existence at that time that you can remember, leading from the platform to the sand?

A Yes.

Q Now, you knew the floor plan of the Sheppard house rather well?

A The first floor.

Q Had you ever been on the second floor before the morning of July 4th?

A Not that I recall.

Q You had never been there?

A No.

Q So that the morning that you went over in response to the call of Doctor Sham Sheppard was the first time that you had gone up to the second floor, is that right?

A Right.

Q I take it you had no familiarity with the layout of the rooms on the second floor?

A No.

Q That is to say, you didn't know which rooms were used for bedrooms?

A No, well, there were bedrooms on the second floor.

Q But you had never seen them?

MR. SPELLACY: Keep your voice up;
we can't hear you.

Q We don't hear you, Mrs. Houk.

A I didn't understand your question.

Q I am sorry, I will repeat it. You had never seen any of the bedrooms up there?

A Not that I can recall.

Q You knew there were just three members in the family, Doctor and Mrs. Sheppard and their young son?

A Yes.

Q But you didn't know where any of them slept?

A No.

Q On the night of July 3rd, you testified that the television was on, with the movie "Strange Holiday"?

A Right.

Q And the radio for a time, with the ball game?

A Yes.

Q And that at some point after midnight everyone retired but you?

A Yes.

Q And you were reading an article?

A A story.

Q A story; this was in a magazine, I take it?

A Right.

Q Do you recall whether it was cold or warm that night?

A It was cool.

Q Cool?

A And windy, yes.

Q Of course, outside the house when you were watching the fireworks downtown, it was windy from the north or northeast, was it?

A The north, but I don't know if it was the northeast.

Q Was it chilly enough so that you had to wear a jacket of some kind?

A Possibly.

Q Do you have any recollection?

A No.

Q How about the interior of the house that night, was it chilly or was it comfortable?

A Cool.

Q It was cool?

A Yes.

Q Do you happen to remember what you were reading?

A No.

Q Did you have a fire going in the fireplace on the morning of July 4th, if you can recall?

A I believe we did.

Q Do you remember what you were burning in there?

A We used cannel coal.

Q I can't hear you?

A I am sorry. We always used cannel coal.

Q Pardon me?

A Cannel coal.

Q I don't understand you.

A We used coal.

Q You burned coal in the fireplace?

A Yes.

Q What kind of coal?

A Cannel coal.

Q Cannel coal?

A Yes.

Q I am not familiar with the term; can you tell me what is is?

A Well, it is a particular type of coal that people use in fireplaces, because it ignites easily, and it burns --

Q Go ahead.

A -- it burns brightly with flames, and it is, well, really more attractive than warming.

Q This is not like charcoal, then, I take it?

A No.

Q Does it come in logs or bricks or what form?

A It comes in chunks. You can buy it by the basket or I believe you can buy it wrapped.

Q Do you have some grate in the fireplace that would hold this cannel coal?

A Yes.

Q And can you recall that is what you were burning that night?

A It probably was.

Q I believe you testified that you retired at about 2:30, at least to the extent of going to the second floor?

A Yes.

Q Your bedroom is closest to the lake, is that right?

A Yes.

Q Mr. Houk had retired earlier?

A Yes.

Q And was he using the same bedroom as you on this occasion?

A No.

Q Did you happen to look in on him before you went to bed?

A No.

Q You took some time in preparing for bed and finally got into bed about 3:00 a.m., is that correct?

A Possibly.

Q Did anything awaken you during the course of the night prior to the call from Doctor Sam Sheppard?

A No.

Q Where was the telephone located that rang when Doctor Sheppard called?

A Right next to my husband's bed, on the night stand.

Q How far distant from your room is the room of your husband?

A Right adjoining.

Q Well, do they both lead off the same hallway or is there actually a door connecting them?

A No, they lead off the same hallway. The doors were practically right next to each other.

Q So that in order to go from your bedroom to his, one would have to go out your door and in his?

A Yes.

Q When you went to bed that night, did you notice whether his door was open or closed?

A Nobody closed doors. It was probably open.

Q I take it from that that yours was not closed either?

A No, I don't believe so.

Q Does the ringing of the phone ordinarily awaken you, even though it is in his room?

A Yes.

Q And on this occasion you heard the phone ring, do you have a recollection of the ringing itself?

A Yes.

Q Is that what awakened you?

A Yes.

Q Prior to the time that the phone actually rang, you were asleep?

A Right.

Q When the phone rang did you hear someone pick it up?

A I wouldn't hear him pick it up.

Q You heard the ringing stop, I take it?

A Yes.

Q From the manner in which it stopped did you gather that it had been lifted from the receiver?

A It was answered, yes.

Q And you heard your husband's voice?

A Right.

Q Of course, I take it you couldn't hear the other half of the conversation?

A No.

Q I believe you said that your husband made an exclamation; would you tell us what that was?

A As near as I can recall, he just said, "What?" or something like that.

Q When you heard the exclamation or whatever it was, what did you do?

A I jumped out of bed to see what was wrong.

Q How were you attired at that time when the phone rang?

A In night clothes.

Q Did you go into his room, or did he come into yours?

A I asked him what was wrong. I imagine we met in the hall.

Q Do you recall where you were when you asked him and where he was?

A It was probably at his door.

Q I understand, probably, but do you have any recollection of the actual confrontation at the time that you asked him, "What is wrong?"

A No.

Q Did he tell you what was wrong?

A He merely repeated what Sam had said.

Q Would you tell us what it was that he said, claiming that Sam had just said?

A As near as I can recall, Sam said, "My God, come quick, somebody tried to murder Marilyn."

Q "Somebody tried to murder Marilyn"?

A Yes.

Q Is that what Mr. Houk said to you?

A Yes.

Q "Somebody tried to murder Marilyn"?

A He quickly repeated what he heard over the phone.

Q Of course, you don't know what he heard over the phone, do you?

A No, but it happened so --

Q You didn't hear Sam talk over the phone?

MR. SPELLACY: Objection. Let her answer the question.

THE COURT: Sustained. Please put a question, counselor.

MR. BAILEY: Yes.

Q But Mr. Houk told you what he said that Sam had said over the phone, is that right?

A I asked him what was wrong and he repeated.

Q Excuse me, Mrs. Houk. Mr. Houk told you that Sam had said something, and then he told you what Sam had said?

A Yes.

Q And he said that he was repeating Sam, is that correct?

A No, he didn't say that. He just made the statement.

Q But he told you, "This is what Sam said," in substance?

A Yes.

Q And you understood it to be a repetition of what Sam Sheppard had told your husband a moment or so before?

A Yes.

Q And he said that Sam had told him, "Get over here quick, somebody tried to murder Marilyn"?

A Yes.

Q Now, did you have any discussion with him at the time about the nature of this phone call, just yes or no?

A No.

Q You didn't discuss it at all?

A No.

Q Did he talk with you about what should be done?

A No.

Q He did not?

A No.

Q Did he tell you what he was going to do?

A No.

Q Did you advise him what you thought ought to be done?

A No.

Q No discussion at all?

A No, he just started to get dressed and I did, too.

MR. SPELLACY: Pardon me?

Q He started to get dressed?

A He started to get dressed and I did, too.

Q Mrs. Houk, as a result of the information which you received from your husband, Spencer Houk, did you believe at that time that someone had tried to murder Marilyn?

A I only thought something horrible had happened, and Sam called for help.

Q In other words, you didn't think for a minute that it was a hoax, or anything, did you?

A No.

Q Then I take it you were apprehensive about some danger in connection with a murder attempt at the Sheppard house?

MR. SPELLACY: Objection.

A No, I wasn't.

THE COURT: Overruled. The

answer may stand.

Q Well, did you consider whether or not whoever had tried to murder Marilyn might still be at the Sheppard house?

MR. CORRIGAN: Objection.

THE COURT: Sustained.

Q Were you apprehensive about going over there?

A No.

Q You were not?

A No.

Q Did you and Mr. Houk have any conversation relative to taking a weapon with you?

A No.

Q Did you have any conversation relative to calling the police?

A No.

Q Was there any reason why you did not choose to call the police at that time?

A Sam called for help. He could call the police.

Q But was there a reason you decided not to call the police?

MR. SPELLACY: Objection.

THE COURT: Sustained.

Q You say that your husband got dressed and you got

dressed at the same time?

A Yes.

Q Which of you left the house first, if either left first?

A He probably went out the door first.

Q Were you right behind him --

A Yes.

Q -- or were you a few moments behind him?

A Quite close behind him.

Q In other words, was he within your view all the time you were leaving the house and going toward the car?

A Yes.

Q He was?

A Yes.

Q Can you recall how he was dressed as he left the house that morning?

A He probably threw on a pair of wash slacks and a T-shirt as I did.

Q As you did?

A Yes.

Q How were you dressed when you left the house?

A I just had a pair of slacks and a jersey.

Q A jersey on?

A Yes.

Q When you went out to the automobile, where was it

"situated?

A Right in front of the door.

Q As I understand it, you said something to him about, "Shall we walk or shall we drive?"

A (Witness nods.)

Q When the phone rang that morning, was it still dark?

A No.

Q Would you say that it was full daylight or in between?

A The sun wasn't up but it was daylight.

Q You could see very easily then without artificial lighting?

A Yes, very easily.

Q Was it necessary to put on any lights in the rooms in order to get dressed?

A No.

Q You got into the car and backed out of your driveway, is that right?

A No.

Q You did not?

A No.

Q Was the car facing out?

A We had a circular driveway.

Q I see. So that you pulled out of the driveway and drove east to the Sheppard residence?

A Yes.

Q Is it fair to say that is about a hundred yards east of your home?

A Yes.

Q You pulled in Doctor Sheppard's driveway?

A Right.

Q As you pulled in the driveway, did you survey the premises, visually?

A No.

Q Did you look around the front of the house to see if anybody was there?

A No.

Q Did Mr. Houk say anything to you relative to his conversation with Sam Sheppard about who was at the Sheppard house besides Sam?

A No.

Q Or how many?

A No.

Q Did you ever hear Mr. Houk ask Sam Sheppard one question that morning after he picked up that telephone about the details of the scene that was being described?

A As soon as we walked in, the first thing he did was ask Sam what happened.

Q No, I am sorry; when he picked up the telephone in your own home, on the morning of July 4th, a little before

six -- was it?

A Yes.

Q -- you heard an exclamation --

A Yes.

Q -- did you hear Mr. Kouk ask one single question of Sam Sheppard?

A No.

Q Over the telephone, he did not?

A No.

Q Now, before going into the front door of the house did you do anything?

A No.

Q Did you have anything with you?

A No.

Q When you walked in you say you walked in together?

A Right.

Q In other words, the door was opened, and you both stepped into the hall, is that right?

A It was unlocked but not open.

Q I say, the door was opened by one of you?

A Oh yes. I am sorry.

Q And, then you stepped together into the hall?

A Right.

Q As you went in, as I understand it, you say you heard a moan?

A Yes.

Q At the time you heard the moan did you have Sam Sheppard in view?

A No.

Q I take it from the moan alone you didn't know who was moaning?

A Well, no.

Q But you assumed, did you not, that it was Sam Sheppard?

A Naturally.

Q Now, had your husband said anything to you about Sam claiming injury in his phone conversation earlier that morning?

A No.

Q But when you heard the moan you assumed it was Sam and turned into the den?

A Right.

Q And you saw him sitting in the chair?

A Right.

Q You observed what I believe you described as cord trousers?

A Yes.

Q With a stain on one knee?

A On the leg, yes.

THE COURT:

Pardon me. I did not

get that response.

A On the leg.

THE COURT: A stain on the leg?

A Yes, of the trousers.

Q I wonder, Mrs. Houk, if you could indicate on my trousers the area of the stain just so we can be clear on it; could you do that, was it on this one?

A I don't remember which trouser leg but it was about in this area here. (indicating)

Q All right. For the record you are indicating about two or three inches above my kneecap, on the thigh?

A Yes, I think so.

Q Now, as Sam was sitting in his chair was he slumped down a little bit?

A Yes.

Q And were the trousers pulled up to some degree, do you recall?

A He had his legs tucked under the chair. I didn't see his feet. He was slumped.

Q He had his legs tucked under the chair?

A Right.

Q Did the chair have an open front under the seat portion, such as the one you are sitting in?

A It was a desk chair. Yes.

Q Could you see his feet?

A No.

Q Did you notice whether or not he had shoes?

A I didn't notice.

Q Did you at any subsequent time in the course of that morning see whether or not he had shoes?

A Yes, when I saw him in the kitchen.

Q Could you tell whether or not these trousers that he was wearing were wet or dry, when you arrived?

A What I saw, it looked dry.

Q It looked dry?

A Yes, from the knees -- the legs, which I observed, looked dry.

Q I can't hear you, Mrs. Houk.

A I am sorry. The legs of the trousers that I observed looked dry.

Q Did you touch him when you first saw Sam?

A Not his trousers.

Q How close to Sam did you come when you first saw him in the den?

A I didn't. I was probably not more than two feet from him when we first came in. He was right close to the door.

Q The chair in which he was sitting was situated close to the door?

A Yes.

Q Was he facing you or facing right angles to you or facing away from you??

A He was facing the doorway.

Q Sitting in the chair about two feet away from the door?

A Right.

Q Did you actually go into the den, or just pause momentarily and glance at him?

A I stepped in. At the time my husband asked him what happened, and he started to relate, and then he mentioned Marilyn and I left almost immediately.

Q Mrs. Houk, when your husband asked Sam what happened did he not respond, "I'm not really sure but somebody should do something for Marilyn," wasn't that in essence what he said?

A Yes.

Q And on your first encounter with Sam that morning in the den, wasn't that all that he said before you left and went somewhere else?

A No.

Q Immediately after you heard him say, "Somebody should do something for Marilyn" --

A Yes.

Q -- didn't you go out through the kitchen?

A Yes.

Q Immediately I believe you testified earlier?

A Yes.

Q You went through the kitchen and up the stairs?

A Yes.

Q How did you know where Marilyn was?

A I didn't.

Q You didn't look around the first floor, did you?

A No.

Q You didn't even know which bedroom she might be sleeping in, did you?

A No.

Q And Sam Sheppard didn't say anything to indicate which floor of the house she was on?

A No.

Q But as soon as he said, "Somebody should do something for Marilyn," you went directly through the kitchen up the stairs to her bedroom, true?

A Yes.

Q Was there a reason that you elected to go to the bedroom instead of to look to some other portion of the house?

A It was the logical thing to do, to go upstairs.

Q Why?

A Well, I could see into the living room, as I came in the hall, and she certainly wasn't within view on the first

floor. As I started up the stairs, or, as I got to the landing, I could glance into the other portion of the living room. The couch was right next to the landing there. I could see the living room from the hall, and I could see the rest of the living room from the landing on the stairway. So right there, she wasn't either place, she had to be upstairs.

Q You now say that you went upstairs because you failed to find her on the first floor after looking for her?

MR. SPELLACY: Objection.

THE COURT: Sustained.

Q You were standing in the door of the den?

A Yes.

Q Sam Sheppard said, "Somebody should do something for Marilyn"?

A Right.

Q You went immediately through the kitchen?

A Right.

Q Did you pause to glance into the living room?

A Yes, on the stairway.

Q But from the door of the den you can see partially into the L-shaped living room, can you not?

A Right.

Q But you can't see the entire living room?

A No.

Q Without stepping into it, true? Is that true?

A I could see part of it. From the landing on the stairway, I could see the rest of it.

Q So that as I understand it, you heard the remark, glanced into the living room, and could see part of it?

A Yes.

Q Then you went through the kitchen?

A Right.

Q And up the stairs?

A Yes.

Q And on your way up the stairs you could see another part of the living room?

A From the landing where the living room stairs and kitchen stairs meet.

Q You could see another part of the living room, true?

A The rest of the living room, yes.

Q Now, do you say from the two positions that you tell us you looked into the living room you were afforded a view of the entire L-shaped living room, and you achieved this view without at any time stepping from the den door into the living room, true?

A Probably, the den door is right at the edge of the living room.

Q When you looked into the living room was it for the purpose of seeing whether or not Marilyn was there?

A If I was going to help Marilyn, I certainly would look --

Q Would you please answer the question?

MR. SPELLACY: I object.

Q When you looked in the living room, was it for the purpose of determining whether or not Marilyn was somewhere in the living room?

A Yes, it would have to be.

Q It would have to be?

A I wanted to do something for Marilyn.

Q Yes.

THE COURT: Please put a question.

Q When you looked from the landing into another portion of that same room, was it for the purpose of seeing whether or not Marilyn was down there somewhere?

A Probably.

Q Probably, all right. Now, you proceeded up the stairs and first noticed, as I understand it, an arm, and as you ascended the stairs you could see the arm even though you hadn't reached the upper landing, isn't that true?

A I don't know what point in climbing the stairs I saw that, but I did see, it was easily visible at the top of the stairs.

Q And that is the first thing that you saw, before you

entered the room you could see that?

A Yes.

Q After you saw that you walked through the bedroom door in which she was found and into the room?

A Yes.

Q And you observed her lying on her back?

A Right.

Q And I take it there was a good deal of blood about her face and shoulders?

A Right.

Q And would it be accurate to say that it covered most of her features?

A Right.

Q You said that it was dry?

A Yes.

Q The blood was dry at that time, is that what you said?

A It wasn't glistening wet.

Q Excuse me?

A It wasn't glistening wet.

Q I can't hear you, Mrs. Houk.

A I am sorry. It wasn't glistening shiny wet.

Q Well, when you said it was dry, is that because of a visual observation you made, or because you touched some portion?

A No, I didn't touch anything.

Q Then it appeared to be dry, is that right?

A Yes.

Q Now, I take it when you first observed all of Marilyn Sheppard, having stepped in the bedroom, that the scene was something you had never seen before, is that a fair statement?

A Yes, right.

Q I take it that you were shocked or numbed to some degree?

A Right.

Q You say you reached out and touched the wrist of the arm that was hanging from the bed?

A Right.

Q Was it hanging straight out or down beside the bed?

A As I recall it was straight out.

Q When you touched the wrist was that for the purpose of feeling her pulse?

A Right.

Q In order to ascertain whether or not she was dead?

A Right.

Q And did you determine that there was no pulse?

A I just touched it, and thought it was a waste of time. The full realization of what I had seen, at the same time

I touched the wrist, and I felt it was a waste of time.

Q Between the time you decided to take the pulse and the time you decided that it was a waste of time, did you observe something else that persuaded you that she had died?

A No.

Q When you came back down the stairs did you know in your own mind or have some belief in your own mind as to whether or not Marilyn Sheppard was dead?

A Yes.

Q You believed that she was?

A Yes.

Q When you and Mr. Houk entered the house, and saw Sam Sheppard, can you describe his condition, his apparent condition, that is, was he normal, alert, awake?

A He was moaning. He looked perfectly all right to me, but he had his hands behind his neck --

Q Like this? (indicating)

A Yes, complaining of a pain in the neck. He said he thought his neck was broken.

Q Was this, Mrs. Houk, before you went upstairs the first time?

MR. SPELLACY: Objection. May she finish answering the question, please?

THE COURT: Have you finished your

answer, Mrs. Houk? Was your answer completed? Had you finished your answer?

THE WITNESS: I guess so.

THE COURT: All right. Please put a question, counselor.

Q I am talking now, Mrs. Houk, about the moment of your initial entry into the Sheppard house when you heard the moaning in the den and looked in and saw Doctor Sam at the time before you went to the second floor; at that time did Doctor Sam have his hands behind his neck like this?

A Yes.

Q Did he say anything about the pain in his neck at that time?

A No.

Q It was some time later that you heard him talk about pain?

A Yes.

Q On that occasion before you went upstairs did you hear him say anything other than, "I don't know what happened; somebody ought to do something for Marilyn"?

A When my husband asked him what happened he said, "I don't know. I was asleep on the couch, and I heard Marilyn cry out, and dashed upstairs," and to the best of my recollection that's where he interrupted himself to mention Marilyn.

Q So during this initial encounter there was no talk about pain or injury on his part?

A No.

Q Can you tell us whether or not Sam, when you first saw him, looked dazed or abnormal in any way from what you could see?

A He was upset.

Q You concluded he was upset from something you saw about him, is that true?

A From something that had happened. I didn't observe anything --

Q Would you say he was upset because of the manner in which he spoke?

A Yes.

Q His tone of voice?

A Yes.

Q The manner in which he was positioned in the chair?

A No, that, well, he was slumped down in the chair.

Q Did you observe any bruises about him?

A No.

Q Now, prior to the time you went upstairs to look in Marilyn's bedroom, was there any talk between you and Mr. Houk about calling the police?

A No.

Q Is it fair to say that the first time a suggestion was made that the police should be called was after you had been up to the bedroom and determined that Marilyn was dead?

A Yes. We didn't know what had happened. It was so quickly. It was all in a moment or two. That was the first we got an idea what happened.

Q Before you went through the house to see Marilyn and up to the second floor, did you ask Doctor Sam whether or not any intruders or other persons were still in the house?

A There was no reason to.

Q What was that?

A There was no reason to ask him.

Q Were you satisfied before you went up the stairs that you weren't going to encounter anybody that might be dangerous?

MR. SPELLACY: Objection.

A Yes.

THE COURT: Her answer may stand.

Objection overruled.

Q Why were you satisfied that there was no one else in the house?

MR. SPELLACY: Objection.

THE COURT: She may answer.

Overruled.

A Sam was free to call us. There couldn't very well have been anybody around.

Q Is that why you were satisfied?

A Yes.

Q Because he had been able to make a phone call?

A Yes.

Q Now, you say Patrolman Fred Drenkhan arrived reasonably shortly thereafter?

A Yes.

Q You had some talk with him, I take it?

A No.

Q You had nothing to say with Mr. Drenkhan?

A No.

Q Did you observe him to go up the stairs?

A Yes.

Q Did you remain on the Sheppard premises for some time after the police arrived?

A Yes.

Q How long a time?

A I remember when Doctor Gerber got there I was still there.

Q Do you remember what time that was?

A I think he arrived --

Q I am sorry, Mrs. Houk, with the wind, we can't hear you.

A I think he arrived, oh, between 7:30 and 8:00. I didn't really recall, exactly.

Q How long thereafter did you remain around?

A Oh, an hour, I believe.

Q Were you aware that at some point your husband had returned to your home?

A Yes.

Q And prior to the time he went back to your home, did you have some conversation with him?

A Yes.

Q And how long was he gone?

A Possibly ten minutes.

Q You saw him leave, and I take it you saw him return?

A Yes.

Q Where did you spend most of the time that you were there after the police arrived, what portion of the house or grounds?

A Inside. I went outside, just walked around sort of stunned trying to figure what might have happened.

Q You saw Doctor Sam leave with his brother Steve in an automobile?

A Right.

Q And did you see someone else in the automobile with the two of them?

A Yes.

Q Was that another doctor, if you know?

A I didn't know. There was somebody else. I saw Steve's wife.

Q Betty Sheppard?

A Yes, and somebody else in back, but I didn't know who it was.

Q Did you see Doctor Sam actually get into the car or was he in it when you first noticed?

A He was in it when I first saw him.

Q Had you seen him leaving the house and heading for the car prior to that?

A No.

Q Do you remember what time it was that he left?

A No. It must have been around 6:30.

Q Would that be about thirty minutes after you had first arrived?

A Yes.

Q How many police officers were present prior to the time that Sam Sheppard was removed from the house?

A Three is all I can recall.

Q And those were --

A Fred Drenkhan, Jay Hubach, and I believe John Eaton was there, too.

THE COURT:

I am sorry; the last

name?

THE WITNESS: John, Police Chief John
Eaton.

THE COURT: Thank you.

Q Jay Hubach is an officer of the Bay Village Police
Department, or he was at that time?

A He was, yes.

Q Before Mr. Drenkhan arrived did you make any detailed
observations of the first floor of the house?

A No.

Q In other words, after you came down from Marilyn's
bedroom, there was the moment when you offered Doctor Sam
a drink of whiskey of some kind?

A Yes.

Q Which he refused?

A Right.

Q And then where did you go, if anywhere, before
Patrolman Drenkhan came on the scene?

A I went back upstairs to see Chip.

Q This was before Drenkhan arrived, is that right?

A (Witness nods.)

Q Did you go anywhere else, Mrs. Houk?

A There wasn't time.

MR. SPELLACY: Pardon me.

A There wasn't time, I don't believe.

Q Then your answer is you did not go anywhere except

back upstairs to see Chip, is that right?

A Right.

Q When was it that you noticed the couch and jacket?

A I noticed it when I first went upstairs, and then very shortly afterwards when I had time to walk through the living room more slowly.

Q When was it that you walked through the living room more slowly, that is what I would like to know?

A After the police and firemen and Richard arrived, I don't think I had an opportunity before everything seemed generally under control.

Q In other words, a number of people had arrived before you ever made your observations in the living room?

A No.

Q Well, you say things were under control, how many people arrived before things were under control, in your judgment?

A The police, the firemen, Richard.

Q Now, on either occasion that you went up the steps, or down the steps, between the first and second floors, did you observe anything unusual about the steps?

A Yes, there was a glisten of water on the steps.

Q What was the surface of these stairs, the treads?

A I believe they were linoleum.

Q I am sorry, Mrs. Houk?

A I believe they were linoleum.

Q Linoleum?

A Yes.

Q You saw the glisten of water on the steps?

A Yes.

Q Did these look to you like wet footprints?

A I couldn't establish footprints in that light.

Q Was there some on each of the steps, did you notice?

A No, I didn't notice that.

MR. SPELLACY: Pardon me.

A I didn't notice that, whether -- there was water on the stairs but I don't know whether it was on every step. I know there was water on the stairs.

Q Did you notice the glistening surface on more than one tread?

A Yes.

Q Now, was there some other place that you noticed the presence of water in or about the house?

A Yes.

Q Where was that?

A There was a puddle on the porch leading to the lake.

Q Was it close to the door which gives access from the living room to the porch?

A No, it was closer to the step which leads to the yard.

Q The steps that go down off the porch?

A There is one step, I believe.

Q Well, was the water, the puddle of water that you described, located at some point between the steps that lead away from the porch, and the door that leads from the porch to the living room, somewhere along that line?

A Yes.

Q How large a puddle was it, do you recall?

A Oh, I can't recall now. It must have been eighteen inches or two feet in diameter, I guess. It was large enough to be clearly noticeable.

Q And your best recollection is about 18 to 20 inches in diameter?

A Yes.

Q Did you notice anything else about the porch or the yard that was unusual?

A No.

Q Did you go down to the head of the steps that lead to the beach at any time?

A I don't recall going down to the beach at all.

Q You say you did not go down to the beach at all?

THE COURT: She said she doesn't recall going down to the beach, counselor.

Q Did you observe at any time the chair in which Sam had been seated when you first arrived, that is, at a time

when he wasn't in it, did you later observe it after he had gotten up?

A I saw it, yes.

Q Do you recall whether or not it was wet or damp in any of its portions?

A I didn't notice any water on it.

Q You didn't notice?

A It appeared dry.

Q What was the surface covering of this particular chair?

A I don't know whether it was leather or vinyl.

Q Something other than cloth?

A Yes.

Q Now, I take it at some time during the day you gave a statement to some police officers, one or more?

A Yes.

Q Was it a written statement of some kind?

A Yes.

Q Was Doctor Sheppard your family doctor?

A He took care of my mother-in-law, and I had gone to him on some occasions.

Q How about Mr. Houk?

A No.

Q Do you know whether or not Mr. Houk had any family doctor, as such?

A I think it was in October.

Q Your recollection is that it was October?

A I think so. September or October.

Q Was that hospital a hospital that was located on the east side of Cleveland?

A Right.

Q Had he ever been there before, do you know?

A No.

Q How long was he in the hospital on this occasion, if you can recall?

A Two or three weeks, I think.

Q Do you recall the cause of his hospitalization?

A Yes.

Q What was it?

A Severe strain from the intense pressure, and he was crushed to think his very closest friend would intimate that he had anything to do with that.

Q Your understanding then is as a result of his reaction to the accusation he was hospitalized for two or three weeks?

A Not just the accusation, no.

Q Did you understand it to be caused by a nervous condition of some kind?

MR. SPELLACY: Objection.

THE COURT: Sustained.

MR. BAILEY: Withdraw the question.

That is all. Excuse me just a minute, your Honor.

By Mr. Bailey:

Q If it please the Court, I have reference to the trial transcript, page 826, or 2427, depending on which numbers you are going by.

Mrs. Heule, I think I asked you earlier whether or not you had ever prior to the morning of the murder been in Marilyn's bedroom on the second floor, and you said you didn't think you had.

I wonder if you would read this over and see if that helps you to remember.

MR. SPELLACY: May we see what you are handing the witness?

MR. BAILEY: Yes, as soon as she reads it I will hand it to you.

A Yes, I remember now.

Q Just a minute. I want to afford Mr. Corrigan a chance to look at it.

Now that your memory has been refreshed, would you tell us whether or not you had in fact been up there before?

A At the time of the fire. I had forgotten that.

MR. SPELLACY: Pardon me?

THE COURT: I did not hear the response.

A I am sorry. At the time of the fire we did go through to see the extent of the damage. I had forgotten that.

Q So your answer is that you were up there on a prior occasion.

Now, I also asked you, Mrs. Houk, whether or not you observed any injury to Doctor Sam Sheppard when you first saw him on the morning of July 4th, and I believe you said you didn't notice any?

A No.

MR. BAILEY: May it please the Court, I have reference to page 839, or 2440 of the original transcript.

Q Mrs. Houk, I ask you if you would read that and see if that refreshes your memory?

THE COURT: Before responding to the question, Mrs. Houk, your counselor has an opportunity to review the transcript.

Q Have you looked at it?

A Yes.

Q Does it refresh you?

A No, I still don't recall the bump over his eye, but if I said it then I must have noticed a bump over his eye.

Q Well, on that occasion when you testified at the earlier trial, you said that as you entered the house and saw Sam, he raised his body and turned towards you when you

noticed the bump over his eye?

A I must have.

Q But you now have no memory of it?

A No, I don't recall any marks.

Q One other thing. Mrs. Houk, in any of your trips up and down the stairs between the first and second floors of the Sheppard home, did you notice a bloody fingerprint on the banister or rail?

A No.

Q At any time?

A No.

Q Did you observe the banister or study it in any way?

A No.

MR. SPELLACY: Pardon me; you have
to speak up.

A No. I am sorry.

Q So I take it if one was there, you didn't see it?

A Right.

Q Is that correct?

A Correct.

MR. BAILEY: Thank you, Mrs. Houk.

THE COURT: Anything further?

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REDIRECT EXAMINATION OF ESTHER HOUK

By Mr. Spellacy:

Q Mrs. Houk, it has been indicated that you had testified before in this same matter, is that correct, or, this same matter that is before the Court now?

A Right.

Q Do you know if Mr. Houk testified before in this same matter before this Court?

A Right.

Q Pardon me?

A Right.

MR. BAILEY: I object. I think
it is irrelevant.

THE COURT: It may stand.

MR. SPELLACY: Nothing further.

THE COURT: Anything further,
counselor?

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

THE COURT: Mrs. Houk, you are
excused.

Gentlemen, we have reached the luncheon
recess point. Ladies and gentlemen of the jury,
while you are away on your luncheon, you will
bear in mind the instructions given you on each

occasion when you leave the room, and that is you shall not discuss this case or what you have heard of it, amongst yourselves.

You shall not permit anyone else to discuss it with you, nor permit yourselves to overhear anything that relates to this cause by any means or media of communication.

We will stand recessed for lunch until 1:30.

(Thereupon an adjournment was taken to 1:30 p.m., Thursday, November 3, 1966, at which time the following proceedings were had:)