

TOM FLEMING MUST SERVE 2 YEARS IN PEN

CLEVELAND, Ohio, March 14.—Councilman Thomas W. Fleming must serve two years and nine months in the state penitentiary for accepting a bribe of \$200 from Walter Oehme (white), former Cleveland detective. The Ohio state supreme court by an unanimous decision affirmed the actions of the two lower courts.

Almost simultaneously with the announcement of the supreme court Walter Oehme, accuser of Fleming, died at Charity hospital where he was carried last week in the hope that his life may be saved although a constant sufferer ever since his fight with a dope fiend in which the latter was killed and Oehme permanently injured. Arthritis, that developed in this conflict, was the direct cause of Oehme's death.

Attorneys George W. Spooner (white) and Alexander H. Martin filed papers in the state supreme court Monday asking for a rehearing of the Fleming appeal. By so doing the mandate ordering former Councilman Fleming to the penitentiary for bribery has been delayed a week or more pending filing of the motion for rehearing.

Fleming and wife, Mrs. Lethia C. Fleming, both powerful Republican leaders in the 11th ward many years, were both surprised when notified of the decision of the Ohio supreme court. To their hundreds of friends the news was astonishing and unbelievable. Upon receipt of the news the Fleming home at 2342 E. 40th St. became a veritable meeting place for the Fleming friends and sympathizers and has been ever since. Since the supreme court held the case several months there was widespread conviction among Fleming's friends that he would ultimately be freed of the charges. In its opinion a vital point was brought out in the Ohio supreme court decision, viz: "There seems to be no dispute but that Oehme has given Fleming a check for the sum of \$200. Previous to the trial, in a conversation with the newspaper men, Fleming had, in effect, denied that he had received any check from Oehme and had stated that if Oehme had given him a check he should produce it." "While Fleming did admit, at the trial, that he had received such a check, the newspaper men were called by the state to prove that his testimony at the trial conflicted with the statement he had made to them before the trial. The evidence of the reporters was therefore competent as showing contradiction and inconsistency between the statement made by him at the trial. The rebuttal testimony allowed to go to the defendant's recollection and credit."

"While other questions were presented and argued by counsel, we deem them unimportant and are of the opinion that no error prejudicial to the defendant intervened at his trial. The judgment of the lower courts will be affirmed."