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IN RE: KEVIN KEITH

 ORIGINAL

STATEMENT UNDER OATH OF MELANIE J. DAVISON

Friday, September 24, 2010
10:06 o'clock a.m.
Anderson, Will, O'Donnell & Kitzler
3 North Main Street
Suite 801
Mansfield, Ohio 44902

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10 On behalf of Kevin Keith.

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FRIDAY MORNING SESSION
September 24, 2010
10:06 o'clock a.m.

- - -

STIPULATIONS

- - -

It is stipulated by and between counsel for the respective parties herein that this statement of MELANIE J. DAVISON, a Witness herein, called by the State Public Defender for Kevin Keith, may be taken at this time and reduced to writing in stenotypy by the Notary, whose notes may thereafter be transcribed out of the presence of the witness; and that proof of the official character and qualifications of the Notary is waived.

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I N D E X

WITNESS

PAGE

MELANIE J. DAVISON

Examination
(By Ms. Troutman)

5

1 PROCEEDINGS

2 - - -

3 MELANIE J. DAVISON,

4 being by me first duly sworn, as hereinafter
5 certified, testifies and says as follows:

6 EXAMINATION

7 BY MS. TROUTMAN:

8 Q. We're here today on behalf of Kevin Keith. My name is
9 Rachel Troutman. I'm lead counsel for Kevin Keith, and Tyson
10 Fleming and Andrew King are also here, my co-counsel.

11 And would you state your name for the record, please.

12 A. Melanie Juana Davison.

13 Q. And do you know Kevin Keith?

14 A. Yes.

15 Q. How do you know Kevin?

16 A. We were in a relationship in 1990 -- well, in 1993 to 1994.

17 Q. Why are you here today?

18 A. To testify on his behalf.

19 Q. You've been interviewed for this case before, correct?

20 A. Yes.

21 Q. By the police?

22 A. Yes.

23 Q. By me?

24 A. Someone from the office came to see me at my house.

25 Q. By my investigator perhaps?

- 1 A. Yes. Yes.
- 2 Q. And you've provided an affidavit.
- 3 A. Yes.
- 4 Q. Have you reviewed your affidavit?
- 5 A. Yes.
- 6 Q. Is everything that's in it still true?
- 7 A. Yes.
- 8 Q. Melanie, who was your grandfather?
- 9 A. My grandfather's name was Alton Davison, Sr.
- 10 Q. Did he own a 1982 Oldsmobile Omega?
- 11 A. Yes.
- 12 Q. Did you drive it?
- 13 A. Yes.
- 14 Q. What was your arrangement with your grandfather as to when
- 15 you used his car?
- 16 A. Well, at the time I was in nursing school and my car had
- 17 threw a rod or something and my grandfather was allowing me to
- 18 use the car when I had to go to college and I would bring it
- 19 home when I didn't have to go to school.
- 20 Q. So you had your own car as well.
- 21 A. Prior to me throwing a rod.
- 22 Q. I know this is upsetting for you to be here, so we can take
- 23 as much time as you need to and we can take a break if you need
- 24 to.
- 25 So how often did you use your grandfather's car then?

1 A. I was in school full time, so it was Monday through Friday
2 for a short time.

3 Q. And for a short time, is there like a time period?

4 A. I had just -- I think my car had went out in like December,
5 and January I started driving my grandfather's car. Well, my
6 car had already been messed with. I had scratches and stuff
7 like that so.

8 Q. When you say your car had been messed with --

9 A. Yes.

10 Q. -- somebody had keyed it --

11 A. Yeah.

12 Q. -- is that what you mean?

13 A. Yeah. Yeah. Several times. Not just once.

14 Q. Did you know who did it?

15 A. No.

16 Q. Did you have any idea like who it could be?

17 A. Yes and no. I say that because I was really promiscuous
18 back then and I used to date people's husbands and people's
19 boyfriends so I assumed it was one of their girlfriends or
20 wives.

21 Q. Okay. What kind of car did you have?

22 A. I had a Cutlass Ciera. I don't remember what year it was.
23 It was white.

24 Q. So you used your grandfather's car; you said you started in
25 December. Your car went out in December.

1 A. In December. Yes. And then there was a short winter break
2 and then school started and I was without a car.

3 Q. Do you remember if all the lights on your grandfather's car
4 worked?

5 A. As far as I know they did. I don't think I would have been
6 driving -- I don't think he would have let me drive it.

7 Q. Do you think the dome light -- do you remember if the dome
8 light when you opened the door --

9 A. I don't remember.

10 Q. Okay. Or the license plate light, any idea, do you
11 remember?

12 A. No. I don't remember. I never got pulled over for anything
13 like that, so I'm assuming that everything worked, license plate
14 lights and lights and all that.

15 Q. Okay. Did you let anyone else use your grandfather's car?

16 A. No. Never.

17 Q. Did Kevin Keith ever drive your grandfather's car?

18 A. No. He didn't even know my grandfather. He would have had
19 to know my grandfather to drive his car. My family had seen
20 somebody else driving the car, oh, my God, it would have been my
21 head.

22 Q. So -- and I apologize if this is repetitive -- but did Kevin
23 Keith drive your grandfather's car on February 13, 1994?

24 A. No.

25 Q. On February 13, 1994, did Kevin drive your grandfather's

1 car?

2 A. No.

3 Q. Do you happen to know if you had the car on February 13,
4 1994?

5 A. No, I didn't.

6 Q. And how are you so sure about that?

7 A. Because I didn't have to go to school that day and I
8 didn't -- I didn't have a vehicle.

9 Q. Who was responsible for the maintenance on your
10 grandfather's car? Was it you or your grandfather?

11 A. My grandfather had done maintenance on his car. He was
12 somewhat of a mechanic.

13 Q. Was there ever a time when you had maintenance done on your
14 grandfather's car tires?

15 A. Other than the tires, no.

16 Q. Okay.

17 A. Let me explain. I didn't want them to know. I didn't want
18 them asking me questions. Well, who would do that? I'm a
19 first-born grandchild. I'm like -- I was the apple of their eye
20 and to let them know that somebody did something to something
21 that belonged to them because of me, I just didn't want to do
22 that so I just went and did it. I didn't lie. I didn't -- I
23 just didn't tell them. They were new tires, I mean.

24 Q. Let's back up. What happened to the tires that were on your
25 grandfather's car? Take a deep breath.

1 A. I woke up and they were slashed and I couldn't go to school.
2 Q. Do you remember when that happened?
3 A. It was like in January. I don't remember the date.
4 Q. Okay. Did you call the police?
5 A. No.
6 Q. What did you do?
7 A. I got up and I had two tires and two -- and a donut and I
8 borrowed a tire from a neighbor downstairs and I put tires and I
9 drove to Perrysville.
10 Q. You put the tires on yourself?
11 A. Yeah.
12 Q. Had you ever done that before?
13 A. Yeah. My grandfather taught me a lot. I been watching him
14 work on cars since I was very young.
15 Q. You drove to Perrysville.
16 A. Yeah.
17 Q. What was in Perrysville?
18 A. Blevins Tires.
19 Q. Blevins Tires is B-l-e-v-i-n-s?
20 A. (Witness nods.)
21 Q. And then what did you do at Blevins Tires?
22 A. I had tires put on. I got Blevins Tires from my father. My
23 father, when I got out on my own and I had stuff that needed to
24 be done, this is where you go for this; this is where you go for
25 that; and you get tires at Blevins.

1 Q. Do you know what happened to the old tires?

2 A. No. I mean, other than -- the slashed ones?

3 Q. Yeah.

4 A. I threw them and they had -- I'm sure I had to pay removal
5 service. I lived at 73-and-a-half East 1st in Franklin then,
6 and my garbage service was provided with my rent so I mean they
7 were just there. I can't tell you I did anything special with
8 them, I mean, took them off and I was trying to get to
9 Perrysville.

10 Q. Okay. Did you -- I know it's been a while -- but do you
11 happen to have a receipt for the tires you bought at Blevins?

12 A. Absolutely not.

13 Q. Do you remember if you bought them with a credit card or a
14 check or cash?

15 A. Cash. I didn't -- well, I had credit cards probably at that
16 time but they weren't Visa, MasterCard, more like store cards
17 back then.

18 Q. Again, this might be kind of repetitive, but is this the
19 only time something like this happened to you and somebody
20 sought retribution against you, vandalism or something?

21 A. Like December my car had been keyed and I actually thought
22 my tank was sugared but I didn't have evidence of, but I knew
23 that I threw a rod and I don't know if I could have had help
24 with that but I was really suspicious since I was wrong thinking
25 that maybe it was something else that somebody did that made it

1 go wrong but, yes, something had happened before.

2 Q. Did you ever call the police about that?

3 A. No.

4 Q. Did the police ever ask you why the tires were changed --

5 A. No.

6 Q. -- on your grandfather's car?

7 A. No.

8 Q. Has anyone ever asked you why the tires were changed?

9 A. No.

10 Q. And did you ever tell your grandfather what happened to the

11 tires?

12 A. After everything came out and they were asking questions,

13 yes, I did explain to my grandparents what happened.

14 Q. What was the reason before that that you kept the

15 information about the tires a secret?

16 A. That I didn't want them to know that the circumstances

17 around my lifestyle and why somebody would have wanted to key a

18 car or slice tires and stuff like that. I didn't want them to

19 know.

20 Q. Did you ever know that the prosecutors in Kevin's case

21 claimed that Kevin had the tires changed?

22 A. Did I --

23 Q. Did you know the prosecutors in Kevin's case were claiming

24 that Kevin was the one who had the tires changed?

25 A. I don't know if specifically I remember that. I know they

1 were saying a lot of things, so that might have been one of
2 them.

3 Q. When you called me on September 7, 2010, was that the first
4 time that you told me or anybody representing Kevin about what
5 had happened to the tires?

6 A. Yes. This is the first time anybody has asked me.

7 Q. When Kevin was in jail, did you go to visit him?

8 A. Yes.

9 Q. Do you know Zina Scott?

10 A. Yes.

11 Q. And who was she?

12 A. She was Kevin's live-in fiance.

13 Q. Was there ever a time when you ran into Zina at the jail?

14 A. Not at the jail.

15 Q. There's a police report about some sort of incident between
16 the two of you. Do you recall like a confrontation or
17 something?

18 A. No. No. At the jail?

19 Q. Yeah. I think so. Something like that. Did you sign in
20 when you went to the jail?

21 A. To visit, yes.

22 Q. Do you recall signing a name that wasn't yours?

23 A. To visit?

24 Q. Yeah.

25 A. No. But when I brought the stuff back in -- yeah. I didn't

1 bring it in when I visited. I went out to the car and I came
2 back in and at that point I don't know if I signed -- because I
3 had to show I.D. to actually visit, and I had to change clothes
4 quickly when I went outside because I knew I did wrong and I
5 knew all I wanted to do was get back home.

6 Q. And you're referring to by -- it's okay -- take a deep
7 breath.

8 And when you talk about stuff, you're talking about the
9 marijuana.

10 A. Yes. And I'm not trying to minimize it, but it kind of
11 seems like I try to get out -- it was a pen joint, a tiny, tiny
12 joint. When it came out in the papers, I was trying to smuggle
13 in -- I don't know.

14 Q. Was that the first time you had been in trouble?

15 A. Yes. Ever.

16 Q. What car did you drive to the jail?

17 A. My grandfather's, and I asked permission.

18 Q. Is that when your grandfather's car got linked to this case?

19 A. Yes. I got pulled over in Crestline on the way back from
20 Bucyrus.

21 Q. Were you ever accused of being involved in some way in the
22 murders?

23 A. Accused -- well, I was never charged but they -- they asked
24 a lot of questions. I got grilled. I mean, I guess -- I guess
25 they believed that I had something to do with it, but I don't

1 know. I don't understand the definition. I mean, they never
2 said you this, you that. They asked me questions and tried to
3 trip me up.

4 Q. Did they ever think -- did anybody -- did you ever hear that
5 people were saying that you were the getaway driver?

6 A. Yes. Yes.

7 Q. What happened as a result of that, anything?

8 A. Well, I mean, as a direct result of that, I mean, life has
9 just been hard for these last 15 years. It's just been really
10 hard and every time something comes out in the paper, they put
11 my name in it and I mean it's all a direct result -- I mean,
12 I've gone on job interviews and people recognize my name and
13 like, where do I know you from? Where do I know you from? Then
14 I had this one lady, she's like, oh, and she just locked eyes on
15 me for like three minutes and didn't say anything. It's just --
16 it's just been hard. I mean, people talk about it and they
17 don't know what they're talking about. They talk about what
18 they heard, and I think, no.

19 Q. To be clear, were you the getaway driver?

20 A. No.

21 Q. What were you doing before all of this happened? Were you
22 working or in school?

23 A. I was a nursing student with three kids.

24 Q. And how long did you have left?

25 A. Six months, clinicals.

1 Q. Had you ever been in legal trouble before this happened?

2 A. Never.

3 Q. And how did this impact your family?

4 A. Well, my earnings potential went down greatly.

5 Q. Are you concerned that the information that you're providing
6 today will negatively impact you or your family?

7 A. No. This is the truth. I just don't want people in my face
8 and putting my name in the paper dragging me through the mud.

9 Q. How long had you been in a relationship with Kevin when he
10 was arrested for the murders and attempted murders for which
11 he's currently in prison, do you know?

12 A. It was at least a year. It might have been a
13 year-and-a-half.

14 Q. So were you in a relationship with him when he was arrested
15 in January for selling drugs?

16 A. Yes, I was.

17 Q. So did you spend time with Kevin in between the time he got
18 arrested for selling drugs and when he got arrested for the
19 murders?

20 A. Yes, I did. Kevin was with me every day; even if Zina was
21 off, he found a way to get to Mansfield. Okay.

22 Q. Was -- did Kevin ever make any sort of threats or talk about
23 the Chapmans or anything in front of you?

24 A. No. Kevin's not -- he's not mean.

25 Q. Do you recall if Kevin had an idea about where he would be

1 serving his sentence for the drug charges?

2 A. No.

3 Q. On February 13 you said you did not have your grandfather's
4 car.

5 A. Right.

6 Q. Do you remember driving around with Kevin that night?

7 A. Yeah.

8 Q. Do you know what car you were in?

9 A. I believe it was the Dodge Dynasty or the Taurus. There was
10 two cars. Zina -- Zina had the Dynasty most of the -- I believe
11 we were in the Taurus, but they had a Dynasty and a Taurus and
12 we had been in it in the last two days.

13 Q. So it was one of Zina's cars.

14 A. One of those two cars. Yes.

15 Q. When was the last time you communicated with Kevin Keith?

16 A. I believe I went to see him in prison when he was at -- what
17 was it called?

18 Q. Lucasville.

19 A. Yes. That's what it's called.

20 MS. TROUTMAN: We can go off the record for a minute.

21 (Off the record.)

22 BY MS. TROUTMAN:

23 Q. Were you planning on testifying at Kevin's trial?

24 A. Yes.

25 Q. And what was the reason that you didn't end up testifying?

1 A. After I did the illegal conveyance into a detention
2 facility, James Banks told me that I would not -- that I would
3 damage Kevin's case so he didn't -- he didn't ask me to testify.

4 Q. Have you been kind of reluctant to come forward any further
5 in this case?

6 A. Yes. I'm tired. No one's listened to me up until now. My
7 voice wasn't being heard, so why repeat myself is how I felt.

8 Q. Remember last month I sent an investigator to your house?

9 A. (Witness nods.)

10 Q. You were not very happy about that, were you?

11 A. No.

12 Q. What made you decide to finally call me?

13 A. It's not that I didn't want to help, I just wanted to make
14 sure that I could do what I could do and that I would be left
15 alone because I haven't healed after all this time and it just
16 keeps recurring and I just want to go on.

17 Q. Do you remember after Kevin got arrested for the drug
18 arrests, did he happen to -- was he planning on that he was
19 going to be going to prison do you remember?

20 A. If he was found guilty. Yes. What he was going to do, him,
21 Uncle Gene -- it was Geney or Uncle Geney or cousin -- I can't
22 remember. I know it was Uncle Geney.

23 Q. It's okay.

24 A. I'm having problems with names. I haven't seen these people
25 in a long time, but these were the words that I used to hear.

1 Q. Did you and Kevin discuss you visiting him when he was in
2 prison?

3 A. No.

4 Q. If you remember did he know how long he was going to be in
5 prison by any chance?

6 A. I think what he was being charged with, he could get up to
7 two years, I believe.

8 Q. Did you make any plans for when he got out of prison?

9 A. Kevin was engaged to two women. I think we both thought
10 that we were going to be Missus when he got out so I don't -- I
11 mean, that was the plan. I thought it was going to be me more
12 than Zina because he couldn't stay away from me.

13 MS. TROUTMAN: Off the record.

14 (Off the record.)

15 BY MS. TROUTMAN:

16 Q. When you got the tires changed, did you -- only two of them
17 were slashed?

18 A. Two of them was slashed, two of them were poked.

19 Q. Did you get all four tires changed?

20 A. Yes.

21 Q. So four matching tires.

22 A. Four matching tires because my grandfather had matching
23 tires.

24 Q. Is there anything else you wanted to say?

25 A. Nothing I can think of right now.

1 MS. TROUTMAN: Okay. Thank you, Melanie.

2 After the deposition is prepared, you can have an
3 opportunity to review it and make sure that it's correct; you
4 can't change the substance of your answers, but if there's
5 something that was transcribed wrong, and then you can sign it.
6 I think we'll go ahead, we won't waive that.

7 (Signature not waived.)

8 - - -

9 And, thereupon, the statement was concluded at 10:36 a.m.

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