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AMSEC 07 -- Challenges to Eberling Alibi

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ALIBI

Time of death was estimated by the coroner, Gerber, to be between 3 a.m. and 4 a.m., July 4, 1954. Eberling lived in Westlake, approximately three to five miles from the Sheppard residence.

During questioning by Detectives Hubach and De Perow, Bay Village Police on November 10, 1959, Richard Eberling was asked the following question:

"Where were you the morning Marilyn Sheppard was murdered?"

Eberling responded, "The evening before, we had guests at our house. They left about 11:30 p.m. I then went to bed, shut the door and looked out the window, opened it and went to bed. We have tenants living in the house on the same floor as my bedroom and they were up when I went to bed. I believe their names are Stanley and Joyce Vrabec who now reside in Lakewood on Clarence. The next morning I arose at 7:00 a.m. and went to 8:00 a.m. Mass with my mother at St. Peters Church in North Ridgeville. Later that day in the evening, I heard of Marilyn's death on the radio." See Exhibit 16.

Eberling's alibi was addressed again in the Bay Village Police Report dated November 16, 1959. "He also stated that he went to bed at 11:30 p.m. the night of the murder and changed his story and said it was after 1:00 a.m. He said he told two Cleveland detectives this and also that Sam and Marilyn never kept the house locked. Lt. Hubach checked, but could not find any record or

statement that Eberling had been questioned or given this information to anyone." Exhibit 16-A.

During a visit Cindy Cooper made with Eberling on September 18, 1994, at the Lebanon, Ohio Correction facility, Exhibit 43, Eberling, who referred to his foster parents Christine and George Eberling as "mother" and "dad," stated the following:

"I remember mother had the front porch enclosed in glass. After dad died I slept on the porch. I put drapes on later. It had two windows. (It had been a screened in porch and that it was glassed in on the sides.) I had a twin bed. (There was only one on the porch.) There was a dining room table and my twin bed, like a studio bed."

Cooper: "Did it bother you sleeping in a room that was glassed in?"

Eberling: "No, it never bothered me at all. Black windows scared me. From the darkness they were black."

Cooper: "Why did they scare you?"

Eberling: "I don't know. They looked ugly. A teenage nightmare--the black windows. It was a very uncomfortable feeling. We had no street lights. The upstairs (was converted into a two family). There was a kitchen, a bedroom, a living room, and two bedrooms. Mother hired someone to do it. And Uncle Henry, a plumber to do the plumbing."

Cooper: "Who lived there?"

Eberling: "Different tenants. I still reserved a room up there. I had my clothes up there, but I didn't sleep up there. There was a separate entrance for the tenants."

Cooper: "Was there a door to the outside on the porch?" (He makes a drawing of the porch for me.)

Eberling: "We did the conversion in '46 when dad died. She probably had a conversation with my uncle to make it into a double house. She got \$85 a month and she paid the utilities."

Cooper: "Who were the tenants?"

Eberling: "We had people by the name of Millers. Vrabec lived there when Marilyn Sheppard died. At that time I was sleeping upstairs."

Cooper: "Who were Vrabecs?"

Eberling: "They were a young couple with a baby. He is an attorney. He went to night school and became an attorney. He lived there 4-5 years."

In January 1995, Stanley Vrabec was located at 105 Cedarwood Village near Moorehead City, North Carolina. Attempts to interview Vrabec by telephone and a personal visit to his residence were unsuccessful.

The following records were obtained form the Cuyahoga County, Ohio, Probate Court.

1. Last will and testament of George E. Eberling. Exhibit 4
2. Executer's account for period July 1, 1954 to July 1, 1955. Exhibit 4-A
3. Executor's account for period July 1, 1995 to July 1, 1956. Exhibit 4-B

The will shows that George E. Eberling appointed Christine Eberling as executrix of his estate.

Christine Eberling received a life estate under the will. This required her to file an annual executor's account with the Probate Court, Cuyahoga County, Ohio.

The executor's account filed by Christine Eberling shows no rental income for the period July 1, 1954 to July 1, 1955.

The executor's account filed by Christine Eberling for the period July 1, 1955 to July 1, 1956 shows rental income for upstairs apartment amounted to \$750.00.