

THEREUPON a witness, RICHARD EBERLING, resumed the witness stand, and was further examined and testified as follows:

THE BAILIFF: Mr. Eberling, you had been sworn in this case. Kindly remember you are under oath.

MR. SHEERMAN: May we approach the bench, first?

THE COURT: Yes.

(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 reflect that with respect to inquiring into a previous criminal record on the part of this witness, Mr. Eberling, that the Court has satisfied himself that authority to ask this question is given to the State under 56 Ohio Jurisprudence, 2nd, paragraph 363, under the sub-title "Witnesses" at page 800; and 56 Ohio Jurisprudence, 2nd, at page 528.

MR. BAILEY: Well, the defense is satisfied that the Court is probably right in its ruling. In any event, any error caused by it would not be reversible, so we save no rights.

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

CROSS EXAMINATION OF RICHARD EBERLING

By Mr. Spellacy:

Q Mr. Eberling, in the year 1960 were you engaged in the business of window washer at that time?

A Yes.

Q Did you have your own business in 1960?

A Yes.

Q Mr. Eberling, have you ever been convicted of a State or Federal offense?

A Yes.

Q What was that?

A It was for a misdemeanor.

Q What was it?

A Pardon?

Q For what?

A Petty larceny.

Q Petty larceny?

A Yes.

Q And when was that?

A About seven years ago.

Q Would that have been on February 5th of 1960?

A Yes.

Q Was that here in this county?

A Yes.

Q Did it have any connection with your business as a window washer?

A Yes.

MR. SPELLACY: No further questions.

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REDIRECT EXAMINATION OF RICHARD EBERLING

By Mr. Sherman:

Q Mr. Eberling, who did you first tell about the cut on your hand, in regard to a police official?

A The Cleveland Police Department.

Q And when was that?

A The day after the murder.

Q Have you had any conversation since that time with Doctor Gerber, the county coroner?

A Yes.

Q When was that?

A That was back when I was arrested.

Q In 1960, approximately?

A Yes.

MR. SHERMAN: No further questions,
your Honor.

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RE-CROSS EXAMINATION OF RICHARD EBERLING

By Mr. Spellacy:

Q Do you recall what Cleveland policeman you told it to?

A I believe Parrino, a little short man --

Q Would that be at that time Assistant County Prosecutor?

A I believe so.

MR. SPELLACY: No further questions.

MR. SHERMAN: That is all, your

Honor.

THE COURT: You are excused,

Mr. Eberling.
