

Monday Afternoon Session, 1:45 p.m., November 14, 1966

THE COURT: Counselor Corrigan  
or Spellacy, please?

MR. CORRIGAN: Lieutenant Poelking.

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REBUTTAL

THEREUPON, the State of Ohio, further  
to maintain the issues on its part to be main-  
tained, and to rebut the testimony adduced on  
the part of the defendant, recalled as a witness  
LT. JEROME POELKING, who, being previously sworn,  
was examined and testified as follows:

DIRECT EXAMINATION OF LT. JEROME POELKING

By Mr. Spellacy:

Q Lieutenant, you have been sworn previously, as Mr.  
Patrick has indicated.

A Yes.

Q And you did testify earlier in this matter, is that  
correct?

A Yes, I did.

Q Lieutenant, I believe earlier in your testimony you  
had indicated I believe that you had occasion, on a number of  
occasions, to go to the Sheppard residence on Lake Road in

Bay Village, is that right?

A Yes, I did.

Q At that time you were a member of the Scientific Investigation Unit of the Cleveland Police Department?

A Yes.

Q I believe earlier you had indicated you had occasion to go to the bedroom where Marilyn Sheppard was found, is that correct?

A Yes.

Q And this was in the latter part of July, in the year 1954?

A That's correct.

Q What did you do in that room?

A Well, I examined it for fingerprints, and I took photographs.

Q Did you have occasion, Lieutenant Poelking, to dust that room, and particularly now the doors located on the east side of the room?

A Yes, I did.

Q And what did you dust them with?

A Fingerprint powder.

Q Did you have occasion to put this fingerprint powder over bloodstains that were located on that door?

A Yes, I did.

Q And when did you do that?

A That was in the latter part of July, or the first of August.

Q Referring to Defendant's Exhibit D, can you take a look at that picture and tell us whether or not fingerprint dusting powder appears with regard to blood spots that are located in that picture?

A Yes, sir, it does.

Q Where is the fingerprint powder with regard to those blood spots?

A All over it.

Q Did you put that fingerprint powder on?

A Yes, sir, I did.

MR. SPELLACY: No further questions.

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:)

MR. BAILEY: Unless it be shown that some connection evidence is coming, that is to say, the presence of fingerprint powder on dry blood might affect the blood grouping test run by Doctor Kirk, I think this testimony is irrelevant and I move to strike it rather than cross examine.

If there is such evidence coming, I will

make no such motion.

MR. CORRIGAN: The purpose of this testimony and the evidence is to show that there was in fact dusting powder on there before Doctor Kirk went into the room.

It is our recollection that Doctor Kirk testified that the door was not -- that there was no dusting powder on there. This is rebuttal to that testimony.

MR. BAILEY: He said he found none, no fingerprints, and observed none on the door when he got there. How will the presence of dusting powder relate to his conclusions? Is there to be some evidence that this would contaminate the dry samples?

MR. CORRIGAN: There may be testimony that the blood would be contaminated by dusting powder, and that this would have an effect on the rate of agglutination.

MR. BAILEY: If there should be such testimony, then I won't make my motion. Then I will cross examine.

(Thereupon proceedings were resumed in the presence and hearing of the jury, as follows:)

THE COURT: Counselor Bailey,

MR. BAILEY: Yes, your Honor.

CROSS EXAMINATION OF LT. JEROME POELKING

By Mr. Bailey:

Q You say that you dusted the wardrobe door?

A Yes, sir.

Q How did you dust it, Lieutenant?

A With fingerprint powder and the camel hair brush.

Q What kind of powder did you use?

A It is a commercial powder manufactured by Fargo Company out in San Francisco.

Q Of course, there are several compounds, are there not?

A Yes.

Q In the Cleveland Police Department don't you sometimes mix your own?

A We used to years ago but we found that the commercial powders were just as good and it is a lot easier. It is not quite as messy.

Q How about in 1954?

A In 1954 we were using the Fargo.

Q You were not mixing it yourself?

A No.

Q I would assume that since this is a light surface you were using dark powder?

A Right.

Q ~~What is the chemical composition of that powder, do~~

you know?

A No, I couldn't give you the exact chemical composition of that powder. It is a closely guarded secret. Various fingerprint companies are reluctant to tell you what is in them.

Q So you have no idea what it is made up of?

A No, well, it is probably -- I couldn't tell you exactly, no.

Q You have no idea, I take it, whether or not it would be absorbed by dry blood?

A No.

Q What happened to the powder, did it remain on the door?

A Yes, it did.

Q Showing you Defense Exhibit D, I call your attention particularly to blood spots larger than the others, one in the upper section of the panel depicted, and one near the lower edge, and ask you whether or not you dusted that panel?

A Yes, I did.

Q Did you dust both spots?

A I assume. I went over the entire panel.

Q In other words, any dusting that took place with relation to the large spot would also affect the low spots, since you covered the whole thing equally, right?

A Yes, sir.

Q No special treatment given to any section of that panel?

A No, sir.

Q And you found no prints at all?

A No, sir.

MR. BAILEY: That is all. Thank  
you, Lieutenant.

MR. SPELLACY: No further questions.

THE COURT: Counselor Corrigan  
or Spellacy?

MR. SPELLACY: Doctor Roger Marsters.

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