

THEREUPON, the defendant, further to maintain the issues on his part to be maintained, called as a witness RICHARD EBERLING, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF RICHARD EBERLING

By Mr. Sherman:

Q Will you tell the Court and jury your name, please?

A Richard Eberling.

Q And would you spell that, please, for the record?

A The last name?

Q Yes.

A E-b-e-r-l-i-n-g.

Q Where do you live, Mr. Eberling?

A 3961 Bradley Road, Westlake.

Q And how long have you lived at that address?

A Since 1939.

Q Are you employed, sir?

A Yes.

Q What is your employment?

A I own and operate Dick's Window Cleaning.

MR. BAILEY: Can't hear the

witness.

Q Would you keep your voice up so the Court and jury  
~~and everyone can hear you.~~

You are employed where?

A I own and operate Dick's Window Cleaning.

Q How long have you owned and operated this particular business?

A Since I was in high school, in 1946.

Q What area do you operate this business in, sir?

A Western suburbs.

Q Is included in that area Bay Village?

A Yes.

Q Do you know or did you know Marilyn Sheppard?

A Yes, sir.

Q How did you come to know Marilyn Sheppard?

A I was recommended by Mrs. Richard Sheppard for cleaning services.

Q And did you do cleaning services for Mrs. Sheppard, Marilyn Sheppard?

A Yes.

Q When did these cleaning services start, if you recall?

A When they moved in their new home.

Q Do you recall what time that was?

A It was in the spring.

Q Of what year, if you recall?

A I'm not sure if it was '52 or not, but it was as they were moving in.

Q What services did you perform for the Sheppard family?

A Well, a man that worked for me washed their kitchen down and did their windows the first day that they had moved in.

After that I had done windows in the house on a regular basis, and also did the combination storm windows, on an average of twice a week.

Q By the way, do you know Doctor Sheppard?

A I had met him once at the breakfast table, briefly.

Q I take it, then, all your contacts were with Marilyn Sheppard?

A Yes.

Q Did you know that on the 4th day of July, 1954, that Marilyn was killed?

A Yes.

Q Did you have an opportunity at any time shortly before that to be in the Sheppard residence?

A Yes.

Q Do you recall when that was, Mr. Eberling?

A It was around the 1st of July.

Q What was the occasion that you were there on or about the 1st of July?

A I was doing the spring changeover of storm windows and screens, washing them.

Q Is there any reason why it was the 1st of July that you were changing over from screens to storm windows?

A Well, she had asked to have them done earlier, but this being the peak season, she waited until I had a chance to get caught up with my work, and so I waited until then.

Q Now, while you were there on the first or second of July, did anything unusual happen to you?

A Yes. While I was working in the kitchen on the last day that I was there, I had cut my hand, or, my finger, on the combination storm windows.

Q What did you do after you cut your finger on the combination storm windows?

A Well, it was bleeding a bit and I washed my hand in the kitchen sink, and then went about my work, as I wanted to get done and get out of there.

But I went to the basement to get the screens for the kitchen.

Q Was your hand bleeding when you went to the basement?

A Yes.

Q And did you go anywhere else in the house?

A Yes, I went upstairs, but I don't recall how long I was up there or where I went.

Q You stated you knew your hand was bleeding when you went down to the basement; do you know if your hand was bleeding when you went upstairs?

A No, I don't.

Q Do you know what your blood type is, sir?

A "A".

Q "A"?

A Positive.

Q On the occasions that you went to the Sheppard residence, in what manner did you gain access to the home?

A I went through the library door facing the front.

Q When you speak of the front, you are speaking of the side towards the lake?

A Yes.

Q Now, was this door locked or did you have a key or how did you gain access through this door?

A No, I was told by Marilyn Sheppard that when I --

MR. SPELLIACY: Objection.

Q Not what you were told, but just what you actually did?

A I went, I knocked on the back door, and there was no answer, I went around the front and went in.

Q This was your normal procedure?

A Yes.

Q Do you know how many times you had been in the Sheppard home that you gained entrance in this manner by going through the unlocked door?

A Well, I would say between six and eight times in a year.



Q Now, do you recall that the Sheppards owned a dog at that time?

A Yes.

Q Did you ever have an occasion to see this dog while you were on the premises?

A Yes.

Q Would you explain the reaction of the dog when you had occasion to see him in or around the house?

A One time in the winter, I recall, when I went in, the dog was in the chair sleeping and never got out of the chair.

Q Never so much as bothered that you were roaming around the house?

A No.

MR. SHERMAN: Your witness.

MR. BAILEY: May we approach the bench?

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

THE COURT: Mr. Corrigan?

MR. CORRIGAN: At this time we ask that this witness be excused, but that he remain in the building, subject to our cross examination after the completion of the next defense witness.

THE COURT: Any objection,  
Counselor?

MR. SHERMAN: We have no objection.

MR. BAILEY: Well, is there  
cross examination other than as to his criminal  
record which can be accomplished now? In the  
event you find he has no felony record, it won't  
be necessary to put him back on the stand.

THE COURT: Let's leave it this  
way, so we can move through it. The Court will  
grant the prosecution's request, that this witness  
be excused now subject to further recall on the  
part of the State for cross examination this  
morning.

MR. BAILEY: May we see the  
information that just walked in, your Honor?

THE COURT: Gentlemen, I am  
going to grant the request. Let's proceed.  
We will proceed and I will excuse this witness  
subject to his being available for cross examina-  
tion, if any, on the part of the State.

MR. BAILEY: No object.

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

THE COURT: Mr. Eberling, the

Court is going to excuse you now as a witness in this cause, but hold yourself available in the building this morning, in the event the State wishes to cross examine. Will you do that, sir?

THE WITNESS: Yes.

THE COURT: Please remain in the building in the event the State wishes to cross examine you before the morning is over. Thank you.

THE WITNESS: Yes.

MR. BAILEY: Call Doctor Charles Elkins, please.

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