Q Internal hematoma?
A No.
Q Must there be damage to the liver?
A No.
Q Must there be damage to the spleen?
A No.
Q What do these things depend on?
A It depends on the nature of the beating.
Q If someone were beating not to kill them but extract information, one would not want to beat them about the head until they had a subdural hematoma?
MR. McNAMEE: Object.
THE COURT: Sustained.
Q If you subjected a subdural hematoma to a victim, would you expect her to answer your questions?
A She might not.
Q Could someone be beaten for 20 minutes while defending herself and still not have all these damages that he implied from his questions?
A Oh, certainly.
Q So would it be fair to offer a medical opinion to this Jury that a beating could not have taken place unless those injuries were seen? Do you understand my question?
A No, I wish you would rephrase it.
Q Would it be fair, from a medical point of view, from a

reasonable medical certainty to imply to this Jury that if a beating took place you had to see these things?

A No.

MR. DUFF: Objection.

THE COURT: Overruled.

Q Now, is it also fair to imply to this Jury that because there is not a lot of medical evidence to positively lead you to believe this body was dragged that she was not dragged?

A No.

Q And could even the clothing that was removed before the body was found, something simple as that explain how somebody could be dragged a great distance and there would be no damage to her body?

MR. DUFF: Object.

THE COURT: Overruled.

A It could.

Q And you don't have any knowledge or any way to tell medically whether or not Marsha was wearing all of the, or some of the clothing that she may have been dragged in when she was, before she was placed where her body was found, right?

A That's correct.

Q And when you drag someone by the arm, does their head have to touch the ground?

A No.

Q Do you have to be dragged over a surface that would impart gravel or concrete to your skin?

A No.

Q Now, let me ask you, Doctor, are there some injuries though that you omitted to talk about before that are consistent with the dragging, like to her foot or toe?

A Yes, there was an injury to one of her large toes, I forget which one, I think it was the left, which would be consistent with dragging.

Q Now, also is it fair to imply or suggest to this Jury that because you describe the injuries in more general terms in your autopsy report that they did not exist?

MR. DUFF: Object.

THE COURT: Sustained.

Q You were asked questions by Attorney McNamee, asking you to point out specific phrases or references in your autopsy report with specific regard to the broken neck. Does that mean the injuries you described did not occur because you did not mention them in your report?

MR. DUFF: Object.

THE COURT: Overrule.

A No, it does not.

Q What is your goal when you write your report?

A We try to list the positive findings. We certainly cannot list all of the negative findings.

Q Did you make an effort to describe each and every insult or abrasion or wound to the body?

A We try to use judgment in that. With some bodies the injuries are so numerous and some of them apparently inconsciencial, and some of those certainly may not be mentioned.

Q Now you were asked, or at least it was postulated to you in a question that Marsha Blakely was completely run over by a car, is that accurate?

MR. McNAMEE: Object, that's not what I said.

THE COURT: Overruled.

A I'm sorry.

Q You were asked a series of questions that implied that it was your opinion that this car actually passed over Marsha Blakely's body entirely, is that accurate to say that?

A No.

Q Do you know if the car passed over her body?

A No.

Q Is it possible for a car to run over someone's ribs and break them and not break the shoulder or clavicle?

A Yes.

MR. McNAMEE: Is this to a degree of medical certainty?

THE COURT: Let's form it what way.

Q Are all your answers within a reasonable degree of

medical certainty?

A Yes.

Q And even when Mr. McNamee asked you and didn't postulate it like that you were doing it within a degree of medical certainty?

A Yes, sir.

Q You are doing it with the State's questions?

A I am.

Q Why is it you want to do that?

A Obviously you don't want to mislead the Jury.

Q If you cannot say an opinion without reasonable medical certainty, do you offer it to the Court?

A No.

Q So there has to be some degree of confidence in your opinion before its admissible, is that correct?

A That's correct.

Q You need to have reasonable medical certainty?

A Yes.

Q Is it possible with reasonable medical certainty to strike someone, the car hits someone and breaks their ribs and neck and not run over their shoulder?

A Yes, sir.

Q Can you say exactly what position Marsha Blakely's body was in when she suffered these injuries?

A No, sir.

Q Can you say she was in the position the pictures depict when she suffered these injuries?

A No, sir.

Q Is there any way to tell if her body was moved some amount after the injuries were inflicted?

A No.

Q Is there any way to say with reasonable medical certainty that the car itself when it struck her did not cause the body to be removed from where impact occurred?

MR. DUFF: Objection, leading.

THE COURT: Overruled.

A That could happen.

Q So is it fair to say yes that implies the body as depicted in the pictures was in the location where the injury -- let me start over.

If anyone were to suggest to this Jury because of the position the body is in in the pictures that must be the position she was in when the injury was sustained, that would be inaccurate, would it not?

MR. DUFF: Object.

THE COURT: Overruled.

A That would be inaccurate.

Q And you could not offer an opinion based upon that, could you, with reasonable medical certainty?

A No, sir.

Q Mr. McNamee asked you about the Prosecutor's theory of this case. Do you know what that is?
A No, sir.
Q Is your function to try to make your facts that you find fit the Prosecutor's theory, whatever that might be?
A No sir.
Q Would that be wrong for you to do this?
A I believe so.
Q Are there great similarities between the mechanisms that caused Floyd Epps' death and Marsha Blakely's?
A There are similarities.
Q And does Floyd Epps have the torture stab wounds to the neck and side of the face that Marsha Blakely had?
MR. DUFF: Objection.
THE COURT: Overruled.
A No, sir, he does not.
Q Can all aspects of a case be explained with reasonable medical certainty?
MR. DUFF: Object.
THE COURT: Overruled.
A I don't believe so.
Q You are not attempting to explain all of the aspects of this case, are you?
A No, sir.
Q Now, where exactly was the leaf found on Marsha's body?

A On the small of her back, just before, before the buttock.
Q Was that area of her body covered by her jeans?
A Yes, sir.
Q So you can say, can you not, with reasonable medical certainty there was some force involved with getting that in there, is that correct?
A Yes, sir.
Q It could not blow in there while she laid there?
A No.
Q Did Marsha Blakely have a broken neck?
A Yes.
Q Did she have broken ribs?
A Yes.
Q Are those injuries consistent with being struck by an automobile?
A Yes, sir.
Q Are you saying that they had to have been caused beyond any doubt by an automobile?
A No, sir.
Q Did she have her throat cut?
A Yes.
Q Would either one of those injuries by itself, the damage caused by the broken neck and ribs, or the throat cutting be lethal alone?

A In my opinion they will be.

Q Did the stab wounds to the neck, the 25 some odd stab wounds to the neck contribute in any way to her injuries, I mean to her death?

A No, sir.

MR. ROSENBAUM: I have no other questions, Your Honor.

THE COURT: Mr. McNamee.

MR. McNAMEE: Thank you, Judge.

RECROSS-EXAMINATION OF ROBERT THOMAS, M.D.

BY MR. McNAMEE:

Q Mr. Rosenbaum asked you a series of questions about the types of injuries you might -- whether or not you will have to find injuries associated with a beating, do you recall all those questions or that general thrust?

A I do.

Q Now, if a beating occurred over 20 minutes, which purportedly knocked someone unconscious, would that be highly suggestive in your medical experience of other serious injuries that should go along with it? For example --

MR. ROSENBAUM: Object, does not call for an answer with reasonable medical certainty.

MR. McNAMEE: It does.

MR. ROSENBAUM: Highly suggestive, which is speculative.

THE COURT: Let's rephrase.

Q To a reasonable degree of medical certainty, would that not indicate to you that you would look for evidence of internal injuries to the head, if a person is knocked unconscious?

A I would look for injuries to the head.

Q Right, and you had experience in emergency medicine, correct?

A Yes, sir.

Q As a matter of fact, isn't one of the No. 1 indications for getting a CT of the head and brain is on a report of unconsciousness, is that correct?

A That's correct.

Q And the reason they do that is because there's such a high association of things like subdural hematoma, correct?

A That would be one.

Q Epidermal hematoma, another one?

A Yes.

Q Subarachnoid hemorrhage?

A Correct.

Q Contusion to the brain, correct?

A Possible.

Q Fractures to the skull, correct?

A Possible.

Q None of those occurred in this case when you looked at it

at autopsy, did it?

A We didn't find any.

Q Now, the point is, is it not, Doctor, that if there were a history of a 20 minute beating by 3 or 4 healthy young males, not that you expect to find all findings but you should find some injury?

A I never witnessed a beating, I don't really know.

Q Certainly you have seen people come into an emergency room that were beaten, you would have some opinion, wouldn't you?

A I have.

Q As a result of a beating it's not unusual to wind up with fractured facial bones, is that correct?

A Probably, no two beatings are the same.

Q That wasn't my question.

A What was your question?

Q My question was, as a result of a beating would it be unusual to see facial fractures?

MR. ROSENBAUM: Objection.

THE COURT: Overruled.

A No.

Q And you agreed with Mr. Rosenbaum that the fact that you don't find any real indication that she was dragged doesn't mean that she couldn't have been dragged to the scene where she was found, that's what you agreed with him?

A That's correct.
Q By that reasoning then it would be just as conceivable that she could have flown to the scene too, as she was dragged, because there's no evidence to either one of them?
A I don't think she could fly.
Q We wouldn't be able to distinguish whether she flew or was dragged according to what you found, correct?
A I don't know how to answer your question.
Q Now, Mr. Rosenbaum asked you some questions about the position of the body at the time of death --

MR. ROSENBAUM: Object.

THE COURT: Sustained.

MR. McNAMEE: Those were his words, Your Honor.

THE COURT: No, they weren't. Next question.

Q Mr. Rosenbaum asked you whether the body had been moved or how it was positioned, but you didn't know precisely how that occurred. Do you remember him asking you that?
A Not specifically.
Q Now, do you remember in your report that you stated or during testimony I believe in the Cleveland case that the injury, the fractured dislocation of the neck and the lacerations cutting through the jugular vein would have to have occurred within minutes of each other because they are both lethal injuries, correct?
A I remember similar testimony.

Q All right. So do you agree with that statement?
A I do.
Q All right. So the fracture dislocation of the neck would have had to occur right where she had her throat slashed, correct?
A Or very close to it.
Q So it would not have occurred someplace else a half hour before some other part of a beating, would it?
A I don't think so.
Q Could that fracture dislocation of the neck have occurred from someone standing behind the victim and snapping her head forward to dislocate C-1 from the occiput?
A I don't know, it might possibly.
Q And so there's no reason that couldn't have happened, for example, either right after or before someone then slit her throat, correct?
A I believe that would be true.
Q So if that were the case then this fractured dislocation was not from a car, was it?
A No, I didn't say that.
Q Well, I'm saying, you said you did agree with me that the injury you found, which you called a fracture dislocation, could have been from someone standing behind the victim and hyperreflecting?
A It could have been from being hit by a car.

Q From your finding the way this person died was not by having their neck broken and throat slashed one after the other in either order, is that correct?

A I guess so.

Q This does, does it not, look like this is where the neck was cut because there are blood smash marks going over to the left as might occur if someone drew a knife left to right at the neck?

MR. ROSENBAUM: Object.

THE COURT: Overruled.

A I can't draw that conclusion.

Q Can you see the slash marks going in that direction?

A I can.

Q One last thing, Doctor, you did say that you did not, were not aware of the Prosecutor's theory of the case?

A That's correct.

Q Now, if you take a look at our defense exhibit and turn to the page marked Summary, what did you say right there, what was said right there, on the autopsy that you signed?

A It is believed that there was a killing associated with a drug deal.

Q Yes, that was what I needed. So that was the Prosecutor's theory, this was associated with a drug deal, correct?

MR. ROSENBAUM: Object.

THE COURT: Overruled.

A I inferred to, when you asked the Prosecutor's theory, that you meant how the murder was committed. The reason for the murder is something I don't --

Q In terms of the general theory of the case it's clear that the autopsy was done in light of the Prosecutor's concept of the theory of how all this occurred, is that correct?

MR. ROSENBAUM: Object.

THE COURT: Sustained.

Q Now, one last question. The Prosecutor asked you if a broken neck and fractured ribs can occur in an automobile accident, do you remember him asking you that?

MR. ROSENBAUM: Object.

THE COURT: Sustained, I don't think he said automobile accident, rephrase it.

Q The Prosecutor asked you something to the effect of can a broken neck and fractured ribs occur as a result of being hit by an auto, or run over by an auto?

A They can.

Q But the question is, Doctor, is there evidence in this case that that is what happened? Do you have enough evidence to support a medical conclusion to a reasonable degree of medical certainty that that is in fact what happened?

A We have bloody tire marks.

Q Which don't go over the body?

A It's a little hard to know exactly where they went.
Q The point is there is no evidence they went over the body?
A Probably not.
Q And there's no other evidence in other parts of the anatomy immediately adjacent to the ribs that this car drove over that body either, is there?
A No.
Q Now, when you agreed with him that these kind, the fractured neck and fractured ribs can occur without a fractured shoulder or other finding you said to a reasonable degree of medical certainty you could say yes that does happen, is that correct?
A Yes.
Q Could you tell me where you got that article you are citing for us?
A I have seen many cases in the emergency room and have deaths which I have autopsied where the nature of the injuries are quite variable.
Q That wasn't really the question, though. He specifically asked you if you know to a reasonable degree of medical certainty that you can drive over the left side of someone's body --
MR. ROSENBAUM: I object, because I have not used the words drive over, that's his characterization of this

and that's the source of controversy.

THE COURT: Overruled.

Q Specifically, this can occur without other injuries, you don't have a reference where you can cite to that, do you?

A If you're talking about a journal article, I'm -- I don't know, but my own personal experience I've seen it.

Q You have seen a number of cases where someone drove over the left ribs, left the left shoulder and arm intact and drove over the neck?

A When you say drove over, you don't know how it happened, but a body being struck can produce these injuries without producing injuries in the shoulder.

MR. McNAMEE: That's all, Your Honor.

THE COURT: Mr. Rosenbaum.

MR. ROSENBAUM: Thank you, Your Honor.

FURTHER REDIRECT EXAMINATION OF ROBERT THOMAS, M. D.

BY MR. ROSENBAUM:

Q Doctor, Mr. McNamee keeps, or has repeatedly gone back to a scenario where 4 or 5 healthy young males are fighting with a female and she becomes unconscious and I guess we assume for anyone to be unconscious is from a blow to the head, is that correct?

A No.

Q Could this woman faint from exhaustion or fear?

A Possibly.

MR. McNAMEE: Judge, these are leading.

THE COURT: Overruled.

Q Now, I also asked you if in such a fight you would expect to see facial fractures. Does Marsha Blakely have a facial fracture?

A Yes.

Q What part of her face was fractured?

A Her mandible on the right side.

Q Finally, Doctor, I would like to ask you, what is the goal, what questions are you ultimately called upon as a Coroner to decide?

A Determine the cause of death.

Q And then do you make a ruling based upon that?

A That's correct.

Q What are your choices for a ruling?

A Well, I can rule out natural causes, which most of them are. I can rule it natural causes, which most of them are, or I can rule it a suicide or homicide.

Q What was your ruling in this case?

MR. DUFF: Objection.

THE COURT: Overruled.

A I ruled it a homicide.

Q Does it matter if someone snapped her neck or broke it with a car for your ruling?

A No.

MR. McNAMEE: Objection.

THE COURT: Overruled.

Q Is there any way a throat could be cut -- let me put it to you this way. Is there any way you could rule this anything other than a homicide?

A No, sir.

Q Based upon the constellation of all of the symptoms that you have?

A That's correct.

Q With reasonable medical certainty?

A That's correct.

MR. ROSENBAUM: I have no other questions.

THE COURT: Mr. McNamee.

FURTHER RECROSS-EXAMINATION OF ROBERT THOMAS, M. D.

BY MR. McNAMEE:

Q You haven't seen a number of cases, have you, Doctor, where someone has just passed out from fright, frightened, to be rendered unconscious while they are being beaten for 20 minutes, have you?

A When they get to me they are dead so I haven't seen what happens ahead of time.

MR. McNAMEE: I have nothing further.

THE COURT: Any questions from the members of the Jury?

Thank you, Doctor, you're free to step down.

(Out of the hearing of the Jury.)

THE COURT: What do you think, want to knock off for today?

MR. ROSENBAUM: That's fine. From the way we're going, I don't think I have a short witness anyhow.

(Within the hearing of the Jury.)

THE COURT: With that, we are going to recess for this evening. Be back tomorrow at 9 o'clock.

Remember the admonishments. You are instructed not to read, view, listen to any report in the newspaper on the subject of this trial. Do not permit anyone to read or comment on them to you or in your presence.

You must decide this case only upon the evidence received at trial. If you acquire any information from outside sources you are to disregard it.

You are not to discuss this case among yourselves or with anyone else, or form or express an opinion on the case until it's finally submitted to you.

(Hearing recessed, to be resumed at 9:00 A.M.)

(Hearing resumed Wednesday April 2, 1997, with all parties and their counsel present.)

(Within the presence of the Jury.)

THE COURT: Good morning. Mr. Rosenbaum, your next witness.

Exhibit C

Thereupon, the State,
in order to further maintain
the issues on its part
to be maintained, called
Richard Resendez as a witness,
upon being first duly sworn
and/or affirmed, was examined
and testified as follows:

DIRECT EXAMINATION OF RICHARD RESENDEZ

BY MR. ROSENBAUM:

Q Would you state your name, please, sir?

A Richard Resendez, R-e-s-e-n-d-e-z.

Q Are you employed, sir?

A Yes, sir.

Q Tell the Court what you do for a living.

A I'm a police officer with the City of Lorain Police Department.

Q How long have you served in that capacity?

A Seventeen years.

Q Are you at this time assigned to a particular division?

A I'm assigned to the Detective Bureau.

Q How long have you been in that particular unit?

A Six, 7 years.

Q Prior to that were you assigned to any particular division of the Police Department?

A Yes, the narcotics.
Q Do you hold rank?
A Yes, I'm a Sergeant.
Q When did you make Sergeant?
A In '94.
Q Were you assigned with then Sergeant Taliano to investigate? Was he a Sergeant then?
A Yes, he was.
Q To investigate the deaths of Floyd Epps and/or Marsha Blakely?
A Yes, sir.
Q Did you go to the scene where her body was discovered?
A Yes, sir.
Q Did you take photographs while you were there, sir?
A Yes, sir.
Q Sir, I would like to hand you some photographs marked State 8, A through B and D through G. Would you look at them, please? Do you recognize those photographs?
A Yes, sir.
Q Did you take them?
A I did.
Q When did you take them?
A Photographs 8 A through 8 E were taken on the 9th of August, 1991. Photographs 8 F and 8 G were taken on September 18th of '91.

Q Did you take them on the date her body was discovered?
A Yes, sir.
Q What date was that?
A August 9, 1991.
Q Could that have been the 8th, do you know?
A That's correct. That's my mistake. It was the 8th.
Q And you went back later and took two photographs?
A That would be these two.
Q Do those photographs accurately depict the scene they represent?
MR. ROSENBAUM: At this time --
A They do.
MR. ROSENBAUM: At this time I would like to move the admission of the photographs.
THE COURT: Mr. Duff?
MR. DUFF: I don't have a problem with it.
THE COURT: They would be admitted.
Q Would you hold up the first and identify it by number and explain as best you can to the Jury what it depicts?
A This is State's Exhibit 8 and this is of the Westgate Plaza in the City of Lorain. To the rear of the plaza there's a service road used for the various businesses. They get their deliveries through the back door here. And this is a photograph, I'm standing to the west of the Plaza, looking in an easterly direction. From just a general overall view,

there's some foliage, some railroad tracks to the north of the Plaza and the building and stuff is to the south.

Q 8-A, please?

A 8-A, again I'm looking-- this is a closer view of, again, from the west looking to the east, the same service road but in this photograph it shows the body of Marsha Blakely on the service road along with some tire tracks that were located at the scene.

Q What were the tire tracks made from?

A A vehicle that had passed over Miss Blakely's body. There's a tire track it would be just to the north of her and another track just to the south of her.

Q What left the imprint of the tire on the road that you photographed?

A Bloodstains.

Q Can you explain 8-B, please?

A B is-- I made reference to the bloodstains and the tire tracks. This is a close up view of that, in fact, tire track standing now to the east looking in a westerly direction, same service road and a bloodstain. This is where Miss Blakely's body was, in fact, located and tire impressions made of the blood.

Q And 8-D?

A 8-D is a little further view given from the east looking towards the west and this is just a general overall view of

the service road, again the foliage, the railroad tracks, and to the north of the building.

Q 8-E?

A 8-E I'm standing now on the railroad tracks to the north of the plaza, just getting an overall view of the general crime scene location, and again the Westgate Plaza here and the foliage and there's a slope, the railroad tracks are elevated a little bit and there's a slope that goes down and the shot is of that, the north looking to the south.

Q 8-F, sir?

A 8-F is a metal table. This photograph was taken at Floyd Epps' apartment on the 18th of September and just indicates the table leg that will come into play in photograph 8-G.

Q And 8-G, sir?

A 8-G is a photograph of Mr. Epps' apartment, standing -- there's two doors, a front door and rear door. I'm standing by the rear door. Mr. Epps didn't have a lot of furniture in his apartment. This photograph indicates a table that has two legs and it's propped up against the wall, and the photograph 8-F shows this table leg and this table leg was so indicated in this particular photograph.

Q I would like to hand you a videotape marked as State's Exhibit 10 and ask you to look at it, please.

A Yes, sir.

Q Can you identify that for the Court and Jury, please?

A This is a video that I took of the crime scene on August 8th, 1991. This video shows the crime scene to the rear of the Westgate Plaza.

Q Did you make that videotape?

A I did.

Q Does that truly and accurately depict the scene it represents?

A Yes, it does.

Q Sir, you described there was some railroad tracks near Marsha Blakely's body?

A Yes, sir.

Q How far from this body would they have been?

A Approximately 35 feet to the north.

Q Are you familiar with the location where Floyd Epps' body was found?

A Yes, sir.

Q Can you tell the Court and Jury where it was located?

A Yes, sir, that was located approximately 1 o'clock, give or take a couple minutes, on the 8th of August, in the early morning hours, that would be 1:00 A.M. Miss Blakely was located at 9:00 A.M., roughly, and Mr. Epps was, in fact, located on the street known as Wallace Lane in the City of Lorain, which is just to the west and north of Westgate Plaza.

Q On the other side of those tracks?

A That's correct.

Q How far is it from the location of where Epps' body was found to where Marsha's body was found?
A Approximately two-tenths, three-tenths of a mile.
Q Sir, I would like to hand you State's Exhibit 2, 2-A, 2-B and 2-C and ask you to look at them, please.
Do you recognize those photographs, sir?
A Yes, sir.
Q Can you identify them for the Court and Jury?
A Yes, sir.
Q What are these?
A These are photographs taken by the Lorain County Coroner's Office. They were notified, as is procedure of any death in the County, and they responded to the scene and took this set of photographs.
Q Do those photographs truly and accurately depict the scene they represent?
A They do.
Q Were you involved in taking and delivering any blood samples in connection with this case?
A Yes, I was.
Q Explain that to the Court and Jury, please.
A During the course of the investigation we were able to obtain a particular piece of evidence. This evidence had suspected blood droppings on this. At that particular time we wanted to identify those blood droppings. The particular

evidence was a jacket. We obtained this jacket, at which point we obtained a search warrant from the Lorain County Prosecutor's Office for known blood samples taken from the individual by the name of Lenworth Edwards. We obtained those along with those taken from the Coroner's Office of Marsha Blakely and Floyd Epps. We wanted those 3 samples identified and compared with the unknown sample on this jacket we were able to obtain.

Q Were you present when the jacket was obtained?

A Yes, sir.

Q Who did you obtain the jacket from?

A A female by the name of Delphnia Guice.

Q What did you do with the jacket, sir?

A I transferred those to the Bureau of Criminal Identification in Richfield, Ohio.

Q For blood analysis?

A That's correct.

Q Sir, I would like to hand you some plastic vials containing exhibits that have been marked State's Exhibit 3, 4, 5 and ask you to look at them, please?

A Yes, sir.

Q Can you identify them?

A Yes, sir. As I indicated, this is the blood vial that was taken from Lenworth Edwards. I was present when this was, in fact, taken at St. Joe's Hospital in the City of Lorain, and I

took that to the Bureau of Criminal Identification.

These 2 are the known blood samples that I obtained from the Coroner's office, State's Exhibit 5, that being the known samples of Floyd Epps and State's Exhibit 4, that being of Marsha Blakely.

Q I would like to hand you an exhibit marked as State's Exhibit 6 and ask if you can identify that, sir?

A Yes, sir.

Q What is that?

A This is a jacket that myself and Det. Taliano received from Delphnia Guice, a jean jacket. This along with the blood samples were subsequently taken to BCI, Bureau of Criminal Identification.

Q How is it that you went to Miss Guice's house to get that jacket, State's Exhibit 6?

A Miss Guice had flagged down a uniformed officer from the patrol division and indicated that she wanted to meet with either myself or Lieutenant Taliano.

MR. DUFF: Objection.

THE COURT: Overruled.

Q Go ahead.

A And she wanted to turn over particular items, that being a jacket and a pair of jogging pants, I believe, and she wanted to turn those over to us. In fact, she did. We met with her and she did.

Q Are the exhibits you identified today in substantially the same condition today as when you impounded them except for the tests performed on them?

A That's correct.

Q Where have these exhibits been since being impounded and brought to Court today?

A They have been in the custody of Lorain County Courthouse, Court officers or Lorain Police Department.

Q Did you retrieve the exhibits from BCI after the lab analysis were done?

A Yes, sir.

MR. ROSENBAUM I have no other questions, Your Honor.

THE COURT: Mr. Duff?

MR. DUFF: Yes, Your Honor

(Defendant's Exhibit B marked for identification.)

CROSS-EXAMINATION OF RICHARD RESENDEZ

BY MR. DUFF:

Q Handing you what's been marked for identification purposes Defendant's Exhibit B, take a minute and go through that and tell me if you can identify that document.

A Yes, sir.

Q What is that document, sir?

A This is a Lorain Police Department report that was filed in regard to this particular investigation.

Q Did you participate in the compilation of that?
A My Assistant Lieutenant Detective and I.
Q It would be a fair statement Det. Taliano was the chief investigator in this case?
A That's correct.
Q And you assisted him throughout?
A Yes, sir.
Q Continually throughout?
A No, sir, I had some other duties.
Q But as much as you could?
A As much as he requested me to.
Q You're familiar with that document?
A That's correct.
Q You read that in preparation of your testimony today, you went over it?
A Yes, sir.
Q And can you tell the Jury what is meant by the term contamination of a crime scene?
A In my opinion?
Q As a seasoned police officer?
A That would be if in fact a crime scene or any scene that an officer would respond to not being aware of what had transpired prior to his arrival, once he arrives that his job is to secure that scene and try not to disturb it in any particular way. Obviously if there's any first aid that needs

to be done or any dangerous situation, he's to obtain that but other than that it's just to protect that scene as best as possible.

Q Do you know what a forensic scientist is?

A Generally.

Q Tell the Jury what that is.

A That would be somebody who analyzes evidence for value, to see what value it has.

Q Who does that for Lorain Police Department?

A We send all our evidence out.

Q To where?

A The Crime Lab or the Bureau of Criminal Identification.

Q Where is that?

A Richfield.

Q Did you use them in this case?

A Yes.

Q Did you use the Crime Lab?

A I believe they responded to the scene and took some photographs.

Q Preservation of evidence, tell the Jury what that is?

A Preservation would be obviously to preserve it in substantially the same condition as you found it, as in this case, lab analysis was performed.

Q You would agree, preservation of evidence at a crime scene is of the foremost importance?

A That's correct.
Q -- that you were taught?
A That's correct.
Q Trace evidence, tell the Jury what that is.
A Yes, sir.
Q What is that?
A When two particular physical items come in contact, generally something is left behind. When that's visible to the human eye, that's when the forensics scientist comes into play. When two items come together something is left.
Q If you and I got in a fight on the floor, something is generally left?
A It's not 100 percent, but generally.
Q It's a good rule of thumb?
A I'm not a scientist, but generally.
Q That's what you look for?
A We try.
Q Do you know what happened to the clothes that Marsha Blakely was wearing at the time of her death?
A We transported those to BCI.
Q Was any luminol testing requested on those clothes?
A Yes, sir.
Q Do you have the request sheet with you?
A No, I don't.
Q Did you receive a subpoena from me?

A Yes, I did.
Q Did you-- I requested that you bring anything in your possession or Lorain Police Department's relating to the investigation?
A That would be the same as of Det. Taliano.
Q I requested--
A I believe that is correct.
Q Do you have those items personally?
A I don't have them, I believe they may be in the case file.

THE COURT: Are they here?

(Out of the hearing of the Jury.)

MR. ROSENBAUM: He subpoenaed everybody to bring everything in on behalf of the State. We do have it in Det. Taliano's care.

MR. DUFF: I can do it through Taliano.

THE COURT: Fine.

(Within the hearing of the Jury.)

Q It would be fair to say Det. Taliano has the items I subpoenaed?
A That's correct.
Q He has possession of them?
A That's correct.
Q Not you?
A That's correct.

Q Now, do you know if any trace evidence was found on Marsha Blakely's clothes?
A No, I don't know that, sir.
Q You have no knowledge of that?
A That's correct.
Q And do you know if fingernail scrappings were requested of Marsha Blakely by the Lorain Police Department?
A I think they were conducted by the Coroner's Office.
Q If the Coroner previously testified they weren't requested, that would be incorrect?
A I couldn't testify to this, sir. I believe they were.
Q Do you have any knowledge that they were requested?
A No, sir.
Q You have no document to verify they were requested by Lorain Police?
A No, sir.
Q It would be a fair statement if two people get in a fight and there's physical contact, someone's skin may be left under someone else's fingernails, is that correct?
A It depends on the type of fight.
Q A hand fight?
A It could or could not have.
Q Two people in close proximity, two people fighting, fingernail samples might be useful?
A That's correct.

Q Now, hair samples. Were any fingernail scrapings requested on Floyd Epps?
A I'm not familiar with that, no, sir. I don't know that.
Q Do you know Floyd Epps' throat was cut in a very similar fashion to Marsha Blakely?
A I don't know that.
Q Marsha had a 13 centimeter cut and so did Floyd Epps?
A I'm familiar with Marsha, not Floyd Epps.
Q You don't know they had the same cut? That would surprise you?
A That would be a surprise to me.
Q Same side of the neck, too, that would surprise you?
A That's correct.
Q And you know they died in close proximity to each other, not only geographically, they did die close geographically?
A Two, three-tenths of a mile.
Q How long would it take to walk?
A Ten minutes.
Q And driving even less?
A That's correct.
Q And we also know they died relatively close in time, is that correct?
A Yes, sir.
Q Now, do you have the photographs there, sir, State's Exhibits 2, 2-A, 2-B? They all depict Marsha Blakely's body,

is that correct?

A Yes, sir.

Q Laying behind the Plaza?

A Yes, sir.

Q It's apparent in each of the photographs there's leaves closely associated with that body, are there not?

A There's foliage there, that's correct, sir.

Q Those are leaves, are they not?

A Yes, sir, overgrown weeds.

Q With leaves?

A Yes, sir.

Q You're familiar with the leaf found on the buttock of Marsha Blakely?

A I am.

Q Did you ever request a comparison of that leaf to any of those there?

A Not to my knowledge.

Q I'm sorry, did I ask you if hair samples were taken from Blakely and Epps?

A You mentioned them.

Q Do you know if you made such a request?

A No, I don't, sir.

Q Could you tell the usefulness of requesting hair sampling?

A Generally the hair can be used for identification.

Q Let me interrupt you, if I could. Hair sample comparisons can be made, can they not?
A They give you a general breakdown, that's correct.
Q Whereas you can't positively state it's someone's hair, it's the very same hair?
A That's correct.
Q Did you request hair samples of John Edwards?
A I don't believe so, sir.
Q Did you request hair samples of Lenworth Edwards?
A No, sir.
Q Lenworth is not related to John, is he?
A Not to my knowledge. I have no idea.
Q That's what I'm asking, to your knowledge.
Did you request hair samples of Benson Davis?
A I don't believe so.
Q Lenworth, Benson Davis, John Edwards, and I'm missing somebody. Alfred Cleveland, did you request hair samples of him?
A Not that I'm aware of.
Q So it's a fair statement you requested hair samples of the defendant, is that correct?
A Not that I'm aware of.
Q And none from the two decedents?
A I would have to look at the report, but I'm not familiar with that.

Q You're not aware of any?
A That's correct.
Q Now, this blood that you talked about, you didn't request a DNA analysis be done on that, did you?
A No, sir.
Q Tell the Jury what a DNA analysis is to the best of your knowledge.
A This would be a very, very general explanation.
Q That's fine.
A Generally it's the breakdown of your body's fluid, whether that be-- again you can get DNA through hair, any body fluid and generally through blood I believe would be the most common way, to break it down into a particular stage for identification purposes or comparison to narrow down the unknown to a known sample, and if you compare the DNA you get a very, very small spectrum of the possibilities, and again the numbers I would just be speculating it would be one in something.
Q It's fair to say DNA breaks down to analysis of generic structure of blood or skin or something from the human body, is that correct?
A That's correct.
Q And you have used DNA analysis in your other investigations, have you not?
A Yes, sir.

Q Of murder cases, have you not?
A Yes, sir.
Q Used them successfully, haven't you?
A Me personally?
Q Or your officers?
A Yes, sir.
Q It's aided you to prosecute individuals and identify if they were at the crime scene?
A It was used as one of the pieces of evidence, that's correct.
Q And there was no such request made in this case?
A Not to my knowledge.
Q Now, that apartment you first went to, that apartment of Floyd Epps, was that on Sunset Boulevard?
A Yes, sir.
Q You first went there when, that same day, about 11:30?
A Myself?
Q Yeah.
A I went there, it would be on the 9th.
Q The 9th?
A Yes, sir.
Q You first went there on the 9th?
A That would be me, not other officers.
Q The 9th of August?
A That's correct.

Q Do you know if Det. Taliano was there prior to that?
A I believe he was.
Q Do you know when he was there?
A It would be the 8th.
Q The 8th? Do you know who he went there with?
A No, sir, I don't.
Q Do you know what time of day he went there?
A No, sir.
Q August 8th Det. Taliano was there?
A To my knowledge that's correct.
Q This is Floyd Epps' apartment, right? Is that correct?
A Yes, sir.
Q And you went there on the 9th, is that right?
A That's correct.
Q And at some point what did you go there for?
A I was requested by Det. Taliano to assist him.
Q To look at it?
A To go through the apartment, to look at it.
Q And you did that, right?
A Yes, sir.
Q And you found the apartment orderly and no sign of a struggle, isn't that a fair statement?
A No, sir, that's not a fair statement.
Q That's not a fair statement? Page 34 of that police report, Detective?

MR. ROSENBAUM: Can we approach the bench, Your Honor?

THE COURT: Yes.

(Out of the hearing of the Jury.)

MR. ROSENBAUM: We would object to cross-examining Detective Resendez with something that is not his statement.

MR. DUFF: I think he read it, Your Honor, for preparation.

THE COURT: It's not a statement. I'm not going to let you get into it.

(Within the hearing of the Jury.)

Q So you would state that's not a fair statement that apartment appeared to be in an orderly fashion, no sign of violence?

A Again--

Q Answer the question.

A I can't agree with your statement. It would be my own definition.

Q You would agree the apartment was not in disarray, is that correct?

A Yes, sir.

Q All right.

A I'll agree with you.

Q There were no dishes or anything on the floor, anything

broken that would appear to be evidence of a struggle or fight, is that correct?

A Besides the table legs.

Q Just answer my question, sir.

A I can't answer that, sir.

Q Did there come a time you changed the locks on that apartment?

A Yes, sir.

Q What date was that?

A We requested that August 9th.

Q When did it get done?

A I believe within that date.

Q August 9th?

A Yes, sir.

Q Are you sure about that, Detective?

A Yes, I know it was on the 9th.

Q Did you and I have a discussion on this case and you indicated it was August?

A That was.

Q The report indicates you went in on September 9th?

A August 9 and September 9.

Q And the locks were changed on September 9th the report indicates?

A At one point in the report.

Q That's when you told me the locks were changed?

A After I reviewed my report.
Q You told me the locks were changed September 9th, not August 9th, isn't that correct?
A That's correct.
Q You don't know who changed the locks?
A Lorain Metropolitan Housing.
Q Do you have any document to verify when the locks were changed?
A No.
Q So the locks were changed either August 9th or September 9th, is that right?
A I would testify to the 9th of August.
Q Well, the report indicates that, isn't that correct?
A That's correct.
Q And you guys didn't do that, LMH did that, Lorain Metropolitan Housing?
A That's correct.
Q Now, do you have photographs -- the table and table leg, when were these photographs taken?
A September 18th.
Q And at whose request were the photos taken?
A Whose request?
Q Yeah.
A We did that in conjunction with BCI analysis.
Q It would be a fair statement Floyd Epp's apartment was a

(missing 138-144)

place in the City of Lorain where a lot of people hung out?
A That would be a fair statement.
Q People could come and go?
A That's correct.
Q Floyd Epps was a severe alcoholic?
A That's correct.
Q Would it be odd to see different people sleeping in his house at different times?
A No, sir, that wouldn't be odd.
Q People would randomly come and go in that apartment?
A That was generally correct.
Q So that apartment was unsecured for at least, according to the one date in the report, for at least 24 hours from August 8th, when Det. Taliano was in there, until August 9th, is that correct?
A That's correct.
Q That's 24 hours where it's unsecured, is that right?
A Yes, sir.
Q And the other scenario in the report, it would be at least a month?
A According to the date, but I believe it to be a typo.
Q Let's assume it's correct, it was 24 hours to a month, is that right?
A According to the dates on the report.
Q You don't know if other people were in the apartment

during that time, do you?
A No, sir, I don't know.
Q You didn't leave a police officer there to guard it until the locks could be changed?
A No, sir.
Q This table is propped up against the wall, is it not, in 8-G?
A Yes, sir.
Q And it appears to have items on it?
A Yes, sir.
Q And those items are still on the table?
A Yes, sir.
Q If there's a fight anywhere near that table it would knock that table over, is that correct?
A I believe so.
Q But that table is not knocked over?
A No, sir.
Q May I see that photograph? And that table leg is right below the table, is that correct?
A Yes.
Q You would agree Floyd Epps wasn't the kind of guy that kept a neat apartment, isn't that correct?
A Yes, sir.
Q It wouldn't be uncommon to find Floyd Epps sleeping in a car or sleeping in an alley in Lorain?

A I don't know his general behavior, sir, when he was alive.
Q You had seen him around town?
A Yes, sir.
Q Driving around town, you would see him lying drunk somewhere?
A Yes, sir.
Q So you knew that?
A I don't know where he slept. Yes, I seen him in town.
Q In an intoxicated state?
A On a few occasions.
Q Did you attempt to do anything with these? Well, you took the video, right?
A Yes, sir.
Q And there was a shoe print there, wasn't there, at the scene?
A A shoe print?
Q Yes. In blood?
A I don't remember a shoe print, sir, I'll have to --
Q How long is that video, Detective?
A About 10 minutes, I believe.
Q You took that?
A Yes, sir.
Q And that accurately depicts the crime scene?
MR. DUFF: Your Honor, can we do that?

THE COURT: We'll take a break at this time. Remember the admonishment the Court had given you not to discuss this case among yourselves or permit anyone to discuss it with you.

(Thereupon, a short recess was held.)

(Hearing resumed.)

(Within the presence of the Jury.)

CONTINUED CROSS-EXAMINATION OF RICHARD RESENDEZ

BY MR. DUFF:

Q Detective, you had a chance to view the video on the break?

A Yes, sir.

Q You took this video, did you not?

A Yes, sir.

Q You were in charge of the camera?

A Yes, sir.

Q And there were several police officers there, including Det. Taliano?

A Yes, sir.

Q And you heard voices talking about a footprint, is that correct? That's correct, on that video?

A Yes, sir.

Q And you did not go over and photograph, videotape that footprint?

A No footprints was found.

Q You heard officers talking about the footprint?
A I heard somebody --
Q There were police officers out there?
A There were people in the doorways.
Q You heard about footprints?
A I heard discussions about that, sir, I don't know who talked about that.

MR. DUFF: If we could play the video for the Jury now?

THE COURT: All right.

MR. DUFF: Can I approach, Your Honor?

(Out of the hearing of the Jury.)

MR. DUFF: I was going to ask if we could stop it after that discussion.

THE COURT: That's your video, that's your presentation. Do whatever you want with it, Mr. Duff.

(Within the hearing of the Jury.).

(Thereupon a portion of the video was played for the Jury.)

Q Did you hear, "Hey, Captain, there's a footprint over here?
A Yes, sir.
Q Is that a police officer?
A Obviously, sir.
Q Did anyone ask you to videotape that?

A No, sir.
Q That was a police officer, though, correct?
A Again, obviously, if he would have referred to Captain.
Q Who would be the Captain on the scene?
A Captain Rivera at the time, and Casteel, and, excuse me, Captain Bombeck.
(Thereupon, more of the videotape was played.)
Q Detective, did you see that footprint there?
A Yes, sir.
Q So there's an outline of a bloody footprint, is there not?
A It appears it was an impression.
Q And they were discussing it right there?
A Yes, sir.
(Thereupon, more of the videotape was played.)
Q Is that the entire video, Detective?
A Yes, sir.
Q Now, were any lifts made of that tire impression?
A The crime lab came out. I'm not aware if they lifted anything.
Q There's a process to lifting tire prints like that, is there not?
A I imagine.
Q You testified before on this, in this case?
A There's one I'm aware of.

Q Tell the Jury.
A On a flat surface, if I attempt to lift one it would be to place a sheet of paper over a particular surface, and, in fact, make that impression that is on the surface, try to copy that on a paper.
Q They have a special paper to lift that, have they not?
A I believe they do.
Q Do you know if that was done in this case?
A I do not know, sir.
Q Do you know if a similar lifting process was attempted on that shoe print?
A Was one attempted?
Q Yes.
A I'm not aware of one.
Q All right.
MR. DUFF: If I could have a minute to look at my notes, I'm at the end, Your Honor.
Q Well, when was the first time you were at Floyd Epps' apartment with anyone from BCI?
A On the 6th of September.
Q So is that the first date a forensic scientist had access to that apartment?
A Floyd Epps', that's correct.
Q So that's a forensic scientist. Was he from Lorain County Crime Lab or Richfield?

A This gentleman was from BCI.
Q That's the first one from either facility?
A That's right.
Q All right. You were there with him?
A Yes, sir.
Q And did you dust for prints?
A He did.
Q And that's the time the photos were taken, right?
A Yes, sir.
Q Did you dust that table for prints?
A I don't recall if he did or not.
Q You would agree that certain surfaces lend themselves better to retain fingerprints, do they not?
A Yes, sir.
Q And a smooth surface such as this jury rail, rail, something smooth like this piece of wood is a better surface to obtain a print from than say a piece of carpet, is that correct?
A If you compare those 2 items, correct.
Q This table in 8-G would be a smooth surface, where it would be favorable to the removal of prints, would it not?
A It would depend on the particular covering of the table.
Q It appears to be a smooth table?
A Again, sir, it appears.
Q And you don't know if any prints were attempted to be

lifted from that?

A No, sir, that was BCI.

Q Did you request it?

A He was a forensic scientist, he made his own analysis.

Q You requested it?

A I don't remember requesting a particular table.

Q What other police officer was there?

A Lt. Taliano.

Q You certainly had a right to say something if you felt something was important?

A Yes, sir.

Q But you don't remember seeing either of those?

A No, sir.

Q What was dusted for prints?

A The walls, doorways, handles.

Q You don't know about the table leg and table?

A No, sir.

MR. DUFF: If I could just have a moment, Your Honor.

Q Well, just real quickly as to the crime scene at Floyd Epps' apartment, there's a sidewalk behind the building, is that correct?

A Yes, sir.

Q And is there a stationary light pole out there?

A I'm not aware of one, sir.

Q There might be?
A I'm not aware.
Q Did you take any photos of the crime scene, Floyd Epps' apartment to show to the Jury?
A No, sir.
Q And there's a grassy area out there?
A Yes, sir.
Q To get to the grass you would have to go over the concrete if you were dragging a body coming out of the door?
A Again there's a grass area and sidewalk area.
Q If I'm taking a body, dragging it out the door, I would have to take it over this concrete area to get to the driveway?
A There's a stoop.
Q And a sidewalk up to the stoop?
A Yes.
Q How many feet of sidewalk from the Floyd Epps' apartment to the street, approximately?
A Thirty to 35, I would say.
Q Would you believe 50 to 100?
A Again, it's my recollection, it's possible.
Q You wouldn't disagree with that number?
A Again, sir, I don't know that to be --
MR. DUFF: That's it, Your Honor.
THE COURT: Mr. Rosenbaum, anything further?

REDIRECT EXAMINATION OF RICHARD RESENDEZ

BY MR. ROSENBAUM:

Q Although the tire prints weren't lifted, were efforts made to preserve them by the Lorain County Crime Lab?

A I believe there were.

Q How was that done?

A A set of photographs, they placed markers where these tire track impressions were made and again, I'm not sure how they in fact attempted but I believe they were in fact pointed out.

Q You called Lorain County Crime Lab for assistance at the scene where Marsha Blakely's body was found?

A Yes, sir.

Q And you called in BCI?

A For Floyd Epps' apartment.

Q When did that take place?

A September 8th. Again, we just received information, our investigation learned --

MR. DUFF: Objection.

THE COURT: Overruled.

A -- around the 11th of September that in fact his apartment had a bigger role in this whole homicide investigation than we had originally learned.

Q Prior to be BCI coming on I think you said the 18th of September?

A Yes, sir.
Q Were attempts made to secure that apartment?
A Yes, sir.
Q How was that done?
A Again on the 9th of August the locks were changed and we retained the only key.
Q And prior to the locks being changed the day before was the apartment protected in any other way?
A The door was locked when the originating officer, that would be Lt. Taliano, arrived there on the 8th.
Q You have been asked a lot of questions about things that could have been done and some of the things that were done in different ways, is that correct?
A Yes, sir.
Q Did you drop the ball here in your opinion?
MR. DUFF: Object to that, that's his opinion.
THE COURT: Overruled.
A No, sir.
Q Was every reasonable effort made to preserve the scene and do your job as police officers?
MR. DUFF: Object.
THE COURT: Overruled.
A We made every effort that was available, that meaning in 1991, that were available.
MR. ROSENBAUM: I don't have any other

questions. THE COURT: Mr. Duff.

RECROSS EXAMINATION OF RICHARD RESENDEZ

BY MR. DUFF:

Q We didn't have DNA testing in 1991, that's not your testimony, is it, Officer?

A Can I answer the question?

Q Did you have DNA testing in '91?

A The BCI didn't have it.

Q It was available through the FBI?

A I wouldn't know, sir.

Q You know about a case involving Amos Lee?

A Yes, sir.

Q And they used that?

A I'm not aware, sir, I wasn't a detective.

Q That happened before this case, didn't it?

A I believe it was, sir.

Q And they used that in that case?

A I'm not aware. I'm not aware what the police detectives did prior to being a detective.

Q So it's not your testimony DNA wasn't available in '91?

A My testimony is the fact we used the best methods available.

Q You didn't do hair samples?

A No, sir.

Q You didn't do blood from anyone other than Lenworth?

A That's correct.
Q There are a lot of places in this case where you did drop the ball?
A Not in my opinion, sir.
Q That's for the Jury --
MR. ROSENBAUM: Object.
THE COURT: Overruled.
MR. DUFF: I'll withdraw that.
Q I thought you testified on my initial cross, you said that apartment, Floyd Epps' apartment was left unattended and unsecured for at least 24 hours, is that what you testified to?
A You asked me when I was there, sir, on the 9th.
Q No, let me get it straight. When you got there, there was a police officer guarding that apartment?
A No, sir.
Q It was unattended by the Lorain Police Department?
A That's correct.
Q And you would agree that you found Floyd Epps dead?
A Right.
Q And you found Marsha Blakely dead?
A Right.
Q In close time and geography?
A Yes, sir.
Q And it's practical, is it not, to assume there may be

evidence of those deaths at Floyd Epps' apartment, which is very close to where Marsha Blakely's body was found?

A It would be assumed, based on information that we knew at this time.

Q Det. Taliano made that assumption when he went there the morning of the 8th?

A That they were related?

Q That it was a crime scene.

A I couldn't tell, Det. --

Q Did Det. Taliano go there on the 8th?

THE COURT: Mr. Duff, let him answer.

Q All right. Did Det. Taliano go there the 8th?

A To my knowledge he did.

Q It didn't require a large heap of knowledge in your opinion, to believe that on the 8th of August Floyd Epps' apartment might have valuable evidence to these murders in it?

A It depends on the information you have.

Q I'm asking on the information you had?

A At that time?

Q Right.

A I can't say it did play a large part at that particular time on the 8th of August.

Q Do you think it would require a large heap of knowledge?

A I can't agree with your statement.

Q Does it require a large heap of logic to believe on

August 8th that Floyd Epps' apartment might contain evidence of these crimes?

A I can't answer that, sir.

Q Why can't you answer?

A Because of the information. At that time we weren't aware that in fact it played a major role in the investigation of this home.

Q How far was she found from the apartment?

A Two to 3 tenths of a mile.

Q No, from Floyd Epps' place to Marsha's body?

A That would probably be a half mile.

Q And Floyd Epps was found very close too, right?

A Yes, sir.

Q With the same slashed throat, right, but you didn't know that?

A That's correct, I didn't know that.

Q You certainly would agree that would be a major piece of evidence to know, they were both slashed at the throat?

A It would be.

Q And you didn't know that until today?

A Yes, sir, you told me that.

Q Right. Did you ever bother to read the Coroner's report on Floyd Epps?

A No, sir.

Q Isn't that an important piece of evidence for a detective

to read?
A The case investigator, I assisted him.
Q So you depend on him to tell you everything?
A No, sir.
MR. DUFF: That's it, Judge.
FURTHER REDIRECT EXAMINATION OF RICHARD RESENDEZ
BY MR. ROSENBAUM:
Q Sir, did you hear Dr. Thomas on that tape that was made to the Jury?
A Yes, sir.
Q Did you hear him say he wasn't even going to autopsy Floyd Epps' body because it looks like a car crash to him?
A Yes, sir.
MR. DUFF: Object.
THE COURT: Overruled.
Q When did the link between the 2 become apparent, that makes all this hindsight Duff is questioning you about so obvious?
A It wasn't until the 11th of September.
Q What happened then?
A We made contact with a witness.
Q That would be?
A William Avery, Jr.
FURTHER RECROSS-EXAMINATION OF RICHARD RESENDEZ
BY MR. DUFF:

Q If I may, you heard Dr. Thomas say at the crime scene, I heard it, I wasn't going to autopsy it but now I'll go back and autopsy it?

A That's correct.

Q He knew right away to go back and autopsy this other body? You knew there might be a link here in the problem?

A You asking me what Dr. Thomas knew?

Q No, I'm not asking you, let me rephrase it. You knew from listening to Dr. Thomas that day that he was going to go back and reexamine Epps' body, right?

A Yes, sir.

Q And did you ever bother to ask him or look at the report and say was his throat slashed, until today?

A No, sir.

MR. DUFF: All right.

MR. ROSENBAUM: No other questions.

THE COURT: Any questions from the members of the Jury?

(Out of the hearing of the Jury the attorneys read the questions and discussed the questions.)

(Within the hearing of the Jury.)

THE COURT: Det. Resendez, do you know what the shiny object laying in the brush at the crime scene was?

THE WITNESS: Yes, sir.

THE COURT: Can you tell us?

THE WITNESS: That would be a silver colored folding comb that was found in the foliage there, a fold up comb in the shape of a pocket comb, but it folds in layers.

THE COURT: Any follow-up questions?

MR. ROSENBAUM I have none, Your Honor.

FURTHER RECROSS-EXAMINATION OF RICHARD RESENDEZ

BY DUFF:

Q Do you know how that got there?

A I learned that, sir.

Q Later from other police officers?

A That's correct.

Q What police officer is that?

A Det. Rivera.

Q When did you learn that, how much later?

A I just learned that information last week, sir.

THE COURT: You may step down.

We are going to send the Jury out for a few minutes. Remember the admonishment not to discuss the case among yourselves or with anyone else.

(Out of the presence of the Jury.)

Exhibit D

Sex, drug angles eyed in slayings

Man, 47, crushed by car, woman friend, 22, slashed

By LAWRENCE BUDD
C-T Staff Writer

LORAIN — The discovery Thursday of the bodies of a man and a woman within blocks of each other in west Lorain brought a sudden, gruesome end to seven months without a violent death in the city.

The body of Floyd Epps, 47, of Sunset Lane, was found about 1:30 a.m. on Wallace Lane, about 1,000 feet south of West Erie Avenue, his face apparently crushed beneath a car tire, according to reports.

Police originally thought he was the victim of a hit-skip accident.

"He was a harmless drunk," Capt. Cel Rivera said today. "There was no reason to kill him."

Less than eight hours later, police were called to the alley behind Westgate Plaza at Leavitt Road and Route 611, where the body of Marsha Blakely, 22, was found with about 15 stab wounds in the neck and bloody tire stains nearby.

Police quickly determined that Blakely had been staying at Epps' home, and a homicide investigation began.

Investigators spent most of the day at the scene, talking with the victims' friends and questioning patrons of Charlie's Sports Bar, located in Westgate Plaza, where one person said Blakely had been about midnight.

"We had somebody else tell us she doesn't go to bars," Rivera said. "We've got nothing, absolutely nothing."

He added, "We're not getting many calls, and that's what it's going to take. We need help from the community on this one."

Blakely's record of theft, drug and prostitution arrests led police to suspect her death could be linked to drugs or sex, Rivera said.

"Homicide's a crime of passion," he said. "A lot of times it's drug-related, and we're losing that battle too. There's so much money in it and so little consequences, and it's so competitive."

An informed source theorized that she may have become involved in a drug war between rival suppliers seeking control of the neighborhood near the low-income housing complexes across Leavitt Road from the shopping center.

Blakely, mother of three young children, had attended Admiral King High School.

Police expect preliminary coroner's reports today.

Epps attended Lorain High School.



C-T/Gene Krebs

LORAIN POLICE examine double-murder scene behind Westgate Shopping Center at Route 611 and Laavitt Road. Orange cones mark the spot where the crushed body of Floyd Epps was found.

INSIDE STORY



TV Week

Jim Donovan and Indy car driver John Andretti will team up Saturday on WVIZ-TV Channel 25 at 3 p.m. to broadcast the All-American Soap Box Derby from Akron. One of the contestants, in the kit car division, will be Greg Marsh of Elyria, who captured the Cleveland regional title.

Encore

From Hal Holbrook to Olympia Dukakis, it'll be a busy, busy theater season in the Cleveland area Encore previews the shows and the stars.

Headlines

Bari, Italy: Thousands of Albanians fleeing their impoverished homeland are being sent home; some escape roundup after escaping from stadium. A-3.

Oberlin: Vo-ed school to put 0.75-mill levy on November ballot. A-9.

Elyria: Verdict expected today in trial of Elyria woman Debra Wood, accused of having sex with juveniles. C-1.

Sheffield Lake: The fiance of Angela Ayala submits to a lie detector test. C-1.

Sports

Elyria: Practice starts for the 1991 high school football season today and the C-T kicks off its coverage with previews on the three Elyria schools. B-1

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Forecast

Cloudy: Low tonight 55-60. Chance of showers Saturday. High in mid-70s. Details on A-2.

Abduction in Beirut dims hope for Terry

By The Associated Press

On A-3: Abduction of French citizen could hurt France-Iran relations badly.

Western officials and families of those held in Lebanon still hope for the release of another captive. But optimism dimmed somewhat as Lebanon and France confirmed today that a French relief worker was seized only hours after Briton John McCarthy was freed.

McCarthy, who arrived home in Britain Thursday night, told reporters he carried a letter for U.N. Secretary-General Javier Perez de Cuellar suggesting the remaining Western hostages be freed in exchange for hundreds of Shiite detainees held by Israel and an Israeli-allied militia.

Israel has said that any such deal must include seven Israeli soldiers missing in Lebanon. Benjamin Netanyahu, Israel's deputy foreign minister, indicated today that Israel would pressure its allied militia in south Lebanon to free Arab prisoners there.

"We have influence there and I think we can effect that release, yes," Netanyahu said today in an interview on ABC-TV's "Good Morning America."

He said he believed the key factor in any wholesale hostage release was a change in attitude by the government's of Syria and Iran, who are seen as having influence with the hostage-holders.

"They're the ones who have now decided for their own reasons — probably to curry favor with the United States — to release one hostage, possibly two. They can effect the release of all hostages, and our offer on the table stands and is ready to be acted on," Netanyahu said.

Meanwhile, the spiritual mentor of the Islamic Jihad group —believed to holding Lorain, Ohio, native Terry Anderson and Thomas Sutherland, another American — was quoted as saying the most militant leaders in Iran want to wind up the hostage episode.

"I heard from the most hardline of oppositionists there that they desire an end to the whole problem. The hostage issue no longer has any great impact on events," Sheik Mohammed Hussein Fadlallah was quoted as saying in The Washington Post.

TURN TO A-10



AP

PEGGY SAY, sister of Terry Anderson, formerly of Lorain, tells reporters she's waiting to see what will happen now that an "upstart" group has kidnapped a Frenchman.

Lack of $$ handcuffs jail plan

By JOHN CANIGLIA
C-T Staff Writer

ELYRIA — The Lorain County commissioners dropped a plan Thursday to construct a minimum-security jail after several communities indicated that they could not afford to help pay to build it.

Chief Probation Officer Michael Willets said he believed the issue was dead because the county and its subdivisions cannot come up with the necessary $1.9 million.

Commissioner Mary Jo Vasi had pushed to seek part of $50 million in state bonds earmarked for jails. In order to receive a grant, which would cover about half the building cost, the county would have to come up with matching funds. The county faces a $520,000 deficit this year.

Vasi sought support from the county's subdivisions to help with the matching funds. Several subdivisions wrote to the commissioners, saying short notice and their own financial problems limited their support.

TURN TO A-10

Voinovich seeks help for Ohio farmers

From local and wire reports

Gov. George Voinovich has asked U.S. Agriculture Secretary Edward Madigan to declare the entire state an agricultural disaster area, and that could help area farmers get some much-needed drought relief.

Voinovich's request on Thursday followed a similar request submitted two days earlier by the U.S. Agriculture Stabilization and Conservation Services and other farm agencies that make up a state emergency board.

The board said farmers in at least 81 counties already have lost 35 percent of their crops, which qualifies them for low-interest loans and other assistance that a disaster declaration would make possible.

The request, however, is just one in a series of steps for disaster aid, as Congress needs to pass some legislation, according to Jerry Nicholson, director of the Lorain County Agriculture Stabilization and Conservation Services in Carlisle Township.

"We're a long way from getting any farmers any money," he said.

Nicholson said the latest crop estimates show that farmers expect to harvest an average of 22 bushels of soybeans per acre and 60 bushels of corn. The county averages about 37 bushels of soybeans and 118 bushels of corn.

"We are looking at no more than a 50 percent corn crop," he said.

Ironically, about half an inch of rain fell between 2 p.m. Thursday and 8:30 a.m. today, according to North Ridgeville weather observer Ray Diederich — raising the August total to 1.25 inches.

For area farmers, however, the rain may have been too little, too late, according to Nicholson.

"Even if it rains now, it's not going to put us back in good shape."

Because of overhead costs, farming is not the kind of business that normally has a big margin of profit, even in a normal year, and it gets even tougher in years like this one, he said.

Nicholson said the problem is compounded by low crop prices, about $5.65 per bushel of soybeans and $2.60 per bushel of corn.

"I think there are a lot of farmers out there suffering," he said.



C-T/Kimberly Barth

SAY, what's that thing Lenore Varga of Vermilion is toting to her job at Ely Square in Elyria this morning? An umbrella? Oh, yes, it's been a while since we've seen one of those. Steady rain and drizzle brought out the relic from what seems the distant past.

Massillon bidding for cemetery

By GLEN MILLER
C-T Staff Writer

ELYRIA — The Veterans Administration has added a fifth contender to its list of potential national cemetery sites in Ohio, a move that surprised and frustrated local veterans and political leaders

"It seems like they're playing politics with us," Norm Heldt, commander of Elyria Post 1079 of the Veterans of Foreign Wars, said Thursday. "We're not too happy about this, and we really don't why this has happened."

The fifth site is in Massillon, and it is one the VA once rejected, a spokesman for U.S Rep. Don Pease, D-Oberlin, said Wednesday. The other sites are in North Ridgeville and Medina, Lake and Summit counties

Nancy Yood, Pease's district administrator, said she was concerned because the VA apparently ignored its own deadline for property submissions and its decision to limit the sites to four.

"It's especially frustrating because they've done this about three weeks after they had the

TURN TO A-10

NEWSPAPERARCHIVE

Elyria Chronicle Telegram, August 09, 1991,Pg. 1, Elyria, Ohio, US

https://newspaperarchive.com/elyria-chronicle-telegram-aug-09-1991-p-1/

TV show to focus on Lorain killings

by JOHN CANIGLIA
C-T Staff Writer

LORAIN -- Police are hoping a local television newscast will help solve the murders of two Lorain residents last month.

WEWS-Channel 5 will interview family members and police and show photographs of Marsha Blakely and Floyd Epps, who were found dead Aug. 8. Blakely, 22, was found behind the Westgate Plaza with about 15 stab wounds in the neck, police said.

Epps, 47, was found about 1,000 feet south of West Erie Avenue. Police said his face was crushed beneath a car tire.

Police have determined that Blakely had been staying at Epps' house on Sunset Lane before Aug. 8.

The local "Crime Stoppers" telecast, featuring reporter Bill Yunkin, airs Thursdays at 6 and 11 p.m. Yunkin could not be reached Wednesday to determine when the segment will run.

Lorain police Det. Geno Taliano said the local station was contacted to help officers develop additional clues in the case. Taliano was quick to point out that the local newscast is not to be confused with the syndicated show of a similar name.

Lorain County Prosecutor Gregory White's office has offered a $2,000 reward to anyone with information leading to an arrest or an indictment in the case.



Move or be moved

AP

Audrey Greenfield takes a moment to catch up on some reading in a chair on display outside a furniture store in Toledo. Meanwhile, a store employee moves other furnishings around the woman who was waiting for friends to arrive.

New London schools hire vocal music instructor

By ROBERT LAVENGOOD
C-T Staff Writer

NEW LONDON -- The school board met in special session Wednesday to hire a vocal music teacher to replace Mark Skladan who resigned two weeks ago.

Kim Hildack, a first-year teacher from Lordstown, was hired for vocal music and show choir. She is a graduate of Grove City College in Pennsylvania.

After a lengthy discussion on class sizes in the junior high and high schools, the board authorized Superintendent Steve Schumm to hire a part-time learning disabilities elementary teacher.

Schumm told the board that an elementary certified teacher would provide more flexibility in relieving the crowded classrooms.

A large seventh-grade class and an unusually large influx of students in the upper grades have created some large classroom sizes.

Board members were especially concerned that the math and English teachers have so many students.

"The proficiency tests show that these two areas need improvement," said Board member Richard Harris. "And yet these are the classes that have the most students."

Schumm said the faculty and administration currently are working to create a better student-teacher ratio in some of these classes.

The board has changed its regular meeting date from Sept. 16 to Sept. 23.

2nd waste handler bites dust

CLEVELAND (AP) — A second hazardous waste handler has been barred from the Broadway neighborhood and a community activist is taking aim at a waste distillation plant proposed for the area.

"I'll not allow one more pound of pollution to go into our air. We're in one of the worst polluted neighborhoods in the city of Cleveland, in the state of Ohio," Robert Castro said.

"I would caution any business who wants to bring pollution down to my neighborhood: you better think twice," Castro said Wednesday after hearing the state has denied an operating permit for a medical waste incinerator in his neighborhood near Interstate 77.

The incinerator location "has a horrendous past and I'm not convinced it will be operated in a safe and healthful manner in the future," Ohio Environmental Protection Agency Director Donald R. Schregardus said.

Schregardus said his decision, which upheld a preliminary license rejection June 5, 1990, by Ohio EPA Director Richard L. Shank, can be appealed to a three-member state panel until Oct. 4.

Ikram Habib, owner of Thermal-Tron Inc., which has been fined for illegally burning medical waste at the location, cannot be trusted to operate the facility safely, Schregardus said.

Habib, who served as Cleveland's air quality regulator for 17 years before forming Thermal-Tron, could not be reached for comment in response to the EPA action. A message was left on a recording machine at his office and calls to his home went unanswered.

Thermal-Tron had applied for permission to operate an incinerator capable of burning up to 750 pounds hourly of medical wastes including body parts, syringes and blood specimens.

PUBLIC AUCTION

GOEBEL AUCTION

SATURDAY, SEPTEMBER 14, 1991, 10:30 A.M.

From St. Rt. 82, Columbia Station, Ohio, go north 3 miles on Station Rd. to Sprague Rd. then west 500 ft. or if coming from the west, go east of Elyria on Rt. 10 to Rt. 83 exit, then south on Root Rd. two miles to Sprague Rd., then east 3 miles. Watch for auction signs.

Due to quitting farming, we will sell the following:

TRACTORS, COMBINE AND BALER: 1981 model N5 gleaner diesel combine, has a new engine with hydrostatic drive, new fan assembly, big tires, 16 ft. floating grain header in very good condition; John Deere 4630 diesel tractor, cab, air, radio and hub duals, only used 20 hrs. since engine was rebuilt, excellent condition; Oliver 1850 diesel tractor, very good; Allis Chalmers model A tractor, 18.4x34 duals for 1850 tractor, New Holland model 315 baler, very good.

FARM TOOLS: John Deere 1350/1450 six bottom semi-mounted plows, new mowboards, Oliver 5 bottom semi plow with new points; Dunham 15 ft. cultimulcher; Dunham 15 ft. harr gator with wings; Oliver springtooth harrow; 18 ft. Ford wing disk, Texas Beidon 300 gal. trailer sprayer; new Brillion high clearance chisel plow, 2 hay wagons with hydraulic lift and grain sides; hay rack on steel wheels; grain header trailer; new John Deere grain tester; misc. hydraulic cylinders and hoses, Hobart welder; engine puller stand; 1100 gal. plastic water tank; misc. scrap iron, fireplace insert, 2 wagon loads misc.

1960 Chevy dump truck, runs good.

NOTE: THESE TOOLS ARE IN VERY GOOD CONDITION

The following items are consigned by neighbors: 1066 Int. tractor with cab, low hrs.; Super M Farmall tractor with duals; Farmall H tractor; rotary ditcher with buzzer attached and belt, A C model 160 scraper in excellent condition; Clark model C500 800 D diesel forklift; Hyster model 560 B diesel forklift, Brinkley 5 ft. model DD1650 3 pt. hitch disc, 3 pt. hitch posthole digger with 12 in. auger; 7 ft. belt driven pull type bushhog; single bottom plow; 3 bottom horse drawn plow, single bottom horse drawn plow; hydraulic hose; Fleetside camper top; 28 ft. extension ladder, rototiller; electric weed eater; extension cords, tow bar used for any make of car; saddles; bridles; and halters, misc. chain binders, canvas covers and other misc. tools.

Lunch. Not responsible for accidents. Off-street parking.

J.O. FENSTERMAKER, Auctioneer
Homerville, Ohio Phone 216-625-2992
RAY GOEBEL, Owner
26697 Sprague Rd., Columbia Station, Ohio Phone 216-235-1878

LORAIN COUNTY Together
Helping Lorain County Grow and Prosper

PUBLIC AUCTION

Having sold my real estate we will sell the following cars-antiques-tools and furnishings located at 10985 Butternut Ridge (off Grafton Rd.-LaPorte) Elyria, Ohio on

Saturday, September 7, 1991 at 10:00 A.M.

Zenith console color television, Kenmore microwave oven, butcher block, glass top coffee table, 4 cane back dining chairs, Rattan rocker and 2 fan back chairs, brass floor lamp, magazine stand, stereo receiver with turn table and tape player, square and octagon end tables, over size vinyl occasional chair and hassette, upright vacuum cleaner. Frigidaire stack washer and dryer, pine hutch, chest of drawers, brass spittoon, lots of owl pictures and wall decorations, approx. 70 live houseplants, wicker shelf, pictures and frames, Remington typewriter, number of good bar lights and signs, good traffic light, table radios, child's rocker, car radios and stereos, steel table, glass and tinware, chest coolers, luggage, bar supplies, coffee maker, collection of approx. 35 Jim Beam bottles, new sliding patio door, approx. 400 new and used brick.

GUNS Like new Ruger 357 - 6 shot revolver, Winchester semi-auto 22 rifle with weaver scope, Springfield double barrel 16 gauge shotgun, H&R 12 gauge shotgun, USMC knife with sheath, throwing knife, skinning knife.

GAMES Good Stern electric pin ball machine, Asteroids video game, Pachenko game, fancy brake down cue sticks, chess game and stand board.

RESTAURANT EQUIPMENT Victor 515 electric cash register, Star hot dog machine, 7½ ft. ice cream freezer, ceiling fan, fiberglass sink.

ANTIQUES Nice rope leg oak table with 3 leaves, walnut buffet, drop leaf table, record cabinet, floor lamp, walnut hall tree, old milk bottles, oak fern stand, small oak stand, good old dime Coke machine, oak lamp table, very nice oak church pew, old light fixtures, oak hall tree, large oak school teacher's desk, copper and brass Chalice, 2 swords in cases, spindle back chair, old lantern, hand washboard, wood chairs, antique cash register, clay bottles, pictures and frames, 2 walnut arm chairs, park bench.

TOOLS Craftsman 10" radial arm saw, table saw, electric chain saw, saber saw, vibrator sander, electric drills, tank sprayer, nut and bolt caddies, metal wall cabinets, nuts bolts screws and nails, pipe cutters, propane tanks, router turning stand, Beaver gas powered leaf blower, C clamps, levels, wood and metal drill bits, acetylene tank, metal cabinet, metal shelving, tool boxes, hand tools, gas cans, good used tires, large metal desk, log rings, 5 and 6 ft. stepladders, concrete yard bird bath statue, lots of garden tools.

CARS Very nice 1979 Pontiac Trans Am 6.6 with t-tops and only 59,000 miles, 1986 Pontiac Firebird V-8 and t tops, loaded, Cowett bra and many other items.

Lunch available. Plan now to attend.

John Nowicki Owner
Auction Conducted By Auctioneers
Larry G. Standen
Ph. Elyria 365-7693
Jerry A. Standen
Ph. Wellington 647-4238
Complete Auction & Real Estate Service

PUBLIC AUCTION

COMICS - COMICS - COMICS
PUBLIC AUCTION
Monday Night Sept. 9 at 6:30 P.M. Inspection at 5:30

Located at 96 Tannery St., Elyria

Over 12,000 comic books of all kinds and years from 1940's to 1980's to be sold Xman #95, Ironman #3, 4, 6, 10, Fantastic Four 21, 23, Hulk #182, 70, Star Trek, Astonish #60, Thor #1, 126, Daredevil #8, 9, Sad Sack 1st issue, Classic Comic #4, Conan #2, 3, old T.V. show comics, Hop-a-Long, and 100's more. Also to be offered with reserve Xman #1 and Fantastic Four #3

WILLIAM A. HECKER
Auctioneer
323-3264 or 365-8102
For Complete Auction Service

COOK AUCTION

Due to health will sell at 224 Southwood Rd., off of Grafton Rd. by Indian Hollow, Elyria, O.

Saturday, Sept. 7 at 11:00 A.M.

RCA console color TV, Amana radar oven, console electric sewing machine, dehumidifier, Hoover scrubber, vacuum cleaners, floor humidifier, electric broom, davenport hide-a-bed, walnut 3 piece bedroom suite (complete) bedding, wool blanket, tilt lounge chairs, Mersman marble top lamp tables, E.A. spindle back rocker, 4 piece light mahogany bedroom set (complete), platform rockers, floor & table lamps, D.S. lamp, nice 5 piece drop dinette set, wall pictures & frames, mahogany kneehole desk, 3 piece dinette set, oil lamps, luggage, glassware, set of Corelle dishes, exercise bike, stereo records, Shop Vac.

Collectibles: Mahogany oval lyre table, sewing cabinet drawers, tiger oak sideboard, glass top jars, nice graniteware, gateleg table, wood clothes basket, folding dry rack, scythes, kitchen stool, dove tail ammo boxes, wood drawers, long wood plane, Singer H.D. canvas treadle sewing machine, nice large oak double desk, cedar chest, blanket chest, beautiful double & triple figurine lamps, Depression, mixing bowls, old kitchenware, coal hod, rare hardware store oak 12 dr. cabinet.

Tools: I.H. Cadet 60 riding mower, pull lawn sweeper, rotary lawn mower, many hand & garden tools, stepladders, vacuum cleaner parts, car ramps, electric hedge trimmer, electric weed eater, bench buffer, electric tools, brace & bits, electric motors, large shelving cupboard, wood storage cabinets, nuts, screws & bolts, many fishing reels & tackle, tool boxes & other items.

Owner: The Hoover Man Henry H. Cook
The Auctioneer: Don W. Standen CAI & R.L. Rundle
Phone Elyria 327-8141

PUBLIC AUCTION

PICKERING AUCTION

Having sold home, will sell at 2943 Hayes St., off of Detroit Rd. (Rt. 254) Avon, O.

Sunday, Sept. 8 at 12:01 P.M.

Antiques, car & tractor, Signature 30 in. gas range, combination refrigerator-freezer, Motorola TV, G.E. roll about dishwasher, Maytag wringer washer, gas dryer, small refrigerator, 8 piece walnut dining room set, maple Singer console sewing machine, 5 piece dinette set, upright freezer, small appliance, kitchenware, electric roaster, pots & pans, canning jars, 16 place setting silver, linens, 5 drawer sewing cabinet, upright sweeper, glass top table, Simmons hide a bed, 4 piece walnut bed room set, davenport, chairs, floor & table lamps, large wall mirror, 9x15 carpet, 3 piece walnut bedroom set, E.A. platform rocker, 2-9x12 carpets, Christmas decorations, fishing reels & tackle box, floor humidifier, small stands, half tables.

Collectibles & Antiques Maple spool wash stand, bracket oil lamp, copper lined smoke stand, buggy blanket, Daguerreotypes cases quilting frame, oak chairs, iron brass ball bed, house shutters, oak 6 leg exten. table, wash tub stands, wooden ware, pocket knives, 1897 iron mechanical bank, horse collar, buck saw, McCoy cookie jar, cook books, 12 piece setting Homer Laughlin china, Depression Glass, Carnival, pressed, cedar chest, walnut carved mirror, maple drop leaf table, oak slant top desk, 1973 Plymouth Satellite Custom 4 door car, M.W.H.P. riding tractor, lawn sweeper, roller, rotary mower, electric hedge trimmer, hand & garden tools, 30 ft. ext. ladder, bench vise, table saw, Shop Vac & other items.

Owner, Marian Pickering
The Auctioneer, Don W. Standen CAI & John Murphy CAI
Phone Elyria 327-8141

PUBLIC AUCTION

HANDROSH ESTATE AUCTION

SUN., SEPT. 8th
NOON (11 A.M. Preview)
24137 FOSTER RD., PENFIELD TWP
(2 mi. So. of Rt. 18)

Victorian marble-top Buffet, carved handled chest, cheval dresser, plant stand, bookshelf, marble top table, organ stool & chairs. Caned & Hitchcock rockers, Birdseye highboy w/mirror, Bentwood rocker & chairs, Windsor chair, Gate-leg drop leaf table, Rayo lamp, primitive baby bed, old fishing tackle, rd. Oak Pedestal table, trunks, Lyre table, lge. & sm. oriental rugs; oil paintings, old pictures & prints, graniteware, Griswald pans, sad irons, old tools & planes, crocks & jugs, numerous old tables, Oak chest & plant stand, Q.A. cedar chest, deco ashtray, wicker plant stand, R.R. oil cans, Marbles, floor lamps, mirrors, garden tools, **variety of old glassware**, many linens & box lots, washer & dryer, couch & loveseat, gas range, many other items still unpacked, **many collectibles.**

Estate of: Lois Handrosh
Probate #90ES081381
Administrator:
Elyria Savings & Trust

Jerry Canterbury C.A.I.
Member Certified Auctioneers Institute
327-9394

PUBLIC AUCTION

CAPELL AUCTION

FRIDAY, SEPT. 13, 1991, 11:00 A.M.

Property of the late Stanley Capell, Clarksfield, Ohio at the junction of St. Rt. 18 and 60. Go west one mile on Zenobia Rd. to Wentz Rd. then south 1/4 mile next to railroad. Watch for auction sign.

TOOLS: Formall tricycle type tractor with pulley; good sawmill complete with 3 extra blades (blades sold separately), new sawmill teeth, other sawmill equipment; belt lacer and supplies; 2 drive belts, 16 inch planer with Wisconsin engine; 3 pt. buzz saw; generator with Wisconsin engine, Lincoln arc welder, upright electric power belt sander, power water grinder; power grindstone and sharpener; one horse electric motor; hit and miss gas engine; 2-18 inch eye beams, 30 ft. long; small international 2 wheel spreader; several small gas and electric engines; hydraulic jack, metal cutoff saw; metal band saw; leaf shredder; 2 chain saws; block and tackle, Harley 45 motorcycle engine, some Indian motorcycle parts; shovel plow; cement mixer, Onan powered garden tractor; old Ford car parts; lots of shop tools; pipe wrenches; electric drill; C clamps, hand tools of all kinds; some antiques, truck engine and parts; truck wheels and tires, lots of bolts and nuts; lots of old pipe and scrap iron; telephone and electric poles; old dump trailer.

A large quantity of rough-sawed lumber-oak, chestnut, cedar and poplar.

SOME ANTIQUES: Corn sheller; antique scale on wheels, old wooden well pipe; milk can; antique tinware; carpenter and blacksmith tools of all kinds.

TRAILERS: 1970 24 ft. fan trailer, self contained with air conditioner, sleeps six; 1953 self-contained 16 ft. fan trailer, sleeps four.

GUNS AND GUN EQUIPMENT
2 hand guns, 2 high powered scope rifles; sporting scope; misc. gun-loading equipment

GUNS AND TRAILERS TO SELL AT 2:00 P.M.

Note: THIS SHOULD BE A LARGE AND INTERESTING SALE. MANY ITEMS ARE PACKED AWAY IN BOXES. MISC. ITEMS WILL SELL FIRST, FOLLOWED BY TOOLS.

Lunch. Not responsible for accidents.

J.O. Fenstermaker, Auctioneer
Homerville, Ohio
Phone 216-625-2992
MRS. MILDRED L. CAPELL, Owner
Phone 216-235-2871

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NEWSPAPERARCHIVE
Elyria Chronicle Telegram, September 05, 1991,Pg. 24, Elyria, Ohio, US
https://newspaperarchive.com/elyria-chronicle-telegram-sep-05-1991-p-24/

Baltic states join 4 others as members of U.N.

UNITED NATIONS (AP) — Seven newcomers to the United Nations spoke with pride and gratitude of joining the body, saying the acceptance meant global recognition and a hopeful sign for world politics.

The General Assembly accepted the three newly independent Baltic states of Estonia, Latvia and Lithuania, North and South Korea, the Marshall Islands and Micronesia when it opened its 46th session on Tuesday.

In other business, the General Assembly picked Saudi U.N. envoy, Samir S. Shihabi, 66, as its president. The post is largely ceremonial, but the president can arrange the agenda and schedule or postpone debates, sometimes defusing acrimonious issues.

With the countries that joined Tuesday, the world body's size increased to 166 members. All seven new members were seated by acclamation.

"Justice has triumphed! The world community has found the family members — Lithuania, Latvia and Estonia — it lost during World War II. We have returned from the war at last," the president of Latvia's Supreme Council, Anatolijs Gorbunovs, told to the General Assembly.

The Baltics were members of the old League of Nations when they were annexed by the Soviet Union 51 years ago.

"The U.S.S.R., having given back freedom to the Baltic states, has itself become freer," declared Gorbunov, referring to this month's Soviet recognition of their independence.

South Korea lauded its entry into the United Nations by calling for friendly U.N. dialogue and contacts to promote reunification with North Korea.

"By simultaneously joining the United Nations, South and North Korea have now taken a giant first step forward," said South Korean Foreign Minister Lee Sang-ock.

North Korea, by contrast, swore by its rigid brand of socialism, made no mention of its fraternal rival by name and expressed no hope for U.N. contacts. Eventually, it said, there would be a single Korean seat.

For years, North Korea and South Korea were U.N. observers without voting rights because of Cold War hostilities.

As the Cold War waned and the Soviet Union and China warmed to Seoul, they dropped their opposition to South Korean membership and supported its call for a seat for each nation. The north sought a single joint seat but applied separately after South Korea did so.

For the Marshall Islands and Micronesia, two tiny Pacific nations that suffered fierce



AP

SHAMIR SHIHABI
...new U.N. president.



AP

SOVIET Ambassador to the U.N. Yuliy Voronstov, left, shakes hands with Lithuanian President Vytautas Landsbergis after Lithuania was admitted to the General Assembly.

fighting during World War II, the day also was a historic one.

"For centuries . . . our very existence as a member of the family of nations has been all but unknown to the world beyond the shores of our small and scattered islands," Tom D. Kijiner, foreign minister of the Marshall Islands, told the General Assembly.

Egypt reassures Baker, attention now turns to Syria

DAMASCUS, Syria (AP) After intense discussions with Israeli Prime Minister Yitzhak Shamir, Secretary of State James A. Baker III is conferring with Arab leaders about prospects for a Middle East peace conference.

Baker flew to Syria today after a Tuesday meeting in Cairo with Egyptian President Hosni Mubarak, who said he's prepared to attend a conference regardless of the conditions under which the United States provides Israel with $10 billion in housing loan guarantees.

Baker was likely to encounter a tougher line in his meeting later in the day with Syrian President Hafez Assad. The prospects for a peace conference attained a major breakthrough when Assad said Syria would participate.

A senior Bush administration official said hours before Mubarak spoke that if Israel got the loan guarantees without promising that none of the money would go for settlements in the occupied West Bank and Gaza Strip, "the Arabs would not show up" at a peace conference.

The official, who spoke on condition of anonymity, said it was Baker's belief that "the Arabs would walk if this thing just rolled through with no conditions."

But when Mubarak was asked at a news conference if he thought the Arab nations would boycott a peace conference because of the loan guarantees, he replied, "I'm not going to tackle the problem of the $10 billion. It's a problem between the U.S. and Israel."

The Egyptian president added that "attending the conference is a must."

Egypt is the only Arab nation that has diplomatic relations with Israel, the result of the Camp David accords of 1979.

Baker's seventh visit to Syria in just over a year coincided with news reports that one of the 11 Westerners missing in Lebanon might be freed by his captors within a few hours.

The report by Iran's official Islamic Republic News Agency indicated that Jack Mann, 77, a retired British pilot, would be the next Westerner to be freed.

Syria and Iran, two Middle East states eager to improve relations with the West and shed their image as supporters of terrorism, have been the key players in the hostage drama.

The Syrian government has been awaiting the release of a hostage for a week, since Israel last Wednesday repatriated 51 Arab detainees and nine bodies of Lebanese Shiite guerrillas.

Boris Yeltsin reportedly hospitalized

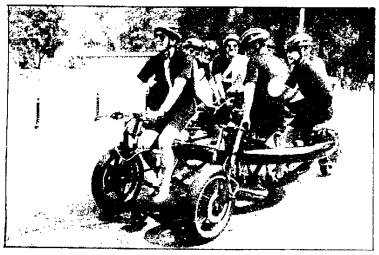
MOSCOW (AP) — Russian Federation President Boris N. Yeltsin was taken to a hospital today after becoming ill in his office at the Russian Parliament building, the independent Interfax news agency reported.

However, Yeltsin's press secretary Pavel Voshanov, denied the report, saying the 60-year-old politician "was in normal health."

Interfax said Yeltsin complained of an unspecified heart problem, using the Russian phrase for "heart insufficiency."

Voshanov said Yeltsin would make a speech as scheduled on Thursday when the Russian legislature resumes sitting.

After the botched coup in August, Yeltsin emerged as the most powerful political figure in the Soviet Union. He is leading the effort to work out a new power-sharing agreement between the central government and the republics.



AP

Bicycle built for 8

ERIC Staller of New York City takes the lead in his bicycle-built-for-eight in Central Park Tuesday. Staller, his wife Deborah, and friends built the "Octo" in four months. He built a baby seat in the middle, occupied by his son, Julian.

National, world briefs

Discovery glides to night landing in Calif.

EDWARDS AIR FORCE BASE, Calif. (AP) — Discovery was diverted from Florida because of bad weather and glided instead to a night landing in the California desert today, capping a mission to put an ozone-studying satellite in space.

"We're glad you're back, Discovery. Your mission will pave the way for a better understanding of our planet Earth," Mission Control said as the shuttle and its five-man crew landed at Edwards Air Force Base at 12:38 a.m. PDT.

The shuttle was to have made the first nighttime landing at Kennedy Space Center at Cape Canaveral, Fla., but cloudy skies prompted NASA to wave off Discovery for an extra orbit around the Earth, then detour it to California.

5-cent gasoline tax hike appears dead

WASHINGTON (AP) — A bid by House leaders to pay for transportation improvements through a 5-cent-a-gallon increase in the federal gasoline tax appears to be dead.

The Senate went on record Tuesday to state it will not accept such an increase, and President Bush has said repeatedly he will veto any transportation legislation containing an increase in the gasoline tax from the current 14.2 cents a gallon.

In addition, large numbers of House Democrats are making clear that they would be hard-pressed to vote for such a tax, despite the support for it by Democratic leaders. The tax is intended to increase revenues by $32 billion over five years to help pay for highway, bridge and mass transit improvements.

Commissioners

FROM A-1

employed by the county nor do business with it.

Vasi said she feared a panel could become political.

"I find it hard to find anyone who is not involved in politics," she said.

Commissioner Herbert Jacoby shot back, saying: "I think the board can be selected. I think nine people can be selected who have no ax to grind and who have a financial background that is needed."

Over the long term, Blair said, the panel would make recommendations on cost-cutting measures and improvements in efficiency.

But county Treasurer Dorothy Essex and Domestic Relations Administrator Joyce Motsch said their departments need more than analysis: They need money to finish the year.

"We're losing good people because they don't feel secure," Motsch said. "We're sitting on a pin cushion. We have cut and cut and cut. We can't take it anymore."

Essex expects to close her office in two weeks if she doesn't receive more money from the commissioners.

"If we close the doors, then we'll see what happens," Essex said. "We have to do something rash to get people's attention to how important this is."

The board said it will begin dispersing an estimated $1.6 million Thursday to help various department heads who have nearly exhausted their salary accounts. The money largely will come from the sales tax increase.

Correction

A Los Angeles Times story Tuesday incorrectly identified a charitable group that has been charged with fraud and misleading advertising in a civil lawsuit filed by California Attorney General Dan Lungren. The target of the suit is the Children's Wish Fund of Carson, Calif., one of several charities formed to grant the final wishes of dying children. The group has no connection with the similarly named Children's Wish Foundation, which is headquartered in Atlanta.

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Simko

FROM A-1

Simko was convicted in June of kidnapping and aggravated murder in the death of Johnson, his former girlfriend. He had held her at gunpoint and then shot her as she fled him in Clearview's During Elementary School, where both were employed as janitors.

He was also convicted of kidnapping another janitor, Howard "Bud" Baker, who tried to intervene when he found Simko holding Johnson at gunpoint in the teachers' lounge.

Simko showed little emotion throughout his trial and during the two-day penalty phase of the case.

The judges could have chosen life imprisonment, with no chance at parole for 20 years or 30 years, but they said the facts of the case outweighed the evidence presented by the defense in an effort to spare Simko's life.

Either option likely would have placed Simko, who is 58, behind prison walls for the rest of his life.

Simko will join two other Lorain County residents on Ohio's death row in Lucasville. Ronald Ray Post was convicted in 1983 of aggravated robbery and murder in the death of a motel clerk, and Raymond Davis received the death penalty in 1988 for serving as a hit man in the deaths of two Elyrians, Edith Schneider and Charles Piazza.

A third Lorain County resident, Ediberto Huertas, was sentenced to die, but the sentence was commuted to life imprisonment after a court ruled that testimony about the impact of the crime on the victims was prejudicial to the defendant.

A recent U.S. Supreme Court ruling has changed that precedent, and Johnson's children testified during the penalty phase about the effect the loss of their mother had had on their lives.

Defense attorneys Daniel Wightman and Kenneth Lieux did not want to comment after the decision. Chief Assistant County Prosecutor Jonathan Rosenbaum also declined to comment.

Testimony during the June trial showed that Simko purchased a 357-caliber Magnum handgun less than a week before the slaying, telling his cousin he needed it because he thought a prowler was coming around his home.

Witnesses also testified that Simko spent the evening before the slaying drinking with his son, Jim, and executed his will and wrote his son a check for the balance remaining in his checking account.

He also made arrangements with a cousin, Larry Simko, to take his boat and said he planned to kill two people that evening.

Larry Simko testified that his cousin's words were so slurred that he could barely understand him and that he didn't believe the threats.

During the penalty phase of the trial, the defense portrayed John Simko as a quiet, caring man who tended to his elderly mother and cared for his second wife while she was suffering from cancer, even though they were divorced.

A defense psychologist, Dr. Kevin Brown, said that Simko suffered "avoidant" personality disorder, which prevents close personal relationships, and that he was alcohol dependent.

During his alcoholic binges, Brown said, Simko was prone to be violent.

"He's not a cold-hearted killer," Wightman said. "This is a man who demonstrated throughout his life that he cared for others. I think you could accurately portray him as a cranky loner, but a good-hearted person."

Rosenbaum countered by questioning Jim Simko, who testified that his drunken father beat his mother.

Fire

FROM A-1

he said. "All of a sudden, I came down here and found it was the farmer's market.

"When I got here, this whole area was smoke-filled and flames were shooting about 10 or 15 feet above the roof."

He said the roof caved in moments. No one was inside.

"It's really a shame," he said. "This is a landmark in North Olmsted."

Cause of the fire was undetermined this morning, but Osterhouse said there were reports of an explosion, although those reports have not been verified.

Osterhouse said the smoke and flames prevented firefighters from getting into the market until 7:30. It took firefighters about three hours to bring the blaze under control. Osterhouse said most of the damage was in the middle of the building.

Danny Boy owner Terry Romp was unavailable for comment this morning. His uncle and cousin are owners of the popular Romp's Water Port Marina in Vermilion.

Probe

FROM A-1

N.Y., on a felonious assault charge, saying he attacked Marsha Blakely Aug. 8 — the day police found her body and that of Floyd Epps.

Edwards is being held on $200,000 bond in the county jail.

"We've made no other arrests," Detective Geno Taliano said. "We are attempting to locate other people we think are involved."

Taliano said the grand jury heard testimony Tuesday regarding the felonious assault charge against Edwards, but none regarding murder allegations.

The names of persons charged under sealed indictments will not become public until later this week.

The bodies of Blakely, 22, and Epps, 47, were found within a mile of each other near the Westgate Plaza shopping center at Leavitt Road and Route 611.

Blakely had been stabbed 15 times in the throat. Bloody tire stains nearby her body, found in the alley behind the shopping center, suggested she had also been run over by a car.

Epps was found about eight hours earlier on a nearby street, his head crushed beneath a car tire. Police began suspecting Epps' death was the result of foul play after finding Blakely, who had recently begun living with Epps.

Family and other acquaintances have described Epps as a friendly, harmless alcoholic.

Police have placed the two victims among a subculture of street people living around the shopping center and nearby low-income housing complexes.

Efforts to solve the murders have included a re-enactment of the crime on "Crime Stoppers," a segment televised on WEWS Channel 5, and a $2,000 reward offered by the Lorain County Prosecutor's Office.

NEWSPAPERARCHIVE

Elyria Chronicle Telegram, September 18, 1991,Pg. 33, Elyria, Ohio, US

https://newspaperarchive.com/elyria-chronicle-telegram-sep-18-1991-p-33/

4 sought in killing of two in Lorain

By ROB STERNFELD
C-T Staff Writer

LORAIN — Police in Lorain and New York state are involved in the search for four suspects in the Aug. 8 slayings of two Lorain residents who have been secretly indicted by a Lorain County grand jury.

Police are withholding the names of the four suspects, pending their arrests on charges of felonious assault of Marsha Blakely, 22, on the day she and Floyd Epps, 47, were killed.

One person already has been arrested in connection with the killing. Lenworth Edwards, 18, of Queens, N.Y., is charged with felonious assault and is being held in Lorain County jail on $200,900 bond.

Police said Edwards and the other four suspects are members of a New York City drug ring that was dealing drugs in Lorain.

A Lorain woman, Patricia Brown, 25, was charged with obstruction of justice last month for allegedly tipping off one of the suspects that police were looking for him.

The bodies of Blakely and Epps were found Aug. 8 within a mile of each other near the Westgate Plaza shopping center at Leavitt Road and Route 611.

Blakely had been stabbed 15 times in the throat. Bloody tire stains nearby her body found in the alley behind the shopping center suggested she had also been run over by a car.

Epps was found about eight hours earlier on a nearby street, his head crushed beneath a car tire. His death was originally treated as a hit-skip fatality, but police began suspecting foul play after finding Blakely, who had recently begun living with Epps.

Blakely, who had a police record of drug, prostitution and theft arrests, was caught in the middle of a territorial war between rival drug gangs, sources said.

Family and other acquaintances have described Epps as a friendly, harmless alcoholic.

Police have placed the two victims among a subculture of street people existing around the shopping center and nearby low-income housing complexes.

Area briefs

9-1-1 call leads to arrest

A 9-1-1 hang-up call led to the arrest Monday evening of Mark H. Williams, 22, of 501 East Ave., on two counts of disorderly conduct-persisting and a count of resisting arrest.

When a dispatcher called back to see why the caller had hung up, the suspect was uncooperative, police reports said, and two officers dispatched to the residence heard arguing inside.

One officer was nearly struck when the suspect punched his fist through a window, reports said.

BFGoodrich touts drop in pollutants

By ROB STERNFELD
C-T Staff Writer

AVON LAKE — BFGoodrich, in announcing a $30 million plan Monday to cut the accidental and planned releases of vinly chloride and other pollutants, reported its overall chemical plant emissions rose by only 1 percent last year, mostly because of a 29 percent jump in solid waste hauled off-site.

Carcinogen levels overall were down 6 percent, air emissions were cut by 28 percent and waste sent to the city's water treatment plant was reduced by 2 percent, the company reported.

The company, a manufacturer of plastics and chemicals, made the 1989-90 figures public in compliance with the federal Superfund and Reauthorization Act's SARA Title III, "The Community Right to Know Law," begun in 1987.

Richard Hardesty, the company's environmental compliance officer, said figures for solid waste transferred off-site increased because more chemicals were added to a list the SARA law requires the company to track. Also, production rates rose, he added.

Of the solid waste transfers, 8 percent was hauled off to landfills, with the rest burned at Ross Incineration in Grafton.

In a news release, company officials reported that emissions have decreased by 42 percent since 1987, including a 50 percent cut in air emissions and 70 percent reduction in the amount of wastes transferred off-site.

Carcinogen emission levels were down 43 percent over the four-year period, officials said.

Hardesty said the company was able to reduce carcinogens in air emissions over 1988-89, when there was no change, by voluntarily putting in a $4 million vinyl chloride collection system in its Technical Center. Vinyl chloride, the major suspected carcinogen produced, was cut by 25 percent, he said.

The company predicted its emissions sent to the wastewater treatment plant will drop 40 percent this year and 90 percent in 1992, mostly by eliminating methanol in the production of vinyl resin.

L. Vic Goode, facility manager of the general chemical plant, said the company will continue its program of environmental improvements, despite a "difficult financial year" and the recession.

The announcement Monday followed a groundswell of complaints from Avon Lake residents.

"We have no intention of slacking off our effort to make further reductions," said Goode.

Wellington OKs police cruiser buy

WELLINGTON — Village Council voted Monday to proceed with the purchase of a new police cruiser from Brothers Chevrolet of Wellington at a cost of $16,459.

It was the lowest of three bids received. Last month, Council had asked the police committee to hold off on the purchase while it checked on what prices were offered by buying through the cooperative state purchasing plan.

Those prices will not be available until November and the cruiser is needed now, officials said.

Council authorized Police Chief Morris Furcron to spend $2,600 in adding necessary warning lights to the cruiser.

Minority affairs boss is named by Keys

By CASEY TURTON
C-T Staff Writer

ELYRIA — The city's minority business set-aside program got an acting director Monday night and a push from City Council to re-organize.

Mayor Michael B. Keys named LaTaunya V. Conley-Johnson as acting minority affairs officer, replacing Jacqueline Barnett. Barnett left Friday to become assistant electrical engineer for the city of Columbus.

Conley-Johnson will keep her job as secretary to Council Clerk Jack Lesnick until Keys names a full-time successor.

Ward 2 Councilman Terry Robinson, meanwhile, asked Keys and Council to re-organize the city's minority business program, which was ruled unconstitutional last month by a Cleveland federal judge.

Robinson said the city should meet with Oberlin, Lorain and private organizations with affirmative action programs to study their approaches and perhaps join forces.

Robinson said "I think this would be a stroke of genius as well as a point of leadership by this Council," Robinson said. Robinson is Lorain County Community College's affirmative action officer.

The city is under court order from U.S. District Judge Alvin Krenzler to document past discrimination before it can enact new minority business laws.

The city was sued by a Cleveland contractor who lost a bid on a Gulf Road repair project even though his bid was the lowest. The city went to the next lowest bid because the contractor did not meet local minority business regulations.

Barnett told Keys the court ruling was a pivotal issue in her decision to resign.

Robinson said Barnett will be missed because she was "the prototype of the type of city management we'd like to have."

The legal wrangling with the contractor apparently is not over. Council went into executive session after its regular meeting to discuss possible litigation against the city by the contractor.

USS-Kobe fix of furnace OKd

LORAIN — Ohio EPA has issued a permit to allow USS-Kobe Steel to modify a blast furnace at its Lorain Works, 1807 East 28th St.

The permit allows for the modernization of blast furnace #3, while lowering air emissions.

"Steelmaking is critical to Ohio's and Lorain's economy. With the modern pollution control equipment specified in the permit, air quality will be improved," said Ohio EPA Director Donald R. Schregardus.

Schregardus said the permit conditions are the result of negotiations between USS-Kobe Steel and the Ohio EPA.

Under the terms and conditions of the permit, USS-Kobe Steel must:

- Install advanced emission control systems;
- Operate equipment to minimize emissions;
- Dispose of any waste material in a safe, approved manner;
- Maintain records required by this permit and allow Ohio EPA review;
- Once a month, provide two certified "smoke readers" — one outside and one inside — to observe and record visible emissions. Violations must be immediately reported to Ohio EPA.

Council renames Sixth Street in recognition of Vic Janowicz

ELYRIA — The city's most famous football player now has a street next to his old alma mater named after him.

City Council Monday night designated Sixth Street, between Middle and West avenues near Elyria High School, as Vic Janowicz Drive. The city engineer's office is expected to change the sign in the near future.

The drive becomes the city's second public area with Janowicz' name on it. The new baseball field along Carol Drive was named Vic Janowicz Little League East Park in July.

Janowicz won the Heisman Trophy in 1950 while a member of Ohio State's backfield. Three years earlier he was named All-Ohio while playing for the Elyria High Pioneers.

He has also been induced into the Elyria Hall of Fame and the College Football Hall of Fame.

A Vic Janowicz night was held Sept. 7 at the stadium.

Menu

Black River Middle School

OCT. 7-11

Monday — Hot dogs, baked beans, peanut butter bars, fruit, milk.

Tuesday — Beefaroni, salad, French bread, fruit, milk.

Wednesday — Pizza, corn, fruit, milk.

Thursday — Cheese corn dog, potato chips, fruit, pudding, milk.

Friday — No school — NEOTA day

OCT. 14-18

Monday — Toasted cheese sandwich, vegetable beef soup, cookie, fruit, milk.

Tuesday — Roast beef sandwich, buttered potatoes, fruit, milk.

Wednesday — Taco salad, celery and carrot sticks, fruit, milk.

Thursday — Pizza, mixed vegetables, Jello with fruit, milk.

Friday — Chicken nuggets, french fries, apple crisp, milk.

OCT. 21-25

Monday — Pizzaburger, sweet potatoes, fruit, milk.

Tuesday — Rice and cheese casserole, buttered rolls, peanut butter bars, fruit, milk.

Wednesday — Pizza, corn, fruit, milk.

Thursday — Meat loaf, au gratin potatoes, buttered rolls, fruit, milk.

Friday — Steak nuggets, french fries, fruit cobbler, rolls, milk.

OCT. 28-31

Monday — No school — teachers in-service.

Tuesday — Ravioli, salad, French bread, fruit, milk.

Wednesday — Pizza, green beans, fruit, milk.

Thursday — Hoagie sandwich, potato chips, pudding, fruit, milk.

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Elyria Chronicle Telegram, October 08, 1991,Pg. 22, Elyria, Ohio, US
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Area deaths

Velda Weaver Fox

Velda Weaver Fox, 93, of LaGrange died Friday at the Bledsoe County Hospital, Pikeville, Tenn., after a one-day illness.

She was spending the winter with her daughter in Pikesville.

She was born in Berea and had lived in the Elyria/LaGrange area most of her life. She had worked at the American Standard Co. during World War II. She was a member of the First Baptist Church of Elyria.

Mrs. Fox is survived by daughters, Phyllis Giesel of LaGrange with whom she made her home, Esther Janet Benner of Pikesville; stepdaughter, Loyal Williams of Newago, Mich.; stepson, Leslie Weaver of Coarsegold, Calif.; six grandchildren; seven step-grandchildren; 15 great-grandchildren; two great-great-grandchildren; and by twin sisters, Lillian Flood and Ruth Hollis both of Elyria.

She was preceded in death by husbands, Forest A. Weaver in 1948 and by Rupert N. Fox in 1975; a son, Forrest V. Weaver, killed in 1943 in the south Pacific while serving as a Navy pilot; stepdaughters, Wilma Rensberger and Annabel Moss; step-grandsons, Jack Rensberger and Jay Burdell Rensberger; and by a brother, Frank Reising.

A graveside service for the family will be held Monday at 11 a.m. in LaGrange Cemetery. The Rev. Austin D. Plew will officiate.

Memorial contributions if desired, may be made to the First Baptist Church, 11400 LaGrange Road, Elyria 44035.

Arrangements were handled by the Dicken Funeral Home, Elyria.

Eva A. Morrow

Eva A. Morrow (nee Hammond), 79, of Henrietta Township, died Friday at the home of her daughter in Elyria after a six-month illness.

She was born in Somerset, Ky. She was raised in Delta, Ky., and moved to Lorain County in 1941. She had lived in Henrietta Township since 1946.

She was a homemaker and was a member of Fellowship Baptist Church, Lorain.

Mrs. Morrow is survived by sons, Dale of Amherst Township, Wayne of Rowlett, Texas; daughters, Darla Granneman of New London, Shirleen Abraham of Elyria, Beverly Williams of Amherst; 16 grandchildren; eight great-grandchildren; brothers, Olen Hammond of Amherst, Homer Hammond of Louisville, Ky., Estelle "Pete" of Lorain, Willard "Bill" Hammond of Elyria; and by sisters, Opal Thomas and Wilma Looper of Elyria.

She was preceded in death by her husband, Roy Thomas Morrow, Aug. 2, 1983, after 49 years of marriage; a daughter Wanda Lee, in 1948; brothers, Orville and Howard; and by a sister, Arie Miller.

Friends may call at the Hempel Funeral Home, 373 Cleveland Ave., Amherst, today 2-4 and 6-9 p.m. Friends may also call Sunday prior to servies at 2:30 p.m. at Fellowship Baptist Church. The Rev. Frank Chittock, pastor, will officiate. Graveside services will be held in Cedar Hill Church Cemetery, Wayne County, Ky.

Calling hours will precede the service at the Hoyt G. Hickey Funeral Home in Monticello, Ky.

Paraska "Pauline" Turyi

Paraska "Pauline" Turyi, 84, of Lorain died Friday at Lorain St. Joseph Hospital and Health Center after a short illness.

She was born in Galicia, Ukraine, and came to Lorain in 1950. She worked in the housekeeping department of the hospital for 18 years, retiring in 1969. She was a member of St. John Ukrainian Catholic Church and the Apostleship of the church, Soyuz Ukrainok, and the Ukrainian National Home.

She enjoyed cooking and baking.

Mrs. Turyi is survived by two brothers and a sister all of West Ukraine.

She was preceded in death by her former husband, Mike, in 1990.

Friends may call Sunday from 2-4 and 7-9 p.m. at the John R. Dovin Funeral Home, 2701 Elyria Ave., Lorain.

The Apostleship of Prayer will conduct a rosary service Sunday at 7 p.m. followed by Panachida services at 7:30 p.m. Services will be held Monday at 9:30 a.m. in the funeral home to be followed by a Divine Liturgy at 10 a.m. at St. John Ukrainian Catholic Church. The Rev. Ihor Pelensky, pastor, will officiate. Burial will be in Calvary Cemetery, Lorain.

Anna E. Pay

Anna E. Pay, 81, of New London died Thursday at the Elms Nursing Home in Wellington after a long illness.

She was born in Wakeman and was a member of St. Patrick Catholic Church in Wellington.

Mrs. Pay is survived by a daughter, Mary Roberts of Wellington; sons, Carl of Nankin, Ohio, Alva of Largo, Fla., and Jerry of Sullivan, Ohio; sisters, Eleanor Rogers of California and Elva Anderson of Texas; 41 grandchildren; and by 46 great-grandchildren.

She was preceded in death by her husband, Walker; daughters, Evelyn Hartman and Julia Ferber; sons, Paul, Earl and Lawrence; and by brothers, Carl and William Beam.

Friends may call Sunday 7-9 p.m. at the Norton Funeral Home, 370 S. Main St., Wellington, and on Monday one hour prior to services at St. Patrick Catholic Church, Wellington, at 11 a.m. The Rev. James J. Reymann will officiate. Burial will be in Southview Cemetery, Sullivan, Ohio.

Richard E. Rocher

Richard E. Rocher, 75, of Sheffield Lake, died Friday at Lorain St. Joseph Hospital and Health Center after a long illness.

He was born in Elyria and was a graduate of Oberlin High School. He was a draftsman with the engineering department of General Industries in Elyria for many years and retired from Union Carbide General Engineering in 1982 after 18 years of service.

He served in the Navy 51st Construction Battalion during World War II in the Asiatic-Pacific Theater.

Mr. Rocher is survived by a daughter, Wendy Rocher of North Ridgeville; a step-daughter, Brenda Lewis of Elyria; a stepson, James Malinkey of Elyria; five grandchildren; and by a brother, Martin of Florida.

He was preceded in death by his wife, Naomi "Dolly" (nee Sampson), in August 1991; and by a stepson, Richard Malinkey in September 1990.

There will be no visitation and there will be no services.

The Bogner-Busch Family Chapel, North Ridgeville, is in charge of arrangements.

Wilma Szabo-Reese

Wilma Szabo-Reese (nee Baden), 75, formerly of South Amherst and Elyria died Thursday at Copperhill, Tenn.

Arrangements are incomplete and will be announced by the Curtis-Scheuffler-Busch Family Chapel, Elyria.

Jessie Marie Cerlan

Jessie Marie Cerlan (nee Brown), 69, retired licensed practical nurse, of New London died Friday at Firelands Nursing Center.

Born in Chickalah, Ark., she lived in Danville, Ark., before moving to Elyria in 1946 and was a New London resident since 1972.

The salutatorian of Danville High School's graduating class of 1939, she graduated from Elyria School of Practical Nursing in 1962.

Mrs. Cerlan retired as an LPN from Good Shepherd Home, Ashland, in 1987. She also was co-owner of the former Cerlan's Carry Out in New London.

Survivors include her husband, John, to whom she was married 46 years; daughters, Sharon Moran of Elyria and Valerie of New London; and two grandchildren.

Mrs. Cerlan was preceded in death by a brother, J. Terry Brown.

Friends may call one hour prior to 11 a.m. services Monday at Eastman Funeral Home, 200 W. Main St., New London.

Burial will be in Ridge Hill Memorial Park, Amherst Township.

Minnie H. Wess

Minnie H. Wess, 89, of Wakeman died Friday at Welcome Nursing Home.

Born in Vintondale, Pa., she lived in the Wakeman area since 1967.

Mrs. Wess attended Henrietta United Methodist Church.

Survivors include a daughter, Vera Zimberlin of Wakeman; four grandchildren; two great-grandchildren; sisters, Irma Diren of New Jersey and Velma Carlson of Yuma, Ariz.; and brothers, Lester Myers of Sewickley, Pa., and Clyde Myers of Aliquippa, Pa.

Friends may call from 1 p.m. until 2 p.m. services Monday at Cowling Funeral Home, 228 S. Main St., Oberlin. The Rev. Jeff Gindlesberger will officiate.

Burial will be in Westwood Cemetery, Oberlin.

Death Notices

HEROD
Raymond H., 75, of Oberlin. He is survived by wife, Elizabeth; sons, Raymond and Calvin Dillard; and daughter, Yvonne. Friends may call Sunday 7-9 p.m. at Cowling Funeral Home, 228 S. Main St., Oberlin, where services will be conducted Monday at 11 a.m. Burial will be in Westwood Cemetery, Oberlin.

SPRINGER
Clayton J., 93, of Parma Heights. He is survived by daughters, Muriel Hall, Nancy Spiegelberg and Joyce Gates. Friends may call 2-4 and 7-9 p.m. Sunday at Hempel Funeral Home, 373 Cleveland Ave., Amherst. Services will be conducted at 11 a.m. at Old Stone Church. Burial will be in Crownhill Cemetery, Amherst.



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Elyrian shot during suspected drug deal

ELYRIA — An Elyria man was shot in the right thigh early Friday in what police believe was a drug deal gone sour.

But the man told police he was shot as he fled from two men trying to sell him drugs at 12th Street and West Avenue.

The man was treated at Elyria Memorial Hospital for a gunshot wound and released.

He told police he was walking in the west-side neighborhood shortly after midnight when two men offered to sell him drugs. When he declined, saying all he had was food stamps, the men tried to rob him, police said.

He told police one of the men pulled out an automatic handgun and shot him as he fled.

Police are looking for two men, both about 6 feet and 160 pounds.

Prisoner accused of mailing cocaine faces April trial

ELYRIA — James Teague, the jailed prisoner accused of sending packets of cocaine to local judiciary officials, has been scheduled for trial April 6 on drug abuse charges.

Teague's trial date was set after a pre-trial hearing Friday.

Teague, who was housed at the Lorain Correctional Institution on a murder charge, tested positive for cocaine use in a random drug test at the facility, warranting the new charge.

After being moved to the county jail pending trial, Teague began randomly mailing letters with packets of cocaine to local judges and the county prosecutor.

In his letters, Teague said he was pointing out that drugs could be obtained in local jails as well as in state-run institutions. Teague's allegations were being investigated by the Lorain County Sheriff's Department.

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Witness in murder case injures himself in city jail

By LAWRENCE BUDD
C-T Staff Writer

LORAIN — The key witness in the murder trial of a reputed member of a New York gang was rushed to St. Joseph Hospital and Health Center Thursday after banging his head against the wall of his city jail cell.

William Avery Jr., 23, of E. 25th Street, was back in jail Friday morning after losing consciousness at 3 p.m. Thursday, police said, after striking his head on the cell wall.

Avery has been held on a perjury charge since Dec. 18 when the trial of Lenworth Edwards, 19, of New York, ended in a mistrial after Avery testified that he lied in a Sept. 26 deposition linking Edwards to the murder of Marsha Blakely, 22.

Authorities believe Blakely was tortured and killed in August because she owed $3,000 for drugs. In a deposition, Avery said he was with Edwards and other gang members when Blakely was tortured, beat unconscious and dragged to a car.

"I perjured myself. I lied because I needed the money," Edwards said before Judge Floyd D. Harris declared the mistrial.

Avery demanded $10,000, rather than a $3,000 reward, in return for testifying against Edwards.

After refusing to testify for the lesser amount during an earlier court appearance, Avery was convicted of contempt of court and sentenced to 10 days in jail.

Blakely's body was found behind a Lorain shopping center, with multiple stab wounds in the neck. Police believe she was run over by a car as well.

Police also suspect a connection between Blakely's death and that of her friend, Floyd Epps, 47, whose body was found the night before. His death first was attributed to an apparent hit-skip accident.

The new trial is set for March 10.

A Nord Center examiner declared Avery was not suicidal on Thursday, but recommended a careful watch and that Avery be given the opportunity to exercise.

The examiner added that Avery was very depressed "and could go at any time," the report said. Hospital records did not indicate the type or extent of treatment for injuries.

GOP chooses Gammons as Amherst auditor

By DOROTHY LEVECK
C-T Staff Writer

AMHERST — The Republican Central Committee has named long-time Amherst politician Jim Gammons as the new city auditor.

He will begin his new job Monday, according to the GOP's John Blevins. Gammons replaces Marilyn Jacobcik, a Republican, who resigned earlier this month to accept a position with the Lorain County Board of Elections.

The auditor is an elected position in Amherst so when Jacobcik quit naming a replacement fell to the Republicans. The term ends December of 1993.

Gammons served 10 years as Ward 3 Council representative until his defeat in the Nov. 4, general election when he ran for re-election as an independent candidate, losing to David Rice, who also ran as an independent.

"I am glad to have him there," Rice said of Gammons' appointment. "He knows my job (council) better than I do and maybe I can get some pointers along the way. This is terrific news."

Gammons, 44, is a 1966 Marion L. Steele High School graduate and holds a

bachelor's degree from Baldin Wallace College.

Gammons is president of Natural Gas Marketing, vice president of Quantum Industries and is marketing adviser to Kaiser Aluminum.

According to Blevins, there were four applicants for the position that pays about $10,500 per year for the part-time post.

The Central Committee met Thursday night to make its selection. Blevins said "we were very please to choose John. It appears he has the most background in Accounting."

Republican Councilman Robert Dinallo, who served with Gammons on council said he is also pleased by the appointment.

Mayor John Jaworski said "Gammons was a well-known council member. It was the decision of the Republican Central Committee."

Gammons could not be reached for comment.

Chief

FROM B-1

Albert Volak and Randy Haupt, Banks said.

Shlapack, previously an assistant chief, was appointed in December after other assistant chiefs — including Phil Dore, who was originally named to replace Pribanic — declined to seek the permanent appointment.

Because of his rank, Shlapack would probably win the job, if his test scores are the highest.

Pribanic resigned in December after being indicted for tampering with evidence, theft in office and bribery while serving as fire chief. He was convicted in January and is scheduled to be sentenced on Monday.

MOTORCYCLIST

FROM B-1

motorcycle, and died of massive head injuries.

The prosecution disputed Danks allegations that he could see the man's face, pointing out that from where he said he was standing by the Imperial Cafe on Elyria Avenue to where the wire was strung was almost 500 feet.

Danks failed a lie detector test about his allegations, and the man he accused of stringing the wire absolved himself in a similar test.

Chief Assistant County Prosecutor Jonathan Rosenbaum said Danks was lying to free Mahalow from prison.

Elyria man charged in assaults on girls

ELYRIA — A 45-year-old Fairmont Street man was arraigned Friday on charges that he sexually assaulted his girlfriend's 8-year-old daughter and her 11-year-old friend.

Jerome Burke, 550 Fairmont St., was charged with two counts of felonious sexual penetration after his arrest Monday. He was in the Lorain County Jail on $20,000 bond.

Burke's girlfriend told police the alleged attacks occured Feb. 3 while he was taking nude photographs of the girls.

Burke is scheduled to have a preliminry hearing at 10:30 a.m. Feb.27.

The Family Of The Late
Linnie R. Nelson
Wishes to thank all those who showed their love and support to them during their recent loss. Thanks to those who brought food or gave monetary gifts and helped out in any way. We love you!
Charles Nelson & Family

Insurance agency files suit for late health bills

By GLEN MILLER
C-T Staff Writer

ELYRIA — A lawsuit might determine whether or not members of the North Ridgeville Chamber of Commerce are responsible for thousands of dollars in medical bills that an insurance group won't pay.

Hovey, Kaiser & St. Marie Agency Inc. in Elyria is asking Lorain County Common Pleas Court to order the Diversified Industrial Group (DIG) to pay outstanding health insurance claims filed by chamber members prior to Aug. 1, 1991.

DIG has refused to pay the claims unless chamber members enroll in the existing health plan, although the members claim that stipulation was not part of the original agreement.

The suit also asks the court to decide if DIG and four other insurance firms are responsible for payment on the unpaid claims and charges that DIG has failed to make financial disclosures about payments available to plan participants. No estimates were available on the dollar amount of the outstanding claims.

Hovey, Kaiser & St. Marie Agency Inc. was the marketing agent for the chamber of commerce that adopted a self-pay health plan "designed and developed" by the Schlather Insurance Agency in Elyria for the Oberlin Area Chamber of Commerce, according to the suit.

But the suit does not seek relief for Oberlin Chamber of Commerce members.

The Schlather agency is one of the defendants, as is the International Union of Petroleum and Industrial Workers in Paramount, Calif., for which DIG handled a health trust fund.

Other defendants are Group Plans Inc., the plan's former Cincinnati-based administrator; Oak Tree Administrators, the plan's existing administrator; and Health Plans Inc. in Elyria.

The Oberlin chamber began its health plan in April 1990, and North Ridgeville began its on Jan. 1, 1991.

The plan's funds were transferred to DIG last August when, for management reasons, the U.S. Labor Department gave its regulatory authority over self-funded health trusts to the states, and Ohio ruled the plan did not comply with rules for self-paid health programs.

DIG notified members of North Ridgeville and Oberlin chambers last month that no claim incurred prior to Aug. 1 will be paid unless they enrolled in its health plan for 1992.

But last week, David Schlather, agency co-owner, said the agreement with DIG called for all insurance claims filed prior to Aug. 1 to be paid. He also said Group Plans Inc. had been slow in responding to his agency's inquiries and in sending unprocessed claims to DIG.

Neither Schlather, DIG president George Beltz or representatives of the other defendants, could be reached for comment Friday.

Members of both chambers of commerce have been angered by DIG's refusal to pay the claims, a decision which means they must pay medical bills themselves.

Several Oberlin members said they have consulted attorneys but added they have not decided if they also will file lawsuits.

Habitat

FROM B-1

That home was built with the help of two dozen Lorain County Joint Vocational School carpentry students who volunteered their time and energy.

Members of the Habitat board of trustees work alongside volunteer labor provided by families interested in buying the Habitat homes, and members of area churches.

Thanks to volunteer labor and donations from area businesses, very few of Habitat's houses cost more than $25,000.

A committee helps select families who will occupy the housing once it is finished. The family chosen for the Elyria home will have to contribute 100 hours of "sweat equity" by helping to construct the new house, said Ohley.

The Building Industry Association of Lorain County has provided experts to offer training and advice to volunteer laborers.

Formed in 1988, Lorain County Habitat is an affiliate of an international organization headquartered in Americus, Ga. There are more than 250 Habitat projects throughout the U.S., Canada and South Africa, and more than 50 in 25 developing countries.

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Elyria Chronicle Telegram, February 22, 1992,Pg. 14, Elyria, Ohio, US

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Chronicle-Telegram

Local and State

Amy Richards, acting metro editor | Thursday, March 12, 1992 | • • • Section B

Pilot acquitted in plane crash death

By JEFF SIMMONS
C-T Staff Writer

PORT CLINTON — A Lorain man charged with vehicular homicide in the 1991 plane crash death of a Willoughby man was acquitted in Port Clinton municipal court Tuesday.

Pilot George Katsikas was acquitted by Judge Frederick Hany II who ruled the prosecution did not have strong enough evidence to support the claim that Katsikas' negligence caused the death of Frank Kren, 39.

When the prosecution rested its case at 2:30 p.m. Tuesday, Hany granted a request by the defense that he acquit Katsikas.

"They (the prosecution) didn't have a case," said Cleveland defense attorney Maggie Meko. "It was as simple as that. He had 12 witnesses and he still didn't have a case."

The plane crash occurred Jan. 2 near Rattlesnake Island in Lake Erie. Kren was piloting the Cessna single-engine plane when it took off from Burke Lakefront Airport in Cleveland, but Katsikas, who was Kren's flight instructor, took the controls just before he attempted to land.

Katsikas overshot the runway and the plane crashed in the lake. Katsikas and passenger Lucius McKelvey, 45, of Pepper Pike, were able to swim to safety, but Kren drowned.

Prosecutors tried to prove that the accident occurred because Katsikas was negligent and landed too far down the island runway to stop or pull the plane back up to avoid the crash.

Meko and fellow attorney John Martindale, however, said the crash was purely an accident. Although Meko and Martindale specialize in cases involving aviation, Meko said it was the first case she was aware of in which a pilot was charged with murder after a passenger died in a crash.

"We have never heard of such a thing," Meko said. "This was a gross injustice that was nearly done to the pilot. It was nice to know that the system works."



C-T/Kimberly Barth

Brushing off the booty

Lois Slattery clears off her Jeep Cherokee before venturing out Wednesday. Slattery, who won the jeep during the Cash Explosion show, wasn't sure how far she would be traveling today because of the weather.

Lorain cop predicts summer drug war

Murder trial witness foresees gang battle for area drug turf

By JULIE WALLACE
C-T Staff Writer

ELYRIA — Marsha Blakely lost her own battle in the war on Drugs.

The 22-year-old Lorain woman lost her dignity to her addiction to cocaine, selling anything, including herself, to raise money.

Finally, in August, Blakely lost her life, according to Lorain police.

Det. Geno Taliano, the chief investigator assigned to Blakely's death, testified Wednesday that he believes Lenworth Edwards, an 18-year-old Queens, N.Y., man, was part of a New York-based drug ring that killed Blakely because she owed them drug money.

Edwards is charged with aggravated murder and felonious assault. This is his second trial. His first in December ended in a mistrial because the prosecution's key witness recanted testimony that placed Edwards at the murder scene.

"Marsha Blakely was a drug addict," Taliano said. "She was a booster, a person who steals things not for personal use but to sell for reduced prices to buy drugs."

Taliano also predicted a drug war in Lorain and Elyria this summer between the New York gang and a Detroit gang that used to control the area.

He said the New York ring infiltrated Lorain and was more vicious, scaring away the Detroit traders. After the slayings of Blakely and her companion, Floyd Epps, last summer, the New Yorkers fled, and the Detroit gang returned, he said.

Taliano said his investigation was at a standstill after the murders, because little physical evidence linking anyone to the slayings could be found. But a scenario presented by man who claimed the $2,000 reward on the case, William Avery Jr., was convincing.

Taliano said Avery told authorities Edwards nose was bloodied in a fight in Epps apartment with Blakely and other gang members.

That was consistent with a blood-speckled jeans jacket Edwards' girlfriend, Delphina Guice, turned over to police — the jacket Edwards admitted wearing the evening Blakely was killed. The blood type matched that of Edwards, Taliano said.

Avery also told police the kitchen table was damaged during the fight, according to Taliano. During a search of Epps' apartment, police confirmed that a table leg had been broken, he said.

Blakely's body was discovered in August behind the Westgate Plaza. Several hours later, Epps' body was found. No charges have been filed in Epps' slaying.

Avery was charged with perjury after he recanted his testimony, and defense attorney James Carson contends that without his testimony, there's no link between Edwards and Blakely's slaying.

See DRUG, B-2

Gerace fights to keep benefits



LEONARD GERACE
...in jail on drug charges

ELYRIA — Leonard Gerace wants his retirement benefits, and he doesn't think the prosecution should be able to claim them.

Gerace, a former Lorain police narcotics officer, is serving a two-year prison sentence after pleading guilty to three counts of aggravated trafficking in cocaine, four counts of theft in office, and one count of tampering with evidence.

He was also ordered to pay a $15,000 fine, and the Lorain County Prosecutor's office wants Gerace to forfeit the [illegible] years on the force to cover the bill.

Gerace's attorney, John Pyle asked Lorain County Common Pleas Court Judge Edward M. Zaleski on Wednesday to deny the state's request. He wants a hearing scheduled if the state's request is to be considered.

Authorities assert Gerace compromised as many as 50 fel- [illegible] crack cocaine from the police narcotics evidence safe.

Rise in gasoline prices beginning to level off

By JANE TRAGER
C-T Staff Writer

The acceleration in gasoline prices is beginning to level off, according to area service station owners and operators.

They add, however, they still expect price fluctuations, though not like the sharp increases that took place toward the end of February. Then some prices rose by as much as 13 cents.

"So far it's been steady," said Greg Horan of Harvey and Greg's BP at 512 N. Abbe Rd., in Elyria. "But I don't know what prices will do."

At the station a gallon of unleaded gas sells for $1.09. The average price for a gallon of unleaded gas at BP stations in Lorain County is $1.07, according to Ginny Sinko, manager of public relations for BP.

Gas prices soared to nearly $1.40 a gallon during the buildup [illegible] summer of 1990. They were kept steady during the war, due to White House and Congressional pressure, and fell sharply after the end of the war.



C-T/Kate Warnke

GAS PRICES are on the rise at Harvey and Greg's BP at 512 N. Abbe Road.

Prices dropped below $1 last March and April, but stayed there for only a few days.

In December, the price of unleaded gasoline, which had risen to $1.17 at some service stations, began dropping. Prices dropped again in January and at the beginning of February.

Bill Ryder, a spokesman for Marathon Oil in [illegible] said, "The last round I heard was a price of $1.07 per gallon for unleaded fuel and that has been holding steady for about a week.

See GAS, B-2

Ridgeville prom decision is a victory for mob rule

The North Ridgeville Board of Education embraced the cowardly concept of governance by polls Monday night and the result was a shameful abdication of responsibility and a victory for mob rule.

The question was whether North Ridgeville High School's prom policy which excludes freshmen would remain intact, be modified or be scrapped. But rather than do the job they were elected to do, board president Gerald Skully and his four cohorts opted for the easy way out. They decided that the best way to tackle this touchy issue was to put a wet finger in the air.



Paul Facinelli

They relied on a survey, conducted in January, and based on the opinions of 764 people — 88 percent of them children — the "no freshmen" policy remains intact. It's comforting to know that kids wield so much power with the five adults elected to formulate school policy in North Ridgeville. Maybe we can look forward to a similar sampling of the youngsters to decide curriculum, textbook and testing questions.

Anyway, no freshmen will defile the prom with their presence. If it takes more background checks, burly cops at the door and snarling Rottweilers to keep the undesirables at bay, then so be it. Principal David Livingston stands ready to do his duty.

Board President Skully said the board's unanimous decision not to change the prom policy was "in part" based on the survey of 90 parents and 674 students. Anybody who believes that "in part" stuff needs a reality check. The best Skully could do to augment the survey findings with sound reasoning was to say, "It (the policy) has served us well and has built-in safeguards."

Let me see if I understand that. The policy of barring freshmen from the prom has been effective in safeguarding the freshmen from the prom's wiles. Or, if you never ride in a car, you'll never be in an auto accident.

New board member Christopher Crobaugh, who fancies himself a libertarian, weighed in with this bit of convolution: "The prom is an extracurricular activity which may or may not be attended. That's where the freedom of choice is involved."

The issue is simple and it is about freedom. The juniors and seniors at North Ridgeville High School should have the freedom to invite to their prom the person that they want most to invite, including freshmen who are, as I understand it, high school students, too. Any policy that excludes freshmen from the pool of invitees simply because they're freshmen is arbitrary and capricious in the extreme.

There's another issue, too. Consider this unsettling remark from Janice Chappell, chairwoman of the after-prom committee: "They (the poll-takers) don't want them (the freshmen) there. As far as I'm concerned, that should settle it." In other words, Chappell thinks it's OK for the freedom of one group of people to be invalidated by the vote of a larger group.

I suspect, however, that freedom was a peripheral issue for most of the poll's respondents. More central were attitudes based on spite, resentment and envy. How else to interpret remarks like "Freshmen don't deserve it," or "They should have to wait"? I suspect the target of this pettiness is that imagined freshman girl who is popular enough and pretty enough to be invited, and mature enough (in her parents' eyes) to be allowed to go. Just a guess.

But what's most puzzling to me is this: What do the school board and others in authority imagine will happen if freshmen are allowed to participate in this sock hop with fancy clothes? Do freshmen carry communicable diseases that other students do not? Will the seniors and juniors feel less like young adults if twerpy ninth-graders are in the room? Are there other horrors that I've overlooked?

If so, maybe a wiser policy would be to allow freshmen to attend, but with a proviso. In order to warn upperclassmen of the danger, [illegible] Prynnes, to wear scarlet "F's" on their prom dresses. Compared to the present procedure, that would be progress.

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Area deaths

Donald C. Helm

Donald C. Helm, 66, of Grafton died unexpectedly at home Thursday.

Born in Akron, he was a former resident of Cuyahoga Falls and moved to Grafton in 1964.

He was a U.S. Marine veteran of World War II, who served in the Pacific.

Employed at Stanadyne in Elyria from 1970 to 1988, he retired from their Western Steel Division in 1988 as manager of data processing.

He was a member of the First Congregational Church of Elyria, the East Elyria Kiwanis Club, Hudson Lodge No. 510 F&AM, in Hudson, and the Elyria Elks Lodge.

Mr. Helm is survived by his wife of 43 years, Donna L., daughters, Cathleen Katz of Torrance, Calif., Christine Helm of New York City, and Caryn Clark of Cleveland Hts.; four grandchildren; and a brother, Robert, of [illegible], Calif.

Friends may call 2-4 and 7-9 p.m. Saturday in the Dicken Funeral Home, 323 Middle Ave., Elyria.

Funeral services will be held Sunday at 2 p.m. in the First Congregational Church with Rev. Dennis F Fredrickson officiating.

Burial will be Monday at 11 a.m. in Glendale Cemetery, Akron.

Memorial contributions may be made to the Elyria Salvation Army.

Myrtle F. Meinen

Myrtle F. Meinen, 100, of Sandusky, died Tuesday evening at the home of her granddaughter, Sarah Stradtman of Sandusky.

Born in Toledo, she was a resident of Townsend Twp. for the past 56 years and for the past 12 years had lived with her children.

She was a member of St. Peter Evangelical Lutheran Church, Norwalk.

Mrs. Meinen is survived by daughters, Lydia Schnee of Daytona Beach, Fla., and Laura Wagner of Bellevue; a son, Earl, of Norwalk; 16 grandchildren, eight great-grandchildren, eight great-great-grandchildren; and a brother, William Hockley of Fruitland Park, Fla.

She was preceded in death by her husband, Henry, in 1972; and four brothers.

Friends may call 2-4 and 7-9 p.m. Friday in the Heaston-Gerber Funeral Home, 175 Benedict Ave., Norwalk, where services will be held at 11 a.m. Saturday. Rev. Fred Wiechers, pastor of St. Peter Evangelical Lutheran Church, will officiate.

Burial will be in Collins Cemetery in Collins.

Memorial contributions, if desired, may be made to the memorial fund of St Peter Evangelical Lutheran Church, 243 Benedict Ave., Norwalk, Ohio, 44857.

Bert N. Leege

Bert N. Leege of Elyria died Wednesday night at Elyria Memorial Hospital after suffering an apparent heart attack earlier in the day at home.

Funeral arrangements are incomplete and will be announced by the Bauer, Laubenthal, Wainwright Funeral Home, Elyria.

Death Notices

CERVONE
George A. 77, of Oberlin. He is survived by a son, G. Richard "Rick", daughters, Mary "Betsy" Teague, Suzanna McClellan and Jennifer, one brother. Friends may call 2-4 and 7-9 p.m. today at Cowling Funeral Home, 228 S. Main St., Oberlin. Services will be conducted 11 a.m. Friday at First Church. Burial will be in Westwood Cemetery, Oberlin.

GALLAGHER
John R., 70, formerly of Elyria and Oberlin. He is survived by daughters, Joanne Sullivan, Patty, Mara Barnes and Noreen Diedrick, sons, Thomas and Kevin, one brother. Friends may call 2-4 and 7-9 p.m. today at Laubenthal-DeCarlo Funeral Home, 257 Washington Ave., Elyria. Mass will be celebrated 9 a.m. Friday at Sacred Heart Church, Oberlin. Burial will be 11 a.m. Saturday in St. Mary Cemetery, Wilkes-Barre.

HERMAN
Charles M., 97, of Grafton. He is survived by daughters, Beverly A. Neely and Vivian L. Shermak, a son, Wayne L. Friends may call 2-4 and 7-9 p.m. today at Blackburn Funeral Home, 1028 Main St., Grafton, where services will be conducted 1:30 p.m. Friday. Burial will be in Nesbett Cemetery, Grafton.

LEONARDI
Harry O., 74, of Elyria. He is survived by his wife, Margaret, sons, Harry and Tony; a daughter, Carolina Fingulin and one sister. Friends will be received 7-9 p.m. Friday at Cowling-Truman Funeral Home, 218 Herrick St., Wellington. Mass will be celebrated 10 a.m. Saturday at St. Patrick Church. Burial will be in Greenwood Cemetery, Wellington.

ROBINSON
Theo "Irene", 91, of Amherst. She is survived by daughters, Clara Belle Herrington, Merry Ardella Hillman and Frances Flock, sons, [illegible] family will receive friends from 1 p.m. until 3:30 p.m. services Friday at Hempel Funeral Home, 373 Cleveland Ave., Amherst. Burial in Greenfield Township Cemetery, Steuben, will be private.

Mable L. Cain

Mable L. Cain, 59, of Lorain died Tuesday at St. Joseph Hospital and Health Center, Lorain, after a sudden illness.

Born in Middlebourne, W.Va., she had lived in Lorain for the past 35 years.

She was a very active member of the Church of the Healing Waters, Lorain, where she was a Sunday School teacher.

She enjoyed sewing and quilting.

Mrs. Cain is survived by her husband of 34 years, Thurman, sons, Lydle of Creola, Ohio, and Kevin at home; daughters, Catherine Altomare of Lorain, and Wilda Hurst of Knoxville, Tenn; five grandchildren; a sister, Judy Utley of Lorain; and a brother, Harry Price of Virginia.

Friends may call 3-5 and 7-9 p.m. today and 2-4 and 7-9 p.m. Friday at the Reichlin-Cooley Funeral Home, 2920 Broadway, [illegible] held at 10 a.m. Saturday. Rev. Charles Cobb, pastor of the Church of the Healing Waters, will officiate.

Burial will be in Ridge Hill Memorial Park, Amherst Township.

Richard W. North

Richard W. North, 72, of North Ridgeville died this morning at home after a long illness

Born in Detroit, Mich., he was a resident of North Ridgeville for 32 years after moving from Elyria.

He was employed at the Ford Motor Co., Brook Park, for 38 years, retiring as a supervisor in 1976.

He was a U.S. Marine veteran of World War II in the Pacific Theater and attended Wayne State University and Baldwin-Wallace College.

He was a member of St. Peter's Catholic Church, North Ridgeville, and North Ridgeville Senior Citizens.

He is survived by a daughter, Sister Nancy North, S.N.D., director of religious education of St. Anselm Catholic Church, Chesterland, Ohio; sons, James of Elyria; Jason of Los Altos, Calif., and Ronald of Herndon, Va.; two grandchildren; his mother, Florence Day-Gruver of Avon; and a brother, Robert of Cheboygan, Mich.

He was preceded in death by his wife, Eleanor, in 1989; and by brothers, George and Edwin.

Friends may call Friday 2-4 and 7-9 p.m. at Bogner-Busch Funeral Chapel, 36403 Center Ridge Road, North Ridgeville.

Funeral services will be Saturday at 9:30 a.m. in the funeral home, followed by 10:30 am. mass in St. Peter Catholic Church, North Ridgeville. Rev. Charles Stollenwerk, pastor of St. Richard Catholic Church, North Olmsted, will officiate.

Burial will be in St. Peter Catholic Cemetery, North Ridgeville.

Memorial contributions may be made to the Sisters of Notre Dame, 13000 Auburn Rd., Chardon, OH 44024.

George Parker, Sr.

George Parker, Sr., 88, of Lorain died Tuesday at St. Joseph Hospital and Health Center after a long illness.

Born in Loyd Bridge, La., he had been a Lorain resident since 1955, moving from Kankakee, Ill.

He retired in 1970 from the city of Lorain Sanitation Department.

He is survived by sons, Melvin and Harold, both of Lorain; daughter, Josephine Smith of Lorain; step-daughter, Geneva Parks of Lorain; sisters, Fannie Franklin and Willie Belle Parker, both of Alexandria, La., 22 grandchildren, 26 great-grandchildren and 14 great-great grandchildren.

He was preceded in death by his wife, Frances, in 1989; a son, George Jr., in 1977, a daughter, Mary Thomas in 1970 and a step-son, Isaac Stem in 1989

Friends may call Friday 2-4 and 7-9 p.m. at the Brown Funeral Home, 27th and Broadway, Lorain, where funeral services will be held at 1 p.m. Saturday. Rev. Peter Tower, pastor of Shiloh Baptist Church, Lorain, will officiate.

Burial will be in Elmwood Cemetery, Lorain.

Patricia A. Hipp

Patricia A. Hipp, 60, of Wakeman, died Wednesday at Fisher-Titus Medical Center, Norwalk, following a long illness.

Born in Elyria, she came to Wakeman at the age of 7, and except for 4 years in Norwalk, was a Wakeman resident most of her life.

Until ill health forced her to retire in 1989, she was the 11 p.m.- 7 a.m. nursing supervisor at Fisher-Titus Medical Center. She had also worked as a private duty nurse for 20 years at Providence Hospital, Sandusky, Allen Memorial Hospital, Oberlin, and at Fisher-Titus.

Mrs. Hipp was a 1949 graduate of Wakeman High School and a 1952 graduate of the Providence Hospital School of Nursing.

She was a member of St. Mary Catholic Church, Wakeman, where she served as a Eucharistic minister; a member of the Providence Hospital School of Nursing Alumni Association, and Right to Life. She also helped initiate the "I Can Cope" cancer support group at Fisher-Titus.

Mrs. Hipp is survived by her husband of 31 years, Joseph; daughters, Maureen Ringle, Mary Kay, and Lynne Anne, all of Norwalk. Denise Robson of Wakeman, and Kim Koller of Lorain; sons, Thomas of Norwalk, David and Christopher, both at home, four grandchildren, a sister, Marie Rodgers of Avon Lake; brothers Jack and William Burke, both of Wakeman, Thomas Burke of Rocky River, and Robert Burke of Toledo

She was preceded in death by her parents, John and Violet (Carmody) Burke.

Friends may call 2-4 and 7-9 p.m. Friday at the Gerber Funeral Home, 16 Cooper St., Wakeman, where St. Mary's Altar and Rosary Society will recite the Rosary at 2 p.m. and a Christian Wake service will be held at 7 p.m.

A funeral mass will be held at 11 a.m. Saturday in St. Mary Catholic Church, 46 E. Main St., Wakeman. Rev. Herbert Richey and Deacon John Kinder will officiate.

Burial will be in St. Mary Cemetery, Wakeman.

Memorial contributions may be made to the American Cancer Society, Huron County Unit, P.O. Box 532, Norwalk, 44857; St. Mary Catholic Church Building Fund, 46 E. Main St., Wakeman, 44889; or to Stein Hospice Service, 122 W. Madison St., Sandusky, 44870.

Births

Elyria Memorial

MARCH 5

A daughter to Steve and Karen Huth, 6222 Elyria Ave., Elyria

A daughter to Richard and Marianne Galindo, 222 Dennison Ave., Elyria.

A son to David and Carol Kothe, 908 Rosewood Dr., Elyria

A son to Regina Mounts and Michael Stinson, 235 Edgecliff Circle W., Elyria

MARCH 7

A daughter to Robert and Cathy Fein, 933 Livermore Lane, Elyria

A son to Darlene and Michael Greenhill, 27297 Capel Rd., Columbia Station.

MARCH 8

A son to Hanah Rivera, 759 University Ave., Elyria

A son to Dawn and Darryl Watson, 1338 Maryland Ave., Lorain.

A son to Robert and Lisa Lewis, 127 Elizabeth St., Elyria

Allen Memorial

MARCH 2

A son to Barbara Markus and Michael Burroughs, Elyria

MARCH 5

A son to Linda and Nickey Wallace, Oberlin

MARCH 6

A son to Dawn and Jeffrey Smith, Elyria.

A son to Michelle and Ray Zaborowski, Cleveland

MARCH 7

A son to Kelly and Ron Carson, Vermilion.

A son to Cynthia and Dean Markus, Elyria.

MARCH 8

A son to Margaret and Dan Bellis, Vermilion

MARCH 9

A son to Tanya Vaughn, Amherst.

A son to Marcie and Steve Priddy, Wakeman

MARCH 10

A son to Rogena and Rich Groot, Wellington

Amherst

MARCH 2

A son to Tena and Julius Kudela II, Amherst

A son to Kelly and Lorie Melendez, Lorain.

MARCH 3

A son to James and Wanda Daley, Vermilion.

MARCH 6

A son to Mr. and Mrs. Kevin Sears, Lorain.

Runaway's boyfriend arrested, pleads innocent

By ROB STERNFELD and LINDA KRAMER
C-T Staff Writers

ELYRIA — The 24-year-old boyfriend of a North Ridgeville teen-age runaway was arrested Wednesday at Lorain County Children's Services on a charge of having consensual sex with her.

John J. Gladura Jr., of 34085 Luanne Drive, North Ridgeville, pleaded innocent today in Elyria Municipal Court to one count of corruption of a minor.

Attorney David Sherman said Gladura went to Children's Services to give them information about Tara Jagielski, 15, who ran away with Gladura Feb. 7 and returned Friday. During that time, police said the couple had stayed at various houses in North Ridgeville, Lorain and the west side of Cleveland.

Sherman told Municipal Court Judge George Ferguson this morning that Tara was a victim of her mother, not Gladura.

Ferguson set a $5,000 bond for Gladura, but said he would permit Sherman to work out a lower bond with prosecutors.

Sherman said Gladura went to Children's Services because "he was worried about her (Tara)."

"She had told him she was scared to go home," Sherman said.

Jagielski turned herself in to North Ridgeville police Friday and was taken to the county detention home, but fled again the same day.

Her mother, Peggy Sluser of Wallace Boulevard, said Wednesday she brought Tara home Friday but added that the girl was "in the house no more than four hours when she took off again."

Sherman charged the girl fled to a safe house to escape from "a bad home environment."

A North Ridgeville police spokeswoman today acknowledged they don't know where she is staying.

Gladura was first arrested



TARA JAGIELSKI

March 5 in North Ridgeville and charged with contributing to the unruliness or delinquency of a minor and was free on $1,000 bond when he was arrested again.

Tara has been charged with unruliness in juvenile court.

Sluser, who had waged a campaign in newspapers and on radio to persuade Tara to return, said the ninth-grader left home this last time with only a small bag of clothing. Sluser could not be reached today to respond to Sherman's allegations of a poor home environment.

"It was not the same Tara who came home with me. She said she was glad to be home but she was depressed about John being in jail and the trouble he was in," said Sluser. "She said John and she were in love. They wanted me to let them date openly."

Sluser said Gladura is a neighbor and the friend of a nephew. She said she did not approve of the relationship not only because of the age difference but because Gladura is the divorced father of a 4-year-old daughter.

She also said Tara was "embarrassed" and did not want to return to the North Ridgeville schools.

Area briefs

Elyria: Cocaine in pipe gets man arrested

ELYRIA — A 25-year-old Grafton man was arrested in Wilkes Villa early today on a drug abuse charge after police found a pipe containing crack residue in his car.

Police said Ronald R. Rowe of 267 E. Royalton Rd. admitted he came to the Wilkes Villa area to buy crack cocaine and that he had smoked it within the past seven hours.

Rowe was charged with drug abuse, driving under the influence, possession of criminal tools and running a stop sign. He was released on a summons to a relative, reports said.

Ptl. Al Leiby said he saw a man leaning into Rowe's car, stopped on Pratt Boulevard, shortly after 3 a.m. and then pulled Rowe over when he ran a stop sign on Tedman Court, according to reports.

Leiby said he found a crack pipe, which later tested positive for cocaine, in the car.

Rowe, whom Leiby said was unable to recite more than two letters of the alphabet in sequence, was taken to Elyria Memorial Hospital to have a blood sample blood drawn before booking, reports said.

Wakeman man killed when pickup hits house

By JEFF MOHRMAN
C-T Staff Writer

VERMILION TWP. — A Wakeman man was killed Wednesday when his pickup truck veered from the roadway and hit a garage on Mason Road just west of Route 60.

Gerald A. Hicks, 56, of 13197 Route 113, was pronounced dead at Lorain Community Hospital shortly after noon, according to a spokesman for the State Highway Patrol's Sandusky post. The Lorain County Coroner will rule on the cause of death.

The patrol said Hicks was westbound when his truck went off the road and crashed into a garage at the Virgil M. Griffin home, 13417 Mason Road.

Patrolman Lt. John Spitler said the road was relatively dry with no ice patches and the road conditions apparently were not a factor in the accident.

Griffin and his wife, Ruth, were both home at the time, but neither was hurt.

"We were in the living room, just getting ready to watch the noon news, when we heard the impact," Griffin said. "The house shook."

The truck went through the west wall of the garage, which is attached to the house, he said. The living room is in the middle of the house. The truck also hit a car in the garage.

Griffin said when he got out to the truck, he found Hicks lying in the seat.

"I tried to rouse him, but got no response," he said.

The patrol spokesman said there was extensive damage done to the garage and moderate damage to the car.

Driver to face 4th DUI charge

OBERLIN — A 20-year-old Amherst man has been charged with his fourth drunk driving offense within five years.

Bobby W. Davis, of 51900 Portman Rd., pleaded innocent Wednesday in Municipal Court on charges of driving under the influence, underage consumption and no seat belt. He was scheduled for a pre-trial on April 7 at 1 p.m.

State Highway Patrol Trooper Tom Fontanez said Davis failed a breath test when he pulled him over on March 5, registering an blood-alcohol level of .15. The legal limit is .10.

Fontanez said Davis was driving south on Route 58 at 3:40 a.m., approaching North Ridge Road, when he stopped Davis because of a loud exhaust. Fontanez said he gave Davis a breath test after noticing a strong odor of alcohol on him.

Davis has been convicted three times of driving under the influence, authorities said.

If convicted, he would receive a mandatory 30 days in jail, and could receive up to one year in jail, according to James Lowther, former Oberlin city prosecutor.

Drug

FROM B-1

During cross examination, Carson grilled Taliano about the lack of fingerprints or trace evidence, anything that could lead police to Edwards. The detective, however, said the evidence was sufficient.

"My opinion is there is evidence and testimony that Lenworth Edwards was responsible for and part of the conspiracy to kill Marsha Blakely," he said. "The physical evidence was substantiated by William Avery Jr. He corroborated it."

Carson also asked if the tests on the jacket had determined when it was bloodied. Taliano said it was impossible to determine exactly.

Avery — a muscle man who was trying to work off his own debt by beating up other debtors — admitted Tuesday that he had lied in the first trial. But he said he had been threatened by Edwards and a corrections officer at the county jail.

[illegible] said he watched gang members, including Edwards, beat Blakely into unconsciousness, then drag her to a car. Her body was dumped behind the Westgate Plaza in Lorain, and Avery said he saw another gang member named "Justice" poke Blakely with a shiny object. He said he then ran away, fearing he was next.

The defense, which is expected to conclude its case today, put Darnell Board, a Lorain County corrections officer, on the witness stand Wednesday. Board, who said his name was the most similar sounding to the name of the corrections officer Avery said threatened him, denied Avery's allegations.

Also testifying for the prosecution Wednesday was Edwards' former girlfriend, Delphina Guice. In the December trial, Guice said Edwards asked her to be his alibi if necessary and admitted killing "the crack head bitch."

But Guice wasn't talking in this trial. Asked by Chief Assistant County Prosecutor Jonathan Rosenbaum to repeat her testimony from the first trial, Guice said she couldn't remember and grew hostile when Rosenbaum showed her a transcript of her statement.

She said she felt intimidated by Rosenbaum.

"You kept threatening me ... you told me I'd better remember," she yelled. "You scared me half to death. I'm still scared — I can't remember."

On cross examination, Guice talked calmly, describing Edwards as a "nice" guy who did not show any violent tendencies.

"Do you believe he killed Marsha Blakely?" Carson asked Guice.

"I never have and I never will," she answered.

Gas

FROM B-1

"In January the price was in the 90 cent range," he said. "About a year ago, it was at $1.06 so it really hasn't changed that much."

Sinko said the reason for the rise in price was due to "an increased demand," and the fact that "a number of refineries in the Midwest area are down for maintenance so supply is down. This happens maybe once or twice a year."

"These things combined have put an upward pressure on wholesale prices and that is reflected at the retail level."

Customers seem to be taking the prices with a fair amount of good grace, Koran said.

"The customers aren't angry. They've been through this before."

Corrections

The Elyria police stopped the car carrying Midway Mall shoplifting suspects last week. In two subsequent stories, it was incorrectly reported that it was sheriff's deputies.

People in service

Marine Lance Cpl. Gary R. Turczak, son of Lucy Cazeav, Amherst, and Marine Cpl. Steven P. Garay, son of George and Gayle Garay, Amherst, have deployed with 24th Marine Expeditionary Unit, based at Camp Lejeune, N.C., for a six-month deployment to the Mediterranean.

Marine Lance Cpl. Gregory T. Fischer, son of Richard Fischer, Lakewood, has deployed with 24th Marine Expeditionary Unit, based at Camp Lejeune, N.C. for a six-month deployment to the Mediterranean.

[illegible] Rivas and Gilda Jacinto, both of Lorain, has deployed with the 13th Marine Expeditionary Unit, based at Camp Pendleton, California, for six months to the Western Pacific Ocean

NEWSPAPERARCHIVE
Elyria Chronicle Telegram, March 12, 1992, Pg. 14, Elyria, Ohio, US
https://newspaperarchive.com/elyria-chronicle-telegram-mar-12-1992-p-14/

FRIDAY Home Final

Chronicle-Telegram

44 pages | March 13, 1992 | 35 cents

Check-kiters brace for voter wrath

Pease: Let constituents decide if it was 'abuse'

By CASEY TURTON
C-T Staff Writer

The offices of Congressmen Don J. Pease and Paul Gillmor, who have said before that they didn't bounce any checks at the House bank, issued statements today about the scandal that sounded very different themes.

Pease, a Democrat from Oberlin who will retire at the end of this term after 16 years in the House, was conciliatory.

"If the American people find that their representative was among those who bounced checks, it will be up to them to decide whether the errors were abusive or simple human error," he said.

A spokesman for Gillmor, a Republican from Port Clinton who is seeking re-election to his third term, issued a much sharper statement.

Mark Isakowitz, Gillmor's spokesman, said, "He has never bounced a check and does not want his name smeared with the

See PEASE, A-4



REP. CHARLES WILSON
...one of top "bouncers."



JACK RUSS
...bank overseer quits

Roster of offenders will be made public

WASHINGTON (AP) — Embarrassed House members are rushing to give constituents an explanation of their check-kiting habits before the release of an official offenders list. Many feared voters would seek

The House early today voted 426-0 to make public the names of 355 current and former members who took advantage of free overdrafts at the House bank. It singled out 24 as the worst abusers, and left it to the public to label the rest.

The chamber began its debate by accepting the resignation of the overseer of the now-defunct bank, Sergeant at Arms Jack Russ. But for the most part, lawmakers worried aloud about

"As of today," ethics committee member Fred Grandy, R-Iowa, told his colleagues, "your talk-show hosts have a topic. Your opponent has an

See CHECKS A-4

INSIDE STORY



TV Week

Shades of Major Bowes and Ted Mack! Irrepressible Willard Scott is host of "The New Original Amateur Hour," on the Family Channel. It's TV Week's cover story.



AP

Schism

Tammy Faye Bakker says she's tired, lonely and hurting, so she's going to divorce her imprisoned husband, Jim, the former televangelist convicted of fraud and conspiracy charges relating to his Praise the Lord ministry in Charlotte, N.C. They've been married nearly 31 years. A-3.



Buzzwords

Some 25 seventh and eighth graders vie tonight at Tennyson School in Sheffield Lake in the second of two C-T district spelling bees. Story, spelling order, photos on B-4.

Forecast

Chilly: Chance of flurries tonight. Low 15-20. Flurries Saturday. High in low 30s. Details on A-2.

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1st eight new cops near OK

Tax-boost hirees to start training

By CASEY TURTON
C-T Staff Writer

ELYRIA — The first group of new police officers hired with funds from the 0.25 percent income tax hike approved by voters in February should be on duty in about two months, Safety Service Director Tim Coey said Thursday.

Coey said eight candidates are undergoing polygraph and psychological tests as well as FBI background checks before they go into training. He said the hiring process should take about two months.

"It's definitely moving along, but it is a slow and complex process," said Coey.

The city plans on hiring 25 additional officers through 1993 with revenues produced by the tax hike. The increase will generate $1.5 million annually for the Police Department.

The tax hike also helped the department avoid layoffs last month when Mayor Michael B. Keys furloughed 17 employees to balance the city's $17.4 million general fund.

Two police dispatchers and the city's involvement in the Lorain County Drug Task Force were threatened because of the cash crunch. Keys and City Council, however, agreed to advance $350,000 from the capital improvement fund to keep the task force in operation and the dispatchers working.

Keys said the $350,000 will be returned to the capital improvements fund when proceeds from the tax hike come in later.



C-T/Kimberly Barth

LENWORTH Edwards, center, confers Thursday during his trial. Hours later he was convicted of aggravated murder and felonious assault.

Convicted killer's mom: 'Not another son, please, I can't lose another son'

Jury apparently believes key witness' changed story

By JULIE WALLACE
C-T Staff Writer

ELYRIA — The key prosecution witness in a Lorain murder trial recanted a statement to police, admitted lying and then changed his story.

But that didn't stop a Lorain County jury from believing him.

After only 90 minutes of deliberation Thursday, the eight-woman, four-man jury found 19-year-old Lenworth Edwards of Queens, N.Y., guilty of aggravated murder and felonious assault in the killing of Marsha Blakely.

Common Pleas Judge Floyd D. Harris sentenced Edwards to life in prison, with no chance at parole until he has served 28 years. He said he would appeal the conviction.

Edwards' mother, Donna Edwards, was stunned by the verdict. She began shaking and clutched the arm of a friend seated next to her.

"Not another son, please, I can't lose another son," she cried. The friend said her youngest son was recently killed in a car accident.

Edwards slammed his fist on a table. He reluctantly stood before Harris for sentencing, telling him, "I ain't got nothing to say."

The jurors obviously believed the testimony of William Avery Jr., an admitted drug-gang enforcer, because little physical evidence was introduced that connected Edwards to the crime.

The trial was the second for Edwards. The first, in December, was declared a mistrial after Avery recanted his statement to police that he had seen Edwards help torture and kill Blakely because she owed

See KILLER, A-4

Officials here cool to 'pool'

But they'll consider Cuyahoga's plan

By JOHN CANIGLIA
C-T Staff Writer

ELYRIA — Lorain County officials said Thursday they will consider an offer to pool their investments into Cuyahoga County's larger portfolio to reap higher interest rates.



GAUL

But county Treasurer Daniel Talarek and former Treasurer J. Grant Keys weren't swayed when Cuyahoga County Treasurer Francis Gaul presented the benefits of his Secured Assets Fund Earnings plan to the commissioners.

Talarek has said the money should remain in Lorain County, and Keys said the county should know where the money is going before investing.

Gaul's plan calls for the county to invest its $38 million investment package in long- and short-term government notes. The money would be pooled with a number of other governmental funds from Cuyahoga County, including Cleveland City Schools.

The larger portfolio, coupled with the computerized trading of investments, give the investors in Gaul's pool higher interest rates. For the year, the interest rates for Gaul's program is

See POOL, A-4

Parmadale acquires control of Betterway farm

By CINDY LEISE
C-T Staff Writer

HUNTINGTON TWP. — The Betterway Inc. farm that helped delinquent youths learn to love the outdoors has changed hands, but it will still serve young people.

Parmadale Children's Village has purchased 50 to 60 acres of the property for $150,000 and Betterway donated the additional 90 to 100 acres to the non-profit agency on State Road in Parma, according to Betterway Executive Director Thomas H. Peters.

Peters, who is serving an 18-month jail sentence for sexual misconduct with eight teen-age boys under his care, said it is a relief to know that the farm will be in good hands.

He said the Betterway board of trustees decided to turn the bulk of the farm property over to Parmadale to allow the farm to continue to be used by youths.

"Most of the property was paid for by donations," he said.

The Cleveland Catholic Diocese handled the paperwork for the transfer of the property to



PETERS
...says he's relieved to know farm will still serve young people.

Parmadale, a co-educational residential treatment center for neglected, abused or dependent children, according to Tom Mullen, chief operating officer of Catholic Charities Service Corp.

"We certainly appreciate the generosity of Betterway," Mullins said. "I'm sure Parmadale will make arrangements for agencies that are non-profit and child-oriented to use it."

Peters said he originally contemplated making the donation of the 90 to 100 acres containing the farmhouse to Parmadale and selling the 50 to 60 acres fronting Route 58 to a commercial buyer, possibly for home sites. But Parmadale decided to buy the frontage and keep the property intact.

The farm, located on East Bursley Road just south of Findley State Park on Route 58, is about a five-minute drive from Wellington. It includes a lake, pond and two Outward Bound-type ropes courses — one in the woods and another in a barn.

Through the years, Betterway enlarged the farmhouse to sleep almost 30 people. In addition to youths from Betterway, outside groups including churches and

See BETTERWAY, A-4

Japanese now can bash themselves

TOKYO (AP) — Who says Japan bashing can't be fun and games?

In a new computer game, players can choose one of 400 ways to slam Japan as they try to influence troubled U.S.-Japan relations.

The game, no surprise, is called Japan Bashing and is scheduled to hit stores in Japan on March 27. There are no plans now for an English version or U.S. sales.

The game's maker, System-Soft Corp., says it is meant to get Japanese thinking about U.S.-Japan relations, not inflame hostility between the longtime allies.

Still, thanks to real-life U.S.-Japan frictions, the software company hopes the $66 game is a hit.

"No one predicted there was going to be such a rise in Japan bashing," said Seika Kinoshita, a spokesman for SystemSoft. "We are expecting favorable sales," as many as 50,000 this year.

The game is played on a screen with images of fictional leaders of the United States and Japan. The player is always the American, pitting himself against the computer, which plays the part of the Tokyo government.

As the game begins, the player chooses a degree and type of "bashing" from a selection on the screen, such as: "The Japanese government should stop driving whales into extinction," "Japanese should make wheat their staple food," or

See BASH, A-4



AP

NEW GAME will be sold - so far- only in Japan. At a hefty $66 a 'hit.'

NEWSPAPERARCHIVE

Elyria Chronicle Telegram, March 13, 1992,Pg. 1, Elyria, Ohio, US

https://newspaperarchive.com/elyria-chronicle-telegram-mar-13-1992-p-1/

Ukraine halts removal of nuclear weapons

KIEV (AP) — President Leonid Kravchuk has ordered a halt to the removal of tactical nuclear arms from Ukraine, demanding guarantees that the weapons would be destroyed and not redeployed by Russia.

Kravchuk also suggested that Western nations oversee the destruction of these weapons inside Ukraine and help the republic build a nuclear dismantling facility.

"We want guarantees that they can't be used anywhere. I don't want to make anybody else stronger," Kravchuk told a news conference Thursday on the eve of his 100th day in office as Ukraine's first freely elected president.

The unexpected announcement came a week before a Kiev summit of the Commonwealth of Independent States and seemed certain to widen the rift between Russia and Ukraine, the two most populous former Soviet republics.

They already are at odds over the future of Crimea and are vying for control over the Black Sea Fleet and military aircraft based in Ukraine.

A senior nuclear official, meanwhile, was quoted as warning that breakdowns in security have increased the risks that nuclear weapons will be stolen in places such as Nagorno-Karabakh, the war-torn southern enclave.

The developments highlighted concerns for the security and safety of strategic and tactical nuclear warheads as well as aging nuclear power plants in the former Soviet Union.

About a quarter of the Soviet Union's 17,000 tactical — or battlefield range — nuclear warheads were based in Ukraine. Kravchuk said earlier this week that 57 percent of them had been taken to Russia for destruction so far.

Ukrainian leaders repeatedly have pledged to eliminate all nuclear weapons based on their territory by 1994. The strategic, or long-range, nuclear arms in Ukraine include 176 intercontinental ballistic missiles capable of reaching the United States.

"We have not changed our main concept. We want to remain non-aligned, nuclear-free and eventually a neutral state," Kravchuk said.

Gennady Novikov, security chief at Chelyabinsk-70, one of the top secret cities where the Soviet Union produced all its nuclear weapons, warned Thursday that atomic arms could be seized by militants.

"Taking into account the political and psychological situation, there is no doubt that security has sharply deteriorated," he was quoted as saying by the newspaper Komsomolskaya Pravda.

Russian Vice President Alexander Rutskoi said Wednesday that nuclear weapons remained in Armenia and Azerbaijan, which are fighting over Nagorno-Karabakh, an Armenian enclave inside Azerbaijan.

But Rutskoi said he was "1,000 percent certain" the arms would not fall into the hands of the militants.

But a commonwealth officer denied Thursday that any warheads remained in the region. Lt. Gen. Vladimir Korotkov, deputy chief of the Joint Armed Forces' Main Department, told Interfax news agency that the last warheads were removed in 1990 from the district that includes Armenia, Azerbaijan and Georgia.

Senate votes to let car buyers dip into IRA funds

WASHINGTON (AP) — The Senate is offering to let millions of Americans dip into their Individual Retirement Accounts to finance the purchase of a new car.

An amendment providing penalty-free IRA withdrawals of up to $10,000 for buying a car this year was added to a Democratic tax-cut measure Thursday night. The amendment's future is no brighter than that of the overall bill, which President Bush is promising to veto

But the prospect of a veto is not deterring senators from adding amendments to the bill, which Democratic leaders hope to pass by tonight. Dozens of proposed changes were pending, although it was unlikely most would be considered.

"This bill is going to be vetoed and the veto is going to be sustained," Republican Leader Bob Dole of Kansas reminded colleagues. "Unless you just need to practice there's no need to offer all these amendments."

Democrats, who control the Senate, have successfully defended their middle-class tax cut against two major challenges, and are predicting at least a temporary victory once the flood of amendments ends.

A majority of senators rejected Bush's short-term tax plan for stimulating the economy. A bipartisan effort to eliminate the tax cut and use the revenue from a tax increase on the rich to reduce the deficit was defeated Thursday.

It is the tax increase that has raised Bush's ire. It would generally be paid by single people with annual incomes above about $180,000 and couples above the $210,000 range. In addition, those with taxable incomes above $1 million would be hit with a surtax of up to 10 percent.

The biggest single share of that tax increase would finance a permanent tax credit of up to $300 a year for each child under 16 in families making less than $60,000.

The bill also includes a version of the seven tax changes [illegible] short-term stimulants for the economy. These include a capital-gains tax reduction, a new credit of up to $5,000 for some home buyers, special relief for the real estate industry and an incentive for businesses to buy machinery this year.

The Senate agreed to allow IRA withdrawals for car buyers over the opposition of Sen. Lloyd Bentsen, D-Texas, chief author of the tax bill. He called it bad retirement policy. "What we are seeing here is shortsighted thinking," he said. "A car is not an investment."

Sen. Arlen Specter, R-Pa., who wrote the IRA amendment cited one estimate that it could encourage up to 6.5 million people to buy new cars.

"The automobile industry is the very heart of the recession," said Sen. John Danforth, R-Mo. "Revival of the automobile industry is the answer to the revival of the economy."

The Democratic bill and a similar version already passed by the House would permit penalty-free withdrawals from IRAs to help buy a first home or to pay tuition or medical expenses.

The Senate also accepted amendments by:

—Sen. Howard Metzenbaum, D-Ohio, to deny tax deductions in savings and loan takeovers that have been subsidized by federal regulators. He said that would save $900 million over the next five years.

—Bentsen, to allow self-employed people to deduct 100 percent of the cost of buying health insurance for themselves and their families. The change, from 25 percent under current law, would be permanent.

Killer

FROM A-1

money for drugs.

On Tuesday, however, Avery told jurors he had watched Edwards and four other members of a New York-based drug ring beat Blakely unconscious and take her behind Westgate Plaza in Lorain.

That's where she was found with her throat slashed. She had also been run over by a car. A few hours later, the body of her sometimes roommate, Floyd Epps, was found a few miles away, his head crushed by a car tire.

Although Lorain police have said the slayings are connected, no charges have been filed in Epps' death.

Local FBI agents have issued warrants for the arrest of three other alleged gang members. A fourth, Benson Davis, is in a New York prison, awaiting extradition to stand trial in Blakely's death.

None of Blakely's family members was at the trial. A few friends who gathered in the hallway after the verdict declined to comment.

Avery, who collected a $2,000 reward for his information, admitted volunteering his muscle-man services to the ring because he was in debt to members for drugs.

He admitted that he had not told police he had gone behind the Plaza with the gang because he feared he would be prosecuted.

Avery also said he had refused to testify during the first trial because his father had convinced him that his testimony was worth $10,000. The prosecution refused to pay him the money.

He claimed he recanted his story after Edwards and a corrections officer threatened him at the county jail. Authorities are checking out the allegation, according to Jonathan Rosenbaum, chief assistant county prosecutor.

In his closing argument, Rosenbaum said Blakely was killed to send a message to other drug addicts.

"They were new people on the block who wanted you to know what kind of people you were dealing with," he said of the drug ring. "There were more than 20 torture-type stab wounds on the neck. That's a torture killing. That's a message: Don't mess with us. Don't testify against us."

Rosenbaum admitted that physical evidence was lacking, but he said that Avery's testimony was the missing piece of the puzzle.

"What are the odds of all these things happening to fit together to make a picture?" he asked. "They're astronomical."

In his closing statement, James Carson, Edwards' attorney, pleaded with the jurors to look closely at Avery's motives.

"He's a liar and a perjurer," Carson said. "He heard about the reward money, so he came up with this story.

"Who had the opportunity and motive to murder Miss Blakely? He knew her, he sold drugs to her, and she owed him money."

Carson said the jury's decision shocked him.

"I don't understand how they could believe Avery," he said.

After county sheriff's deputies led Edwards from the courthouse, his family gathered outside the courtroom, expressing outrage

His uncle complained that there were no blacks on the jury, and his grandmother, Virginia Huff, said she knew he wasn't capable of killing anyone.

"Why aren't you trying to find the real killer?" she yelled. "Lenny did not kill that woman."

Births

Elyria Memorial

MARCH 3

A son to James and Laura Meadows, 780 Oberlin Rd., Elyria.

MARCH 6

A daughter to Timothy and Doreen Bring, 36795 Kevin Rd., Avon.

A son to Katabra Windham, 630 South Abbe, Elyria.

MARCH 9

A son to Larry and Deborah Rose, 360 Penfield Ave., Elyria.

Pease

FROM A-1

red ink of others."

Both said they had supported full disclosure since the scandal broke last year.

Republicans had been pressuring the Democratic leaders of the House to release the names of all members who had bounced checks, and Speaker Thomas S. Foley abandoned efforts Wednesday to limit disclosure to the worst offenders.

Gillmor, Pease and other area legislators spent the morning resting after the close of the House session at 2:30 a.m.

Staff members at the offices of Cleveland area Reps. Edward Feighan and Mary Rose Oakar said that because of the long session their bosses had not yet prepared responses.

Statements may be released later today, they said.

Bash

FROM A-1

"People who can't speak English are barbarians."

The more one bashes, the more the computer yields on trade demands, responding in the roundabout language typical of Japanese politicians, "We should concede on this issue in order not to leave tensions between the two nations."

At the same time, however, anti-American sentiment rises, jeopardizing overall relations.

For advanced players, the range of possible outcomes include a complete Japanese buyout of America and even war.

To show the player how well he is doing, a computer graphic shows a cowboy firing bullets at a samurai who flicks them away with his sword, indicating Japan is not giving in to U.S. demands.

If Japan concedes, the samurai gives up and falls over dead or, in the most extreme case, commits hara-kiri.

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Checks

FROM A-1

issue. And your constituents have a reason to support term limitations."

Before Thursday, only about five dozen lawmakers had confessed to writing checks beyond their balances, mostly small-change stuff. But when it became clear that the House was going to vote to disclose all the names, that figure began to soar.

House Speaker Tom Foley was asked today if he thought many members would lose their seats because of a repeated overdrafts.

"I don't think that you'll see many members of Congress losing their jobs ... over this itself," Foley said on NBC. "But members will have to tell the truth to their constituents, explain what happened. And I think for the most part, those who do, who come forward with the information and give it clearly and concisely, will have an opportunity to come back here. ..."

The surprise move had immediate political consequences, as members fearful of negative publicity hurriedly came clean.

Among those who came forward were:

■ Rep. Charles Wilson, D-Texas, who invited reporters to hear his confession to 75 to 85 overdrafts. "I have summoned the posse here today to turn myself in," he said.

He added: "It's so strange how things turn out to be big deals that you just never dreamed."

■ Rep. Charles Hatcher, D-Ga., who said overdrew his account as many as 780 times over the 39 months.

■ Rep. Duncan Hunter, R-Calif., who disclosed he wrote an estimated 160 bad checks in the past three years.

■ Rep. Gerry Sikorski, D-Minn, 671 checks. "We should have known better," he said.

It was not immediately clear whether any of those three, or any of the others who went public, were on the worst offenders' list. Account data, published by the Washington Times on Thursday, showed there were many other contestants for that honor.

The list included no names. But it showed, for example, that one House bank user was more than $92,000 overdrawn at one point. The list was confirmed by The Associated Press.

"This is a sad and embarrassing chapter in this institution's history. We cannot deny it," said Rep. Mike Synar, D-Okla.

The disclosure resolution passed easily only after Democratic leaders abandoned their efforts to halt the revelations with the release of the names of the 24 worst offenders. As recommended by the ethics committee, the others would have been free to obtain and release their records — or not.

But Republicans insisted on exposing all the offenders and, feeding on public discontent with congressional perks, charged there was a coverup underway.

Under the resolution, the list of 24 labeled "abusers" — 19 current House members and five former members — will be officially released within 10 days. The rest of the list will be released 10 days later.

After the disclosure resolution was passed, Rep. Mickey Edwards, R-Okla., pushed to extend the ethics committee's inquiry so a more thorough accounting of the less egregious offenders would be provided the public. However, the Edwards resolution was put aside after ethics committee members argued it would be time-consuming and costly.

In addition to calling for release of the names, the House approved a report which sharply criticized the way the bank was run.

The ethics committee report said Sergeant at Arms Russ misused his office by cashing his own bad checks at the bank and failing to carry out reforms designed to end the abuses.

Some members were threatening a House debate and vote on whether to fire Russ, but he quit first.

Russ did so in writing. He is recovering from a gunshot wound to the face that he says was inflicted by robbers near the Capitol earlier this month.

While the House was wrestling with the check-kiting resolution, the Senate interrupted its debate on taxes to pass 95-2 a resolution making clear that it had no institution like the House bank — nor would it in the future.

Several senators complained that constituents were accusing them of writing bad checks.

Pool

FROM A-1

nearly 8 percent. Locally, the county's interest rates are below 4 percent.

If the current rates continue, the investments will yield the county about $2 million in interest, according to Talarek. Last year, the county earned about $2.5 million in interest from investments, down from 1990 when it earned $3.1 million.

Besides placing money in local banks, Talarek has invested in STAR-Ohio, an investment plan set up through state Treasurer Mary Ellen Withrow. While the money is pooled throughout the state, Withrow's pool is only on a short-term basis.

Keys cautioned the commissioners on the new plan, especially since Talarek would have little if any input in the investments Gaul's office makes.

"We just have to make sure this money doesn't go to the Rock and Roll Hall of Fame or Gateway," Keys said.

Talarek, bothered by reports that the county has low interest earnings, ripped into critics.

Betterway

FROM A-1

schools rented the property, Peters said.

But the use of the property declined when youth services at Betterway were discontinued after Peters was charged with kissing and fondling teen-age boys.

Peters, who was found guilty in December 1988 of 16 misdemeanor counts of sexual imposition and importuning, fought the conviction but lost his appeals. He reported to jail about six months ago and still asserts his innocence.

The farm purchased for $295,000 in the late 1970s originally contained 200 acres, Peters said. After the purchase, Betterway sold 100 acres for $120,000, leaving the current 150-acre site, he said. In 1990 it was valued at $221,900.

Founded in 1966, Betterway, a non-profit agency, listed almost its 1988-89 fiscal year income tax forms. However, since that time, much of the property has been sold, including two former group homes and a home for staff, equipment in the Deli Restaurant, a hot dog wagon, camping equipment and vehicles including six vans and Peter's Ford Taurus. Another home burned down.

Last week, Betterway sold its trolley to the Metro Regional Transit Authority in Akron for $79,000. The vehicle was purchased for $93,000 in the late 1970s.

Betterway still owns or has a partial interest in four homes on Middle Avenue — the Search gift shop at 606 Middle, the former Beacon group home next door at 610 Middle, a former group home at 611 Middle and its offices at 612 Middle.

NEWSPAPERARCHIVE

Elyria Chronicle Telegram, March 13, 1992,Pg. 4, Elyria, Ohio, US

https://newspaperarchive.com/elyria-chronicle-telegram-mar-13-1992-p-4/

FROM PAGE ONE

WHATZIT?

Find the familiar phrase, saying or name in this arrangement of letters.

H$_2$OSE

SOLUTION: Under Classified #570

N.Y. drug dealer convicted of murder

Cindy Leise
The Chronicle-Telegram

ELYRIA — Moments after he was convicted of killing a prostitute over a drug debt, a New York cocaine dealer stared at the victim's family and said, "The game don't stop."

John Edwards, 26, was sentenced to life in prison for the 1991 slaying of Marsha Blakely. A jury convicted him of aggravated murder.

Blakely's two brothers, Mark and Timothy, and her sister, Lisa, shouted with joy when the jury foreman read the verdict.

Common Pleas Judge Edward Zaleski ordered that Edwards serve the life sentence after he completes a 40-year sentence in federal prison for dealing drugs.

He added an extra 15 years to the sentence because Edwards assaulted Blakely before killing her. Blakely's neck was slashed, and she was beaten, stabbed and run over by a car.

Edwards made no statement to the judge. But as officers led him out of court, he spoke to Blakely's siblings.

His remark, "The game don't stop," probably was meant as a threat, said Lorain police Lt. Geno Taliano, who added, "It stopped for him."

He said the gang Edwards belongs to has made threats before. During the trial, Edwards threatened to kill Jonathan Rosenbaum, the county's chief criminal prosecutor, Taliano said.

Edwards is the fourth man from New York to be sentenced in Blakely's death. Police said they are looking for two other gang members, called "Justice" and "Supreme," who are suspects in Blakely's death.

They planned to release photos of the men today in hopes of getting information, and police said they are trying to get the search publicized on the "America's Most Wanted."

A witness in the trial testified that he saw "Justice" swing a silvery object at Blakely's face. Her body was later found behind Westgate Plaza in Lorain, and the body of her friend Floyd Epps, 47, was found less than a quarter mile away with similar wounds.

Rosenbaum said Epps probably died first, and then Blakely was beaten in Epps' apartment on Sunset Drive by the people who then killed her. He said the motive was to send a message that others should stay out of the gang's business.

No one has ever been arrested in Epps's death, but Mark Blakely said that justice is being served.

"It's not only a victory for my family . . . it's a victory for Floyd Epps," said Mark Blakely, an outside contractor employee at USS/Kobe Steel Co.



BRUCE P. BISHOP / CHRONICLE

SISTER'S PHOTO: Mark Blakely, 28, cherishes a photo of his sister Marsha, when she was about nine years old.

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IN ENCORE
A talk with songstress Martina McBride



SONIC BOOMED
Seattle beats LeBron-less Cavs
SPORTS, B1

THE CHRONICLE
TELEGRAM

St Index FRIDAY, February 1, 2008 50¢

Election official could lose his house

Lisa Roberson
The Chronicle-Telegram

ELYRIA — A mortgage lending company is seeking to foreclose on the Osborn Avenue home owned by county Board of Elections Director Jose A. Candelario Jr.

The complaint, filed Monday in county Common Pleas Court, says Candelario has defaulted on a $133,100 loan. The original loan was secured in June 2003 with a monthly payment of $755.71; the payment rose to $801.53 a month in June 2005, according to the paperwork.



Candelario

Candelario's attorney, R.J. Budway, said Candelario missed just two or three payments and was negotiating with Owensboro, Ky.-based U.S. Bank in hopes of reaching an agreement to repay the money.

"For whatever reason, he fell behind a couple of months. He tried to work out a deal, but

See **HOUSE**, A2

LAPD planned Spears move for days

Andrew Blankstein, Scott Gold and Richard Winton
Los Angeles Times

LOS ANGELES — The plan to involuntarily commit Britney Spears for mental health care began with confidential conversations Monday.



Spears

Representatives of the pop star told Los Angeles Police Department officials they felt Spears needed psychiatric evaluation because of

See **SPEARS**, A2



AP

Security guards stand outside of the ambulance entrance at UCLA Medical Center's emergency room in Los Angeles Thursday.

"Dude's innocent ... but I don't feel I have to go to jail for 30 years."

William Avery Jr., after refusing to recant testimony in court Thursday



CHUCK HUMEL / CHRONICLE PHOTOS

Alfred Cleveland (middle) pleads to William Avery Jr., "Please, man, please, man," for Avery to change his mind and recant his testimony that resulted in Cleveland and three others being jailed for the 1991 murder of Marsha Blakely.

Man said he'd recant, clams up before judge

As a result, convicted killer may not get a new trial

Stephen Szucs
The Chronicle-Telegram

ELYRIA — William Avery Jr. says Alfred Cleveland is innocent of murdering a 22-year-old Lorain woman in 1991, but he isn't willing to risk jail himself to set Cleveland free.

Avery drove from his home in Detroit to the county Justice Center on Thursday with the intention of recanting the testimony that helped to convict Cleveland of the murder of Marsha Blakely.

Blakely was found with her throat slit and with 20 stab wounds on Aug. 8, 1991, behind the Westgate Shopping Center on 21st Street in Lorain. She also had been run over by a car, according to the county coroner.

Avery's testimony also led to the convictions of John Edwards, 35; Lenworth Edwards, 33; and Ian Davis, 40.

In 2006, Avery signed an affidavit declaring that he'd perjured himself during the trials because he wanted the $5,000 reward and because he owed Cleveland $5,000. According to his deposition, he accused prosecutors of threatening him when he tried to back out of his testimony during one of the trials.

When Avery took the stand Thursday, he told county Common Pleas Judge Chris Rothgery that he

See **RECANT**, A2



Cleveland listens to attorney Paula Brown make an argument before Judge Rothgery. William Avery Jr. was going to recant his earlier testimony, but withdrew that offer after learning that he might be charged.

GIVEN GETS HIS SEAT BACK

Councilman will return to at-large seat in Lorain; Joel Arredondo also appointed to fill vacancy

Adam Wright
The Chronicle-Telegram

LORAIN — Dan Given will return to the Council seat he vacated earlier this month when he briefly became the city's safety service director.



Given

A majority of the city's 41 Democratic Party Precinct Committee members voted to appoint Given over two other candidates for the at-large seat. A final tally was not available.



Arredondo

Joel Arredondo, a long-time community advocate, also was chosen to fill the Council president's seat, which was open after Ken Shawver took a deputy position in new Mayor Tony Krasienko's administration.

Given was re-elected to a second term for the at-large seat in November, but he resigned to take the second-highest position in the city overseeing the city's departments and emergency personnel.

But on Jan. 18, he announced he would be step-

See **COUNCIL**, A2

Stab victim's family has questions

Cindy Leise
The Chronicle-Telegram

LORAIN — The family of 25-year-old Fletcher "Boomer" Windham Jr. has many questions following his stabbing death Tuesday night.

They want to know how Windham, a 6-foot-2 black belt, could have been stabbed 21 times by the accused killer, Rafael Feliciano, without anyone else being involved or without Feliciano being injured himself. Feliciano is 5 feet, 6 inches tall and weighs 135 pounds, according to jail records.



Windham

And the family can't figure out what could have gone so horribly wrong between the two friends, who lived in apartments on Seneca Avenue separated only by an alley.

"There's no way this guy did this alone unless he caught him off guard," said Katabra Windham, the slain man's cousin.

County Coroner Paul Matus — speaking hypothetically — said a stab wound can incapacitate a person, regardless of the size differences between them.

Katabra's mother, Mary Windham, said she just doesn't understand it.

See **VICTIM**, A2

Head of Ridgeville Chamber of Commerce resigns

Michael Baker
The Chronicle-Telegram

NORTH RIDGEVILLE — From now on, whenever Keith Jenkins voices his opposition to Value Place Hotels, there will be no question whether he is doing so as a citizen or as chairman of the Chamber of Commerce.

That's because Jenkins resigned Jan. 25 from his leadership role.

"I felt that my opposition to Value Place was putting the chamber in a bad light," Jenkins said. "This is not their fight."

Jenkins was outspoken in his opinion that the Value Place Hotel planned for North Ridgeville shouldn't be allowed, a position that created tension and had chamber members wondering whether it posed a conflict of interest since he led the group to promote businesses.

Jenkins will be replaced by Sue Sawyers, the chamber's

"My convictions against Value Place outweighed the ties I had to the position of chairman."

Keith Jenkins,
former Ridgeville Chamber of Commerce chairman

vice president, until the official elections in May, according to Dayle Noll, chief executive officer of the Chamber of Commerce.

Noll said the dissension is over, and the chamber will move on.

"We will continue to promote business within the community," she said.

On Jan. 23, the chamber called an emergency meeting to determine whether Jenkins should be replaced. The vote saved his job, but Jenkins decided on his own he ought to go.

Jenkins said he remains on the Chamber of Commerce's board, and that he continues to support the members.

"There's no bad blood," he said.

Jenkins wrote letters to the editor expressing his dismay about the Value Place proposal, and he set up a Web site, www.stopvalueplace.com, too. The Web site has been shut

See **RESIGN**, A2

CLOUDY, SNOW High of 36. Low of 25. Forecast on A6

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NEWSPAPERARCHIVE

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COUNCIL

From A1

ping down from the job to reclaim the management position he left at Oster Homes in Lorain. His last day likely will be late next week.

Given said he chose to leave the city position because he still had passion for his former job and thought his hard-nosed approach and tendency to say what was on his mind could hurt Krasienko, a longtime friend.

"As always, I'm humbled to know that I am appreciated by my peers," he told his fellow Democrats.

Before winning an at-large seat in 2006, Given served 12 years representing the 7th and 8th wards.

Committee members chose Given over former Councilman David Flores and Dr. Subbarao Cherukuri. Another candidate, Joe Smith, took his name off the ballot just before voting, saying Given should be the one selected because voters already had chosen him in November.

Arredondo, a 25-year member of the Mexican Mutual Society and president of the political group the Coalition of Hispanic Issues and Progress, or CHIP, will have some big shoes to fill when he takes over for Shawver, who was very popular among voters and was in his third term as president.

Arredondo said he wants to be part of Lorain's turnaround and hopes to do that as a new voice on Council.

"We have to develop new leaders," Arredondo said. "One thing I've learned is you have to be flexible and you have to adapt to change."

Arrendondo beat out several former politicians, including Andy Drwal, William Flynn, Rigo Reveron and Steve Bansek.

Krasienko, who also was a voting member of the precinct committee, said he is pleased with the committee's choices.

"I think this is a great Council to help move the great agenda of the administration forward," he said.

Contact Adam Wright at 329-7151 or awright@chroniclet.com.

RESIGN

From A1

down due to "legal reasons involving Value Place," he said.

"It will be up again," Jenkins said.

Jenkins said that he will continue to oppose Value Place and was willing to forsake his position as chairman to do so.

"My convictions against Value Place outweighed the ties I had to the position of chairman," he said.

Mayor David Gillock said the friction created from Jenkins' opinion wasn't good for the city.

"The controversy is not good for any of us," Mayor Dave Gillock. "I always liked Keith, we always had a good relationship. And now I hope we can move on."

Gillock said that he called Jenkins when he originally heard of his resistance to Value Place.

"I told him that I didn't think he was voicing his opinion in the right way. He should have come when the planning was happening and when the decisions were being made," Gillock said.

"If there are safety concerns, make suggestions. Without suggestions, you're just complaining."

Contact Michael Baker at 329-7128 or mbaker@chroniclet.com.

CORRECTIONS & CLARIFICATIONS

The Chronicle-Telegram is committed to providing accurate news coverage. Call us at 329-7155 to let us know about factual errors.

■ Workshop Players Theatre in Amherst will present "Over the River and Through the Woods," at 8 p.m. Feb. 7, 8, 9, 15, 16, 22 and 23. The wrong time was listed Tuesday.

LOTTERY RESULTS

Ohio (THURSDAY)

Midday Pick 3: 3-3-3, **Pick 3:** 7-4-3, **Midday Pick 4:** 0-6-5-8, **Pick 4:** 1-2-9-4, **Rolling Cash 5:** 7-17-26-29-32, **Classic Lotto:** 17-20-26-30-34-47, **Midday Ten-Oh:** 1-3-4-6-11-16-17-19-22-30-31-32-36-42-43-49-50-58-68-76, **Ten-Oh:** 3-5-6-11-17-20-34-35-36-43-48-51-53-57-59-63-64-69-70-72, **Rolling Cash 5 jackpot is $100,000, Classic Lotto jackpot is $9.5 million**

Mega Millions

TUESDAY, Mega Millions: 8-23-39-40-42; **Mega Ball:** 24. **Jackpot is an estimated $87 million. Kicker:** 8-9-1-5-2-6.

Out of state

MICHIGAN (THURSDAY) — Daily 3: 2-5-9, **Daily 4:** 5-5-5-9, **Fantasy 5:** 1-7-21-22-34.
PENNSYLVANIA (THURSDAY) — Daily Number: 7-2-5, **Big 4:** 5-9-5-4, **Cash 5:** 8-11-26-31-39.
WEST VIRGINIA (THURSDAY) — Daily 3: 2-1-6, **Daily 4:** 4-5-7-7, **Cash 25:** 2-4-8-20-22-23.

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Elyria officials offer to fund grants

Lisa Roberson
The Chronicle-Telegram

ELYRIA — It looks like community organizations might get some grant money after all, but it'll mean cutting into the cash set aside for the city's emergency housing rehabilitation program.

With a little less than $790,000 available in Community Development Block Grant money, city officials on Thursday night recommended the rehabilitation budget be cut from $295,000 to $236,160 and another $10,000 be taken from a fund to make the city handicap accessible and to use that money to help seven nonprofit organizations.

The cut from the rehabilitation program was not well-received by residents, but Mayor Bill Grace said it was the only feasible chopping spot if the city was going to find money for the nonprofits.

"It's the general belief we are striking the best balance possible," Grace said.

The meeting Thursday came after the nonprofits expressed frustration Monday when city officials said there would be no money for them from the city's Block Grant distribution. The money, they said, would pay for city programs instead.

The revised proposal — which still must get the OK from City Council after they consider it at its meeting Monday — now calls for doling out about $68,000 to community organizations. It was approved by a 3-2 vote with Councilman Kevin Krischer, I-5th Ward, and Councilman Forrest Bullocks, D-2nd Ward, voting against it.

Krischer said he didn't like seeing money being cut from the rehabilitation program, and Bullocks said he voted no because last year, money was allocated to repair Cascade Street but later was withdrawn.

Compromising to find the money for the nonprofits was not easy, but was the right thing to do, said Councilman Tom Callahan, D-at large.

"These funds are important to cities like Elyria. We're just trying to do our best with what little we have," he said.

The new budget calls for funds to go to all but two of the organizations that asked for city aid. The Boys and Girls Club withdrew its request and negotiations are under way to have the program of the second one, City Music, be done through the Parks and Recreation Department.

Our Family, allocated the least amount of money at $1,200, can only receive it if the group raises $4,800 and agrees to use volunteers for staff. That stipulation was added because the group was the only one asking for 100 percent of its funding come from block grant money.

Contact Lisa Roberson at 329-7121 or lroberson@chroniclet.com.

PROPOSED DISTRIBUTION FOR 2008 COMMUNITY DEVELOPMENT BLOCK GRANTS

	Requested	Budget if traditional city-operated activities funded	*Budgeted
Community development	$130,000	$130,000	$130,000
Emergency housing rehab.	$295,000	$295,000	$236,160
Code enforcement	$275,000	$275,000	$275,000
Building demolition	$30,000	$30,000	$30,000
Senior citizen activities	$40,000	$30,000	$30,000
Youth recreation	$10,000	$5,000	$5,000
Eliminating architectural barriers	$30,000		$15,000
NONPROFITS SEEKING MONEY			
Improvement Incentives Program	$25,000	$0	$10,000
South Elyria Neighborhood Dev.	$84,000	$0	$20,000
Save Our Children	$10,000	$0	$10,000
Neighborhood House	$20,000	$0	$10,000
Middle Avenue Project	$95,000	$0	$7,000
Adopt-a-School	$15,500	$0	$10,000
Boys and Girls Club (Backpacks)	$10,000	$0	withdrawn
Our Family	$6,000	$0	$1,200**
City Music	$4,150	$0	$0

* Subject to approval by City Council
** Must raise additional $4,800 and use volunteers

Source: Community Development Department

RECANT

From A1

wanted to tell the truth, and he didn't need a court-appointed attorney to do so.

The response brought tears and sobs of joy from Cleveland's wife, who was seated behind her husband. But that didn't last as Avery changed his mind when he learned that he could be charged with perjury if he did so.

Rothgery assigned attorney Kenneth Ortner to Avery to advise Avery of his legal options, and Avery returned to the stand to testify, but first he sought immunity from prosecution. When he didn't get it, he instead invoked his Fifth Amendment right to not testify.

When Avery sat back down in the courtroom's gallery, a handcuffed Cleveland turned to him. "Please, man, please man," Cleveland asked.

Rothgery said he would give the prosecution and defense until Feb. 15 to make any additional arguments to be considered on Avery's behalf. He said he would respond to both parties by Feb. 22.

Following the hearing, Avery, 39, said the possibility of jail time kept him from telling the truth.

"Dude's innocent," he said. "But I don't feel I have to go to jail for 30 years."

Cleveland's family members said they didn't understand why Avery didn't go through with the testimony and blamed prosecutors for threatening Avery with jail time.

"We just got had again," Cleveland's father, Leon Cleveland, said. "They scared that boy to death."

County Prosecutor Dennis Will said Avery was called as a witness by Alfred Cleveland's defense attorneys, and it wasn't the state's prerogative to give him anything for it.

"He wasn't our witness," Will said. "It was his decision."

Contact Stephen Szucs at 329-7129 or sszucs@chroniclet.com.

HOUSE

From A1

they wanted late fees and penalties, and we were hoping he wouldn't have to come up with the large lump sum they were demanding," Budway said. "He fell behind for the same reasons a lot of other people are falling behind. You miss it once, miss it twice and before you know it, you're behind the eight ball."

U.S. Bank is seeking a judgment of $136,910.17, plus interest and court costs or for the four-bedroom, 1½ bedroom house in Lorain to be sold at sheriff's auction.

Candelario became director of the Board of Elections at the end of December 2006. Before that, he had been the deputy director since January 2006.

Contact Lisa Roberson at 329-7121 or lroberson@chroniclet.com.

SPEARS

From A1

continuing erratic behavior. After extensive discussions about alternatives, the LAPD mapped how they could get her to the University of California, Los Angeles Medical Center amid an expected swarm of paparazzi.

Authorities, who already had responded to more than 20 calls involving Spears or paparazzi trailing her in the past month, came up with an elaborate plan. It included many contingencies such as the possibility that paparazzi might try to rush into her gated home or run her ambulance to a stop.

Early Thursday morning, the plan was executed, with about two dozen officers, a helicopter and a special team that deals with mentally disturbed people taking Spears out through a gate where paparazzi were not present in an ambulance with covered windows to prevent photographers from looking inside. The police blocked roads so that she would not be followed.

The effort, which the LAPD estimates cost $25,000, was carried out with the help of the department's Crisis Response Support Section. The LAPD responds to about 100 calls a day to deal with mental health incidents, said Lt. Rick Wall, who heads the unit. Of those, about 20 to 25 a day lead to involuntary commitments, Wall said.

"Most go exactly as the one last night but without the 200 paparazzi," he said. "We get calls from family members daily who are worried about their loved ones being a danger to themselves or others."

Police officials defended the cost of the operation, saying that aggressive paparazzi required numerous police officers to avoid a traffic accident that could have caused harm to the public or Spears.

LAPD Deputy Chief Michel Moore said it was "a shame" that scarce police resources had to be diverted from "public safety needs such as violent crime, drunken driving or responding to the ongoing stream of 911 calls." But "we had no choice but to ensure that we appropriately dealt with this incident."

Tabloids had been reporting for months about Spears' erratic behavior — including speaking in a English accent and shaving her head. But it wasn't until a month ago that authorities got involved. Police were called to her house after she refused to turn over her youngest child to bodyguards for her ex-husband, Kevin Federline, and locked herself in a bathroom. At that time, Spears was taken by ambulance to Cedars Sinai Medical Center. She was released a day later.

Suspect's DNA linked to 2nd attack

The Associated Press

RENO, Nev. — DNA evidence now links the suspected abduction of a 19-year-old woman from a friend's home to two attacks on women near a university late last year, and authorities said Thursday that they're investigating still another attack that could be related.

Already linked to a sexual assault in December, DNA evidence ties the suspected abduction of 19-year-old Brianna Denison on Jan. 20 to a November attack in the same neighborhood, police said.

And police have released a sketch of a suspect in an October attack in a parking garage near the University of Nevada, Reno, that investigators believe might be tied to the other cases. The woman who said she was attacked came forward because of the extensive media coverage of Denison's disappearance, University Police Chief Adam Garcia said.

VICTIM

From A1

"Boomer was quiet, always smiling, he was not aggressive at all," said Mary Windham, an aunt. "Stabbing someone 21 times is overkill, and he did not have to do that to my nephew."

Mary Windham said her nephew's girlfriend told her that the two men had been at a peace vigil earlier in the evening that was held to mourn the death of grocer Jose Gonzalez Sr., who was shot by a robber last Friday.

Afterward, the girlfriend said the men went to a bar and then to Feliciano's apartment to play video games, Mary Windham said.

No one knows what happened from there, but Mary Windham said she doubts her nephew would have tried to overpower anyone given that he had a gunshot wound on his arm that hadn't healed.

Authorities would not confirm the pair's schedule for the night — saying interviews still are being conducted, Lorain police Sgt. Mark Carpentiere said.

For now, all police will say is that it was a drug-related argument.

"No one else was in the apartment," Carpentiere said. "They got in an argument, and drugs were involved."

Feliciano, 22, pleaded not guilty Thursday to one count of murder and bond was set at $1 million.

Carpentiere said additional charges could be added or the murder charge could be modified when the case is presented to a county grand jury.

Feliciano's attorney, Michael Camera, said his client stayed in the apartment and called police. He said Feliciano was defending himself because Windham was going to kill him.

A tape of Feliciano's 911 call, placed at 11 p.m. Tuesday, shows he told the operator, "Somebody tried to kill me. I needed to kill him."

Carpentiere said drugs and drug paraphernalia were found in the apartment, but he declined to elaborate.

Mary Windham said her nephew might have been involved in drugs as a teenager, but she didn't think he still was.

"If he was this big drug dealer, why did he ride around on a bicycle all the time?" she asked. "The last time I talked to him he said, 'Auntie, I'm trying to get my life on track, and I'm trying to get my little girl.'"

Windham has a 7-year-old daughter who lives in Columbus. His parents, Fletcher Sr. and Dorothy, are divorced, she said.

Court records show Windham served prison time in connection with convictions for burglary, receiving stolen property, failure to comply, child endangering and obstructing official business regarding incidents that occurred from 2001 to 2004, according to court documents.

County records show Feliciano has not previously been arrested.

Contact Cindy Leise at 329-7245 or cleise@chroniclet.com.



CINDY LEISE / CHRONICLE

Family members of stabbing victim Fletcher "Boomer" Windham Jr., have many unanswered questions about their relative's death — shown are aunt Belinda Windham (left), cousin Shandor Windham, cousin Mary Windham; and Carlotta Jackson (rear right).

NEWSPAPERARCHIVE

Elyria Chronicle Telegram, February 01, 2008,Pg. 2, Elyria, Ohio, US

https://newspaperarchive.com/elyria-chronicle-telegram-feb-01-2008-p-2/

Exhibit E

Thereupon, the State, in order to further maintain the issues on its part to be maintained, called Geno Taliano as a witness, upon being first duly sworn and/or affirmed, was examined and testified as follows:

DIRECT EXAMINATION OF GENO TALIANO

BY MR. ROSENBAUM:

Q Will you state your name, please, sir?

A Geno Taliano.

Q Spell your name for the record.

A G-e-n-o T-a-l-i-a-n-o.

Q Are you employed?

A Yes, sir, I am.

Q What do you do for a living?

A I'm a Lieutenant with the Lorain Police Department.

Q How long have you held this rank, sir?

A Since March 5th of 1995.

Q How long have you served the City of Lorain as a police officer?

A Approximately 19 and a half years.

Q At this time are you assigned any particular unit or division of the police?

A Yes, sir, I'm assigned to the Patrol Division, I'm the officer in charge of second shift, which is 2 o'clock in the afternoon until 10 o'clock in the evening.

Q Prior to this were you assigned to any particular unit or division?

A Yes, sir, I was.

Q What was that, sir?

A The Detective Bureau.

Q When did you serve there?

A I was in the Detective Bureau for approximately 9 years, 6 years of which was special assignment to narcotics and vice and approximately 3 years to the Adult Detective Bureau, specifically homicide and burglary.

Q Were you assigned to investigate the deaths of Marsha Blakely and Floyd Epps?

A Yes, sir, I was.

Q When did that occur, sir?

A On the morning, 9:18 A.M., August 8, 1991.

Q And when did you come in, at what time?

A I arrived at work on Thursday morning, August 8th of '91, at approximately 8 o'clock in the morning.

Q And when was Floyd Epps' body found?

A His body was found at 1:25 A.M. that same day, August 8, 1991.

Q Why weren't you initially assigned to investigate that as

soon as the body was found?

A Officer Les George, who was the Traffic Commissioner at the time, was assigned to respond to that call based on the information available to our department at that time. They thought it was an auto pedestrian accident. It was his line of work, to follow that line of work, such as Floyd Epps' accident.

Q When was Marsha Blakely's body found?

A 9:18 that same morning.

Q What occurred as a result of that?

A Initially, when I arrived at work I conferred with Traffic Officer, Les George. He provided what information he had available at that time. He also had a preliminary diagram of the accident, what he believed to be an accident scene at 1626 Wallace Lane, which is a residential street, tree lined on either side. He provided, as I said, the preliminary information he had available to him, but he felt uneasy about it, and he came to the Detective Bureau, which would be something he should do in those types of circumstances. It was during the period of time I was discussing what evidence and information he had involving the Floyd Epps' incident that a radio operator contacted the Detective Bureau and indicated that the patrol division had responded to the 2500 block of West 21st Street, specifically to the rear of Westgate Plaza, in regard to a female body, apparently a victim of a homicide,

being at that location. Then Det. Captain Rivera, who is now Chief of Police, and Sgt. Resendez and I responded to that location, 2538 West 21st Street, to the rear of Westgate Plaza.

Q When you arrived there, what did you do if anything?

A I approached the female victim and began to immediately make some notes in regard to the crime scene, her physical condition, the condition of her clothing. I requested and received assistance from the Lorain County Coroner's office, and Lorain County Crime Lab. I also asked Det. Sgt. Resendez, who was going to second chair this investigation, if he would begin to take photographs of both the crime scene and victim. I also requested that he take photos -- excuse me, videos of both the crime scene and victim, after I was satisfied that we had enough people in place, that we were going to secure the crime scene. Then I received information from one of the officers who had responded initially, there was witnesses, or 2 potential witnesses at the rear of Charlie's Bar, which is encompassed in Westgate Plaza, located at 2525 West 21st Street. I proceeded to that bar and spoke with 4 gentlemen, 3 whose last name was Rollinson, and one whose last name was Mr. Blackman. Ironically, Mr. Blackman is the half brother of Floyd Epps. One of the gentlemen who, when he returned to the bar that morning to do some clean up work had exited to the rear or north of the business to throw some garbage out, and

that's when he discovered this female body later identified as Marsha Blakely. In fact, it was he who identified this person for me, because up to that point we had no idea of the female victim.

Q Lieutenant, before you go on, was there some time constraint you were operating on as a result of anything at this time?

A As we attempted to progress and develop leads and talk with people in the area and preserve the evidence and photograph both for hours, and with the help and assistance of the Coroner's office and Crime Lab, it began to rain. As a matter of fact, Det. Captain Rivera had ordered a number of raincoats to be purchased as quickly as possible so the officers in the area would have some rain equipment. It presented a problem because there was a number of things there we wanted to photograph and check if we could, prior to it being destroyed by the weather elements.

Q What was the purposes of calling for the Crime Lab?

A The Crime Lab is better equipped to check evidence and take photographs and take measurements, that we felt were pertinent to our investigation, even at that point, and of course, we called the County Coroner's office because that's their responsibility to respond, and we also requested that they take photographs, measurements, and examine the body of the victim.

Q Have you been able to review the photographs previously I had in this trial?
A Yes, sir, I have.
Q Do they truly and accurately depict the things they represent?
A Yes.
Q How about the videotape filmed by Det. Resendez at the time?
A Yes, sir.
Q What things did the Crime Lab do for you?
A They photographed sections of tire imprints that were the result of vehicle tires passing through the victims' blood. Those tire impressions were both east and west of the victim. There were also tire impressions that appeared to have passed through the foliage or greenage that was immediately north of the victim's body. So there were tire imprints east and west of the victim's body they photographed and later enlarged, and measured distances, as did traffic officer Les George, who also responded to assist and again prepare some type of diagram, and I believe that was the extent of what they did.
Q Were they there to assist in the gathering of trace evidence prior to the rain as well?
A Had we felt there was something there that was important, that's correct. We were able to retain the clothing of the victim, which we were very hopeful there would be trace

evidence, something of evidentiary value that could be retained there.

Q You were saying, sir, you were interviewing some of the witnesses, and Mr. Rollinston identified, Marsha Epps' body?

A That's correct.

Q What occurred after that?

A I spoke with the 4 gentlemen inside of the bar, who were able to provide an overview of Marsha Blakely's lifestyle, and, more importantly, the relationship that appeared to exist between Marsha Blakely and the victim of the earlier incident, Floyd Epps. It was at that time it became apparent to me that there may be some connection, because during my interview with these gentlemen they indicated that Marsha Blakely, although she didn't reside or maintain a romantic relationship with Epps, she did spend time with him, there might be some correlation between these 2 incidents, and I returned to the other group of officers and asked them if they would continue to assist with both the Coroner and County Crime Lab, and I responded to Floyd Epps' apartment at 2307 Sunset Blvd.

Q Could you tell the Court and Jury in your opinion how far Mr. Epps' remains were found from Marsha's body?

A Approximately a quarter of a mile. Wallace Lane is north and west of the shopping center that I just noted, Westgate Shopping Center. It's separated by railroad tracks, a field of maybe one hundred feet, and then a roadway, and Wallace

Lane would then be west and north of that location, approximately one-quarter of a mile.

Q You said you went to Mr. Epps' apartment?

A Yes.

Q For what purpose and to what end?

A The purpose was to go to the apartment, when I learned there was some type of relationship between the 2 victims who had died apparently within at least a 8 hour period of one another, of a violent nature, when I arrived I approached 2307 Sunset Blvd. from the west. The front door, when I arrived the door was ajar, and I entered the apartment to look inside to see if, 1, if there was anyone there, and, 2, if there was anything there that would alert me being pertinent to the investigation I had started just a couple hours earlier.

Q What time would you say you arrived at Epps' apartment?

A It would be a guesstimate on my part, sometime between 11:30 and noon.

Q Do you have any idea how long that apartment was unsecured and the door left open?

A As the investigation continued over the next couple months, I was able to put a time frame on it, it would appear to be the period of time there wasn't an accounting of someone being there, from 6 o'clock in the morning until the time I arrived, which would be approximately 11:30 to noon, so approximately 6 hours.

Q At a minimum?
A Yes, sir.
Q And what did you do then?
A I entered the apartment, I, again, I have never been in the apartment before so I wasn't sure what I was looking for or what it looked like on a normal day, if such can be identified, but I did observe a purse that I found contained a pack of Newport cigarettes and some individual ID that indicated it was Marsha Blakely's. I retained that purse as evidence, and it was later tagged and placed in the Central Evidence locker. And I secured the apartment. By that I mean I locked it. Shortly thereafter and during the course of that day and the next we contacted Lorain Metropolitan Housing and requested that the apartment be re-keyed and provide us with the only key. We advised them it was at that point a possible crime scene and we wanted to preserve anything that was inside of that. In fact, that happened on August 9th, the next day, Det. Sgt. Resendez received a key from some official from Lorain Metropolitan Housing in that area and that key is still in my possession today.
Q Other than that is there any reason you had to believe that had any significance to the death of Epps' or Blakely?
A No.
Q Did you at a later time revisit that apartment?
A Yes, sir, I did.

Q What caused you to do that?

A There were a number of events that transpired after August 8th that led us back to Floyd Epps' apartment.

On August 10th of 1991 I was at home, it was a Sunday afternoon, and I received a call from the station that Delphenia Guice, who we had interviewed, either I had taken part probably or had contact at least twice before and Resendez had already spoken with her in regard to this investigation. And she had flagged down a uniformed patrol officer, Delphenia, in the area of 23rd and Leavitt, and asked we be contacted because she had evidence, she had an item that she wanted to turn over to us that she felt was important to our investigation.

I contacted Resendez at home and we both responded to 2333 Leavitt Road, and, in fact, did receive some items from her. She identified these items as being the property and clothing of Lenworth Edwards. Lenworth Edwards was one of several people that had been known to our department as coming from the area, borough of Queens, New York, specifically Jamaka Queens, and involved in drug trafficking in the cities from Lorain and Elyria. He was also at that time incarcerated in Lorain City Jail on an arrest for obstructing official business on August 14th of 1991. He was arrested on Lorain Drive, I believe in the 2200 block.

We spoke to and interviewed Delphenia Guice in regard to

how she came into possession of these items that she chose to turn over to us. And thereafter she was transported to the station, and continued the interview, and took those items which she provided to the station, tagged them and later they were transferred to the Crime Lab, Bureau of Criminal Investigation in Richfield, Ohio for evaluation and analysis.

Q I think I got a little out of sequence. My question was you returned once to the apartment?

A That's correct.

Q What was the purpose of your returning to it later?

A As our investigation continued, we found it necessary to. I contacted Crime Stoppers in Cleveland Ohio, and said we needed some assistance. That assistance was we wanted to offer a reward for information that would lead to the arrest and indictments of anyone who was involved in the homicide of Marsha Blakely and Floyd Epps. That was in early September. We had talked to at that date 25 or 30 people, family, friends, people in the neighborhood, both the projects and 23rd Street and 21st Street, the people who frequented Charlie's Bar, and, quite frankly, we had reached a deadend. There were a number of scenarios presented to us by people. It was clear to us the people I talked to could not provide the information I could substantiate and feel comfortable using. At this point I believe we contacted Channel 5 and Bill Younkin, who came to the City of Lorain and did in fact

produce a news piece. We asked they provide in addition to news coverage a reward. They explained to me they were unable to provide any financial assistance, they would, in fact, do the news spot.

I contacted the Lorain County Prosecutor's Office and talked to Prosecutor Gregory White. I explained our dilemma in regard to the cash reward for this information, and the Lorain County Prosecutor's Office agreed to provide $2,000 if we wanted to proceed in that fashion, and, in fact, we did.

Det. Pittak, who is the department illustrator, drew up a reward poster giving the basic information that we felt was pertinent to the reward poster, and it provided the information I just explained, the $2,000 reward for the arrest and conviction of any suspects involved in the Floyd Epps' and Marsha Blakely murders.

On September 10th, I received a phone call, I received a phone call from a William Avery, Sr. William Avery, Sr., during the period of time I was assigned to the Narcotics Bureau, had worked on a number of cases with me, in that he was an informant, he had in fact provided information that allowed me to successfully prosecute people in the area of narcotics.

MR. DUFF: Object.

THE COURT: Overruled.

A He had contacted me on September 10th, and in the course

of our conversation he had indicated to me he had information that was pertinent to our investigation in regard to these deaths of Marsha Blakely and Floyd Epps, and wanted the $2,000 reward.

I met with him, I drove to South Lorain, I met with him. We talked for a brief period of time, and after that conversation it was evident to me he didn't have any first-hand information, and that in fact he was, he had talked to somebody else who had provided the information that he was trying to give to me. But I made it clear to him that the only person I would be willing to talk to would be the person who had this information firsthand, and if this person was willing to share any or all or part of this $2,000 reward, that would be between the 2 of them. He did not identify on that date, September 10th, who that other person was, but he said that he would contact this person and see if they were willing to talk to me.

The next day, September 11, 1991, I did receive a call again from Mr. William Avery, Sr., who indicated he wanted to come to the Lorain Police Department with this other person and provide this information with regard to the 2 homicides. In fact that did happen on September 11th, and the person that he brought to us was William Avery, Jr., his son.

Det. Captain Rivera, now Chief Rivera, and I conducted an interview of William Avery, Jr. and we taped that interview.

And during the course of that interview, William Avery, Jr. provided information to us that immediately became of real interest to me because he was able to provide information that substantiated some --

MR. DUFF: Object.

THE COURT: Overruled.

A He provided information to me that substantiated something that we knew a month before he talked to us, or nearly a month before he talked to us, and he couldn't have known the significance of that --

MR. DUFF: Objection, he's giving his opinion.

THE COURT: I'm going to sustain that portion, unless you can give some specifics.

Q Can you tell us specifically what led you to believe that?

A Yes, sir. On August 1, 1991, Delphenia Guice, as I mentioned, contacted us and provided some clothing that she said belonged to Lenworth Edwards.

And one of those items was a blue jean jacket, and it had what appeared to be blood on the front of this jacket. That jacket, we hoped, contained the blood of either Marsha Blakely or Floyd Epps.

And, in fact, what we did at that point, we obtained a search warrant to obtain blood from Lenworth, who was in City Jail at this time, and also blood samples from both victims

from the Coroner's office. All 3 blood samples and that jacket, in addition to another pair of pants that belonged to Lenworth Edwards, were forwarded to the Bureau of Criminal Investigation in Richfield, Ohio.

In addition to that, I conducted again an interview. During the interview process I had interviewed Lenworth Edwards, and did so twice, and on the second occasion I provided him with an attorney so he would have legal representation, which he did request, and it was Joseph Grunda, Sr.

He was brought to the Detective Bureau, advised of his Constitutional rights, and he signed a waiver form, and we had a discussion about anything that would have included anything about his involvement in these homicides.

And during this there were questions about that blue jean jacket, and specifically were you wearing it August 7, 1991, through Thursday morning, August 8, 1991? And his response was yes. I questioned him about what appeared to be at that point, and we still didn't know officially through medical testimony, or excuse me, medical tests if what appeared to be on the front of his jacket was blood, and he said "Yes."

I said, "Is it your blood?"

And he said, "Yes, I had a nose bleed."

And I said,"When did you have a nose bleed?"

And he indicated, not specifically, Wednesday, August 7th

or Thursday, August 8th.

Armed with that information I was hoping that wasn't true, I was hoping that the blood on the jacket belonged to one of the victims. When the test results came back from the Bureau of Criminal Investigation, it, in fact, did test within a 4 percent certainty --

MR. DUFF: Object.

THE COURT: Overruled.

A -- that it was in fact the blood of Lenworth Edwards. We felt that we had reached a dead end. Now, you have to remember that happened at the end of August, I believe that the submission to the Crime Lab was on August 20, 1991. I think the results, if I remember, the report was filed September 4, 1991. It was not until September 11th that I talked to William Avery, Jr., and he described an assault that took place in Floyd Epps' apartment, at which time he described Lenworth Edwards being struck by a resisting and frightened female, Marsha Blakely, in which Lenworth Edwards, although he -- excuse me, Lenworth Edwards had initially joined in a multiple assault, had backed out of that assault when he was struck in the nose.

MR. DUFF: Objection.

THE COURT: Overruled.

A At that point that information became significant, because, 1, it indicated to me that William Avery, Jr.--

MR. DUFF: Object.

THE COURT: I'm going to sustain that portion.

MR. ROSENBAUM: Can we approach?

THE COURT: Sure.

(Out of the hearing of the Jury.)

MR. ROSENBAUM: I submit to the Court as a result -- first I would like to hear the basis of the objection.

MR. DUFF: He's giving his opinion of what everything indicated to him.

MR. ROSENBAUM: I thought you were objecting to what Avery was saying.

MR. DUFF: That's part of it too.

MR. ROSENBAUM: What is the basis of your objection to this?

MR. DUFF: It's notes of restated fabrication.

MR. ROSENBAUM: You're saying it's hearsay?

MR. DUFF: Yes.

MR. ROSENBAUM: My response to this is they have alleged that Mr. Avery, Jr. has tailored his story after the facts to fit this. As a result it's restated fabrication, prior statements, and I want him to say why, what facts Avery has that are consistent, and about him making this up, and I think he's entitled to state what Avery said, then we can give the facts. What Avery said is not hearsay by definition.

MR. DUFF: What rule is that?

MR. ROSENBAUM: 801.

THE COURT: My concern is --

MR. TALIANO: I was going to say that Mr. Avery was truthful and I believed him.

THE COURT: That's what I thought he was going to say.

MR. ROSENBAUM: I'm going to ask him that. I'm going to ask what things he told him, what facts we have to substantiate that.

THE COURT: I have no problem with that.

MR. DUFF: Judge, before you make that conclusion, it has to be a change of recent fabrication or improper influence, it's not recent, it's ever since the beginning, Judge.

THE COURT: What are you looking at?

MR. ROSENBAUM: 801(D)(1).

MR. DUFF: (D)(1)(b).

MR. ROSENBAUM: It's recent because it's after his first statement. And you also allege improper motive, you're saying he's lying for the money.

THE COURT: Let me --

MR. ROSENBAUM: I'll tell him not to say -- offer his opinion.

MR. DUFF: He keeps doing it, I'll keep

objecting.

THE COURT: He hasn't kept doing it. We just told him to stop doing it.

MR. DUFF: Okay, good. If I could have a continuing objection so I don't have to keep interrupting. I would like a continuing objection on 801(D)(1)(b).

THE COURT: It's overruled and the objection is noted.

(Within the hearing of the Jury.)

Q You were describing that you felt Mr. Avery came to you with information that was not known to the public, is that correct?

A That's correct, sir.

Q The information, to finish up about the jacket, was what?

A That information was that based upon our investigation we learned that there was a struggle that occurred in the apartment of Floyd Epps, specifically that Marsha Blakely was being assaulted by numerous people, one of which was Lenworth Edwards --

MR. DUFF: Object.

THE COURT: Overruled.

A And during the course of that struggle Lenworth Edwards was struck in the face, backed away from the altercation and reached for the area of his nose. That was consistent with the information we had received from Dale Laux from the Bureau of

Criminal Investigation, specifically that the blood smears from his jacket would have come from someplace above it, and went directly down. In fact, the blood was his and he admitted he was wearing the jacket and he did bleed on it sometime between August 7th and 8th.

Q Mr. Avery's statement regarding this was verified by information you already had?

A That's correct.

Q Was that information public knowledge?

A No, sir, it was not.

Q As a result of that did you elect to go back to that apartment then?

A Yes, sir, on September 18, 1991.

Q What was the purpose of that?

A We wanted to enter that apartment armed with more information, more specifically the first time we had been able to learn that an assault had taken place in Floyd Epps' apartment of Marsha Blakely, that is something I did not know on August 8th or 9th when I was there initially, when I had the doors re-keyed.

Before going to the Epps' apartment on September 18th, of'91, we contacted the Bureau of Criminal Identification and requested that they send someone out that could help us process the apartment for any trace evidence, any evidence at all that would need to be analyzed or photographed that would

be pertinent to our investigation.

In fact, they did allow someone to respond on that date, and he met with Resendez and I and we went back to Floyd Epps' apartment.

Q To look for?

A Any evidence of the crime specifically that Marsha Blakely had been viciously assaulted in that apartment.

Q Did you find some corroboration of a struggle there?

A Yes, sir.

Q What was that, sir?

A We, during the September 12,1991 interview of William Avery, Jr. he had noted in that interview that the kitchen table had been turned over during the assault of Marsha Blakely by these people who had committed the assault. And when we went back to the apartment I in fact found and photographed, actually Det. Resendez photographed, that table, one of the table legs was lying on the floor unattached to the table.

Q Sir, I would like to hand you what's been marked as State's Exhibits 8-F and 8-G, and ask you to look at them, please. Do you recognize them?

A Yes, sir, items, State's item 8-F, is a picture or photograph of the table leg that was detached from the kitchen table that was in Floyd Epps' apartment at 2307 Sunset Blvd. State's Exhibit 8-G is a view of the Floyd Epps' apartment

from what would be the northwest corner of the apartment, and specifically it shows the kitchen table to which I just referred leaning up against the wall and that table leg in 8-F below it and unattached.

Q What else did William Avery, Jr. tell you at this time, sir?

A He had also indicated during the interview of 9/12/91 after Marsha Blakely was beaten and apparently unconscious and was dragged out the back door by one arm by a person we knew as JR, also known as Benson Davis, that became important to me because shortly after the autopsy was completed by Dr. Thomas and Dr. Bucannan of the Lorain County Coroner's office, Det. Sgt. Resendez and I responded there and referred and made notes in regard to that autopsy, 6 inches below the belt line at the right side and attached to the buttock was a grassy leaf, when the victim was located and observed by me, I should say, behind 2538 West 21st Street on August 8th of 1991, it indicated I made a number of notes noting her physical condition, the position of her body, her clothes, and one of the things that I noted was that her pants, her jeans were buttoned and zipped.

When I went to the Coroner's Office and observed this leaf that was attached, not just laying but physically attached to her buttocks, I became concerned at some point during the evening hours and early morning hours of August 7th

and 8th she may have been sexually assaulted based upon the fact this leaf was now on her bare skin, so I requested that the Coroner's Office do a rape kit that would include a vaginal and mouth smear in an attempt to see whether or not she had been sexually assaulted. And the results of those tests through the Coroner's Office, she was not sexually assaulted.

William Avery, Jr., on September 12th, long after we had that information from the Coroner's office, indicated that Marsha Blakely had been drug through at least a portion of grassy, leafy area through the rear or east side of the Floyd Epps' multiplex apartment house, and that became significant to me because it would be consistent with someone being forced to be drug --

MR. DUFF: Objection.

THE COURT: Overruled.

A Through a grassy or leafy area as opposed to someone having clothes removed and a leaf attached and reattached. That became consistent, so we had the blood on Lenworth Edwards' coat, a broken table leg and a leafy substance attached to this lady's buttocks. She was not sexually assaulted, and there was no indication she had clothes removed and that was consistent with the information in the interview that I had received from William Avery, Jr. And based upon that we asked for indictments for felonious assault against 6

individuals, and that was based upon the interview and information we collected from August 8th and 9th of 1991.

Q I place before you a photograph marked as State's Exhibit 2-F. Can you identify that, sir?

A Yes, sir, I can. This is a photograph taken at the Lorain County Coroner's Office in regard to the autopsy of Marsha Blakely on August 8, '91 and it's a portion of leaves and grass attached to her lower back. As I had indicated in my notes, it was 6 inches below the belt line on the right-hand side.

Q Sir, I would like to hand you some exhibits, as soon as Counsel is done examining them, marked as State's Exhibits 13 and 14. This is State's Exhibit 13, I'll ask you to look at it, please.

A Yes, sir.

Q Do you recognize the contents of that manila bag and wrapper marked as State's Exhibit 13?

A Yes, sir, I do.

Q Tell the Court and Jury what they are.

A These are the jeans that were being worn by Marsha Blakely at the time we discovered her August 8, 1991, in the City of Lorain, County of Lorain and State of Ohio.

Q I would like to hand you what has been marked as State's Exhibit 14. Do you recognize the contents of State's Exhibit 14, sir?

A Yes, sir, I do.
Q What is that?
A This is the shirt or blouse that Marsha Blakely was found wearing at the time she was located behind Westgate Plaza August 8, 1991.
Q Can you tell the Jury if they are in substantially the same condition today as when you received them?
A Yes, sir, they are.
Q When and how did you receive them, from whom?
A From the Lorain County Coroner's Office following the autopsy of Marsha Blakely.
Q Where have they been prior to coming to Court today?
A The Lorain Police Department Central Records Evidence Room.
Q Did they go anywhere other than that?
A Only if they were brought to Court for previous trials.
Q What about BCI, did they go there?
A Yes.
Q What did they go to BCI for?
A Trace evidence and blood analysis.
Q Now, did there come a time when you learned that what Mr. Avery, Jr. had to tell you was not entirely accurate, even though you were able to substantiate some of the things he said?
A Yes, sir.

Q When was that, sir?
A On or about September 20, 1991.
Q And how did that come about?
A It, I learned that there was some information that perhaps he had not been truthful about.
MR. DUFF: Object.
THE COURT: Do you want to approach?
MR. DUFF: He's talking about a number.
MR. ROSENBAUM: He's not doing that. There's no way that is going to happen.
THE COURT: Okay.
Q You learned what he told you was not true?
A I learned he -- what he told us was not entirely accurate.
MR. DUFF: Object, he's giving his opinion.
THE COURT: Overruled.
Q In what way was that not accurate?
A To that date Mr. William Avery, Jr. had given his initial statement and later on the 20th that Alfred Cleveland, also known as Al Monday, had returned sometime after driving him to 2120 Lorain Drive and made the comment, "We killed the crack-head bitch." That's something he omitted in his original interview.
Q Did you learn that was not true?
A Yes, sir.

Q When did you learn that?
A That was as a result of sometime later when he had contacted, while at the Lorain County Jail, Dean Winslow, of the FBI and indicated that he had not been totally forthcoming, and he wanted to clarify what happened.
MR. DUFF: Objection.
THE COURT: Overruled.
Q Would you describe the events that led up to Mr. Avery being placed in Lorain County Jail?
A December 7, 1991, that was the first trial for Lenworth Edwards. On that date when he came to the Courthouse, it was in Judge Harris' court, he indicated after conferring with his father, William Avery, Sr., he felt that he had not earned enough money --
MR. DUFF: Object.
THE COURT: Overruled.
Q He felt that the information provided to us which led to the indictment and led to the arrest at that point, was worth $10,000. Mr. Rosenbaum from the Prosecutor's Office indicated to him --
MR. DUFF: Objection.
THE COURT: Overruled.
A He was told that was not going to happen, he was not going to get the $10,000 reward. Shortly thereafter he entered the Courtroom and refused to testify. Judge Harris

found him in contempt of Court and had him remanded to Lorain County Jail. Sometime later that same date on December 17, 1991 Mr. William Avery, Jr. had attempted to recontact Mr. Rosenbaum and myself. We refused to talk to him, and shortly thereafter --

MR. DUFF: Object. If he could restrict it to himself, not Mr. Rosenbaum.

THE COURT: Well, if he knew that Mr. Rosenbaum was there at the time, fine, if not then restrict it to yourself.

A I understand. Mr. Rosenbaum and I both refused to speak with him. Shortly thereafter he had contacted or attempted to contact, or did contact the defense attorney for Lenworth Edwards. I believe it was Barry Motsch, and indicated --

MR. DUFF: Objection, he wasn't part of this, Your Honor.

THE COURT: I'll sustain as to that portion.

Q Did William Avery, Jr. subsequently come to Court as a defense witness or prospective witness?

A Yes, he did.

Q What did he say?

A He said he took the stand, he said he lied to me, I only done it for the money, and everything he told me was not true, and he was remanded back to Lorain County Jail for perjury.

Q And later did Special Agent Winslow become involved?

A He did.

Q Is that when we all learned what he told us wasn't accurate to begin with?

A That's correct.

Q What did Mr. Avery, Jr. say then?

A Mr. William Avery, Jr. said --

MR. DUFF: Objection.

THE COURT: Overruled.

A He said that on August 8th of 1991 between the hours of 11:00 and midnight he was approached at 2140 Lorain Drive by Al Monday, also known as Alfred Cleveland.

He paid Alfred Cleveland approximately $3,000 for drugs that he had taken from Mr. Cleveland and sold, and he indicated he owed him at least another 3 possibly $4,000 for drugs he had not yet repaid Mr. Cleveland for.

He indicated he offered his services to quote, unquote, knock down his debt to Mr. Cleveland. Mr. Cleveland told him to get into a vehicle he was operating. At that point they left 2140 Lorain Drive and proceeded to the area of 2307 Sunset Blvd., specifically, 23rd and Reeves Avenue.

As he arrived there was another vehicle there and he had indicated there were other people occupied in that vehicle. As they arrived their car was also there. He said those people were Shakim, also known as John Austin Edwards, Lenworth Edwards, known as Will, a subject he knew as JR, who

is Benson Davis.

Those people exited that vehicle, as did Alfred Cleveland and William Avery, Jr. and proceed to what turned out to be the efficiency apartment of Floyd Epps.

As they entered the door there was another subject who he had trouble identifying until he was given photographs, that was later identified as Supreme. He didn't know his real name, he said he was there.

When he entered Marsha Blakely was sitting on a bed in Epps' apartment. He was or had to beat her up to knock down his debt. William Avery, Jr. said, I can't do that, I know her I know her family. He wouldn't do that.

At that time Cleveland ordered the other parties to assault her. In fact that assault, he said the lady was assaulted by this man right here, Shakim, Benson Davis, JR, Benson Davis and Supreme. It took place over a period of time of 15 to 20 minutes. The kitchen table was knocked over at the end of the assault, when it ended, it was during a period of time she was rendered unconscious.

During that time Lenworth Edwards was taking part in the assault, and he was struck in the face. He backed away. He said Alfred Cleveland did not assault this woman but directed it, and he did not take part.

After that Benson Davis dragged her out by one arm, drug her out over a grassy area to a vehicle that he had observed

when he first got there. He indicated there were 4 people that entered the car in addition to the female victim, and that again would have been JR, Will, Shakim and Supreme. He entered the car with Alfred Cleveland, also known as Al Monday, and they drove to the back of Westgate shopping center, the 2500 block of West 21st Street.

When he got there there was a vehicle there and the person outside of that vehicle he identified as a person also from New York, Jamaka Queens, known by the street name of Justice. Justice was to have helped remove this lady from the car, she was on the ground and immediately out of William Avery, Jr.'s sight, but he saw the person who he identified as Justice with a shiny object in his right hand going down numerous times towards where Marsha Blakely was laid down.

He then ran from the area back to 2140 Lorain Drive and later that morning he went to another lady's house on East Avenue, that was the morning of August 8, 1991.

Q Sir, I would like to hand you 3 photographs, State's Exhibit 2-F, 2-G and 2-E, and ask you to look at them.

A Yes, sir.

Q Do they corroborate what Mr. William Avery, Jr. finally indicated to you as to what happened when he was behind Charlie's Bar?

A Yes, sir.

Q What is this?

A This is State's Exhibit 2-H, this is the right side of Marsha Blakely's neck, and to the front there are approximately 25 non-lethal, 1 to 3 centimeter stab wounds to that area of the body which would be consistent with the multiple downward strokes by the person he identified as Justice, in the direction of Marsha Blakely as she was lying in front of this vehicle that he identified when he first arrived.

Q Did they corroborate anything William Avery, Jr. consistently or initially told you occurred at the Epps' apartment?

A Yes, sir.

Q What was that?

A During the period of time Marsha Blakely was being assaulted at Epps' apartment, Shakim, John Austin Edwards repeated 2 or 3 times, "Where is my shit?"

That means either drugs or money. That would be consistent with someone who is trying to extract information prior to being fatally wounded because none of these wounds in and of themselves were lethal, but they were obviously very painful, and it wasn't until after these were inflicted that the most critical wounds would, which would have been a 13 centimeter, slash from left to right, and slightly upward, severed both her windpipe and carotid artery, excuse me, jugular vein.

Q Was there anything that the people that were with William Avery, Jr. consistently did that would corroborate what William Avery, Jr. told you?

Did the defendants themselves or the people he implicated, JR, Shakim, did they do things individually that corroborates what William Avery, Jr. told you?

A Yes, sir.

Q Describe that for the Court and Jury.

A During the course of our investigation, as I indicated, either I or Resendez interviewed 25 people. One of them was a Gina Dalton. She worked then at Lorain National Bank, and was contacted by Jim Long, who is a security officer for Lorain National Bank, and he indicated --

MR. DUFF: Object.

THE COURT: Sustained.

A I learned there was an employee at Lorain National Bank who had or may have had some pertinent information --

MR. DUFF: Objection.

THE COURT: Overruled.

A That person's name was provided from the bank security officer as Gina Dalton, and he gave me the location of her employment. I went to the branch at Westpark and interviewed Gina Dalton. She provided information to me that indicated--

MR. DUFF: Objection.

THE COURT: Sustained.

A During the course of my investigation, I learned this John Austin Edwards --

MR. DUFF: Object, he's getting that from the conversation which she already testified to.

THE COURT: Stay away from that.

Q So did she relate to you what Mr. Edwards did that confirmed that what William Avery, Jr. said was correct in implicating him?

MR. DUFF: Object, it's his opinion.

THE COURT: Sustained.

A Yes.

THE COURT: The Jury is to disregard.

Q Did the physical whereabouts of the people that William Avery, Jr. indicated corroborate what he told you?

A Yes, sir.

MR. DUFF: Objection.

THE COURT: Overruled.

A Yes, it did.

Q Explain it.

A The suspects who I have just named and identified all came from Jamaka Queens, New York or that immediate vicinity, had left the area.

Q Did some of them return shortly thereafter?

A They did.

Q Did they leave again?

A They did.
Q With the exception of?
A Lenworth Edwards.
Q What happened to him?
A On August 14th he was arrested by Det. Rohner and Cambarare in the 2200 block of 21st Street for obstructing justice.
MR. DUFF: Objection.
THE COURT: Overruled.
A And he was arrested and it was through that 30 day window we were able to have him indicted for felonious assault.
Q That's when you interviewed him about the jacket?
A Yes, sir, that's correct.
Q Did other people than William Avery, Jr. indicate, implicate, make statements to you that corroborated William Avery, Jr.'s statements to you?
A Could you repeat that?
Q Did you have a chance to interview these other people that William Avery, Jr. implicated?
A Through the next few months, that's correct.
Q Who would this be?
A Benson Davis, JR, there were 6 officers from our department, Rivera, Rohner, Cambarare, Sgt. Resendez and I drove to the City of New York and coordinated efforts with the New York Police Department and various boroughs in an attempt

to locate the remaining 5 suspects. We brought indictments for felonious assault that were passed through the Lorain County Prosecutor's Office, and we went there and spent a total of 6 days. We located Benson Davis, JR, at Rikers Island --

MR. DUFF: Object.

THE COURT: Overruled.

Q Did Mr. Benson Davis, aka JR, give you a statement which corroborated Mr. Avery, Jr.'s rendition of the events as he gave them to you?

MR. DUFF: Objection.

THE COURT: Overrule.

A I wish you would repeat that, please, I didn't understand.

Q You interviewed Benson Davis, right?

A That's correct.

Q Based on what he told you, did you find corroboration for what William Avery, Jr. told you?

MR. DUFF: Objection.

THE COURT: Overruled.

A I, in the course of our interview with him in New York he had initially refused to identify any of the suspects that we had named in the indictment, and said he didn't know them. After he was positively identified by the arresting officers of Lenworth Edwards he admitted to being in the area and

knowing the other subjects.

Q That corroborates what William Avery, Jr. said about the members of this drug trafficking ring?

A That would be correct.

MR. DUFF: Object.

THE COURT: Overruled.

Q Did any other people that William Avery, Jr. implicated attempt to give false alibis or obtain false alibis?

A Yes, all of them that we interviewed or prosecuted, yes.

MR. DUFF: Object.

THE COURT: Overruled.

Q Now, Lieutenant, Dr. Thomas was asked if he wrote the autopsy report consistent with what has been called the theory of the State's case. Is that possible?

A No, sir.

Q And why is that?

MR. DUFF: Objection.

THE COURT: Overruled.

A Because when Dr. Thomas autopsied Marsha Blakely and Floyd Epps and presented this report, he gave us a copy of that report. We didn't have a theory, outside of the fact we thought it might be drug related because of the people that were involved, but there was no theory.

MR. ROSENBAUM: I have no other questions, Your Honor.

THE COURT: At this time we'll take a recess. Remember the admonishment not to discuss this case among yourselves.

(Thereupon, a short recess was held.)

(Hearing resumed.)

(Within the hearing of the Jury.)

THE COURT: Mr. Duff.

CROSS-EXAMINATION OF GENO TALIANO

BY MR. DUFF:

Q Detective, I would like to ask a few questions, if I could, is that all right?

A Yes, sir.

Q Handing you what's been marked as Defendant's Exhibit B and previously identified as your report in this matter, would you agree that is what it is, sir?

A Yes, sir, I would.

Q And you have been a police officer how long?

A Approximately 19 and a half years.

Q You have got a lot of experience in writing reports?

A Yes, sir.

Q You were in the Detective Bureau for a period of time?

A Yes, sir.

Q How long?

A Nine years, 6 in narcotics and 3 in --

Q Nine years altogether?

A Yes, sir.
Q The reason you do reports is so there can be a record of what activity you did on a case?
A Yes, sir.
Q For later use in Court like this?
A That's correct.
Q And it's important that you put everything important in the report, is it not?
A Well, we try.
Q Everything you find to be important or significant?
A That's correct.
Q Even things that are really not so important?
A I don't understand.
Q You try to cover all your bases?
A If we can.
Q You do your best to do that?
A That's correct.
Q Now, there's been some discussion about your interviews with BB, all right?
A Yes, sir.
Q You told the Jury what he said during those interviews?
A That's correct.
Q Well, let's go back to the first interview you told the Jury about, 9/11/91, that the correct date?
A That's correct.

Q Now, you asked him, you were told by his father that he had information, William Avery, Jr. did in regard to the murders of Floyd Epps and Marsha Blakely, is that true, sir?
A No, that's not true.
Q You didn't start off the tape on 9/11/91 with I understand you have information relating to the murders of Marsha Blakely and Floyd Epps, did you say that?
A I may have said that if --
Q If you understood it. That's what you thought it to be? You don't say things that you think are incorrect on the tape? Answer yes or no.
A I try not to, sir.
Q If we heard that tape, turned that tape on and we heard that, that would be an inaccurate statement?

You started the tape on 9/11/91 at I think it was 8:35 A.M. You said, we understand, I have been advised, something to that effect that you have information relating to the murders of Marsha Blakely and Floyd Epps. You said that?
A If it's on the tape I said that, yes, sir.
Q And further, William Avery, in that account he gave you that date, 9/11/91, told you that they had busted in on the apartment, not walked in, busted in?
A I don't recall the exact language.
Q You don't dispute that?
A If it's on the tape, no, sir.

Q And he further told you on that date, 9/11/91 that the place was messed up, everything was thrown around, chairs were turned over. You asked that. He said everything was turned over. Did he tell you that?
A If it was on the tape I would agree with it, yes, sir.
Q You went to that apartment, did you not?
A Yes, sir.
Q On August 8, '91, about 11:30?
A 11:30 to noon I think.
Q Page 34 of your report, sir.
A Yes, sir.
Q Page 34, third paragraph, on Thursday 8/8/91, the day prior to the retention of evidence this writer entered the Epps' residence on Sunset?
A I'm sorry, Page 34?
Q Thirty-four, third paragraph.
A Yes, sir.
Q All right. The apartment front door was ajar. The apartment was unoccupied and in an orderly fashion. Did you write that?
A Yes, sir, I did.
Q The apartment appeared to you to be in orderly fashion on August 8, 1991?
A Yes, sir.
Q You were looking for evidence of a physical

confrontation, were you not?
A On which date, sir?
Q You were looking for evidence on August 8th, were you not?
A Yes, sir.
Q And you found none, right?
A I found Marsha Blakely's purse.
Q That's a good point, what happened to that purse?
A It was taken to the station and tagged.
Q Where is it now?
A I believe at some point it might have been released to the family.
Q You didn't testify at some point it was lost?
A If I did, I don't remember, I'll take your word for it.
Q You can't tell this Jury where that purse is at?
A No, sir.
Q And it's a crucial piece of evidence, it's a piece of evidence from that apartment?
A Yes, sir.
Q Did you ever ask for that to be dusted for prints?
A No, sir.
Q Let's talk about that. Defendant's Exhibit D, it's a submission sheet that's been previously identified as evidence submitted from the Lorain Police Department in regard to this case, right?

A Yes, sir.
Q You would agree there's no purse submitted to BCI requested to be printed, is there?
A There is none listed in the 14 items.
Q Those are the items you submitted?
A That's correct.
Q You tell them what you want done with it?
A Excuse me?
Q Next to the item you tell what kind of analysis you want done?
A That's correct.
Q Going down that list -- you want to keep your glasses on?
A It depends on how far the paper is. If you stand back I won't need these.
Q If you don't mind I'll stand close and we can go through this quick.
A That will be fine.
Q Rape kit, you sent that in, right?
A Uh huh.
Q One brown bag containing a jean jacket, that's the jacket?
A Yes.
Q That's what we have in Court.
Jogging pants, that's also Lenworth Edwards' pants?
A That's correct.

Q Those were given to you by Delphenia Guice?
A Yes.
Q Did you ask the Coroner for hair samples from the victims?
A No, sir.
Q You have done that in other cases, have you not, hair samples?
A I haven't personally.
Q Your department does that?
A They have.
Q They can tell if you and I get in a fight my hair might end up on your suit?
A They can.
Q And yours might end up on mine?
A It's possible.
Q You never requested that those pants be looked at for hair samples, did you?
A No, sir.
Q Blue shoe, shoe of victim.
Blood, that was submitted?
A Yes.
Q Victim's shirt, all right?
A Uh huh.
Q Did you request that any trace evidence, other than blood, like hairs, be done on this?

A No.
Q Pair of blue jeans from Marsha Blakely, correct?
A That's correct.
Q The only test you requested on this, in that case was blood?
A That's correct.
Q You didn't request that if they could find grass stains?
A No.
Q You didn't request at any time? This stuff has been available to you since 1991?
A That's correct.
Q It's now 5 and a half years later?
A That's correct.
Q Now you have this information her body was dragged, you say you became aware of that roughly September 11th?
A That's correct.
Q Anytime after September 11th you could have made certain requests on those objects, couldn't you, sir?
A That's correct.
Q And it's been over 5 years, you haven't done so?
A Yes.
Q No concrete scrapings, grass, mud. Did you ever request that be done?
A No, sir.
Q Underwear of victim. Again, did you ask for any trace

evidence such as hair, grass stains on the underwear? Grass stains on underwear certainly would verify dragging?

A I don't know that.

Q If you drag me from here to where he stopped me in grass, if you were to drag me, face down, there might be a chance my underwear might pick up some grass, grass stains?

A It's possible.

Q Did you ever do that?

A No.

Q Shoes and socks of victim Floyd Epps.

Did you ever ask those be analyzed for hair samples of either of those people involved?

A Only blood.

Q Only blood?

A That's correct.

Q Pants of Floyd Epps, again they have been available to you, in your custody, right?

A Yes.

Q Let me stop you here for a minute. You heard the Coroner testify Floyd Epps' throat was slashed?

A Yes, sir, I heard that.

Q And he said it was very, very, very similar, I think, to Marsha Blakely's throat in that it was on the left side of her neck and on his neck, and both were 13 centimeters long, right?

A That's correct.
Q You consider that a significant finding, would you not, sir?
A Yes.
Q And a very significant similarity?
A That's correct.
Q Can you tell me in your 60 some page notes that you have noted that in your report?
A It's not noted.
Q In fact, the truth of the matter is you didn't know that until Dr. McNamee brought that out on cross of Dr. Thomas?
A No.
Q That's not true?
A That's not true.
Q In 5 and a half years you never generated a document that says we have two 13 centimeter cuts on both of these people's necks, you never generated a document to note that, did you?
A No.
Q You found a comb belonging to Floyd Epps near the body?
A Yes.
Q You asked about trace evidence on that, did you not?
A It asks for trace evidence. In a comb I would assume that would be hair or blood.
Q And the rest are just vials of blood.
Now, let me ask you this, the comb, the blood, that table

depicted, do you have it? Where is that table now?

A Where is the table now, sir? I don't know.

Q You never inventoried that and took it in as evidence?

A No, we did not.

Q So you have no document to establish that you dusted that table for any prints, do you?

A The lab technician from --

Q The lab technician from BCI would have that?

Your report, it's not indicated in your report that you had that dusted?

A That I requested. We asked that he look for any evidence or trace evidence, and also blood.

Q You have nowhere in your report that you asked the guy to dust for prints? That's absent from your report?

A It may be.

Q It is.

A Okay.

Q And the table is gone and lost?

A I don't know that.

Q Do you know where it's at now?

A No.

Q There's a slight disparity in the report as to whether this was locked up?

A There might be. I think there's a misprint.

Q It's a significant misprint?

A No.
Q Let's turn to it.
A Sure.
Q I think it's Page 41. You wrote, it should be, are you there, Officer?
A Okay.
Q It should be noted that the Epps' residence has remained secured and the locks re-keyed as of 9/91?
A That's correct.
Q At the request of the Bureau of Lorain Housing Authority, were you there when it was done?
A I was there when the key was presented to us, and we were advised it was the key, and the key in fact fit the lock, and that was August 9th.
Q I know that. The report here indicates September 9th.
A That's a misprint or mistake.
Q Can you answer my question? That's what the report indicates?
A Correct, that's what the report indicates.
Q You know I had a conversation with Det. Resendez about that?
A He may have told me. I don't believe --
Q He told me he was -- I was wrong, it wasn't August 8th it was September '94.
MR. ROSENBAUM: Object.

THE COURT: Overruled.

Q If he knows?

A I don't think that he had that conversation, he and I had that conversation.

Q I understand. How about that table leg, have you still got that as evidence or did you lose that?

A I don't believe we retained it.

Q Did you test it for prints?

A If the lab technician from the Bureau of Criminal Identification did.

Q You don't know?

A That's correct.

Q Now, let's go back to September 11th, and Mr. Avery, he told you that that body was dragged into Guice's car, isn't that correct?

A He identified the car to which the body was dragged as Delphenia Guice's car.

Q You got possession of that car about 5 days later, right?

A I don't recall the exact date but I think on 3 separate occasions we took a look at the car and that would have been prior to --

Q Would your report tell you when you got possession of that car, or would you take my word, August 13th?

A I'll take your word for it.

Q August 13th you had cause to arrest her for driving

without a license or something?
A Me personally?
Q Your department?
A I don't recall that.
Q Did you question her and say we've got you and your car?
A I did not take part in this initial contact with Guice, that was Det. Resendez and Rohner.
Q You knew about that?
A I knew when they advised me, that's correct.
Q That was August 13th?
A Okay.
Q Then you had it checked out?
A I believe to the best of my recollection those 2 officers gave a visual inspection of that vehicle on the first date.
Q So that car was released to her?
A I believe it was.
Q So you have the car August 13, 1991, and this is, could be something involved in this case and that car is released to her without being checked by anybody from the Lorain County Crime Lab or BCI, is that correct?
A At that point, yes.
Q It's just a visual inspection?
A I believe that's what they did.
Q Now that initial statement, Mr. Avery told you and you went over it, and we can play the tape or go over it this way,

that Justice and Supreme were not there, but he did say later on I might be able to recognize them, if you show me the pictures?

A What he said was --

Q Answer my question?

A Ask it again.

Q Did he tell you in that initial interview that Justice and Supreme were not there?

A Not where? Where were Justice and Supreme not at?

Q At Epps' apartment?

A He never said Justice was there.

Q Did he say Supreme was there initially?

A Initially he did say Supreme was there. The person he identified as Supreme, he was confused to who he was until he was showed a photograph.

Q You asked if he knew Supreme and he told you he did because he saw him with this other dude?

A Yeah.

Q And he knew who Supreme was, and he told you he wasn't there?

A I don't recall that. He said the person at the front door, he was confused as to whether it was Justice and Supreme.

Q I'm not asking, you know --

A I can only testify to what I recall. Replay the tape.

Q You asked him, and you're telling me Justice and Supreme were not there, and then he goes, well, the unknown guy could be Supreme. If I saw a picture. Do you recall that, sir?
A That sounds like what happened.
Q That's despite the fact he told you he knew Supreme, right?
A I believe he does know Supreme.
Q And he knew him at this time, right?
A Yes.
Q He told you he didn't notice any blood on September 11th, right?
A I don't recall.
Q You wouldn't disagree with that?
A If it's in the tape, no.
Q Yeah, right?
A That's absolutely right.
Q And he told you that at the end of the tape, he goes I want to talk about the money, remember that?
A If those are the facts, if they are on the tape.
Q And his father wanted to talk about it, right?
A I'm sure.
Q You told them on the tape, I don't want to do that while we're on this, and you ended the tape, isn't that right?
A If that's what the facts are.
Q And you turn the tape off and talk about the money

situation?
A It sounds like that was what happened.
Q And they told you all the clothes they had on were all black clothes?
A I thought I recalled dark, but it could have been black.
Q Okay.
Q And he told you that when Will got hit he fell somewhere, not that he covered up and grabbed his face but he fell somewhere? Did he tell you that?
A I recall he said he reacted to it, I don't recall the words, exact words he used.
Q If I played that tape?
A If he said that on the tape and those were the facts I would agree to it.
Q Let's move to the September 20th conversation.
A Yes, sir.
Q There are a lot of police officers involved in that one, is that right?
A Involved in what, sir?
Q In that conversation with Avery, you have the now Chief Rivera there, is that right?
A I don't recall who was there on the 20th.
Q You wouldn't disagree with that?
A If those were the facts, no.
Q And you told them that we understand you have additional

information for us, is that right?

A That's correct.

Q And that's when he concocted and made up this thing about we knocked the junkie bitch off?

A That's when he said Al Cleveland came back to Lorain Drive and said that.

Q And you heard him say that version is not true?

A That is not true, right.

Q And he also told you they gave him more, 2 more ounces, Pat came back and gave him some powder?

A I wouldn't know that. If those are the facts and on the tape.

Q You told him specifically, I want to know the exact words you said, and he said we knocked the junkie bitch off.

A That's what I recall.

Q And you asked him that specifically because that is important?

A It is.

Q Then do you recall Det. Resendez saying, "Well, it sounds to me like" -- and during this conversation when you were there, "that you guys gave her a pretty good beating, where's all the blood?"

You remember Resendez saying that?

A No, sir.

Q You wouldn't disagree if it was on the tape?

A If it's on the tape.
Q He told you she had to have been bleeding the way they were beating her, do you recall that?
A No, but if these are on the tape.
Q And my notes?
A I'll rely on the tape itself as opposed to your notes.
Q That's where my notes come from, sir. Do you recall that being said, she had to be bleeding the way they were beating her?
A If those are the facts, yes.
Q Now, do you remember him talking about a table and you piped in and said kitchen table, and he said yeah. Do you remember volunteering the kitchen table to him?
A No, sir.
Q Do you want me to play it for you?
A I'll take your word for it, if those are your notes.
Q That you volunteered the word kitchen table?
A Okay.
Q And he told you that Will might have only bled in the car as he remembers it, is that right?
A If that's on the tape.
Q Yeah. And then you plead with him at the end, there's no doubt listening to it, is there anything else, even something small tell us now, anything at all. I'm quoting you. Do you remember saying that?

A Yes, sir.
Q And he said that's all I know, right?
A If in fact that's on the tape I'll agree with you.
Q And that's a lie?
A It is.
Q You didn't know, but you claim that is a lie now?
A Yes, I do.
Q Now 5 days later he gave his deposition, you were there, right?
A Yes, sir.
Q And the lies go on, right?
A He provided the same account as he did on the 20th, if I recall.
Q The question is, Defendant's Exhibit L is full of lies?
A Full of lies?
Q It's got a lot of lies throughout it, does it not, and I'll go over it real quick.
A Okay.
Q Knock the junkie bitch off, that's a lie?
A That's correct.
Q Al and I and Supreme were in the car?
A I don't know.
Q You don't know any of this stuff, you relied on Avery, right?
A Other than the physical evidence that substantiated what

he told us.
Q Let's talk about that. What are those things? Is the leaf one of them?
A That's one of them, yes.
Q All right. Do you have a better picture of the leaf than 2-F?
A There may be other pictures, I don't know.
Q That's a fair and accurate description, is it not?
A Yes, sir.
Q It's a leaf, is it not? It's not a piece of grass, would you agree, it's a leaf, not a grassy leaf as you said on your direct examination?
A I'm relying on the Coroner's description.
Q I'm asking you, is there such a thing as a grassy leaf?
A I see this as a combination of both, it's a leaf.
Q I'm familiar with a blade of grass, is that a blade of grass?
A No, sir, it looks like a leaf to me.
Q We have blades of grass, we have leaves, don't we? You took botany in school, didn't you?
A No.
Q Does it appear to be a leaf or a blade of grass?
A It appears to be a leaf.
Q Is there anything such as a grassy leaf? You used that on direct examination, I'm interested where you got that from?

A From the photograph it says leaves and grass.
Q Where is the grass there? There doesn't appear to be any?
A I see a leaf.
Q Right.
Did you ever -- well, let's look, you saw the video, did you not?
A Yes, sir.
Q The body was laying right next to some leaves like that, wasn't it similar to that?
A I can't tell you the leaves were similar. The body was lying immediately south of the grassy area.
Q The body is right on top of the leaves, right?
A That's correct.
Q Did you ever request that that leaf get analyzed by anybody that knows anything about leaves such as a botanist?
A No.
Q To see if that came from these bushes?
A No, we did not.
Q Is that the one piece of physical evidence you are talking about, have we dealt with that?
A That's one, yes.
Q Now, we talked about that apartment being unsecured?
A Yes, sir.
Q Did you, if your report is correct in the one area it was

re-keyed August 9th, right?
A That's correct.
Q All right. And you had been there on August 8th at about 11:00, 11:30?
A That general time, that's correct.
Q And does your report indicate when you went back on the 9th? You didn't go back?
A Det. Resendez met with them and made sure the apartment was secure, and the lock was presented to him.
Q That night did you leave a guard at the house?
A No, we did not.
Q You knew Floyd Epps?
A I knew of him, yes.
Q You knew the kind of person he was, that he was a severe alcoholic?
A That's correct.
Q And people would frequent his house and he would sleep in different places?
A That's correct.
Q And you didn't leave a police officer at the scene that night?
A No, we did not.
Q And it seemed practical to you as you testified on previous occasions, that house might be a crime scene, on August 8th it seemed practical to you that you considered that

a crime scene when you were there?
A On August 8th I did not consider that a crime scene.
Q Did you testify it was a practical conclusion on your part to consider it a crime scene on August 8th?
A If I did, I did what I'm suggesting to you.
Q Just answer the question. I want to know if you testified to that previously?
A I don't recall.
Q I might take a minute, I'll keep asking, and I'll look, okay?
You would agree that preservation of evidence is one of the foremost things for a police officer?
A That's right.
Q Especially a detective, that's way up there?
A Preservation, that's correct.
Q Another question before we get to this other thing, it's been said that you know what numerous means to you.
A In context, in what context?
Q Talking to somebody numerous times, how many times is that in your mind?
A I can't fix a number on that.
Q We agree it's more than 3 or 4?
A It can be or not.
Q I want to know what it means to you because you used it in previous trials.

A Numerous times it could be, 4, 5.
Q Fifteen, even? Very numerous would be 350?
A Very numerous.
Q You testified that you talked to BB numerous times about this case?
A That's correct.
Q And you only recorded 2 of those conversations?
A That's correct.
Q Now, after you got all of this information that you claim you had, did it ever occur to you to get luminol and go in that apartment and check it out for blood?
A No, sir.
Q That never occurred to you?
A No, sir.
Q You would agree that this case was all over the paper and all over the town?
A There was a great deal of discussion about this case.
Q And I asked you earlier -- I'm losing my train of thought, what I did ask you about your previous testimony you said and I said I would look for it, whether it would be practical to conclude it was a crime scene?
A Yes, sir, it was a question.
Q You would agree it was in the newspaper that this Marsha Blakely was stabbed, had numerous wounds to her, is that right?

A It was in the newspaper.
Q Before anyone was arrested that she had numerous stabs wounds to her?
A It may be, I don't recall.
Q How about the fact her throat was slashed, was that in there?
A It may have been. I don't have any articles, it might likely be in there, it seems reasonable.
Q She had 15 stab wounds to the neck, that would be public knowledge if it was in the paper, right?
A Uh huh.
Q Cut her windpipe, right?
A Yes.
Q And a slash of the neck, is that right?
A Yes.
Q You would agree that appears to be a copy of the August 9, 1991, Plain Dealer?
A Friday, August 9, 1991.
Q Is that right?
A Yes.
Q That was published, and that was out in the community? It was on the front page of the Journal, the same thing?
A It may have been.
Q And you said or Captain Rivera said it was drug related?
A It's likely, that was something we determined early on.

Q So as far as the number of stab wounds that she had her windpipe slashed, and multiple stab wounds to the neck, someone could learn that from the paper, right?
A Yes.
Q Now, I would like to know how many times did BCI actually go there?
Rain problems, you have talked about. I want to know if you ever mentioned that rain problem in the police report, 60 some pages, that present an evidentiary problem for you?
A No, I don't believe it's in there.
Q I want to know in all of the testimony in the 3 prior cases, ever mention the rain causing evidentiary problems?
A No, I did not.
Q This is the first time rain caused you an evidentiary problem?
A Could have caused.
Q This is the first trial you ever mentioned that?
A That's correct.
Q We could agree it wasn't raining in that apartment?
A That's correct.
Q So it didn't cause you an evidentiary problem there, did it?
A No.
Q I want to know, going back I was asking you how many trips did BCI or the County Crime Lab make to that apartment?

A Floyd Epps', BCI went on one occasion, September 18th.
Q BCI goes one occasion, September 18th?
A That's correct.
Q When did that place become occupied? Do you know when it got reoccupied?
A No, sir.
Q Now, do you recall testimony, do you have photographs of the inside of that apartment?
A I'm sorry?
Q Photographs inside of that apartment on September 1st?
A Other than the 2 I have here.
Q Are there other ones?
A There may be.
Q Dig them up. I requested pursuant to subpoena you bring everything you have regarding Epps and Blakely. Do you have that stuff?
A Yes.
Q Would you get it, sir, other photographs you have?
A I'll have to check there.
MR. DUFF: Could he do this?
A And possibly in my vehicle.
THE COURT: If it's going to the vehicle I'll have a recess for the Jury. Remember the admonishments I have given you not to talk about this case.
(Thereupon, a short recess was held.)

(Hearing resumed.)

(Within the presence of the Jury.)

THE COURT: Mr. Duff.

MR. DUFF: Your Honor, I think the Prosecutor and I have agreed to mark them and submit them.

THE COURT: Very well.

CONTINUED CROSS-EXAMINATION OF GENO TALIANO

BY MR. DUFF:

Q Handing you what has been previously marked for identification, that's been previously marked--

MR. ROSENBAUM: Just mark it now, it's been previously marked, not identified.

Q I'm going to hand you what's been previously marked by the Prosecution as 2-B. Tell me if you recognize that photograph, sir?

A Yes, sir, I do.

Q What is it?

A It's the body of Marsha Blakely taken by Det. Resendez on August 8, 1991, behind the Westgate Plaza, 2500 block of West 21st Street.

Q Take a look and see if you see any grass stains in front of that body?

A Grass stains?

Q Yeah, grass stains?

A It's difficult to tell with this photograph, there were a

number of stains.

Q How about if you look at the pants themselves?

A Okay.

Q Do you want rubber gloves?

A No.

Q Tell me if you see any.

A On the front?

Q Front of or back, if you see any grass stains?

A There are a number of stains. I can't identify them as being grass or not.

Q Bloodstains, would you agree?

A Well, I don't know. I see a number of stains.

Q Do you see anything that would be similar to a grass stain, sir?

A Again, it's difficult to say.

Q I know it's difficult.

A Maybe this area, I can't tell.

Q Let me ask this question. Do you see anything that appears to you clearly to be a grass stain?

A No, it does not.

Q This is her shirt?

A That's correct.

Q Do you want rubber gloves?

A No.

Q Anything that appears to be a grass stain on that object,

clearly to be a grass stain?

A This would appear clearly in my mind to be green or grass like in nature.

Q That would be a mold that's grown since?

A I don't know about mold.

Q You didn't have it analyzed for a grass stain?

A No.

Q This has been setting for what, 5 years? How many years has it been?

A A little over 5 years.

Q Five and a half years.

Looking at what's been marked by the Prosecution as -- do you know what they go from?

MR. ROSENBAUM: A through U.

Q Did you take a look at them?

A Yes, sir, I looked through them all.

Q Those depict the interior of Floyd Epps' apartment?

A As we saw that on August, -- excuse me, September 1st of 1991.

Q On August 8th you found the apartment to be unoccupied and in an orderly fashion, right?

A Yes, sir.

Q And you were primarily interested in evidence of a physical confrontation or other physical evidence on this date?

A Not in Floyd Epps' apartment on that date, no, sir.
Q Did you bring that up in your report, on Page 34, that is what you were primarily interested in? Page 34, third paragraph, did you write the following, this officer was primarily interested in signs of a physical confrontation or other evidence that led itself to the course of the investigation as it existed as of the date and time. Did you write that?
A Yes, sir, I did.
Q And now you say you looked it up that day before you left, right, is that what you're saying?
A On August 8th?
Q On August 8th, yes.
A Yes.
Q You didn't leave an officer there, right?
A No, we did not.
Q You didn't have a key?
A No.
Q And I asked you previously about when you thought it was practical to conclude that a crime scene, right, do you recall that?
A Yes, sir, I did.
Q Page 291 of Benson Davis, did you say the following: "It seemed practical to go back to the apartment they both shared and at least at that point secure it." Is that what you

testified to?

A Yes, sir.

Q That was a practical conclusion, based upon the death occurring between the people that knew each other and being so close to each other, is that right?

A That's correct.

Q Now, you heard me interrogate or question Gina Dalton?

A Yes.

Q And you heard me ask her if she made certain statements to you, is that correct?

A Yes, sir.

Q Do you want to turn to that relevant portion of her report --

MR. ROSENBAUM: Objection, Your Honor.

THE COURT: Overruled.

A Do you have the page number?

Q Do you need a page?

A Page 18?

Q Yes. You talked to her when, sir, so the Ladies and Gentlemen of the Jury know?

A I'm going to review my report real quick. August 12th of 1991.

Q Okay. Before we move on to that, you would agree that this apartment was secured from the time that you saw it on August 8th until whenever you surrendered control of it, past

September 18th, right?

A To the best of my knowledge it was secured.

Q So to the best of your knowledge it was re-keyed a day later, right?

A On the 9th.

Q So at the most it was not secured for 24 hours, at the most?

A Approximately, yes.

Q Right. But the only problem that presents, would you agree, sir, it was known as kind of a flop house?

A There were a number of people that probably used the apartment.

Q That presents a problem as far as contamination, correct?

A It could.

Q Right. And you didn't deem it wise to leave an officer there after having been inside looking for signs of physical confrontation, you didn't deem it wise to put a cruiser outside and secure it for the night?

A In hindsight I should have done that.

Q Right. We'll move on then.

You heard Miss Dalton testify?

A Yes.

Q And I asked her if she told you that John Edwards told her at the bar, I'm talking at the bar on the 7th and 8th of August, in the morning?

A Yes, sir.

Q If John Edwards told her on that night that he planned to go to New York that weekend, that he had plans to do that?

THE COURT: One of the juror's wife broke her arm and they are at the hospital now, so we are going to take a recess until tomorrow morning at 9 o'clock.

Remember the admonishments not to discuss this case. Stand recessed until tomorrow.

(Thereupon, Court was recessed.)

(Hearing resumed Friday, April 4, 1997, with all parties and their Counsel present.)

(Within the presence of the Jury.)

THE COURT: Mr. Duff.

CONTINUED CROSS-EXAMINATION OF GENO TALIANO

BY MR. DUFF:

Q Detective, I think when we left off yesterday we were talking about a Gina Dalton, is that correct, sir, do you have your report, sir?

A It's at the table, but I recall the conversation.

Q Let's get your report. I think it was Page 17 or 18?

A 18.

Q You heard Gina Dalton testify, sir?

A Yes, sir.

Q And you have heard me ask her if she had told you certain things, is that true?

A Yes, sir.

Q Did she tell you that John Edwards had told her at Charlie's Bar on the night of the 7th and morning of the 8th that he intended to go to New York that weekend?

A Yes.

Q And she also told you that they engaged in general conversation at Charlie's Bar, right?

A Yes, sir.

Q She never indicated to you that John Edwards left

Charlie's Bar at any time, did she, per your report?
A Yes.
Q Yes, that's correct?
A That's correct.
Q Detective, yesterday when I was asking you some questions it came out you had testified on 3 previous occasions in the course of these trials, is that correct?
A That's correct.
Q In fact, it was 4 different trials, you testified in the Lenworth Edwards' trial?
A I don't believe that trial got to the point where I would have testified, to the best of my recollection.
Q That's how you recall it?
A At this time, yes. Let me hand you a copy of the transcript of that trial.
Q Barry Motsch was the lawyer in that first case?
A Yes, I believe.
Q It indicates you were called by the Prosecutor, is that correct, last witness?
A Yes, I was on the witness list.
Q You testified -- let's go through it then.
A I'm sorry.
Q Let's go through it. So you did testify at trial?
A Like I said, at this point I don't recall testifying at the first trial, but if I did --

Q Well we can look it up. Do you want to see your testimony?

A Yes.

Q Mr. Rosenbaum: "Would you state your name, please," he asked you. The date of the transcript is on the first page, right there on that page?

A Yes, you're right.

Q You testified in that trial?

A Yes, I did.

Q 12/17/91, you testified, right?

A That's correct.

Q That's Lenworth Edwards' first trial, is that correct, and Lenworth then had a second trial, March of '92?

A I'm not certain of the date. It would be about that time.

Q Precisely March 10th of '92, would you agree with that?

A Yes, sir.

Q You testified in that one?

A Yes, I did.

Q You testified in the trial of, is that Lenworth Edwards' second trial.

Now, you also testified in the trial of Benson Davis, is that right?

A Yes, sir.

Q That was September 19th of '94?

A Yes, sir.
Q And you testified in the trial of Alfred Cleveland?
A I did.
Q That was January 23rd of '96?
A Yes, sir.
Q All right. So this would be your fifth time you have testified in regard to what you did in this case?
A That's correct.
Q You would agree in no prior trial testimony or police records did you mention this problem with the rain?
A That's correct.
Q On that video it would be a fair statement to say, the video the Jury heard there is no discussion of hurrying this up because of the rain?
A I don't recall it being on the tape.
Q Now, let's talk about the physical evidence. You claim, do you not, sir, that the leaf somehow corroborates BB's, Avery's story, is that correct?
A I believe I testified it was consistent with the information he had provided us.
Q All right. The leaf itself, right?
A That's correct.
Q And the information you had, and you have held that belief and opinion as to that leaf for I guess it would be fair to say at least since his deposition in September of '91,

right?

A Since September 11th of '91, when I first interviewed Mr. Avery, Jr.

Q That you felt this leaf corroborated his story?

A That it was consistent with what it was, that's correct.

Q Well, corroborated, would you agree with that?

A Okay.

Q Now, since September 11th you felt that?

A Yes, sir.

Q Now, where is that leaf? Do you have the photo of the leaf, sir?

A Do I have it?

Q Maybe you can help me go through these, I'll take some of that stuff out of your way.

A Here it is.

Q All right. And you felt it was, it corroborated his story because he indicated that the body was dragged at Floyd Epps' apartment?

A From Floyd Epps' apartment, that's correct.

Q And that corroboration was again verified by his story of September 20th when he talked to you and the other police officers, correct?

A That's correct.

Q That was corroborated by his story he gave in his deposition?

A Correct.
Q That story was you took him to Lenworth Edwards' trial, that's the story you were operating on?
A That's correct.
Q That's the story where he says Al Monday, we're talking testimony of '91 at Lenworth's first trial, that's the story where he said he came back to his apartment and said, we knocked the junkie off, right?
A That's correct.
Q And that's the story where he said he was never behind the plaza?
A That's right.
Q If this leaf corroborates that story, this leaf had to come about at Floyd Epps' apartment because that is the theory you were operating under?
A I was.
Q But you would agree, there was no mention of the plaza at this time, right, behind the plaza?
A That's correct.
Q You would agree those leaves where Marsha' body was found look similar to that leaf?
A Similar.
Q But your corroboration theory was solely based on the dragging of the body at Epps' apartment, because that's all you knew at that point?

A That's correct.
Q So it's clear that at that time up until his story when he was in jail, up until that point that leaf under the theory you were operating under, had to come from the dragging of the body at Epps' apartment?
A Had to?
Q Is that correct?
A I should qualify, it could have.
Q That's all you knew?
A That's correct.
Q You were not told of any dragging of the body behind the plaza because he said he was not there?
A It was consistent.
Q Under the theory of the story you were told at the time, it had to be from the dragging at Epps' apartment, is that true?
A Yes.
Q Because you were not aware of him being behind the plaza? Of Mr. Avery, Jr. being behind the plaza?
A That's correct.
Q The only dragging you know of was behind Epps' apartment, because you didn't know he was behind the plaza?
A That's correct.
Q So it could not have, it had to be, it's 100 percent, there's no other way?

A Okay, yes.
Q Now, let's talk about this table leg. You believe that is physical evidence, that's more physical evidence in this case, is that right?
A That's correct.
Q You do agree, would you not, sir, that Avery never told you that during the fight at that apartment a table leg was broken off the table?
A That's correct.
Q And you do not know, do you, sir, of your own personal knowledge whether Avery had been in that apartment before August 8th?
A That's correct.
Q Is that correct?
A Yes, sir.
Q Or he had been there when it was unsecured for at least the 24 hours?
A That's correct.
Q Let's assume, going back to the leaf, let's assume that leaf, let's assume for purpose of this question that leaf came from one of the bushes behind the plaza, all right?
A Okay.
Q Let's assume that, let's assume the state of your knowledge being the theory you were operating under in Lenworth's first trial, if you agree that came from there that

would not corroborate this story?
A If those were the facts, if this leaf had come from behind the plaza, that would not have corroborated his story.
Q At all?
A That's correct.
Q Broken table leg. You don't know when it was broken, is that correct?
A That's correct.
Q And you don't know if Avery had access to that apartment prior to the State?
A That's right.
Q All right. Now, the other physical piece of evidence I think is the bloody nose, is that right?
A The jacket.
Q The coat with the combination of the blood?
A That's correct.
Q And let's put coat and blood, is that fair?
A Yes.
Q And I think, I'm not sure, did you get possession of that August 13th or August 18th?
A 18th, August, from Delphenia Guice.
Q And you told the jury that information was not public knowledge that you got that coat?
A That's correct.
Q You heard Delphenia Guice's testimony, that she talked

with her friends about whether she should turn these clothes in, did you hear that?

A Yes, I did.

Q And you heard her testimony that she told her friends she turned clothes in and they might have blood on them?

A Yes.

Q You never instructed her on that tape not to tell anybody about that coat?

A No.

Q You would agree, in the community, of these projects we're talking about, a lot of the people know each other?

A That's correct.

Q Basically if you live in that area of the projects you're going to know just about everyone?

A I can't testify to that.

Q You have previously said it's a close knit community?

A People know each other in that community, that's right.

Q You don't know who Delphenia Guice told about that bloody jacket?

A No, I don't.

Q And you don't know if Avery heard about it that way?

A I don't know that.

Q You told someone else about the bloody jacket before Avery gave his story? Did you tell someone else?

A Other than a police officer?

Q Someone not in law enforcement. You told someone else you had this bloody jacket? First we know Delphenia Guice knew about it, and anyone she told would know about it, and anyone they told knew about it?

A That's right.

Q This is confidential police information?

A That's right.

Q Would there be anyone else that might know about this blood and this jacket?

A No, sir.

Q How about Lenworth Edwards?

A During the interview of Lenworth Edwards --

Q When was that, the 18th of August? I'll get you the date. Would you know the date?

A You will have to refresh my memory. I talked to him on 2 occasions.

Q I'll get it for you, sir. You would agree he knew about it?

A During the interview with Counsel.

Q That interview took place August 21, 1991?

A Yes, sir.

Q Is that correct?

A If those are the facts, that's correct.

Q I have a transcript of that tape, if you want to look at it.

A August 21, 1991.
Q Before you ever met with Avery, right?
A That's correct.
Q Now, you told him in that statement that, I got a bloody jacket that was yours, and there's blood on it.
Well, Page 3, sir, bottom of Page 3, you told him the following, "We obtained some physical evidence, one of which is a blue jean jacket that belongs to you, being worn by you."
Next page, "On that blue jean jacket there's something we thought was blood spots." This is before it went to the lab?
A That's correct.
Q You told him that you had this jacket and there was blood on it, is that correct?
A Yes.
Q So it's not confidential information you're telling Lenworth Edwards?
A That was part of the interview.
Q He's not a law enforcement agent?
A That's correct.
Q And he was put up in jail after this conversation?
A Right.
Q And it's possible he could have told some people that you were trying to implicate him because of this jacket?
A That's possible.
Q You don't know who he told?

A No.
Q He remained in City Jail, he could have told several people?
A He could have.
Q You would agree then that the coat and blood is not confidential police information, right? Delphenia Guice and Lenworth knew about it, right?
A Yes.
Q So any prior testimony, without going back to it, that you gave in all these others' trial, this was confidential police information no one knew about, could be inaccurate, not a lie, just inaccurate?
A Okay, yes.
Q Now, I think we have talked about all of the physical evidence you claim corroborates Avery, right, the leaf, the table leg and coat and blood?
A That's correct.
Q That's it?
A Physical evidence?
Q Yes.
A Correct.
Q Some of these questions I believe I asked. We were looking at photos, the photos that I had marked, before the adjournment, do you have those, sir?
We can agree -- let me ask you this, it occurred to me

that we talked yesterday about you turning the tape off when it came to the discussion of money.

A Yes.

Q Why did you do that? Why did you turn the tape off when you talked about money with Avery? Could you tell us?

A I honestly don't know. I don't recall why I would have done that.

Q No reason for that?

A No, there must have been a reason.

Q I would like to know the reason.

A Like I say, I don't recall.

Q Could you think of a reason you didn't want anybody to know about the money discussion?

A The interview I conducted with William Avery, Jr. at this time, with regard to the information he was able to provide, the reward money that was going to be made available to him was separate and apart from this, it had nothing to do with the facts of the case.

Q Not in his and his father's mind, they wanted the money, right?

A The father wanted the money.

Q You heard Avery say he wanted the money. He said it in the trial with Lenworth Edwards, he said I did it because I wanted the money?

A I'm sure he wanted the money.

Q His father was the motivating force. They were literally, Avery, Sr. and Junior, attached at the hip. They were like a negotiating team?

A Well, his father, Senior, did the negotiating.

Q Like an agent for someone?

A Like an agent? No, Junior was along for the ride. Avery's motivation was self-motivation, he wanted the money.

Q This would be, you would want a record of that? If you would have kept the tape going we would have known about that, is that right?

A That's right.

Q So all discussion you had with Avery, Jr. and Senior about money was off the record?

A Yes.

Q And we can agree no blood was found in that apartment, right?

A There was none found by the lab technician, that's correct.

Q And can you tell me, tell the Jury why after you had these alleged statements by Avery, and you felt that you had this stuff that corroborated it, why didn't you try to corroborate it by luminoling that apartment to see if any blood was covered up?

A In 1991 I wasn't aware of that process and it wasn't available to us.

Q The luminol process wasn't available until '91?
A No, I wasn't aware of it.
Q You weren't aware it was available?
A What I did do was contact the Bureau of Criminal Investigation to do the science. I relied on their knowledge and capacity to do the science.
Q Did you tell them there might be blood and to look for that?
A I wanted -- I indicated I wanted them to look for trace evidence.
Q Answer my question. My question was, did you say to them, there might have been blood there and it might have been cleaned up, is there any test you can do to determine that? Did you ask them that, yes or no?
A Not for luminol testing, no.
Q Is it your testimony as a detective for all of these years you had not heard of the luminol process?
A I said in 1991 I was not aware of that process, that's correct.
Q That process has been around a long, long time, has it not, sir?
A I don't know how long it's been around.
Q All right. Let's look at the apartment photos. Can you take them out, sir, those apartment photos?
A These are the photographs of Epps' apartment taken by

Det. Sgt. Resendez on September 1, 1991.

Q At that point you got Avery's story, right?

A On September 1st, that's correct.

Q Well, going back to luminol, real quick, if you weren't aware of that you were aware from Avery's story that her body might have been dragged over a large amount of grass, right?

A That's correct.

Q And you were aware of grass stains in '91, were you not?

A That's correct.

Q Did you ask that the lab test for grass stains?

A Specifically, no.

Q All right. Now we were talking about the photographs. Could I see those, sir? There's a stain appears on what is that number?

A It looks like 15-C. I don't know what that is.

MR. DUFF: Is that what that is, sir?

MR. ROSENBAUM: Yes. 15-C.

Q There's a stain on the bed of Marsha Blakely -- Floyd Epps' bed?

A There's an apparent stain on the mattress of the bed in Floyd Epps' apartment.

Q Was it tested for anything?

A It was one of the items we asked the Crime Lab to test.

Q You got your submission sheet, sir?

A Yes.

Q Did you -- was that on the submission sheet? Did you cut that out and send it to the lab?
A Did I cut it out? No.
Q Did you ask they test it?
A We requested they test any and all spots that appeared to be of evidentiary value that appeared in Floyd Epps' apartment.
Q Does it indicate anywhere in your report that you said that?
A The lab technician apparently did not feel it was something he needed to test. I relied on his scientific ability.
Q It looks to me -- it might have been blood?
A I can't tell from the photograph, that's what we suspected it could be.
Q 15-F appears to be some kind of stain on a heat register?
A That's correct.
Q Did you test that?
A We asked that be evaluated by the lab technician.
Q You got your submission sheet?
A It wasn't submitted.
Q Did you detach it and take it to the lab?
A No, we did not.
Q Is that removable?
A It can be.

Q Where is that test now?
A I don't know.
Q Can you show in your report where that is?
A The only thing covered in my report is that we asked a person from BCI to come and evaluate the crime scene. We asked him, and photographed all these items you have in your hand, we asked to see if there was some evidentiary value, and we asked them to process it.
Q It was your investigation?
A That's correct.
Q Did you ask those tests were done, did you make sure they were done because you were the man in charge?
A I did not remove them.
Q I'm asking, did you see to it they were tested as the man in charge, did you take the responsibility to see these things were done?
A The only way, I have explained it to you several times, Mr. Duff.
Q Only in the way you gave a general thing, to examine the apartment for evidence?
A No, it wasn't general. We photographed and pointed out these things to the lab technician that came from the Bureau of Criminal Identification. We relied on his ability to determine whether or not there was some evidentiary value. Beyond that my answer is not going to change.

Q Who was in charge of the investigation?
A I was the head of the investigation.
Q Did you see these things got done?
A To my mind, yes, and in the fashion I just explained to you.
Q You have no proof to show these things were tested?
A Only in the manner -- I explained it several times.
Q Do you have anything to prove these things got analyzed by the lab? Yes or no?
A No.
Q And this is the apartment that you noted when you were there on August 8th to be in an orderly fashion, right?
A That's correct.
Q And there was no signs of physical confrontation, because that's what you are looking for?
A I think in my report I said it was in an orderly fashion.
Q And you were looking for confrontation at the time of that report?
A No, I wasn't.
Q Why don't you look at your report and see if it says that, Page 34, Detective?
A No, what I was looking for --
Q Page 24, Detective, 34, Detective. Page 34. Do you have that page?
A Yes, sir.

Q I'll read it to you. Your testimony today is that you weren't looking for physical confrontation, is that right, signs of that, is that your testimony?
A Well, it --
Q I want to know that. Is that your testimony today?
A No.
Q You wrote, the officer was primarily interested in signs of a physical confrontation or other physical evidence that lent itself to the course of investigation as it existed at that date in time?
A That's right, because at that point --
Q Okay, you didn't know when it happened, you were looking to see if there might have been a fight there, right? You haven't talked to Avery yet?
A That's right.
Q And you went there August 8th, the day they were found, and you wrote it appeared to be orderly and no signs of a physical confrontation?
A I said I was looking for signs of physical confrontation.
Q If you would have found something, you would have written it down?
A Yes.
Q So it's fair to say you found none?
A On that date.

Q This is the place that's unsecured for a minimum of 6 hours?
A That's correct.
Q Or a maximum of 24?
A Could have been approximately . Unsecured.
Q Thank you, we'll move on.
Avery told you Marsha, in all of the different statements that you got from Avery, he told you Marsha was screaming throughout this alleged attack, she was screaming?
A I don't recall, I would have to refer to a report.
Q How about the deposition when he said she was screaming?
A I don't recall.
Q Page 36. You were at the deposition?
MR. ROSENBAUM: Your Honor, I object.
THE COURT: Overruled.
Q You were there when the question was asked,"It's also your testimony, while this beating was going on all that Marsha Blakely did was scream?" You heard that, you were there?
A I was at the deposition.
Q You heard that now?
A If those are the facts, yes.
Q You would agree that the description given to you by Avery, these guys all had black clothes on?
A I recall dark.

Q Not black?
A Possibly. I recall the dark clothing.
Q This isn't dark, you would agree?
A No, it's not.
Q Now, you went, you took a statement from John Edwards, did you not?
A Yes.
Q And that was January 3, 1994, is that correct?
A I don't recall the date.
Q That would be the approximate date?
A Yes, sir.
Q Tell us where that statement was taken?
A I believe Columbia, South Carolina.
Q What kind of facility --

MR. ROSENBAUM: May we approach?

(Out of the hearing of the Jury.)

MR. ROSENBAUM: He can't offer this.

MR. DUFF: I'm not offering the statement, I'm asking what he said, not what he said, what Geno said.

MR. ROSENBAUM: What would be the relevance of that?

MR. DUFF: I think they are relevant to hear what he said.

MR. ROSENBAUM: How is what he said to your client relevant? If he said your client is guilty, can I get

that in there?

MR. DUFF: I don't think he said that. I'll show you the transcript.

MR. ROSENBAUM: It's still illegal.

MR. DUFF: January of '94 --

MR. ROSENBAUM: His investigative technique is, if that is what happened it's no more relevant than if he asked if he thinks he's guilty now.

MR. DUFF: I'm asking certain things to show bias.

MR. ROSENBAUM: Bias as to what?

MR. DUFF: There's a new rule on that, I'll get it. It's on the O. J. Simpson rule, it's a new rule in Ohio, bias of witnesses, 616.

MR. ROSENBAUM: If I understand your argument, you are going to show his bias by saying --

MR. DUFF: No, no.

MR. ROSENBAUM: -- by charging -- by statements he made, this detective made to John Edwards? Did I not understand you to say you're going to get him to say he didn't get it and he changed it?

MR. DUFF: I'm going to ask about certain statements he made about people, and you had sex with the same woman, and you, I can't tell your kids apart, and I can't tell you apart. It shows bias on his part of these guys. It's a

new rule, it's effective. I looked it up during --

MR. ROSENBAUM: It's effective 6/7/91.

MR. DUFF: It's a new rule as far as we're concerned.

THE COURT: Let me send the Jury out.

MR. ROSENBAUM: I know there's a proposed rule on this, I don't think it's been out, got out of the rules committee yet.

(Within the hearing of the Jury.)

THE COURT: You are to take a short recess. Remember not to discuss this case among yourselves.

(Out of the hearing of the Jury.)

THE COURT: What rule are you saying?

MR. DUFF: 616, Your Honor.

THE COURT: Do you have any cases on that, Mr. Duff?

MR. DUFF: Let me look at it, Your Honor. I think, Your Honor, recent significant cases -- are you looking at the same book, Your Honor? If you look at United States Supreme Court, they cite impeachment of one of the witnesses is proper notwithstanding the lack of a specific rule. That was a 1984 case.

THE COURT: What bias are you showing with a police officer? It's inherent there's bias when you arrest someone? Is that what you're saying?

MR. DUFF: Can I have him excused when I talk about this, not in front of him?

MR. ROSENBAUM: If I don't get my representative at my table for all legal matters, can I ask the defendant be excused later on?

THE COURT: No, there's a specific rule.

MR. ROSENBAUM: 615. I'm entitled to one person at the trial table.

THE COURT: But he's as a witness now.

MR. ROSENBAUM: He's still my representative of the State, Your Honor. I mean conceivably under this argument I can ask the defendant be excluded.

MR. DUFF: No, you can't, it's his trial, it's not Det. Taliano's trial.

MR. ROSENBAUM: Unfortunately, Your Honor, the State of Ohio is as much a part of this trial as the defendant, and since the State of Ohio is not a person I'm entitled to my one representative.

MR. DUFF: Judge, I don't care if he stays or goes, he's going to get prepped on it anyway, to be honest.

THE COURT: Let's hear it.

MR. DUFF: Page 24 of the transcript, Det. Taliano says the following: "You all lived in the same damn house, you all screwed the same women, got all these babies running around Lorain, I can't tell who they look like." It

shows his bias against these people from New York, that's what, who he's talking about, the group of black individuals from New York. That rule allows me to bring out his bias against these individuals.

MR. ROSENBAUM: Your Honor, first of all we have 2 issues, one, this is always confusing in a trial with Mr. Duff, this transcript is generated by the defense.

MR. DUFF: Orie Camillo.

MR. ROSENBAUM: Mr. Duff has already assumed if he takes the tape to the Court Reporter, therefore, the transcript must match the tape. He believes the Court Reporter's hearing or ability is infallible. I have not been shown this transcript before. I cannot attest to its reliability. A transcript not shown to the other side, or we haven't exchanged, to cross-examine a witness, this transcript is prepared by no one who has any better hearing than anybody alive. He thinks since he chose to have a Certified Court Reporter transcribe his tape its more accurate, it's no more accurate than if his secretary did it or I did it. What he's talking about is absolutely out of context.

If you read Page 34, and I think the Court ought to read this, to say that what Mr. Taliano has done here is bias, is ridiculous. In spite of that, in light of what Mr. Duff's client says, to open this can of worms is going to be a major mistake for Mr. Duff. Mr. Taliano's response to some

statements made by the defendant is appropriate and does not show bias, and I urge the Court to read several pages beforehand in this interview, but I think the Court should see through this charade because when we approached the bench it was not to show bias, he was going to show that Det. Taliano, and the Court has to recall this exonerates his client, which at least they are not claiming now, and he switched that to show bias and shows a new rule and I submit to the Court there is a new, proposed rule that is broader than the one cited now, the new OJ rule, as he calls it, has not been through the rules committee yet or subcommittee, to vote on, the entire committee that changes the rule, and would then have to go to the Court and then to the Legislature.

THE COURT: Where did that transcript come from?

MR. DUFF: I'll use the one he gave me --

MR. ROSENBAUM: That is absolutely inaccurate.

THE COURT: I asked where it came from.

MR. DUFF: Orie Camillo typed it from the tape.

THE COURT: What tape?

MR. DUFF: The one he gave me of the interview with Det. Taliano.

THE COURT: Let me see what pages you want me to read.

MR. ROSENBAUM: He cited Page 24. I would like you to read a few pages before.

THE COURT: Is there more?

MR. DUFF: Yes, there is. Let me go over this. Mr. Rosenbaum has a great ability to tell you I switched lawyers.

THE COURT: I could care less. I'm not concerned about what Rosenbaum thinks about you, or you think of Rosenbaum. I'm here to find out what the evidence is. I don't care about your personalities.

MR. DUFF: Judge, these statements I would like to bring out, these are Det. Taliano's statements, that I know you, he says, you don't have contact with crackheads.

THE COURT: Page?

MR. DUFF: Let me get the specifics, Judge.

THE COURT: Please let me know when you get them. Let's take a short break, when you got them hand them to JD, he'll bring them back.

(Thereupon, a short recess was held.)

(Out of the hearing of the Judge and the Jury.)

MR. DUFF: I would like to offer a transcript, a January 3, 1994, interview between Det. Taliano and John Edwards, the defendant.

I would like to ask Det. Taliano the following questions, if he made these statements. Question: "You all lived in the same damn house, you all screwed the same damn women, got all these babies running around Lorain" --

I think these statements by Det. Taliano show bias under 616, and I would like to interrogate him on that, and the Judge said to put it on the record, and I think that shows bias.

(Hearing resumed.)

(Within the hearing of the Judge and Jury.)

THE COURT: You may be seated.

At the break discussion was held with Counsel and I sustained the objection of the Prosecuting Attorney. It's my understanding that, Mr. Duff, you have proffered?

MR. DUFF: I have.

THE COURT: Very well, we'll continue with the cross-examination.

CONTINUED CROSS-EXAMINATION OF GENO TALIANO

BY MR. DUFF:

Q Now, Detective, real quickly, you testified in your direct there was a threat of rain that day, August 8th?

A Yes.

Q Detective, handing you what's been marked as Defendant's Exhibit I --

MR. ROSENBAUM: Can we approach the bench?

(Out of the hearing of the Jury.)

MR. ROSENBAUM: He's going to use the top portion of that to prove what the weather was that day? I don't think it can be done.

MR. DUFF: Why not?

THE COURT: You can't use a prediction of rain.

MR. DUFF: That's up to the Jury.

THE COURT: You can ask him what he thought, and you can get another witness in, but not that.

(Within the hearing of the Jury.)

MR. DUFF: Could I have a moment, Your Honor, to go over my notes?

THE COURT: Sure.

Q Now, Detective, about the alignment of cars behind the plaza, do you recall discussing that with Avery?

A Yes.

Q Do we have photographs of the plaza?

A I believe so right here, sir.

Q Now you asked him how the cars were lined up, is that correct?

A I discussed the vehicles behind the plaza with Mr. Avery.

Q Yes?

A Yes, that's correct.

Q What is your understanding of how the cars were lined up?

A My understanding was there was a vehicle there prior to his arrival.

Q Pointed in what direction?

A I believe it was pointed east.

Q Pointed east towards Leavitt Road?

A If I recall correctly.
Q Go ahead, sir.
A And I believe that Alfred Cleveland arrived from the east and was headed, the vehicle that he was in was pointed west.
Q He was pointed west?
A That's what I believe to be the truth, yes, or believe to be the case.
Q Believe to be, about what he told you?
A That's correct.
Q So you have 2 cars in 2 separate directions?
A If I recall correctly.
Q Are you sure about that, Detective?
A No.
Q All right. Was there at any point in these stories, was a third car mentioned?
A At the time that Marsha Blakely was killed behind the plaza, not that I recall.
Q So your testimony is your recollection is these cars were pointed in opposite directions?
A As I recall today, to the best of my recollection today that is the case.
Q Okay. You heard Mr. Avery on cross-examination, did you not?
A Yes.
Q And he had some problem or some difficulty recalling

Delphenia Guice and who she was?

A Yes.

Q But you would verify and you can establish that he told you September 11th that Delphenia Guice's car was involved, right?

A That's what I recall.

Q And you heard that on the tape I played for him?

A I did.

Q So you knew he knew Delphenia Guice?

A I believe he knew her as Dianna. He used Dianna and Delphenia.

Q But he knew Guice and he knew her car?

A That's correct.

Q How many times in total did BCI come out to that apartment?

A Floyd Epps' apartment?

Q Yeah.

A Once.

Q That's all, right?

A That I -- yes.

Q So if Det. Resendez testified on prior trials they were out there 2 to 3 times, that would be incorrect?

A Yes, yes, it would be.

Q You know that John Edwards returned to Lorain on that Sunday, it would have been what? What date would that have

been? The 8th was a Thursday.
A I believe that would be the 11th.
Q You know that he got arrested on traffic charges?
A He was arrested. I don't recall what he was arrested for but he was arrested.
Q But he returned to the City of Lorain?
A He did.
Q He wasn't arrested on anything in relation to this case?
A No, he was not.
Q Now, at any time did you request fingernail scrapings of Marsha Blakely?
A I requested a rape kit, I assume that was inclusive.
Q That wasn't the question. The question was, did you request fingernail scrapings?
A I requested a rape kit.
Q I know that. Did you request fingernail scrapings?
A Specifically, no.
Q It certainly appeared from the autopsy report this woman had been beaten, correct?
A From the autopsy report she had suffered numerous injuries. I don't recall the autopsy specifically saying she had been beaten.
Q It's not fair to say the autopsy says she was beaten?
A I said I don't recall that is what the autopsy says.
Q Did you ever request a DNA analysis be done on the blood

on that coat?
A No.
Q Now, let's talk about this car for a moment, so we get this straight. I want to know first, you might have to look at your report on this, the first time you had possession of that car was what date, sir?
A That I had possession of the vehicle?
Q You or your agency, the Lorain Police Department.
A I believe without referring to my report I believe maybe the 13th of August when Det. Resendez and Rohner gave a visual inspection of the vehicle on August 13th. I think on August 13th, I believe.
Q Because that car they believed might have some connection with this case, is that why they visually inspected it?
A That's right.
Q We can agree BCI didn't examine it?
A That's correct.
Q When is the next date?
A I don't recall. I know it was seen on 2 other occasions.
Q Can you look at your report and tell us the date?
A It might be difficult to find, it's a lengthy report.
Q Maybe I can help you?
A Okay.
Q Page 19, can we go to that, sir?
A Okay.

Q Page 19 you write that you have information that her house and car were used and they might be of evidence, is that correct?

A Can you direct me to the specific paragraph, please?

Q Yes, I can do that. Last paragraph. I'll get there, Officer.

Okay, the second to the last paragraph, Detective, that you had received information that the vehicle had been utilized by someone from Queens, is that correct?

A That's the second paragraph. Second paragraph, second sentence in that paragraph?

Q That this decision to look at her car, second paragraph?

A I see it as, unless I'm missing it, I see that as the last paragraph here.

Q Let's go this way, Officer.

A On Page 19?

Q I'm sorry, wrong page. This is Page 20.

A Okay.

Q This decision was based upon the fact that several informants advised us the vehicle had been used by suspects from Queens?

A That's correct.

Q You had information that Guice's car might be involved, is that correct? Yes or no?

A Yes.

Q So the car was looked at?
A Yes.
Q And Det. Resendez, your partner in this case, was a part of that inspection, is that correct?
A Yes.
Q And there was no physical evidence readily visible on this vehicle, is that right?
A That's correct.
Q And no scientific tests were performed, is that correct?
A Not at that time, no.
Q Or requested?
A That's correct.
Q Now to move on, I'm looking for the other times you examined that car. If I go to Page 48, because the pages are numbered strangely, Detective, I'll come up with it.
A Are you referring to October 24 and 5th?
Q Yes. What page is that, Detective?
A Page 48.
Q Paragraph?
A Third.
Q All right. So on October 24, 1991, that car was processed again?
A No, 10/25.
Q Yes, processed it on the 25th. It indicates in the report that Dan Bibby from the Lorain County Crime Lab had

done some testing on it. The car was processed 10/25?
A That's right.
Q And also those tests --
A It indicates here --
Q Let me ask the questions, Detective.
A Okay.
Q Now, is that the testimony, yes or no, this turned up a lot of red carpet fibers?
A That's correct.
Q And I take it you took that information and tried to find out if the red carpet fibers were on the clothing of the victims?
A That's correct.
Q And that was negative?
A That's correct.
Q There was numerous red carpet fibers found in that car?
A Yes.
Q Now, was there another time you had that car?
A I thought that was the last time, Mr. Duff, but I could be incorrect.
Q So it's not 3 times, you just processed the car twice?
A I believe the car was looked at sometime between the first time Resendez and Rohner looked at it and Dan Bibby from the Crime Lab processed it for the red carpet fibers. There may be a time in between those 2 dates that we looked at the

car, I don't recall specifically what date that might be, though.

Q So as of now, to the state of your knowledge today is that the car was looked at for sure 2 times?

A It was looked at.

Q Well, it was looked at on 8/13 and again on 10/25?

A I know that to be the case, that's true.

Q Those are the only 2 we have been able to find today, is that correct? That's the only 2 we have been able to find?

A Today, yes.

Q You would get together between the deposition of September of '91 and this first trial, you would get together on occasion, just meet with Avery, go over his story, right?

A We had discussions between those 2 dates, that's correct.

Q You would sit down with him and go over it?

A I don't recall the nature of that specific conversation. It's possible we did talk about it.

Q Well, you indicated that you met him on November 18th, Page 60, second paragraph, you contacted him, is that correct, along with some other individuals?

A Yes.

Q All right. And you discussed the case with him, right?

A Yes, photograph identification.

Q Well, the case, is that correct?

A Yes.

Q Now, going -- it's not until Avery is in jail that he adds another part to his story, is that correct, in January of '92?

A Yes.

Q At that point you were disgusted with him, you wanted nothing to do with him, is that correct, prior to changing the story?

A I was upset over the extortion attempt of $10,000.

Q Just answer my question. Were you disgusted with him?

A Yes.

Q You wouldn't take his calls?

A There was only one attempt that he tried to call.

Q You wouldn't take it?

A That's correct.

Q You basically wanted nothing to do with him?

A That's correct.

Q Now, at some point he meets with Resendez, is that correct, Officer Resendez?

A Sometime later, Det. Resendez, yes.

Q And his story changes, is that correct?

A Yes.

Q And in an attempt to verify this latest version of his story you went and talked to someone, did you not?

A Can you refresh my memory?

Q Charlotte Watkins, do you remember her?

A Yes.
Q Is that his girlfriend? Is that his girlfriend?
A Okay.
Q And you went there this is when, January of '92?
A I'm not sure.
Q January 24th of '92, Page 71.
A The pages don't come numbered, at least at the end.
Q It's Page 71. Detective, does that look like this?
A Yeah, we're on the same page.
Q January 24, 1992 you contacted Charlotte Watkins, did you not?
A Yes.
Q That's his girlfriend, right, one of them?
A Yes.
Q He has a couple girlfriends, right? Patricia Gotte was the other. Was he married to one?
A I don't believe he was married to either.
Q He had children with both or just one?
A I'm uncertain.
Q You know he had a child with Miss Gotte?
A I think he testified to the fact he did.
Q So you got this latest story that he claims now he's behind the plaza, right?
A I'm sorry, I was reading this.
Q You get this latest story where he says he's behind the

plaza?
A That's correct.
Q And you want to try to verify that, do you not?
A Yes, yes.
Q And he tells you, well, you can talk to my girlfriend, Charlotte Watkins, and she'll tell you that I said that to her, correct?
A I don't know that is what he said.
Q But that's what you did?
A I did contact her.
Q You contacted Charlotte Watkins for the purpose of seeing if he said he was behind the plaza?
A Yes.
Q That was his girlfriend?
A Yes.
Q That was your verification of his story, that's what you indicate?
A That was part of it.
Q That's how you said you verified, you talked to his girlfriend?
A Yes, that's one of the things I did, that's correct.
Q Do you know if he was in contact with her while he was at the jail, contacting her, telling her what to tell you?
A No, I do not.
Q You had no physical evidence or anything to verify this

latest version of his at that point, did you? Nothing new?
A Just the consistency of the wounds of the victim --
Q Just answer my question.
A The answer is yes.
Q Let me ask the question again. You had no new physical evidence as of June 4, 1992? You had been through the leaf, table and nosebleed, true?
A That's correct.
Q You had no physical evidence to verify this latest, additional version of his story?
A It just corroborated the physical evidence we had.
Q Just answer my question. Did you have anything new?
A New? No.
MR. DUFF: If I could just have a moment, Your Honor, I think I'm almost done.
Q Well, there is something, Detective, do you have the deposition?
A No.
Q Do you recall -- this isn't the deposition?
A I don't know which deposition you're referring to.
Q No, I'll find it.
MR. DUFF: If I can have one second, Your Honor. I got it. Page 33, Mr. Prosecutor.
Q You recall, Page 33, you recall Mr. Avery being asked,"Has anything been promised to you in return for your

testimony?"

Do you recall that testimony?

A Which context?

Q The deposition.

A Yes.

Q And the answer was no?

A That's what I see.

Q That's what Avery said, correct?

A That's correct.

Q Now, that's not completely accurate, is it? You had discussed money with him and his dad?

A That's correct.

Q And that wasn't brought out in the deposition?

A I'm not sure it was.

Q Not by Mr. Avery?

A I don't recall the entire context of the deposition. If the facts present itself as such in the deposition, that would be true.

Q The Prosecutor subsequently brings out this guy is being paid, is that correct?

A If those are the facts, correct.

Q It wasn't Avery who said that, it was the Prosecutor who brought that out later?

A I don't recall.

MR. DUFF: I don't have anything else, Your

Honor.

THE COURT: Mr. Rosenbaum.

MR. ROSENBAUM: Thank you.

REDIRECT EXAMINATION OF GENO TALIANO

BY MR. ROSENBAUM:

Q I would like to redirect your attention to the transcript of events provided of your interview with Lenworth Edwards concerning the jacket on Pages 54 and 5. Will you examine that?

A Yes, sir.

Q Can you tell the Court and Jury where in there that you disclose whose blood is on the jacket?

A Where I disclosed it?

Q Right.

A Nowhere.

Q Did you know the results of the blood tests at that time?

A No, sir, I did not.

Q Does that specifically show that?

A Yes, sir.

Q Who provides you with information as to whose blood is on the jacket?

A Lenworth Edwards.

Q Did you believe him at the time?

A Yes, sir, I did.

Q Was it later confirmed by the Crime Lab?

A Yes, it was.
Q What you revealed to Lenworth was you had his jacket, and he told you whose blood was on it?
A Yes, that's correct, he said it was his blood.
Q You revealed to him what he already knew?
A That's correct.
Q What is the significance of that jacket without the blood?
A Without the blood?
Q Right.
A None.
Q And without whose blood it is?
A It would be of no significance.
Q What did he have JR tell you about that jacket?
A I don't recall him mentioning any jacket at all.
Q What you have here is a police informant, according to the defense who is motivated by money and just wants to tell you what he heard on the street --

MR. DUFF: Object.

THE COURT: Overruled.

Q -- but forgot to mention the jacket when he's enticing you to pay him?
A That's correct, he never mentioned the jacket.
Q What did William Avery, Jr. tell you about the Floyd Epps' homicide?

A He couldn't offer any information about it.

Q So this same informant who is out to scam you as best he can, who is out to get a reward for 2 homicides, forgets to tell you or makes up a story about one of the victims?

MR. DUFF: Object, these aren't questions.

THE COURT: Overruled.

A He never provided any information about Epps' homicide.

Q What did he tell you about Marsha Blakely's throat being slashed, about reading about the multiple stab wounds in the paper?

A He never told me he ever observed anybody slashing her throat. The only information provided, when he went to the back of the Westgate Plaza in the early morning hours with Cleveland, he saw a person drag her and put her between 2 cars and he could no longer see her when they put her to the pavement, and this individual, who he identified as Justice, was motioning several times with an object, and he ran from the area.

Q He never said he went like this?

A No, he did not.

Q He forgot to tell you about the jacket and about Floyd Epps' demise, forgot to mention that her throat was slashed, is that correct?

MR. DUFF: Objection.

THE COURT: If you would, Mr. Rosenbaum, you're

getting a lot of argument into the question.

A Yes, that's correct.

Q Thank you.

Now, Mr. Duff asked you about what Gina Dalton told you?

A That's correct.

Q Do you, on Page 19 of your report, actually write down a quote what she told you the defendant asked her to do?

A Yes, I did.

Q Would you read that for the Court and Jury, please?

A Quotations --

MR. DUFF: Line? Where at? Paragraph?

MR. ROSENBAUM: Top of the page.

A "You know that I couldn't have done it, I was in New York. You'll tell them that, won't you? Would you vouch for me?"

Q And she refused to do that, correct?

A Yes, she did.

Q Now, sir, I would like to hand you State's Exhibits, 2-K, 2-L and 2-M and ask you to look at them, please.

A Yes, sir.

Q Do those photographs truly and accurately depict the scene they represent?

A Yes, sir, they do.

Q Do you know who they were taken by?

A Det. Sgt. Resendez.

Q Were you there?
A Yes, I was.
MR. ROSENBAUM: At this time, Your Honor, I would like to move the admission of the pictures. I thought we had an agreement.
MR. DUFF: Okay, yeah, I don't have a problem with that.
THE COURT: They will be admitted.
THEREUPON, STATE'S EXHIBITS 2, 2-A, B, C, D, E, F, G, H, J, K, L, AND M, PHOTOGRAPHS, WERE OFFERED AND ADMITTED INTO EVIDENCE, AND BECAME A PART OF THE RECORD HEREIN.
Q Would you describe State's Exhibit 2-K for the Jury?
A State's Exhibit 2-K is the view of Marsha Blakely from above and to her left or south, slightly.
Q It's a view of her body, depicting the clothing she was wearing as well?
A Yes, it does.
Q State's Exhibit 2-L?
A State's Exhibit 2-L is a photograph, a 33 millimeter of Marsha Blakely's left elbow.
Q And does it show any injuries to her?
A Yes, sir, it does.
Q What kind of injuries?
A A laceration and scrape marks, bruises, abrasions.

Q And State's Exhibit 2-M?
A State's Exhibit 2-M is a 33 millimeter photograph of Marsha Blakely's left foot, and it depicts scrape marks and abrasions to the big toe area.
Q Those scrape marks and abrasions were testified to by Dr. Thomas, were they not, as consistent with dragging?
A Yes, sir.
Q And you have also --
MR. DUFF: Objection.
THE COURT: Overruled.
Q And you have also previously identified Marsha's clothing, have you not?
A Yes, sir, I have.
Q Handing you State's Exhibits 13 and 14.
A Yes, sir.
Q When you were being asked questions about the leaf and whether or not you had anything to add that corroborates William Avery, Jr.'s statement about Marsha being dragged, you did have other evidence besides the leaf, did you not?
A Yes, sir.
Q Did those photographs and the clothing corroborate she was being dragged as the Coroner testified?
A State's Exhibit 2-M and 2-L would corroborate that.
Q And would the clothing?
A And 2-K, tears to the jeans that Marsha is wearing,

specifically in this photograph would be the left knee area, they are torn quite noticeably.

Q And?

A Also the shirt, at the waist in the front, which would be here to right side is also noticeably torn in this particular photograph.

Q And does the clothing contain things that have been referred to by defense as signs of gravel, dirt, mud or grass?

A There are a number of stains on the clothing that shows they are quite soiled both with blood and --

MR. DUFF: Object.

THE COURT: Overrule.

Q You reviewed the clothing yourself?

A That's right.

Q And the Jury will have them.

Is there mud on the back of her pants?

A There's a large dark stain, that could possibly be.

Q And you say the pants were ripped?

A Yes, at the left knee area.

Q You were asked to identify a stain you thought was a grass stain?

A Yes.

Q And you did so?

A It appeared to be.

Q And the stain was identified as grass mold?

A That's correct.
Q Did you submit this clothing, the items of clothing to BCI for trace evidence?
A Yes, sir, specifically for blood and later for red carpet fibers.
Q I would like to hand you what's been marked as State's Exhibit 16 and ask you to look at that, please. Can you identify that for the Court and Jury?
A State's Exhibit 16 is the findings from the Bureau of Criminal Identification and Analysis dated December 2, 1991, and it says the examination of debris removed from the clothing of both victims failed to identify blood and red carpet fibers.
Q Is that the report you submitted along with the fibers from the car?
A That's correct.
Q Is it a true and accurate report kept in the ordinary course of business of the Bureau of Criminal Identification?
A Yes, sir, it appears to be.
Q Now, can you tell the Court and Jury on August 13th when Delphenia Guice's car was first viewed by Detectives Resendez and Rohner, what significance did the car have at that time?
A During the course of our investigation, as I indicated, we had interviewed numerous people, and during the course of that, those interviews, more than one person had suggested

that Delphenia Guice's car may have been used during or at some part of the homicide of Marsha Blakely, so Detectives Resendez and Rohner went to her and got permission, signed permission to view the car.

Q Other than that, did you know that was the car?

A No.

Q Do you know to this day --

MR. DUFF: Object.

THE COURT: Overruled.

Q -- which car was used?

A No, sir, we do not.

MR. DUFF: Object, he doesn't know which car.

THE COURT: Overruled.

Q Were you able to find that out?

MR. DUFF: Object.

THE COURT: Overruled.

A No, sir, we have not.

Q Before you are some photographs marked as State's Exhibits 15. Have you previously looked at those with the defense?

A I did.

Q Do they truly and accurately depict the scenes they represent?

A Yes, they do.

Q Who took those?

A Det. Resendez.

MR. ROSENBAUM: I would, ask their admission.

THE COURT: Mr. Duff?

MR. DUFF: I would have no objection.

THE COURT: Be admitted.

STATE'S EXHIBITS 15, 15-A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T AND U, PHOTOGRAPHS, WERE OFFERED AND ADMITTED INTO EVIDENCE, AND BECAME A PART OF THE RECORD HEREOF.

Q Explain to the Jury what you were trying to do and why you were there taking them?

A After the September 11, 1991 interview with William Avery, Jr., that's when that apartment took on such great significance to us, and the Bureau of Criminal Identification, and Det. Resendez and I went back to the apartment we secured on that night and wanted it photographed and checked for any evidence that would be pertinent in our investigation, and we wanted the photographs of the apartment, and that is, in fact, what we did.

Q Now, you were looking for what has been referred to as trace evidence throughout this trial?

A Yes.

Q Was it your attempt to gather as much of that as possible when you realized the significance of the apartment?

A Yes.
Q Did you feel you were qualified to do that on your own?
A No.
Q What did you do as a result of that?
A Contacted the Bureau of Criminal Identification and asked if they would send out a lab technician and assist us in doing that.
Q Despite your inexperience at that time, did you find things that looked like blood?
A Yes.
Q Did you think it was blood?
A It appeared to be blood.
Q Did you have photographs taken, in hopes it was blood?
A That's correct.
Q What happened?
A The lab technician discounted it as being blood.
MR. DUFF: Object to what he did and what he thought.
THE COURT: Overruled.
A The lab technician thought --
THE COURT: You can't say what the lab technician thought.
Q Were you informed by that lab technician that your suspicions were wrong?
MR. DUFF: Object.

THE COURT: Sustained.

Q Did you document the photographs anywhere, way, or document what you thought was blood, in any event?

A Yes, we did.

Q Explain the significance of 15-A, please.

A That's an --

Q Put those glasses on. The next one is a B?

A That's a U. That's a C.

MR. DUFF: Your Honor.

A I'm sorry, your question?

Q Please explain the significance of 15-A.

A 15-A, it's a photograph partially included in that photograph of that apartment while Det. Resendez was taking photographs, it's a reflection of me in the mirror.

Q To document you were there?

A Yes.

Q 15-B, please?

A It's a photograph of me using a measuring tape measuring the distance between a stain on the wall to some reference point, I'm not sure what that reference point was by this.

Q To document the location of the stain?

A Yes.

Q What did you suspect that stain to be?

A Blood.

Q It appeared to you to be blood?

A That's correct.
Q 15-C, please?
A It's an overhead photograph of the mattress in Floyd Epps' apartment where there's a large stain that I thought could possibly be a bloodstain.
Q 15-D, I think.
A Yes, sir, it's another photograph of a stain on that same mattress, which we suspected at that time possibly could be blood.
Q Did the position of the mattress become significant in any way?
A Yes it did. During the interview of BB, William Avery, Jr., he indicated during the struggle the mattress had been turned slightly off the frame when Marsha Blakely was being assaulted by the assailants, in fact, in one of these photographs it was depicted as such.
Q I think the next is E?
A E, it's another photograph of me, reflected in the mirror in the Floyd Epps'-- I believe in his bathroom.
Q F?
A It's a stain on the top of a register, heater, and there's a stain there, and I'm measuring the size of that stain with a measuring tape. We believed that stain to be blood at the time.
Q G?

A That's a view of the same register, same stain. I'm not included in the picture at that time.

Q H?

A 15-H, State's Exhibit, there's a stain that I'm measuring with a tape, from the floor to the stain. It's on the wall. Again, the stain we believed at that time could possibly be blood.

Q I?

A It's a photograph of a red stain on one of the walls of Floyd Epps' apartment which we thought could possibly be blood.

Q J?

A J is another photograph, it appears to be a photograph of the same stain from the previous photograph, but this time there's a measuring tape also depicted, and that stain.

Q K?

A It's a photograph of a wall with numerous stains red in color or maroon in color, what we thought could possibly be blood.

Q L?

A Another photograph of a wall, red stain, believed to be blood.

Q M?

A Another stain. I believe at this time there's a measuring tape, that's my hand, I recognize my wedding ring

with the measuring tape.

Q N?

A I'm on O.

Q Could we do N, it might be out of order?

A It's out of order. Yes, 15-N is a photograph of the kitchen table in Floyd Epps' apartment.

Q O?

A 15-O is a photograph of Floyd Epps' apartment looking from the back of the apartment towards the front. Included in that photograph is the kitchen table.

Q P?

A It's a photograph, 15-P is a photograph from the front of the apartment towards the back. Inclusive in that photograph is the mattress which is pulled away and off the bed frame.

Q P is consistent with what?

MR. DUFF: Objection, asked and answered.

THE COURT: Overruled.

A Consistent with the 9/11/91 interview of William Avery, Jr., which he stated during the assault of Marsha Blakely that the bed mattress was pulled away partially from the frame of the bed.

Q Q?

A The photograph of the kitchen table in Floyd Epps' apartment, and inclusive of that is one of the table legs which is detached and below that kitchen table. The kitchen

table is leaned up against one of the walls.

Q R?

A Another view of the Floyd Epps' apartment, which would be from the south end of the apartment looking east, the kitchen area, and inclusive again is the kitchen table with the missing table leg.

Q S?

A A photograph of Floyd Epps' apartment looking from the back of the apartment or east to west, and it depicts the front door, a chair and a couple of cushions, one cushion is out of the normal position on the chair, and a second cushion is leaned up against a front window against the drapes in Floyd Epps' apartment.

Q T?

A A photograph of Floyd Epps' apartment inclusive of which is the kitchen table and the mattress which is pulled away and partially off the bed of Floyd Epps' apartment, and also the cushion which is leaned up against the front west window, against the curtains.

Q U?

A A photograph of the kitchen table in Floyd Epps' apartment with the leg detached and below the kitchen table.

Q V?

A The kitchen table is leaning up against the kitchen wall, a wall.

Q Mr. Duff asked you on cross-examination about processing the scene where the body was found, Marsha Blakely's body?
A That's correct.
Q And you briefly touched upon direct that some photographs were taken of the tire print?
A That's correct.
Q What was the purpose of taking those?
A The tire imprints or marks that we found at the crime scene were both on the east and west of Marsha's body. The access road that runs behind the plaza runs from east to west starting at Leavitt Road, and there was a large accumulation of blood that ran from Marsha's body, most of which came from the area of the head, and ran in a southerly direction. The reason for that was the roadway or access roadway was graded from north to south so that was the flow the blood had also taken, and there were tire imprints that appeared to be blood imprints that had passed through the blood or near Marsha Blakely's body, so we wanted those photographs analyzed if we could.
Q Were the photographs taken in a manner if the vehicle was found a comparison could be made?
A Yes, sir.
Q Did you ever find a vehicle to compare to those photographs?
A No, we did not.

Q And did you attempt, even though you didn't have a vehicle, to go to a source to find what information could be garnered from the actual reproduction of the tread photographically?

A I'm sorry?

Q Did you consult with someone about the tire marks to see if you could develop that lead?

A That was done by Sgt. Resendez and Traffic Commissioner Les George.

Q Who did they consult with?

A Lt. Howard of the Ohio State Patrol in Columbus.

Q Was he able to provide any other insight or leads that could be followed?

MR. DUFF: Object, he didn't talk to him.

THE COURT: Overruled.

A No, he could not.

Q In your experience, does screaming in the projects always provoke a response?

MR. DUFF: Object, he doesn't live there.

THE COURT: Overruled. If he knows.

A No, it does not.

Q Have you attempted to go to the projects and interview neighbors that should have heard screams?

A That's correct.

MR. DUFF: Objection.

THE COURT: Overruled.

Q What response do you meet with often?

MR. DUFF: Objection.

THE COURT: Are you talking about this case?

MR. ROSENBAUM: I'm talking about in general, Your Honor.

MR. DUFF: Object.

THE COURT: Sustained.

Q Is it your experience that sometimes people in the close knit community of the projects don't always come forward to cooperate with law enforcement when someone is hurt or injured?

MR. DUFF: Object.

THE COURT: Sustained.

Q Now, Mr. Duff asked you about Mr. Edwards leaving town right the next -- that morning, the day her body was found, correct?

A Actually I recall him asking if he returned on Sunday, the 11th.

Q So when did Mr. Edwards leave?

A August 8, 1991. It would have been Thursday afternoon or early morning.

Q And he came back?

A I know he was back on the 11th, Sunday.

THE COURT: Which Edwards are we talking

about?

A I'm sorry, the defendant.

MR. DUFF: John Edwards.

THE COURT: There's a Lenworth also.

A John Austin Edwards. I know, at least on the 11th of August, that would have been a Sunday, he would be back in the City of Lorain because he was arrested.

Q Was there an attempt to locate him in the City of Lorain?

A Yes.

Q Did that fail?

A Yes, it did.

Q And for how long a period of time was he gone from the City of Lorain?

MR. DUFF: Object.

THE COURT: Overruled.

MR. DUFF: Beyond the scope, Your Honor.

THE COURT: Overruled.

A He was gone for a significant period of time. We made attempts to locate Mr. John Austin Edwards, and the other group that had left Lorain in the City of New York. I was in contact on numerous occasions with the Norfolk, Virginia Special Task Force because in the course of my investigation we had learned that the people we wanted to talk to and had indictments for in Marsha Blakely's murder were in that area. I also had a conversation with a police agency in South

Carolina who had information --

MR. DUFF: Object.

THE COURT: Sustained, not responsive.

Q How long was he gone for before you could bring him back to Lorain?

MR. DUFF: Object, he was locked up, Judge.

THE COURT: Overruled.

Q Let me put it to you this way, how long a period of time was it no one could find him before he got locked up?

MR. McNAMEE: Object, he doesn't know.

THE COURT: Overruled.

A He was gone for maybe over a year. He was arrested in South Carolina, and then inadvertently released.

MR. DUFF: Object, he doesn't know this, Judge.

THE COURT: Overruled.

A He was inadvertently released by mistake by that agency and re-arrested on a separation occasion again in the area of South Carolina, that was I think sometime just before January of '94 when then Det. Captain Rivera and I went to South Carolina to interview him.

Q Are fingernail scrapings a standard part of a rape kit analysis?

A Yes.

Q Did you request a rape kit be performed on the body of Marsha Blakely?

A Yes, sir, I did.

MR. DUFF: Can we approach?

THE COURT: Sure.

(Out of the hearing of the Jury.)

MR. DUFF: I specifically asked him what methods he used to verify BB's truthfulness or untruthfulness, and the one method he talked about was the leaf.

MR. ROSENBAUM: No, No, Charlotte Watkins --

MR. DUFF: But now he brought this up. I realize it's an area --

THE COURT: Let's leave it alone.

MR. ROSENBAUM: Can I ask him did he use other methods besides Charlotte Watkins to verify in that specific--

THE COURT: No.

MR. ROSENBAUM: He created the impression that's all we did.

THE COURT: No.

MR. ROSENBAUM: I can instruct him not to say anything about her or other methods.

THE COURT: No, you may not.

(Within the hearing of the Jury.)

Q Now, Mr. Duff asked you, if you had at one time, he asked if you had any new evidence that corroborated what William Avery, Jr. told you.

MR. DUFF: Object, that wasn't the question, new

physical evidence.

THE COURT: Overruled.

Q Okay? And your response was you did not. Do you have any new non-physical evidence that was brought to Court today that might be deemed by the Jury to corroborate what William Avery, Jr. had to say?

A Non-physical evidence?

Q Yes.

A The mass exodus of the defendant --

MR. DUFF: Object.

THE COURT: I'm going to sustain. The Jury is to disregard.

Q How about the exodus of Mr. John Austin Edwards that you previously described?

MR. DUFF: Object.

THE COURT: Sustained.

Q Did the 2 exhibits I placed before you corroborate in some way the motive that William Avery, Jr. intimated by the interrogatories as to where's my shit at, or these people would kill --

MR. DUFF: Object.

THE COURT: He has the indictment in and conviction in, so it would be overruled.

MR. ROSENBAUM: Right but it's for a limited purpose. My purpose would be motive.

THE COURT: Right.

Q Do those documents corroborate the motive that William Avery, Jr. implied in his statement to you?

A Yes.

Q And those exhibits are State's Exhibits?

A State's Exhibits 11 and 12.

Q Do the stab wounds, the small puncture wounds to Marsha Blakely's neck in some way corroborate Mr. Avery's statement?

MR. DUFF: Object.

THE COURT: Overruled.

A Yes.

Q Does the lack of sexual assault corroborate his statement in some way?

MR. DUFF: Object, this is his opinion.

THE COURT: I'll sustain.

MR. DUFF: He asked the question if you had any corroboration.

MR. ROSENBAUM: I asked physical evidence.

Q Do you have any nonphysical evidence that we may have that corroborates his statement?

MR. DUFF: Object.

THE COURT: Sustained.

MR. DUFF: And he sustained the previous objection.

Q Have you previously testified that the statement of the

other people as well as the defendant, or just say the other people that Avery, Jr. implicated that corroborates his position on this.

MR. DUFF: Object, what he testified to before--

THE COURT: You brought up quite a bit of it in your examination, so I'll overrule. He may answer.

A If I could have the question again.

Q Mr. Avery, Jr. indicated he was implicated with other people?

A Correct.

Q Did you have occasion to interview the other people?

A Yes.

Q Who are they?

A Alfred Cleveland, known as Al Monday; and JR; Benson Davis and Lenworth Edwards, who is known as Will.

Q Do any of their statements add credence to what William Avery, Jr. told you?

MR. DUFF: Objection, it's his opinion.

THE COURT: I'm going to sustain that objection, they are going to testify.

MR. ROSENBAUM: I have no other questions, Your Honor.

THE COURT: Mr. Duff.

RECROSS-EXAMINATION OF GENO TALIANO

BY MR. DUFF:

Q Detective, on initial redirect I think you testified, do you have that transcript of your conversation with Lenworth Edwards with you, up there, behind you, sir?
A Yes.
Q The Prosecutor asked you to look to Pages 4 and 5?
A Pages 4 and 5, yes.
Q You testified, listen to me, Detective, I want to get this precise, you testified, as I recall, that you didn't tell Lenworth Edwards that you found his blood on the jacket. Isn't that what you said, Detective? Do you hear my question?
A Yes.
Q Could you respond, please, sir? Did you testify to that earlier?
A Yes, I did.
Q You just told this Jury that it wasn't you who told Lenworth Edwards that his blood was on that jacket, right?
A On this date?
Q Yes, at that interview.
A That's what I said, yes.
Q Let's go to Pages 4 and 5. Page 4, Line 3, "On that blue jean jacket there were some, what we thought at the time were blood spots, we weren't real sure. So Det. Resendez and I transported that item and some other things to the Bureau of Criminal Identification and that lab technician verified yes, that it was human blood on that jacket, and that's why we

obtained the search warrant."

So you did tell him that?

A Yes, I misspoke.

Q So you were wrong, is that right? And the Prosecutor was wrong, is that right?

A Yes, it does appear so.

Q Let's talk about this mattress BB told you about on September 11th. Have you listened to that tape recently?

A Not recently, no.

Q When was the last time, 4, 5 years ago?

A I don't recall.

Q You are not going to tell this jury as you look at them BB mentioned the mattress as being moved?

A I would have to review the tape.

Q So any statement by you -- let me say this, BB's statement of September 11th, you asked the condition of the apartment and he says it was messed up, throwed up everywhere, bed messed up, chairs turned over, per you, you asked him, he said yeah, everything was turned over. Is that what was said about the apartment?

A If that's the facts related to the interview, yes.

THE COURT: Mr. Duff, who is BB?

MR. DUFF: William Avery.

THE COURT: The Jury probably didn't know, so you let them know.

Q William Avery, Jr., never let you know, when you testified on direct, that the bed was askew?

A I would have to review the tape.

Q Do you want to listen to it, or will you accept the notes?

A I would have to listen to the tape for accuracy, I don't know your notes are accurate.

THE COURT: With that we are going to recess. Be back at 1 o'clock. Remember the admonishment not to discuss the case, or let anyone discuss it with you.

(Thereupon, the luncheon recess was held.)

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(Hearing resumed after luncheon recess.)

(Out of the presence of the Jury.)

MR. McNAMEE: Judge, I had a problem yesterday after we dismissed the Jury at lunchtime, about 12 noon.

Myself, Mr. Duff, Gerald Milcarek and Mr. Rosenbaum were still in the Courtroom here. There was some discussion about the morning testimony. To make a long story short, eventually Mr. Rosenbaum got around to me and told me that he hates me and he hates everything about me, and I'm an asshole. And then went on to say that he's going to get me some day. And I asked him, "Are you threatening me, Jon?"

And he said, "Yeah, you're going to lose one of your licenses, your medical or law license for what you're doing in this room here. And there was a variety of things that went on like that for it must have been a good 5 to 10 minutes, those are at least some that occur to me right now, and the ones that are germane to this.

What I do believe what Mr. Rosenbaum is trying to do is intimidate me, perhaps deprive my client of the benefit of counsel, and, furthermore, is threatening my professional career, and I do want that on the record, and whatever action you think would be indicated by that, I would appreciate it.

THE COURT: I heard none of this, and I suggest, I'm glad you at least put it on the record. It's possible it could be prosecutorial misconduct that could lead

to appeal. I would suggest that perhaps you make a formal complaint to the County Bar Association, if in fact this is true, and they should be the appropriate body to do that, and I would suggest you do that, Mr. McNamee.

MR. McNAMEE: Thank you, Judge.

MR. ROSENBAUM: I agree with you, this is not the time or place for that. His rendition is inaccurate. I will admit to the Court I predicted he'll lose one or both of his licenses from what I've seen, it does not necessarily have to do with this trial. I have received information from many people, some in this Courtroom, about both of his licenses.

There was a heated discussion going back and forth with both of us. It come after his client threatened my physical existence for probably the second or third time that day. This did not stop at any time. It came after Mr. Duff insulted Mr. Taliano's ethnic background, and what went on in this Courtroom had nothing to do with this trial and he's attempting to make it out that way. That is incorrect. I do predict, unfortunately, from what I have seen from him of his legal and ethical problems, for one thing, he started on me and accused my past witnesses of being liars in other trials. I really don't have to endure that. I just want for the record to deny it, and if he can prove it let him make his complaint, I told him that, if he thinks he can prove this then let him do that.

THE COURT: That's fine, let's get on with this trial.

(Within the presence of the Jury.)

THE COURT: Mr. Duff.

MR. DUFF: Thank you, Your Honor.

CONTINUED CROSS-EXAMINATION OF GINO TALIANO

BY MR. DUFF:

Q Detective, I think when we left off we were talking about the statement of 9/11 of Mr. Avery, is that correct?

A Yes.

Q You will agree, Exhibits 15-N, 15-P and 15-T depict the bed, is that correct?

A That's correct.

Q Does it appear to you, when looking at 15-P, that mattress is too large for the frame?

A I see it, that the mattress is off to one side, I don't know if it fits or doesn't fit the frame.

Q It doesn't appear it doesn't fit the frame?

A No, it's off to a sharp-- I don't know if it fits.

Q 15-N, does it appear to be on the frame there, in that photograph there?

A It's difficult to say, I can see the -- I can't see the frame. I can see the mattress.

Q It's up against the wall?

A Relatively close.

Q It's against the wall up at the head?
A As best I can see.
MR. DUFF: I can show these to the Jury, right, Judge?
THE COURT: Yeah, they've been admitted.
Q All right. Now we were talking about the tape and what Mr. Avery told you, we found this spot.
Why don't we just play it rather than argue about it?
MR. ROSENBAUM: Objection.
MR. DUFF: It's a two second thing.
Q We found that spot, didn't we?
A Yes, we did.
Q Shall I wait until it's done, Your Honor?
THE COURT: It's your pleasure.
(A portion of the tape is played.)
Q That's the part, is it not?
A Yes.
Q And he says that the bed is on the frame where it's supposed to be in that photograph, is it not, in the photographs the Jury has, the two I showed you; the bed is on the frame?
A As best that I can tell from that photograph.
Q All right. We'll move on. That's the same condition it was in when you saw it on that date when you described it as being in an orderly fashion, you had it secured since then?

A It was secured on the 8th in the afternoon.
Q That's when you described it in an orderly fashion?
A Yes.
Q Now, you said the victim's, the photographs of the victim's body, the tear in the jean pants leg?
A Yes.
Q You don't know when that tear occurred, correct?
A No, I don't.
Q And it's true people wear jeans today, they can buy jeans with tears in them in that location?
A They can.
Q So you are not saying that is physical evidence to you of dragging, are you, that tear in that location?
A Just that it's consistent with that.
Q It could be consistent with that, how they were bought, right?
A That's also true.
Q That rip is in the knee of the pants, correct?
A It's at the knee area, the left side, correct.
Q State's Exhibit 16, do you have that, it was a lab report, Mr. Rosenbaum gave it to you on redirect, this one, what we are talking about, examination of debris. Are we talking about the red carpet fibers?
A That's correct.
Q So that's just requesting analysis of the red carpet

fibers, it's not requesting getting stains, mud, dirt, that kind of debris?

A This is just for the red carpet.

Q Debris means red carpet fibers?

A That would be one of the type debris we were looking for obviously, in this particular submission that is what it requested.

Q The debris in there, you're looking for red carpet fibers?

A That's correct.

Q You're not looking for grass stains or mud stains or anything?

A That's correct.

Q Now, you testified about things having significance to you, that car that you had on 8/13/91, you felt, and we went over your report, we don't have to do it again, but you felt that might have some connection to this case?

A That's correct.

Q And despite that knowledge you didn't have the lab look at that?

A At that time that's correct.

Q And the same thing with the apartment that we went over your report and discussed that area, you were looking for signs of a physical confrontation?

A Yes.

Q And you thought there might be some evidence on that in there?
A Correct.
Q And you found none on 8/11?
A That's correct.
Q And this same apartment you felt somehow -- I'll take that back, withdraw that.
Now, you're not saying you are an inexperienced police officer, are you, sir?
A No.
Q You have much experience, do you not?
A I've been a police officer for 19 and a half years.
Q That's a lot.
A It seems like it.
Q You have seen a lot?
A Yes, sir.
Q All this stuff, all of these photographs you thought might be blood, the point is you never found any blood in that apartment, did you?
A That's correct.
Q All right. Now you heard, Detective, the Prosecutor ask you about the treads and that?
A Yes.
Q The BCI, we heard on the video, BCI, somebody said get the Crime Lab out here. Did BCI come out behind that plaza on

that day?
A No, they did not.
Q Did BCI ever pay a visit behind that plaza?
A No.
Q But you heard the video where some police officer said let's get the Crime Lab out here?
A Lorain County Crime Lab.
Q They never came out?
A Yes.
Q They did come out?
A Yes.
Q Lorain County Crime Lab came out?
A That's correct.
Q Did they do the lifts on the prints?
A They photographed and did some other analyses, I don't recall. They photographed and enlarged it is what I recall.
Q When you got the Guice vehicle on 8/13/91, did you compare these prints with the tires on her car?
A I can't testify on the 13th that happened, but, in fact, at some point I recall checking the tire prints that we had available to us by photograph with the Guice vehicle.
Q And they did not match?
A No, they did not.
Q So this would indicate that Avery's story about the Guice vehicle being involved is somewhat inconsistent with what

happened?
A That's correct.
Q Now, when you got the rape kit analysis, did you say where's the fingernail scrapings in this case?
A I don't recall asking that, no.
Q You know they weren't done, right?
A If it's not in the lab report then it was not done.
Q Do you know from your conversation there's talk about Mr. Edwards' whereabouts, you know on that Wednesday, that Wednesday evening, the 7th, he had indicated to Gina Dalton that he had plans to leave the area to go see his dentist?
A According to Gina Dalton.
Q You would agree she has no interest in this case?
A Yes, sir.
Q An impartial third party person, no reason to lie?
A Not that I'm aware of.
Q So his trip to New York would be consistent with what he told Gina Dalton?
A Yes.
Q In fact, he came back Sunday?
A At least he was in the City of Lorain, I'm not sure when he came back.
Q The Prosecutor asked you about a quotation mark, Page 19, that you put something in quotes. You put in quotes the following statement that Gina Dalton gave you?

A Yes, I see it.

Q "You knew I couldn't have done it, I was in New York. You would tell them that, wouldn't you?"

Well, if he believed -- you don't know when Mr. Edwards believed the murders occurred, do you?

A No.

Q If he believed the murders occurred on Thursday, Friday or Saturday while he was in New York, that would be an accurate statement by Mr. Edwards, would it not?

A Accurate?

Q Well, he was in New York Thursday, Friday and Saturday?

A I don't know where he was at. I know he was in Lorain Wednesday night, Thursday morning, Sunday evening, sometime on Sunday.

Q You got a phone bill from Gina Dalton, didn't you?

A No, we never received that.

Q You heard her testify she got calls?

A Yes.

Q You don't doubt her story?

A I have no reason to.

Q Let's assume Mr. Edwards was mistaken about the night of the murder. He believed that occurred while he was in New York. That statement would be consistent with that, would it not?

A If those were the facts, then this statement would be

consistent with that.

Q And Gina Dalton was not a friend of John Edwards, right, from your investigation?

A I only know that they knew each other.

Q He was trying to get a date with her or something?

A According to Gina Dalton, that's true.

Q She was upset, in fact, that she got dragged into this?

A I don't know if she was upset or not.

Q You would agree she wouldn't lie for John Edwards, you have no reason to believe that?

A I wouldn't know.

MR. DUFF: No further questions.

THE COURT: Mr. Rosenbaum?

MR. ROSENBAUM: I have no questions.

THE COURT: Any questions from the members of the Jury?

Thank you, you're free to step down.

THE COURT: Mr. Rosenbaum?

(Out of the hearing of the Jury.)

MR. ROSENBAUM: I would like to tender my exhibits.

MR. DUFF: We have motions.

(Within the hearing of the Jury.)

THE COURT: The State of Ohio has rested its case. We'll send the Jury out, we'll go over the exhibits and

any motions. We shouldn't be out long. Remember the admonishment not to discuss this case among yourselves.

(Out of the presence of the Jury.)

THE COURT: Any problems with any of the exhibits that he's had? Some of them have already been admitted. Mr. Duff?

MR. DUFF: I don't have a list of them, Your Honor. I don't have any problem, I think.

THE COURT: Exhibit 1 is the autopsy report.

MR. DUFF: No problem.

THE COURT: Admitted. 2-A through J have been admitted, with the exception of 2-I.

MR. DUFF: That's fine.

THE COURT: 8-A through D. Was there an 8-C?

MR. ROSENBAUM: No 8-C, Your Honor.

THE COURT: And 8-D through G, the photo scenes of the body.

MR. DUFF: No problem.

THE COURT: Exhibit 10 is the video of the crime scene. 3 is the blood. 4 is blood. 5 is blood of Floyd Epps.

MR. DUFF: No problems.

THE COURT: 6 is the jacket.

MR. DUFF: No problem.

THE COURT: 11 is the indictment. 12 is

convictions.

MR. DUFF: No problem if the Court gives limiting instructions.

THE COURT: 7 is the BCI report.

MR. DUFF: Which one?

THE COURT: I don't know, the BCI report.

MR. ROSENBAUM: That's the original report pertaining to the blood on the jacket.

MR. DUFF: No problem.

THE COURT: Exhibit 13 is the jeans.

MR. DUFF: Marsha Blakely's trousers? No problem.

THE COURT: 14 is the shirt.

MR. DUFF: No problem.

THE COURT: 15-A through U has been admitted. And 16, BCI report.

MR. DUFF: No problem.

THE COURT: Mr. Rosenbaum, I don't think we have a 9.

MR. ROSENBAUM: That's a number at a different trial, and I'm trying to keep the same numbers.

THE COURT: Okay. They will all be admitted.

THEREUPON, STATE'S EXHIBITS 1, 2, 2-A, B, C, D, E, F, G, H, and J, 3, 4, 5, 6, 7, 8, 8-A, B, and D, 10, 11, 12, 13, 14, 15-A THRU U, AND 16, WERE OFFERED AND ADMITTED INTO EVIDENCE

AND BECAME A PART OF THE RECORD HEREIN.

MR. DUFF: Judge, I think I would make my 29 motion at this time. I would ask the Court to grant us a motion for judgment of acquittal based on the insufficiency of the evidence.

THE COURT: That will be denied.

MR. DUFF: Thank you, Your Honor.

THE COURT: Anything else?

MR. DUFF: We are ready to proceed.

THE COURT: Anything from counsel?

MR. ROSENBAUM: I have nothing.

I didn't hear you say 6. But the jacket is in?

THE COURT: Yeah. 6 was the jacket, that was in.

(Within the presence of the Jury.)

THE COURT: And, Mr. Duff, your first witness, please.

MR. DUFF: Mr. Dehus, I think Attorney McNamee is getting him.

Exhibit F

JR – William Avery jr.
SR – William Avery sr.
DE – Detective
UID – Unidentified party

DE: ...is Wednesday, September 11, 1991, time is 08:50 hours, Detective Captain Rivera, Detective Sargent Taliano with William Avery jr. and William Avery, Sr., Lorain Police Dept. Detective (inaudible) interview room, um, mister, the two Averys, have indicated that, there may be some information that they're, that they have that would assist this department in the investigation in the aggravated murders of Floyd Epsen and Marcia Blake. And you voluntarily come in to talk to us, is that right?
JR: Right.

DE: Ok. Um, what do you want me to call you, do they call you, do you want me to call you BB, do you want me to call Bill, William?
JR: Either one of them is fine.

DE: Well, ok, how about if I call you William?
JR: Ok.

DE: Ok. And I'll call you Mr. Avery.
SR: Alright.

DE: Alright. Ok, why don't we start from the beginning, and I'll let you just tell me in your own words what information you might have, ok? (Inaudible)
JR: Yeah.

DE: Ok.
JR: Well, the way it started I owe Al some money.

DE: Al?
JR: Al Monday.

DE: Al Monday. Do you know what Al Monday's real name is?
JR: No.

DE: We're talking about, a Jamaica Queens, Al Monday.
JR: Yeah.

DE: New York.
JR: From New York.

DE: Right. Ok, you owed him some money?
JR: Uh huh.

DE: How come?

Exhibit C

JR: Drugs.

DE: Ok.
JR: And so, he wanted me to, he wanted me to mess somebody up for him, cause Shakim had a messed, came up short, when he went to connect. And so, I went along with him cause I owed him. And so, when we got over to the apartment...

DE: Which apartment?
JR: Flo's apartment.

DE: On Sunset Boulevard there?
JR: Yeah.

DE: Ok.
JR: One of the projects.

DE: When you say we, whose we?
JR: Me, Al, Shakim, JR, William and another dude I don't know him.

DE: And was he also from New York, this other person?
JR: Yeah, all of them was from there.

DE: Ok, so you went over there to Floyd's apartment on Sunset. Ok, what happened when you got there?
JR: Well, we walked in, it was, there wasn't nobody there but Marcia.

DE: Ok.
JR: So...

DE: Do you remember what she was wearing that night?
JR: Not quite, I think she had on some blue jeans, I don't quite remember what kind of shirt she had on.

DE: Ok. Ok, so you walk, was the place locked up or was it open, all there, door open, how'd you get in?
JR: I don't know.

DE: How'd you get into the apartment right?
JR: I think they busted in, I, I don't really know.

DE: Well, you were with them weren't you?
JR: No, one of them was already there.

DE: Who was already there?
JR: The one I didn't know.
DE: He was in there with Marcia?

JR: Yeah.

DE: And he was the only one with Marcia inside the apartment when you got there?
JR: He was all alone, him and Marcia.

DE: Ok. So, when you got in there, what happened?
JR: He said this is the one I want you to mess up. I want you to mess her up bad. And I told him that I'm not messing with her, because I know her and I grew up with her, I did in the projects. And then Shakim said "Well she knows, she knows, and they started beating on her.

DE: Whose they?
JR: Shakim, JR and William.

DE: You say William, is that Al Monday's younger brother?
JR: There supposed to be, that's what I heard.

DE: Yeah. So who else? Shakim and JR?
JR: And that other dude, I didn't know him.

DE: Did he hit her also?
JR: Who Al?

DE: No, the, the...
JR: Yeah, the other guy hit her too.

DE: Ah, ok. So we have Al, Will, Shakim, JR and this unknown guy beating up Marcia, right?
JR: Al didn't put his hands on her.

DE: Ok. Um, when you say, how were they beating, with their hands or...
JR: With their hands.

DE: Uh huh, what was she doing?
JR: Fighting back.

DE: Uh huh, why was she fighting back, how was she fighting back?
JR: Scratching, whatever she could do.

DE: Uh huh.
JR: Until they knocked her out. They carried her out of there. And, that was the last I seen of her.

DE: Ok, so they knocked her out and they carried her off. Um, what were they asking? While they were hitting her, were they asking her anything?
JR: They, uh, wasn't nobody saying nothing but Shakim. "Where's my shit at? What'd you do with it?", and um, she wasn't saying nothing, just fighting. And they knocked her out and they drug her up out of there, and they went their way and I went to the house. And I...

DE: Let me, when they, when they drug her out, they drug her out to where? Did they go out the front door, the back door?
JR: They took her out the back.

DE: Back door? (Inaudible)
JR: I don't know which is the front or the back man.

DE: Well ok, the front door would face Sunset Boulevard.
JR: No, 23rd door.

Sounds as if looking at map

DE: They took her out the 23rd Street door?
JR: That, that back door man, I think that's the back.

DE: Uh huh. Ok, well, did anybody stay in the apartment after they took her out?
JR: No, ain't nobody in the apartment.

DE: Was the apartment messed up at all?
JR: Yeah, it was messed up.

DE: Well how was it messed up?
JR: Everything's thrown everywhere.

DE: Uh huh. Like what? I mean just can you describe what you saw.
JR: Ok, ok, so like Floyd's bed there, that was all messed up.

DE: Uh huh.
JR: To the, the bed was over on this side. Like when you walk through the door...

DE: Ok.
JR: As soon as walk through the door, you see a bed over here...

DE: Uh huh.
JR: A table right there.

DE: Uh huh.
JR: Ok. Everything was just messed up in there.

DE: And, chairs turned over? The table...
JR: Everything turned, they was fighting there.

DE: Yeah. Was she screaming or anything?
JR: Yeah she was screaming.

DE: Ok. Did anybody, did you see anybody with a knife?
JR: No, I didn't see nobody with a knife.

DE: Uh huh. Ok, which, how'd you guys, where did you leave from to get to her house, where you guys all at?
JR: In the projects.

DE: Where? On the other side, over there by the strip?
JR: Yeah, cause...

DE: (Inaudible)
JR: Cause Shakim had just came from a bar.

DE: Ok. And what time was this?
JR: Let's see, probably, it had to be about after 12:00 (inaudible).

DE: After, between midnight and one o'clock?
JR: It was real late.

DE: Ah, were you in the bar that night at all?
JR: No.

DE: So how did you happen to hook up with these guys?
JR: They was, he was going around collecting his money.

DE: Uh huh.
JR: Al was. And um...

DE: And did he come to collect from you?
JR: Yes.

DE: Why is it, how is it that, that they wanted, what did they want from Marcia though, was it, how? What, what she, did she owe them something?
JR: No, she found um Shakim's sack, and his money. She got a hold to a (inaudible).

DE: Do you know how she got a hold of it?
JR: Uh huh. I don't know how she got a hold of it.

DE: They didn't tell you?

JR: Nope. Far as, Patch told me.
DE: Where was Patch at? You mentioned Al, Will, Shakim, JR and an unknown guy.
JR: Patch wasn't there.

DE: Oh, ok. But you know who Patch is?
JR: Yeah.

DE: Yeah, ok.
JR: He told me that Shakim had um, threw his dope down, somebody got it, and they looking into it and stuff.

DE: Um huh.
JR: Cause, Shakim had fucked up his money and stuff.

DE: Right.
JR: That's how Marcia got his stuff.

DE: So how did you get from the strip over to Floyd's place?
JR: With um, Al and them.

DE: Did you drive over?
JR: They had Dianne's car.

DE: Dianne Guice?
JR: Yeah.

DE: Ok. Delphina.
JR: Yeah.

DE: What, what kind of car she got?
JR: That was JR's girlfriend. It look like a Nova, it's gray, it's built like a Nova, I don't know if it's a Nova or not.

DE: Yeah. When you got there where did you park at?
JR: On the side at 23rd.

DE: On 23rd Street?
JR: Yeah.

DE: Uh huh. Ok, and then uh, when they took her out the back door then, did you see what they did?
JR: No, I...

DE: How did they get her out the door?
JR: They drug her.

DE: Well, did they drag her by her feet, by her hands, how'd they drag her out?
JR: They drug her by her hair and one hand.

DE: One hand?
JR: One hand.

DE: Who drug her out?
JR: It was JR.

DE: Uh huh. So he's the one who drug her out, all by himself?
JR: Yep, by himself.

DE: Ok, and, did you see them get into the car? Guice's car?
JR: No, I didn't see them.

DE: Did you hear the car start up or anything?
JR: No, I was getting home.

DE: Well which door did you go out?
JR: Huh?

DE: What door did you go out?
JR: The same one everybody else went out.

DE: So they're dragging her out this door and you left by the same door. Ok, um, but you didn't see where they went with her?
JR: No.

DE: Well how far was the car parked from the door?
JR: I'd say about...

DE: Could you see it from the door?
JR: No, (inaudible)

DE: Did they head, did they head in the direction of the car when they drug her out?
JR: Yeah, they was headed, ok, this the door...

Sounds as if drawing something.

DE: Um huh.
JR: Ok, the, the, the sidewalk goes, ok, around to the side, so, one of the cars you couldn't see.

DE: Oh there was more then one car?

JR: There was two cars.

DE: Where's the other car, whose other car was that besides Guice's?
JR: I don't know whose the others car is.

DE: Did you, well were there two car loads of guys that went over there?
JR: Yeah.

DE: But whose car did you ride in?
JR: I rode in the other car.

DE: Not Guice's, but the other car.
JR: Yeah, the other one.

DE: What kind of car was it?
JR: I think it was a Ford, Tempo something...

DE: What color is it?
JR: It was a dark color.

DE: Who drove?
JR: I'm can't remember what color. Al, I was riding with Al all the time.

DE: Ok, so who was in the car with you and Al?
JR: It was me, Al and the dude I didn't know.

DE: Guy you didn't know. Did he ever talk to him by name or refer to him or anything?
JR: No.

DE: Did you ever see him before?
JR: I've never seen him before in my life.

DE: Have you seen him since?
JR: Nope, I ain't seen him since that night.

DE: What'd he look like?
JR: He kind of looked like JR.

DE: Uh huh.
JR: In a way.

DE: Yeah. And then who rode in the other car? Gucie's car?
JR: The rest of them dudes.

DE: Who was driving Guice's car?
JR: I don't know who was driving, I wasn't there.

DE: Was Supreme there that night? Do you know who Supreme is?
JR: The one that got Shakim to go over there.

DE: Yeah. Was he there that night?
JR: Nah.

DE: Ok, so Supreme's not this unknown guy, you know who Supreme is.
JR: Yeah, I know who he is. This dude though, he was hanging with Supreme.

DE: Uh huh.
JR: When he first got here though.

DE: Right. Where's this dude stay, do you know?
JR: He got to be from New York.

DE: Yeah, around here who'd he hang around with here besides Supreme?
JR: That's it. I ain't seen him no more though. I only seen him that night, I seen him, but, I seen him with Supreme one time, and that was it, and I ain't seen him no more, because they was hanging down the street over this girl named Tamika's house. Down from (inaudible).

DE: Uh huh. Whose hanging at Tamika's house?
JR: Supreme hangs down there and the other dude, the dude that look like JR.

DE: Yeah, we know who that guy is.
JR: Was one time down there.

DE: All right.
JR: And um, and Will, all three of them hang down there.

DE: Why do you think Will and Al are brothers?
JR: That's what they say.

DE: Whose they?
JR: Al.

DE: Al said that's his brother?
JR: Al said it was his little brother, so I thought it was his little brother.

DE: Do you know what Will's real name is?
JR: Uh uh.

DE: Have you ever heard of it?

JR: No, I don't know what it is.

DE: What's Will look like?
JR: He's about, he's short, light skinned, got short hair.

DE: How old is he about?
JR: I'd say he's about, to me he looks like he's about 18, 19.

DE: Ok. If I showed you a picture, would you recognize him?
JR: Yeah.

DE: Ok. So, when they uh, drug her out of the house, you say it was JR pulling her out by one arm, they headed towards the direction of whose car, were both cars parked together?
JR: No, one car was, ok, they was...

DE: I'm gonna draw something here. This is 23rd, ok, this is 23rd street, this would be (inaudible) ok, ah, and this is Sunset, ok. The place looks like this, the apartment. Floyed lived right in this corner here.
JR: Um huh.

DE: Alright.
JR: That's by the back way.

DE: Now this is 23rd and this is Sunset, tell me where the two cars were parked.
JR: Ok, this is 23rd.

DE: Yes. Sunset.
JR: This would be Sunset.

DE: Yeah.
JR: This Floyd's door?

DE: Right.
JR: No, this can't be right then here. Floyd's door is over towards the end.

DE: Floyd's is right here.
JR: No, (Inaudible).

DE: I got the (inaudible). I gotta (inaudible). Let me do this again. Ok, this is W. 23rd, and this is Sunset, ok.
JR: Uh huh.

DE: (Inaudible) the 24th here, ok. Now the building is like this, right.
JR: Yeah.

DE: Ok, Floyd's door is right here, right at the corner. You know, on the inside corner there. Ok now, if your looking, your on Sunset, your looking, now you walk up the sidewalk...
JR: Uh huh.

DE: And you go to Floyd's door right here, that's where Floyd's doors at. This is 23rd.
JR: Ok, when we came in, we came in through this way.

DE: Ok, through the back then.
JR: Through that door there.

DE: Ok.
JR: Now I ain't never went out this...

DE: Ok. Where were the two cars parked at?
JR: In that little dip, in the curve.

DE: Yeah, right. Ok, were they parked together?
JR: One was right here, and one down here.

DE: Uh huh. Where was Guice's care at?
JR: Right here.

DE: Ok, and you came in the other car.
JR: I came, yeah, I came in that one right there. Al was driving.

DE: That's the one Al was driving. And you don't know who was driving Guice's car?
JR: JR was driving it all the time.

DE: JR was?
JR: Yeah, that's his girlfriend.

DE: Well I thought Will was staying with her too.
JR: No, JR was first.

DE: Uh huh.
JR: Then Will moved in there after that.

DE: Yeah.
JR: She went with all of them.

DE: Uh huh.
JR: Alright.

DE: Uh huh.
JR: We came out, me and Al, and um, the one dude got in this car. They took me home.

DE: Ok.
JR: I don't know where they went.

DE: So Marcia got into Guice's car?
JR: Yeah, with the other dudes, and when we went home, he dropped me off and he said I'd get with you later.

DE: Al?
JR: Yeah, Al be one of them.

DE: Where do you live at?
JR: I lived on, um...

DE: Where'd he take you to?
JR: West 20, 2140. West 2040.

DE: Oh, just around the corner there.
JR: To the other jects.

DE: Correct.
JR: Yeah, right around the corner.

DE: 2140 what?
JR: 2140 Loraine Drive.

DE: Oh, ok.
JR: (inaudible) I'm saying with her.

DE: Yeah, alright. So ok, which way did you go? How did you get there? Did you go up to 23rd street, up to Leaven Road?
JR: No, we turned just like this.

DE: You made a u-turn up to the bridge?
JR: I guess, yeah.

DE: Well where did this car go?
JR: I don't know.

DE: Did you see them leave?
JR: I didn't see them leave.

DE: Ok, so who, did you see them take Marcia to that car?

JR: Yeah, they took Marcia with them.

DE: Who took Marcia to that car?
JR: JR.

DE: And who else?
JR: JR and Will, JR, William.

DE: Where was Shakim?
JR: Yeah, cause Shakim with them too.

DE: So JR, Will and Shakim.
JR: Yeah.

DE: Ok.
JR: Cause we were, there was three in this car and us three in the other car.

DE: Ok.
JR: The one, I didn't know the other dude though, I only seen him that night, and I think the next day on a trail bike with William.

DE: Uh huh, ok.
JR: But Justice wasn't there though.

DE: Uh huh.
JR: He wasn't there.

DE: So Justice and Supreme weren't there?
JR: No.

DE: So we got Al, Will and Shakim and Junior, you and some unknown guy.
JR: Yeah.

DE: Ok.
JR: That unknown guy, he, if I seen his picture I'd think it might be Supreme, I don't know. I ain't never seen the guy.

DE: (Inaudible).
JR: If I seen his picture I'd know him.

DE: (Inaudible) before we leave we will.
UID: Yeah.

DE: Go ahead, Mr. Avery, what do you have to say to that?
SR: I remind him of things he forgot.
DE: That's ok.

SR: Like uh, now you take, I can find out that they make those pills, this guy named Monday I'm told, now, one guy told you that he did the cuttin.

JR: Oh, Patch.
SR: And...

DE: Who supposedly done the cutting?
JR: JR was supposed to have.

DE: Patch told you JR did it? When did he tell you that?
JR: This was about two days after.

DE: Did he tell you how he did it?
JR: No, he, he ain't goin through no details.

DE: Uh huh, did he say how many times?
JR: He just said that um, JR got, stabbed the bitch.

DE: Uh huh.
JR: Fucked her up bad.

DE: How about Floyd? Did you hear anything about Floyd?
JR: I ain't never seen Floyd.

DE: He wasn't at the bar that night huh?
JR: I think that they would have found Floyd.

DE: Uh huh.
JR: Cause I didn't see Floyd.

DE: Did you see Floyd that night at all?
JR: No.

DE: Ok, did anybody tell you anything about Floyd?
JR: No.

DE: Or how he came to be killed?
JR: Ahh, I ain't heard nothin about Floyd.

DE: Ok, did any of these guys ever indicate that they felt Floyd might know where there stuff was at? Because you know Floyd and Marcia ran in the building.
JR: That what happened because Marcia was staying there with him.

DE: Right, but did any of those guys ever mention that? That they had to go find Floyd, that they were gonna go look for him?
JR: No.

DE: Other then they felt maybe Floyd might know where there, what were there, were they looking for dope or were they looking for money?
JR: They were looking for both.

DE: Ok, they weren't saying how much of either?
JR: With Shakim it was about...

UID: How much did he say?
JR: About, I ain't for sure how much he said, but it was a lot. Um, it was over twenty-five hundred.

DE: Twenty-five hundred dollars?
JR: In cash.

DE: Yeah. Do you know whether or not they ever found the money?
JR: No, they ain't never found it.

SR: We gonna look for that today.
DE: Look for it where?

SR: Um, in the woods. Now you take like some um, when I was up there checking my calls, you know, say you have to go out of retirement and get these guys correct?
DE: Correct.

SR: Then, inaudible) had told me that her and Patty Quilt and um, Mamie, had smoked all night, and they smoked, and here she had big knats all on her from mosquito bites. So that proves that they didn't find that money in that house.
DE: Uh huh.

SR: Marcia must have hid that money in the bushes. So, we made a path where we went before when we looked for the (inaudible).
DE: Uh huh.

SR: Huh?
DE: Now tell me again.

SR: You know, when we went behind.
JR: Marcia or (inaudible) house? Right behind the church?

SR: Behind the church.
JR: Through that church, there's a pathway going through there?

UID: That is towards 3rd street?
JR: Towards Uncle Jeff's.

DE: Right, ok. Right.
SR: You used to park over in there.

UID: Yeah, right.
JR: Well it could be there or you go over there across them tracks there you don't know which (Inaudible).

SR: But see , those woods is goin, is closer to the house.
DE: Uh huh.

SR: So that's what happened. You gonna go through there with a stick because that person was not someone turnin some rock, and...
DE: What are you saying...Margaret Grant or uh, who did you say it was, Margaret Grant and Patty (Inaudible).

SR: Patty Solina. See they smoked all night long.
DE: Who's the last one?

SR: Naday.
DE: Who's Naday?

JR: Needay .
DE: Who's Needay?

JR: (Inaudible)
SR: One of the sisters I know. I don't know, I can't think of her name.

JR: Maybe she's locked up now though.
DE: Needay is?

JR: I think so.
DE: Where at? County?

JR: Possibly, she got caught shoplifting or something.
DE: Uh huh. So how, how do you know that Marcia was smoking that night with them?

SR: Because Margaret came back to the shelter and said "we smoked all night", she goes "the two BB's, we had BB down on the ground and we molested BB".
DE: Yeah.

SR: And I was laughing, that he was gettin...
DE: But that wasn't the same night that she was killed.

SR: Yes it was.
DE: The night uh, you worked with Russ...

SR: That was the night that Shakim threw his sack.
DE: That's the same night?

JR: I don't know about what he's talking about.
DE: Yeah.

SR: Dude the night he threw, he threw the sack that girl found it. That's when they smoked the thing.
DE: Yeah isn't that the same night that...

JR: No, man, that was, that was (inaudible)...
DE: ...think so.

JR: That was after, when they had me around when he was over at my house.
SR: Well Margaret come back and said she'd saw she had big knots all over her arms.

DE: Uh huh, maybe. But the night
SR: Marcia wasn't there.

DE: The night that you were with Russ, was that before or after the murders?
JR: That was after.

DE: After. So Marcia was already dead when you made...
JR: Marcia was.

DE: that deal on the sidewalk and we put you down with...
JR: Yeah, she was already dead.

DE: Ok.
SR: But, now Margaret come back, Marcia was livid. They had smoked all night. And she specified Marcia. And I said "Where'd Marcia get something to smoke?" and they say she found the stash. And she, and I, I ain't heard nothin about none of this other stuff. She found the stash and they smoked all night in the woods. And then, and so she had the knots from the mosquito bites or something. But Marcia was there yet, so it had to be that night at (Inaudible) where them girls had that stuff to smoke.

DE: Um, ok.
SR: And by them woods leading to her house, leading to 23rd street, I figure that might be where they stuffed it at.

JR: What were (inaudible) about the situation was that one day I was talking to Tamika...
DE: Uh huh.
JR: And she had told me JR was down there talking and he had said it's about time for them to leave, but first we gonna knocked them Detroit dudes off, and that nigger BB he got to go too. Go death.

DE: Because you knew (inaudible)?
JR: Because I knew.

DE: Right.
JR: Cause I owe them too though.

DE: How much money you owe them?
JR: About three, three thousand.

DE: Uh huh, what happened to the dope or the money?
JR: What happened to it I threw it.

DE: The dope?
JR: Yeah.

DE: Why?
JR: Police.

DE: You, you didn't smoke up or sell it did you?
JR: No.

DE: Hey I don't care.
JR: I don't smoke.

DE: Ok. Um, you threw the dope, where'd you think, where'd they throw it at?
JR: In the projects some where. One time I was, where was I at?

DE: So what were you doing, you were working off this three thousand dollar debt that you owed them by beating up somebody? But they didn't tell you who it was until you got there, is that it?
JR: Yeah, I ain't beat up nobody else but...

DE: Yeah I understand that.
JR: That's what had started it though right there.

DE: Right. So they wanted, but that's what they wanted you to do because you owed them, right?
JR: Right, because I owed them...

DE: But they didn't tell you who it was you were going to beat up until you got to Floyd's?
JR: Yeah, they didn't tell me who it was until I got there.

DE: Yeah. Ok.
JR: But Al was doing all the talking though.

DE: Like he was directing it some?
JR: Yeah.

DE: He was in charge.
JR: Yeah.

DE: But it was Shakim's dope wasn't it?
JR: Yeah.

DE: Well why, why was Al leading it?
JR: Because Al gave it to Shakim.

DE: So was it Al's dope or Shakim's dope?
JR: I don't know if it was Al's.

DE: Uh huh, so Shakim owed Al for this dope then.
JR: Yeah.

DE: Alright.
JR: Because...

DE: That's why Al wanted it back because Shakim, he messed up his money.
JR: Shakim messed up too much of his money.

DE: Well had he done prior to this, had he done another time?
JR: Yeah, Shakim owes him for life.

DE: Oh yeah?
JR: Where he goes, Shakim goes.

DE: Huh, (inaudible).
JR: (inaudible) owe him over thirty-five thousand.

DE: Well, what he do with the other money? I mean I bet he was talking about this, just making twenty-five hundred or three thousand dollars worth of money here. What, why does he owe him thirty-five thousand, huh? He keeps messing up his money or something or what?
JR: Yeah, before he got here, well Al, he talked to me sometimes, you know when we first met we were cool like that, and, when I had first messed up, Shakim was running around running his mouth saying I had messed up

and stuff. And so I had to tell Al that if he won't shut his mouth about my business, I'm gonna do something to him. And so, Al said "ah don't worry about him, he owe me for life, he owe me about thirty-five grand, and ain't no way he gonna be able to pay that, that's why, everywhere I go he go."

DE: So you weren't afraid of Shakim then huh?
JR: No. I wasn't afraid of Shakim at all.

DE: Why not?
SR: (inaudible)

DE: Ok. Well, why, why is it that these guys from New York seem to have so much control over anybody since they moved in? Are these, are you guys, local guys afraid of him or just taking care of business with the money?
JR: Nah.

DE: Or maybe we got friends?
JR: Were that too. The thing about it is, is that when they come around, they flash all those big dollars and stuff.

DE: Um huh.
JR: And you know what I'm saying that, they talkin about what they gonna do with somebody, be it this and be it that.

DE: Um huh.
JR: You know, but what I think about Marcia, now that was just a start, it was just startin. You know, with them showin, you know, whatever happens...

UID: Yeah.
JR: A message for anybody else.

SR: Because the word is through them at the police. And they got the guns to do it.
DE: Um huh.

SR: And that shotgun squad is a joke. You know everybody didn't know them, they know where you live at.
DE: Um huh.

SR: And uh, that guy got his shot at a, where was he shot at on the way home? They, they had said they we're gonna get him.
DE: Um huh.

SR: You know. And they're a joke, they got, they got weapons better then y'all. They got those mach tens and AT 7, and, and they said that they had money to get (Inaudible), and they tired of the police.

JR: Yeah.
SR: They just gonna lay back for them.

JR: Al, Al and Shakim.
DE: Um huh.

JR: Tired of Monday gettin, you know what I'm saying, they ain't makin as much money cause the police come to watchin them.
DE: Oh here you go (Inaudible)

JR: So he said so what we got to do, we got to do like we do in the city, just lay back, start commotion and wait for the police to come and just shoot the cars and stuff up, stop them from runnin in here like they do.
DE: Um huh.

SR: And then Shotgun starts walking wide open down in the projects. They ain't here though. Huh?

JR: They ain't been here since they been out there walkin with them.
SR: I know but they say they gonna get the Detroit guy. And the police won't (inaudible).

DE: So the New York guys are gonna get the Detroit guys?
JR: Yeah.

DE: Because they don't want them muscling in on their territory.
JR: No.

DE: Is that it?
JR: Um huh. Naw, they didn't, they didn't see those Detroit dudes before all this.

DE: Well I know all that.
JR: But, I don't know what's wrong with them guys, they think they can take over everything.

SR: See they work with them troopers, and they take, and they take over south Lorain over, until the Puerto Ricans disappeared.
JR: Jamaicans.

DE: Who is gonna bring them in?
JR: Al.

SR: See what I see is they come, they come in (inaudible), they go in the projects...
JR: But there's this dude, that's the dude that's been there though, that's from there, that's been around and they were in the area where they live at, down in New York.

DE: Who's that?
JR: Um, what is his name? What was that dude's name that I seen yesterday?

SR: Ah I forgot.
JR: Russ knows his name, he had an X on his hat, him and Bobby, Bobby Patten went down there with Justice, and they got ripped off too before they got back here. But they was down there in the neighborhood where they stay at and so.

SR: If you were livin with (Inaudible)
JR: Clarence, his name was Clarence.

DE: Clarence.
JR: Yeah.

SR: They from the same place that Bill (Inaudible) used go to, remember, remember in New York when they had the Cubans was here, when I went to New York and I told you to come back on that plane when the (inaudible).
DE: Uh huh.

SR: Same friend. And see they come in here with this dope and what they got to, the way they take over, is they offer some, they offer jobs.
JR: They offer rock.

SR: Yeah, they offer jobs and they often high, where these welfare mothers that sittin up and down they give you your habits who can't afford them, and see they got, they got things that this, that the city ain't offerin. That's immediately, right now. You see, they flashing they're money, they got the dope, and uh, and if anybody around here with no job, they try you out, you do alright then you got a job. You got a job. They offeren jobs, they offeren dope. You know, protection.
DE: Since this murder, murders, these guys have left town haven't they? Some of them are still here, right?

JR: Yes.
DE: Whose still here?

JR: Only one I've seen is JR.
DE: Where'd you see him at?

JR: In Compino.
DE: In Compino.

JR: And he's got some new dudes with him.
DE: Where they from?

JR: They from New York.
DE: New York?

JR: Yep.
SR: Now sometimes when you think they're out of town, they ain't out of town, they up in Eleria, up there behind the church (inaudible) in that apartment building. Shakim and them are friends, they stayed up there. They were stayin up there, that's quiet, so you know, conservator. And they were just sittin back up in there. I don't know what apartment it is at, but I know where.

DE: I know what your talking about.
SR: You know what I'm talking about?

DE: Uh huh.
SR: That's where they be.

DE: Um huh. So other then JR, who have you seen here? Seen Shakim?
JR: I haven't seen Shakim.

DE: When was the last time you saw him?
JR: Last time I saw Shakim was about the day before he do that to (inaudible), right after that, that's the last I seen of him.

SR: I think I saw him last week...
DE: ... that picture of Will?

SR: I think I saw him last week over at (Inaudible).
DE: (Inaudible)

SR: Like I say, I've been intending to come down and talk to you folks, cause we (inaudible).
DE: Where's the...

UID: Let's put the (inaudible).
JR: Pardon?

UID: $300 down didn't you?
JR: No, Marco just stepped out something.

UID: Uh huh.
JR: Trying to remember about inside that apartment, you all were leaving.

SR: You remember the riot? (Inaudible)
DE: Yeah.

SR: Huh?
DE: I remember the, see I wasn't over here at that time, I was over on patrol, but I remember the story.

SR: Yeah.
DE: Yeah. (Inaudible).

SR: Why we, (inaudible).
DE: Uh huh.

SR: Now, I know Brandon's wife. (Inaudible). He come in and told me one dead. Then he come back in the paper, The Informer, towards the riot (inaudible) he's in the paper. That's called death. That's what makes you want to cooperate. They gonna have it pretty soon where ain't nobody gonna do nothing, then the killer does nothin, you know the good ones.
DE: Yeah.

SR: I'm talking about like me, I was protection.
DE: Um huh.

SR: I worked with them a long time (inaudible) went the down. They promised that I (inaudible). Um, Jackie Cooper, all these people worked out, and what they do, they get all that information like they got now.
JR: Now, I'll tell you when we went in there, when they first start beating on her, they had her over here, by this bed.

Pointing to something on table it sounds like.

DE: Ok.
JR: Ok. When they got to struggling, they ended up over here, right.

DE: Ok.
JR: And so, they all struggled, there's Al standing right here, I was standing right here by the window looking out. Looking out through this way.

DE: Ok.
JR: Yeah, and they fighting, and um, Shakim said "Where's my shit at? Where my shit at bitch? Where my shit at?" And um, Marcia just screaming, I don't know what she was saying, I couldn't understand what she was saying.

DE: Um huh.
JR: I think that she was special, I don't know, one of them, (Inaudible) Will, he fell somewhere over here. He fell somewhere because he didn't get, he, he, he stalled for a minute cause I think he got...

DE: I'm going to go downstairs and get that picture that's downstairs...
UID: Want me to go get that while you (inaudible)?

DE: Please.
UID: I remember what happened in that apartment.

UID: (Inaudible). There's a whole bag down there (inaudible).
JR: Ok.

DE: Ok, what, what is it that your explaining now?
JR: Ok, we walked in, and I seen who she was, and I told them I wasn't mess with her, it started over here, in this area by the bed.

DE: Um huh.
JR: Ok.

DE: To the right when you walked in?
JR: Yeah, right to the right, and then after everything got started and they got to fighting and stuff, they ended up over here. (Sounds like drawing)

DE: By the kitchen?
JR: Yeah. By the...

DE: By the table?
JR: Just the table, right here.

UID: Yeah, right.
JR: Right by this wall.

UID: The bag of pictures? It's a bag that.

(Sounds like machine was shut off and then turned back on.)

JR: About here, she hit Will some kind of way, and Will was out of it. Out of the picture for a minute.
DE: How'd she hit him?

JR: Um.

DE: What do you mean she hit him?

JR: Sort of wild. I think she busted his nose or something.
DE: Does it hurt her?

JR: Yeah.
DE: Did he bleed at all?

JR: I didn't, I didn't even notice if he was bleeding or not. But he was, she hit him hard enough to knock him back.
DE: Yeah.

JR: While the other ones was beating on her.
DE: Uh huh.

JR: And um, so she got knocked out, and JR say "Let's get the fuck out of here". And so he grabbed her and drug her.
DE: Um huh.

JR: And so, we all left out, we left out there. Ok, let me see, you go out this way.
DE: Yes.

JR: Cause here's the door, so it must have (inaudible) like that, and this is the way through the halls.
DE: Um huh.

JR: And so, me and Al walked out first.
DE: Um huh.

JR: With the other dude that I didn't know.
DE: Um hum.

JR: Ok. We left out, everybody left out this way, we got in this car, they went this way with her, and we turned like this, and they took me home. The car they had hadn't pulled off yet when we left.
DE: Ok. Where they, they, you didn't see them for the rest of the night?

JR: I didn't see them, when I...
DE: (inaudible) Go ahead.

JR: Next thing I know, see that, that day Shakim talked me into going to New York.
DE: Um huh.

JR: And that's when I told them that he didn't go. They said he went to New York, Shakim did not leave here. Shakim stayed, Shakim didn't go to New York until that next day.
DE: Um huh.

JR: Yeah, um, Al, Al, um William, they didn't leave until a day or two after.
DE: Ok.

JR: But Shakim had left that next day.
DE: You know what Will was wearing that night? Kind of clothes?

JR: Everybody had black, but I think, let me see, I don't know for sure or not if he had that yellow jacket he'd be wearing or not.
DE: Ok, you don't remember if he still had it?

JR: Naw, I don't remember, but I know everybody else had black on, except for me.
DE: Have you talked to any of those guys since the murders? Any of them at all?

JR: Have I talked to them? JR.
DE: Has he said, did he say anything about the murders?

JR: Nope.
UID: Here ya are.

DE: Thanks a lot.
JR: He asked me, he asked me "What's up man? Whatch you doin now, you still in
it?"

DE: He means in the business right?
JR: Yeah.

DE: Um huh.
JR: And I was out, I was just chillin, I just tough for other people sometimes.

DE: Uh huh.
JR: Like that. And he gave me the look, then he looked at the new dude that's from, across from New York, and that dude looked at me and they walked off and left. So like then I heard up and left (inaudible) cause I, know, know that I know what I knew about that.

DE: Uh huh. Let's get back to when Lenworth, or Will, got hit by Marcia.
JR: She hit, she busted him in his, in his, in his face.

DE: Uh huh.

JR: So it looked like.

DE: She hit him in the face?
JR: I think, if I ain't mistaken it was in the face.

DE: Yeah. Did you see any blood or anything? Did you recall?
JR: I'm not for sure, I was kind of nervous myself. I wasn't paying too much attention. I was nervous myself. I wasn't the one that beating her. I didn't think they was gonna kill her or nothin like that.

DE: Yeah. Whose that?
JR: Yeah, that's William.

DE: That's Will?
JR: Yeah.

DE: Ok, that's a picture I took of Lenworth Edwards, also known as Will.
JR: Uh huh.

DE: Right. So that's the person that got popped that night?
JR: Yeah, he's supposed to be Monday's brother.

DE: Al Monday's brother. So your positive that's him?
JR: Yeah, he looked like Will. That's him.

DE: Ok.
JR: That's what, we all call him Will.

DE: Right. That's, that's what I understand. Let me ask you this, this is a sixty-four million dollar question here. Are you willing to testify, if need be?
JR: Yeah, I have to.

DE: Ok.
JR: If I don't, like you said, they, they know I know what I know.

SR: (Inaudible).
DE: He's a man, he can talk for himself man. Your exactly right, because, your in a
position they know what that you know what is what you've told me. They know that you, you know if you saw...

JR: Yeah.
DE: And ah, let me ask you something, is there some place, well never mind, I'll ask (inaudible). Ok, what you trying to say dad?

SR: You all have to be right about this.
DE: Oh, ok. I'll talk about that later.

SR: Huh?
DE: Ok. Can you think of anything else that would be of any value to us, uh, this car that uh, that uh, that uh had been driven in, Al, have you seen that, is it his car or did somebody car he borrowed or what?
JR: I don't know, I know it was a small car.
DE: You've never seen it before?

JR: I couldn't, it was dark.
DE: Yeah, ok.

JR: On the other side of the street.
DE: He didn't say where he got the car from?

JR: Nope. He don't never talk to much.
DE: Yeah.

JR: The one night ....
DE: Where'd he get in the car at? On Lorain drive or on (inaudible) avenue?

JR: Where they picked me up?
DE: Yeah.

JR: They picked me up from my house, they knocked the door.
DE: Oh, so they came to your house to get you to tell you that they wanted to...

JR: Yes.
DE: (Inaudible). Ok, alright. Who came up to the house?

JR: Al.
DE: By himself?

JR: Yeah.
DE: Where was the other group, that was, were both cars...

JR: Sittin in the car.
DE: Were both cars out there?

JR: Nah.
DE: So you got in the car with Al, when did those other guys show up in Guice's car
then? How'd you hook up with them?

JR: We all went right there.
DE: And?

JR: I think they were at the store, (Inaudible), waitin at the store.
DE: Ok, so did you drive from your house then to the store?

JR: No, we drove, ok, we drove from my house to Loraine Drive, ok, and this is 21st Street, this the store, we drove like this, we went around, we went up through the store, he slowed down, and then he went down and went out the second driveway and went down that way. (Sounds like drawing something).
DE: Yeah.

JR: And then like when we pulled up here, when we pulled up and stopped right here, they pulled up right there. (Sounds as if drawing something).
DE: Ok. So they, they, they actually pulled further west then you. Did you...

JR: (Inaudible)
DE: (Inaudible) like they followed you in then right?

JR: Yeah, but there was already...
DE: (Inaudible).

JR: There was already one dude standing down here though. (Sounds if tapping spot where standing).
DE: Is that the unknown dude?

JR: Yeah. I forgot his name.
DE: (Inaudible)

JR: Yeah, he black, I forgot his name though, but.
DE: You ever saw any knives that night or anything?

JR: No, I didn't see none, I didn't see the actual, I was shocked to hear that they found her like that.
DE: Um huh.

JR: You know cause I...
DE: And you said you never did see Floyd that night?

JR: No, Floyd was not there at all.
DE: Did you guys hear out on the street how they did Floyd or how they (inaudible) or where they found him?

JR: Yeah, I heard that he, that he got ran over.
DE: Yeah he did.

JR: And snatched.
DE: Yeah, did you hear where they (Inaudible) did they go back to his house and find him or did they find him out on the street someplace?

JR: I don't...
DE: Well if you don't know...

JR: Everybody know Floyd Hayes do the diner street on that corner by the store or he over by the store, most likely, he was by one of these stores or he was at he bar.
UID: He don't drink inside the bar though does he?

JR: Yeah, he goes in there and drink.
UID: Yeah, I mean I know, I know he drank, but I thought he wouldn't want to spend the dollars. I mean his...

JR: No, Floyd goes in the bar, people buy him drinks.
UID: Buy him drinks.

JR: Cause his, his um, his nephews was running the bar there.
DE: Right, Black (inaudible).

JR: Yeah, they was running the bar.
DE: Yeah.

JR: And so, you know, they had to pick him by (inaudible) by one of them stores so, like in the parking lot right up there at the bar.
DE: Do you know how it is that Marcia came to be at Floyd's house that night? Did somebody take here there? So originally...

SR: She stayin with him.
DE: Well I know she stays there, but she...

JR: Shakim was already with Marcia at the bar that night.
DE: How do you know?

JR: Patch.
DE: Patch told you?

JR: Yeah.
DE: Uh huh.

JR: See, that um, Shakim got mad and he left. You see, that's when he was supposed to have been in New York. You know, when I was tellin you all that I had heard that he was arguing with her at the bar...
DE: Um huh.

JR: That night, and they told me no, because Shakim went to New York, but Shakim did not go to New York, that's just like now they sayin Shakim was gone, and my dad says he seen him in Loraine.
DE: Yeah.

JR: You know. So, from that bar, Shakim had to have somebody take her from that bar to that house, cause the dude was there with her.
DE: So, (inaudible) taking her there huh?

JR: Yeah, he had to take her there cause I think Marcia would have went running.
DE: Uh huh.

JR: You know, he had to take her.
DE: Do you know of anybody who saw Marcia in the bar? Did you see her inside the bar that night?

JR: I wasn't there at the bar, I was takin care of business I think. But, um, let me think of this person that told me they seen Shakim arguing with her at the bar. If I ain't mistaken it was um, (mumbling), I can't think of her name right now.
DE: Where ya, where are you stayin now?

JR: Um, East 25th.
DE: What's your date of birth?

JR: 6-11-68.
DE: Social Security number?

JR: 382-66-0218.
DE: And what address you stayin over there?

JR: 403.
DE: East 25th?

JR: Right on. Upstairs.
DE: Ok, is there a phone number up there?

JR: No.
DE: Alright, before you leave I'm gonna give you my beeper number. Ok. And I'll give you the number here too. What? I'm not gonna. Ok. Ok.

JR: What's gonna happen about the money that they owe me?
DE: What they owe him? What money?

JR: That Russ and them owe me.
DE: Well, the captain said he'd check into that. I don't know.

JR: Because I got...
DE: (inaudible).

JR: (Inaudible) I got a...

SR: (Inaudible).
DE: Ok. This is gonna conclude the interview of William Avery Jr., uh 1C91191, uh the time is 0, correction, it's a 9:40 hours, Detective Taliano, with um William Avery Jr. and Sr. This is concludes the interview of Detective Cap Rivera, whose out of the room.

Exhibit G

97CA006775
COURT OF APPEALS
Volume II
FILED
LORAIN COUNTY
APR 9 11 20 AM '98
CLERK OF COMMON PLEAS
DONALD J. ROTHGERY
9th APPELLATE DISTRICT
ENTERED

Thereupon, the State in order to further maintain the issues on its part to be maintained, called William Avery, Jr. as a witness, upon being first duly sworn and/or affirmed, was examined and testified as follows:

DIRECT EXAMINATION OF WILLIAM AVERY, JR.

BY MR. ROSENBAUM:

Q Will you state your name, please, sir?

A William Avery, Jr.

Q Can you talk a lot louder?

A William Avery, Jr.

Q Spell your last name.

A A-v-e-r-y.

Q How old are you, sir?

A Twenty-eight.

Q What is your date of birth?

A 6/11/68.

Q Do you work anywhere?

A No.

Q How much do you weigh, sir?

A Two hundred twenty.

Q How much did you weigh in 1991?

A About 225.
Q Do you know the gentleman seated at the front table in the shirt sleeves?
A Yeah.
Q What is his name?
A Shakim.
Q Do you know him by any other name?
A No.
Q How is it that you met him?
A Selling dope.
Q Could you elaborate on that a little more? Tell us more about that.
A We was selling drugs.
Q You sold drugs?
A Yeah.
Q Did you do that for a living to get by, to earn money?
A Yeah.
Q When was this?
A Back in '90, '91.
Q Where did you get the drugs to sell?
A From him and his friends.
Q What were his friends' names?
A Al Monday, JR, Will, Patch, Justice, Supreme.
Q Do you know where these people were from?
A They said they was from New York.

Q Who was the leader of this group?
A Al Monday.
Q What kind of drugs did you sell for them?
A Crack cocaine.
Q Did you pay money for the drugs and they gave it to you, or did some other arrangement occur?
A I got it free sometimes. Sometimes I got it -- they'd front me sometimes. Sometimes I paid for it.
Q What does front me mean?
A When they give you some you pay later for it.
Q What is the largest quantity of drugs you got from this group of people at any one time?
A Forty-five ounces.
Q How much would that cost? What were you supposed pay for that?
A $4,000.
Q Would that be fronted to you, or would you pay for that in advance?
A It was fronted.
Q Did you always sell crack, or did you sometimes sell powder?
A Always crack.
Q Did you purchase drugs from all of the people you mentioned in this group or just some of them? And also I mean by front, who gave you drugs, either paid up front or

purchased in advance?
A I got fronted from Al Monday and Patch, and I bought drugs from him and JR and Will, that's it.
Q Do you know JR by another name?
A No.
Q Do you know Will by any other name?
A No.
Q Now, how much money could you make from selling an ounce of cocaine?
A About $1,500.
Q And how much would you have to pay back for that ounce?
A About $1,100.
Q So you could make around $400 for each ounce you sold?
A Right.
Q Did you always take the money to pay them back when you were supposed to?
A At first I did.
Q Then what happened?
A Then I came short.
Q And what causes that?
A Being chased by the police sometimes, then you come short. You still have to pay.
Q Did you ever spend some of the money for things you needed that should have been paid back to them?
A Nah.

Q Did you use drugs yourself?
A Back then, no.
Q Do you now?
A Yeah, sometimes.
Q What kind of drugs do you use now?
A Smack, marijuana, I smoke crack sometimes.
Q Now, how much money did you come to owe these people?
A About 3, 4 thousand.
Q And when was that, do you remember?
A Not quite.
Q Was it around the time that Marsha died?
A Yeah, it was before that.
Q Before that?
A Yeah.
Q And can you tell what happened? Did you come to some sort of arrangement or understanding how you would pay that debt back?
A Yeah, I told him, you know --
Q Told who?
A Al Monday, if he needed someone beat up or something I could work my debt off.
Q You offered your service to beat people up for them, to pay off your debt?
A Right.
Q And you made that offer to Al Monday?

A Right.
Q Did he ever take you up on that offer?
A Yeah, that night.
Q Would you tell the Court and Jury what happened then?
A He came to collect his money and I paid him, and he didn't have no more drugs, so --
Q How much did you pay him?
A About 4 or 5 thousand.
Q Are you sure of the amount?
A Not quite, it was about in that range.
Q But you still owed him?
A Yeah.
Q And how much did you owe him even though you paid that?
A About 3 or 4 thousand.
Q And what happened then?
A So he had no more drugs, and I asked him what was up, and he said, come on --

MR. DUFF: Object.

THE COURT: Overruled.

Q Go ahead.
A So he said, "Come on and go with me."

So I'm thinking we going to get some more drugs. And we goes over to Marsha's place.

Q How did you get to what you call Marsha's place?
A We drove.

Q Who drove?
A He did.
Q Whose car?
A I guess it was his.
Q You don't know?
A No.
Q You say you went to Marsha's place?
A Yeah.
Q Was it really Marsha's house?
A Yeah.
Q Where was it?
A 23rd.
Q And what?
A Reeves.
Q In what city?
A Lorain.
Q What county?
A Lorain.
Q And what State?
A Ohio.
Q And whose house was it?
A Floyd Epps'.
Q Was it a house, what kind of place was it?
A Projects.
Q So what happened there?

A Well, we pulled up, there was a dude already at the door.
Q Who was that, do you know?
A Supreme.
Q All right. And then what?
A And him and the other 2 dudes was already there in a car.
Q In a car?
A Yeah.
Q Where was the car at?
A Right in front of the walkway.
Q Whose car was that, do you know?
A No.
Q Then what happened?
A We all got out and went into the apartment.
Q So you got out with Al Monday?
A Right.
Q And the defendant was with who else?
A With JR and Will.
Q And what happened?
A We all walked inside the apartment.
Q And then what happened?
A Then when we got in he asked me to beat her up.
Q Who asked you to beat her up?
A Al Monday.
MR. DUFF: Objection.
THE COURT: Overruled.

Q Who was standing there at that time?
A On the way in?
Q When you were asked by Al Monday to beat her up, who was present?
A JR, Will, Shakim, Supreme and me.
Q And who was there to beat up?
A To beat up?
Q Was there someone else there you were supposed to beat up?
A No.
Q Who were you supposed to beat up?
A Marsha Blakely.
Q Was she there?
A Yeah.
Q Where was she?
A On the bed.
Q Then what happened?
A The rest of them started to beat her up.
Q What did you say when he told you to beat her up?
A I told him I went to school with her and grew up with her and --
Q Then what happened?
A They started to beat her up.
Q Who would they be?
A Supreme, JR, Will, Shakim.

Q The defendant?
A Yeah.
Q And did Marsha take this?
A No, she fought back.
Q Did she fight back hard?
A No.
Q What happened?
A She busted Will in the nose and he grabbed his face, he was bleeding, and the rest of them just beat her until she was unconscious.
Q And then what happened?
A And then JR grabbed her and drug her outside.
Q And how did he do that?
A By one arm.
Q What did Will do for the rest of the fight?
A He ain't did nothing.
Q He just stood there?
A No.
Q What door did you come in?
A I think it was the back door.
Q And?
A The door towards Reeves.
Q Towards Reeves?
A Yeah.
Q And what door did people leave from?

A Same door.
Q And who drug Marsha out?
A JR.
Q How did he do that? How did he have a hold of her?
A By one arm.
Q While the beating was taking place did anybody say anything to Marsha?
A Yeah, he wanted his share.
Q Who did?
A Shakim.
Q And what did he say?
A He said where my shit at.
Q How did he say that?
A He said it about 3 times, angry.
Q Was he yelling?
A Yeah.
Q What did Marsha say?
A She didn't say nothing.
Q Then what happened, sir?
A That's when she got dragged out of there.
Q And so where did everyone go? In what direction and how?
A We went towards Leavitt Road.
Q Who got in what car with whom?
A I got back, back in the car with Al Monday.
Q Same car you came in?

A Right.
Q And where did the others go?
A Into the other cars.
Q That would be who?
A Shakim, JR, Supreme and Will.
Q Got into another car?
A Right.
Q Did you all go somewhere together?
A Behind Westgate Plaza.
Q Tell the Jury what route they took?
A To Leavitt Road and straight down, around through the back.
Q When they drug Marsha out by the arm was her head or face touching the ground, could you tell, if you could recall?
A I couldn't tell you right now.
Q Then what happened?
A Then we got back there, they took her out of the car and there was a dude already back there, and he was swinging an object at her.
Q Who was this dude that was also back there?
A Justice.
Q He was not at the house?
A No.
Q He was back there waiting?
A Right.

Q And he was doing what?
A Swinging an object at her.
Q How?
A He would just swing it, I couldn't see where he was hitting her because the car was in the front.
Q And then what happened?
A Then when we went to get out of the car I kept on going, I ran.
Q So they were still in the process of doing things to Marsha when you left?
A Right.
Q Why did you leave?
A Because I wasn't going to stick around to be there with her.
Q What do you mean by that?
A I ain't helping, I probably would have got clipped, they would have got me if I wouldn't say no.
Q You went where, sir?
A To the projects.
Q Where exactly?
A 2140.
Q Who lived there?
A My girlfriend.
Q Sir, I would like to hand you a photograph marked as State's Exhibit 8 and ask you to look at it, please.

Do you recognize that?
A Yeah, that's the back of Charlie's.
Q Is what where they took Marsha to?
A Yeah.
Q Can you recognize the person that is in State's Exhibit 2-B?
A Yeah, that's Marsha Blakely.
Q What is the name of your girlfriend whose house you went to?
A Patricia Gatley.
Q What did you do there?
A I tried to go to sleep.
Q And what happened, did you tell anyone what happened there?
A No.
Q How long did you remain, what time of day was it by now, sir?
A It was late, not morning, early in the morning.
Q What time did you leave Patricia's house?
A About 7, 8 o'clock, it was early.
Q Where did you go?
A I went to East Avenue, 403.
Q What was there?
A My other girlfriend.
Q What is her name?

A Charlene Watkins.
Q Who else was there with your girlfriend?
A Nobody was there then.
Q Did you tell her? Did you tell Charlene?
A Yeah, I told her.
Q What did she say?
A Just keep my mouth shut, don't say nothing to nobody.
MR. DUFF: Object.
THE COURT: Overruled.
Q Did you keep your mouth shut?
A No.
Q Who did you tell?
A I told my dad.
Q When did you do that, sir?
A About a day or 2 after.
Q Why did you tell your dad?
A Because I was scared, if anything happened to me I wanted him to know.
Q And what did your dad do about this, or with this information?
A He went down and turned me in.
Q To whom?
A Taliano.
Q Did you want him to do that?
A Nope.

Q Why did he do that?

MR. DUFF: Objection.

THE COURT: Overruled.

Q Why did your dad tell Taliano?

MR. DUFF: Objection.

THE COURT: Overruled.

A He wanted to turn me in for the reward money.

Q Did you feel this placed you in danger?

A Yep.

Q Did you go to see Det. Taliano?

A Yeah.

Q With your dad?

A Yeah.

Q Did you tell him the whole truth the first time?

A No.

Q Why not?

A Because I was scared if I stated I was behind the plaza that I was going to go to jail, too.

Q So what did you tell him the first time?

A Just the part about beating her up right there.

Q And did you say that somebody, did you add any other detail afterwards?

A Yeah, that he dropped me off at home.

Q That who dropped you off?

A Al Monday.

Q Did you tell Det. Taliano that you saw Monday later?
A Yeah.
Q What did you tell Det. Taliano about that?
A They said we knocked the junkie bitch off.
Q Now, did you get the $2,000 reward?
A Yeah.
Q Was your father satisfied with that?
A No.
Q What did your father want?
A He wanted $10,000.
Q What did he say to you about getting this 10,000?
A He told me, don't go in there and say nothing, unless they give it to you.
Q Go in where?
A The Courtroom.
Q Why were people going in Court?
A What?
Q Why? What Courtroom? Why would there be a Court hearing?
A Over Marsha.
Q Do you remember who was on trial at this time or not?
A I think it was the first one.
Q At the first trial?
A Yeah.
Q Your dad told you what?

A He told me to ask you for $10,000.
Q And would we give it to your father or you?
A No.
Q Did there come, to put it mildly, a disagreement between myself, Det. Taliano and your father?
A Yeah.
MR. DUFF: Object.
THE COURT: Overruled.
Q What did you do as a result of this?
A I pleaded the Fifth.
Q You wouldn't testify?
A Right.
Q And what happened to you then?
A Then I was put into the county.
Q The Judge put you in the County Jail?
A Yes.
Q For what?
A Contempt.
Q Of Court?
A Yeah.
Q For refusing to testify?
A Right.
Q What happened to you at the County Jail?
A I was put in a witness room and while I was in there one of the guards brought Edwards to my door, and he did like this

to me, and did like that, and so --

Q Inside the jail?

A Yeah, inside the jail.

Q And then what happened?

A And so I got to thinking, so I called --

Q What did you get to thinking?

A What?

Q What were you thinking?

MR. DUFF: Object.

THE COURT: Overruled.

A I was thinking, man, what is it I'm doing here. So I called down home, this FBI dude --

Q Did you call the Court first?

A Yeah.

MR. DUFF: Objection, he's leading.

THE COURT: Overruled.

Q What was the purpose of calling the Court?

A I wanted to talk to you.

Q Would I call you back?

A No.

Q And what did you do? Who did you call next?

A The defense lawyer.

Q And would he talk to you?

A I can't quite remember.

Q Did you get brought back to Court as a result of that

call?
A Yeah.
Q What happened in Court then?
A Then I testified for his side.
Q What did you say for his side?
A That I, that Taliano brought this dude to McDonald's or something, I can't quite remember.
Q What did you say about what you had previously told Taliano?
A Excuse me?
Q What did you say to the Judge about what you had told Taliano before, about being there, or these people beating Marsha up?
A I never did tell them, I told Resendez.
Q But you gave a deposition also, besides talking to Taliano, correct?
A Right.
Q In that deposition did you describe what you told the Jury today?
A Right.
Q Except for the point where you went behind the bar?
MR. DUFF: Object.
THE COURT: Overruled.
A Right.
Q Now, did you come to Court and say that was true or

false?
A It was false.
Q So you came to Court and said it was false?
A Right.
Q Why did you do that?
A Because I wanted to tell the truth.
Q Which time did you want to tell the truth?
A The second time.
Q Okay, let's back up. You had an encounter with the guard and Lenworth?
A Right.
Q I would not call you back?
A Right.
Q You called the defense lawyer, correct?
A Right.
Q You were brought back to Court?
A Right.
Q What did you say in Court then?
A I said it was all a lie.
Q And you did it for the money?
A Right.
Q And why did you do that?
A Because, I had nobody on my side. Why would I sit up there and go to jail with them?
Q In other words, you were afraid of being in jail with

Lenworth?
A Right.
Q What is the truth?
A It's the first statement I made when I came here.
Q Like you told everybody today?
A Right.
Q Were you behind the bar?
A Yes.
Q Was Justice swinging some object at Marsha at that time?
A Yes.
Q Did they all beat her up, the defendant included at Floyd Epps' house?
A Yes.
Q Were they saying anything to Marsha when they were swinging the object?
A I couldn't hear.
Q That's the beating, at the beating they said, where is my shit at?
A Right.
Q So, how much money did you get from the government for your cooperation?
A The reward and a thousand dollars for relocation.
Q So you did get the $2,000?
A Right.
Q Before the first trial you got some other money?

A Before the first trial?
Q A thousand dollars?
A Yeah, for relocation.
Q What does that mean?
A For me to move somewhere else.
Q Why did you need to move?
A I didn't think it was safe at the time.
Q So you moved to where?
A Detroit, Michigan.
Q So you received a thousand dollars moving expenses?
A Right.
Q How long did you stay in Detroit?
A About a month, I think.
Q What happened up there?
A They didn't want me down there.
Q Who is they?
A Well, my family.
Q Why didn't your family want you there?
A Because they all selling dope and stuff, and they was scared I was going to rat on them.
Q So you were an informant?
A Right.
Q And they were afraid you would turn them in for money as well?
A Right.

Q So did you have to leave Detroit?
A Right.
Q Now, after you came to Court for contempt and came back and said I made the whole thing up for money, were you contacted by any law enforcement officials while you were at the County Jail?
A The FBI dude.
Q He came to interview you?
A No, I called him.
Q And what did you tell him?
A I told him what happened.
Q You told him about being in jail and being threatened?
A Right.
Q And then did Sgt. Resendez come to see you?
A I think so.
Q And then what did you tell him at that time?
A He came to see me at the Lorain County Jail, Resendez. Then I told him about being behind the plaza.
Q That's when you told him for the first time the entire --
A Right.
Q Can you describe the object Justice was swinging any better than what you stated today?
A It was just skinny.
Q It was skinny?
A Yeah.

Q Now, how many trials have you testified in about this, do you know?

A Three.

Q And since then have you acted as an informant for the Lorain Police Department on other occasions?

A Yes.

Q And also for the Federal government?

A Yes.

Q And do you receive money on a case by case basis for that?

A Yes.

MR. ROSENBAUM: I have no other questions, Your Honor.

THE COURT: Mr. Duff.

MR. DUFF: Your Honor, I would like to take up the issue of the tapes.

THE COURT: All right. Ladies and Gentlemen, we will remove the Jury for a short period of time and we'll bring them right back in. Remember the admonishments the Court had given you not to discuss this.

(Out of the presence of the Jury.)

THE COURT: You may be seated. Mr. Duff.

MR. DUFF: For the record, I've had a chance to review the tapes. We can start with the tape of 9/11.

The inconsistencies I would like to point out, the first

one is rather minor, that he was there to give information on 9/11/91 to Det. Taliano in regard to Marsha Barkely and Floyd Epps' murders, it was both of them.

And that statement, the next inconsistency would be that they busted into Floyd Epps' apartment. He said that on the tape. Shakim, on that tape Shakim --

THE COURT: Do you want the witness here?

MR. DUFF: No, I'm sorry.

THE COURT: Remove him, please.

MR. DUFF: I didn't know he was here, I was thinking about this. Thank you, Your Honor.

Shakim said -- that Shakim said to her, she knows why, something like that. Shakim says she knows, start the beating on her. He made another statement that he didn't say today.

There's gaps, Judge, I mean, not gaps, there's things that the Prosecutor left out, like the apartment was messed up and blood everywhere. The bed was messed up. Chairs turned over, everything was turned over.

And the statement on 9/11, he said he went to the strip, to Floyd Epps' with Al Monday and in Delphenia Guice's car. Today he didn't know what car. In that statement it was officially Delphenia Guice's car. In that subsequent statement he changed it to I rode in the other car, not Guice's car.

In that statement he said that Supreme was not there,

that Supreme was not there. Initially he said that, in that statement, that he only saw Supreme one other time with this other dude that he didn't know that was there.

The previous statement, it didn't come out on direct, but that JR was driving Guice's car that night, not Lenworth. Marsha was put in Guice's car. He told the police, he said there were 3 people in each car. In one car JR, Will and Shakim, and in the other Al Monday himself and some dude he didn't know.

Then he and Det. Taliano discussed the fact that Justice and Supreme were not there, although later on in the tape, and I know, I'll bring it up, so I want to say I'm being fair with everybody, he does say if you show me a picture of Supreme it could be, I don't know, it could be if I seen a picture is what he said exactly on the tape.

He said they weren't looking for dope and dollars at Floyd Epps' apartment, on the tape. Says that when Will got hit, Lenworth Edwards got hit in the fight he fell somewhere, that, you know, he left there.

These gaps, it's inconsistent, some of these things are inconsistent with prior testimony given in this case, because the story changes over time is our position.

Then JR said let's get the "F" out of here. He said that on a tape, they all had black clothes on. Shakim was, he said in that tape of 9/11/91, Shakim was with Marsha Blakely at the

bar that night and Shakim had to have taken her to Floyd Epps' apartment. And that Shakim argued with Marsha Blakely at the bar.

Then they start talking about the money they owe me, you guys owe me money, I want the money. Det. Taliano says we'll turn the tape off, I don't want to talk about that on the tape. That concluded the one tape.

There's another tape, 9/20 tape. The things I would look to address on the 9/20 tape, and this was not necessarily inconsistent, Judge, that he came back, he tells Det. Taliano, he says, "I forgot to tell you something, they came back to my house and says we took care of the junkie bitch, knocked her off."

They, a guy named Patch brought more dope back for them. He cooked it up and gave money to Patch. This incident happened about 11:00 P.M. when bars start jumping.

He was asked several times by the police officer, "Are you sure this is the truth, the whole truth? Just tell us if you were there."

He said, "No I was not there."

Det. Taliano says,""Tell us." And he said, "No, I was not there."

Lenworth Edwards went down to the ground when he got hit, he fell to the ground. Did not see him holding anything.

This is important, Judge, Det. Resendez says, "She was

bleeding, wasn't she, because this was a pretty good beating."

He says, "Of course she had to be bleeding with them beating on her, had to be bleeding by the way they were beating her." is what he said.

Tables knocked out of place, a lot of noise. Then he says that Will might have bled in the car. He didn't see any blood in the apartment.

And the 9/20 tape, it concluded with, "If there's anything else, tell us now, get it out."

And he says, "No,, that's all I know.

This is, of course, Judge, where he's not saying he was behind the plaza, and that's it, Judge.

THE COURT: Mr. Rosenbaum.

MR. ROSENBAUM: I think Mr. Duff has acknowledged, Your Honor, most of everything he desires to ask about is not an inconsistency, and he's afraid to ask. I don't think he can then use the tape for things not inconsistent. Gaps are not inconsistent. Questions not asked are not inconsistent. In short --

THE COURT: You can ask him and if he disagrees, and says it --

MR. DUFF: How about this, I don't want to make this thing long.

THE COURT: You can make it as long as you want, it's your case.

MR. DUFF: I think --

THE COURT: The last thing I'm going to do is give you a short trial.

MR. DUFF: I know, Judge, because you're a fair guy. When we're doing tapes I like transcript. If he denies some of these I'm sure I can get them out of Det. Taliano.

MR. ROSENBAUM: I have 2 things to say, he can answer, but he's stuck with the answer, he's locked. The major inconsistency, he's not going do deny that. The things he's going to answer, if he goes into the areas and he responds, whatever the answer is, it is. The tape can't be used for whatever was not asked, it's not an inconsistency. Whether or not he can impeach this witness with Det. Taliano's letter is an issue that will be taken up later.

THE COURT: We'll take it up as it arises.

MR. DUFF: I know that I can't ask Det. Taliano something I didn't confront this man with.

THE COURT: I understand.

(Thereupon a short recess was held.)

(Hearing resumed.)

(Within the presence of the Jury.)

CROSS-EXAMINATION OF WILLIAM AVERY, JR.

BY MR. DUFF:

Q Can I call you William?

A Yeah.

Q Mr. Avery, what would you prefer?
A Either.
Q I would like to ask you a few questions, if I could, is that all right?
A Yeah.
Q Speak up loud enough so the Jury can hear you.
You knew Marsha Blakely?
A Yes.
Q You knew Floyd Epps?
A Yes.
Q In fact, Floyd Epps' mother lived across the street from you and your father, isn't that correct?
A Yes.
Q So you have known Floyd a long time?
A Yes.
Q And you have known Marsha a long time?
A Yes.
Q You grew up in the same area as those people?
A Basically, yes.
Q And that's called the projects, is that right?
A Yes.
Q So we know what we're talking about, the projects we're talking about in this case is that area by 21st and Leavitt Road, is that correct, on 21st, north of 21st and south of 21st, is that correct?

A I don't know about the north or south, but I know we talking about the 23rd projects over here.
Q That would be south of 23rd, 21st?
A I don't know.
Q Do you know where 21st Street is?
A Yeah.
Q Do you know where 23rd is in relation to 21st?
A Yeah.
Q Where is it?
A It's to the left, coming down the road to the left.
Q If you're going away from the lake, going out on Leavitt where is 23rd Street in relation to 21st Street?
A I couldn't tell you, I don't know the difference between south or east.
Q You know the lake is north?
A No, I don't, I know the lake is down Leavitt Road.
Q You don't know that is Leavitt Road?
A No.
Q Do you know what day it is today?
A It's Wednesday.
Q Do you know the date?
A No.
Q Today is Wednesday?
A I think, yeah.
Q But you don't know the date?

A No.
Q Do you know the month?
A It's April.
Q Do you know the year?
A It's April 3rd.
Q I'm sorry?
A April 3rd.
Q Do you have a problem with dates?
A I have a problem with north, south, I have a problem with reading, counting sometimes.
Q How about dates?
A Yeah.
Q You do have a problem with dates?
A Yeah.
Q All right. Now, you first talked to the detectives on what date, do you know?
A No.
Q You don't know?
A Unh uh.
Q How long after the murders, do you know?
A It was a while, about a few weeks.
Q A few weeks?
A Something like that.
Q Almost a month?
A It might have been a few weeks, almost to a month.

Q Could it have been more than a month?
A It could have, I can't quite remember.
Q You can't quite remember, all right. When you first went down to talk to them your father was with you, is that correct?
A Yeah.
Q Is that right?
A (Nods head yes.)
Q And you met with Det. Taliano, is that right?
A Yes.
Q And you gave a statement to him, is that right?
A Yes.
Q Can we agree that statement was September 11, 1991?
A I'm not for sure about the date.
Q All right. Now, you remember your deposition, is that right, do you remember giving a deposition?
A Yeah.

DEFENDANT'S EXHIBIT H, A DEPOSITION, WAS MARKED FOR IDENTIFICATION PURPOSES.

Q Handing you what's been marked for identification purposes as Defendant's Exhibit H, take a look through that. Can you take a look through that?
A I told you, I can't read.
Q You can't read. You do remember giving your deposition?
A Yeah.

Q And you were sworn and you took an oath before you gave that, right?
A Yeah, I think so.
Q All right. Now, you said earlier on direct examination that the Prosecutor asked you which statement was the truth in this case, do you remember him asking that?
A Right.
Q And you told him your first statement that you made was the truth, is that right?
A The first statement when I came through the door.
Q All right. The first statement you made when you came through the door?
A When I first came in here today.
Q All right. You have been paid a lot of money in this case, have you not?
A No.
Q You have been paid probably about $5,075, haven't you?
A I got the reward and a thousand dollars.
Q You didn't get about $5,075?
A I ain't for sure.
Q You are not for sure?
A Unh uh.
Q Remember testifying on the Benson Davis trial?
A Yes.
Q Page 217, "You would agree that's a lot of money,

wouldn't you, $1,075 altogether?
A Yeah, that's a lot.
Q Would that be a good reason to lie to get that much money?
A That --
Q That's not a good reason to lie?
A No.
Q How about getting out of jail, would that be a good reason to lie?
A No.
Q Could you think of a better reason to lie than to get out of jail?
A No.
Q You can't think of one, can you?
A Unh uh.
Q It's true that you never said anything about being in the plaza, behind the plaza until late January, 1992 when you are in the Lorain City Jail, isn't that right?
A Right.
Q That's the first time you said you were behind the plaza, right?
A Right.
Q And at this point you had already been paid some money, right?
A I ain't for sure.

Q You got paid a thousand dollars after your deposition in September of '91, didn't you?
A Right.
Q So you had already been paid money then, right?
A Right.
Q And you were in jail and after you were in jail you were able to get out by saying you went behind the plaza with these people, when you said that you got out of jail, isn't that true?
A No.
Q You didn't get out of jail when you said you were behind the plaza in 1992?
A I got out of jail after it was all over with.
Q Well, you had a burglary charge against you, right?
A Right.
Q In January of '92, you were charged with perjury?
A Right.
Q And you were charged with contempt of Court?
A Right.
Q And nobody would talk to you or have anything to do with you?
A Right.
Q And finally you got to the ear of an FBI agent, and you added to your story and said, hey, I can say I was behind the plaza now, isn't that what you told the FBI agent?

A No, I don't think it was like that.
Q Well, something like that?
A Right.
Q After you got the FBI agent to listen to you, Det. Taliano wouldn't talk to you you, the Prosecutor wouldn't talk to you, in fact, he was prosecuting you?
A I ain't for sure.
Q You were indicted for --
A I was held.
Q And you had a perjury charge against you?
A I ain't for sure.
Q If someone was here to testify that they had a perjury charge against you, they would be incorrect, for testifying in these cases?
A What you mean?
Q Did you ever have a burglary charge filed against you by that Prosecutor?
A I can't remember if I was or not. I know I was held under contempt.
Q You got a bad memory?
A It ain't that bad.
Q You would know if you got charged with perjury, that's something you wouldn't forget?
A Well, I forgot.
Q So you do have a bad memory?

A About burglary, yeah.
Q So your memory is bad in some areas and not to others that's what you want us to believe, yes or no?
A Yes.
Q Now, you did say today that you saw Lenworth Edwards bleeding?
A Yeah.
Q You did see blood?
A I seen him grab his face.
Q You saw him grab his face?
A That's right.
Q You're sure about that?
A Yeah.
Q You do you recall in your deposition saying that -- how long did this beating go on?
A It wasn't very long.
Q It wasn't very long? How long, tell us?
A Around I'd say 15, 20 minutes.
Q Twenty minutes. Three guys were beating her?
A Four.
Q Four guys? Was it 3 or 4?
A It was 4.
Q It was JR, Shakim, Will, and Supreme? That's 4, is that right?
A That's right.

Q Four guys beating her for 15 to 20 minutes, is that right? You didn't do anything, you sat there and watched this?

A Yes.

Q You were looking out a window?

A No.

Q You never said you were looking out a window when this happened?

A I don't remember saying that.

Q You never told Det. Taliano when this was going on you looked out the window?

A I don't know.

Q You said Lenworth got hit in the face and he held his nose, right?

A Uh huh.

Q Page 12, Mr. Prosecutor. Do you recall testifying in that deposition that -- this was September of '91, right, your deposition?

A I don't remember the date.

Q You wouldn't argue with that?

A No.

Q "Where did she strike him at?"

Answer, Page 12, "Above his shoulders, like somewhere."

"And did he react do that strike somewhere? What did he do after he was hit?"

"He just stood back."

"Did he hold himself in any way?"

"I couldn't really tell."

Is that what you said previously?

A Yeah.

Q That's a little different than getting hit in your nose and standing back and holding your nose, is that different?

A Well, like --

Q Is that testimony different in your mind that I just read?

A No.

Q That doesn't sound different to you?

A Unh uh.

Q All right. You said today he was bleeding, right?

A I said he grabbed his face.

Q Did you see blood?

A I can't quite remember.

Q You can't remember? Well, you said back then you were asked the question, "Do you know if he was bleeding in any way?"

And do you know what your answer was?

A What was it?

Q "No."

Do you recall saying that?

A I guess I said it. It's been a long time.

Q You would agree your memory was better of these events back in September of '91, than it is almost 5, 6, years later, 5 and a half, isn't that correct?

A Yeah, it's been a long time.

Q Yeah, it's been a long time.

We're talking about the money received. You don't recall getting $5,075?

A I got $2,000 reward money and I got a relocation fee.

Q Did it all come to $5,075?

A I got paid for -- yeah, that's about right.

Q That's right, right?

A Yeah, that's about it because I was held as a material witness.

Q When you were held as a witness you got what, paid $25 a day?

MR. ROSENBAUM: I'm going to lodge an objection. That money was paid by this Court, not the Prosecutor's Office. He was locked up under a Court order.

THE COURT: Overruled.

Q You got about $5,075 in this case?

A Yeah.

Q What would you make a year prior to this? What kind of money would you make, would you earn?

A What you mean, by working?

Q Yeah, how much would you earn?

A I don't know.
Q You didn't earn very much, did you?
A I didn't work.
Q Well the Benson Davis trial was tried in '94, September of '94, do you remember that?
A No.
Q You don't remember, but you wouldn't disagree with that?
A No.
Q Can you tell the Jury how much you make a year?
A How much I make a year?
Q How much did you make a year back in these times, '93, '94, how much would you earn?
A I was a hustler. I wasn't working really. I'd keep a job for a week or 2 and that was it.
Q Do you remember being asked how much you earned in '93, the year 1993?
A No.
Q Do you remember telling the Jury in that case, that in 1993 you made $200?
A $200?
Q Yeah.
A For what?
Q For the whole year. Question, Page 175 Davis transcript, "How much money did you make in the last year?"
Answer "$200."

Question, "How much?"

"About $200."

Question: "$200?"

Answer: "Yeah."

Did you give that testimony?

A I don't remember that.

Q Do you want to read that? You wouldn't disagree with that sentence, would you, sir?

A No, I wouldn't.

Q So you testified you made $200?

MR. ROSENBAUM: Object, he said he doesn't remember.

Q You testified in the Benson trial you made $200, is that correct?

A I don't remember.

Q Wouldn't you say $5,075 is a lot more than $200?

A Right.

Q And that would be a good reason to lie, if you get that kind of money, right?

A No.

Q But you liked to work for police and try to get money out of them, right, try to get money out of the police? You have done that on other occasions, other than this case?

A Yeah.

Q The Prosecutor brought it out, you did it for the Secret

Service, didn't you?

A Yeah.

Q You tried to collect money for working in a food stamp fraud program?

A Right.

Q Do you know these people? Do you know Agent Robert Wyche?

A Yes.

Q Do you know Agent Michael Young?

A Yes.

Q And you were working for them in a food stamp scam, weren't you?

A Yes.

Q And you were trying to shake people down for money, right?

A No.

Q Did you get into that for the money?

A Sort of.

Q And did you lie to the Secret Service about what people were telling you in that case?

A No.

Q You didn't lie to them?

A No.

Q And they stopped using you, didn't want nothing to do with you, isn't that correct?

A Yes.
Q Now, had you ever been to Floyd Epps' apartment before this, any other time before August 8th?
A No.
Q You haven't been?
A No.
Q You knew Floyd Epps though, right?
A Yes.
Q You knew where he lived?
A No.
Q You didn't know where he lived?
A No.
Q This Justice guy, where was he at, was he at the apartment, according to you, according to your testimony today?
A No.
Q He was not at the apartment?
A No.
Q He was not there.
Now, you have looked at some pictures in this case?
A Yeah.
Q When this body was dragged, how far was it dragged?
A About from here to out in the hallway, about.
Q Why don't you stop me when I'm at the right distance, okay? How far back? Was it further than this?

A Yeah.
Q It was dragged, I think, face down, by one arm?
A I can't quite remember. It was dragged by one arm.
Q Who dragged her?
A JR.
Q Face down? And do you agree with that?
A I can't quite remember.
Q How far, further than this?
A Yeah.
Q Further than this, right?
A Yeah.
Q Across concrete right?
A No, across the grass.
Q Across some concrete too, right?
A Right.
Q And some grass?
A Right.
Q And into the car and parking lot, right?
A At the curb, the car wasn't in the parking lot.
Q Okay. How far was that car, was it further?
A Yeah.
Q Further?
A Yeah.
Q Further than this?
A Yeah.

Q How far? Stop me. Further?
A Yeah.
Q Right here?
A That's about right.
Q Right here?
A Yeah.
Q You would agree that's about 60 feet?
A I guess.
Q Or more, is that right?
A (Nods head yes.)
Q And this was dragged, a body across grass and concrete, right, is that right?
A Mostly grass.
Q Mostly grass, grass and mud, dirt?
A Right.
Q And she had her clothes on, right?
A Yeah.
Q Where's the photographs of the interior of the apartment?

Did you -- let's talk about the blood again a little bit. Did you see blood in that apartment?

A I wasn't looking for no blood. I wasn't quite, you know, I was stunned myself.
Q Was Marsha bleeding?
A I wasn't paying too much attention.

Q You don't recall telling the Lorain Police Department, of course she was bleeding, she was bleeding all over?

MR. ROSENBAUM: Objection.

THE COURT: Overruled.

Q Do you recall telling them that?

A Unh uh.

Q So you might have said that, you just don't recall?

A Right.

Q Now, do you remember testifying in your deposition that you saw no blood, right? You can recall that?

A That I what?

Q That you saw no blood in that apartment?

A Right.

Q Would you expect someone to bleed from the pelting they were giving her that you claim you saw?

A Of course.

Q You would expect that person to bleed, right?

A Right.

Q Those were 4 husky, tough guys, right?

A I wouldn't say all that.

Q They weren't as tough as you, but they were pretty tough guys?

A I don't know if they was as tough as me or not.

Q You will expect someone to bleed in this kind of beating, right?

A Yeah.
Q How long did you know Lenworth before this happened?
A I ain't for sure about it.
Q About one month?
A It could have been.
Q And you said on your direct examination that you paid him 3 to 4 thousand that day?
A I paid Al Monday.
Q You paid Al Monday 3 to 4 thousand that same day?
A Right.
Q Did you ever tell the Lorain Police Department you had paid him 3 to 4 thousand that very same day? Did you ever tell Det. Taliano that?
A I might have.
Q You might not have, too?
A I might not have.
Q You will agree your story has changed as time goes on, right?
A No.
Q Let's go back then to September 11, 1991. Your statement is that you just saw Marsha get beat up, right? That's all you saw in Floyd Epps' apartment, is that your initial statement? All right. And you don't know anything about anything else, that's all you told them, right?
A Right.

Q And you didn't get any money, did you?
A No.
Q You haven't got any money yet, right?
A No.
Q So then you changed your story later, right before your deposition, correct?
A I told the truth.
Q Just answer my question. Did you change your story later and add something to it after September 11th?
A Right.
Q Before your deposition, right?
A Yeah.
Q On September 20th you stated to Det. Taliano, I forgot to tell you something, right? I forgot to tell you that Al Monday came back to my house and said we killed the crackhead, right?
A Right.
Q What was the words you used?
A Junkie bitch.
Q We killed the junkie bitch. You told Det. Taliano that, on September 20th. You told him you forgot to tell him that?
A Yeah, I told him that.
Q What was that, we killed the what?
A The junkie.
Q Junkie, what did they call her?

A Junkie bitch.
Q That's right?
A Right.
Q Junkie bitch, right?
A Uh huh.
Q You added that in an attempt to get some more money, right?
A No.
Q You hadn't gotten the money then, had you?
A No.
Q Six days later, 5 days later you gave your deposition, right?
A I don't know if it was 6 or what.
Q About a week later, right, 9/26 you repeat the same story that he came back to your house and told you that, right?
A Right.
Q And you remember the cops, the police officers, remember the police officers pleading with you and asking you, please, if you know anything more, I'm talking in that time frame, if you know anything more just tell us. There were a lot of police officers there talking to you?
A Yeah.
Q And there's Det. Taliano, Det. Resendez, now Chief Rivera, he was there, right?
A I ain't for sure if the Chief was there.

Q But Det. Taliano and Det. Resendez were there, right?
A Right.
Q And they begged you, if you know anything else tell us now, at the scene of the crime. Do you remember them telling you that, and you said nothing else?
A Right.
Q And you also said, those were Al Monday's exact words, exact words, "We killed the junkie bitch."
A Right.
Q And that's a lie, Al Monday never said that to you, did he?
A Right.
Q But you testified at the deposition under oath that those were his exact words, right? And you swore to God those were his exact words?
A I didn't swear to no God.
Q Didn't they give you an oath before you testified like today?
A Yeah, I raised my right hand.
Q Did you swear to God to tell this Jury the truth?
A I swore the oath, if that's what you mean, when you swear up the oath.
Q That you swear to God?
A Well, yes, I did.
Q You did that today?

A Right.
Q And it means something to do that?
A It supposed to.
Q Does it mean anything to you? I want to know.
A Yeah.
Q Did it mean anything back on September 26th when you took that oath?
A Yeah.
Q But you lied, right?
A Right.
Q So it doesn't mean a lot?
A Huh?
Q It doesn't mean a lot?
A It means something to stay alive.
Q It doesn't mean a lot to take an oath to you, you have been known to lie under oath, right?
A Right.
Q Now, you claim that you owed these guys $3,000 for drugs, right?
A Right.
Q So when you're in the hole to somebody for $3,000, it doesn't make any sense that they would want to give you more drugs, right, until they got paid, right, that's why it's a problem?
A No, that's never been a problem.

Q If you owed me $3,000 for drugs, you think I would still give you more drugs, even though you were in the hole to me for $3,000?
A Yep.
Q The $3,000 ain't a problem because you can still get drugs anyway?
A Right.
Q Now, you also said in these statements that Supreme was in the car with Al, right; with you?
A No.
Q You never said that?
A I don't remember that, no.
Q You might have said that?
A No.
Q You sure you didn't say that?
A I don't recall that.
Q You don't recall that? Page 14 of the deposition, now listen, so we get this straight. The testimony we're talking about now is whether -- let's go to the story you told in September of '91 where after the beating you allegedly went home, right, or you went to your girlfriend's house?
A No, after the beating we went behind the plaza.
Q I'm talking about the story, just follow me, I'm talking about the story you told police then, that version?
A All right.

Q How did you get home in this version you gave to the police, how did you get home, walk or did Al drive you?
A He drove me.
Q Did you tell the police in that version, the Supreme guy, the dude you didn't know was in the car?
A I might have.
Q Might have?
A I might have.
Q You might have told them that? That would be a lie?
A Yeah.
Q Page 14. "Where did you go?"
"I went home."
"How did you get home?"
"I was dropped off by Al."
"Who was in the car?"
"The dude I don't know."
"Does he have a nickname?"
"I don't know, I never did know."
"Does he go by Supreme?"
Did you testify to that?
A Yeah.
Q That's a lie, right?
A Yeah.
Q Then you would agree that your sworn testimony in this deposition is full of lies, right?

A No.
Q Well, it's got a lie about the junkie bitch, right?
A Right.
Q It's got a lie about Al riding in the car with you, right?
A Him taking me home.
Q That's a lie, Al taking you home is a lie?
A Yeah.
Q Supreme being in the car with you and Al is a lie?
A Uh huh.
Q Do you want me to go through some more lies, or would you agree, there's a lot of lies?
A No. Tell me all the lies.
Q It's hard to keep track of them.
MR. ROSENBAUM: Object.
THE COURT: Overruled.
Q Would you agree, you told so many lies it's hard to keep track of them?
A No.
Q For you?
A No.
Q You keep track of your lies?
A I know what I said.
Q You didn't know that you told the Prosecutor under oath at a deposition that Supreme was in the car with you and Al?

You didn't know that until I refreshed your memory, you had forgotten that?

A Yeah.

Q So you would agree, it's hard to keep track of lies?

A Right.

Q Now, what time today, in your latest version, do you claim that Al came over and got you?

A What time?

Q Yeah, what time of day?

A It was dark, probably almost 11:00.

Q 11 o'clock?

A Close.

Q 11 o'clock? I think you testified previously that's when the bars start jumping, right?

A Yeah.

Q And that's what you consider bar jumping time, 11 o'clock, right?

A Yeah.

Q And that's what time this happened? That's what time Al came and got you originally?

A I ain't saying it's 11:00 on the nose.

Q I know, somewhere around?

A Yeah.

Q Do you know Delphenia Guice?

A Yeah.

Q She knows you, right?
A Right.
Q She grew up with you?
A No.
Q But she knows people that know you, right?
A Yeah.
Q You talked to her about this case, didn't you?
A No.
Q Never?
A I don't recall.
Q Was there a lot of talk -- was there a lot of talk on the street about this case, back in August, September of '91?
A Yeah.
Q A lot of talk. Then a reward was posted?
A Right.
Q And you knew nothing until a reward was posted. You didn't tell anybody anything about this case until a reward was posted, right?
A I don't recall if I said it before or after.
Q You became a fountain of knowledge after the reward was posted, right? Is that right?
A I don't know about that.
Q A partial fountain?
A What you mean a fountain? I became a witness.
Q For money?

A No, it wasn't for the money.
Q It wasn't for the money?
A No.
Q Do you recall in your first statement to Det. Taliano on September 11th, you said, "What about the money?"
And he said to you, Det. Taliano, "We're going to turn the tape off and talk about that."
Do you recall that happening?
A No, I don't recall that.
Q That might have happened, though?
A It might have.
Q After you turned the tape off did you talk about the money with him and your dad, and Det. Taliano?
A I don't recall, I don't remember if we did.
Q You got a thousand dollars after this deposition, right?
A Right.
Q That was a lot of money, right, to you?
A Right, it's a lot of money.
Q A lot of money to a guy like you who is earning what you made before, right?
A Yeah.
Q Now, case comes to trial, you are subpoenaed as a witness in the case involving Lenworth Edwards, right? Do you remember that?
A Yes.

Q You walked into Court under oath, right? Is that right?
A Right.
Q Page 246, and I want to know if this is what you said. You were given an oath just like today, right?
A Right.
Q And just like in your deposition you were given an oath?
A Right.
Q Before we get into this, we have established that you lied in the deposition, you also would agree with me, would you not, you lied to the police on September 11th, right?
A Right.
Q And you lied to the police on September 20th, right?
A Right.
Q Yes?
A I said right.
Q I just want to hear it. Now, how many times did you meet with the police altogether, any idea?
A No.
Q You met with them numerous times, didn't you? You know what I mean by numerous?
A Many times.
Q You met with them many times about this case, didn't you?
A What do you mean, met with them?
Q Sat down and discussed the case, sat down with Det. Taliano or Det. Resendez and discussed the case?

A Right.
Q How many times, can you guess?
A About 3 or 4 times.
Q Three or 4 times, is that numerous times to you?
A Yeah.
Q But you have testified at least that many times, haven't you?
A Yeah.
Q But you met a lot more times than you testified, haven't you?
A No, I don't think so.
Q All right. Now this oath you took on December 17, 1991, let's get to that, in front of a Jury, right?
A Right.
Q Just like this Jury, but different people, right?
A Right.
Q Did you walk into Court and say the following things, "I'll perjure myself. I'll lie about anything because I needed the money."

Did you say that?

A Yes.
Q "I wanted it."

Did you say that?

A That? I don't think I said I wanted it.
Q You didn't say the following, "I'll perjure myself, I'll

lie about anything because I need the money."

A I don't --

Q If the transcript says that you wouldn't disagree with that, would you?

A No, I wouldn't.

Q And you were asked by the Judge in this case, Judge Harris, do you remember the Judge asking you "When did you lie today?"

Do you remember the Judge asking you that on that case?

A No.

Q You don't? You wouldn't disagree the Judge asked you that?

A No.

Q We're still on 217, and you said in response to the Judge saying, "When did you lie today?"

Do you remember what you said?

A No.

Q Do you remember saying, "Through everything, through everything I lied."

Do you remember saying that?

A No.

Q Transcript wouldn't be wrong, would it?

A No.

Q "It was all a lie." Remember that?

A Yeah I remember that part.

Q It was all a lie because you needed the money, right?
A Right.
Q That's what you said in front of a Jury under oath before a Court just like the Judge here?
A Right.
Q And that's after the Judge asked you if you were lying, right? The Judge himself in this case asked you whether you were lying?
A Right.
Q And you told him through everything, right?
A I don't remember saying through everything.
Q But if the transcript says that it's true, right?
A Yeah.
Q So you have lied to police officers, to juries and to Judges, right?
A Well, yeah, I guess that's what it adds up to, right.
Q You have lied?
A Right.
Q Now, then we're at January 9th when you're stuck in jail, right?
A Right.
Q And you got to get out of jail, you want out of jail right?
A Not at the time I didn't.
Q You don't want out of jail?

A No.
Q You wanted to stay in jail?
A Yeah.
Q You like jail?
A No.
Q You can't think of a better reason to lie than to get out of jail?
A I didn't want to get out of jail.
Q You added something to your story, didn't you?
A I told the full truth.
Q Just answer my question, sir, did you add another version to your story?
A Yeah.
Q And this time you say I, you know I forgot to tell you I was behind the plaza, did you say that?
A Yeah.
Q So you added behind the plaza, and because of that sometime you got out of jail. When did you get out of jail?
A I don't remember.
Q You don't remember it's hard to remember this tough stuff?
A Yeah, it's been so long ago.
Q Yeah. Let's look at this table, 8-G, do you recognize that table?
A Nope.

Q That table is erect, is it not standing up?
A No.
Q It's leaning up against the wall and standing flat, right?
A Yeah.
Q And there's items on it, right?
A Yeah.
Q Is that how that table looked when you were in there?
A It wasn't like this when I left.
Q It wasn't like that when you left?
A No.
Q So someone came in and cleaned it up?
A Yeah, they had to if the table was like this.
Q So someone must have come in and cleaned that apartment up?
A Yeah, somebody stood the table up because it wasn't standing.
Q Floyd Epps was a severe alcoholic, was he not?
A Right.
Q He was not the kind of guy to fix something if it was broke, he'd just leave it, right?
A I couldn't say that.
Q You knew him?
A I didn't know him that well.
Q Well, you knew his family?

A Yes, I knew his family.
Q Everybody in that area basically knows everybody else in the projects?
A Right.
Q And you knew of him?
A Yeah, I knew him from laying around by the store, that's about it.
Q Yeah, laying around by the store, drunk?
A Right.
Q And a guy like that you wouldn't expect to have a neat--
MR. ROSENBAUM: Object.
THE COURT: Overruled.
Q You wouldn't expect him to have a neat, clean house, just from your experience?
A No.
Q So it wouldn't surprise you he had a broken table leg in his house, would it?
A No.
Q That wouldn't surprise you, would it?
A Unh uh.
Q When you left there, what are you claiming to -- how that table was?
A It wasn't standing, it was tilted over.
Q It wasn't knocked over, just tilted on its side, is that what you're saying?

A It was knocked over.
Q It was knocked over or tilted over?
A It was knocked over.
Q Is there a difference between being tilted on the side and being knocked over?
A Yeah.
Q What is the difference?
A If it was knocked over the table would be flat.
Q The table is flat? It would be like upside down?
A Right.
Q With the legs up?
A Right.
Q Is that what you're saying it was?
A No.
Q What are you saying it was?
A No, it was on the side.
Q It was tilted on its side?
A Yeah.
Q That to you is the difference between being knocked over and being tilted on its side, right?
A Right.
Q And today you're saying it was tilted on its side?
A I'm saying the table was sideways with the legs flat and sticking up.
Q That's knocked over?

A Right.
Q In your mind that's knocked over?
A Right.
Q Did you ever testify previously in this case that table was knocked over?
A Right.
Q Lying not upside down, just sticking up, you testified to that?
A No.
Q You never said that?
A No.
Q You never said this table was knocked over in a previous trial?
A Yeah, I said it was knocked over. That ain't what I call knocked over with the legs sticking straight up.
Q I thought that what you just told me, when the table is knocked over it's flat with the legs upside down?
A Yeah.
Q You know what that means in your mind, right?
A Right.
Q Did you testify earlier in this case, and today, so I get it straight, the table was over on its side?
A Right.
Q Did you ever testify in this case that the table was knocked over?

A Right.
Q So to wrap this table discussion up -- you all right, Mr. Avery?
A Yeah.
Q To wrap this table discussion up, today you are saying it was tilted over, right, tilted on its side?
A The table was on the side, yeah.
Q And that disputes your testimony in other cases where it was knocked over?
A That's what I mean by knocked over.
Q I thought you told the Jury what you meant by knocked over?
A I know, that's what knocked over means, the legs straight up, but I know it was on its side.
Q So you lied in the other case?
A Well, if you want to call it a lie.
Q You lied about a lot of things, so we might as well call that a lie, too?
A We might as well.
Q When you went into -- you were asked about -- you went to the police station to give information on the murders of Floyd Epps and Marsha Blakely, right?
A Right.
Q You never told them anything about Floyd Epps, did you?
A Never knew anything about it.

Q Never told anything about Floyd Epps, did you?
A I never knew anything, I never seen anything.
Q Did you know Floyd Epps' throat, was slashed, too?
A No.
Q Did you know Marsha's throat was slashed in a similar fashion, same way?
A What you mean?
Q To Floyd Epps'?
A I don't understand what you saying.
Q Did you know Marsha Blakely and Floyd Epps' throats were both slashed?
A I knew Marsha's was.
Q You didn't know Floyd Epps' was?
A No.
Q Now, I'm a little confused, how many guys beat this woman according to your story?
A Four.
Q Four, is that right?
A Yeah.
Q Four guys just beating on her for 15 to 20 minutes, right?
A Yeah.
Q Four guys beating her for 20 minutes, right? This was a constant beating, right?
A Yeah.

Q They didn't let up, just kept beating her and beating her, right?
A Yep.
Q And she didn't say anything, she just screamed for help?
A She was fighting back.
Q But she screamed, right?
A I didn't hear her scream.
Q You didn't hear her scream?
A I don't think so.
Q Let's get this straight, did you hear her scream or not?
A I don't recall.
Q That you didn't hear her scream or you don't recall?
A I don't recall.
Q That's a safer answer. Would you say it's safer not to recall than say you don't remember?
A I don't recall.
Q You would agree it was a constant battle with 4 guys beating her, right?
A Yeah, until Lenworth got hit, then there was 3.
Q So it was 3 then, it wasn't 4?
A Yeah.
Q Now, you don't recall her screaming. Do you recall testifying that she screamed throughout?
A I don't recall.
Q You don't recall that?

A Could I get a glass of water or something?

THE COURT: I'll tell you what, we're going to recess for lunch at this time. Be back at 1 o'clock. Remember the admonishments the Court had given you not to discuss this case among yourselves or permit anyone to discuss it in your presence.

While we are on recess, I don't want this witness being talked to by the Prosecutor's office or detectives to go over any testimony. If there is there will be a contempt against those people. Do you understand that? Also, you are not to discuss any testimony with anyone. Do you understand?

THE WITNESS: Yes.

THE COURT: With that, we stand recessed until 1:00.

(Thereupon, the luncheon recess was held.)

(Hearing resumed.)

(Within the presence of the Jury.)

THE COURT: Mr. Duff.

MR. DUFF: I would like to continue.

CONTINUED CROSS-EXAMINATION OF WILLIAM AVERY, JR.

BY MR. DUFF:

Q Now, Mr. Avery, do you recall the colors of the clothes these individuals had on that night?

A Dark jeans, all dark clothes.

Q Everything was dark, right?

A Right.
Q You told the police that and you testified to that previously?
A Right.
Q Everybody had dark clothes on?
A Right.
Q You can't recall, everything was just dark?
A Right.
Q Handing this to you, State's Exhibit 6, this is not a dark jacket, is it? Is that dark to you?
A No.
Q It's not, is it?
A No.
Q Did you say you couldn't recall at your deposition that Marsha Blakely screamed throughout this alleged beating, through this beating?
A Right.
Q She did scream?
A No, I don't recall.
Q Page 36 of the deposition. Line 9,"It's your testimony while this beating was going on the only thing Marsha Blakely did was scream?"
Answer: "Right."
Did you say that?
A I might of did.

Q All right. And this place where this happened, it's a government housing project, is that right?
A I suppose so.
Q Do you know that or not?
A No, I don't know for sure.
Q It's called the projects, right?
A Right.
Q These are low income houses?
A Right.
Q And they don't have central air conditioning do they?
A No.
Q So it was summertime, the windows would have been open in the apartment?
A I don't know.
Q You don't know?
A No.
Q And there's a courtyard right outside there, is there not?
A Courtyard?
Q A courtyard, yeah.
A What do you mean a courtyard?
Q A courtyard where people can congregate right outside of Floyd Epps' apartment? Do you know what I mean by a courtyard?
A Unh uh.

Q Is there an area outside of Epps' apartment where people can congregate? You don't know what I mean by courtyard?
A No.
Q Now, as you left the car with Al Monday, and it's your testimony today, Supreme was not in this car with you, right?
A No.
Q As you left and went up to the apartment, was that car already there or were you there first? How did that happen?
A It was already there.
Q It was already there?
A Yeah.
Q You didn't testify at previous occasions that it came up later?
A No.
Q You don't recall?
A I don't recall.
Q Well, let's get to that later.
As you walked up to the apartment did anybody say anything?
A No.
Q Nobody said anything?
A Not until we got inside.
Q Nobody said be quiet, let's go in and do this? Nobody said anything like that?
A No.

Q All right. Now, I asked you earlier about the manner in which Marsha Blakely was dragged. Do you recall that, sir?
A Yes.
Q You didn't think she was dragged face down, did you, is that right?
A I don't remember if she was face down or face up. I know she was drugged by one arm.
Q Page 150, Vincent Davis' trial, do you remember being asked, "Can you tell us how he did that, describe that?"
Your answer was, "He drug her by one arm, face down."
Do you remember saying that, back in September of 1994? Do you remember testifying to that?
A I don't recall, but if it says there I did.
Q You said that, you would agree if someone got dragged face down across concrete and grass, there would be some marks on their face, is that correct?
MR. ROSENBAUM: Object.
THE COURT: Overruled.
A It's possible, it's possible.
Q All right. Now, the time frame we're talking about is 11 o'clock, right, about when the bars close, that's when you got picked up, is that right?
A Bars don't close until --
Q I'm sorry, I know that. Your language was when the bars start jumping, that's the time frame you're using?

A Right.
Q And that's about 11 o'clock, correct?
A Yeah, about that time.
Q And how long do you estimate this whole thing took until you got dropped back off, the version, the latest version said that you ran home, right?
A Right.
Q According to that version what time would you have arrived home?
A I don't recall.
Q Well, how long, if you left about 11, 11 P.M., what time do you think you got home, just approximate as best you can?
A What, from the apartment? You talking about the whole thing or what.
Q I'm talking about the latest story you told where you claim you ran from behind the plaza, do you follow what version I'm talking about?
A Yeah.
Q Let's go about it this way. How far would you have to run to get home from the plaza?
A Three minutes.
Q You ran the whole way?
A Right.
Q And from the time Al Monday picked you up at 11 o'clock until the time you allegedly ran home, okay?

A Right.
Q What time do you think you would have gotten home, about?
A I'm not for sure, probably about 12:30, 1 o'clock, something around in that area.
Q All right. So you ran home 12:30, 1 o'clock, is that right?
A Yeah, about that, around in that time, yeah.
Q All right. This beating up people, is that something you specialize in?
A No.
Q Is it something you take pride in that you can do?
A No.
Q So this isn't the only occasion when you allegedly did it, is it?
A Only one time before.
Q One time before this?
A Yeah.
Q I know you offered your service, you claim you offered your service to beat someone up for Al Monday?
A Yeah.
Q You told me one other time you did that?
A No, I had got in a fight. I got a clean record.
Q My question is, do you beat up people for other people, if I want someone beat up, could you be a guy I could hire?
A No.

Q Had you ever done anything like this before?
A No.
Q Had you ever beat anybody up before?
A Just back in school.
Q Not since high school? What grade?
A Eighth, ninth grade.
Q Eight, ninth grade? You haven't been in a fight since then?
A Other than my girlfriend.
Q You beat her?
A No, we passed licks, there wasn't no beating.
Q You beat Patricia Getty?
A No, we passed licks.
Q What does pass licks mean? Tell me about that?
A You hit me, I hit you back.
Q You hit a woman like that?
A Yeah.
Q You're a big guy?
A Yeah.
Q She's not a big woman?
A Yeah, she's a big woman.
Q She's as big as you?
A Just about, yeah.
Q So it would be fair to say you have no experience at all in beating people up, right?

A No.
Q Now, Delphenia Guice, you said you know her, you know her car, right, that she was driving back then?
A No.
Q You didn't know her car?
A I don't remember her car.
Q No idea what kind of car she was driving back then?
A No.
Q You told the police that, did you tell Det. Taliano that JR, Vincent Davis had Delphenia Guice's car that night? Did you tell Det. Taliano that, on September 11, 1991?
A I don't recall.
Q You might have told him that?
A Might have.
Q Further, did you tell him that JR had it because JR also had Delphenia Guice's car that night, because that was his girlfriend? Did you tell Det. Taliano that?
A Who you talking about?
Q I'm talking about JR. I'm talking about the owner of the car. They got street names, who is JR?
A One of the dudes.
Q Is JR Vincent Davis?
A Yeah.
Q I want to know if you told Taliano on September 11, 1991 that JR was driving Delphenia Guice's car that night?

A Who is Delphenia Guice?
Q You know her, you grew up with her?
A No, I didn't grow up with Delphenia Guice.
Q You told this very jury that. Do you know Delphenia Guice by something else?
A I know Nan.
Q Nan is Patricia Brown?
A And I know -- I can't remember what her name is.
Q If I'm wrong, I think you told us before lunch that you knew Delphenia Guice. You didn't have a problem before lunch, do you have a problem now?
A I know them all, but I can't picture her face.
Q Let's get back to my question, did you tell Det. Taliano that JR was driving Delphenia Guice's car? Do you recall telling him that? Yes or no?
A I don't recall.
Q You might have told him that?
A Yeah, I might have.
Q Would you be surprised that Delphenia Guice, who's previously testified in this case, testified that she never let Davis drive her car; would this surprise you?
A No.
Q Do you recall telling Det. Taliano that Justice and Supreme, you know who they are, right?
A Yeah.

Q That they were not involved in this thing, September 11, 1991, they had nothing to do with this?
A I don't believe --
Q You might have told them that?
A Might have.
Q And you can't describe to this Jury anything about those cars that night, the color, year, model, anything, can you?
A No.
Q You don't know anything about those cars?
A No.
Q You don't know what anybody was wearing except they all had black on, right?
A Yeah.
Q Your descriptions are kind of vague?
A What do you mean?
Q They aren't that good? You testified you can't describe any of the cars involved?
A No.
Q You can't describe for the Jury any of the clothes they were wearing?
A No.
Q You said you knew his name, John Edwards' name?
A Shakim, that's what I know him by.
Q You don't know John Edwards?
A No.

Q Now, what could you say about the cars? How did that happen again? I asked you about that a couple minutes ago, you said the other car was what?

A Was already sitting there.

Q Was already sitting there? The car was already sitting there, is that right?

Do you remember testifying, Page 8, "That day we went over there."

Question: "Who is we?"

Answer: "Me and him, me and Al, we rode over and pulled up, another car pulled up."

"Did you recognize this other car?"

Answer: "No."

Your testimony there indicates that you were there and another car pulled up, does it not?

A If it's there, I must have said it.

Q So that was a lie then, too, right?

A No -- I guess it was.

Q Whatever. Nothing matters, right? Lies don't matter to you?

A What matters?

Q Do lies matter to you?

A Yeah, it matters.

Q It's important to you not to lie, right?

A Yeah.

Q Why do you do it so much then?
A Some people do it and don't realize it, you know what I'm saying?
Q You are just mistaken, these are not intentional lies?
A Yeah.
Q Is it that you are mistaken?
A Yeah.
Q If Delphenia Guice testified that you knew her car because you will wave to her driving down the street, she would be incorrect in that?
A Who is Delphenia Guice?
Q You don't know who she is?
A If I seen her face I would know her car and everything.
Q I think she testified she had a gray or silver Ventura, do you know that woman?
A Yeah, that is the car.
Q Now you know it's the car?
A Yeah.
Q Since 5, 6 years you didn't know which car it was?
A I know the car.
Q That's the car that JR had that night?
A That JR had? He didn't have it that night, I don't think.
Q I thought you just said that's the car he had?
A Not on that scene.

Q I thought that's what you just said.
A No.
Q I misunderstood you?
A Yeah.
Q Who had the car?
A Yeah, that same day.
Q If Delphenia said JR never used her car, she was lying?
A She's scared.
Q Delphenia is scared?
A Yeah.
Q Now she's scared? Everybody is in prison, locked up, and she's scared?
A Yeah, she's scared.
Q It's not you are lying?
A That's right.
Q Or you could be mistaken, right? You're sure about this car now?
A Yeah.
Q And this is the car that you claim, Delphenia Guice's car, so we're talking about the same thing, that you claim Marsha Blakely's body was dragged all that way out in the hallway and thrown in the back floor?
A I'm not for sure it's the same car he had earlier that day.
Q Did you tell Det. Taliano that on September 11th JR had

Delphenia Guice's car that night and that's the car the body was thrown into?

A I don't recall that.

Q You might have said that?

A I didn't say that.

Q You don't want me to pull the tape out and play it?

A Oh, go ahead, pull it out.

MR. DUFF: I don't know that I would need to do that, Your Honor.

THE COURT: Take your time, it's your case.

MR. DUFF: All right. Brian, you can find it for me.

Q Now, did anybody say anything as you left there?

A Left where?

Q Epps' apartment? According to your story you're telling today?

A What do you mean?

Q Anybody say anything?

A Nobody said nothing.

Q Nobody said anything?

A Not that I can recall.

Q It's the tape of 9/11/91, do you recall, do you have that tape in there? Let's go back. I think it's close to here, Judge. We can catch it.

Now, while we're doing this, did you tell Det. Taliano

that you saw 3 people in Guice's car, they'd be JR, Will and Shakim, do you follow me?

A Yeah.

Q And 3 in the other car, the car you were in. Did you tell him that?

A I don't recall.

(Thereupon, portions of the tape were played.)

Q Now, you heard that about taking Marsha to a car, and you're sure they didn't have --

(Thereupon, a portion of the tape was played.)

Q All right. So you heard 3 in one car and 3 in the other. Did you hear yourself say that?

A Unh uh.

Q You don't hear that?

A No.

Q We'll go back and play it. Hear it again? I think we have to go back a little bit to pick up whose car we're talking about.

(Thereupon, more of the tape was played.)

Q Did you hear that? Three in that car and us 3 in the other car. That's a little different than what you told the Jury today?

A Uh huh.

Q That's a little different?

A Uh huh.

Q Let's back up and see what car you're talking about, okay? Did you hear that? Let's hear that again.

(Thereupon, more of the tape was played.)

Q Marsha was dragged into Guice's car, and you said yeah, did you hear that?

A Yeah.

Q So that was September 11, '91, right?

A I suppose.

MR. DUFF: If I could just have a moment. I don't have a lot more.

Q You went there, it's a fair statement you went to that apartment with the full intention to beat someone up, right?

A No.

Q That wasn't your intent?

A Unh uh.

Q That's not a fair statement?

A No.

Q Page 40, deposition. Question, Line 1, "What I'm saying, when you first went there, you went there with the intention of beating somebody up, right?"

Your answer was, "Right."

Do you recall that?

A No.

Q You are not saying this transcript is wrong, are you, sir?

A No.
Q Now, you are in there for the money, weren't you, sir, you and your dad were in there for the money?
A No, my dad was.
Q You went there though?
A No.
Q Money matters to you, right?
A In some cases, yeah.
Q All right. And when you said earlier that you got about $5,075, right, out of this case?
A Right.
Q That's one of the best jobs you had in say the last 10 years, isn't it?
A I don't consider this a job.
Q It's one of the best paying things you have done in the past 10 years?
A Yeah.
Q You tried to do the same thing for the Federal government. What did you get paid in that case?
A Three thousand.
Q And they dropped you?
A After the case, yeah.
Q They didn't want anything to do with you, isn't that a fair statement?
A Right.

Q This job paid a little better than that one, right?
A Right.
Q Would you agree that your testimony has been bought and paid for in this case?
A No.
Q It's been paid for, right?
A No.
Q It certainly was -- all right.
MR. DUFF: If I could have a minute to sit down and gather my thoughts.
Q Maybe I forgot. Today are you saying, your version today is it that Lenworth Edwards held himself after he got hit, or not?
A Yeah.
Q We can agree, without going through the transcript, you and I, you said a different version in the past, that he never held himself. Can we agree, without me going back and getting the transcript?
A I might have, I might not have said that.
Q Do you want me to go through the transcript?
A Sure, go ahead.
Q If I have a transcript that said previously he held his face, you never said that, that wouldn't matter to you?
A No, because I was there and I seen what happened.
Q Page 94, Lenworth Edwards, second trial, Question: "Did

he react to that -- strike that. "What did he do after he was hit?"

Answer: "He just stood back."

"Did he hold himself in any way?"

Answer: "I couldn't really tell."

Do you remember saying that?

A No, I don't.

Q But if it says that you wouldn't argue with it, would you?

A Nope.

Q Now, the Prosecutor brought out, and I would like to talk about it before I sit down here, you got a drug problem, don't you, you use pot and crack, right?

A Right.

Q And you still do that, right? You have been doing that for quite a while, right?

A Right.

Q And, in fact, you do a little more, you mix prescription medication with your crack, don't you?

A No.

Q You wouldn't do that?

A No.

Q Did you testify previously that you did that?

A What you mean prescription medicine?

Q I don't know, drugs, other drugs, pills. Do you ever mix

pills with crack?

A No, I smoke marijuana with it.

Q Smoke marijuana with crack?

A Yeah.

Q If I find somewhere back there that you told a jury that you mixed prescription drugs and, pills with your crack, that would be incorrect?

A Yeah, I never mixed no pills or nothing.

Q All right.

MR. DUFF: If I could have a moment, Your Honor.

Q Page 224 of the Benson Davis trial, 224, Mr. Prosecutor. Well, you said, you were asked, "When did you start taking medication?"

"After this happened."

"Just after you went on to cocaine and doctors' prescriptions?"

"No, I went from the doctors' prescriptions --

Question: "To cocaine, correct? You went from doctors' prescriptions to cocaine, right?"

"Right."

So maybe I misstated that, right?

A Yeah, you did.

Q But you went from doctors' prescriptions to using crack, right?

A Right.
Q Are you a crack addict?
A No.
Q You don't consider yourself a crack addict?
A No.
Q But you have been using crack for quite a while, haven't you?
A Yeah.
Q You don't work, other than working as a snitch and giving testimony. How do you support your crack habit?
A I do work, I keep a job for almost a month.
Q I thought you told the Prosecutor you don't work?
A I don't work now, no.
Q How are you supporting your crack habit now?
A I don't.
Q What do you do, steal, beat people up?
A I ain't smoking crack now.
Q I thought you said you are, smoking crack and pot?
A I recently stopped.
Q You had a conversion? When did this happen?
A A month or so.
Q It was out of control, wasn't it?
A No.
Q You had it under control?
A Yeah.

MR. DUFF: I think I'm done, Judge. Hold on one second. Nothing else, Your Honor.

THE COURT: Mr. Rosenbaum.

REDIRECT EXAMINATION OF WILLIAM AVERY, JR.

BY MR. ROSENBAUM:

Q Sir, did you, would you describe the bed in the apartment after the fight was over?

A There was, it was turned sideways, partially hanging off the box spring.

Q Mr. Duff wrote down on one of those diagrams on 12/17 you took the stand to say "I'll perjure myself, I lied because I needed the money." Do you remember that?

A Yeah.

Q Why did you say that?

A Because I was scared for my life.

Q Why?

A You all turned your back, I couldn't get a hold of you.

Q You mean me and Det. Taliano?

A Right.

Q That's after you wanted the $10,000 or refused to testify?

A Right.

Q Where did you find yourself, where were you after that, why were you afraid?

A Because I was in that witness' room, that's when.

Q Where was this witness' room at?
A In the county jail.
Q You were in jail and who else was in jail?
A Lenworth was in there, too.
Q Pardon me?
A Lenworth.
Q Lenworth Edwards, is that the person you were supposed to testify about if you got the $10,000?
A Yeah.
Q What did he say or do to you?
A They locked us in the same room together, I was being held for Court, and they brought him in there, they brought him in.
Q The same room or area?
A Same area.
Q And what happened?
A He came to me and he said, "Why you tell?" And I shut my door, and --

MR. DUFF: Object.

THE COURT: Overruled.

Q Did he make any gestures to you?
A Not at that time. After I came back from Court he did.
Q What did he say?
A He did like this, and did like that to me.
Q Why didn't you tell Det. Taliano that at your first

meeting you were behind Westgate and saw the stake with the shiny object before you ran?

A Because I was scared that I was going to be locked up with them, being locked up with them because I was back there.

Q You testified you got how much for the reward?

A $2,000.

Q And how much to relocate to Detroit?

A A thousand.

Q But you admit you made five hundred some thousand from this, is that correct?

A How much?

Q I mean $5,000 some dollars?

A If you add the time I'm sitting in Lorain City Jail.

Q Tell the Court why the additional 2,000 some odd dollars, where it came from and where you got it?

A As a material witness sitting in the city jail.

Q So you were locked up?

A Right.

Q As a witness?

A Right.

Q Was that for your protection?

A Right.

Q Who paid you that money? Did you get it from the Court that locked you up?

MR. DUFF: Objection.

THE COURT: Overruled.

A Yeah.

Q You testified on cross you did not want to get out of jail at this time?

A No.

Q Why was that?

A I felt safer in there.

Q Now, Mr. Duff asked you if you intended to go beat somebody up when you were going with Al Monday that night, and you said you did not. What did you think you were going to do with Al Monday when you went with him?

A I just paid him for the dope. He usually had dope. He didn't have nothing, and I asked him, what was up, and he said come with me, and I thought he was going to pick up some more dope.

Q But you later heard it was to beat someone up?

A Right.

Q If it wasn't Marsha, would you have done it?

MR. DUFF: Objection.

THE COURT: Overruled.

A No.

Q Did you tell the truth today about what happened to Marsha?

A Yes, I did.

MR. DUFF: Object to this.

THE COURT: Overruled.

Q Do you know anything about Floyd Epps' murder?

A No.

Q What group of people killed Marsha Blakely and left her behind that bar?

A The New York group.

Q And who was that?

A Al Monday, the man right there, JR, Lenworth, Justice and Supreme.

Q Were you there, do you know what happened to her after someone was making this motion with the shiny object?

A No.

MR. ROSENBAUM: I have no other questions.

THE COURT: Mr. Duff.

MR. DUFF: Just a couple, Your Honor.

RECROSS-EXAMINATION OF WILLIAM AVERY, JR.

BY MR. DUFF:

Q Mr. Avery, the Prosecutor asked you on redirect about the mattress, right?

A Right.

Q And you said it got knocked off, right?

A It was hanging, you know, partially off the bed.

Q They were beating her on the bed?

A Yeah, it started on the bed.

Q And that's where you would expect to find blood, right,

on the sheets and stuff?
A I guess, if, you know --
Q If she got beat there you would find blood there?
MR. ROSENBAUM: Object.
THE COURT: Overruled.
A She got beat from the bed to where the table's at.
Q It was a long beating, 20 minutes right?
A About.
Q And for some time she was beaten on the bed?
A It started on the bed.
Q It wouldn't surprise you if they found blood there?
A No, it won't surprise me.
Q They probably should have, right?
MR. ROSENBAUM: Object.
THE COURT: Overruled.
Q If you're telling the truth and there's sheets on the bed and blankets, right?
A I didn't pay that much attention.
Q If you're telling the truth and she got beat as bad as you said, you would expect to find blood there, wouldn't you?
A Yeah, I would, of course.
Q Yeah. You never said anything about being behind that plaza all through September, all through October, November, December, until the end of January, 5 months later, right?
A I suppose.

Q And is it your testimony today that the only reason you lied to the police you have lied throughout, right, because your dad told you you should lie about certain things, right?

A No.

Q Your dad never told you to lie?

A No.

Q He wouldn't do that?

MR. ROSENBAUM: I object as beyond the scope.

THE COURT: Sustained.

MR. DUFF: Thank you, Your Honor.

MR. ROSENBAUM: I have no other questions.

THE COURT: Any questions from the members of the Jury?

Thank you, Mr. Avery, you're free to step down.

Mr. Rosenbaum, your next witness.

MR. ROSENBAUM: Gino Taliano.

Exhibit H

INTERVIEW OF WILLIAM AVERY, JR. AKA BB.
1-23-1992

R— Detective Resindez

W— William Avery, JR. [a.k.a. as BB]

R— 123.. today' date is January 23, 1992 the time is aproximately 6.50 pm. Present is detective resendez, of Lorraine police dept. the following is the interview with william avery jr. in regards to the floyd eps, marsha blakely homicide. I was contacted by Mr. Avery who is presently incarcerated in lorraine city jail, on a material witness... charges along with a perjury charge... stemming from the first trial of lenworth edwards Mr avery has indicated that he uh has further information in regards to the investigation. Ok bb... we already talked and ah you gave me a brief outline of the additional information, I want you to go through it again. Starting from the beginning when uh... you got to the apartment... that being floyd eps apartment

W— alright um...al Monday came over, he came over forto collect his money) and then he asked me to go somewhere with him and which we went over to the apartment. When we got over there there... there was um J.r., shakim, and um . Jr, shakim, and um j.r ...the dude that I didn't know was already there ... jr, shakim and lenworth was already there and when we pulled up we all started walking towards the house. And the dude was standing in the door and when we went in Marsha was she was sitting over by the bed, over that wayand she explained to al explained to me because I told him to get my bill down if he needd somebody beat up, I'd do it for him. And so that's what he wanted me to do, I found out once I got there, he wanted me to beat her up and I told him I can't do it because I been knowing her for awhile and I just can't put my hands on her and when I toldhim that the rest of them starting beating her up.(Inaudible) struggling by the bed they mussed the bed up over there, the struggle went on all the way to the... kitchen, where we was standing, they knocked the table over, and lenworht was hitduring the struggle and he stopped beating on her, and the other three was constantly beating her, (Inaudible) Al Monday just stood there looking out ...and then after they got done beatin her, well while they was beatin her, shakem said three times where my shit at? That was about the only words that I heard... and then after they got done we all started headin out and JR drug her out of the house... to the car.... that was in front of the yeah... Al's car which Al was driving... they all got in that car and Al got in the car behind them and what I didn't tell you all from the start we all went straight



up the street and we made a right and went all the way down to the back ofwestgate and we went all the way down to the(Inaudible) I cant say exactly but in the back of what store or once (Inaudible) cos I wasnt paying attention. And then they got out the car and the dude I was telling you about started um stabbing her with an object, which I got scared and I ran, I ran home and went to bed..... with my girlfriend.... Patricia. And that morning Patricia woke me up and told me that they had found Marsha behind the... behind the bar up there, and then I got up..... and I immediately went to Charlotte's house. I had told Charlotte what happened and Charlotte gotup and went over to I (Inaudible) house and Marsha's brother and then about three or four days after that I had told her that I was there and I had seen what happened and she told me to not to say nothing, to keep it to myself ....but I kept thinkin aboutit and I had ... I couldn't keep it to myself and I had to tell somebody else. And me and Charlotte walked over to my dads house late one night and I told my dad about it then my dad went back to our house and he asked me are you for real, he didn't believe it at first but then he believed me because the next day he came back telling me that he had went down there and talked to the detectives about what I had told him and that I didn't have no choice but to go down there cos they wanted to come out and pik me up but he had promised them he was gonna bring me in.

R— Alright bb... we are gonna go through this step by step, I let you tell the story, I didn't interrupt you but now I'm gonna have to take it step by step, ok? When you were picked up at your house, to go over to Floyd's apartment... alright. You were where? 2106 ? Excuse me ... 2150?

W— 2140.

R— 2140 Lorraine Dr.?

W— (Inaudible)

R— And that's Patricia Gaddy?

W— (Inaudible)

R— Who was in the car, that picked you up?

W— Al.

R— Just you and Al?

A— yeah.

R— What kind of car?

W— It was a dark car... (Inaudible)

R— What was the other car?

A— I really didn't pay attention to the car.

R— Was it a big one, little one, white one?

A— It was bigger than the one we had.

R—, alright. So when you got to Floyd Eps apartment, you went directly from your house to Floyd's?

W— (Inaudible) Directly [?]

R— ok when you got to Floyd Eps apartment, who was already there?

A— the dude that I didn't know was already there

R—ok... so...

A— in the house, standing in... in and out in the door. So...

R— So this dude that we don't know, we gonna call him either Justice or Supreme....ok, you told me you get the names mixed up, correct?

A— Right.

R— so it was either Justice or Supreme, right?
A— Right.

R— (Inaudible)

A— it was the dark one.

R— (Inaudible) you say looks like Shakem?

A— No.

R— Who is the one who looks like Shakem>

A— The dude that was stabbing,(Inaudible) looked like Shakem...

R— Ok that's what I'm asking you...the guy that was inthe doorway, that you didn't know...

A— (Inaudible) was the guy in the picture that you all showed me. With the girl sittin in the middle with her face cut out(Inaudible)

R— You said that was Supreme, you had told us originally that was Supreme.

A— Supreme?

R—Yeah... That guy was (Inaudible)

A— I get their names mixed up... like I told you(Inaudible)

R— ok, the guy in the picture, who you picked out, who was in the doorway of Floyd's is that the guy that stabbed her?

A— (Inaudible)

R— so now we got six guys there...right?

A— right.

R— alright so we got Supreme who was in the doorway, the guy who stabbed her where was he at?

A— he was already behind the bar,(Inaudible) he had already packed it away...when

we got there he....

R—he didn't take part in the beating at all, he wasn't even there.

A— he wasn't there

R— ok

A— he had his own car

R— ok...What kind of car was that?

A— it was (Inaudible) ... it looked like it was a Tempo or a Taurus... something like that

R— ok, what color?

A— (Inaudible) all the cars were dark, there was nothing light colored. That's why I couldn't see it that good.

R— was it a newer or older model, Ford Taurus?

A— it wasn' new one.

R— So, let's get back to the apartment, OK? So JR is there, JR, Shakem, and Lenny. Who go in one car...

A— Right

R— You and Al are in the other car...

A— Right

R— and when you pull up there, the guy's in the doorway...

A— Right

R— ok, so he's already there...

A— Right

R—alright, so then you walk into the house...

A— right

R— Marsha was sittin on the bed?

A— right

R— and then Al started to tell you that you were gonna have to beat her up to work down your money debt

A— right

R— alright, you told him you couldn't do that...

A— right

R— is that correct? Ok... (Inaudible)

A— (Inaudible)

R— if I'm wrong on anything BB you let me know, ok... You told him you couldn't do that.... you know her too long... same reason... up to this point this is all the information that you had originally told us, that you added here and there... But uh, it's basically the same... you couldn't do that because you know Marsha...

A— right

R— alright. So when you said you couldn't do that, Al directed these other guys to start beating her up.

A— No, he didn't direct them, they just started beatin her up....

R— they just started to beat her up... ok. Who stood back while these other guys were beating her up?

A— me and Al.

R— you and Al stood back? The fight started in the bedroom and they carried on over to the kitchen.

A— (Inaudible) in the kitchen

R— somewhere in during the fight, probably around the kitchen time, lenny , lenny edwards got hit in the face and he was done... he was done with fighting...

A— (Inaudible)

R—ok and three others, would be JR, Shakem, and

A— (Inaudible)

R— the dude you didn't know continued to beat her up

A— right (Inaudible) until she was unconscious

R— during this fight you heard shakem say wheres my shit...

A— (Inaudible)

R—How many times did he say that

A— at least three or more

R— he said that at least three or more times, ok, so shes knocked unconscious in this fight. So JR then draggs her out to the car, the one , the bigger car than you and Al's...

A— right

R— drags her out to the car, did he go out the back door or the from door?

A— he went out the um... back door, but I don't think it's the back door...

R— this car that they put Marsha in, that was in front of your and Al's car...

A— right

R—So when you left Al's... Floyd's apartment on Sunset Dr. Now is when the story started changing, Now is what your adding...ok? Are we correct on that?

A— right

R—ok now you are telling me that you didn't drive home you drove directly to the Westgate Plaza.

A— right

R— both cars

A— right

R— the big car and you and Al.

A— right

R— and just you and Al are in your car

A— right

R— So you drove directly to the plaza... did you drive behind the plaza?

A— behind
R— ok so you drove down a little bit and you told me before that you didn't know exactly what store you were behind

A— right

R— but somewhere behind the plaza...the car stopped and Marsha was taken out of the car.

A— right

R— and when you tell me the car stopped... did the car stop in line where you parked close together or were the cars far apart or how were they?

A— they was close together

R— Now I'm gonna ask you to go into a little detail here...Marsha is taken out of the car

A— (Inaudible) right

R— Is she still unconscious?

A— yep...

R— ok... what happens? What happens then?

A— they took her off to the leftside of the car

R— whose they?

A— JR, And the rest of them did...they took off to the left side of the car.... the other dude's car was coming this way... at an angle and um when they took her out... Al looked at me and then we got out...

R— ok

A— and the dude walked towards (Inaudible) and he just started um stabbing at her with an object. I couldn't see if it was a knife or not...

R— ok this dude....now you don't know his name or do you?

A— I think its Justice, I get a little(Inaudible) it was the one Tamika was going with.

R— it was Tamika's boyfriend right?

A— I think it was Tamika's boyfriend. They all stayed in that house...

R— What did he look like?

A— light skinned... gold in his mouth... and his eyes looked like yours green or blue

R— was he tall, short, fat... thin...?

A— he was about Al's height

R— fat or thin?

A—thin

R— was he wearing... was he wearing anything in particular?

A— (Inaudible) I don't remember their clothes. I know...

R— (Inaudible)

A— no he wasn't wearing no glasses.

R— did he have a moustache or a beard? Or anything?

A— he had a moustache, but it wasn't thick(Inaudible) I had on green, green overalls and a pair of pump tennis shoes, and a black shirt, a Jordan shirt

R— m-hmmm
A— Al had on a black ... Al had on a black (Inaudible) it looked like a windbreaker. It was a suit with a hood on the back of it.

R— like a warm up suit?

A— yeah. (Inaudible)

R— so this guy pulls up in his car as Marsha was drug out the left side of this other car, he pulls up in his car....and...

A— no that dude didn't pull up, the dude was there.

R— he was already out of his car?

A— no he got out when we came, when they got her out , he got out and came towards us

R— his car was parked at the rear of the plaza...

A— we was coming from the projects

R— uh-huh

A— his car was coming this way but at an angle... and as we pulled up and they got out and took her out... Al looked at me(Inaudible) and so we got out too.

R— m-hmm

A— but when they got out and took her(Inaudible) to the car that they was in, well the dude cames towards them he started to(Inaudible) jerking at them, right then I took off. I didn't stay there to see what was gonna happen.

R— ok. Again, this guy that was stabbing at her, this is that guythat you described as the light skinned, gold in the mouth, with either blue or green eyes.

A– right

R— so then you got scared

A— right

R— alright and ran over to Patricia Gaddys's house. At 2140 Lorraine Dr. You spent the night there?

A— yeah stayed there (Inaudible)[8.30] in the morning...

R— did you tell Patricia what you saw?

A— no.

R— ok... so in the morning, Patricia tells you Hey they found Marsha dead...

A— yeah

R— ok, now in between that time, before the morning... If I remember correctly, didn't you see Al Monday coming from the plaza walking thru the projects?

A— that's what I told you, Al didn't come back. Al didn't come back.

R— so that part about Al say Hey we knocked the junkie off, is that true or false?

A— that's false. I said that when that lie detector knowed that I was holding something back, I didn't want to place my self over there at the scene of that crime.

R— so all that part about Al coming back is all false...

A— right

R–ok. Did you ever see Al Monday after thatagain?

A— Yeah... (Inaudible)

R— when?
A– he came over to Charlotte's house one time and he told me that he ain't got no more dope. He gotta go, he gotta make another trip and so he sent that dude Patch back to (Inaudible) but I had to go to the projects to meet him and I went back to Patricia's house and that's where Patch came over there, Patricia knowed he came there and he gave me some more dope.

R— did Al ever make reference when you met him for more dope... did Al ever make reference to the fact that they killed this girl.

A— no.

R— There was never ever any conversation between you and Al, or you and Shakem, or you and JR that they knocked this bitch off.

A— no.

R— They knocked this junkie off?

A— no.

R— that was all false?

A— that was false.

R— ok. So then you left Gaddy's on Lorraine Dr., in the morning and you went over to Charlotte's.

A— right.

R— But you didn't tell Charlotte what was going on, right then and there did you?

A— no.

R— When did you tell Charlotte?

A— about three or four days afterwards...

R— because it was weighing on your mind?

A— right.

R— alright. So you told Charlotte and Charlotte goes and tells her brother?

(Inaudible)

R— Who did Charlotte tell?

A— Charlotte didn't tell nobody, after I told her tha I was there. (Inaudible) I seen her.

R— ok. Charlotte told you to keep it to yourself.

A— Keep it to myself, not to tell nobody, that was just something I had to hold inside me....

R— ok.

A— but I couldn't hold it inside me.

R— so you told your dad?

A— So I told my dad about it.

R— and then your dad tells Taliano...

A— (Inaudible)

R— and then we all know what happens after that, you come in here

A— (Inaudible)

R— and this whole ordeal starts.

A— right.
R— ok, now you took a lie detector test, remember?

A— (Inaudible)

R— here?

A— (Inaudible)
R— and at that time, Lt. Daniel, the guy who gave the lie detector test, asked you if there were any questions or any information that you were holding back.

A— (Inaudible)

R— what was your answer to that?

A— I told him there was something I was holding back.

R— ok.

A— and then I knew I had... I couldn't place myself there, cos I thought if I had placed myself at the scene where she actually got cut, or stabbed, that I was gonna be going down with them and I didn't wanna be going to jail for life. For something I didn't do.

R— Mm-hmm

A— and so I held that back and made up the part about Al coming back to Patricia's house.

R— ok. Now that's total? (Inaudible)

A— (Inaudible) that's everything

R— There's nothing you can add to it.

A— (Inaudible)

R— the fact that you added the part that Al Monday said that they knocked the junkie off, that being false, is there anything else that is false in this whole story?

A— no.

R— Total truth.

A— Total Truth.

R— ok. Does anyone else know who this light skinned guy with the gold in his mouth and has the blue or green eyes. Tamika?

A— Tamika seen him when she was at Tamika's house. Patricia seen the dude, the light skinned dude...

R— Patricia Gaddy?