A— yeah.... (Inaudible) he been at her house. (Inaudible) in the projects.

R— alright... (Inaudible)

A— (Inaudible) happened to me though.

R— (Inaudible) where we're at BB and again (Inaudible) this is all on tape. What we have to do is , what I told you last night. I contacted Rosenbaum and he is in the process of setting up a deposition hearing. It's the same hearing as you had before in regards to what had happened up until the murders, but this time there not gonna ask you, well they are gonna ask you now because of this new information. I'm gonna have to bring this to their attention but they are gonna ask you about this new information and they're gonna ask you about um the part being in the jail, when you falsified your testimony. Ok, and your gonna have to tell the truth

A— (Inaudible)

R— I don't even know what happened in the jail. Alright. Then they are gonna set a new trial date. Alright. After that you are gonna be required to testify at that trial.

A— (Inaudible)

R. After that, now here's where we have the problem. You want a written guarantee of immunity from the prosecutor's office right now that you are not gonna be prosecuted for anything, if you testify at the trial. I told that to Rosenbaum and Rosenbaum is not going to give you a written guarentee of immunity at this point. He will give you a written immunity contract or waiver after you testify. You have to give to them before they give to you. They are not gonna give you anything before hand.

A— (Inaudible) afterwards.

R— he told me you will get it afterwards. You will not be prosecuted if you testify. Those were his exact words. Now we're gonna meet him. You, me, Rosenbaum and probably the captain. We'll meet and you can ask him directly before deposition if you want but he's not gonna give you anything in writing. You are gonna have to live up to your end of the bargain and then he'll live up to his end. Alright.

A— alright.

R— and that's where we're at. Is that agreeable on both sides.

A— (Inaudible)

R— ok. Well then I'm gonna relay all this information that you told me to them and I'm sure you'll be hearing from me again tomorrow.

A— What I'm worried about is my son though.

R— ok, Your son is with Charlotte.

A— No, my son is with Patricia. (Inaudible) Patricia is not on good terms (Inaudible)

R– (Inaudible) Patricia's mother is always calling the cops on you.

A— right and I think that she really needs to know what is going on...
R— I'm gonna go talk to Patricia...

A— Because this thing, it ain't what they think it is...

R— I agree... And I'm gonna go talk to Patricia and I'm gonna go talk to Tamika and I'm gonna find out who this other guy is. Alright. And when I talk to Patricia especially, I'm gonna lay out the pro's and con's of whats going on that these people don't play.

A— I already sent word to her...

R— ok, I will tell her BB.

A— Somebody told me ... I already got right now... I did like the girl a lot...

R— Mm-hmm

A— but after Tyrone (Inaudible) went there with that fake warrant and she laid all that information out on him, I knew right then that she wasn't for me.

R— Right

A— Because (Inaudible) you don't just give all that information that she gave out...

back then I knew she wasn't for me, but she do got my son...youknow

R— ok, I think we told you before... we can't take her son away from her

A— I know but you can give her some advice.

R— (Inaudible) I'm gonna give her some strong advice...

A— cos...

R— if she don't know it, something is the matter with her up in the head. That these guys don't play.

A— because... they know that I haven't told exactly all(Inaudible)

R— ok, I'm gonna go talk to her

A— (Inaudible)
R— (Inaudible)

A— after that (Inaudible) comes in, theyre gonna know,

R— I'm gonna tell her, alright?

A— (Inaudible)

R— alright.

A— There's some more though. This last time when I was at the county, I was approached by Lenworth for(Inaudible) alright? And this last time, I was scared... I didn't know what to do or what to say to him.(Inaudible) He asked me why did I tell? My life was good, fucked up now....(Inaudible) you know what I'm saying... this is messing you up man!

R— This is Lenworth telling you this?

A— yes.

R— ok.

A— He told me you shouldn't have said nothin... that what Ihad told (Inaudible) out of fear was that (Inaudible)

R— that's fine

A— alright I told him that behind a shut door, because there was too many of them. When they let him in there, there was about 10 dudes with him. (Inaudible) I found out after I got out of there but that's what I told him.

R— that the police forced you to tell?
A— right.

R— ok. That's fine.

A— That's what I told him.

R— ok.

A— and he said they forced you to tell? And he said if I get you a lawyer would you, would you tell itto the lawyer? And I told him yeah and um.... he offered me a $100,000.00 not to say nothing at all. And he said that they would be in contact with me..

R– whose they?

A— Who ever he was gonna send the letter to about the money.

R— his people?

A— (Inaudible) but no body come but my dad. I had told my dad about it and um I told my dad I was gonna tell Taliano so he could pick the money up. And my dad

R— This is Lenworth telling you this?

A— yes.

R— ok.

A— He told me you shouldn't have said nothin... that what I had told (Inaudible) out of fear was that (Inaudible)

R— that's fine

A— alright I told him that behind a shut door, because there was too many of them. When they let him in there, there was about 10 dudes with him. (Inaudible) I found out after I got out of there but that's what I told him.

R— that the police forced you to tell?
A— right.

R— ok. That's fine.

A— That's what I told him.

R— ok.

A— and he said they forced you to tell? And he said if I get you a lawyer would you, would you tell it to the lawyer? And I told him yeah and um.... he offered me a $100,000.00 not to say nothing at all. And he said that they would be in contact with me..

R– whose they?

A— Who ever he was gonna send the letter to about the money.

R— his people?

A— (Inaudible) but no body come but my dad. I had told my dad about it and um I told my dad I was gonna tell Taliano so he could pick the money up. And my dad

told me you don't tell Taliano shit, that money can help this and help that... he still trying to get some money I see.... TAPE ENDS ABRUPTLY.....

Exhibit I

DE: September 20, 1991, ah, Detective Pat Riveras, Detective Rescindas and Detective Sargent Taliano with William Avery Jr., also known as BB. BB you have took a **polygraph today** on this date by, it was administered by Lieutenant Daniels of our police department. And uh, **he indicated to us that uh, there were some areas that he thought you might not have been truthful about. Specifically that there was some additional information that you might not have given us during our initial interview**. Detective Rescindas and I had uh, just moments ago, we came, we talked to you about it, and you basically gave us a piece of information that we thought was critical enough that uh, we wanted to get this on tape. Ok, so all we really want to do is get you to tell us exactly what it is that you told us a few minutes ago in your own words, uh, I'll prepacite a little bit, just lead you up to it ok? Uh, in your **initial interview and subsequent interview** by Dectective Rescindas and I, uh, the information included in part that on or about the 8th of August, of uh, this year, you were approached by Al Monday, and at that time a person who you didn't really know what his name was, you later identified him through a photo provided by us as a person as you know only as Supreme, uh came to your residence in (inaudible) on Loraine Drive on or about that date. Uh, indicated that they wanted you to go someplace with them.

JR: No, Al was by himself.

DE: That's correct. Ok, Al was by himself, I'm sorry. And uh, that you went to, you eventually went to Marsha's place, uh excuse me, you went to Floyd Epsen, Epsen's uh, house, Marsha was there, and what you discovered was she was the person they wanted you to beat up, because she either owed or owed them money or drugs or lost, money or drugs, you refused to do that. Uh, and then these people proceeded to beat her up. These people you indicated was a person we know is JR, Shakim, Will, uh and uh this other person you later identified as Supreme. After that occurred, uh JR drug Marsha from the apartment and to a car and put her in the back seat. Also in that car was uh, Will, uh we know is Lenworth Edwards, Shakim, who is John Austin Edwards, and then JR himself, who we know to be Ian Davis, also known as E. Uh, you went into the car with Al Monday, also known as Alfred Cleveland, and this person you believe to be Supreme. You made a u-turn on 23rd, uh, and then eventually they took you back out to your house on, on Lorain Drive.

JR: Ok.

DE: Ok. What I want to put the piece of, at, at, in our fir, that initial interview you said that was the last you either seen or heard of these people and had no additional information. Now on this date, September 20, after the polygraph administered by our department, Lieutenant Daniel, uh you indicated there was some additional information that's obviously important to us. I'd like you to tell us again exactly, in your own words, uh what happened after that point that you previously described.

JR: He came back about an hour or two.

Exhibit H

DE: Ok, he is...
JR: Al.

DE: Al Monday?
JR: Yeah.

DE: Ok, he came back to where?
JR: To my house on the side of my house.

DE: On Lorain Drive?
JR: (Inaudible)

DE: Which at that time it was 2140 Lorain Drive.
JR: Yeah.

DE: Ok, and what happened?
JR: He said "We'd take care of the junkie".

DE: Did he say anything else?
JR: He said "we'd take care of that junkie, we knocked her off man". That um "we'd go to New York, do you want to go with us?" And I told him I wouldn't go. And so, I said you know, you got anything else for me, he said he ain't got no more (inaudible), but he'd send his boy Patch over, and then his boy Patch came and gave me some. Not that night but the next morning.

DE: Yeah, you indicated a couple of ounces of powder, which you cooked up and later gave the money to JR. Ok, getting back to this...
JR: I gave money to JR.

DE: JR, ah excuse me, or Patch. Getting back to that night, Al Monday he walked up to you, he was by himself?
JR: Yeah.

DE: Ok, and he, we, you told us, this is probably about an hour or two after they had dropped you off. And in our initial interview, I believe you said that they initially picked you up about between midnight and one o'clock in the morning. So now, if they had dropped you off it was about...
JR: I said they'd pick me up, it was about dark time.

DE: Um huh.
JR: It was late.

DE: Ok, what time was that then?
JR: I don't know, it was bar time.

DE: I'm not sure what you mean by bar time.
JR: The bars start jumpin after eleven o'clock.

DE: Ok. So sometime after 11:00 then, they picked you up, which would have been actually August 7, and then into the 8th of Thursday morning. When uh, Al came up to you then, he was on foot, and he was by himself? Is that right?
JR: When he came back?

DE: Yes.
JR: Yeah.

DE: After. And you guessed that to be an hour or two after they dropped you off? And Al Monday's statement was that what? Say that again.
JR: We took care of the junkie, we knocked her off. Then he say you want to go to New York with us, we gonna...

DE: Excuse me, we took care of the junkie, we knocked her off. Is that correct?
JR: That's his exact words he said.

DE: Ok, and where did you first learn that Marsha Blakely was dead?
JR: When he said that.

DE: Ok, and did you come to, know some time later that that was in fact the truth?
JR: The next morning.

DE: Ok, uh, that same morning?
JR: Yeah.

DE: Uh, ok. And uh, did you ever see any of those people again?
JR: I seen...

DE: When I say these people I'm talking about Al Monday, JR, Supreme, Shakim or Will.
JR: No.

DE: You never saw any of those people after that night?
JR: Only JR over in Campino that time I told you.

DE: All of those after that, I don't recall. They told me I just don't recall what, how long ago after, how long after that night?
JR: I don't know how long it had been but it was about, oh two, two and a half weeks ago.

DE: Ok, so approximately two and a half weeks ago you saw JR.
JR: In Campino.

DE: In Campino on Clifton.
JR: Yeah, at a park.

DE: At a park.
JR: But at first I had somebody with me though see.

DE: Uh huh. Ok, uh, are you willing to testify to what you told us today and in our previous interview?
JR: Yeah.

DE: **Both before a grand jury and then, we'll ask for your deposition also, which is just a stenographer is gonna take your statements. Ok, are you willing to do that?**
JR: Yeah.

DE: And what you told us now is all the truth, it's all the information you have available?
JR: That's all, yeah.

DE: There's nothing else? Why did you withhold that information about Al Monday approaching you, uh after they had left?
JR: Cause I didn't want to say anything until you caught him.

DE: So you were afraid to tell us about Al Monday's statement until after Al Monday was in custody? Captain Riveras do you have any questions you want to ask him?
CR: Are you tellin us the whole...
JR: Yeah that's the whole truth, that the whole thing I know about right there.

CR: That's the only thing?
JR: Yeah.

CR: Yeah, but tell me, we've been working on this for a long time, and we've been putting you through a lot, and ok...
JR: I told you all I know.

CR: Yeah.
JR: I do not know, (inaudible). Little detail.

CR: Ok, cause you know, I mean two people are dead and that ain't right and, we got to solve this. You know. If you, if you were there when it happened, you know why don't you just tell us that.
JR: I wasn't there.

CR: You weren't there when it happened?
JR: Nope. I was at home. You asked my girlfriend, I slept at home.
DE: Did you ever tell, when you say your girlfriend, who you talking about?
JR: Patricia.

DE: Patricia Gedes?
JR: Yep.

DE: Did you ever tell her about any of this?
JR: Nope.

DE: Nothing at all?
JR: Nope.

ST: Did you ever tell anybody?
JR: I told my girlfriend Charlotte.

ST: About the, the story including the portion you just told today, you told her that portion to?
JR: No.

DE: What did you tell her?
JR: I just told her that I know who did it, I was there when they beat her up.

DE: Did you ever tell Patricia Gedes that you knew that Marsha was beat up that night?
JR: No.

DE: Are you sure?
JR: Yeah.

CR: Did you take part in the beatings?
JR: No.

CR: What'd you do?
JR: Stayed there with Al.

CR: I asked you before BB, was she alive or was she dead when she left Floyd's, when she was drug out of Floyd's?
JR: She was knocked out. I don't know if she was alive or dead.

DE: You said that uh...
JR: She wasn't conscious when she left that apartment.

DE: Did she hit anybody?
JR: She hit Will.

DE: Will is Lenworth Edwards? Did you see her hit him?
JR: I seen her swing and he went down.

DE: He went down?
JR: Yeah.

DE: So he fell to the ground?
JR: Yeah, he fell. Then he, he stayed out of right there, I guess he was hurt.

DE: Um huh. Was he holding anything like his arm or his leg where she might have struck him?
JR: I wasn't paying attention, I was looking at them.

DE: How were, did you where it looked like he hurt part of his body he was concerned about after he got hit? I mean if I...
JR: He got hurt up in, up in, up in here somewhere.

DE: You mean like in his chest area?
JR: I thought he got hit in the neck or in his face, I didn't really see where, where she really hit him at, but she hit him.

DE: Either the neck or the face area?
JR: Yeah.

DE: Ok. And then when they left, uh they left in the car that they came in, when I say they, I'm talking about Will, Shakim and JR, and that's the car they put Marsha in?
JR: Yeah.

DE: And Marsha was put in what part of the car?
JR: The back seat.

DE: The back seat. Do you know who got in the back seat with her?
JR: No.

DE: How'd she get from her apartment to the car?
JR: They drug her.

DE: They drug her?
JR: JR.

DE: By himself?
JR: JR held her by one of her arms.

DE: Uh huh.
ST: And by one arm he drug her out the door to the...
JR: He drug her all the way there.

DE: Um. Did you see anybody help him put her in the car?
JR: No.

ST: Was she bleeding?
JR: Pardon?

ST: Was she bleeding?
JR: Yeah she was bleeding in her face. She was bleeding on the right side of her face. JR did it.

DE: How do, how do you know it was the right side?
JR: I was standing right there looking.

DE: Uh huh.
JR: And she was all swollen, of course I know she had to be bleeding, because they were all beating on her.

ST: The way you described it, it sounds like a, a pretty good beating.
JR: It was.

ST: Ok we're agreed on that point, right? Where did all the blood go?
JR: I, I didn't pay no attention to no blood.

ST: Where's, ok, was there blood?
JR: I didn't see no blood.

ST: She was bleeding?
JR: She was.

ST: I'm asking you.
JR: Of course she had to be bleeding the way they were beating her.

DE: Did you see any blood though?
JR: I didn't see no blood.

DE: (Inaudible)
JR: Nope.

DE: Did any of the furniture get busted up or knocked down or...
JR: The bed got moved out of place and the table got knocked over.

DE: Kitchen table?

JR: Dining room, kitchen, whatever. Soon as you walked in the door the table right there against the wall.

DE: Ok.
ST: Where is it that, where was she at when all this, where was everybody at, what part of the, of the room, when you, **I'll draw it for you**. When you first walk into
JR: Here let me draw it (inaudible). Ok, that's the door, that's the area where the bed at.

DE: Um huh.
JR: There's another door right here, a closet door I guess. And then it goes like this, with then straight down like this. This is (inaudible).

DE: Um huh. Where's the kitchen at?
JR: Ok, we walked in here. Huh?

DE: Where's the kitchen at?
JR: Ok, let me see.

DE: Ok. Where's the table at?
JR: We were at, right here.

DE: Ok, where's the bed at?
JR: Right here.

DE: Ok. You walked in, go ahead, I'm sorry.
JR: When we walked in, she was back here.

DE: Closer to the bed then?
JR: Yeah.

DE: Ok.
JR: And that's where they started at right there. We walked in...

DE: Um huh.
JR: He said I want you to, um, before we got there, he was telling me because I owed him, Al...

DE: Um huh.
JR: That I want you to take care of somebody for me.

DE: Ok.
JR: Because I was telling him I'd, you know, work it off. You know if anybody that you want beat down or something.

DE: Um huh.

JR: Ok, but when we got there, I seen it was Marsha, and I said nah, I'm not going to mess with her. So they rushed her. And she got to swinging wild and stuff with them, you know this way...

DE: Um huh.
JR: And so they ended up struggling with her over here, and that's when the table got knocked out of place and she swung at Will and Will went back this way and they beat her up right in here.

DE: Ok. Was there a lot of noise?
JR: Yeah, there was some noise, there was a lot of noise.

DE: Yelling, screaming, what?
JR: Well, Shakim, where my shit at, where my shit at? Where my shit at bitch? And she didn't say nothin.

DE: Was he hitting her while he was saying it?
JR: Yep.

DE: Shakim was?
JR: Yeah.

DE: Ok.
JR: But Will was out of the picture then. But he was standing over here, we were standing right here. But I was trying (inaudible).

DE: Well when, when Shakim was hitting her, what was everybody else doin?
JR: When Shakim was hitting her the rest though was hittin her too, kickin her, (inaudible).

DE: She's down on the ground?
JR: Yep.

DE: Ok, when you say the rest of them, who you talking about by name?
JR: JR and that other dude, I don't know his.

DE: Supreme.
JR: Yeah.

DE: What was Will doin?
JR: Back here.

DE: This is after he got hit?
JR: Yeah, after he got hit, he didn't get back into it.

DE: I gotch ya. And then what about Al?

JR: Al he didn't even get involved at all, he just stood there with me lookin out the window. And that's just how it happened right there.

CR: What was Will bleeding?
JR: I don't know, he might have bled after he got in the car whatever, I don't know. But he did get hit though.

CR: Who had the knife?
JR: I don't know nothin about no knife.

DE: How about raisin, Patch (inaudible) like to carry raisins, sometimes they'll carry them in there mouth, and then they'll go (spitting noise) spit'um right out. You know what I'm talking about? You ever see those guys from New York do that?
JR: No, but I know what your talking about.

DE: Ok, ok, that night, any of those guys say anything about that?
JR: No.

DE: Did Al Monday say anything about that?
JR: Uh huh.

DE: When Al Monday said they'd took care of the junkie, and you say how they, they got rid of her, did he say how they did it?
JR: Nope.

DE: No details? You didn't ask him?
JR: Nope. I didn't ask him.

DE: When he said that, did you think that they meant they killed her?
JR: Yeah, I knew that's what they meant when he said we knocked her off, we took care of the junkie, we knocked her off.

CR: Where was he coming back from?
JR: He was coming through the park. I thought maybe he was coming Nayna's house.

CR: You never knew for sure though?
JR: I never knew where.

DE: So he's at...
JR: He's either coming from Nayna's or the bar.

DE: Ok, so from, so what west of you, this way?
JR: Yeah.

DE: Ok, across the east...

JR: Across toward the park.

DE: Did he have anything on him, did you notice like if there was any blood on him or if his clothes were out of sort, you know what I'm saying, was he messed up at all?
JR: No, the only thing that I noticed on him was that big chain he had hanging on him.

DE: He had a chain hanging on him?
JR: A flat gold chain.

DE: Uh huh.
JR: That's the only thing I noticed.

DE: I mean but, there's nothin about his clothes or anything?
JR: No.

DE: Did you ever come to talk to any of those guys after this happened, about that? You said you ran into JR.
JR: (Inaudible). We didn't talk about that.

DE: At all?
JR: He didn't, he didn't really give me no conversation, I was trying to get something from him and he told me "I ain't servin like that, get with my boy".

DE: Then I'm talking about like when you saw in Campino.
JR: Yeah, that's what I'm talking about.

DE: But he, he never talked about the murder?
JR: No. He ain't gonna talk to me at all.

DE: Uh huh.
JR: Told me to get with the other dude.

DE: Because you wanted some dope?
JR: Yeah for the dude that I took off him.

DE: Um huh. Whose JR staying with over in Campino?
JR: I don't know.

DE: Do you know which house he lives in? Is it close to the park?
JR: I think that corner house, he was headin that way.

DE: Uh huh.
JR: But I know this, they could see where he was goin.

DE: Ok, I'm gonna ask you again, is there anything else, even something small, that you had not yet told us? Anything at all?
JR: No. That's it. That's all I know.

DE: Ok.
ST: And you will testify against these boys?
JR: Yep.

DE: Conclude the interview at 15:47 hours. Detective Captain Rivera, Detective Rescindas, Detective Sargent Taliano, with William Avery Jr., also known as BB, 9-20-91.

DE = Detective Rescindas
ST = Sargent Taliano
CR= Captain Rivera

Exhibit J

DEPARTMENT OF THE TREASURY
UNITED STATES SECRET SERVICE

6100 Rockside Woods Blvd.
Room 440
Independence, Ohio 44131

December 20, 1996

Lorain County Prosecutors Office
226 Middle Avenue
Elyria, Ohio 44035

Attn: Jon Rosenbaum

Dear Mr. Rosenbaum,

In August 1994, an investigation was initiated by the U.S. Secret Service and other state and federal agencies as a result of information received from the Lorain Police Department, Lorain, Ohio. This investigation involved various retail grocery businesses in Lorain that were purchasing food stamp coupons for cash. One of these locations, identified as Clifton Market, 718 East 34th Street, Lorain, Ohio, was consistent in purchasing food stamp coupons each time an attempt was made by a confidential informant to exchange them for cash.

The confidential informant, now identified as William Avery McArthur, has worked with the Lorain Police Department on numerous occasions, and has been proven to provide reliable and accurate information in past cases. In regards to this case, McArthur engaged in five transactions in which food stamps were accepted by a Clifton Market employee in return for cash, which in every transaction, was less than the face value of the food stamps.

The below list identifies the date of each transaction McArthur was involved in, the face value of the food stamp coupons, and the amount of cash received in exchange for these coupons:

Date	FSC Amount Sold	Cash Received
8/4/94	$250.00 - Five $50.00 Food Stamp Booklets	$187.00
3/9/95	$325.00 - Five $65 Food Stamp Booklets	$245.00
3/9/95	$195.00 - Three $65 Food Stamp booklets	$150.00
4/4/95	$400.00 - Ten $40 Food Stamp Booklets	
	$500.00 - Five $50 Food Stamp Booklets	$675.00
4/13/95	$400.00 - Ten $40 Food Stamp Booklets	
	$400.00 - Eight $40 Food Stamp Booklets	$600.00
	$2,470.00	$1,857.00

Exhibit A

At this point in the investigation, a U.S. Secret Service undercover agent was introduced by McArthur to the Clifton Market employee who participated in the above transactions. After this introduction, the undercover agent met with the store employee and participated in the remaining undercover transactions without the assistance or presence of McArthur. The undercover agent participated in eight additional transactions at Clifton Market in which $237,000.00 in cash was received in exchange for $471,725.00 in USDA food stamp coupons.

During the course of this investigation, approximately $111,000.00 of the food stamp coupons sold during the undercover transactions were recovered from the FRB in Cincinnati, Ohio, resulting in the identification of twenty-one retail grocery businesses, who were responsible for the deposit and redemption of these food stamp coupons. This investigation further identified the businesses which consistently redeemed a high amount of the recovered food stamps, and targeted them, as well as the operating bank accounts, for money laundering violations. Through the use of pen registers, surveillances, and additional undercover meetings, the individuals associated with these businesses were identified and also targeted for money laundering violations and conspiracy.

On 6/19/96, fourteen federal arrest warrants, and twenty four federal search warrants were executed simultaneously in the Cleveland area. In addition, seizure warrants were obtained and executed on the bank accounts associated with the retail businesses. Additional arrest and search warrants were also executed in connection with this case on this date in Miami, Florida.

On 7/27/95, William McArthur was interviewed at the Lorain Police Department regarding an incident he raported to Detective Chris Pittak on 7/26/95. McArthur stated he had been approached in Lorain by one of the targets of this investigation, who told him he knew he was working with "the FBI" and "Secret Service". McArthur further reported that the target knew he was being "set up".

On 7/31/95, McArthur voluntarily submitted to a polygraph examination at the U.S. Secret Service Field Office. As a result of this examination, the information reported by McArthur was found to be deceptive. After further questioning regarding this incident, McArthur admitted he had fabricated the story believing it would bring an end to the case. McArthur believed that once the case had ended, he would be able to collect reward money, which would enable him to leave town.

During a proffer with one of the targets in this case on 11/14/96, it was reported that McArthur had approached the target sometime in August of 1995, and offered to provide the target with some information in exchange for $50.00. The target refused to pay the $50.00, at which time McArthur requested that the target give him $25.00 for the information. When the target refused to pay McArthur the $25.00, he told him he would give him the information for free. McArthur told the target that the subject he introduced hto him, who was selling the food stamps, was an undercover Secret Service agent. McArthur further advised the target that the Secret Service was investigating him and his business.

The target advised that he discussed this information with his partners, who after taking it into consideration, felt that McArthur's information was not accurate, and continued the transactions with the undercover agent. It was not until several months later, after believing that he was being followed, that the target realized the information provided earlier by McArthur was true. At this time, the target refused to participate in any additional transactions, and left the Cleveland area for Miami, Florida.

The Secret Service has initiated an investigation on McArthur at this time regarding the possibility of him compromising this investigation. It is possible that obstruction charges will be filed against McArthur in the future. Presently, McArthur has been terminated as a confidential informant and will no longer be used by this agency.

If you have any questions regrading this case or the circumstances regarding the above incident, please feel free to contact me at 216/522-4365. No further action will be taken at this time until I hear from you.

Sincerely,

Robert W. Wyche
Special Agent

Approved By:

Michael S. Young
Special Agent in Charge

Exhibit K

Thereupon, the Defendant, in order to further maintain the issues on his part to be maintained, called Robert Weiss, as a witness, upon being first duly sworn and/or affirmed, was examined and testified as follows:

DIRECT EXAMINATION OF ROBERT WEISS

BY MR. DUFF:

Q Will you tell the Ladies and Gentlemen of the Jury your name, please?

A Robert Weiss.

Q Where do you live?

A Strongsville, Ohio.

Q Are you employed, sir?

A Yes, I am.

Q What are you employed as?

A Special Agent with the United States Secret Service, presently assigned to the Cleveland office.

Q You are a Secret Service Agent?

A Yes.

Q Tell the Jury what the Secret Service does?

A Primarily provide protection for the President and Vice President, and some investigative functions, such as crimes

involving counterfeit currency, credit cards, food stamps violations, money laundering.

Q How long have you been with the Secret Service?

A Thirteen and a half years.

Q You are assigned to the Cleveland office?

A Yes, I am.

Q Do you know a William Avery, Jr?

A Yes, I do.

Q How is it you know him?

A He was an informant in a case we had.

Q And do you know other people in the Secret Service agency that know William Avery?

A Yes, I do.

Q Do you know his reputation in that community for truthfulness and honesty?

A He's not used any more by our agency because he was proven to be unreliable, untruthful.

Q What do you mean unreliable?

A The particular case we were using him for, we had some problems with him. He jeopardized the safety of some agents and lied sometimes, and we discontinued him as an informant to our agency.

Q Were you paying him?

A Yes.

Q For doing this work?

A Yes.
Q And he lied to you?
A Yes.
Q And you terminated your use of him?
A Yes.
Q Would you utilize him in the future?
A No.

MR. DUFF: Nothing else Your Honor.

THE COURT: Mr. Rosenbaum.

CROSS-EXAMINATION OF ROBERT WEISS

BY MR. ROSENBAUM:

Q Sir, is everything that William Avery, Jr. told you a lie?
A No.
Q Did he provide you reliable information that started the criminal investigation?
A Yes, he did. Initially when we first started working with him his information was accurate.
Q And he has knowledge of ongoing criminal activity?
A Yes.
Q And that is because he himself is a criminal?
A I don't know that is the answer. He's certainly, I think it has more to do with the group he's involved with.
Q So he's well accepted in those circles?
A Yes.

MR. ROSENBAUM: Nothing further.

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

You are free to step down.

Exhibit L

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

DIRECT EXAMINATION OF DALE LAUX

BY MR. ROSENBAUM:

Q State your name, please, sir, and spell it for the Reporter.

A Dale Laux, L-a-u-x.

Q Are you employed, sir?

A Yes.

Q Tell the Court and Jury where?

A Forensic scientist with the Ohio Bureau of Criminal Identification.

Q What exactly is a forensic scientist?

A An individual who works in a lab and specializes in the analysis of evidence obtained from criminal activities.

Q How long have you served the State in that capacity?

A Over 17 years.

Q Can you tell the Court and Jury briefly what training you have that enables you to perform your duties as a forensic

scientist?

A I have a Bachelor of Science from Heidelberg, Master of Science from Ohio State. In-service training at the headquarters laboratory of our bureau in London, Ohio for approximately 3 months; attended various workshops and schools over the years; FBI Academy in Quantico, Virginia, dealing with hairs and fibers and bloodstains and DNA analysis. I have also attended workshops and seminars at forensic science meetings over the years.

Q Do you belong to any associations?

A Yes, I do.

Q Name some, please?

A American Academy of Forensic Sciences, and --

Q Can any one apply to join those groups?

A One can apply, I'm not sure anyone would get in.

Q So you are selected in some way?

A Yes.

Q Do you receive periodicals to keep you abreast of various changes in your field?

A Yes, sir.

Q Do you read those periodicals?

A Yes.

Q Do you specialize in a particular field or are you competent to be an expert in all areas?

A No, I'm a specialist in certain fields, the analysis of

blood and semen, that is referred to as serology, and hairs and fibers, and that's usually referred to as trace evidence.

Q Given today's scientific world is it possible for any one to be an expert in all fields of --

MR. DUFF: Objection.

THE COURT: Overrule.

A It would be hard to keep abreast of all of the latest developments in the field of forensic science, that was popular years and years ago, but those people generalized, but, as Counsel stated, in today's world, the complexity of each analysis, it would be difficult.

Q Are you familiar with the term trace evidence, sir?

A Yes.

Q Do you deal with trace evidence?

A Trace evidence can be anything collected from a crime scene. It can be biological, such as hairs, blood, semen. It can be minerals such as dirt, soil, it can be paint chips, glass, a lot of things, virtually anything can fall into that area.

Q Do you deal with large quantities or small quantities?

A Both.

Q Trace evidence is something what lasts a long time by definition?

A It depends on where it is. If it's on someone's clothes, if you come into contact during the day, that evidence will be

lost and other evidence will be gained, so it's an ongoing loss and gain of trace evidence throughout the day.

Q Is it fair to say the longer the time that elapses from the time of the trace evidence, the least likely it would be to find it?

A Generally, yes.

Q Does the exposure to outside elements have anything to do with that?

A Certainly.

Q What does this have to do with that?

A I think it's apparent that wind, rain, will certainly have an effect on the loss. Also I think scents moving over the item, if it's out in the field or street or something, anything like that, passersby, animals, have been known to move and deposit other trace evidence, so yes, it's going to have an affect.

Q Is it fair to say when 2 items or people come in contact generally you find trace evidence?

A There's a principle called the cards principle, when 2 individuals come into contact there's a transfer of evidence, however that can be to a very great degree or to almost nothing and, as I stated, that evidence can start to become lost as time progresses and also it depends on the analyst's ability to detect it. There can be evidence there and not detected.

Q What percent of time, based on your experience at the BCI and experience in this field, do we find trace evidence, when 2 people come into contact?

A Based on the evidence and journals and personal findings in the laboratory, hairs have been analyzed and there's a transfer of hair evidence in 4 percent of the cases, 4 percent of the time.

Q Does that hold true for other type of evidence, like blood, fingerprints?

A I would imagine it would hold true for fibers --

MR. DUFF: Object.

THE COURT: Overruled.

Q Less than 10 percent of the time the law enforcement is successful in detecting trace evidence --

MR. DUFF: Object.

THE COURT: Overruled.

Q Does BCI have people come out to analyze crime scenes?

A Yes, sir.

Q Is it fair to say they are forensic scientists like yourself?

A No.

Q What are their titles or jobs?

A Screen scene agents. Crime scene investigators, crime scene agent.

Q Going back to periodicals, sir, have you had occasion to

publish some articles reviewed by peers in your field?
A Yes.
Q Tell the Court and Jury briefly what subjects your articles were on?
A The success of detection with the use of luminol in detecting bloodstains. It's an agent one can spray on a crime scene and detect bloodstains cleaned up or altered and not visible to the naked eye. Another paper dealt with the analysis of bloodstains and the use of electrophoretics in detecting different types from analysis of the blood. Another article that dealt with a case report involving a situation of a rope that was used in a homicide.
Q Were you called upon to assist the Lorain Police Department in the investigation that concerned the demise of Marsha Blakely?
A Yes, sir.
Q Can you tell the Court and Jury what you were asked to do, please?
A There were a number of items submitted to our laboratory, and I was asked to examine items for the presence of blood.
Q Sir, I have placed before you what is left of a manila bag bearing some evidence tape and evidence sticker marked as 6 and 3, plastic envelopes containing Exhibits 3, 4 and 5. Would you look at them, please?
A Well, I examined the bag and jacket.

Q Do you recognize it, sir?
A I recognize the jacket. My initials and case number appear on the collar. And also I recognize my numbering and the items I removed in the jacket, but there must have been another bag that surrounded this one because it's torn up, and although I see a fragment of what appears to be my initials I don't see our BCI number on it.
Q Do you recognize the contents of State's Exhibits 3, 4 and 5, sir?
A State's Exhibit 3 is a sealed plastic bag containing vials of blood from Lenworth Edwards. I recognize my initials and the date that I opened the bag.

State's Exhibit 4 is a sealed plastic bag containing 2 envelopes and this contains blood from Marsha Blakely, and I do recognize my initials and the date that I opened the envelopes.

State's Exhibit 5, plastic bags containing 2 envelopes which contain blood samples of Floyd Epps, and I recognize my initials and the date that I opened the envelope.
Q Did you receive these items from the Lorain Police Department?
A Yes, sir.
Q Did you do anything upon receipt of these items, sir?
A Yes.
Q Tell the Court and Jury what you did and what your

results were?

A The jacket was analyzed for the presence of blood-stains. The 3 samples, State's Exhibit 3, 4, and 5 were typed, they contained blood samples and those were typed in the A, B, O system.

Q Which means what?

A The A,B,O type was determined on the samples of blood within those items.

Q Did you determine anything else regarding the blood, more specific than just the blood groups?

A Yes, sir.

Q Tell the Court and Jury what you did?

A I performed a procedure called electrophoretics, in which samples from the jacket and also known samples, these are called standards, are placed in a gelatin type medium similar to jello, electrophoretics is placed through the gel and the proteins that are present in the blood are charged particles and they will migrate in this electric field, and through research forensic scientists that do this know where to find specific markers and specific types, this was the blood standard and standard from the jacket were typed using electrophorentics.

Q Did you compare those then to the samples from the jacket?

A Yes, sir, I did.

Q Could you tell the Court and Jury the result of your comparison?

A Yes. There were 6 different markers that were run and all of these markers are proteins that have long names, but their abbreviation are just letters and these are the markers, esterase, ESD.

PGM, which stands for phosphoglucomutase.

GLO, which stands for glyoxylase. EAP, which is erythrocyte acid phosphatase, and AK.

Those are all genetic markers, analyzed used electrophoresis, and I obtained results in these systems. The stains that come from blood are naturally in better shape than stains from an item that you don't know where it came from or how long it was on the item, so you would probably suspect that the bloodstains on the jacket might not yield results on every marker that is the case here, the blood is a stain that had dried and some degradation immediately started to take place, so the markers obtained on the jacket, and there were several stains, 4 stains that were typed, yielded the following result, there were PGM, type 2, ADA, type 1 and AK, type 1 and in the 4 blood samples -- I'm sorry, 3 standard, from Marsha Blakely, Floyd Epps and Lenworth Edwards, were run and those results were compared to the stained material.

Q Were you able to exclude or include any of the samples from the people?

A Yes.
Q And making that on the coat?
A Yes, sir, I was.
Q Tell the Court and Jury the result of that?
A The blood from Marsha Blakely 1 plus does not match type 2, and she's excluded. Floyd Epps, his PGH type 1, he's excluded. The blood from Lenworth Edwards is type 2 and he can be included into the group of possible donors.
Q So Marsha, it could not be Marsha Blakely's blood on the jacket; it could not be Floyd Epps' blood on the jacket; it could be Lenworth Edwards' blood?
A That's correct.
Q What percentage of the population of people of the black race are these markers found?
A PGM 2? Approximately 4 percent of the population.
Q So only 4 percent of the population could have caused the bloodstains found on Lenworth Edwards' jacket?
A The blood could have come from only 4 percent of the Black population.
Q And it was consistent with being Lenworth's blood?
A Yes, sir.
Q Now, as a serologist, are you able to conclude anything about the placement, or how blood is placed on a jacket, or any other place?
A At times we are, yes, sir.

Q Could you describe how you do that, please?

A There are a number of ways blood can be put onto an item. It can result from a splatter, for example when someone is shot or stabbed there's a strong possibility that blood will come out of an artery or out of a wound, and force out and land onto clothing or the environment in the immediate area. Those are called splatterings, the result of forcing a bloodstain with some type of force.

There's also contact stains in which someone that has blood on their hands may rub against the wall and put a smear.

There is another type, there can be transfer of blood from a garment of clothing or an item such as a knife onto a piece of bedding or piece of clothing or something else and that would be a transfer. There's a number of ways blood can be placed onto an object.

Q You examined the jacket marked as State's Exhibit 6?

A Yes.

Q Were you able to make any conclusion or observation as to how the blood was placed on that jacket?

A Yes.

Q Describe that, please.

A I told the officer when the jacket was brought in that the stains on the jacket were on the front and in such a pattern -- and the splatters were in such a form that I knew

the source of the blood was immediately above the stain on the jacket and very close and parallel to the surface of the jacket, so, in other words it would be in front of the face area, if the jacket was being worn as one would wear a jacket.

Q Did you prepare a report that outlines your findings?

I would like to hand you State's Exhibit 7 and ask you to look at that, please. Do you recognize that?

A Yes, sir.

Q Could you tell the Court, please, what that is?

A It's a copy, accurate copy of the report that I sent to the Lorain Police Department on September 4, 1991.

Q Is that a true and accurate copy kept in the ordinary course of your business at the Bureau of Criminal Identification?

A Yes, sir.

Q Are the exhibits today substantially in the same condition today as when you received them, except for what you had to do when you analyzed them?

A For the most part, yes. I believe there was a bag surrounding this one.

Q What happened to the exhibits after they were in your custody, sir?

A They were sent back to the Lorain Police Department.

THE COURT: Mr. Duff.

MR. DUFF: Mr. McNamee will do it, Your Honor.

CROSS-EXAMINATION OF DALE LAUX

BY MR. McNAMEE:

Q Good afternoon, Mr. Laux.

A Good afternoon.

Q Did you receive a subpoena for whatever records you have regarding the Lorain Police Department and what they requested you to do? Did you bring those with you by any chance?

A I received several subpoenas but I don't recall they were subpoenaing records, unless it was sent to my supervisor, and I believe that is the case, he talked to me about those.

Q Do you have those records with you?

A I have my notes and the submission sheet and things and reports.

Q Is that what we would need?

A Yes.

Q Could we see those? These are copies? Are these all the supply sheets then from Lorain?

A Yes.

Q Now, Mr. Laux, you talked about the blood drippings on the jacket?

A Yes.

Q And you talked about the fact that blood splattering occurs when force is applied to the source of the blood?

A Yes.

Q Now, the blood that you found on this jacket, if I'm not

mistaken, where is the jacket -- was along this area, parallel to the lapel if it's sort of closed like that?

A Yes.

Q That's approximately pretty much right below the nose, is that right?

A Yes.

Q Now, there were no -- so the blood dropped down here from the nose?

A Yes.

Q There were no blood splatters over here like on the shoulder lapel, over to the side of the nose, was there?

A No.

Q So it doesn't look like the blood that caused those drops was a result of someone, for example, getting punched like this in the nose and the blood splattering in the direction of the force, does it?

A I would not say that I would not agree with that.

Q If someone were punched or hit in the nose, there's no blood, depending on which way we are going with the blow, there's no blood either to the right or left side in that direction, is that correct?

A That's correct.

Q So, for example, the placement of their blood, it could have just simply occurred from somebody having a spontaneous nosebleed that dripped down on this jacket, is that correct?

A Yes.
Q And there's really no evidence that it occurred any other way you would be aware of just looking at those drops, would you?
A No.
Q Now, the Prosecutor asked you about how often law enforcement is successful in finding trace evidence, that type of thing. Do you remember that question?
A Yes, sir.
Q And I believe your statement, I may have misunderstood you, I don't think what you were saying is it's only identifiable or obtainable in 10 percent of the time, what you said was something to the effect around 10 percent of the time they get it, is that what you're saying?
A Yes.
Q What it depends on, what that is, a reflection of, certainly in importance, is the degree to which the investigation is properly done, correct?
A Correct.
Q So if it's done better some places than other places, a lot of places will get a lot more than 10 percent, just like some will get less than 10 percent?
A Yes.
Q Now, you talked about luminol. Did the Lorain Police Department ask you to examine anything with luminol? Explain

what the luminol is. It probably sailed by the first time.

A It's a chemical that will, when exposed to blood, glow in the dark, luminesce, so if someone placed blood here, cleaned it up, let it dry, and we shut the light off, dimmed the windows and sprayed luminol here it should produce a bright luminesence.

Q Did they ask you to examine that jacket, for example, for other evidence of blood splatters?

A No.

Q Did they take you to Floyd Epps' apartment and ask you to examine that scene for evidence of blood or blood splatters?

A No, sir.

Q Did they ask you to examine anything at Floyd Epps' apartment, such as hair?

A No.

Q Samples, or fingerprints?

A No, sir.

Q Or any form of something that would yield to DNA analysis?

A No.

Q You did examine some carpet fibers, is that correct?

A Yes.

Q Could you tell the Jury what you found there?

A There were samples brought in to the laboratory and it was asked that the clothing from I believe Marsha Blakely and

Floyd Epps be examined. Trace evidence was collected from those items and the agency requested that a comparison be made between the fibers and the results of the trace evidence collected from the clothing.

Q And you had fibers from the inside of a vehicle that was suspected to be involved in the murder, is that correct?

A Yes.

Q Those were red fibers, I believe?

A Yes, sir.

Q Did you find any of those red fibers on Marsha Blakely's legs, clothing or body, or any way linked to her?

A No, sir.

Q Were you able to find anything by way of her body or clothing that would have linked her to actually having been in the suspect vehicle?

A No.

Q It's not at all unusual, is it, for fibers to wind up being transferred from one object to another under those circumstances, is that correct? For example, in an automobile with fibers and clothing that someone is wearing?

A It happens, but I can't give you a -- I don't want to comment on the occurrence rate.

Q It would be well worth looking for, don't you think?

A Oh, absolutely, yes. That's why we do that.

Q That wouldn't be a frivolous undertaking?

A Oh, no.
Q Now, you talked about -- talking about the blood on the jacket again, you did say that you had tried to ABO test the blood on the jacket, right?
A Yes, sir.
Q Tell them quickly what ABO testing is?
A There's 4 ABO groups and most people are familiar with this system. Type A, type B, type AB, and type O. It's a simple process to take whole blood or standard when they come into the lab in tubes. It's more difficult to type blood when it's dried. There are procedures we go through to do that. We can frequently type dried blood in that system.
Q You did attempt to ABO test the bloodstains on this jacket, correct?
A Yes.
Q What was the result?
A No activity, did not obtain the blood type from the stains.
Q In other words, you were unsuccessful in being able to determine what type of blood it was, type O blood, type B blood or A blood?
A Yes.
Q Was one possible reason for that due to the fact that the blood samples were old and dried and degraded?
A Well, I have been able to type old, dried, degraded

bloodstains in the system and it's rather hard, so I really can't speculate in this case why I wasn't able to.

I can generalize --

Q That's what I'm asking you, if blood is old and dried and degraded that's one possible reason you can't even ABO type, isn't it?

A Yes.

Q As a matter of fact, in your experience is it not true it's very unusual not to be able to ABO type, even with old blood?

A Yes, I have done ABO types on very old stains. There's a problem here, though, because the electrophoresis results came out and that contradicts my theories on that.

Q Right, but in any event, so we don't confuse everybody, one of the reasons you cannot get an ABO type blood, what we are talking about in general, is the fact that it gets old and degraded?

A Yes.

Q On relatively old and degraded blood you have sometimes obtained results?

A Yes.

Q But still you were not able to obtain ABO on this blood?

A Yes.

Q Would it be fair to say that was because this was a very old stain?

A No, not in this particular case.
Q Do you know how old the stain was?
A No, but from my genetic marker, on an old stain you wouldn't get genetic markers.
Q How old are we talking about?
A Well, the markers that did come up are about GMADA and AC, and they last a pretty long time. I would say within under a year, probably.
Q I think we're talking about the same thing then, so what you're saying is they could be as old as up to a year old, this blood, as far as you are concerned?
A Well, I'm just trying to give a ballpark figure.
Q Yes. Around a year?
A It's possible.
Q So there's nothing that would tell you from your tests that this blood was only like a month old, was it?
A I cannot determine the age. I can give you an extreme. In other words, in all of them if esterase and glyoxylase came up, it would be within a month, esterase D degrades within a month's time and glyoxylase, and both of those markers were destroyed.
Q If the blood had been less than one month old you would have expected, esterase D, and what was the other?
A Glyoxylase.
Q Would have been positively registered if they were there,

correct?
A Generally, that's the time frame for its degradation.
Q So it's possible, a very distinct possibility, it's more than a month old because you weren't able to find these 2 markers which degrade about after a month, is that correct?
A Generally speaking, it's difficult to narrow it down in a case like this.
Q I'm not saying precisely, but generally they degrade, don't they?
A Yes.
Q You did the stain and those 2 markers were not found?
A Yes.
Q And yet another marker was found that doesn't degrade as fast?
A PGM.
Q And that will be present up to a year?
A Well, I'm not going to narrow the standing, but it's present much longer than esterase D and glyoxylase.
Q So it's fair to say, it could be at least 6 months old, no problem with that, is there?
A No.
Q And this was not Marsha's blood, we did make that clear I think?
A Yes.
Q If Marsha's blood had been on here you would have been

able to stain for it or find it with luminol, that's correct?
A If Marsha's blood had been on the jacket?
Q Correct, you could from tested it with luminol to find it even if you couldn't see it clearly?
A I could have tested the jacket with luminol, and find other stains. I'm not sure they would be Marsha's or Epps' or whose.
Q Did they ever ask you to do that?
A No.
Q Now, I would like you to assume for purpose of the next question that there's testimony -- strike that.
One question, I would like to clarify one thing, the date on which you analyzed the -- did this analysis was September 4, 1991, is that correct?
A That's the date the report was typed but I'm not sure, I would have to look at my notes and things.
Q I'm sorry, in any event the analysis would have been sometime before September 4, '91?
A Yes.
Q So in other words, this was analyzed before one month, the bloodstains?
A Yes, I can't recall when the homicide was.
Q From the date it occurred?
A I don't know the date.
Q I'm sorry, it was August 8th?

A Yes, less than a month.
Q Do you think you could find the date for us?
Defendant's Exhibit C, was marked for identification purposes.
A The date was September 4, '91.
Q So just to make sure we're clear on this, the crime was committed August 8th, is that correct?
A Yes.
Q You received this for evaluations of bloodstains on the jacket on what date?
A August 20th.
Q August 20th, and you performed the analysis at what time?
A September 4th.
Q September 4th. And on September 4th you did not find evidence of esterase?
A D.
Q D, or?
A Glyoxylase I.
Q And these are parts of blood, right, these come in the blood serum?
A Yes.
Q And these are generally still identifiable up to 30 days, correct?
A Generally.
Q After 30 days, approximately, they will degrade and you

won't find them?
A There is going to be a progress, they may last a little longer obviously or a little less.
Q So if it was a little longer, it's more than 30 days?
A What happens, they start to degrade, it's not like a light bulb that pops and goes off, it's more of a dimming.
Q On the other hand, phosphoglucomutase?
A PGM.
Q It was found, it was positive, correct?
A Yes.
Q And that can be found up to around a year?
A Yes.
Q Now, assume for purpose of this question the following facts, that there's testimony that a beating occurred of Marsha Blakely in a small apartment, Floyd Epps' apartment, by 3 to 4 young healthy males over a period of 20 minutes to the point she was rendered, quote, limp and unconscious, okay?
A (Nods head yes.)
Q Now, as a forensic scientist, what would you go looking for in that apartment if you were going to try to determine if that actually occurred there?
A Most likely blood splatters on the walls, ceiling.
Q Why would you look for blood splatters?
A If she was beaten as you say, then there may be blood in the form of splatters, and I am not sure what apartment this

is in.

Q Floyd Epps, the other person killed the same evening.

A I'm not even sure her blood should belong there.

Q Assume she doesn't live there?

A If she doesn't live there, then typing of the blood would be important, however, if she frequented the place, however, if it's in the form of splatters it would be helpful.

Q That would be worth looking for if she was actually beaten over a 20 minute period of time?

A Yes.

Q To use luminol and go over it and see if other blood is around?

A That's used if you believe blood is cleaned up, if that's thought to happen, that could be used.

Q You could do it a month later, if you thought something changed or it occurred to you you could go through and use luminol, correct?

A Yes.

Q How about if she doesn't live there, other evidence like hair?

A Yes.

Q Fingernail scrapings underneath the victim's fingernails, in this case Marsha, if there's testimony she may have hit her attacker?

A Yes.

Q There are quite frequently positive results in cases like that, is that true?

A Not on fingernail scrapings. I would say very rarely. I personally have never obtained, as you said, a type of the victim.

Q How often do they really look for those?

A In rape cases, in fact I just did one the other day, and took photos of the nails and looked for tissue, and I did not see tissue or blood.

Q Not to get sidetracked, how about the blood?

A The blood splatters?

Q That would be well worth looking for?

A Yes.

Q And hairs, if she wasn't frequently there?

A Yes.

Q Now, if we are -- let me ask you to assume some further facts, that there would be testimony that the victim's body was dragged by one arm either on the back or face down out of the apartment over a concrete step down onto a concrete walkway and then was dragged from there either all the way down 50 to 100 feet of concrete or some combination of concrete through a muddy area and grassy area, with little bits of gravel and things like what, what sort of things would you expect to find on the body if that had occurred over that distance or on the clothes?

A I would probably be looking for grass strains, dirt, if you say it was mud, abrasions on the body.
Q Wouldn't you expect as a criminalist, you would see grass, if she was dragged over concrete you would see some pretty good abrasions?
A I'm not a doctor, so I can't speak as an expert witness on that.
Q In any case you would look for trace transfer of dirt and gravel, for example?
A Yes.
Q And scrapes? That wouldn't be unusual, would it?
A No.
Q Might even get into the hair, for example?
A Yes.
Q And did they ever ask you to do any trace evidence evaluation of her clothes, for example, for grass stains?
A Not per se.
Q Or for mud or gravel?
A No.
Q Did you become familiar with the murder of Floyd Epps? Did you do any work, or did your lab do any work on that murder?
A Well, yes.
Q You did? Did you become familiar with the wound that was inflicted on Floyd Epps' neck, left side of the neck, knife

wound or lacerations, presumably by a knife, for 13 centimeters along the neck?

A No, I was never told that.

Q Let me ask you in your professional opinion if there were, if you were aware there was a knife wound with Marsha Blakely?

A No.

Q You are not?

A No.

Q Let me ask you to assume these facts, there was a severe and deep laceration described at autopsy on Marsha Blakely that started at the trachea, cut across, deeply severed the neck muscle and completely transected, that is cut across the jugular vein for a distance of 13 centimeters causing her to bleed to death, okay? If I were to tell you also on that same night a Floyd Epps' body was found in which there was a laceration to the exact same side of the neck, it started just a little bit to the side of the trachea and cut through all of the deep muscles of the neck, transected, that is cut across the jugular vein and finally stopped at exactly 13 centimeters, the same distance as the wound of Marsha Blakely, would you as a criminalist be highly suspicious that these two wounds were inflicted by the same person, the same method of killing?

A I'm not qualified to answer that.

Q Okay. Just for confirmation sake, Mr. Laux, if you take a look at the submission sheets from the Lorain Police Department, these are the things that they submitted to you and what they asked you to do on them, is that correct?
A Yes.
Q And if we run down here, without boring everybody to death on this, there's a jeans jacket, jogging pants and blue shirt and another blue jean shirt and a button and underwear from the victim and pants and belt and all of that, right?
A Yes.
Q A bunch of things here and on none of those were you asked to look for trace evidence, were you, not one?
A No. No, it just asked for blood.
DEFENDANT'S EXHIBIT D, WAS MARKED FOR IDENTIFICATION. PURPOSES.
Q And if you could identify this for the record?
A These appear to be copies, I hope they are copies of supply sheets and reports.
Q And if you can identify that one we talked about earlier?
A This is a copy of the report dated September 4, 1991.
Q And it's marked exhibit?
A C.
Q I'll ask you to identify one more document, this.
A This is a report from Larry Hardin, BCI agent in reference to this case. I'm not sure, this may be an

original, so if I could ask you to make a copy of this?

Q Sure we can give you one before you go.

Does it say there, Mr. Laux, when they submitted this that nothing of apparent evidentiary valuation noted?

A Yes.

DEFENDANT'S EXHIBIT E, BCI REPORT, WAS MARKED FOR IDENTIFICATION PURPOSES.

Q If you could identify that for me?

A This is an original report dated December 2, 1991. This cannot leave -- I have to leave with this.

A Okay.

Q And we will mark that defense exhibit. If you could identify that for me.

A The original report by Cheryl Harris, dated August 25th.

Q Okay, we'll mark that. Now -- just one moment, Judge, I may be --

In short, if we were to sum this up, Mr. Laux, I think you would agree with me that it was either none found or none requested to be identified of trace evidence that would tie Marsha Blakely in with Floyd Epps' apartment in any way, is that correct?

A Yes.

Q Or the suspect vehicle in any way, is that correct?

A Yes.

Q Or the blue jeans jacket that was worn by a co-defendant

in this case, is that correct?

A Yes.

MR. McNAMEE: I have nothing further.

THE COURT: Mr. Rosenbaum.

REDIRECT EXAMINATION OF DALE LAUX

BY MR. ROSENBAUM:

Q Mr. Laux, is there a standard to which a person in your position must test before things are admissible for a jury to consider? In other words is a quantity of evidence necessary for you to formulate an opinion before it becomes admissible?

A No.

Q What is -- does with reasonable scientific certainty mean to you then?

MR. DUFF: Object.

THE COURT: Overruled.

Q Do you understand what I'm asking you?

A Yes, it means to me a legal term, and I'm not sure what.

Q And what does that mean?

MR. DUFF: Object, he said he's not sure.

THE COURT: Overruled.

A When I state to my ability and belief that a certain finding is accurate, based on scientific tests that I believe to be shared by others in the forensic community and what lawyers and Judges take as his scientific certainty, I believe if I'm correct, that's my theory, that is the basis for that,

what I'm testifying to as an expert are results that are based on scientific studies and believed to be true by other scientists in my field.

Q And as a result, what have you testified to with reasonable scientific certainty today, what conclusion?

A The bloodstains found on that jacket were not consistent with Marsha Blakely or Floyd Epps but were consistent with Lenworth Edwards.

Q Anything else with reasonable scientific certainty? Any conclusions that you have reached about this case?

A Well, we have discussed a number of things.

Q I understand that we did, but there's only one conclusion you have reached with reasonable scientific certainty, correct?

A Based on tests I performed in the lab, yes.

Q And there were many, many questions, about generally, or wouldn't you, or whatever. Just to go back to one, you were asked, were you not, about whether you were called upon to do trace evidence analysis on Marsha's clothes, correct?

A Yes.

Q And you compared it to what Mr. McNamee referred to as the suspect vehicle?

A Yes.

Q And did you find any fibers that matched?

A No conclusion.

Q What conclusion can this Jury reach upon the absence of those fibers?

MR. DUFF: Object.

THE COURT: Overruled.

A I'm not sure I'm entitled to decide what conclusion they can reach, I'm not sure they can reach.

Q That's exactly it, they can't.

MR. DUFF: Object.

THE COURT: Overruled.

Q The absence of fibers of her clothes in the suspect vehicle do not support the conclusion she was not in there, correct, or does it?

A One cannot make a --

Q You cannot with reasonable scientific certainty say that Marsha Blakely was not in the suspect vehicle because you found no fibers, correct?

A No.

Q And that would be misleading?

MR. McNAMEE: Object.

THE COURT: Sustained.

Q Can you make that conclusion, because there were no fibers there she was not in the vehicle?

A No, I didn't.

MR. DUFF: Object.

THE COURT: Overruled.

Q And you cannot, can you?
A No.
Q Now, likewise, can you say with reasonable scientific certainty that the bloodstains that you found on that jacket were not two weeks old and much more than two weeks?
A No, sir, I can't.
Q And any implication to the contrary based on the presence or absence of some of these genetic marks would not be based upon reasonable scientific knowledge, would it?
MR. McNAMEE: Objection.
THE COURT: Overruled.
A That's true.
I want to state on the record that I'm not estimating the average of that bloodstain.
Q If anybody were to imply from your cross-examination that could be done, they would be misleading the Jury, wouldn't they?
MR. DUFF: Objection.
THE COURT: It would not be within reasonable scientific certainty or knowledge, would it?
THE WITNESS: That's true.
Q And likewise, do you know whether Mr. Harden went to Floyd Epps' apartment?
A No, sir.
Q You don't know if he was called by the police to do all

the wonderful things Mr. McNamee talked about?
A To be honest, I didn't even know he went there.
Q What was his function?
A At this time he's a special agent with the bureau, a supervisor.
Q That's what he used to do?
A Yes, sir.
Q And he went there to do all the things Mr. McNamee asked you about?
MR. McNAMEE: Object to what he did.
THE COURT: Overruled.
Q That's what he did, right?
That was his function at the time, to go to crime scenes and look for all these things?
A Yes, sir.
Q And does the fact that none were detected permit these people to conclude that there wasn't a violent confrontation in this room?
MR. DUFF: Object.
THE COURT: Overruled.
A No.
Q In fact, to say otherwise again would be contrary to scientific knowledge based upon reasonable scientific certainty, wouldn't it?
MR. DUFF: Objection.

THE COURT: Overruled.

A It would depend I believe on his findings, too.

Q And, sometimes even the world's greatest evidence man can't find anything, correct?

MR. DUFF: Object.

THE COURT: Overruled.

A I can't answer that.

Q But say the world's greatest evidence man found nothing, you could not with reasonable scientific certainty tell these people that a fight did not occur there, correct?

A Yes, a lack of evidence does not mean that something did not occur.

Q It means nothing, correct?

MR. DUFF: Object to that.

THE COURT: Overruled.

A Yes.

Q Scientifically speaking now, would it be proper and acceptable in your circumstances as a forensic scientist for anyone to look at a police report and say this should be or would be trace evidence at a crime scene?

A Is it ethical?

Q Well, is it proper? Can that conclusion be drawn?

A I suppose people could draw that, I would not hold much credence to it.

Q Because why?

A You cannot make a statement like that and base it on scientific fact.

Q So again the absence of trace evidence justifies no scientific conclusion, correct?

MR. McNAMEE: Object.

THE COURT: Overruled.

A As far as I'm concerned, no.

Q It justifies no conclusion?

A That's correct.

Q And likewise, for one to say, based upon just reading a police report, that there would be trace evidence everywhere would be equally irresponsible, from a forensic scientist's point of view?

MR. DUFF: Object.

THE COURT: Overruled.

A Yes.

Q So the only conclusion that you can offer to these people as a forensic scientist with reasonable scientific certainty today is only based upon the evidence that we have, is that correct?

A Yes.

Q And not the absence of evidence?

A Yes.

Q That's true, and not the fact that someone might expect to find evidence?

A Certainly.

Q The only conclusion today is that the blood on that jacket is consistent with Lenworth Edwards and no other?

MR. DUFF: Objection.

THE COURT: Overruled.

Q Out of the people that were submitted to you?

A Yes.

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

THE COURT: Mr. McNamee.

RECROSS-EXAMINATION OF DALE LAUX

BY MR. McNAMEE:

Q Mr. Rosenbaum asked you what amounts to a philosophical question --

MR. ROSENBAUM: Objection.

THE COURT: Overruled.

Q -- which is the fact that an absence of trace evidence justifies no scientific conclusion, that was the question he asked you in a variety of ways, correct, and you said yes?

A Yes.

Q What that really is a statement of, is it not, that simply given no other facts and no other details it's a matter of how we can know things, it doesn't really talk about any specific crime, does it?

A Well, you're correct.

Q All he's saying is you cannot proffer that something doesn't exist, by that statement, that's all that statement really means, isn't it?

A Well, I answered the question. I think he was asking the lack of evidence, does that mean that something did not occur and I said no, that doesn't.

Q In other words, what he's really asking you is a philosophical question, because you don't find something, can you say it doesn't exist? We all know that's true, you can't say that, do you?

A I didn't get that from what he asked me.

Q That's basically what he's asking you, because you didn't find something you can't say it doesn't exist?

A My job is to look at evidence that comes in and make an analysis and if there is a transfer indicate what transfer took place, but not finding something --

Q Depending upon how many facts you know, let's start to add some facts now. He asked you a question devoid of any context or facts as to whether or not not finding trace evidence you can judge anything, how about if we start to add some facts and see if we can come to any scientific deduction, which is what you and I did the first time around, correct?

A Yes.

Q The question I was asking you about whether or not there should have been blood or dirt or grass stains on clothing or

skin or blood on the walls, and you answered all of those questions to a reasonable degree of scientific certainty?

A You asked would I look for those, and, yes, I would.

Q And whether or not it would be helpful to look for them?

A Yes.

Q Whether there would be a good chance of finding something?

A No, not that I recall.

Q Okay, for example, let's talk about whether with a 20 minute beating, the history of a 20 minute beating, we are not going to talk about if something isn't found, we are going to talk about something in a fact context, given there was a 20 minute beating to unconsciousness by 3 to 4 healthy young males, what was the first thing you said you thought you would look for?

A Blood splatters, and I don't change that response. Now, whether I would be surprised if I would not find any, not necessarily.

Q How about if I added another fact, the victim had a lacerated lip, it was cut through from the outside to the inside of the line. Now then, what would you think?

A Well, I'm not a --

Q There was no blood found at the scene of that apartment, what would you think scientifically about that?

A I would have to probably consult with the Coroner and ask

whether there would be a sufficient amount of blood coming from that wound, and also whether that wound occurred, whether that happened in that apartment or not. I don't know if anyone would know that particular detail. And then perhaps was anything cleaned up.

Q That's right. But the point is, if there were a through and through cut from a line like that --

MR. ROSENBAUM: I object, it's asking him to assume a fact not in evidence, and a body hit by a car in another location.

THE COURT: Overruled.

Q If such a cut existed at the scene, you would expect to find some blood that you would analyze?

A I would look for blood, I don't expect to find anything when I go into a case I --

Q I'm not talking about any case now, remember? I think we're getting everybody confused. We're talking about something in a vacuum, on one hand, and this particular case --

MR. ROSENBAUM: I object to that categorization, and I object to what he calls the facts of this case.

THE COURT: Overruled.

Q For example, if we're talking about dragging a body over a distance of 50 to 100 feet over concrete, gravel, through mud, dirt and grass, would you expect as a criminalist to see

some evidence of trace transfer onto the clothes of that victim?

A It depends on a number of things. How long that body was out there.

Q Let's not talk about a number of things.

A I would look for those things.

Q Theoretically you know what the facts are here?

A I'm learning more and more.

MR. ROSENBAUM: He doesn't.

THE COURT: He doesn't know the facts, he has a hypothetical.

Q Correct. Precisely. The facts in this hypothetical, she was dragged through the dirt, concrete, grass, mud, and if you had the clothes to examine a short time afterwards, would you expect to look for and find some evidence of this body wearing those clothes was dragged through everything that was described?

A I would certainly look for those, but I would not say if I did not find any it did not happen.

Q Would you within a reasonable scientific certainty be surprised if this victim were dragged through mud when wearing clothes, you could find no evidence of mud when examining clothes, you wouldn't agree with that statement?

A I don't know if they were dragged through mud.

Q I am saying, assume that.

A I would, assuming that I would be surprised not to find mud on the clothes.

Q Assume they were dragged over a distance of grass. Would you be surprised not to find some evidence of grass stains?

A I might be surprised, yes.

Q And how about evidence of gravel or dirt or mud in the head of this person if she were unconscious as she was being dragged along the ground?

A I might be surprised. Maybe they dragged her by her feet or her head.

Q Assuming the testimony was she was dragged by one arm, limp and unconscious along the ground, that would surprise you?

A Not that I couldn't sleep, but it might surprise me a little.

Q Now, I asked you a number of times and in a number of different ways then if it were not true that following your analysis of the clothes that the victim was wearing, of the jacket that one of the co-defendants was wearing, of an analysis of the apartment where theoretically a beating took place and the crime scene where the body was found, after evaluating all of those to a reasonable degree of scientific certainty you found nothing that could connect, in terms of evidence, Marsha Blakely to the inside of the apartment that was examined, or to the car, inside of the car that was

suspected of being used, or to the co-defendant's jacket in this case, is that correct?

A I didn't do all of those things.

Q I'm saying we have no evidence that was produced to make that connection between Marsha Blakely and all of the things I just discussed with you, do we?

A You are stating that to me, I do not know whatever depositions they have, I do not have that.

Q In terms of what you reviewed here, okay, is that to a degree of scientific certainty doesn't it link her -- we don't have anything to link her?

A That's correct, but keep in mind I did not look at all those things. I looked at certain items of evidence brought in the lab.

Q Anything you are aware of that has been submitted for evidence, we don't have anything to link her to the inside of that apartment or the other things we discussed, the car, the jacket, whatever?

A That's correct.

MR. McNAMEE: Nothing further.

FURTHER REDIRECT EXAMINATION OF DALE LAUX

BY MR. ROSENBAUM:

Q Sir, you did examine these clothes for fibers as requested from the car?

A Yes.

Q Do you know if the police had the right car?
A No.
Q And, again, the fact that you didn't find fibers doesn't mean she was in the car, whether it was the right one or wrong one?
A Correct.
Q When we talked about a philosophical question or is it the foundation of your field that you can only reach conclusions on things that are there and provable?
A No, I think that is not a philosophical question. We analyze evidence and make associations. If we don't find something doesn't mean a certain thing didn't occur.
Q And you can't say it did occur?
A That's true. I never stated that in 17 years.
Q Anybody that would suggest otherwise is misleading the Jury as to what you do?
MR. DUFF: Object.
THE COURT: I sustain that, Mr. Rosenbaum.
Q Now, you examined these clothes, did you not?
A Yes.
Q Can you tell these people whether there was grass stains on it today?
A Well, I cannot. They have my notes.
Q And is it a scientific thing to do, I mean is that what you do at BCI, you postulate all different things that could

happen, or you do what is there?
A No, we do pretty much what is asked of us, and we need guidance. I would be fired if I spent all the time on a case like that, we have other work.
Q With reasonable scientific certainty you can't say whether that bloodstain is only two weeks old, can you?
A No.
Q And you can't say it's not?
A That's true, I'm reemphasizing the fact that I'm not stating the age of that blood stain.
Q Likewise again, with scientific certainty, based on your field of expertise, you can't deduce trace evidence would be expected to be found anywhere, can you?
A No.
Q And you can't say the absence of it proves anything, can you?
MR. McNAMEE: Objection, this is about the fourth time.
THE COURT: I'm going to sustain.
Q And it would be unfair to speculate any other way, wouldn't it?
MR. McNAMEE: Object.
MR. DUFF: Object.
THE COURT: Sustained.
(Out of the hearing of the Jury.)

MR. ROSENBAUM: It's going to be extremely -- I'm going to limit it to blood only.

THE COURT: If it's anything else you aren't going to get it in.

(Within the hearing of the Jury.)

Q On the blood, I didn't ask you as a result of analyzing trace evidence whether you could state the exact age of this blood, did I, that's not what I asked you?

A No, you did not.

Q What I asked you was whether or not blood that had degraded over a certain period of time would have lost these enzymes as we discussed it?

A There was a problem, I did not like that you wrote down 30 days.

Q Approximately?

A Okay.

Q Because I'm not trying to be unfair, approximately, so I'm not asking you the exact time, as the Prosecutor suggested, what I'm talking about --

MR. ROSENBAUM: I did not either.

THE COURT: Overruled. Overruled.

Q Some ballpark scientific deduction and observation on how you would analyze this blood, correct, that's what I asked you for?

A You asked a ballpark, yes.

MR. McNAMEE: Nothing further.

THE COURT: Mr. Rosenbaum.

FURTHER REDIRECT EXAMINATION OF DALE LAUX

BY MR. ROSENBAUM:

Q Is what he asked you within the realm of your science?

A Well, I believe so. I don't think I would have answered if it wasn't.

Q It doesn't mislead the Jury as to the existence?

A I hope not.

MR. DUFF: Object.

THE COURT: Overruled, you can answer.

A Well, to me there's one month approximately between the assault and when I did the analysis and that falls right in that time period, if I'm sitting in the Jury I would go either way.

THE COURT: I'm going to have to strike that. It's up to them to make a determination if what you're telling them is correct or not.

A Let's say I'm not able to determine the age of the bloodstain to that point.

MR. ROSENBAUM: I have no other questions.

THE COURT: Last shot.

FURTHER RECROSS-EXAMINATION OF DALE LAUX

BY MR. McNAMEE:

Q I didn't ask you if it was exactly 30 days, did I?

MR. ROSENBAUM: Asked and answered.

THE COURT: Overruled.

A You didn't ask me but you put it up there.

Q I have now amended it to approximately?

A Yes.

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

Thank you, Mr. Laux, you are free to step down. At this time we'll take a short recess. Remember the admonishments I've given you.

(Thereupon, a short recess was held.)

(Hearing resumed.)

(Within the presence of the Jury.)

THE COURT: Mr. Rosenbaum, your next witness, please.

Exhibit M

Thereupon, the Defendant,
in order to maintain
the issues on his part
to be maintained, called
Larry M. Dehus as a witness,
upon being first duly sworn
and/or affirmed, was examined
and testified as follows:

DIRECT EXAMINATION OF LARRY M. DEHUS

BY MR. McNAMEE:

Q Good afternoon. Would you state your name and spell it for the record?

A Yes. Larry M., last name, D-e-h-u-s.

Q And where are you from?

A My hometown and place of business is West Milton, Ohio, a small town located north of Dayton.

Q Can you tell us what your education and experience is?

A Sure, I have a Bachelor's degree in the area of biology from Otterbein College, and a degree in biology, with emphasis in biochemistry from Wright State.

I've had additional specific training in a wide variety of topics including work from McCrone's Research Institute in Chicago involving forensic microscopy.

Georgetown University of Washington, D.C. in the forensic evaluation of hair.

Course work from the FBI Academy in the biochemical analysis of bloodstains. And course work from the FBI in the microscopic examination of hair and trace evidence.

I also had course work from Wright State University in forensic geology.

DNA analysis in Gaithersburg, Maryland.

In Eastern Kentucky University I had course work in fire and explosion cause and origin.

My work experience involves several, actually there are different areas. First of all I became involved in the forensic science field in 1973 when I was employed by the Miami Valley Regional Crime Laboratory. That is a full service police crime laboratory that is located in the Dayton area and serves Dayton and the 5 county surrounding area. I was employed there for 10 years and in the last 6 years worked as technical supervisor, having responsibility for all of the science techniques in this laboratory.

During my time that I was working there and after I left there I taught courses at several colleges and universities, courses dealing with forensic science topics. And the places I taught include the Ohio Peace Officers Training Academy in Ohio, University of Cincinnati, Sinclair Community College in Dayton, Sinclair Community College in Springfield and Edison State Community College.

And my other area of work experience is in operating my

own independent business, I founded my own and operate an independent testing consulting laboratory that is called Law-Science Technologies, Inc. We work for attorneys, insurance companies, doing testing and consulting on scientific technical matters relating to the criminal and civil justice system.

Q I hand you --

DEFENDANT'S EXHIBIT J, CURRICULUM VITAE, WAS MARKED FOR IDENTIFICATION PURPOSES.

A Yes, Defendant's Exhibit J is a copy of my resume' that outlines my education, teaching experience, work experience and Courtroom and testimony experience.

Q I notice there's some literature and publication. Could you tell us that quickly?

A Yes, I have a DEA license that is issued by the Drug Enforcement Administration that allows me to possess and analyze control substance drugs, and a similar type of permit from the Ohio State Board of Pharmacy. And I also have a laboratory permit for the analysis of alcohol issued by the Ohio State Department of Health.

I have authored one article that was entitled "The Collection of Physical Evidence From Sexual Assault Victims." That article was published in the Crime Laboratory Digest, which is a publication of the FBI Laboratory. That article resulted from the Department of Evidence collection kits that

were distributed to hospitals and police agents for checking traces of deposits from victims of assault.

DEFENDANT'S EXHIBIT K, REPORT, WAS MARKED FOR. IDENTIFICATION PURPOSES.

Q Handing you now Defense Exhibit K, if you could identify that for us.

A Yes, Defense Exhibit K is the original copy of the report that I prepared on March 28th of this year regarding my evaluation of certain materials in this case.

Q And what did we ask you to review for this case?

A I was asked to review a copy of the autopsy report of Marsha Blakely.

I was asked to review the trial transcript of a William Avery, Jr., and one crime laboratory report.

Q And we asked you then to provide an opinion based on those reviews?

A Yes, based upon those reviews I was asked to address 2 or 3 questions.

Q And what were those?

A Questions regarding the likelihood of there being a transfer of evidence, the depositing of evidence at different locations.

Q Okay. And could you tell us, based on your review, if you could assume -- let me rephrase that for purpose of this next question a few facts, that the testimony was that there

was a fight that went on for about 20 minutes, a small fight, not so much a fight really as a beating in which 3 to 4 healthy young males beat a young female for 15 to 20 minutes and ultimately rendered her unconscious, and, following that, one of the males dragged her out of the apartment by the arm or wrist over a little concrete step onto a walkway, and then through some combination of going over concrete and mud and grass, dragged this person for about 60 feet and then placed her in a car. Given those assumptions, what conclusion can you reach?

A Well, first of all, there would have been a transfer of physical evidence in the apartment at the location of the beating, a beating of that intensity, and that length of time would result in trace evidence from the assailant being left on the body and/or clothing of the victim and at the scene of where that assault took place. Likewise, there would be a transfer of evidence, trace evidence from the body of the victim, for example, hair, fibers and blood, a transfer of those trace materials onto the clothing and body of the assailants.

Regarding the movement of the unconscious body from the apartment over the pathway that you described, this would be -- there certainly would be abrasions, scrapings, apparently on the surface of the clothing to indicate that type of contact between the clothing and the surface.

There would be a deposit of traces of concrete material, grass, weeds, vegetation and soil onto the body of the victim.

Q Now, there have been some questions earlier about the effectiveness of an investigation for trace evidence that is only found in approximately 10 percent of cases. Will you agree with that statement?

A No, I wouldn't agree with that statement. I don't know, first of all, there's no statistical data. Someone may say that is their experience in the work they do. If this is reported by somebody working, for example, in a crime laboratory, they are making an assumption that every case comes in correct, defendant is identified and they're fine.

In a certain amount of cases I would tell you, in my opinion, and it's very strong, when there is physical contact between individuals there will be a transfer of trace evidence. Whether or not this trace evidence is finally evaluated depends on how thorough a job the police do in collecting, submitting the evidence, and how thorough a job the crime lab does in checking the trace evidence.

Q Talking about this beating that went on for 20 minutes, would you find it reasonable to look for blood in the area of the apartment and/or mattress that the person was on for at least some time during the course of the beating?

A Absolutely.

Q How would you do that, and how easy would it be to find

Q When was DNA fingerprinting and typing being done in the medical legal community?

A Well, it goes back 15 to 20 years, and it's been done with frequency in the last -- since starting about 8 years ago, I guess.

Q Now, would you find it therefore highly unlikely that if the facts were as given that someone was beaten in this manner for 20 minutes by 3 healthy people there was no trace evidence present in this apartment that would be detectable to a thorough investigation?

A In my opinion, within a reasonable degree of scientific certainty, that is very highly unlikely.

Q You would find it very likely trace evidence would be available to tie the victim to the assailant and the assailant to the victim in some manner, correct?

A Yes.

Q Or to tie the victim to the apartment?

A That's correct.

Q Certainly, now, if you were given the facts there were red fibers present in this automobile that the victim was deposited into, what would you do at that point?

A Well, if that's the case I would want to have standard fibers collected from that vehicle and then compare them to trace fibers that were recovered from nail scrapings or the clothing or the hair of the victim. In my experience when a

person, either conscious, dead or alive is transported in a vehicle, almost always there will be a transmission of fibers, and you will find there can be felt fibers and upholstery fibers of that vehicle on the person.

Q If you were given further facts, on this victim were found evidence of a scrape on the one shoulder, I believe the right, and a smaller scrape of the left shoulder, and abrasions on the left forehead and side of the face and a laceration of one, as well as a tear in the knee of a pair of jeans this person was wearing, would you expect that is all you would see in terms of trace transfer?

MR. ROSENBAUM: Object.

Q If this person were dragged, as I said, over up to about 60 feet in the manner I described --

MR. ROSENBAUM: Object, I would like to approach.

(Out of the hearing of the Jury.)

MR. ROSENBAUM: That part of his question calls for this man to be a physician, to testify to damage that would be sustained to a human body given certain injuries, and he's not qualified to do that, although I submit he's not qualified to do any of this. I'll explain to the Court later he's stepped highly beyond his bounds now.

MR. McNAMEE: The police officer testified that there were lacerations that would show it was dragged.

Still missing p. 518-519

So you based your opinions with a reasonable degree of scientific certainty based upon what information again?

The information that has been provided to me.

And that basis is what?

A In the hypothetical or back sketch provided by defense counsel and by information in the documents we have already described.

Q And one of the documents was William Avery, Jr's. transcript?

A That's right.

Q So you believed him?

MR. DUFF: Object.

THE COURT: Overruled.

A I have no way to either confirm or deny the accuracy of that information. I was asked to render opinions based upon that information, and the facts asked --

Q Did you list it on your report as one of the 3 bases, 2, listed bases of your scientific opinion, because you didn't believe it?

MR. DUFF: Object, whether he believes it or not is not the question, he wasn't there, he has no opinion on that.

THE COURT: You will have a chance to decide that.

MR. ROSENBAUM: I'll stipulate to that if that's

what he wants to do, he's offering his opinion, Your Honor.

THE COURT: Overrule.

Q So you're telling this Jury that the information that you are basing your opinion on came from William Avery, Jr.

A Part of the information.

Q So you believe it to be reliable within a reasonable degree of scientific certainty?

MR. DUFF: Objection.

THE COURT: Sustained.

Q So you based your opinion on it even though you didn't believe it to be reliable?

MR. DUFF: Objection.

THE COURT: Sustained.

Q Now, what other information would you have liked to have before you rendered these opinions?

A I didn't like --

MR. McNAMEE: Object as to what he doesn't know and didn't have.

THE COURT: Sustained.

MR. ROSENBAUM: If I may be heard.

(Out of the hearing of the Jury.)

MR. ROSENBAUM: He's an experienced man, he should know he would like to read a police report, he would like to read all these other things and he didn't get them.

THE COURT: I imagine he would have liked a lot

anything else about this case to evaluate a scenario that I have addressed in my direct testimony.

Q Are you not criticizing or suggesting that whoever did this crime scene did not do an adequate job?

MR. DUFF: Object.

THE COURT: Overruled. If he knows.

A No, because I have no knowledge as to what was done or was not done at this crime scene.

Q So you cannot offer an opinion in any way, shape or form as to if law enforcement had adequately processed this scene?

MR. DUFF: Objection, asked and answered.

THE COURT: He can answer if he knows.

A I do not know what was done at the crime scene.

Q My question is you cannot offer an opinion on that?

A I'm not, that is correct.

Q It would be wrong for anyone to suggest that you are doing that?

MR. DUFF: Object.

THE COURT: Sustained.

Q Now, I would like to ask you a question, based upon your experience that you have outlined, do you agree that with the status of scientific knowledge that it is impossible for an expert like yourself to be an expert in all aspects of forensic science?

A I would agree.

Q And you would not represent to this Court or Jury that one could become expert to testify in many, many areas of forensic science?

MR. McNAMEE: Object as to relevance, Your Honor.

THE COURT: Overruled.

A No, I disagree with that statement.

Q You are saying that one is qualified to do that?

A Yes, there are, there are different ways in which forensic science is practiced in this country and around the world. There are many forensic scientists that operate as generalists, and that might compare to, for example, a family physician, if we are comparing it to medicine, where the generalist has knowledge of all of the areas of forensic science, or at least most or many of the areas, and can testify and have expert opinions in those areas but may not have the extent of knowledge that a specialist has in one specific area, again correlating that to medicine, a neurologist or an orthopedics specialist.

Q You admit you are a generalist, then?

MR. DUFF: Object, he's not letting him finish.

THE COURT: Are you finished?

A Yes.

Q You admit you are a generalist?

A I'm a generalist.

Q And are you a specialist in any specific area?
A My main specialty area, the area I specialize in since the last 27, 25 years has been in trace evidence.
Q But you have testified trace evidence does not include tool mark examination, does it?
A Not in the narrow sense.
Q And you testified as a tool mark expert, didn't you?
MR. McNAMEE: Object about his testimony in other cases.
THE COURT: Overrule.
A I have training and experience in that field and have testified in that field.
Q And would trace, does trace evidence, the specifics of trace evidence, include the examination of paint samples?
A Absolutely.
Q And you do that, right?
A Absolutely.
Q Do you do grass as well?
A Absolutely.
Q This is within your field?
A That is an area of trace evidence and I have training and have analyzed thousands upon thousands.
Q How about firearm examinations?
A Yes, I do.
Q Is that within trace evidence?

A Parts of it is, yes.
Q But you testify to all aspects of firearms examination, don't you?
A I testified in specific areas of firearms examinations.
Q How about arson?
MR. DUFF: Objection.
MR. McNAMEE: Objection.
THE COURT: Overruled.
A I have testified in regard to arson and fires, and that frequently involves the evaluation of trace evidence.
Q Are you an arson expert?
A I have given expert testimony in the area of arson, in the trace evidence of arson, fire scene, including the identification of --
Q The cause and origin of --
MR. DUFF: Object, he cut him off, Your Honor.
THE COURT: Are you finished?
A No.
MR. ROSENBAUM: Sorry, go ahead.
THE COURT: Proceed.
A The evaluations of trace evidence that may link a suspect to an arson scene or vice versa.
Q Let me rephrase my question. Are you a cause and origin specialist, origin of fires?
A Yes, I am.

Q And are you certified to do that?
A I am.
Q By what organization?
A The National Association of Fire Investigators.
Q And you testify about forensic geology, too, do you not?
A I have, I had course work in forensic geology.
Q That is not within your field of expertise?
A It's in the area of trace evidence, absolutely. In this case had there been traces of concrete recovered from the clothing that would contain specific minerals, that would be identified and compared from the science of geology.
Q What training do you have in the field of geology?
A A course in itself from Wright State University.
Q How long did that course last?
A A semester or quarter.
Q Is your laboratory licensed by the American Society of Criminal Laboratory Directors?
A No, it's not.
Q BCI is, is it not?
A I don't know if it is or not.
MR. McNAMEE: Object.
Q When you worked there was it not?
A I never worked there.
Q I'm sorry.
A To the best of my knowledge, the BCI is not certified

by--

Q You don't know, do you?

MR. DUFF: Object, he said --

THE COURT: Overruled.

A To the best of my knowledge.

Q Do you know one way or the other? Anyway, can you say they don't to the best of my knowledge? That would not be fair to give that type of opinion to the Jury, would it?

(Out of the hearing of the Jury.)

MR. DUFF: Object, they did it throughout this trial.

MR. ROSENBAUM: I ask it be stricken.

THE COURT: They are both going to be stricken and both of you sit down. If you don't behave yourselves we are going to come to a quick end and resume Tuesday. Direct your questions to knowledge and let him answer.

(Within the hearing of the Jury.)

Q Do you know if BCI is licensed or not?

A My answer is that I do not specifically know, but I have not seen any reports, any literature, any information from them that -- where they have indicated that they are. Those laboratories that are certified under that organization such as the Miami Valley Regional Crime Laboratory have posted, advertised that on their letterheads, as well as other places.

Q Does BCI advertise any of its qualifications on its

letterheads?

A Not to my knowledge.

Q Tell the Court and Jury what areas you have testified in as an expert that you yourself taught.

MR. McNAMEE: Object.

THE COURT: Sustained.

Q Now, can you tell the Court and Jury what information you had that tells you how intensive this beating that you have given an opinion on was?

A The information regarding that was detailed in the transcript of Mr. Avery. That information was also presented during my direct examination by defense counsel.

Q He asked you to assume that there was a rather severe and intense beating, did he not?

A Yes.

Q Would it change your opinion any if you learned that the initial beating given to this woman was merely designed to elicit information and not knock her out?

MR. McNAMEE: Objection, Your Honor, that is his surmise.

MR. DUFF: And it's misleading in terms --

THE COURT: Sustained.

Q Would you assume that situation as a hypothetical then?

MR. McNAMEE: Object to that.

THE COURT: Sustained.

MR. ROSENBAUM: Can we approach?

(Out of the hearing of the Jury.)

MR. ROSENBAUM: I can't ask a hypothetical based on a different set of facts?

THE COURT: No.

MR. ROSENBAUM: Pardon me? Would you tell me why, please?

THE COURT: Because I'm not going to permit it. If you want to present a hypothetical present your own witnesses on rebuttal.

MR. ROSENBAUM: I can cross-examine his witnesses, you can't limit me, Your Honor.

THE COURT: Yes, I can.

MR. ROSENBAUM: No, you can't.

THE COURT: Yes, I can.

MR. ROSENBAUM: Judge, I have to bring my own expert, I can't cross-examine theirs?

MR. McNAMEE: Judge, what I did, I asked this guy to address a certain fact circumstance. That's what he's given his direct testimony on, that's all he was asked to do. If he wants to ask him questions --

THE COURT: The hypothetical he has is personal. A beating say to 20 minutes? Nobody knows. If you're going to say it was powder puff, do you want me to take out the felonious assault charge?

MR. ROSENBAUM: I want to --

THE COURT: Fine, I'll let you ask it, then move on.

(Within the hearing of the Jury.)

Q If you learned, sir -- I want you to assume some hypotheticals -- let me ask you this. Are you aware from the knowledge that was given to you upon which you have formulated your opinion as to whether or not the woman was beaten unconscious or fainted --

MR. McNAMEE: Object.

THE COURT: Let him answer if he knows.

A The information that was presented to me was that she was beaten unconscious.

Q And that information again came from?

A The transcript of Avery, and the hypothetical or the fact sketch presented by defense counsel.

Q Did the transcript of William Avery, Jr. say she was knocked out from a single blow or sometime in the course of the fray she became unconscious?

A It just indicated that she became unconscious as a result of the attack. It did not describe a specific blow, but it suggested it was the series of multiple blows that resulted in her unconscious state.

Q It's also equally suggestive of the fact she fainted or just gave up and lay down and Mr. Avery interpreted that as

being unconscious?
A I did not read that into the transcript at all.
Q Is there anything you can point to specifically that says you can tell the Court and Jury at this time that would document you didn't read it that way?
A The way you word your question you would have to analyze each sentence of the transcript.
MR. DUFF: Object, let him answer.
THE COURT: Overruled.
Q What I'm asking you is, because she was in a fight and became unconscious does not mean she was knocked out cold and does not mean she had to be bleeding at this time, does it?
A It does not necessarily mean those things, that's correct.
Q Thank you. And if the fight wasn't that intense at that time, there need not have been this severe transfer of blood that you have postulated that would have occurred?
A If there is any kind of struggle between individuals there's going to be transfer of evidence, the more intense the struggle, the longer the struggle, the more evidence that is going to be transferred, but if there's any form of struggle there's going to be a transfer of evidence.
Q Now, let me ask you this, assume that you found some trace evidence at the apartment scene, assume that it was located on the wall anywhere that you might check to find it,

what would your next move be?
A To properly check and preserve that bloodstain and then have it analyzed to confirm that indeed it is blood and then to have genetic marker tests done to attempt to identify the person that blood came from.
Q And do you have to have a comparison sample to do that?
A Yes, that's correct.
Q Have you ever had experience with a case where the police have no suspect at the time the samples are taken?
A Sure.
Q And at that point in time no matter how good your collection of evidence is there's nothing you can do with it, correct?
A Absolutely false. You take that evidence and you do as much as you can with it, and then when and if a suspect is obtained that data is compared to the data from the suspect. Because you don't have a suspect it doesn't mean you don't evaluate the evidence.
Q If you have a hair and nothing to compare it to it's useless, is it not?
A No, not at all. If you have a hair, the first thing you do is compare it to the victim to see if it's foreign to the victim. If it is, you can provide information as to race, length of hair, color of hair, that can provide investigative leads, for example, so it most definitely has value.

Q When were you consulted, first consulted, regarding this case, sir?
A My initial contact I believe was March 28th of this year.
Q March what?
A 28th.
Q And when did you first receive any information from which to render any opinion on this matter?
A Let me correct that, I received the information on March 28th. I had spoken with defense counsel a few days prior to this, but the materials I reviewed were made available to me on March 28th.
Q And you rendered your opinion on what day?
A The same day.
Q Can you do DNA analysis?
A My laboratory is not set up to do DNA analysis. I do not do it myself.
Q Does BCI?
A I don't believe they currently are. They are in the stages to do it, but I don't believe their laboratory is on line yet.
Q Now, I would like you to assume that you found fibers from some of the trace evidence you are looking for on the clothes of the deceased in this case. Ideally then you will preserve the evidence, correct?
A Absolutely.

Q If law enforcement is unable to identify the car involved, what would you suggest for them to do, what could be done?

A You are referring to fibers from the carpet or upholstery of the car, is that what you're referring to?

Q Yes.

A If a suspect car is never obtained, there would not be much that could be done.

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

MR. McNAMEE: I have nothing, Your Honor.

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

Mr. Dehus, you're free to leave.

At this time we'll take a short recess. Remember the admonishments the Court has given you not to discuss this case among yourselves.

(Thereupon, a short recess was held.)

(Hearing resumed.)

(Within the presence of the Jury.)

THE COURT: Your next witness, Mr. Duff.

Exhibit N

STATE OF OHIO,)
)
Plaintiff,) Case No. 95CR046754
)
- vs -)
)
ALFRED CLEVELAND,)
)
Defendant,)

AFFIDAVIT OF WILLIAM MCARTHER AVERY, JR.

STATE OF MICHIGAN)
) SS:
COUNTY OF WAYNE)

I, WILLIAM McARTHER AVERY, JR, being duly sworn deposes and says:

I was a prosecution witness in the murder trial against Alfred Cleveland in January, 1996 regarding the murder of Marsha Blakely in 1991.

No lawyer or investigator for Al Monday ever talked to me prior to Monday's trial.

At the trials of Al Monday and those charged with him, I testified under oath that I was an eyewitness to Alfred Cleveland, who I knew as Monday, along with people I knew as JR, Will, and Shakeem beat Marsha Blakely at Floyd Epps apartment in Lorain, Ohio and then murdered her behind Charlie's Bar in Lorain. All of this was a lie. I never witnessed the murder of Marsha Blakely, was not with her or Al Cleveland the night she was murdered. This was a story my father told me to tell.

I knew Marsha Blakely since we grew up together and she lived in the area of the Projects in Lorain, Ohio. I also knew who Floyd Epps was since he too lived in the Projects. I have never been to Floyd Epps' apartment.

WILLIAM LOFTON
Notary Public, Wayne County, MI
My Commission Expires Mar. 6, 2008

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Feb 9, 06

Exhibit T

I knew my father smoked crack, had sex, and argued with Marsha Blakely all the time over crack and her being with other men.

I knew Al Monday, Shakeem, Will, and JR as drug dealers from New York. I never saw any of them with Marshal Blakely or heard that she had been with any one of them. I knew these men because I sold drugs for them. There came a time when I owed Al Monday money for drugs. Monday never asked me to beat anyone or do anything to anyone as a way of paying off my debt. I never saw Monday act or threaten violence.

I first heard of the murder of Marsha Blakely while at my then girlfriend Patricia Gaddy' apartment in the Projects. A woman came to the house and said Marsha's body was found. I did not know who had done this, did not know anyone who was involved.

I then went to Charlotte Watkin's house who was also a girlfriend of mine in the early in the morning. My Dad came over to Charlotte's house and told me Marsha was dead and they were going to kill me too. He said he would tell me how you can get out of all this. He told me that I could say I was a witness. He pulled out some crack and we smoked. He then told me I had to memorize a story. This continued throughout the day and into the next. The story he told me to tell was that Al Monday came to get money, that Al said to go with him, that we went in car together to Floyd Epps, that the rest were there (Will, JR, Shakeem). He said to say that Al wanted me to beat Marsha up and then did.

I have never been in a car with Monday, that night or any time.

I knew my father was a paid informant for the Lorain Police Department. In return for his information, the police let him do what he wanted. One time Taliano and Resendez came to the house to meet with my Dad. My Dad had a crack pipe in his hand at the time and the house was

WILLIAM LOFTON
Notary Public, Wayne County, MI
My Commission Expires Mar. 6, 2008

full of people smoking crack. After talking to my Dad, they rode around in their car before returning. When he came back in the house with his crack pipe and bragged around how he could do anything around here without problems from the police.

My Dad set up a meeting with the police. He as present during the interview. They showed me pictures of an apartment which they said was Floyd Epps' and asked me to describe what happened in the apartment. I then made up the story of what happened in the apartment, based upon the pictures.

After I gave this first statement I was taken by the police to various motels. They gave my Dad money each day for food. I never saw any. One of the places was near Oberlain College. I tried to tell Taliano that I did not want my father around but the police ignored me.

I made a couple of statements and a Deposition about what my Dad told me to say. Before the Deposition my Dad came to Charlotte Watkin's house. I told my Dad that this was wrong, that Al was my friend, that I had no reason to think he would hurt me. My Dad then said I had to go to the police and continue to tell this story or he would kill me, my son, and Charlotte, if I told anyone about his plan. I believed him. Someone came and shot Charlotte's house up around this time. We called the police and they came. I tried to show the police a bullet hole but they just left and nothing came of it. I believed that my Dad was behind this shooting as a warning which increased my fear of my Dad.

At some point I was put in the jail for protective custody. I then testified at the first trial of Lenny Edwards. My father wanted all the reward money. He wanted me to ask for $10,000.

I told Prosecutor Rosenbaum that I was lying for the money. We were alone in a room at the courthouse. He got very upset at me and scared me. He told me if these dudes don't go

WILLIAM LOFTON
Notary Public, Wayne County, MI
My Commission Expires Mar. 6, 2006

down for this, that I would. When I then asked him for the $10,000, he got more upset. I later that day testified that I had lied for the money. This was true (and also because my Dad had threatened me which I did not mention in my testimony). I was then charged with perjury, although it was true that I lied for the money and because I was afraid. I was afraid at the time because of what my Dad told me of how these New York guys would be after me – or he would be.

My Dad said that if I testified to what he told me, he was going to get money. They would get me a new identity, give me money, relocate me to another place. He told me that I should say I just witnessed the beating of Marsha Blakely. He said he was going to try to get more money from the police and that to do this, he wanted me at some point to say I saw Marsha Blakely being taken from Epps' apartment to behind Charlies Bar where a guy named "Justice" was, a guy with green eyes and gold teeth, as well as Al Monday and the others.

I testified because my father made me. I was threatened by my father.

Last year in the Summer, 2005, my father approached me to go to a doctor to sell my medical card and in the process help my father's efforts as an informant with the FBI in Detroit. I thought this might be my way out from under all this. I went to the FBI and told them about the murder and my false testimony against Monday in Lorain. The agents said they would check it out and get back to me. I never heard from them again. I told my mother I had told the FBI as it has been bothering me since I testified and I wanted to tell the truth because of the threats.

After I told the FBI I had lied against Al Monday in Lorain, Ohio at Monday's trial I was at a funeral for my sister's boyfriend's son. My father was there and told me he wanted to talk with me outside. I went with him. He said: "I see you have been running your mouth.

WILLIAM LOFTON
Notary Public, Wayne County, MI
My Commission Expires Mar. 6, 2009

Somebody's going to go down and it ain't going to be me." He told me the FBI had been checking things out in Lorain. He made clear that the FBI had told him what I had told them (the FBI) about my false testimony and he again threatened me.

I want to make this right. This has been bothering me since I did this. I feel I have to come clean and tell the truth. It is only now that I finally feel that I can do this without being intimidated or killed by my own father.

I told my mother about all this after I went to the FBI last Summer. She told me that I was doing real good with my life and that I could not go on in a good way until I came forward and told the truth.

If I don't tell the truth and get this off my chest, then my spirit can't be good with God.

At the time, I had no idea that anyone was trying to get a new trial for Al Monday or Cleveland or how to reach anyone connected with him.

Three weeks ago, my mother told me that she had received a call from Leon Cleveland, Al Monday's father.

Mr. Cleveland asked if I would call him back. A week later I tried four times before I was able to reach him. I told him I wanted to do the right thing which meant that I wanted to admit that I had not told the truth when I testified against his son, Al Monday.

About a week later Mr. Cleveland asked if I would be willing to meet with Al's lawyer and an investigator. I agreed to do this.

Today I met with Attorney Bruce Ellison and Investigator Paul Ciolino at the Airport Marriott Hotel in Detroit, Michigan. I told them the above and a lot more details. I did so of my own free will. I have not been promised anything by anyone to provide this Affidavit or to

WILLIAM LOFTON
Notary Public, Wayne County, MI
My Commission Expires Mar. 6, 2006

Feb-09-06

testify at any hearing in this matter. I am ready to travel to Lorain, Ohio from Detroit to testify in court about this.

I am willing to testify and let the Judge know that I lied at Al Cleveland's trial in 1996 and the trials of the other men charged with him. I say again, I did not witness Al Monday or Al Cleveland ever with Marsha Blakely and I lied when I testified that he was involved in her death. The story I testified to at the Deposition and each one of the trials were the ones my father told me to memorize and tell the police and juries.

Since I can only read somewhat, this Affidavit was read to me and is true the best of my knowledge and belief.

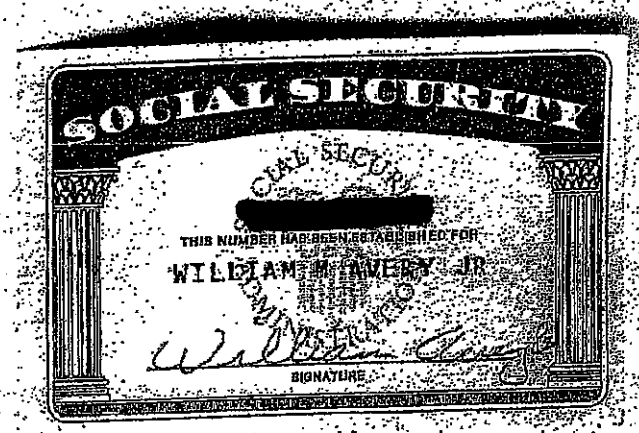
WILLIAM AVERY, JR

Sworn to this 9th day of February, 2006.

Notary Public

My Commission Expires: Mar 6, 2006
(SEAL)

WILLIAM LOFTON
Notary Public, Wayne County, MI
My Commission Expires Mar. 6, 2006



WILLIAM LOFTON
Notary Public, Wayne County, MI
My Commission Expires Mar. 4, [redacted]

Feb 9, 06

Exhibit O

STATE OF OHIO

COUNTY OF LORAIN

PEOPLE OF THE STATE
OF OHIO,
Plaintiff,

vs. No. 95 CR 046754

ALFRED CLEVELAND,
Defendant,

PAGE 1 TO 34

The Sworn Statement of WILLIAM MACARTHER AVERY,
Taken at Outer Drive and Sherwood,
Detroit, Michigan,
Commencing at 8:54 a.m.,
Monday, April 10, 2006,
Before Mary Jeanne Henn, CSR 2940.

COMPRESSED COPY

Exhibit U

Page 2

APPEARANCES:

PAUL J. CIOLINO
Paul J. Ciolino & Associates, LLC
820 West Jackson Boulevard
Suite 300
Chicago, Illinois 60607
Representing Alfred Cleveland.

Page 3

Detroit, Michigan
Monday, April 10, 2006
Approximately 8:54 a.m.

WILLIAM MACARTHER AVERY,
having first been duly sworn, was examined and testified on his oath as follows:

EXAMINATION

BY MR. CIOLINO:

Q. William, we've met previously. My name is Paul Ciolino, and I'm a private investigator from Chicago.

This is in regard to the murder that happened in Lorain, Ohio, on August 7, 1991. Are you familiar with that incident involving a woman named Marsha Blakely, B-L-A-K-E-L-Y, and Floyd Epps, E-P-P-S? Are you familiar with that, William?

A. Yes.

Q. Currently we are in Detroit, Michigan, at Outer Drive E. and Sherwood, where we're taking your sworn statement.

Do you live in this area, William?

A. Yes.

Q. Now, you and I met back in February of this year; is that correct?

A. Yes.

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Q. I was with Attorney Bruce Ellison and we took a similar statement from you?

A. Yes.

Q. Except without the court reporter, correct? That's the lady in the back.

A. Yes.

Q. Now, you understand this is a sworn statement?

A. Yes.

Q. This is like being in court?

A. Yes.

Q. All right. You came in voluntarily; isn't that correct?

A. Yes.

Q. No one has paid you or offered you any reward for coming forward and talking today?

A. No.

Q. All right. You and I have never discussed money or any other benefits for giving your testimony in this matter?

A. No.

Q. Okay. Now, William, you understand I'm not a police officer, right?

A. Right.

Q. I don't work for the district or state's

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attorney of Ohio?

A. Yes.

Q. All right.

Jeanne, just so you know, this is the State of Ohio versus Alfred Cleveland, Case Number 95 CR 046754, Lorain County.

Now, William, back in 1991, were you living in Lorain, Ohio?

A. Yes.

Q. Who were you living with?

A. I was living with Charlotte Watkins.

Q. Prior to Charlotte, who did you live with?

A. My son's mother, Patricia Gaddy.

Q. Prior to living with Patricia, who did you live with?

A. My dad.

Q. What's your dad's name?

A. William Macarther Avery, Senior.

Q. Let's talk about that a little bit. Now, when you lived with your father –

How old were you when you came to Ohio to live with your father?

A. About 12.

Q. While you were living with your father, how would you describe your life style? Was it normal or

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was it chaotic, was it kind of out of control?
A. At first, it was normal. But after he lost his job, you know, he started dealing in drugs, smoking marijuana and, you know -- different people in and out of the house.
Q. Were there any other children in the house besides yourself?
A. No.
Q. So it was just you and your dad?
A. Yes.
Q. He was doing all of these things in front of you?
A. Yes.
Q. All right. You were like in seventh, eighth grade at the time?
A. Yes.
Q. Did there come a time when his drug activity accelerated, there was a lot more of it in the house?
A. Yes.
Q. Did he have you participate in this drug activity?
A. Not at first. It was like when I get up for school, there's a house full of people there smoking crack, doing all kinds of drugs and stuff.

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When I got out of school, the same people were still sitting in the house.
We had no gas, electric on, you know. I came home from school one day and was hungry, and he told me he messed up the money and stuff, and told me to smoke some crack. He said, Here, take this and smoke this. It'll take your hunger away.
Q. How old were you when that happened, William?
A. I was about 14.
Q. You were in high school?
A. Yes.
Q. Was that kind of a routine occurrence after that day?
A. Yes.
Q. That he would tell you to smoke something, it will take the hunger away?
A. Right.
Q. Was there a point where your father was an active and busy police informant?
A. Yes.
Q. He did a lot of work with the local police, right?
A. Right.
Q. A Detective Tuliano, T-A-L-I-A-N-O?

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A. Yes.
Q. Detective Richard Resendez, R-E-S-E-N-D-E-Z?
A. Yes.
Q. He was very familiar with these people?
A. Yes.
Q. Now, getting back to the murder that occurred of Ms. Blakely and Mr. Epps in August of 1991.
Well, right off, did you witness this murder?
A. No.
Q. Did you have any direct knowledge of this murder?
A. No.
Q. Do you know Al Cleveland?
A. Yes.
Q. All right. And he's also known as Al Mundy?
A. Yes.
Q. Did you know a guy named Will Lenworth Edwards?
A. Yes.
Q. And a guy named Ben Davis?
A. Yes.

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Q. Also known as Junior?
A. Yes.
Q. And a guy known as John Edwards, also known as Shakeem, S-H-A-K-E-E-M?
A. Right.
Q. You knew Floyd Epps and Marsha Blakely?
A. Yes.
Q. Now, how did you know Marsha and Floyd?
A. I growed up in the projects right there with them. We all stayed in the projects there.
Q. What did Marsha do for a living, if anything?
A. She was an addict, you know. She smoked crack, and did what she had to do to get it.
Q. Give me some examples of what she would do to get crack.
A. Well, like she'll be over my dad's house and she'd do sexual favors for crack, steal stuff out of the stores for it, you know, just about anything she'd do to get it.
Q. Okay. Floyd Epps, did you know Floyd, too?
A. He was the neighborhood drunk. You walk up to the store, you might see him laying out there asleep in front of the door or something.
Q. Did Cleveland and Edwards and Davis and

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Shakeem, did they have anything to do with Blakely and Epps? Were they, you know, friends or associates?
A. **Well, I know they didn't have anything to do with Epps.**
But Marsha, she smoked crack and stuff, so. I never seen them dealing with her, but I would assume that she did because they ran the little area.
Q. But you had no direct knowledge of seeing them together at any time, did you?
A. **No, uh-uh.**
Q. Do you remember your father's address where you were living?
A. **No, I can't remember that address.**
Q. Okay. But it was in the projects in Lorain?
A. **Yes. It was across the street from Marsha, and Floyd's sisters and brothers stayed across the street, too.**
Q. Okay. So they all kind of lived in the area?
A. **Yes.**
Q. When did you first hear about the murder of these two? Do you remember where you were at?
A. **I was over my son's mother's house,**

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Patricia Gaddy.
Q. Okay. How did you first hear about it?
A. **One of her friends, one of her mom's friends came and hollered up to the window that they had just found her dead behind the bar.**
Q. How far away was the bar from where you were staying?
A. **I'd say about a half a block.**
Q. When was the next time anyone said anything to you about this murder? Did the police come and talk to you about it that day?
A. No.
Q. Or the next day?
A. **It was my dad.**
Q. What happened when your dad came over?
A. **My dad told me -- I had owed Al Mundy some money, which I was paying off to him. And my dad came and told me that they was going to kill me just like they did her, and he know how -- he say, I know how to get rid of them so you don't have to worry about it. You just say what I'm going to tell you to say.**
Q. When you say get rid of, we're talking about Cleveland and Edwards and Davis, right?
A. Right.
Q. Okay. What did your dad tell you to do or

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instruct you to do?
A. **He told me to memorize the story. He pulled out some crack, told me to smoke that to calm me down and stuff because he had me scared, and he told me the story that I said in court.**
Q. Now, you testified against all three of these individuals, right?
A. **Yes.**
Q. William, let me go back a little bit.
Give me your date of birth, please.
A. **-68.**
Q. What's your Social Security number?
A. **-0218.**
Q. What is your current address here in Detroit?
A. **20088 Braile.**
Q. That's in Detroit?
A. **Yes.**
Q. At what point did you talk to the police about this?
A. **After my dad -- after my dad went down there and talked to them.**
Q. Okay.
A. **So after he went down there and talked to them, he came back and he told me they said for him to**

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bring me down there.
Q. All right. So your father went to the police, the local police in Lorain, and he laid the groundwork for you to go and see them, right?
A. **Right.**
Q. Okay. And this was a concocted story that he had designed for you to tell the police?
A. **Right.**
Q. So at that point you go and see the Lorain Police, and this is two or three days after the murder?
A. **Yes.**
Q. And you tell them the story about Cleveland and them committed the murder?
A. **Right. And they had the pictures and everything on the desk, you know, asking me about the apartment.**
Q. From the murder scene and everything?
A. **Right. With the pictures right in my face.**
Q. Prior to seeing those pictures, did you ever see that murder scene in person?
A. **I ain't never been in there.**
Q. So you hadn't been in the apartment?
A. **No.**
Q. And you hadn't been by the bar where Marsha

Blakely was found, correct?
A. No.
Q. So the first time you're seeing that murder scene is when they showed you the pictures?
A. Right.
Q. Okay. Do you have any idea why Blakely was killed?
A. No, I don't.
Q. Do you have any individual knowledge about this?
A. No.
Q. Okay. And Epps, what was Epps' relationship with your father, did they have a relationship?
A. Not that I know of. He was the town drunk.
Q. So they just knew each other from living close to each other?
A. Right.
Q. Now, at some point you were supposed to get some money from the police for telling this story, right?
A. Yes.
Q. And did you get some money?
A. I got $2,000.00 Crime Stoppers Reward. I got $2,000.00 relocation fee.

Q. Okay.
A. And I got $1,000.00 for the deposition that they gave me.
Q. The state?
A. Yeah.
Q. Did you get any other money?
A. Not that I recall.
Q. Now, what was the first trial you testified in, do you remember? Was it in Edwards' trial, Len Edwards?
A. Yes.
Q. Was there an incident there where you wanted more money and they didn't want to give you more money, and you had a discussion with them about it?
A. Yes. My dad told me to ask Rosenbaum for $10,000.00.
Q. Now, Rosenbaum is who?
A. The prosecutor.
Q. He was the main person you were dealing with in all these cases?
A. Right.
Q. All right. What did Rosenbaum say when you asked him for $10,000.00?
A. $10,000.00? This ain't no bank.

Q. So he refused to give you the $10,000.00?
A. Right.
Q. What did you say?
A. Then I said it was all made up. I lied for the money.
Q. You told the prosecutor that?
A. In court.
Q. In court?
A. Yes.
Q. What happened then?
A. Then I think they took a break. Then we went in the room back there where they was holding me at, and he told me, If they don't go down for it, you're going down for it.
Q. Okay. Let's go back a little bit.
You, in court, announced that you didn't actually see this murder, right?
A. Right.
Q. That this is all a lie?
A. Right.
Q. And then a break is taken?
A. Right.
Q. And you and the prosecutor?
A. Right.
Q. Who else is present when you go back in

this room? Police officers?
A. Uh-uh. It was just me and him.
Q. Just you and the prosecutor?
A. Yes.
Q. No court reporter like we have right now?
A. No.
Q. All right. And you go back in the room and you tell them, I didn't see it?
A. Right.
Q. And you were serious?
A. Yes. It was all a lie.
Q. Did he understand you were serious?
A. Yes, he should have. He told me, Hey, if they don't go down for it, you're going down for it. I'm going to make sure of that.
Q. Did you believe him?
A. Yes, I believed him. So when I got back to the courtroom, then when I said I lied and I did it for the money, he had my dad threw out of the courtroom.
Q. Your father was there at that time?
A. Yes.
Q. He had him removed from the courtroom?
A. Yes.
Q. Now, you gave depositions recorded on

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9-11-91, 9-20-91 and 9-26-91. These were depositions. Do you remember who prepped you and who got you ready for these depositions when you gave them? Was it Rosenbaum again?

A. Yes, Rosenbaum. And Resendez was there.

Q. The police officer?

A. Yes.

Q. Did they prepare you for these depositions?

A. Yes.

Q. Okay. And you basically went over your old story about witnessing the murders that you didn't actually witness, right?

A. Right.

Q. You told them once again the same story, essentially, right?

A. Yes.

Q. Okay. Now, you're talking about Blakely being beat, and Mundy and them offering you money to beat them up. Was that true?

A. No.

Q. It wasn't true, but that's what you testified to, right?

A. Right.

Q. You testified that Blakely was put in Delphia Guice's car, right?

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A. No.

Q. Did you ever testify to that?

A. I said that they drug her out to her car.

Q. You never saw that, though?

A. No. That didn't happen.

Q. You never saw her touched that night?

A. No.

Q. In any way, shape or form?

A. No. I didn't even see her.

Q. You never even saw her?

A. Probably in a few days.

Q. Now, William, during the times, all the conversations you had with the police officers, the investigating detectives, were they aware of the fact that you weren't there, or did they have to give you information to help you with your story?

A. Well, I felt that that's what they was doing. They had pictures out on the counter, showing me how the house was, how the mattress was turned, how the table was flipped, you know. They'll ask me a question about, you know, he would sit in front of me and ask me about, How was the table flipped, you know, and have the picture right there.

Q. So all you had to do was look at the picture so you could answer the question?

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A. Right.

Q. Now, after you did all this testifying, what happened to you?

A. Then they said they was putting me in the witness protection program. They was moving me from motel to motel, with my dad right along with me.

Q. What was going on at these hotels?

A. My dad was going out, getting crack, coming back, you know, smoking crack with me, you know. And they was giving me money to eat, and he was taking that. You know, running in and out, I guess he was meeting them outside and stuff.

Q. Now, you came to Detroit shortly after you were done testifying, right?

A. No. I stayed there for awhile first.

Q. But then you eventually came back to Detroit?

A. Right.

Q. At some time recently did you contact the FBI?

A. Yes.

Q. What did you contact them about?

A. My dad had came and got me and took me to some doctor that was taking people -- giving you cash money for your medical card and draining your medical

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card. And I seen that that was my chance to get everything out in the open there.

Q. Concerning your false testimony in Ohio, right?

A. Right.

Q. So you contacted the FBI here in Detroit?

A. Yes.

Q. Do you remember who you talked to?

A. No, I can't remember his name.

Q. But it was an FBI agent you spoke with?

A. Yes.

Q. It was this year in 2006, or last year in 2005?

A. Last year.

Q. Do you remember when, winter, summertime?

A. It was summertime.

Q. Summer of 2005?

A. Yes.

Q. So you contacted them and they come out to see you?

A. Yes, they came to my house.

Q. You had a conversation with them about the Ohio case?

A. No. We was talking about what my dad was trying to get me into then. And after I got it going

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-- after it got going, later on in that situation, I told them about Ohio.
Q. What did they say about Ohio, anything?
A. They said that it was hard for them to believe that these dudes was locked up on my word and stuff, and I didn't know nothing about it, you know, and I told them they locked up. And they said that they was going to investigate it, they was going to call their field office down there and have somebody, you know, investigate it and stuff.
Q. Did you ever hear back from any of the FBI agents from Ohio or anywhere else about this?
A. No.
Q. So no one else has ever called you?
A. No.
Q. Okay. And that's the last --
A. They said their -- no, I talked to the FBI agent.
Q. Here in Detroit?
A. Yes. He told me that they gave my dad a hell of a recommendation, the nares and stuff in Lorain that he worked for as an informant, and that -- you know, I took it as they wasn't going to believe me, you know, they didn't believe me. Because I never heard nothing else about it until Mr. Cleveland

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contacted me. He had found me.
Q. Al Cleveland's father, right?
A. Right.
Q. He found you this year some time?
A. Yes.
Q. That's when we met, shortly thereafter, right?
A. Right.
Q. Did you and Tallerico (sic) ever have a conversation where you told him, you know, you didn't see it or you didn't have any knowledge of it?
A. Who is that?
Q. The detective in Lorain. Back when all this was happening, did you ever tell him, listen, this is all nonsense, I never saw anything?
A. Yes, I told him it was all a lie.
Q. What was his response?
A. He told Rosenbaum. He didn't say anything.
Q. Okay. He told Rosenbaum, and then you and Rosenbaum eventually had that talk where he threatened to lock you up for these murders?
A. Yes.
Q. All right. William, going back to your Ohio days, was there a time when you got in trouble in high school?

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A. Yes.
Q. Tell me what happened there.
A. My dad was, what I felt like he was picking with me and stuff. He was going through changes. He had lost his job and stuff, and that's when he started doing drugs and stuff. He was like putting white gloves on, checking the window sills. If one dish dirty, he'd smash everything out of the cabinets, you know. Every time I woke up or came home from school, there was always something, and I had got so frustrated I didn't know what to do, and one day in school I jumped on this dude.
Q. So you had a fight at the school?
A. Yes.
Q. And eventually there was a juvenile petition filed and you went to court?
A. Right.
Q. Were you incarcerated for any length of time?
A. Not at first, when I went to court, the judge was -- well, the prosecutors and stuff, my dad was friends with them and stuff.
Q. Okay.
A. So they was telling him that I was going to get some time and stuff, possibly until I was 21. So

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my dad told me to act like I got to use the bathroom and told me where the escape door was for the steps and, go on back home, I'll be there and I'm going to take you to Detroit.
Q. Did that happen?
A. Yes.
Q. Now, William, is there -- just to be very clear, you didn't witness any murder in Ohio at any time, did you?
A. No.
Q. When you testified about these murders, you testified falsely?
A. Yes.
Q. You have come forward now for what reason?
A. Because I done changed my life. I'm no longer into selling drugs, dealing with drugs no kind of way. And it's been bothering me. I've been in and out of psych hospitals, you know, and I want it off of my mind. I'm trying to get my life straight with God now. That's the only thing in my way.
Q. And you now have a regular job where you work full time, right?
A. Yes.
Q. And you're not using any drugs?
A. No.

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Q. As we sit here today, are you completely sober?
A. Yes.
Q. Are you medicated in any way?
A. No.
Q. So you're not under any meds right now?
A. No.
Q. You haven't used any drugs or alcohol recently?
A. No.
Q. You're completely sober and of stable mind?
A. Right.
Q. Do you understand absolutely what's going on here?
A. Yes.
Q. Do you understand this is a sworn statement?
A. Yes.
Q. And you're giving it voluntarily?
A. Yes.
Q. And no one has promised you anything?
A. No.
Q. Nobody from the Cleveland family or Edwards family or anyone involved in this murder has promised you any money or rewards of any type?

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A. No.
Q. Nobody has threatened you with harm of any type?
A. No.
Q. This is an absolutely voluntary statement that you're giving today?
A. Yes.
Q. In fact, you gave this to myself and Mr. Ellison a couple months ago; is that correct?
A. Yes.
Q. Just like then, your statement was essentially the same a couple months ago as it is right now, today?
A. Yes, it's the truth.
Q. William, you said you were hospitalized four or five times for emotional and mental health issues. Were these the result of what happened to you in Ohio?
A. Yes.
Q. Your guilt over the fact that you had basically gotten three men sentenced to life in prison for a murder they didn't commit?
A. Yes. Plus my dad was always, when I -- my dad came down here first and when I was here, he was doing the same thing, tried to get me off into drugs

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and stuff. He was always telling me they're going to get me, you know. It's all in my hospital records and stuff.
Q. Did you tell doctors at any time during any of your hospitalizations that you had testified falsely in a murder case?
A. I ain't for sure.
Q. You don't recall telling them?
A. No. But they wrote down everything I said.
Q. William, back when you were testifying against everyone -- there were three separate murder trials, right?
A. Right.
Q. Everyone was tried separately.
-- did any of the defense lawyers try to talk to you prior to you testifying?
A. You talking about their lawyers?
Q. Yes. Did any investigators or lawyers ever contact you prior to you coming to court?
A. No. After it was over with, Mundy's girlfriend came to see me.
Q. Roberta?
A. Yes.
Q. But no attorneys or investigators for the defense?

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A. No.
Q. As far as you know, no one ever tried to call you on the phone or anything, right, to talk to you?
A. No.
Q. William, during the time that you had testified or just prior to it, were you an informant for the Feds, as well? Did you do any federal work where you were paid money?
A. Yes.
Q. Who were you working for?
A. The Secret Service.
Q. Okay. It was an undercover operation you were helping them with?
A. Yes.
Q. Basically, what was it about?
A. It was about -- my dad told me to do it. This store was buying and selling food stamps.
Q. Did you know anything about it or just what your father told you?
A. Yes.
Q. You didn't know anything about it?
A. No. He just told me, you know.
Q. What to tell the Feds?
A. Yes.

Q. Do you remember being polygraphed by them back then, giving you a lie detector test? You don't recall that?
A. No, I don't remember.
Q. Okay.
A. Even when I got ready to leave after it was all over with, like when they was moving me from motel to motel, I had got frustrated and tired of my dad the way that he was trying to, you know, scare me up and stuff, and I told Detective Taliano that I didn't want my dad with me no more.
We was riding in the van, we was on our way to some project where they was going to hide me out. Him and my dad got into an argument inside the van, like they was getting ready to fight. So it didn't matter what I said, they left my dad with me, anyway.
Q. So no matter what you asked of the police, they just wanted your father around to kind of control you?
A. Right.
Q. And they knew that he was giving you drugs at that time?
A. Yes, they knew.
Q. While you were waiting to testify?

A. Yes. There had been a few times when they came to our house at the projects, and my dad would have a house full of people in there, his crack pipe and stuff in his hand, and he'd leave and go ride with them and come back with it in his hand, and brag about how he got it made and stuff with them.
Q. With the police?
A. Yes. He could do what he wanted to do.
Q. He was basically untouchable in Lorain?
A. Right.
Q. William, how old are you today as we sit here?
A. I'm 37.
Q. Today's date is April 10, 2006. The story you have told me today, the sworn statement you have given, this is the truth?
A. Yes.
Q. To the best of your recollection?
A. Yes, it is.
Q. You haven't lied to me or created anything?
A. No.
Q. No one has promised you anything?
A. No.
Q. You would be willing to testify to this in a court of law if you were called upon to do so?

A. Yes.
MR. CIOLINO: All right, William, I thank you for your time today. We're going to terminate this interview now. It's about 9:20 a.m. local time.
(The statement was concluded at 9:20 a.m.)

CERTIFICATE OF NOTARY AND COURT REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF MACOMB)

I, Mary Jeanne Henn, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above sworn statement was taken before me at the time and place hereinbefore set forth; that the witness was by me first duly sworn to testify to the truth, and nothing but the truth, that the foregoing questions asked and answers made by the witness were duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party nor interested in the event of this cause.

Mary Jeanne Henn
CSR 2940 Notary Public,
Macomb County, Michigan
My Commission expires: August 27, 2006

INDEX TO EXAMINATIONS

Witness Page
WILLIAM M. AVERY

EXAMINATION BY MR. CIOLINO:..... 3

INDEX TO EXHIBITS
(Exhibits not offered)

Exhibit P

Victim redacted
Victim redacted / Victim redacted
Victim redacted
Victim redacted

Homicide

91-30603

Approved by

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

—MISCELLANEOUS REPORT— COPY

Report Numbe
#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 1 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party SEE VICTIMS LISTED Address

Date of Birth SS Number Phone #

I respectfully report that on or about 19, at

VICTIMS: RE: CASE # 30574; THURSDAY AUGUST 8, 1991 @ 0125 HOURS

redacted Victim redacted Victim redacted
Victim redacted Victim redacted Victim redacted

RE: CASE # 91-30603; THURSDAY AUGUST 8, 1991@0918 HOURS

Victim redacted Victim redacted Victim redacted
Victim redacted Victim redacted Victim redacted Victim redacted
Victim redacted Victim redacted Victim redacted

AGENCIES: LORAIN COUNTY CORONER'S OFFICE

LORAIN COUNTY CRIME LAB

MEDWAY DRUG ENFORCEMENT / FIRELANDS KENNEL

OFFICERS: CHIEF J. MALINOVSKY, DET. CPT. RIVERA, CPT. C. CASTEEL, DET. LT. MOREHART LT. G. BOMBACK,DET. SGT. ROHNER, TRAFFIC COMMISSIONER L. GEORGE, DET. TALIANO, DET. RESENDEZ, DET. CANTU, DET. GUZMAN, DET. CAMBARARE, DET. A. RIVERA,DET. GERACE, OFFICERS BERES, KURPLEY

SUPPLEMENT REPORTS: LORAIN COUNTY CORONER'S , LORAIN COUNTY CRIME LAB, BUREAU OF CRIMINAL IDENTIFICATION (RICHFIELD, OHIO). LORAIN POLICE DEPARTMENT REPORTS # 91-30574-91-30603 , OHIO STATE PATROL(LT. J. HOLLAND),

EVIDENCE: RE: CASE # 91-30574; Victim redacted Victim redacted redacted

NOTE: Evidence reference this case will be designated as those items listed to "VICTIM # 1" ("V-1")

ITEM # V1(a) ONE(1) BLACK RUBBER SLEVE
ITEM # V1(b) ONE BEER CAN; SCHLITZ "TALL BOY" OPENED.W/ LPD FINGERPRINTS
ITEM # V1(c) PHOTOGRAPHS OF VICTIM AT CRIME SCENE
ITEM # V1(d) PHOTOGRAPHS OF VICTIM AT CORONER'S OFFICE
ITEM # V1(e) ONE(1) PAIR OF MEN'S DRESS PANTS, BLUE WITH YELLOW BELT

(CONTINUED ON PAGE# 2.....)

Report sent to Headquarters m. Date , 19

Reported by

Signature Signature

Precinct DETECTIVE BUREAU REPORT PAGE# 2 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 1 19 , at

EVIDENCE CONTINUED FROM PAGE# 1:

ITEM # V1(f) ONE(1) SHIRT, WITH BLUE HORIZONAL AND VERTICAL LINES
ITEM # V1(g) ONE PAIR OF SOILED UNDERWARE PANTS
ITEM # V1(h) ONE PAIR OF BLACK LOFFER SHOES WITH ONE(1) PAIR OF BLACK SOCKS
ITEM # V1(i) ONE BLACK PLASTIC COMB
ITEM # V1(j) ONE HOUSE KEY ON A SHOE STRING RE: DOOR KEY OF 2307 SUNSET BLVD.
ITEM # V1(k) BLOOD SAMPLES FROM Victim redacted Victim redacted DRAWN AT AUTOPSY BY COUNTY CORNER; FORWARDED TO BCI LAB RICHFIELD, OHIO
ITEM # V1(l) 35 MM PHOTOGRAPHS OF Victim redacted Victim redacted RESIDENCE BY DET. RESENDEZ(9-18-91)

EVIDENCE: RE: CASE # 91-30603; Victim redacted Victim redacted Victim redacted

NOTE: Evidence refernce this case will be designated as those items listed to " VICTIM # 2(" V-2")

ITEM # V2(a) ONE(1) BLUE NYLON SLIP-ON SHOE (LEFT)
ITEM # V2(b) ONE(1) WHITE PLASTIC BUTTON
ITEM # V2(c) PHOTOGRAPHS OF VICTIM AND CRIME SCENE
ITEM # V2(d) VIDEO TAPE OF VICTIM AND CRIME SCENE
ITEM # V2(e) PHOTOGRAPHS OF VICTIM TAKEN BY LORAIN COUNTY CRIME LAB
ITEM # V2(f) PHOTOGRAPHS OF VICTIM AT CRIME SCENE BY CORONER'S OFFICE
ITEM # V2(g) PHOTOGRAPHS OF VICTIM AT CORONER'S OFFICE BY LPD
ITEM # V2(h) PHOTOGRAPHS OF VICTIM AT CORONER'S OFFICE BY CORONER'S STAFF
ITEM # V2(i) ONE(1)PAIR OF BLUE JEANS
ITEM # V2(j) ONE (1) BLUE SHIRT
ITEM # V2(k) ONE SECTION OF LEAFY MATERIAL(RECOVERED AT CORONER'S OFFICE)
ITEM # V2(l) ONE BLUE PLASTIC PURSE WITH OPENED PACK OF NEWPORT CIGARETTS
ITEM # V2(m) ONE CASSETTE TAPE OF INTERVIEW OF WILLIE MINCY ON 8-8-91
ITEM # V2(n) ONE CASSETTE TAPE OF INTERVIEW OF WILLIW MINCY ON 8-9-91; AND HERBERT WALLACE 8-9-91.

ITEM # V2(o) PHOTOGRAPHS OF CRIME SCENE BY THE LORAIN POLICE DEPARTMENT

ITEM # V2(p) ONE(1) RAPE KIT PREPARED BY THE LORAIN COUNTY CORONER'S OFFICE

ITEM # V2(q) ONE(1) CASSETTE TAPE OF 8-13-91 INTERVIEW OF DELPHINA GUISE

ITEM # V2(r) ONE PHOTO ENLARGEMENT OF BLOODY TIRE PRINT AT CRIME SCENE

ITEM # V2(s) ONE CASSETTE TAPE OF 8-15-91 INTERVIEWS OF GWEN&WILLIE MINCY

(CONTINUED ON PAGE# 3....)

Report sent to Headquarters m. Date , 19

Reported by

Signature Signature

Approved by

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

Report unf

—MISCELLANEOUS REPORT— ENTERED

#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 3 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 2 19..... at .....

EVIDENCE CONTINUED: RE: CASE # 91-30603

ITEM # V2(t) ONE(1) CASSETTE TAPE RE: 8-16-91 (911) TAPED PHONE CALL RE: MURDER INVESTIGATION

ITEM # V2(u) ONE(1) CASSETTE TAPE RE: 08-18-91 INTERVIEW OF DELPHINA GUISE BY DET. TALIANO AND DET. RESENDEZ

ITEM # V2(v) BLOOD SAMPLES EXTRACTED BY LORAIN COUNTY CORONER DURING AUTOPSY; FORWARDED TO BCI RICHFIELD, OHIO

ITEM # V2(w) ONE (1) POSSIBLE HUMAN TOOTH RECOVERED AT Victim redacted CRIME SCENE ON 08-22-91 BY CITIZEN AND SUBMITTED BY DET. LT. MOREHART

ITEM # V2(x) ONE(1) CASSETTE TAPE OF 08-21-91 INTERVIEW OF BARBRA LONG BY DET. CPT. RIVERA AND DET. RESENDEZ

ITEM # V2(y) ONE(1) CASSETTE TAPE OF 9-11-91 INTERVIEW OF WILLIAM AVERY JR. BY DET. CPT. RIVERA AND DET.SGT. TALIANO

ITEM # V2(z) ONE(1) CASSETTE TAPE OF 9-12-91 INTERVIEW OF WILLIAM AVERY SR. BY DET. SGT. TALIANO AND DET. RESENDEZ

ITEM # V2(aa) ONE(1) CASSETTE TAPE OF 9-16-91 PHONE CALL ; PATRICIA BROWN BY DET. SGT. TALIANO

ITEM # V2(bb) ONE(1) CASSETTE TAPE OF 9-20-91 INTERVIEW OF WILLIAM AVERY JR. BY DET. CPT. RIVERA, DET. SGT. TALIANO, DET. RESENDEZ

ITEM # V2(cc) ONE (1) POLOROID PHOTOGRAPH OF ALFRED CLEVELAND(AKA"AL MONDAY")

ITEM # V2(dd) ONE (1) POLOROID PHOTOGRAPH OF "SUPREME", "JUSTICE", "PATCH"

ITEM # V2 (EE) ONE(1) CASSETTE TAPE OF 11-1-91 INTERVIEW OF GARY BYRGE AT LCSO

ITEM # V2 (FF) ONE(1) CASSETTE TAPE OF 11-4-91 INTERVIEW OF GARY BYRGE AT LCSO

CONTINUED ON PAGE # 3 (A).....

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—MISCELLANEOUS REPORT—

Report Number
#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 4 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on, or about CONTINUED FROM PAGE# 3 (A) 19 , at

WITNESSES: RE: CASE # 91-30574 AND # 91-30603; NOTE: There are additional witnesses listed in Officer L. George's report re: #91-30574.

ROLLISON, VINCENT MARION BM/27(08-03-64/283-70-4732)
2126 W. 24TH. LORAIN, OHIO PH# 960-1556

ROLLISON, ANTHONY DION BM/28(09-16-62/283-70-3649)
5537 BEAVERCREST DR. # 201 LORAIN, OHIO PH# 960-1556

ROLLISON, ERIC DARNELL BM/29(09-04-61/283-70-4496)
5537 BEAVERCREST DR. # 201 LORAIN, OHIO PH# 960-1556

CRUZ, FRANK JR. PRM/27(03-31-64/281-68-1324)
3861 WEST ERIE AVE LORAIN, OHIO PH# 246-5166) (HOME)
2538 WEST 21ST LORAIN, OHIO PH# 282-3335 (BUSINESS-RENTAL KING)

BLACKMAN, JULIUS KEVIN BM/30(06-03-61/278-62-5674)
2126 W. 24TH LORAIN, OHIO PH# 960-1556

GONZALEZ, MARY JANE PRF/23(10-26-67/299-70-1318)
2530 MARSHALL AVE APT# D-5 LORAIN, OHIO PH# 960-0436

BLAKELY, MARK ANTHONY BM/22(01-25-69/281-70-3794)
219 E. 32 ND ST. LORAIN, OHIO PH# 246-0048

BLAKELY, LISA ANN BF/28(10-21-62/289-68-8303)
1541 FILLMORE AVE LORAIN, OHIO PH# 288-6441

MINCY, GWENDOLYN MARIE BF/31(03-11-60/287-66-0171)
1822 LONG AVE LORAIN, OHIO PH# 246-2281
1609 W. 23 RD ST. LORAIN, OHIO PH#246-4448

MINCY, WILLIE MAURICE BM/33(11-22-58/298-62-1082)
309 W. 26TH LORAIN, OHIO NO PHONE
1609 W. 23 RD LORAIN, OHIO PH# 246-4448

WARD, CONNIE NMN BM/42(07-20-49/421-72-6080)
3009 LEAVITT RD NO PHONE(282-3014-SISTER)
1609 W. 23 RD LORAIN, OHIO PH# 246-4448

(CONTINUED ON PAGE# 5.....)

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Report Numb

#91-30574
#91-30603

16276 LF Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 3(A) Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 3 19..... at

RE: CASES # 91-30574 AND # 91-30603

NOTE: Evidence references these cases will be designated as those items listed as "SUSPECT EVIDENCE ITEMS". SUSPECT # 1 is identified as : EDWARDS, LENWORTH O. BM/18 as identified on Page # 6 of this bureau report.

ITEM # S1 (a) ONE(1) CASSETTE TAPE OF 08-16-91 INTERVIEW OF EDWARDS,LENWORTH BY DET. TALIANO

ITEM # S1 (b) ONE(1) BLUE JEAN JACKET WITH POSSIBLE BLOOD STAINS; MISCELLANEOUS ITEMS IN POCKETS.

ITEM # S1 (c) ONE(1) BLUE NYLON JOGGING PANTS WITH POSSIBLE BLOOD STAINS

ITEM # S1 (d) ONE(1) LARGE BLACK PLASTIC BAG CONTAINING VARIOUS CLOTHING ITEMS AND WHITE ENVELOPE WITH PHOTO AND PAPERS

ITEM #S1 (e) BLOOD SAMPLES FROM EDWARDS EXTRACTED 08-21-91 AT LORAIN ST. JOSEPH HOSPITAL PER EXECUTION OF SEARCH WARRANT ISSUED 08-20-91 VIA JUDE GLAVAS, LORAIN COUNTY COURT OF COMMON PLEAS

ITEM #S1(f) ONE(1) CASSETTE TAPE OF 08-21-91 INTERVIEW WITH LENWORTH EDWARDS BY DETS. TALIANO/RESENDEZ WITH ATTY J. GRUNDA SR. PRESENT.

ITEM # S1(g) PHOTOGRAPHS OF EVIDENCE ITEM # S1(b).

CONTINUED ON PAGE# 4.....

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	—MISCELLANEOUS REPORT—	#91-30574 #91-30603

18296 LP Co.

Precinct *DETECTIVE BUREAU REPORT PAGE# 5* Copy for

Subject *HOMICIDE INVESTIGATION*

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

CONTINUED FROM PAGE# 4

I respectfully report that on, or about 19..... at

WITNESSES; CONTINUED FROM PAGE# 4:

WALLACE, HERBERT LEON BM/43(11-24-47/232-74-7663)
2131 GRENOBLE DR. LORAIN, OHIO NO PHONE

WALKER, LEONARD JAMES BM/34(04-24-57/287-62-8025)
2315 W. 20TH LORAIN, OHIO PH# 244-5417

FRANKLIN, SHARON A. BF/21(06-25-70/296-68-1638)
2126 LORAIN DR. LORAIN, OHIO NO PHONE
2329 WESTVIEW COURT LORAIN, OHIO

HARRISON, MICHAEL CURTIS BM/25(05-17-66/298-70-0318)
2201 W. 24TH. ST. LORAIN, OHIO NO PHONE

DALTON, GINA FAY BF/23(10-17-67/296-80-7311)
5003 WEST ERIE APT# 204 LORAIN, OHIO PH# 960-0058(HOME);244-6000(WORK)

CAWTHON, SHAWN MARQUIS BM/21(05-04-70/299-64-8918)
2206 HANCOCK ST. LORAIN, OHIO NO PHONE
2332 SUNSET BLVD. LORAIN, OHIO NO PHONE (GIRLFRIEND; ERNASTINE EVANS)

BROWN, PATRICIA MICHELLE BF/25(08-14-66/279-68-6790)
2248 LORAIN DRIVE LORAIN, OHIO PH# 246-2994

GUICE, DELPHINA DIANE BF/26(08-01-65/291-68-0336)
2333 LEAVITT RD. LORAIN, OHIO PH# 282-2715

PHILLIPS, PATRICIA DIANNE BF/36(08-01-55/289-54-5531)
1309 MADISON AVE LORAIN, OHIO PH# 244-5745

GRANT, MARGARET ANN BF/25(01-31-66/298-70-1799)
2911 LEAVITT RD LORAIN, OHIO
148 PORTIA COURT ELYRIA, OHIO PH# 322-4104

RALSTON, LASHAR CAMILA BF/18(06-08-73/293-74-8614) AKA "PEACHES"
3005 LEAVITT RD. # A-10 LORAIN, OHIO NO PHONE

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Signature Signature

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Report Numbe

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#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 5(A) Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted / Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 5 19 , at

WITNESSES CONTINUED:

AVERY, WILLIAM M. BM/48(02-14-43/152-32-3018)
2141 W. 24TH STREET LORAIN, OHIO NO PHONE

AVERY, WILLIAM JR. BM/23(06-11-68/382-66-0218)
403 E. 25TH. STREET LORAIN, OHIO NO PHONE

GADDY, PATRICIA NOEL BF/19(12-25-71/293-68-5560)
2140 LORAIN DR. LORAIN, OHIO NO PHONE

BROOKS, FLORENCE MICHELLE BF/21(01-23-70/296-68-0864)
3005 LEAVITT ROAD APT# A1 LORAIN, OHIO PH# 246-5217

BRIGHTWELL, TAMEKA R. BF/20(02-17-71/297-70-8443)
2168 LORAIN DR. LORAIN, OHIO NO PHONE

LONG, BARBARA ETTA BF/42(03-07-49/296-46-8525)
1293 MASSACHUSETTS AVE LORAIN, OHIO NO PHONE

BYRGE, GARY NMN WM/36(06-28-55/282-54-3458)
1737 E. 33 RD ST CLEVELAND, OHIO PH# 361-1056
C/O LORAIN COUNTY JAIL

WATKINS, CHARLOTTE BF/34 (DOB 11/28/57/ 288-58-5240)
403 East 25th St., Lorain Ohio

CONTINUED ON PAGE# 6 .....

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Signature Signature

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—MISCELLANEOUS REPORT—

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Report Numbe
#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU PAGE# 6 Copy for

Subject HOMCIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 5 19..... at .....

RE: CASES # 91-30574 and # 91-30603;

SUSPECTS:

SUSPECT # 1: EDWARDS, LENWORTH O. BM/18(10-15-72/110-74-6053) AKA "WILL"
189-25 MANGIN AVE. QUEENS, NEW YORK PH# (718) 454-1934

SUSPECT # 2: CLEVELAND, ALFRED M. (AKA "AL MONDAY")BM/21(09-10-69/101-68-4822)
1054 KANE ST. NORFOLK, VIRGINIA/ QUEENS , NEW YORK

SUSPECT # 3: EDWARDS, JOHN AUSTIN(AKA" SHAKIM") BM/21(06-07-70/058-66-1826)
3185 VICTORY AVE LORAIN, OHIO PH# 277-0426
2248 LORAIN DR. LORAIN, OHIO PH# 246-2994
QUEENS, NEW YORK

SUSPECT # 4: DAVIS, IAN R. (AKA" J.R.", "E") BM/26(05-10-65)
188-19 MANGIN AVE. QUEENS, NEW YORK

SUSPECT # 5: AKA " SUPREME" BM/20's, QUEENS, NEW YORK
(possible first name ; " DARREN")

Note: Re: Suspect # 4: DAVIS, BENSON PHILLIP BM/27(09-30-63/091-56-9908)
Located 11-11-91 at Rikers Island Prision, New York. Suspect awaiting extradition to Ohio. Arrest warrants were amended by Lorain County Prosecutor with correct name,date of birth, and social security identification.

CONTINUED ON PAGE# 7.....

Report sent to Headquarters ..... m. Date ..... 19.....

Reported by .....

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POLICE DEPARTMENT, CITY OF LORAIN, OHIO

—MISCELLANEOUS REPORT— ENTERED

Report Number
#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 7 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted / Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

CONTINUED FROM PAGE# 6

I respectfully report that on. or about 19..... at

On Thursday August 8, 1991 at 0125 hours Officer Rewak was dispatched to Wallace Lane regarding a body located in the roadway. Officer Rewak and OIC Sgt. Reiber, after evaluating the crime scene, contacted Traffic Commissioner Les George who arrived on scene to continue the investigation.

Officer George located the victim's body at the west side of the roadway near 1626 Wallace Lane. The victim was identified as a black male who had apparently suffered a fatal injury as the result of an Auto-Pedestrian accident. Officer George initiated his investigation. Officer Rewak interviewed a witness, Lonnie Hembree of 1964 Tait Street Lorain, Ohio, and filed a supplement report.

During the preliminary investigation by Officer George, the crime scene was photographed and evidence was retained for further processing. Officer George retained evidence Items # V1(a) and #V1(b) as identified on Page # 1 of this report. The noted items were later transfered to this writer and prepared for transfer to the Bureau of Criminal Identification in Richfield, Ohio for analysis. Officer George prepared a report and diagram of the accident scene based upon his investigation and submitted same to this bureau. See attached reports by Officers Rewak and Traffic Commissioner L. George. See evidence Item # V1(c) reference the photographs of the crime scene.

On Thursday August 8, 1991 at 0918 hours the Lorain Police Department was contacted and advised that a black female's body was located in the north alleyway to the rear of 2538 W. 21St. Street. OIC Lt. G. Bomback and Officer Beres responded and located the victim at the noted location. The Detective Bureau was contacted and the following transpired:

Det. Cpt. Rivera, Det. Resendez, and this writer responded to the noted location. These officers observed the following: A black female wearing blue jeans and a blue short sleve shirt was noted lying on her back with her head in an easterly direction. Her feet were pointed in a westerly direction. There was a large amount of apparent dried blood accumulated beneath her head and the"blood flow" traveled with the grade of the alley pavement in a southerly direction. There was a smaller blood accumulation at her right knee area. The knee was 'cocked' an an approximate forty-five degree angle. There was a third significant section of apparent blood accumulation located at the area near the victim's left hip. The left arm was bent at the elbow and in an upward(easterly) direction. These officers located a blue nylon slip-on shoe immediately west of the victim's left foot. See evidence Item# V2 (a) as identified on Page # 2 of this report. The single most apparent injury to the female was a large and deep slash-type wound to the mid thorax area. Muscle tissue protruded from same.

Report sent to Headquarters m. Date 19.....

Reported by (CONTINUED ON PAGE# 8.....)

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—MISCELLANEOUS REPORT— ENTERED

Report Numbe
#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 8 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted / Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 7 19..... at .....

The victim was observed to have a laceration to the lower left lip. Further, the tip of her left ear was lacerated and the left side of the face was covered with dried blood. Victim redacted right jaw was apparently broken and dislocated. For a complete pictorial account of the location and observable injuries at the crime scene, refer to evidence Items # V2(c), #V2(d), #V2(e),#V2(f)#V2(o), #V2(r). The noted photographs and video tape were submitted from Det. Resendez and Officer Kurpley of the Lorain Police Department. Further, photographs were also submitted to this bureau from the Lorain County Coroner's Office and the Lorain County Crime Lab. Officer Les George submitted a detailed crime scene diagram inclusive with his continued assistance in the investigation of the noted crime scene location. The diagram is attached to this bureau report.

The following additional information should be noted regarding the crime scene reference Victim redacted Victim redacted Victim redacted These officers observed that the weeded area immediately north of the victim's body had dried blood accumulation. The weeds were crushed and the following was noted. An apparent vehicle tire track was observed to pass over the effected area. The tire mark was highlighted in what appeared to be dried blood and green stain from the vegatation. The noted tire mark was in the near vacinity to the right side of the victim and gave the visual "impression" that the tire passed over the victim's right arm which pointed in a northerly direction. A second print of a vehicle's tire passed over the area of the left side of Victim redacted The tire print, which was accented in apparent dried blood, passed over the area of Victim redacted left arm which was at a forthy-five degree angle from the body and her hand pointed east from said position. The significant observation regarding the tire prints, as described, is as follows: Both of the described tire tracks were on either side of the effected body parts. Based upon the fact that the tracks were observed on either side of the blood accumulations and the body, these officers initially concluded that the vehicle passed "over" the victim. The direction of travel was not determined by the tire prints. However, blood spattering at the left side of Victim redacted body did indicate that a vehicle traveled from west to east; to wit: the blood accumulated on the left side of the body and the larger amount exiting from her neck in a southerly direction, as previously described, showed drops of apparent blood with 'tailing' in a easterly direction in the alleyway. For further illustration, refer to evidence Item # V2(c).

These officers contacted the station and requested the assistance of the Lorain County Coroner, Dr. Thomas, and the Lorain County Crime Lab. The Coroner arrived, with staff, and examined the victim. Dr. Thomas made preliminry observations and recorded same for his final report to this department. His staff personnel photographed the victim and the immediate crime scene for evidentiary evaluation. Continued on Page # 9.....

Report sent to Headquarters ..... m. Date ..... 19...

Reported by .....

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Report Num

#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 9 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted / Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 8 19..... at .....

After conferring with Dr. Thomas of the Coroner's office, these officers allowed the Lorain County Crime Lab personnel to photograph the victim and crime scene. Particular attention was given to the tire tracks and other evidence items recovered at the scene; to wit: these officers located,west of the bc a small white button, evidence Item # V2(b), 27'7" from the body of Victim redacted The buttons on the victim's shirt matched the evidence item. Evidence Item#V2(a), a blue nylon slip-on shoe, was located one foot from the left foot of the victim. The shoe was also located west of the victim. The noted items were retained by this officer and tagged into evidence.

Following the preliminary examination by Dr. Thomas, processing of the scene by the county crime lab, and photographs of the victim, these officers allowed the victim's body to be removed by St. Joseph's rescue unit. The body of Victim redacted Victim redacted Victim redacted Victim redacted was therafter transported to the Lorain County Coroner's office at Elyria Memorial Hospital in Elyria, Ohio for an autopsy examination to determine the cause of death and other related information pertinent to this investigation.

The location from which the body of Victim redacted Victim redacted was removed, was photograhed by Det. Resendez. For illustration, refer to evidence Item # V2(o).

These officers initiated a systematic investigation of the crime scene and potential witnesses. The following transpired: Det. Cpt. Rivera ordered a detailed search of the crime scene and surrounding area for additional evidence. Specifically, Cpt. Rivera indicated that these officers should attempt to locate the second slip on shoe of the victim. These officers were unable to locate the second shoe and Cpt. Casteel summoned the assistance of Benji McPeek of the Firelands Kennel. McPeek arrived with a bloodhound and was provided with the recovered shoe, evidence Item # V2(a). The animal was permitted to use the scent of the recovered shoe. A track by the bloodhound failed to provide these officers with additional pertinent evidence. For further information, refer to the supplement report submitted by Cpt. Casteel. Said report is attached to this bureau investigation.

This writer, along with assisting officers, continued the investigation in the following manner: An attempt to locate witnesses who could provide pertinent information in the investigation were saught and the following information was obtained as a result of that endeavor:

This writer was directed to several males standing in a doorway to the rear of Charlies Sports Bar located at 2550 W. 21St. Street. The noted establishment is located in the Westgate Shopping Center complex. The victim's body was located approximately fifty(50) feet east of the doorway of the establishment. Continued on Page # 10.....

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POLICE DEPARTMENT, CITY OF LORAIN, OHIO

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#91-30603

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Precinct DETECTIVE BUREAU REPORT PAGE# 10 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 9 19..... at

This writer spoke with the males and identified same as Vincent Rollison, Anthony Rollison, and Eric Rollison. For further identification of these witnesses, refer to Page # 4 of this bureau report. This officer obtained the following information: Eric and Anthony Rollison arrived at Charlies Bar on Thursday 8-8-91 at approximately 0800 hours. Vincent,approximately 15-to-30 minutes later, exited the business at the north alley door to utilize the garbage dumpster located in the north alley. Vincent Rollison observed the body of the victim, Victim redacted and allerted his brothers of same. The witnesses contacted the Lorain Police Department. This officer was advised by the three(3) Rollisons that the identity of the female victim was Victim redacted Victim redacted Victim redacted Further, Vincent stated that he observed Victim redacted on Wednesday August 7, 1991 at 2030 hours on West 21st street on the south side of the street near the Shop-N-Play store at Reeves Ave. Eric Rollison indicated that he last observed Victim redacted Victim redacted Victim redacted at 2126 W. 24th Street on Wednesday August 7, 1991 in the early afternoon hours.

While in Charlies Bar interviewing the Rollisons, this officer was introduced to a half brother of Victim redacted Victim redacted Victim redacted to wit: Julius Blackman. For further indentification, refer to Page # 4 of this bureau report. Blackman advised this officer that he last observed Victim redacted Victim redacted at Midnight (8-7-91) near the phone booth of the Shop-N-Play store. Blackman indicated that it appeared as though Victim redacted Victim redacted was walking in a northwest direction from that location. This officer was advised that Victim redacted Victim redacted was alone at the noted time. Rollison also advised this writer that Victim redacted was not in the company of another person when observed as described herein.

This officer questioned the witnesses regarding the life styles of the two(2) victims and obtained the following information: Victim redacted Victim redacted was described as an acute alcoholic who lived primarily alone at his Sunset Blvd. residence. Reportedly, Victim redacted Victim redacted allowed others to utilize his apartment to smoke "Crack" and take up 'temporary' residence. This officer was advised that Victim redacted Victim redacted Victim redacted spent a great deal of time at the Victim redacted Victim redacted residence. Their relationship was described as that of "friends". There was no indication that Victim redacted Victim redacted and Victim redacted were involved in a romantic relationship. Victim redacted Victim redacted was further described as not involving himself with narcotics. This department's records verify that Victim redacted Victim redacted was a severe alcoholic and is well known to this department as such. The Rollisons and Blackman, although unable to provide factual information regarding the deaths of Victim redacted Victim redacted and Victim redacted felt that the deaths were related and the results of narcotics. The witnesses further suggested that Victim redacted Victim redacted was unwittingly drawn into the scenario through the actions of Victim redacted

Victim redacted life style was described by the noted witnesses as follows: Blackman and the Rollisons stated that Victim redacted was a well known "street level" user of Crack Cocaine. She,reportedly, would steal and prostitute

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Reported by CONTINUED ON PAGE# 11.....

Signature

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Report Numb
#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 11 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

CONTINUED FROM PAGE# 10

I respectfully report that on or about 19..... at

herself for the illegal narcotics. Her record with the Lorain Police Department substatiates the description offered by the noted witnesses. The witnesses indicated that Victim redacted dealt with a number of drug traffickers in the city and may have stolen drugs from same. The witnesses, who advised that they were in the popular night spot on Wednesday August 7, 1991 and Thursday August 8, 1991, stated that they did not observe either Victim redacted or Victim redacted in the bar on those dates. Further, this officer was advised that the victims were not acustomed to frequenting the establishment. The witnesses were advised to contact this bureau officer in the event they obtained additional pertinent information relating to this investigation. As of August 19, 1991, this officer has not been contacted by the listed witnesses.

The investigation continued in the following manner: This writer was advised by Det. Cpt. Rivera that a witness was brought to his attention and had valueable information regarding the Victim redacted female. This officer was directed to the Shop-N-Play store at W. 21st and Reeves ave and spoke with the clerk, a Mary Jane Gonzalez. See Page # 4 for further identification of this witness. Gonzalez provided the following information. The witness stated that she befriended Victim redacted and would speak with her at the store. On Wednesday August 7, 1991 at approximately 2330 hours Victim redacted was to have come to the witnesses Victim redacted Ave apartment and the following transpired:

Reportedly, Gonzalez was awakened by Victim redacted at the noted time. Victim redacted was noted to be very distraught and despirate for money. Gonzalez stated that she questioned Victim redacted regarding a swollen right eye which was 'black' and discolored. Victim redacted reportedly stated " I GOT BEAT UP". When Gonzalez asked who assaulted her, Victim redacted responded " YOU KNOW HOW IT IS WHEN YOU OWE PEOPLE". Gonzalez stated that Victim redacted would not devulge who the assaulted her or where same occured.

Gonzalez stated that Victim redacted asked for $10.00 but she refused. Blakely then requested $5.00 but was once more refused by Gonzalez. Victim redacted was to have produced a white plastic bag containing steaks which she offered to Gonzalez. Gonzalez was to have advised Victim redacted that she did not have any money. The white plastic bag may have been a Reni Rigo shopping bag.

Gonzalez advised that Victim redacted was extremely nervous and stated that she was unusually concerned for her safety. Gonzalez stated that she was aware of Victim redacted life style with drugs, thefts, and street life. In spite of that knowledge regarding Victim redacted past, Gonzalez indicated that this situation caused Victim redacted great concern. Victim redacted was reportedly wearing blue jeans and a white "T"shirt.

CONTINUED ON PAGE# 12.....

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#91-30603

18276 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 12 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 11 19..... at .....

Gonzalez provided the following pertinent information: After the refusal of money, Victim redacted Victim redacted exited the Gonzalez apartment. She walked into the lighted parking area and was observed to enter the passanger side of a dark brown vehicle with a lone black male in the front driver side of same. The vehicle was further described as an older model vehicle, possibly an Oldsmobile. The vehicle was to be in poor condition and rusty. The witness indicated that the exhaust system was very loud. Gonzalez stated that she observed that the vehicle had a front lisence plate but was unable to obtain the registration. The vehicle may have been a two(2) door auto.

The operator was described as a black male, short hair, wearing a non descript baseball hat. The subject was described as having dark skin. Gonzalez stated that she had never observed the vehicle or the driver but felt she could recognize both if located. The vehicle exited the apartment complex west toward the Reeves Ave exit. It should be noted that this officer re-interviewed Gonzalez two(2) days later, 08-10-91, and she offered the following information. Gonzalez stated that the "suspect" vehicle had been observed circling the Victim redacted Ave apartments on 8-09-91. She indicated that she was concerned that the "murders" had observed her looking out her window on the previous date and were in the area to cause her harm. She stated that she was too frightened to obtain the registration but would attempt to do so if the vehicle was observed in the area. As of 08-19-91 this officer has not been contacted by Gonzalez with that information. It should be noted that Gonzalez stated that the vehicle's exhaust system appeared to be in good working order on the second encounter on or about 8-9-91. She further stated that the vehicle may have been a "golden brown" in color.

During the initial interview of Gonzalez, this officer was advised that Victim redacted boyfriend, a Willie Mincy, might be able to provide pertinent information regarding this investigation. This officer located an address for Mincy; to wit: 1609 W. 23rd. street Lorain, Ohio. This officer proceeded to that location and the following occured: As this officer approached the noted residence, this writer noted an apparent disturbance at that location. This writer approached the front,north, door and the following transpired:

This officer observed a group of people inside the duplex in an apparent struggle. This officer entered the structure and observed several persons attempting to restrain a black male subject. This officer attempted to assist the group but the subject fled out the residence via the rear,south, door. This officer radioed for assistance and provided the responding officers with a description of the subject and direction of travel. A short time later, Det. Sgt. Rohner, Officer Undrisky, and Officer D. Garcia located and detained the subject at 1606 W. 24th street. This officer arrived and noted that the subject detained was the same person observed struggling and fleeing from the 1609 W. 23rd. street residence. He was identified as Willie Mincy.

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18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 13 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted / Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 12 19..... at .....

The subject was placed into Officer Undrisky's marked unit and transported to the station as a "material witness" in the homicide investigation. For further information, see Page # 4 for further identification of this witness.

This officer conferred with Det. Cpt. Rivera at the Victim redacted crime scene. Cpt. Rivera was advised regarding the interview with Gonzalez and the detainment of Mincy as a "material witness". This officer was directed to the parkinglot of the Westgate Plaza and was introduced to Victim redacted Victim redacted twin brother, Mark Anthony Victim redacted Officer Udovich directed the victim's brother to said area and awaited this officer's arrival.

Mark Victim redacted enquired reference the condition of his sister and was advised reference same. Mark Victim redacted was unable to offer pertinent information. He indicated that he last observed his sister on Wednesday 8-7-91 at 1230 hours near W. 22nd. street and Beech ave. The witness advised that their sister Lisa Victim redacted had custody of Vic im redacted children at 1541 Filmore and that he would advise her of the situation. Mark advised that his sister spent a great deal of time at the Victim redacted Victim redacted apartment on Sunset and that she and Victim redacted were merly good friends. Mark appeared reluctant to discuss Victim redacted life style and this officer did not pursue the matter in consideration of the loss of his sister. He was advised to contact this officer in the event he was able to provide information regarding this investigation.

This writer continued the investigation in the following manner: This officer arrived on station and interviewed Willie Mincy. In spite of the fact that Mincy was not considered a suspect at this point in the investigation, he was advised of his constitutional rights. He signed the waiver of rights form and same is attached to this bureau investigative report. The advisement and subsequent interview was taped and the cassette tape was tagged by this writer and entered into Central Records evidence. For a complete account of the interview, refer to evidence Item # V2(m). The following is an overview of that interview:

Mincy advised that he came into contact with Victim redacted Victim redacted at approximately 0200 hours on Thursday August 8, 1991. Mincy indicated that he was at his mother's residence located at 1609 W. 23rd. street when he observed Victim redacted Victim redacted was walking and was not accompanied by anyone during this period of time. She, reportedly, arrived at the noted location to speak with Mincy. She had been previously upset with Mincy and walked to discuss the matter. The witness did not observe any injuries and Victim redacted did not indicate that she had been assaulted. Continued on Page # 14.....

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Precinct ..... DETECTIVE BUREAU REPORT PAGE# 14 ..... Copy for .....

Subject HOMICIDE INVESTIGATION

Name of Party ..... Victim redacted Victim redacted Victim redacted ..... Address .....

Date of Birth ..... SS Number ..... Phone # .....

I respectfully report that on or about ..... CONTINUED FROM PAGE# 13 ..... 19..... at .....

Victim redacted Victim redacted indicated that she was going to walk to Victim redacted Victim redacted Victim redacted residence on Sunset Blvd. As she attempted to leave the Mincy property, Willie Mincy grabbed a purse from her hands. The witness inicated that he entered his mother's residence to obtain a pair of shoes and hat. When he exited the residence, he observed Victim redacted Victim redacted walking west on W. 23rd. street. The witness stated that he utilized a bicycle and rode same toward the Victim redacted Victim redacted residence. Reportedly, he experienced difficulty with the bicycle chain which fell off the gear sprocket on more than one occasion. During the period of time Mincy repaired the bicycle, Victim redacted Victim redacted continued to walk toward the Victim redacted Victim redacted residence and out of Mincy's view.

Mincy further indicated that, as he approached Reeves ave at W. 23rd. street, he observed a white station wagon pulling from the south curb at that location. He believed that he observed Victim redacted Victim redacted in the rear seat of the vehicle. Mincy indicated that he observed two subjects in the front seat. The vehicle traveled east on W. 23rd. street and then south onto Victim redacted Ave. The witness stated that he proceeded to Victim redacted Victim redacted residence and discovered that neither Victim redacted Victim redacted or Victim redacted Victim redacted were at the apartment. He returned to his mother's residence and later returned to the Victim redacted Victim redacted apartment. Mincy discovered that a Leonard Walker, further identified on Page# 5 of this report, was sleeping inside the Victim redacted Victim redacted residence. However, moments later, Mincy stated that Walker was outside the apartment and they spoke for a period of time. Mincy stated that he left and returned to the Victim redacted Victim redacted residence during the early morning hours of Thursday August 8, 1991. He indicated that Victim redacted Victim redacted and Victim redacted Victim redacted were not at the apartment during these periods of time.

Mincy stated that, while at the Victim redacted Victim redacted residence, he was joined by his sister's boyfriend, Herbert Wallace. Wallace is further identified on Page # 5 of this report. His sister, Gwendolyn Mincy, is identified on Page # 4 of this bureau report. The witness indicated that he and Wallace spent the morning at the Victim redacted Victim redacted apartment discussing Wallace's personal problems. Mincy indicated that they remained at the Victim redacted Victim redacted residence until approximately 0700 - 0800 hours that August 8, 1991 morning.Reportedly, Leonard Walker was also at the Victim redacted Victim redacted apartment. Thereafter, Minci was to have returned home and Wallace left the area.

This officer questioned Minci reference his relationship with Victim redacted Victim redacted and her lifestyle. This officer was advised that he and Victim redacted Victim redacted were romantically involved for several years. Minci stated that he cared for her and attempted to persuade her to discontinue in her "street life" activities. However, Minci was either reluctant or unable to provide the identification(s) of persons Victim redacted Victim redacted may have been indebted to as a result of her "Crack" addiction in this initial interview. In subsequent interviews, Minci did provide information reference Victim redacted s "street-drug" contacts. For further information, refer to those interviews chronicled in this report. Continued on Page#15.....

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18796 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 15 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 14 19..... at .....

This officer continued the interview of Willie Minci on 08-08-91 and obtained the following information: Minci was provided a synopsis of the information provided by Mary Jane Gonzalez as noted within this bureau report. Minci was unable to offer and factual information reference the vehicle or physical signs of an earlier assault.

Minci did offer a possible scenario involving a Puerto Rican-New York drug trafficker. However, there was insufficent information as of the interview to link the deaths of the victims to the unidentified "drug trafficker". There was a further discussion regarding a "Detroit-drug" connection. Minci suggested that Victim redacted Victim redacted may have owed these drug traffickers money reference a transaction. There was no pertinent information provided reference same as of the date of the interview.

Minci, upon further interview, suggested that the time frame he placed on his contact with Victim redacted reported to be 0200-0230 hours, may be incorrect. This officer was advised that his step-father, Connie Ward, was awake and observed Victim redacted Victim redacted approach the W. 23rd. street residence on the morning hours of Thursday August 8, 1991. Ward is further identified on Page# 4 of this bureau report.

Note: for a complete account of the 08-08-91 interview of Willie Mincy by this officer, refer to evidence Item # V2 (m).

On Thursday August 8, 1991 this writer contacted the above noted Connie Ward. Ward advised that between 0100 and 0200 hours on Thursday August 8, 1991 he observed the following: Ward indicated that he observed Victim redacted walking on the south side of W. 23rd. street in the 1600 block. Reportedly, she appeared to be in good spirits and he did not observe anything that caused him to believe that she was having any type of difficulty. Ward stated that he was outside a brief period of time to walk the garbage to the curb. He was uncertain whether he observed Minci in the company of Victim redacted

On Friday August 9, 1991 this officer re-interviewed Willie Minci who provided additional information. Inclusive of the information, was the names of several persons Victim redacted Victim redacted routinely purchased "Crack" Cocaine from in the Lorain Drive-Reeves Ave ("Strip") area in the city. For a detailed account, refer to evidence Item # V2(n) as identified in this report.

On Friday August 9, 1991 this writer interviewed Herbert Wallace regarding the investigation of the Victim redacted Victim redacted Victim redacted Victim redacted murders. This officer obtained the following information: Continued on Page# 16.....

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Precinct DETECTIVE BUREAU REPORT PAGE# 16 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 15 19..... at .....

The interview was preceeded by Wallace being advised of his constitutional rights. He signed the waiver of rights form which is attached to this bureau investigative report. The advisement and subsequent interview was taped and is further identified herein as evidence Item # V2(n). The interview was conducted by Det. Resendez and this writer.

Wallace indicated that he last observed Victim redacted Victim redacted on Wednesday August 7, 1991 at approximately 1230 hours in the area of W. 23rd. street and Pole Ave. Victim redacted Victim redacted was to have in the custody of a white female and child in a small gray vehicle. Wallace indicated that the female companion was a known friend of Victim redacted Wallace stated that he had not observed Victim redacted Victim redacted for several days prior to his murder. Wallace indicated that he spent the early morning hours of Thursday August 8, 1991 at the Victim redacted Victim redacted residence with Willie Minci. Wallace stated that he and Minci remained at the residence and the immeiate area throughout the morning hours. During that period of time they attempted to locate Victim redacted Victim redacted and his girlfriend, Gwen Minci,with negative results. Wallace re-counted the information offered by Minci pertaining to this time period. Further, he detailed the life style of Victim redacted Victim redacted and her involvement with narcotics. For a complete account of the interview with Wallace on 08-09-91 refer to evidence Item # V2(n) as identified in this report.

During the course of this investigation, this bureau received numerous contacts from anonymous and confidential informants. The informants provided scenarios regarding the events that led to the deaths of Victim redacted Victim redacted and Victim redacted The reported accounts included Detroit, Puerto Rican, and New York drug traffickers. The information generally indicated that Victim redacted Victim redacted had either stolen or failed to account for drugs provided by these various groups of drug traffickers. The predominate information made reference to several known Jamician Queens, New York 'dealers' who have infiltrated this city with narcotics and violence. The following is a partial list of those suspects named in the accounts presented by the informants:

EDWARDS, JOHN AUSTIN (AKA "SHAKIM") BM/21(06-07-70/580-66-1826)

DANIELS, BRIAN K. BM/27(04-03-64/133-56-2437) (AKA "BI")

CLEVELAND, ALFRED M. BM/21(09-10-69/101-68-4822) (AKA" AL MONDAY")

EDWARDS, LENNY(LENWORTH) BM/18(10-15-72/110-74-6053) (AKA" WILL")

DAVIS, IAN R. BM/26(05-10-65) (AKA" J.R.", "E")

BROWN, TOMMY BM(AKA"TOMMY KRENSHAW",TOMMY WIILIAMS","PATCH","HAROLD")

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Precinct DETECTIVE BUREAU REPORT PAGE# 17 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted / Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 16 19..... at

NEW YORK DRUG DEALERS CONTINUED:

" JUSTICE" BM/20's

"QUINN" BM /20's

"SUPREME" BM/20's

"CAT" BM/20's

"TOMO" BM/20's

These bureau officers attempted to locate witnesses who could account for the activities of the identified New York 'suspects' and the following transpired: On Monday August 12, 1991 this writer was contacted by the security personnel of Lorain National Bank. This writer was advised that a bank employee may have pertinent information regarding a John Edwards(AKA"SHAKIM) as identified on Page # 16 of this bureau report. This officer contacted the employee, a Gina Dalton, and interviewed same. For further identification of this witness, refer to Page # 5 of this bureau report.

Dalton provided the following information as same relates to this investigation: Dalton stated that she and a female companion, Patricia Mitchell, entered Charlies Bar located at the Westgate Plaza at approximaely 2300 hours on Wednesday August 7, 1991. She remained in the bar until 0135 hours. During said period of time, she was approached by "Shakim"(John Edwards). Edwards engaged her in a general conversation and advised that he planned to return to New York that week-end to meet with his dentist. Edwards indicated that he intended to have'additional' gold caps placed in his mouth. It should be noted that the New York(Queens) drug dealers have their teeth capped in gold as a form of status and are quite proud of the fact that they are able to display their 'success' in this manner. Dalton stated that Edwards has been attempting to 'date' her and he made reference to same during their conversation. Dalton was not able to confirm whether Edwards exited the bar anytime during the evening or early morning hours of 08-07-91/08-08-91. She did indicate that he was in the company of another black male with similiar physical characteristics. Dalton left the bar at the noted time and went to her mother's residence to retreive her children. She proceeded to her West Erie apartment and arrived at approximately 0200 hours. The following transpired:

Dalton indicated that she received a phone call from Edwards("Shakim") at 0220 hours. He requested that she drive him to the Cleveland Airport where he would depart for Queens, New York later that morning (08-08-91). Dalton refused in spite of a offer of $50.00 from "Shakim" for transportation to the airport.

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16296 LP Co.

Precinct *DETECTIVE BUREAU REPORT PAGE# 18* Copy for

Subject *HOMICIDE INVESTIGATION*

Name of Party Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about *CONTINUED FROM PAGE # 17* 19..... at .....

Following the refusal by Dalton to transport "Shakim" to the airport, he indicated that he would "take a cab". Dalton indicated that she enquired as to how "Shakim" obtained her unlisted phone number. She was advised that her phone number appeared on another subject's phone beeper. The subject was identified as an Andre Lewis. Lewis is well known to this bureau officer as a subject who is involved in drug trafficking in this city. "Shakim" was to have indicated that he would phone her from New York("his destination")and in fact called her on Thursday August 8, 1991 between 2200 and 2300 hours.

The phone call was apparently placed from a phone booth due to the fact that Dalton indicated that the operator interuped their conversation and requested an additional $1.55. The phone conversation was terminated when "Shakim" indicated that he did not have "change" for the toll call.

Dalton stated that "Shakim" called her once more, approximately 20 minutes following the previous phone call, and engaged in general conversation. The apparent main interest of "Shakim" , per Dalton, was his romantic intentions as same related to Dalton. During the phone conversation, they were once more interupted by the phone operator and advised that an additional $1.90 was required. "Shakim" was to have deposited a $1.60 in change and Dalton accepted the remaining balance of $.30 on her phone bill. Dalton was advised to contact this writer with the originating phone number when she received her phone bill from Centel Phone Company. Dalton agreed to provide that information when available. As of August 26, 1991, this writer has not received said information.

On Saturday August 10, 1991 "Shakim" phoned Dalton and advised that he was at the dentist office and was returning to Lorain, Ohio later that date. Dalton estimated that she received the phone call at approximately 1600 hours. Dalton stated that she was not re-contacted by "Shakim" on that date.

Dalton stated that she was contacted by "Shakim" on Sunday August 11, 1991. She was advised , by Shakim" that he had been arrested by the Lorain Police on an outstanding warrant. "Shakim" stated that he was able to post a bond and requested that Dalton transport him from the city jail. Dalton was to have refused said request. "Shakim" indicated that he would contact a taxi service for transportation following her refusal as noted.

On Sunday August 11, 1991 "Shakim" phoned Dalton and offered her gifts of clothes and dinner. She refused his apparent romantic advances and advised him that they would never be anything more than 'friends'. During this conversation, "Shakim" reportedly made the following statements:

" Ain't that a trip about those people who got killed?"
" I heard people are saying that I did it"

Report sent to Headquarters ..... m. Date ..... 19.

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Precinct DETECTIVE BUREAU REPORT PAGE# 19 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 18 19..... at

NOTE: Statements re: the 08-11-91 conversation re: "Shakim" and Gina Dalton continued from Page # 18:

" You know that I couldn't have done it.....I was in New York..... You'd tell them thatwouldn't you?"

" Would you vouch for me?"

* Dalton advised this officer that she informed "Shakim" that she would not provide an alibi for him during the late hours of Wednesday 8-7-91 through Thursday morning 8-8-91. "Shakim" was to have terminated the conversation after her refusal as noted. Dalton indicated that she had not been recontacted by "Shakim" and that she changed her phone number thereafter.

Dalton stated that she was familiar with Victim redacted Victim redacted and Victim redacted Victim redacted She stated that she did not observe either subject on Wednesday or Thursday and was unable to provide any further pertinent information. However, it is important to note that "Shakim" was near the location where Victim redacted body was noted on Thursday morning as described. "Shakim" is a noted drug trafficker from Queens, New York and informants indicated that Victim redacted Victim redacted was to have stolen "Crack Cocaine" from Shakim earlier on Wednesday August 7, 1991. However, this bureau has not been able to verify the theft of drugs or a confrontation between "Shakim" and Victim redacted Victim redacted as confidentially reported to this writer. Although several informants have related information regarding "Shakim" and his New York"associates", as of the date of the Dalton interview no physical evidence had been collected to link the theories to the suspects.

During the course of the bureau investigation, these officers received a great deal of information regarding the 'possible New York drug dealer connection' as same related to the homicides of Victim redacted Victim redacted Victim redacted and Victim redacted Victim redacted Victim redacted Included in that information was the following: These officers were advised that a Delphenia Guice of 2333 Leavitt Road Lorain, Ohio was permitting her residence to be occupied by several of the Jamacian Queens drug dealers as identified on Pages # 16 and # 17 of this bureau report. Further, these officers were advised that her vehicle may have utilized during the murders on or about 08-07-91 through 08-08-91 as chronicles herein. Acting on that information, Dets. Sgt. Rohner and Resendez contacted Guice at her residence and the following transpired: Continued on Page # 20.....

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Precinct DETECTIVE BUREAU REPORT PAGE# 20 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 19 19..... at

Delphenia Guice was advised that the bureau had received the aforementioned information regarding her vehicle. Guice agreed to a "consent Search" of same. She signed the required consent search form which is attached to this bureau report. The purpose of the consent search execution was to determine if any phyisical evidence pursuant to this investigation would be located on or about her vehicle. The vehicle, a 1975 Pontiac Ventura, maroon/silver, bearing Ohio registration DXC 273, was towed to the Lorain City maintainance garage by district wrecking service Dunsons. Guice allowed the vehicle to be removed pursuant to the consent search. Dets. Sgt. Rohner and Resendez viewed the vehicle at the city garage and determined that there was no physical evidence readily visable on the vehicle. The vehicle was towed to Dunson's Garage and later released to the owner. For further information, refer to the attached consent search form as noted.

It should be noted that this officer, after conferring with Sgt. Rohner and Det. Resendez, determined that the vehicle should be checked once more. This decision was based upon the fact that several confidential informants contacted this officer and advised that the vehicle had been utilized by a subject from Queens, New York on the evening of 8-7-91 and the morning hours of 8-8-91. Further, the subject, identified as Lenworth Edwards (AKA "WILL"), was to have ~~had~~ left for Queens, New York in the early morning hours of Thursday 08-08-91 due to his involvement in the murders of the victims as identified. In addition to the information obtained from the informants, this officer reviewed a taped interview of Guice on 08-13-91 by Sgt. Rohner and Det. Resendez. In that interview, Guice made an apparent attempt to minimize her involvement and knowledge of the New York based drug operation and participants. This officer, along with Sgt. Rohner and Det. Resendez, re-contacted Guice at her residence on August 15, 1991 and requested that she permit these officers to conduct a second search of her vehicle. Guice signed a second Consent Search form prepared by Det. Resendez. See attached consent form for further information. These officers searched the interior and exterior of the Guice vehicle and were unable to note any physical evidence that would assist this bureau in its investigation of the homicides of Victim redacted Victim redacted and Victim redacted For further information regarding the 08-13-91 interview of Guice by Dets. Sgt. Rohner and Resendez, refer to evidence Item # V2(q).

The investigation continued in the following manner: On August 15, 1991 this writer interviewed the sister of Willie Mincy, Gwendolyn Mincy, regarding this investigation and her knowledge of facts pertaining to same. Gwen, as further identified on Page# 4 of this report, indicated the following: Gwen indicated that Victim redacted Victim redacted Victim redacted Victim redacted was a "Crack" addic and that she dealt with a number of people on the "Strip"(Reeves ave-1900 thru 2100 block). Further, she reported an uncoberated account of John Edwards,"Shakim", having participated in the murders as a result of Victim redacted Victim redacted stealing drugs from same.

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Precinct DETECTIVE BUREAU REPORT PAGE# 21 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 20 19..... at

Gwen Mincy also indicated that the "street talk" centered around the New York drug dealers. She stated that "AL Monday" was involved with the murders of Victim redacted *and* Victim redacted

The witness related the following: A neighbor, to date not identified or interviewed, was to have advised Gwen that he observed a lone male exit a maroon(dark red) vehicle and walk in the direction of Victim redacted *as he walked west on W. 23rd. street from Pole ave. This information coinsides with that information provided by Willie Mincy and was to have occured at or about 0200 hours on Thursday August 8, 1991. This officer has made several attempts to locate the witness and will continue to do so in order to obtain any useable information regarding the investigation.*

Gwen recounted her events of the evening inclusive of the information contained in the Willie Mincy and Herbert Wallace interviews as described within this report. Further, Gwen elaborated regarding Victim redacted *life style reference drugs and thefts to support her dependancy. Gwen made reference to a vehicle that this officer had previously checked based upon information provided by an another source during the initial stages of the interview.*

Gwen provided this officer with a scenario that indicated that Victim redacted *was murdered by two(2)"Cubans" who were directed to do so by " Shakim". This officer was advised that "Shakim" had identified* Victim redacted *as a police informant. This scenario has been presented to this bureau by several other independant sources but not verfied as of this date. Gwen was advised to re-contact his officer in the event she obtained further pertinent information regarding this investigation.*

This officer also re-interviewed Willie Mincy on this date. No additional pertinent information was obtained during the third interview of Willie Mincy. For a complete account of the Gwendolyn and Willie Mincy interviews on 08-15-91, see evidence Item # V2(s).

During the course of this investigation, these officers were advised that a Brian Daniels (AKA "BI") , as further identified on Page # 16 of this report, was possibly involved in the murders of the noted victims. Daniels , who is known to this department, was arrested on August 12, 1991 while for driving and unsafe vehicle. The vehicle was registered to a Brenda Fields of 1286 Massachusetts ave Lorain, Ohio on a 1978 Chevrolet bearing Ohio registration DXC 919. The vehicle was towed to Dunson's Towing service on that date by the arresting officers. Thereafter, this bureau contacted Daniels and advised same of a consent search request by this officer. He agreed to meet Det. Resendez and this writer on 8-16-91 at the

Report sent to Headquarters m. Date 19.

CONTINUED ON PAGE # 22.....

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#91-30603

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Precinct ..DETECTIVE BUREAU REPORT PAGE# 22.. Copy for .....

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address .....

Date of Birth SS Number Phone #

I respectfully report that on or about ..CONTINUED FROM PAGE# 21.. 19..... at .....

towing service located at 1426 W. 17th street. The subject, Daniels, provided these officers with a notorized title which noted the transfer of ownership of the noted vehicle to him from Fields. Thereafter, he signed a Consent Search form which permitted these officers to search for potential evidence relative to this investigation. These officers failed to locate any physical evidence and permitted the vehicle to be released to Daniels following the search. See attached consent search form for further information.

As noted herein, this bureau had received information regarding a Lenworth Edwards (AKA "WILL"). The subject was identified as a New York drug dealer and an associate of the subjects identified on Pages # 16 and #17 of this report. Further, Edwards was, as noted, identified as a boyfriend of Delphenia Guice. Lenworth Edwards was to have operated the Guice vehicle on the days of 8-7-91 and 8-8-91 as noted within this bureau investigative report. On Wednesday August 14, 1991, Lenworth("WILL") Edwards was arrested by Det. Sgt. Rohner for Obstructing Official Business and incarcerated in the Lorain City Jail. Thereafter, Edwards received a thirty(30) day jail sentence in the Lorain Municipal Court as a result of the offense.

On August 16, 1991 this writer transfered Lenworth Edwards from the Lorain City Jail to the Detective Bureau interview room. He was advised of his constitutional rights and he signed the required advisement of rights form which is attached to this bureau report. The advise of rights and subsequent interview was taped by this officer and submitted to Central Records evidence. The cassette tape is identified as evidence Item #S1(a).

This writer provided an overview of the circumstances involving the purpose of the interview. He was advised that this office had received information to the effect that he and his associates were involved in the murder of Victim redacted Victim redacted Victim redacted Victim redacted and Victim redacted Victim redacted Victim redacted Edwards immediately denied any involvement and further refused to acknowledge the existance of the other subjects from New York. Thereafter, he admitted to knowing "SHAKIM","JUSTICE", and "SUPREME". As the interview continued, he also stated that he knew subjects identified as "AL MONDAY" and "PATCH". The subject refused to draw common ground with the other subjects from Jamacian Queens, New York.

Following the conclusion of the interview, the subject was transfered to the Lorain City Jail. While in route, Edwards indicated that he wanted an attorney appointed to represent him if addtional questioning was attempted in this matter. He was advised that this writer would contact the Lorain Municipal Court and obtain an attorney in the event additional interviews were required in this investigation. No further questioning was conducted of this subject by this officer on that date.

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#91-30603

16296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE#23 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

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I respectfully report that on or about 19..... at

On Sunday August 18, 1991 at approximately 1300 hours this bureau officer was contacted by the radio dispatcher and advised of the following: Officer D. Garcia was approached by Delphenia Guice near Leavitt Rd. and W. 23 rd. street. She advised Officer Garcia that she had not been truthful with these officers regarding knowledge related to the homicide investigation. Further, she requested that the bureau be contacted and agree to meet with her on this date. Det. Resendez and this officer responded to the noted location and met with Guice. The following transpired:

Guice stated that she had befriended several of the New York based 'drug dealers' and that Lenworth Edwards (AKA "WILL") had spent several nights at her residence. Guice explained that, during the evening hours of Wednesday August 7, 1991 through Thursday August 8, 1991, Edwards was in possession of her vehicle. Further, she indicated that, upon his return at approximately 0510 hours on 8-8-91, she noted that his jean jacket had possible blood stains on same. She learned of the murders and became concerned that Edwards and his associates may have been involved. Guice produced a denim jacket to this writer and same was noted to have several potential blood spots on the front area of the garment. The jacket and Guice were transported to the Lorain Police Detective Bureau. The jacket was secured as evidence and later tagged as evidence Item # S1(b). Guice was interviewed by Det. Resendez and this officer. The following information was obtained as a result of that interview:

Guice advised these officers of the following information: Guice identified evidence Item # S1(b), a blue denim waist length jacket, as the property of Lenworth Edwards. The garment was to have been stored at her Leavitt Road residence by Edwards along with other clothing items. Guice indicated that thought the jacket was worn by Edwards on the evening preceeding and the morning of the murders. Further, Guice stated that between 2200 and 2300 hours she provided Lenworth Edwards with the keys to her 1975 Pontiac, as described herein; The date was Wednesday August 7, 1991. She further indicated that Edwards was in the company of another New York based subject identified as "JUSTICE" (AKA"PAUL"). During the interview, Guice stated that Edwards, upon returning at 0510 hours on Thursday August 8, 1991, had advised that a subject identified as "PATCH" (AKA "HAROLD", AKA "TOMMY")was also a passanger in her vehicle on those dates. Guice stated that she was informed by Lenworth Edwards of the following: Edwards advised that, while operating the Guice vehicle, that "5-O came up on them and that Patch had to throw the shit out the window". Guice explained that Edwards was refering to the following: While operating the vehicle, the police pulled up to the vehicle being occupied by the three(3) heretofore identified subjects and that "Patch" threw narcotics from the vehicle in order to avoid detection by the police. Guice was not aware of the location were this occured.

Report sent to Headquarters m. Date

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#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 24 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted / Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 23 19..... at .....

Guice continued the account and advised that she believed that Edwards was wearing the blue jean jacket upon his return to her residence on Thursday August 8, 1991. She stated that that Edwards returned to her residence alone.

Guice advised that athird party related the following scenario regarding the deaths of Victim redacted and Victim redacted Reportedly, following the discarding of the narcotics from the vehicle by "Patch", Victim redacted Victim redacted was to have located same and retained possession of the narcotics. The scenario continued in the following manner; Victim redacted was to have been located by the New York based subjects and tortured and murdered regarding the theft of drugs. Guice stated that the third party informant advised that in reality, Lenworth Edwards and "Supreme" located the drugs where discarded, cooked same to "Crack",and sold the illegal substance. Guice stated that the two(2) subjects did not inform "Patch", the person to whom the drugs belonged, of their activities and allowed same to believe that Victim redacted was responsible for the theft of the narcotics.

Guice further advised that "Shakim" (AKA JOHN EDWARDS;PG# 16) provided the scenario in conjunction with the un-named third party informant. Lenworth Edwards (AKA"WILL") was to have traveled to New York and spent the proceeds of the trafficked narcotics. "SHAKIM" stated that Lenworth Edwards and "Supreme" allowed "Patch" to believe that Victim redacted was responsible for the theft. Guice stated that she did not observe Lenworth to be possession of any money upon his return with her vehicle on 8-8-91 at 0510 hours. She stated that it was "Shakim" who provided the information without actual verification.

Guice indicated that "Justice" left Lorain and was in Queens, New York. "Patch" reportedly, may be living with a female in Elyria, Ohio. The female was identified as Kimberly Metcalf.

Guice stated that the third party informant indicated that Victim redacted Victim redacted Victim redacted was located at or near the Victim redacted Victim redacted apartment. Victim redacted Victim redacted was to have been transported in a white van; no further description available.

The witness advised that she was informed that Lenworth Edwards, while in the Lorain City Jail, has been attempting to contact Guice via the pay telephone located on W. 21st at Shop-N-Play near Reeves ave. She indicated that she has not communicated with Edwards since his arrest on Wednesday August 14, 1991.

Guice stated that, following the return of Edwards with her vehicle, the following transpired: She learned of the murders and she felt that Edwards may have had some involvement in same. She checked her vehicle for possible signs of involvement with negative results.

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Precinct DETECTIVE BUREAU REPORT PAGE# 25 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

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I respectfully report that on or about 19..... at

Guice stated that, when Det. Resendez and Det. Sgt. Rohner initially contacted her on Friday August 9, 1991 at approximately 0830 hours, Lenworth Edwards was in an upstairs bedroom hiding from the officers. Following the murders, Guice stated that Lenworth made comments regarding the murder of Victim redacted to wit: "That's what the "Crack-head bitch gets". Lenworth was to have commented " YA, I KILLED THE BITCH". Thereafter, Edwards was to have qualified the statement by indicating " I'm just playing". Guice stated that Lenworth , in an apparent attempt to establish an alibi, stated; " I was with you that night" . Guice response was to have been , "OH no you were'nt". She stated that she remained in her residence that evening on the couch and that Edwards was not at the apartment on that evening or early morning hours. She was certain that he was in possession of her vehicle, as described, and that he attempted to confuse her in an apparent attempt to solicit her assistance in obtaining an alibi for the dates and times of the homicides.

Guice stated that she was not aware of the amount of drugs reportedly thrown from the vehicle on that evening, but that the New York based drug traffickers dealt in Kilo amounts.

Guice, during the continued interview, stated that she transported Lenworth Edwards to the Elyria Midway Mall to obtain a airline ticket to New York . She stated that this occured sometime after the murders but was unable to provide pertinent information reference the time sequences.

There was general questioning reference the activities and identification of the New York based suspects. She indicated that she met Lenworth through "J.R." and spent approximately one(1) month in the company of Edwards. It was during this month time period that Edwards utilized her apartment and she allowed him to leave clothing apparel in her residence. She indicated that, in addition to the surrendered blue jean jacket;Item #S1(b); she would allow these officers to retain possession of additional personal clothing items belonging to Lenworth Edwards. Subsequently, Det. Resendez retained same and the miscellaneous property is further identified as evidence Item #S1(d).

The interview of Guice was concluded and Det. Resendez transported her to the area of her residence where she recovered the additional items reference evidence Item # S1(d). Det. Resendez retained possession of the property and transported same to the bureau where this officer tagged the item and entered the property into Central Records evidence.

Based upon the recovery of the possible bloodstained jean jacket, as described, the following transpired:

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Precinct DETECTIVE BUREAU REPORT PAGE# 26 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 25 19 at

On Tuesday August 20, 1991 Det. Resendez and this writer transported evidence Item # S1(b) to the Bureau of Criminal Identification in Richfield, Ohio for a preliminary test of the apparent bloodstains on same. Further, these officers presented the crime lab with a pair of blue nylon jogging pants that were contained in the bag of additional clothing obtained from Guice on 8-18-91. Refer to evidence Item #S1(c) as further described on Page # 3(A) of this bureau investigative report.

Forensic Scientist Dale L. Laux of BCI indicated the following in a preliminary report: Laux determined that the stains on evidence Item#S1(b) indicated the presence of blood. The stains on evidence Item#S1(c)was not identified. For further information, refer to Bureau of Criminal Identification report # 91-34122 attached to this bureau report.

Based upon the preliminary findings by BCI, these officers proceeded in the following manner: These officers, on Tuesday August 20, 1991 contacted the Lorain County Prosecutor's office. These officers requested that Prosecutor J. Rosenbaum prepare an affidavit for a search warrant. The intent was to receive a search warrant to obtain blood samples from Lenworth Edwards based upon the preliminary test results as noted. The affidavit was prepared by Mr. Rosenbaum and this officer acted as the affiant in said request before the court of the Honorable Judge Glavas on that date. For further information, refer to the attached copy of the search warrant affidavit.

On Wednesday August 21, 1991, Lenworth Edwards was served with the search warrant while being housed in the Lorain City Jail. He was advised of the intent of the affidavit and transported to Lorain St. Joseph Hospital by Officer Jay Smith. At 0905 hours on 8-21-91 Judy Phillips, RN of staff personnel St. Joseph Hospital obtained four(4) vials of blood from Lenworth Edwards. Further, Phillips obtained one(1) dried sample of a blood smear from Edwards. The noted evidence , further described on Page # 3(A) of this report, was retained by Det. Resendez and transported to the BCI lab in Richfield,Ohio on that date. Further, Det. Resendez retained blood samples of the victims from the Lorain County Coroners office and transported same to the BCI lab with that evidence as herein described. See evidence Item # V1(k) and Item # V2(v) as further identified on pages # 2 and # 3 respectively. See attached copies of the lab submission sheets from BCI and Lorain St. Joseph Hospital.

It should be further noted that on August 20, 1991 Det. Resendez and this officer transported the clothing items of the two(2) victims to the BCI lab for testing along with the items relative to the suspect. For a complete list of submitted evidence, refer to BCI lab report submission form # 91-34122 and Pages # 1,2,3,3(A) of this report. See attachments identified.

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Precinct DETECTIVE BUREAU REPORT PAGE# 27 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 26 19..... at

The identified submitted evidence to the Bureau of Criminal Identification in Richfield, Ohio is in that agency's custody and the results of that testing has not been determined as of 8-28-91.

The purpose of the submissions identified is as follows: This bureau investigation-team requested that the forensic examiners determine if the blood identified on the jacket of Lenworth Edwards, Item # S1(b), is matched to either blood typing obtained from the victims' blood submissions. Further, these officers requested that the examiners attempt to determine if either victim's blood appears on the clothing of the other victim. The results of those examinations may be able to determine if Lenworth Edwards was present near or at the time of the murder(s) and if the victims came into contact with one an other at or near the time of the assault-murders.

These officers also requested that the apparent grease apparent on the clothing of the victims be compared and identified. As noted in the report submitted by Traffic Commissioner Les George, a beer can was located near the body of Flyod Victim redacted Victim redacted on Wallace Lane. The beer can and departmental fingerprints of the victim were submitted for comparison to determine if the beer can was in the possession of the victim. Further, if latent prints other than those of the victim are identified, these officers will request that they be compared to any suspects developed in this investigation when applicable.

On August 21, 1991 this writer returned the inventory sheet related to the execution of the search warrant served on Lenworth Edwards to the Clerk of Courts at the Lorain County Court. The official copy was retained by that governmental agency, stampted, and filed in accordance with the established proceedure pertaining to same. See an attached copy of the inventory return contained in this bureau report.

On August 21, 1991this writer contacted the Lorain Municipal Court and spoke with Honorable Judge Timko. This writer outlined the course of investigation, as same pertained to Lenworth Edwards, and requested that the court appoint the suspect an attorney. Judge Timko advised that Attorney Joseph Grunda would be available and Attorney Grunda did appear at the Lorain Police Detective Bureau for that purpose. This writer outlined the information that pertained to Edwards and Attorney Grunda accepted the appointment to represent Edwards during a planned interview of same on that date.

Edwards was transfered from the Lorain City Jail on 8-21-91 by this writer and introduced to Attorney Grunda Sr. The folllwing transpired:

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Precinct DETECTIVE BUREAU REPORT PAGE# 28 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 27 19..... at .....

Attorney J. Grunda Sr. was provided an apportunity to speak with his client, Lenworth Edwards, prior to an attempted interview by Det. Resendez and this officer. Following the private interview between Atty. Grunda and his client, the following occured:

These officers, in the presence of his attorney, advised Edwards of his constitutional rights. Edwards signed the required advisement of rights form and same is attached to this bureau report. The advisement and subsequent interview was taped and the cassette tape was tagged and identified as evidence Item # S1(f). The tape was entered into Central Records evidence by this officer. Note: the quality of the advisement portion of the tape is very poor. However, the interview portion of the same cassette tape is of sufficeint quality.

Lenworth Edwards, in the presence of his attorney, was advised reference to the recovered clothing items retained from Delphenia Guice. He was further advised as to the purpose and significance of that clothing item as it pertained to this investigation. Edwards stated that he did not have any pertinent information regarding the deaths of Victim redacted Victim redacted and Victim redacted He stated that the blood on the jean jacket was his and the result of a nose bleed sometime prior to our recovery from the witness, Delphenia Guice.

Edwards acknowledged that he was in the Lorain-Elyria, Ohio area on or about 8-7-91 and 8-8-91. He stated that at approximately 0100 hours on 8-8-91 he and his associates were stopped by the Elyria Police Deaprtment. This fact, it should be noted, was not verfied by Det. Resendez who contacted the Elyria Police Deaprtment on 8-22-91. When Edwards was questioned regarding his whereabouts prior to 0100 hours on 8-8-91, he requested that he be permitted to confer with his attorney privately. Said request was honored by Det. Resendez and this officer. Following the private conference, the tape was restarted and the interview of Edwards continued.

Following the return of Det. Resendez and this writer to the interview room, Attorney Grunda Sr. advised that he did not want to answer the question reference his activities preceeding 0100 hours on 8-8-91. These officers were further advised, by Atty. Grunda, that his client would agree to consider other questions posed by these officers.

Edwards indicated that he returned to "girlfriend's house" between 0300 and 0400 hours on 8-8-91. He identified Guice as his "girlfriend". When questioned reference his associates with whom he was accompanied on or about 8-7-91 and 8-8-91, he stated he was with "Justice", "Tommy", and "Supreme". It should be noted that these subjects are further identified on Pages # 16 and # 17 of this report as New York based drug traffickers.

Report sent to Headquarters ..... Date ..... 19.

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#91-30574
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18296 LP Co.

Precinct *DETECTIVE BUREAU REPORT PAGE# 29* Copy for

Subject *HOMICIDE INVESTIGATION*

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about *CONTINUED FROM PAGE# 28* 19 at

Lenworth Edwards stated that he and "TOMMY" obtained "Diane's" car on 8-7-91. It should be noted that "Diane" is a street name for Delphenia Guice. When questioned reference who obtained "Diane's" car, Edwards stated that the vehicle was provided to "Tommy" by "Diane". This information is contradicted by Guice in her account regarding the vehicle. Refer to her taped statement on 8-18-91; Item # V2(u). Edwards stated that he and the three(3) companions went to Mom's Country Kitchen in Elyria, Ohio. Thereafter,"Supreme" and "Tommy" were transported to the Knights Inn in Elyria. Edwards and "Justice"were to have returned to "Diane's" house at approximately 0300 hours on 8-8-91. It should be noted that Guice's account, per Item # V2(u), indicated that Edwards returned to her home at 0510 hours and that he was not in the company of any other subject(s). Edwards stated that the recovered jacket was his property and that he wore the garment on the evening of 8-7-91 and the morning of 8-8-91.

There was general questioning regarding the purpose of Edwards residing in Lorain and his association with the other identified Jamician Queens, New York subjects. Edwards was reluctant to acknowledge the noted subjects and refused to provide any pertinent information regarding their identities. The most significant point during this portion of the interview is the following:

On 08-16-91 this officer interviewed Edwards after transfering him to the Detective Bureau and advising him of his constitutional rights. The interview was taped and is identified as evidence Item # S1(a). In that interview, he acknowledged that he knew a subject identified as "PATCH". In the 8-21-91 interview, he denied having any knowledge of a subject identified as "Patch". However, he does acknowledge that he was in the presence of a subject known as "Tommy". This bureau has information that indicates that "Tommy" and "Patch" are the same person. This individual also is identified through bureau intelligence as "Harold".

During the interview on 8-21-91, Edwards denied having known either victim prior to their murders. He stated that he received notification on 8-8-91 from"Diane" (Delphenia Guice).

Edwards stated that he and the three(3) associates named herein were in Charlies Bar at Westgate Plaza briefly before leaving for Elyria on 8-7-91. He stated that he and his 'friends' were not in the bar on 8-8-91. He acknowleged that he was familiar with "Shakim" (John Edwards), but stated that he did not observe "Shakim" on or about the noted dates.

Edwards stated that he kept clothing at a female's residence other than Guice. This female is identified as Lashar Ralston (AKA "PEACHES")of 3005 Leavitt Rd Apt # A-10 Lorain, Ohio. See Page # 4 of this report re: this female.

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Report Number
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#91-30603

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Precinct DETECTIVE BUREAU REPORT PAGE# 30 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 29 19 , at

Lenworth Edwards stated that on Friday August 9, 1991 he flew out of the Cleveland Hopkins Airport to Queens, New York where he remained until Saturday August 11, 1991. He stated his purpose in going to his home in Queens, New York was to visit a girlfriend. She reportedly was not at home and he returned to Lorain the next day; Saturday August 10, 1991. He stated that "Diane" drove him to the Midway Mall in Elyria, Ohio on Thursday 8-8-91 to purchase the airplane ticket.

There was some discussion regarding the expense of flying to and from New York and the taxi fees involved in his frequent traveling. Edwards , who is apparently unemployed, could not offer a valid explanation for his ability to afford the transportation costs inclusive of the flights and taxi fees. Edwards stated that he would not answer the questions regarding the source of income he required to live the noted lifestyle.

During this period of the questioning, Edwards indicated that between Saturday August 10, 1991 and Wednesday August 14, 1991, he remained at the Guice residence. He stated that he only had clothes at the Guice residence. This is a direct contradiction to his statement during the same interview in which he stated that he maintained his clothes at the Ralston ("PEACHES") residence at 3005 Leavitt Rd. apartment.

Edwards indicated that his only source of information regarding the murders of Victim redacted Victim redacted and Victim redacted Victim redacted was the "street" and the newspapers. He stated that these sources indicated that the people responseable for the murders were from either New York or Detroit, Michigan.

For a complete account of the taped interview of Lenworth Edwards on August 21, 1991, refer to evidence Item # S1(f) submitted to Central Records evidence by this officer.

Following the interview of Edwards by Det. Resendez and this writer, this officer transfered Edwards to the Lorain City Jail where he is incarcerated for Obstructing Official Business. His date of release is listed as 9-14-91.

Based upon the findings of the Bureau of Criminal Identification in Richfield, Ohio reference that evidence submitted regarding Lenworth Edwards, this bureau will continue the investigation as same pertains to this suspect.

Note: See attached copy of the Motion to Seal the affidavit regarding the search warrant issued 8-20-91 by Judge Glavas.

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Report sent to Headquarters m. Date 19

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Signature Signature

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Precinct DETECTIVE BUREAU REPORT PAGE# 31 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 30 19..... at .....

The investigation continued in the following manner: Traffic Commissoner Les George and Det. Resendez made contact with the Ohio State Patrol office in Columbus, Ohio. A request was presented reference an "accident re-construction" report from that agency. The officers spoke with a Lt. Jack Holland of the Ohio State Patrol office. The officers traveled to his office in the Columbus, Ohio area on August 22, 1991. The officers presented Lt. Holland with the following evidentiary items.

Lt. Holland was provided with the diagrams prepared by Officer L. George regarding the two(2) designated crime scenes. The officers provided a copy of the video tape of the "Victim redacted crime scene" prepared by Det. Resendez. Further, negatives of both crime scenes were presented for the purpose of developing 'enlargements' to ascertain the value of the photographs as same related to the investigation. The officers reviewed the evidence items with Lt. Holland and discussed the circumstances and events of the murders based upon the facts available as of that date. Lt. Holland will prepare and submit his findings in a written report to this bureau when completed. The report will be attached to this bureau investigative report when available. Refer to said Ohio State Patrol report for further information regarding the "accident re-construction" of the crime scenes.

The following additional information should be noted: Det. Resendez and this officer traveled to the Lorain County Coroner's office on Friday August 9, 1991. These officers reviewed the autopsy with the Coroner, Dr. Thomas, and his staff. Preliminary information was obtained and noted for this investigation. Of particular interest to these officers was the following:

Dr. Thomas directed these officers to numerous wounds near and about the neck and throat area of Victim redacted Victim redacted The Coroner noted that there were approximately (15) to (18) separate apparent stab wounds to the effected area. The doctor estimated that the wounds were one(1) to three(3) centimeters in depth. The Coroner indicated that the wounds were not the cause of Victim redacted death. He further indicated that the throat of the victim had an approximate thirteen(13) centimeter incision that severed the cartaroid artery and windpipe. The doctor stated that the muscle tissue at the throat was "cleanly cut" and there was an abscence of "ragged" muscle tissue in the effected area. The direction of the weapon movement "may have been" in a left to right motion. The weapon was thought to have been a narrow and sharp instrument moved in a slightly 'upward' direction.

Additional 'prelimnary' observations included the following: There were no apparent signs of tire tracks on Victim redacted body. There were contusions on the left side of the face at the lip and ear lobe. CONTINUED ON PAGE# 32.....

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—MISCELLANEOUS REPORT—

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Report Number
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#91-03603

16296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 32 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 31 19..... at

During the examination of Victim redacted the Coroner and his staff personnel located a section of grassy material six(6") inches below the right belt line at the buttocks. See Item # V2(k) as identified on Page # 2 of this report. This item was reatined by these officers and placed into evidence.

For a complete account of the Lorain County Coroner's autopsy, see the Coroner's report attached to this bureau investigative report. Further, refer to the photographs submitted to this bureau from the Coroner's office and those additional photographs of Victim redacted prepared by Det. Resendez at the morgue. Items # V2(H) and V2(G) respectively.

While at the Coroner's office, Det. Resendez and this writer requested that the staff personnel conduct the following tests in order to assist this bureau in its investigation; to wit: These officers requested blood samples for typing and comparison. Blood alcohol and drug screning. These officers requested that a "rape kit" be prepared in order to determine if a sexual assault had transpired. Included in the "rape kit" was the request for a "mouth smear" regarding possible oral sexby the victim Victim redacted Victim redacted Reference the "rape kit", refer to evidence Item # V2(p) for further information. Said requests were completed and a preliminary analysis of same forwarded to the Bureau of Criminal Identification in Richfield, Ohio for further testing and identification. Results are pending as of August 29, 1991. See attached evidence release forms provided to this bureau by the Lorain County Coroner. Further, refer to the evidence submission forms from BCI regarding these items of evidence.

The Lorain County Coroner and staff discussed the preliminary examination and autopsy of Victim redacted with Officer Les George. Further, the Coroner photographed Victim redacted and provided same to this bureau. Refer to evidence Item # V1(d) for further information. As in the case of Victim redacted these officers requested and received preliminary results from blood and alcohol screning regarding Victim redacted Further, Victim redacted blood was typed and identified. See the attached forms regarding these items provided by the Coroner's office. For a complete account of the autopsy examination, refer to the attached Lorain County Coroner's office report regarding said examination of Flyod Victim redacted

As described in this bureau investigative report, the blood samples of Victim redacted and Victim redacted were forwarded to the Bureau of Criminal Identification in Richfield, Ohio for the purpose of comparison to the blood samples recovered from the blue denim jacket which was established as the property of Lenworth Edwards. Results of that analysis is pending as of 8-29-91.

CONTINUED ON PAGE# 33.....

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Report Numbe
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#91-30603

18276 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 33 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted / Victim redacted Address

Date of Birth SS Number Phone #

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I respectfully report that on or about 19....., at

On August 20, 1991 Det. Resendez and this officer transported a large number of evidence items to the BCI lab in Richfield as noted herein. Included in those submitted evidence items was a Schlitz "Tall Boy" beer can. The can was recovered near the body of Victim redacted Victim redacted on Wallace Lane by the investigating officers. Officer Les George transported the item to the station and released same to this writer. These officers requested that the crime lab attempt to lift useable latent prints from the beer can and compare same to the submitted Lorain Police Department fingerprints of Flyod Victim redacted Victim redacted On or about August 28, 1991, this bureau received the results of that test request from the BCI lab. The report indicated that the submitted beer can failed to reveal any latent finger or palm prints that contain sufficient ridge detail for comparison purposses. For further information, refer to the attached lab report, BCI Lab # 91-34122 as prepared by Latent Fingerprint Examiner Sheryl L. Harris.

During the course of this investigation, this bureau office received notification from the Lorain County Coroner's office that the "mouth smear" of Victim redacted Victim redacted Victim redacted Victim redacted conducted at this bureau's request was 'negative' for evidentiary value. The "smear' was placed into evidence with Central Records and tagged as evidence Item # V2(w).

While confering with the County Coroner on Friday August 9, 1991, Det. Resendez and this officer reatined the clothing of Victim redacted Victim redacted and Victim redacted Victim redacted and transported same to this department. This writer tagged the clothing of the victims and prepared same for transfer to the BCI lab in Richfield, Ohio. The items were transported to the lab by Det. Resendez and this writer on August 20, 1991 and are identified on Pages # 1,2,and # 3 of this bureau report. Results of analysis of the clothing by the BCI lab is pending as of August 29, 1991.

On August 20, 1991, Det. Resendez and this officer retained possession of the photographs and negatives of those photographs prepared by the Lorain County Crime Lab. The photographs and negatives were transported to this department and submitted as evidence with Central Records by this writer. For further information, refer to the lab submission and release forms from the Lorain County Crime lab attached to this bureau report. Further, refer Pages # 1,2, and # 3 of this bureau report for further information regarding these items of evidence.

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Report Number
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#91-30603

18276 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 34 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 33 19 , at

The following additional,information should be noted regarding the retention of evidence in this investigation. As noted within the interview of Willie Mincy on Thursday August 8, 1991, while Victim redacted attempted to walk west on W. 23rd. street, he grabbed and retained her purse. Mincy explained that he later transported the purse to the apartment of Victim redacted while attempting to locate Victim redacted at that location. Mincy advised this writer that the purse was empty with the exception of the purse containing a partial pack of New Port cigaretts.

During the investigation, this writer, along with Det. Resendez gained access to the Victim redacted apartment on 8-9-91. These officers gained entry via a key provided to Det. Resendez by the Lorain Metropolitan Housing Authority. At the time of entry, this writer observed and retained evidence Item# V2(1) and transported same to the bureau office. The item was tagged and placed into Central Records evidence. The purse contained a partial pack of New Port cigaretts. For further description, refer to Page # 2 of this bureau report.

On Thursday August 8, 1991, the day prior to the retention of evidence Item # V2(1), this writer entered the Victim redacted residence on Sunset Blvd. The apartment's front, south) door was ajar. The apartment was unoccupied and in an orderly fashion. This officer had not interviewed Willie Mincy at said time and was unaware of the noted purse. This officer was primarilly interested in signs of a physical confrontation or other physical evidence that lent itself to the course of the investigation as it existed as of that date and time.

After securing the apartment, this writer requested that the radio operator contact the Metro housing authority and have that agency change the locks to preserve its security. When these officers, as noted,returned to the Victim redacted apartment on August 9, 1991 then door lock was changed per that request.

After conferring with Det. Cpt. Rivera, this officer was advised to contact Operation Crime Stoppers in Cleveland, Ohio for assistance. This writer spoke with that department and advised same of the nature of the investigation. This writer was advised that their agency would not be able to provide a monetary reward, but would attempt to assist with news coverage in an attempt to attrack pertinent information from witnesses. This position was confirmed by Det. Cpt. Rivera in his conversation with that agency.

This writer was directed by Det. Cpt. Rivera to contact the Lorain County Prosecutor, Gregory White, and request that department's assistance regarding a monetray reward for information in this investigation. This writer contacted the prosecutor and the following transpired:

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Report Number

#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 35 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 34 19 , at

This writer advised the County Prosecutor of facts and circumstances of the homicide investigation. He was made aware of the position of the Operation Crime Stoppers. He agreed to provide up to $2,000.00 in acash as a reward for information leading to the arrest and indictment of suspect(s) responsible for the murders of Flyod Victim redacted Victim redacted and Victim redacted Victim redacted Victim redacted

This writer, along with Det. Sgt. Rohner and Det. Resendez, contacted the department's illustrator, Officer Pittak. Officer Pittak was provided with the information required in producing a reward poster and he , subsequently, produced same. See attached reward poster in this bureau report.

This officer, with the assistance of the city's Auditor personnel, reproduced five hundred(500) posters. Thereafter, this officer contacted a subject who was identified in the Lorain Journal as a ' concerned community leader'. This subject, Paul Knighten (Ph# 246-0729), was quoted in the local newspaper as being concerned with an anticipated lack of effort on the part of this police department in solving the murders and overall drug problem in the "soft underbelly" of Lorain, Ohio.

This officer, on or about August 15, 1991, spoke with Knighten and arranged for a meeting at the Detective Bureau. Thereafter, Knighten met with this writer and agreed to ellicit the assistance of 'his organization', The"MAC"(Men's Athletic Club). Knighten indicated that he spoke for this group and further had control over the activities of a 'splinter organization'. This sub-group is identified as"BOM" (BROTHERS ON THE MOVE). Knighten indicated that these organizations had agreed to pass out the posters in designated areas; to wit: The Lorain Metropolitan Housing areas in the W. 21st. and Leavitt Road area; The W. 23rd -24th. street and Sunset Blvd. area; The Victim redacted and Reeves Ave. Apartment complexes.

This writer provided Knighten with approximately four hundred(400) posters with the expectation that his promise to assist this bureau was sincere. Approximately thirty(30) minutes after Knighten left this police department, he contacted this officer and advised that the two(2) organizations identified refused to co-operate and would not pass out the posters offering a reward for information leading to the arrest and indictment of suspect(s) in this homicide investigation. This writer was advised by Knighten that he would personnaly pass out the posters in the noted areas. This officer has determined that Knighten failed to provide that service. Attempts to contact this 'concerned citizen' has been negative and this officer's request on his phone recorder to return the posters has also met with negative results.

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Precinct DETECTIVE BUREAU REPORT PAGE# 36 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted / Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 35 19..... at

It should be noted that Det. Cpt. Rivera indicated that a follow up article in the Lorain Journal quoted members of the "MAC" club that Paul Knighten was not a spokeperson for their group and had no authority to represent them as noted herein.

This writer was re-contacted by the Operation Crime Stoppers on August 28, 1991 and advised of the following: This officer spoke with a Det. Carol Schaefer of the Cleveland Police Deaprtment. Schaefer advised that the agency would produce a news program on Channel 5 with narator Bill Yonkin. She stated that the program would be taped in Lorain on September 11, 1991 and air on Channel 5 on Thursday September 14, 1991. She requested photographs of the victims and one(1) family member of each victim to assit in the production. She further related that an officer involved in the investigation would take part in the presentation. Schaefer requested that this officer Fax her a synopsis of the facts of this case in order that the agency could prepare for the news program. This writer contacted the families of the victims and advised them of the aforementioned information in an effort to update them regarding this department's efforts in the investigation.

This investigation will continue in the following manner: This bureau will contact the Bureau of Criminal Identification Lab in Richfield,Ohio and obtain the results of the analysis reference the submitted evidence items. Further, this officer will re-confer with the County Coroner's Office regarding the results of the autopsies of the two(2) victims. The information obtained from the BCI lab and the Coroner's office will be included in this bureau report. Further, the findings of the accident reconstruction report by the Ohio State Patrol will be chronicled in this investigative report.

These bureau officers will attempt to locate and interview several additional witnesses who will be identified in the event they are able to provide information of value to this case.

The following is a list of evidence items that were submitted to the Bureau of Criminal Identification in Richfield, Ohio:

ITEMS# V1(a), V1(b),V1(e),V1(f),V1(g),V1(h),V1(i),V1(j),V1(k)

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Report Number
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#91-30603

Precinct DETECTIVE BUREAU REPORT PAGE# 37 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 36 19 , at

ITEMS TO BCI LAB CONTINUED FROM PAGE# 36:

ITEMS# V2(a), V2(b),V2(i), V2(j), V2(k), V2(p), V2(v)

ITEMS# S1(b), S1(c), S1(e)

The following list of evidence items were submitted to the Central Records Evidence at the Lorain Police Department:

ITEMS# V1(c), V1(d), V1(l)

ITEMS# V2(c), V2(d), V2(e), V2(f), V2(g), V2(h), V2(l), V2(m), V2(n),

V2(o), V2(q), V2(r), V2(s), V2(t), V2(u),V2(x),V2(y),V2(z),V2(aa), V2(bb),V2(cc),V2(dd)

ITEMS# S1(a),S1(d) S1(f), S1(g)

CONTINUED ON PAGE# 38.....

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Precinct DETECTIVE BUREAU REPORT PAGE# 38 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 37 19..... at .....

On August 21, 1991 Det. Cpt. Rivera and Det. Resendez were contacted by a Barbara Long regarding the homicide investigation. The noted officers met with and interviewed Long who is further identified on Page # 5(A) of this bureau report. Long provided the following information:

Long stated that she spent a portion of Wenesday August 7, 1991 with Victim redacted Victim redacted Victim redacted Long had provided Victim redacted Victim redacted transportation to her childrens residence on the east side of the city. Further, she indicated that she transported Blakeky from the Lorain Drive area to Victim redacted Victim redacted Victim redacted Victim redacted residence on Sunset Blvd. Long indicated that she believed the period of time was between 2300 and 2300 hours on Wednesday August 7, 1991. The witness stated that Victim redacted Victim redacted changed from her British Knights gym shoes to a pair of blue house -style-slippers while being transported to the Victim redact Victim redact residence. She further indicated that the gym shoes were retained her her vehicle as of that date. Victim redacted reportedly, indiacted that she intended to remain in the Victim redact Victim redact residence for the evening. Long indicated that she felt that Victim redacted Victim redacted had used drugs on that date but did not relate that she felt Victim redacted Victim redacted was under the influence of narcotics at the noted time period. They spoke for five to ten minutes and Long drove from the area with a promise to transport Victim redacted Victim redacted to her children's location on Thursday August 8th. Long stated that she and her daughter spent the early morning hours on August 8, 1991 in the Leavitt Road car wash. For a complete account of the interview, refer to evidence Item # V2(x) as listed on Page# 3 of this report.

These bureau officers continued the investigation and re-interviewed several of the listed witnesses in an attempt to elicit additional pertinent information regarding the murders of Victim redacted Victim redacted Victim redact Victim redact and Victim redacted Victim redacted Victim redacted During this period of time, these officers were in contact with the crime lab at the Bureau of Criminal Identification in Richfield, Ohio. This bureau was advised of the following: The blood test results reference the blood samples from Lenworth Edwards and the victims revealed the following conclusion. The blood spatters located on the jacket of Suspect # 1, Lenworth Edwards, matched the blood sample recovered from his person pursuant to the search warrant as chronicled in this bureau investigative report. The victims' blood was not identified on the submitted jacket, evidence Item # S1(b). Although this test result appeared to eliminate Lenworth Edwards as a suspect on that date, subsequent information indicated the significance of that lab finding. Edwards, in the taped interview with Attorney Grunda Sr. representing the suspect, indicated the following significant information: Edwards stated that he was wearing the identified jean jacket on Wednesday August 7th and Thursday August 8th. He further acknowledged that he had bled on his jacket as a result of a nosebleed. This information presented at the time of the 8-21-91 interview,evidence Item#S1(f), is critical in the investigation and of particular significance.

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Precinct DETECTIVE BUREAU REPORT PAGE# 39 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 38 19 at

The information presented during the interviews with Lenworth Edwards provided the the following key points of significance. In addition to the blood on his jacket, as noted, he indicated that he was in possession of the Delphina (Diane) Guice vehicle on 08-07-91 and 08-08-91. This fact was supported by Delphina Guice in the taped interview on 8-18-91(Item # V2(u). Further, the suspect indicated that he was not in the company of John Edwards,"Shakim", on the dates noted. This information is significant due to the information obtained on 9-11-91,(Item # V2(y), during the William Avery Jr. interview. The information obtained during the interview will be treated in this report in a chronological position in an effort to present same in an orderly manner.

On September 10, 1991 this writer was contacted by William Avery Sr. For further identification, refer to Page # 5(A) of this bureau report. Avery Sr. advised this officer that he was aware of information that was pertinent to the investigation. Avery Sr. further stated that he was in a position to provide a witness to the events that led to the murders of Victim redacted Victim redacted and Victim redacted Victim redacted on or about August 8, 1991. This officer conferred with Det. Cpt. Rivera and Det. Resendez . Avery Sr. was advised to present the 'witness' to this bureau. The following transpired:

On September 11, 1991 this writer met with Avery Sr. and the promised 'eye witness'. The witness is hereafter identified as "BB". The witness is further identified as William Avery Jr. on Page # 5(A) of this report. "BB" advised Det. Cpt. Rivera and this writer of the following:

The witness stated that he had information that identified the subjects responsible for the murder of Victim redacted Victim redacted Victim redacted Victim redacted on August 8, 1991. "BB" stated that he and his father would co-opetate with this bureau in consideration of the posted $2,000.00 reward and protection from those persons identified herein as the assailants. The witness and his father were advised that every consideration would be aforded them regarding the reward and protection based upon the validity of the information provided. The interview of William Avery Jr. (AKA "BB") was taped and is identified as evidence Item # V2(y) on Page # 3 of this bureau report. "BB" provided the following account:

"BB" advised that he was obligated to a New York grug trafficker identified as "Al Monday" for approximately $3,000.00. He stated that on Wednesday August 7, 1991 he was approached by "AL MONDAY" near his residence located at 2140 Lorain Drive. "BB" was advised that he was to satisfy his debt to "AL MONDAY" by assaulting a hertofore unidentified person who was also indebted to "Al Monday" as a result of narcotic related activity. "BB" stated that he was transported to the residence of Victim redacted Victim redacted Victim redacted Victim redacted on Sunset Blvd. by "Al Monday" in a small dark colored vehicle.

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#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 40 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 39 19..... at .....

Avery Jr. ("BB") stated that as they arrived on W. 23rd. street east of Sunset Blvd, the following transpired. A second vehicle passed from east to west on W. 23rd. street and pulled to the south curb in front of the vehicle operated by "Al Monday". The second vehicle was described as the auto owned by Delphina Guice. "BB" stated that the vehicle was occupied by the following subjects: Lenworth Edwards (AKA "WILL"), John Austin Edwards (AKA "SHAKIM"), and Ian Davis(AKA "J.R."). "BB" stated that he and the noted subjects entered the Victim redacted Victim redacted residence and he observed an additional black male. During the interview, "BB" refered to the additional subject as an "uknown male". However, through the use of a photograph, the witness identfied this subject as a New York drug trafficker identified as "SUPREME". The photograph is further identified on Page # 3 as Item # V2(dd). "BB" placed the arrival time between 2400 and 0100 hours on 8-7-91; 8-8-91.

"BB" stated that "SUPREME" was inside the Victim redacted apartment upon their arrival and in the company of Victim redacted Blakey. "BB" stated that "AL Monday" directed "BB" to assault Victim redacted in an attempt to elicit information regarding an undetermined amount of missing drugs and money. It was at this juncture, that "BB" reportedly realized for the first time that it was Victim redacted who was the intended target of his'assigned assault'. "BB" indicated that he refused to carrying out the assignment directed by "Al Monday" based upon the fact that he had known Victim redacted for a long period of time and felt that he was unable to assault same.

"BB" stated that, following his refusal, "Al Monady" directed the other subjects to assault Victim redacted During the multiple-directed attack on Victim redacted the victim struck out at her assailants in an attempt to defend herself. During her defense, Victim redacted reportedly struck Lenworth Edwards in the area of his face. The blow deliverd by Victim redacted was of such reported force that Lenworth discontinued his assault upon Victim redacted and retreated. During said retreat, Lenworth Edwards was to have grabbed his face in an apparent concern for a possible injury to the noted effected area of his body. This point is significant due to the following: As noted herein, the suspect, Lenworth Edwards, was wearing the recovered blue jean jacket with blood spatters on the front of same. As noted, the blood was later identified as his own blood type by the criminalists at BCI in Richfield, Ohio. Further, he admitted wearing the jacket on the noted date. The circumstances of assault,as described by "BB" appear to verify the physical evidence of the bloodied jacket admittedly worn by Lenworth Edwards on or about Thursday August 8, 1991.

"BB" further stated that, during the directed assault upon Victim redacted "Shakim" (John Edwards) repeatdly asked Victim redacted were his drugs and money were located. This information supported the numerous accounts presented by witnesses that Victim redacted had come into possession of a New York drug dealer's money and drugs and was killed as a result of her inability to satisfy the return of same.

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Precinct DETECTIVE BUREAU REPORT PAGE# 41 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 40 19..... at .....

The witness, "BB", stated that during the attack the kitchen table was turned over. This fact is significant due to the fact that on 9-18-91 Det. Resendez, BCI technician, and this writer entered the Victim redacted residence and observed the following: The kitchen table leg was broken from the table top's base. This fact supports the witnesses ability to provide information pertinent to the events as described. It should be noted that the Victim redacted residence has remained secured and the locks re-keyed as of 9-9-91 at the request of this bureau to the Lorain Metro Housing authority as previously noted in this bureau report. Det. Resendez photographed the interior of the Victim redacted residence located at 2307 Sunset Blvd. on 9-18-91. The photographs are further described on Page # 2 as evidence Item # V1(1).

The witness provided the following additional information; "BB" stated that Victim redacted was apparently rendered unconcious by her attackers. Thereafter, "J.R." (Ian Davis) draged Victim redacted by one arm from the apartment via a rear(east) door. All parties exited the Victim redacted residence and Victim redacted was placed in the rear seat of the Guice vehicle by "J.R.". "BB" stated that he entered the vehicle operated by "Al Monday" and was joined by "Supreme". The witness stated that "Will" (Lenworth Edwards), "Shakim"(John Edwards), and "J.R."(Ian Davis) entered the Guice vehicle.

"BB" stated that "Al Monday" made a 'U-turn' from the south curb and traveled east on W. 23rd. street to Reeves ave. Thereafter, he was returned to his residence at 2140 Lorain Drive. "BB" stated that he did not observe the Guice vehicle, which housed the victim, leave the area of W. 23rd and Sunset Blvd.

For a complete and more detaled account of the described events obtained in the interview, refer to evidence Item # V2(y). Said item was entered into Central Records evidence by this officer.

Based upon the information obtained from the witness, this writer contacted the Lorain City Prosecutor's office and obtained arrest warrants for the named suspects. The offense listed on the warrants is Felonious Assault. This bureau investigation team requested the noted offense based upon the fact that "BB" had observed the felonious assault upon Blakey but did not indicate that he had observed the murder of Victim redacted Blakey on 8-8-91. See attached photocopies of the arrest warrants issued by the Lorain Municipal Court for Felonious Assault against the identified suspects. The suspects are further identified on Page # 6 of this bureau report.

Lenworth Edwards, who was housed in the Lorain City Jail on an unrelated Obstruction of Official Business offense, was served with the warrant and arraested for said offense on 9-13-91 by this officer.

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18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 42 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party [redacted] Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 41 19 at

During the interview with "BB", he was provided with a departmental photograph of Alfred Cleveland (AKA " AL MONDAY"). The witness positively identified the subject as noted and stated that it was a photograph of the subject who requested that he assault [redacted] as described. He further described the photograph as that of the person who directed the multiple assault upon [redacted] on 8-8-91 as described.

On 9-13-91, after served with the arrest warrant as noted, Lenworth Edwards indicated that he wanted an attorney and this officer advised the Lorain Municipal court reference that request. As of this date, 9-21-91, this writer has not had the opportunity to re-interview Lenworth Edwards. Atty. Barry Motsch was subsequently assigned to represent Lenworth Edwards by the Lorain Municipal Court. A $200,000.00 bond was ordered by the court at the time of his arraignment on 9-16-91. This officer, on 9-17-91, appered before the Lorain County Grand Jury and testified against Lenworth Edwards reference the Felonious Assault of [redacted] The suspect was subsequently indicted for the offense and this officer so advised the Lorain City Prosecutor of the indictment.

The following information should be noted; The witness, "BB", indicated that he did not observe [redacted] on 8-7-91 or 8-8-91. He stated that [redacted] was not at his Sunset Blvd. apartment during the assault on [redacted] Therefore, as of 9-21-91, this bureau has not filed charges reference the death of [redacted] As of this date, this office has not received pertinent factual information regarding the murder of [redacted]

Based upon the identification of the assailants of [redacted] these bureau officers continued the investigation in the following manner: With the assistance of Det. Sgt. Rohner of the Lorain Police Narcotics Bureau and his bureau's detectives, this department attempted to locate and identify the named suspects.

This department, with the assistance of the Elyria Police Deapartment, attempted to locate the suspects in the Wilkes Villa area of Elyria, Ohio. Ian Davis (AKA "J.R.") and John Edwards (AKA "SHAKIM") were reported to be operating a drug trafficking operation in that city. Surveillance and informant contacts were utilized in an attempt to locate the suspects with negative results. However, as of 9-21-91, this department continues to received information which indicates that "J.R." and " SHAKIM" are operating in the Elyria, Ohio area. The Elyria, Ohio Police Department is continuing in its effort to assist this bureau in locating and identifying the names suspects.

Further, this bureau received information reference "AL Monday"and same indicated that the suspect was at a residence in Queens, New York.

Report sent to Headquarters m. Date

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Signature Signature

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

—MISCELLANEOUS REPORT—

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#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 43 Copy for

Subject HOMICIDE INVESTIGATION

Name Victim redacted Victim redacted Victim redacted / Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 42 19..... at .....

As noted, these officers received information that indicated that "Al Monday (Alfred Cleveland) was at an phone number in the Jamacian Queens section of New York. This writer, armed with the phone number, contacted a female who verfied same. This bureau immediately contacted and forwarded pertinent information to the Jamacian Drug Task Force in Queens, New York. This bureau officer contacted a Det. Bubelnik of the New York Police Department. That department attempted to serve a faxed copy of the felonious assault warrant in that borrough with negative results. However, Det. Bubelnik verfied that Alfred Cleveland (AKA" AL MONDAY") resided in their city at the provided address.

This bureau officer also contacted the "Fugitive Squad" in Norfolk,Virginia reference Alfred Cleveland due to the fact that the NYPD had provided a Virginia address to this department's Narcotics unit during previous correspondence. This officer was also directed to the police department of Chesapeak, Virginia reference this subject. This officer spoke with that department's Drug Task Force who was familiar with "Al Monday" and agreed to attempt to locate same. As of 9-21-91, the suspect has not been located by either out of stare agency.

In an attempt to locate persons familiar with the names suspects, Det. Resendez and this writer contacted the following subjects: Patricia Gaddy, Florence "Michelle" Brooks, Tameka Brightwell, and Patricia Brown. See noted witnesses identified herein on Pages # 5 and # 5(A). These subjects were contacted due to the fact each had been identified as associates of the Queens , New York drug traffickers. Each female was advised that this bureau was aware of that relationship and that their failure to advise same of contact with the suspects could constitute a violation of Obstruction of Justice in a Murder investigations. Subjects were advised on 9-14-91.

On Saturday September 14, 1991 Det. Sgt. Rohner of the Narcotics Bureau contacted this writer and advised of the following: Reportedly, John Edwards (AKA" SHAKIM") contacted his office and stated that he had a conversation with Patricia Brown regarding this department attempting to locate him and his asscociates. "Shakim" stated that he was contacted by Brown several times on this date via his 'beeper system'. It should be noted that Patricia Brown indicated to these officers that she did not have access to "Shakim's" beeper and lacked any means of contacting the suspect in order to assist these officers. Based upon Brown's deliberate attempt to avoid assisting these officers and contacting the suspect, John Edwards, Brown was arrested per arrest warrant for Obstruction of Justice. Brown was arrested by Det. Sgt. Rohner, Det. Resendez, and this officer at her Lorain Drive residence without incident on 9-16-91. See attached arrest report and advisement of rights form with this bureau report.

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Signature Signature

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

—MISCELLANEOUS REPORT— ENTERED #91-30574 #91-30603

18296 LF Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 44 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 43 19 at

The following additional information should be noted: Based upon the information provided by the witness , William Avery Jr.("BB"), Det. Resendez and this writer met with Delphinia Guice at her 2133 Leavitt Rd. residence. She was advised that fresh information once more implicated her vehicle in the murders of Victim redacted Victim redacted and Victim redacted She agreed to sign a "Consent to Search" form provided by these officers. The vehicle was towed by district wrecker, Dunson's Towing, to that business. The vehicle is being held in the investigation and the BCI lab in Richfield, Ohio was contacted reference same. The vehicle will be held until same is either processed or determined to have no further value to this investigation. See the attached "consent to search" form filed by Det. Resendez on 9-11-91.

These officers, in an attempt to further verify the validity of the statements offered by William Avery Jr. ("BB"), arranged for a polygraph test for the witness. Lt. Daniel, the Lorain Police Department Poligraphist, administered same to William Avery Jr. on Friday September 20, 1991 at the Lorain Police Department. Lt. Daniel will submit a formal report to this bureau when completed and same will be attached to this report. Upon completion of the test, Lt. Daniel provided the following preliminary information regarding the truthfulness of the statements offered by William Avery Jr.

Lt. Daniel stated that Avery was in possession of additional information which he had not provided as of that date. This officer, along with Det. Cpt. Rivera and Det. Resendez, re-interviewed William Avery Jr. on 9-20-91. The interview was taped and the cassette is identified as evidence Item # V2(BB) on Page # 3 of this report.

Avery Jr. was advised of the interpetation of Lt. Daniel and he stated that he did omit a pertinent fact related to the events of 8-8-91. The witness, William Avery Jr., provided the following additional information: The witness stated that "Al Monday" returned to Avery's Lorain Dr. residence on foot approximately one(1) to two(2) hours after dropping him off following the assault as described herein. Avery indicated that "Al Monday" approached the area of his residence on Lorain Dr. from the west. It should be noted that Vic im redacted body was located to the rear of the Westgate Plaza which is situated west of Avery's Lorain Drive residence. Upon his approach, "Al Monday" was to have stated " WE TOOK CARE OF THAT JUNKIE.....WE KNOCKED HER OFF". Thereafter,"Al Monday"and Avery discussed narcotics and "Al Monday" invited Avery to accompnay him to New York for the purpose of obtaining drugs. Avery refused and "Al Monday" left the area.

The witness stated that he was afraid to relay this information during the initial interview due to the fact that the suspects are 'at-large' and this information could cause him to be targeted by these suspects.

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Precinct DETECTIVE BUREAU REPORT PAGE# 45 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted / Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 44 19..... at .....

Based upon the additional information provided in the taped interview of William Avery Jr. on Friday September 20, 1991, this bureau contacted the Lorain County Prosecutor's office. The prosecutor's office was advised of the statements offered by Avery and the preliminary results of the Polygraph examination by Lt. Daniel.

On Wednesday September 25, 1991, William Avery will testify before the Lorain County Grand Jury regarding the Aggravated Murder of Victim redacted Victim redacted Lenworth Edwards, who was initially indicted for Felonious Assault, will be charged with the Aggravated Murder offense. The additional four(4) suspects will be charged with the same offense and , pending the indictments, arrest warrants are to be issued against the suspects as listed on Page # 6 of this bureau report.

Further, this writer requested that the Lorain County Prosecutor's office request a court order for a deposition of William Avery regarding his knowledge of the events as described in this bureau investigative report. This officer contacted Attorney Barry Motsch, who represents Lenworth Edwards, and advised him of the deposition request. This writer advised the county prosecutor's office that Atty. Motsch should be permitted to cross examine Avery Jr. at the deposition. This writer is concerned for the safety and well being of thewitness. His testimony should be crossed at the time of the time of the deposition in order to preserve his testimony in the event of his inability to testify at the time of trial. This fear is based upon the fact that there are four(4) suspects at large and the identity of the witness following the Grand Jury hearing on 9-25-91 could place Avery at great personal risk. Further, this bureau has made arrangements for protective housing for Avery pending direction of the Lorain County Prosecutor reference 'protective custody'.

A copy of this bureau report will be provided to the Lorain County Prosecutor prior to the Grand Jury testimony of Avery Jr. Lenworth Edwards is scheduled to be arraigned for the Felonious Assault in the Court of Common Pleas on Wednesday 9-25-91.

Investigation to continue with the receipt of additional information and agency reports obtained reference lab results and related information.

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Precinct DETECTIVE BUREAU REPORT PAGE# 46 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 45 19..... at

On September 25, 1991 this writer re-testified before the Lorain County Grand Jury reference the Felonious Assault of Victim redacted Victim redacted Victim redacted Subsequently, four(4) additional suspects were indicted by the Grand Jury on that date; to wit: Alfred Cleveland(AKA "Al Monday"), John A. Edwards (AKA "SHAKIM"), Ian Davis (AKA "J.R."/ "E"), and "SUPREME".

Further, on September 25, 1991 the key witness, William Avery Jr., also testified in the Felonious Assault investigation before the Lorain County Grand Jury.

On September 26, 1991 William M. Avery Jr. gave a deposition in the Lorain County Court regarding this investigation. The deposition was conducted by Assistant Lorain County Prosecutor J. Rosenbaum and Attorney B. Motsch. Attorney Motsch represented defendant Lenworth Edwards who was present at the deposition on that date. It should be noted that prosecutor Rosenbaum requested that Attorney Motsch be present with his client during the proceeding in order to protect the integrity and validity of the testimony offered by the witness. Further, this officer was advised that, due to the fact that the testimony was offered under "advisary circumstances" that the testimony could be offered during trail in the abscence of the witness. This writer was also advised that Avery's testimony could be used in trial against each of the suspects based upon the "advisary role" of Attorney Motsch and his client, Lenworth Edwards.

Following Avery's testimony in the deposition, he was provided with $1,000.00 from the Lorain County Prosecutor's office reference relocation expenses. Det. Resendez and this writer removed the witness from the area and will maintain contact as required throughout this investigation. The witness was also provided with a check for $2,000.00 from the county prosecutor reference the reward offered by same pursuant to the arrest and indictment of suspect(s) as outlined in this bureau investigative report.

On September 26, 1991 this writer was contacted by Attorney M. Duff reference his representation of Alfred Cleveland (AKA "Al Monday"). This writer was advised by Attorney Duff that Cleveland had contacted him from an apparent undisclosed location. Atty. Duff suggested that the suspect would surrender himself to this department in the near future. On 10-05-91 Cleveland phoned this bureau office and spoke with Det. Haramia. Cleveland advised Det. Haramia that he would surrender to this writer but would phone on Monday October 7, 1991 to discuss the terms.

On Monday 10-07-91 this officer received a late afternoon phone call from Cleveland; the following items were discussed:

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POLICE DEPARTMENT, CITY OF LORAIN, OHIO

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Precinct DETECTIVE BUREAU REPORT PAGE# 47 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party victim redacted victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 46 19..... at .....

Cleveland indicated that he would not be represented by Attorney Duff. The suspect stated that he would retain an attorney in New York City and contact this officer reference his intention to surrender to this officer. The suspect further related that he felt that he and his friends were unjustly accused of the murders and were victims of "street rumors" based upon the fact that they were from New York City. He suggested that this writer investigate other suspects and that he and his friends were incapable of causing serious physical harm to person(s). This writer advised Cleveland that this investigation required that this writer interview him in person and that a phone conversation was inappropritae. Cleveland suggested to this writer that he would re-contact tbis bureau when he was prepared to return to Ohio to answer to the charged offense of Felonious Assault. As of 10-12-91, this bureau has had no further contact with the suspect.

On 10-04-91, this officer was contacted by a female informant-witness, Patricia Brown as further identified on Page # 5, reference numerous phone contacts by "Shakim" (John Edwards). This officer arranged for a phone tap on a phone line through the Centel Phone Company. The tap was successful but failed to locate the location of the suspect. The phone tap revealed that the call originated in the Greater Cleveland area. No 'specific' location was available. Patricia Brown has not advised of further contacts with John Edwards ("Shakim") as of 10-04-91.

On 10-08-91 this officer was contacted by a store owner in Michigan reference a subject's attempt to cash the $2,000.00 check issued to William Avery Jr. by the county prosecutor's office as noted. The subject attempting to cash the check was refused based upon this writer's directed suggestion to the store owner. The subject failed to properly identify himself as the person to whom the check was issued. This officer is not aware of the result of that action as of 10-12-91.

The investigation will continue pending additional information, lab test results,and apprehension of additional suspects as named herein.

As of 10-12-91, the Guice vehicle has not been transfered to the BCI lab in Richfield, Ohio. This officer was discuss the matter with DEt. Cpt. Rivera and Det. Resendez on 10-14-91.

CONTINUED ON PAGE# 48.....

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Precinct DETECTIVE BUREAU REPORT PAGE# 48 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE # 47 19..... at .....

On or about October 23, 1991 this officer was contacted by detectives of the Rockway Beach, New York Police Department. The agency indicated that, based upon information provided by this bureau, the following transpired:

The noted department attempted to arrest John Austin Edwards at 8400 Shorefront Parkway Apartment 10-F Rockway Beach, New York. A suspect answering Edwards' description fled from the area and discarded a 9MM semi-automatic weapon. The handgun was retained by the department but the suspect was not located. Det. Ware of the Rockway Beach, NY Police Department indicated that his agency would attempt to locate the suspect. This bureau has not been contacted reference same as of 10-28-91.

On October 24, 1991 this bureau arranged to have the Delphinia Guice processed at the Lorain Police Department by Lorain County Crime criminalist Dan Bibby. The vehicle was processed on 10-25-91 and the following information was obtained as a result of same. Dan Bibby indicated that he did not locate any blood or useable hair samples. However, he did indicate that a red carpet fiber seemed to be prevelent on numerous items in the Guice vehicle. Based upon that finding, this officer contacted the Bureau of Criminal Identification lab in Richfield, Ohio and requested that that agency attempt to loacate red carpet fiber on the victims clothing submitted by this bureau. As of 10-28-91 this office has not received a report from BCI reference said request.

This bureau officer released the Guice vehicle to its owner on 10-25-91 after conferring with Det. Cpt. Rivera.

This bureau office has not received the final test results of the Lorain County Crime lab reference the 10-25-91 processing by crminalist D. Bibby.

Det. Cpt. Rivera, on 10-28-91, indicated that this bureau will re-contact several out-of-state departments in an attempt to locate the four(4) suspects who have remained at-large during this investigation.

This officer was advised on 10-28-91 that Lenworth Edwards trial has been scheduled for December 3, 1991 in the Court of Common Pleas of Lorain County.

The investigation will continue pending further developements and location of the suspects identified herein.

CONTINUED ON PAGE# 49.....

Report sent to Headquarters ..... m. ..... Date .....

Reported by .....

Signature

Signature

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POLICE DEPARTMENT, CITY OF LORAIN, OHIO

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Precinct DETECTIVE BUREAU REPORT PAGE# 49 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 48 19..... at .....

On or about Wednesday October 30, 1991 at 2117 hours this officer received a phone call from a subject identifying himself as a Leon Cleveland. Det. Resendez spoke with the subject who identified himself as the father of Alfred Cleveland. Det. Resendez was provided with a New York Phone number and the caller indicated that he wanted this writer to return the call. The phone number provided was as follows: (718-454-6274).

At 2145 hours on 10-30-91 this writer returned the noted phone call and spoke with the subject who identified himself as Leon Cleveland. This officer discussed the general nature of the investigation that named his son ,Alfred Cleveland, as a suspect in the Felonious Assault of Victim redacted Victim redacted Victim redacted Mr. Cleveland indicated that he was aware of the charge and had discussed the situation with his son.

Mr. Cleveland stated that his son had indicated that he would return to Ohio and surrender to this department reference the noted offense. The witness further indicated that Alfred Cleveland had discussed the possibility of testifying and offering evidence against the co-defendants in this case. Mr. Cleveland stated that his son expressed concern for his personal safety and would require protection. This writer advised the subject that an interview of Alfred Cleveland was required and that specifics reference the weight of his testimony and co-operation would be presented to the Lorain County Prosecutor's office at the appropriate occasion.

This writer questioned "Mr. Cleveland" regarding the other suspects. This writer was advised that the witness was familiar with "J.R." (Ian Davis). Mr. Cleveland indicated that he did not know the other suspects by the names available as of this date. During the conversation, Mr. Cleveland made the following statements; ".....Will(he)have to testify against the other FOUR ?.....". " I don't want them to come after him....".

Based upon the conversation with "Mr. Cleveland", this writer deduced that he and Alfred had discussed the situation in some detail. Further, this officer surmised by the statements offered reference their on-going ability to communicate that Mr. Cleveland was aware of Alfred Cleveland's location. This information, however, was not provided to this officer in spite of several attempts to ascertain same during the phone conversation.

This officer was advised that Alfred Cleveland would contact this writer on Thursday 10-31-91 at 1530 hours at the bureau office. It should be noted that this officer did not receive said phone call. Further, this officer phoned the number indicated above and left a message on a phone recorder. There has been no further contact with either party as of 11-6-91. A check via LEADS reference the name LEON CLEVELAND was conducted by Det. Shuster and the following was obtained

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Signature Signature

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Precinct DETECTIVE BUREAU REPORT PAGE# 50 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 49 19 , at

The information obtained from LEADS by Det. Shuster indicated that "LEON CLEVELAND" has a date of birth of 12-31-29 and resides at 188 Mangin Ave. St Albans, New York. No other information is available. A copy of the LEADS information printout is attached to this bureau investigative report.

On Friday November 1, 1991 Det. Cpt. Rivera was contacted by the Elyria Police Department Detective Bureau reference a potential witness being housed at the Lorain County Jail. The subject was identified as a Gary Byrge of Cleveland, Ohio who had been indicted for Aggravated Burglary and Grand Theft. This writer contacted the potential witness on 11-1-91 at 1335 hours and the following transpired: See Page # 5(A) for identification of noted witness.

This writer advised Byrge of the nature of the investigation. He was advised that any interview by this bureau officer would be taped for the protection and integrity of the investigation. Byrge indicated that he was willing to voluntarilly offer information in the investigation and the subsequent interview was taped by this officer. The cassette tape was transported to this bureau and tagged into Central Records evidence. The evidence is further described on Page # 3(A) as evidence Item # V2 (EE). Byrge provided the following information:

Byrge indicated that he was recently transfered to the same cell pod at the Lorain County Jail that housed Lenworth Edwards. The witness stated Edwards took him into his confidence and discussed the assault and murders of Victim redacted and Victim redacted Byrge stated,that during the unsolicited account provided by Edwards, the following scenario was provided:

Edwards identified the participants as follows: "Shakim" (John Austin Edwards), "J.R." (Ian Davis), "LENWORTH'S BROTHER", "AVERY"(WILLIAM AVERY JR.), and himself. This officer inquired reference a subject heretofore identified as "SUPREME", but was advised of the following: Lenworth was to have indicated that this bureau's witness , William Avery Jr., was untruthful regarding the presence of "Supreme" at the Victim redacted residence on the date of the assault-murders of the victims.

Lenworth stated that he arrived at the location of Victim redacted residence in a vehicle purchased by his "brother" in another unidentified person's name. He was to have arrived in the company of "J.R." and "Shakim". He stated that his"brother" arrived in a vehicle operated by Avery. The five(5) males were to have entered the Victim redacted residence for the purpose of questioning Victim redacted regarding $3,000.00 she owned "J.R.". The debt was the result of drug activity or the theft of same.

Lenworth was to have indicated to Byrge that he struck Victim redacted and she defended herself by striking back at Lenworth. Continued on Page # 51.....

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POLICE DEPARTMENT, CITY OF LORAIN, OHIO

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Precinct DETECTIVE BUREAU REPORT PAGE# 51 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

CONTINUED FROM PAGE# 50

I respectfully report that on or about 19..... at

Lenworth Edwards was to have indicated to Byrge that he discontinued in his assault of Victim redacted Victim redacted and that he may have been injured as a result. The witness stated that Edwards indicated that " J.R." and "Shakim" continued in their attack on Victim redacted Victim redacted and thereafter "Shakim" drug her from the Victim redacted Victim redacted residence.

Lenworth Edwards stated that Avery and "his brother" did not take part in the assault of Victim redacted

Lenworth further indicated that he observed "J.R." and Shakim" leave the area of the Victim redacted Victim redacted residence in "his brother's"vehicle with Victim redacted Edwards was to have left the scene in the vehicle operated by Avery with "his brother" as the other occupant.

Lenworth was to have stated to Byrge the following pertinent information: Lenworth stated that, the next day, he was approached by "J.R." who advised of the following: "J.R." was to have stated that "Shakim" stabbed Victim redacted Victim redacted 15-to-20 times in the area of her neck. Further, "J.R." was to have indicated to Lenworth Edwards that he("J.R.") "accidently" ran Victim redacted Victim redacted ' head over while backing up a vehicle he was operating on that date.

The following comparisons should be made reference the Lenworth Edwards' account (per Byrge on 11-1-91) and that of William Avery Jr. as chronicled in detail in this report.

In each account, the group of suspects arrived in two separate vehicles. William Avery stated that he arrived in a vehicle operated by Alfred Cleveland (AKA "AL MONDAY"). Lenworth's account indicated that Avery and his "brother" arrived in the same vehicle. Lenworth Edwards stated that the vehicle was owned by Avery. It should be noted that William Avery does not own a motor vehicle. The account of Avery indicated that "Shakim","J.R.", and Lenworth Edwards arrived in a vehicle determined to be owned by Delphinia Guice. Lenworth advised Byrge they arrived in Lenworth's"brother's"vehicle.

William Avery Jr. stated that, upon entering the Victim redacted Victim redacted residence, a subject identified as "Supreme" was in the residence with Victim redacted Victim redacted Victim redacted Lenworth does not place "Supreme" inside the Victim redacted Victim redacted residence.

Both accounts indicated that Lenworth Edwards assaulted Victim redacted Victim redacted Victim redacted Victim redacted and that she defended herself by striking Lenworth Edwards. In each scenario Lenworth was to have discontinued his assault after being struck by Victim redacted

The following additional information should be compared. Continued on Page # 52..

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Precinct DETECTIVE BUREAU REPORT PAGE# 52 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 51 19..... at

The accounts offered by Lenworth Edwards and Avery Jr. described Victim redacted Victim redacted being assaulted by "J.R." and "Shakim" reference a $3,000.00 debt owed regarding narcotics. Lenworth Edwards indicated that Victim redacted Victim redacted owed "J.R." the money while Avery Jr. stated she owned "Shakim" the same amount.

Avery Jr. advised these investigators and the court that "Shakim" dragged Victim redacted Victim redacted from the Victim redacted Victim redacted residence, while unconscious, to the Guice vehicle. In the account of Lenworth Edwards, "J.R." was identified as the person who drug Victim redacted Victim redacted to the vehicle. Edwards stated, once again, that the 'vehicle' was the property of his "brother".

Avery Jr. stated that he and Alfred Cleveland (" Al Monday") left the area of Victim redacted Victim redacted residence in the vehicle operated by Cleveland. Avery Jr. further stated that "Shakim", "J.R.", and Lenworth Edwards ("Will") left in the Guice vehicle and that Victim redacted Victim redacted was in same. Lenworth stated to Byrge that he left the area of Victim redacted Victim redacted apartment in the vehicle occupied by Avery and his "brother". Lenworth stated that "Shakim" and "J.R." left the area in his "brother's" vehicle with Victim redacted Victim redacted in same.

As noted in the account of William Avery Jr. presented in this investigative report, the Lorain County Grand Jury, and deposition in the Court of Common Pleas of Lorain County: Avery Jr. was to have been approached by"Al Monday" in the early morning hours of 08-08-91 near 2140 Lorain Drive. "Al Monday" (Alfred Cleveland) indicated that'"WE" took care of that junkie, "WE" knocked her off'. In the scenario offered by Lenworth Edwards to the witness, Byrge, "J.R" was to have advised Lenworth Edwards that "Shakim" stabbed Blakely 15-to-20 times in the neck. Further, "J.R." was to have indicated that he("J.R.") "accidently" ran Victim redacted Victim redacted Victim redacted Victim redacted head over with a vehicle he was operating.

The following analysis can be drawn from the two accounts of the events leading to the assault and death of Victim redacted Victim redacted Victim redacted Although there are some disimilarities in the two scenarios, there are clearly cooberating statements offered by the subjects providing the information; to wit: The events described by Avery Jr. and Lenworth Edwards outline the actions as follows: The identified partcipants arrived in two(2) separate vehicles. The intent was to retreive information regarding approximately $3,000.00 from Victim redacted Lenworth Edwards assaulted Victim redacted Victim redacted and she reacted by defending herself. Lenworth Edwards discontinued in his assault. "Shakim" and "J.R." continued in their assault of Victim redacted Neither Alfred Cleveland("Al Monday") nor Avery Jr. participated in the assault of Victim redacted Victim redacted Victim redacted Victim redacted on or about August 8, 1991. Victim redacted Victim redacted Victim redacted following the assault, was dragged to a vehicle outside the Victim redacted Victim redacted residence. Avery and Lenworth Edwards offered statements which refered to the death of Victim redacted

Report sent to Headquarters ..... m. ..... Date .....

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Signature Signature

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

—MISCELLANEOUS REPORT—

ENTERED

#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 53 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 52 19..... at .....

For a complete account of the statements offered by William Avery Jr., refer to evidence Items # V2(Y) and V2(bb). Regarding the interviews of Gary Byrge on 11-1-91 and 11-4-91, refer to evidence Items# V2(ee) and # V2(ff).

This writer, on November 4, 1991, re-contacted Gary Byrge at the Lorain County Jail. The purpose of the contact was to establish his well-being following the initial contact on 11-1-91. Further, this officer wanted to determine if additional unsolicited statements had been offered by Lenworth Edwards regarding the homicide investigation.

During the 11-4-91 interview of Gary Byrge, this officer taped same and later entered the cassette tape into Central Records evidence as Item # V2(ff). Byrge indicated that Lenworth Edwards identified "Al Monday" as his "brother". As noted in the aforementioned interview of 11-1-91 of Gary Byrge(Evidence Item # V2(ee), Edwards repeatedly made reference to a subject as his "brother". It should be noted that independant sources had also indicated that "Al Monday" and Lenworth Edwards made reference to the noted relationship. Byrge advised this officer that Lenworth Edwards made numerous phone calls to "AL" from the Lorain County Jail. Further, Byrge stated that Lenworth was to have phoned "AL" on 11-4-91 at approximately 1800 hours. Byrge stated that he believed the phone calls were made to Bronx, New York.

These officers continued the investigation in the following manner: This officer contacted the Lorain County Prosecutor on Wednesday November 6,1991 and requested Grand Jury Subponeas re: Patricia Brown and Lois Brown. These two(2) subjects have indicated to this officer that they have received several phone contacts from"Shakim" (John Austin Edwards). Further, Patricia Brown and "Shakim" shared the same residence located at 2248 Lorain Dr. (PH# 246-2994). Lois Brown is the mother of Patricia Brown and has had numerous contacts with "Shakim" throughout her daugher's relationship with the suspect.

The requested subponeas were obtained from the County Prosecutor's office and served on Centel Phone Compnay 11-6-91 by this writer. Det. Resendez assisted this officer. The records were obtained on that date from the phone company and are a part of this investigative report. See copies of the subponeas attached to this bureau report.

As noted, this bureau obtained information regarding phone calls placed from the Lorain County Jail by Lenworth Edwards. Det. Resendez contacted the Lorain County Sheriff's Department on 11-6-91 and requested a list of phone numbers from the LCSO reference calls placed from the Pod occupied by Lenworth Edwards. Continued on Page # 54.....

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18276 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 54 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 53 19 , at

Further, Det. Resendez obtained a list of phone calls placed by Lenworth Edwards during the time period he was incarcerated in the Lorain City Jail. All phone records are included in this bureau report.

The purpose of obtaining the noted phone records was to attempt to locate additional suspects as named in this investigation. The records obtained did in fact illustrate that Lenworth Edwards placed a large number of phone calls to the New York area. The information obtained was forwarded to the New York Police Department who assisted these officers in this investigation. This bureau was provided with several potential addresses based upon the phone numbers obtained in the retained phone records.

This writer conferred with Det. Cpt. Rivera regarding the direction of this investigation on or about November 6, 1991. Cpt. Rivera, based upon the information obtained to date, made the following determination: Cpt. Rivera directed this writer to assemble a "team" of officers to travel to New York City in an attempt to locate the suspects; to wit: John Austin Edwards ("AKA Shakim"), Ian Davis)"AKA J.R.") Alfred Cleveland (AKA Al Monday"), and "Supreme". The following officers were contacted and advised of same; Det. Sgt. Rohner, Sgt. Cambarare, and Det. Resendez. Det. Cpt. Rivera advised that he would direct the "team" of officers in the noted endeavor. The following transpired:

Det. Cpt. Rivera contacted the Lorain County Prosecutor's office and requested assistance in the investigation. Cpt. Rivera requested a letter from Lorain County Prosecutor Gregory White which would 'direct' these officers to New York City in an attempt to locate the noted suspects. Further, Det. Cpt. Rivera requested financial assistance from thr prosecutor's office. Prosecutor Gregory White provided the requested letter and financial assisted requested.

Det. Cpt. Rivera, after conferring with Lorain Police Chief Malinovsky, received additional financial assistance from this department's Law Enforcement Trust Fund. The "team" assembled information, reports, and arranged to travel to New York City. The "team" disembarked on Sunday November 10, 1991. The team members consisted of Det. Cpt. Rivera, Det. Sgt. Rohner, Sgt. Cambarare, Det. Sgt. Taliano, and Det. Resendez. The following transpired:

The "team" arrived in Queens, New York on 11-10-91 in the evening hours. The reports were reviewed and assignments were made by Det. Cpt. Rivera regarding the investigation and location of the noted suspects.

This officer, utilizing phone numbers obtained, attempted to locate "Shakim" (John Austin Edwards). This officer contacted a female known to have housed the suspect approximately three(3) weeks prior to this date. Continued on Page # 55....

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—MISCELLANEOUS REPORT— ENTERED #91-30574 #91-30603

18296 LF Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 55 Copy for

Subject HOMICIDE INVESTGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 54 19..... at .....

After making contact with the female located at 8400 Shorefront Dr. Apt. # 10-F of Rockaway, New York, this officer was advised that the suspect had not been at the residence in approximately three(3) weeks. A small child indicated thag "Shakim" had left the state. This information, however, has not been verified as of this date.

This writer contacted, by phone, the parents residence Alfred Cleveland. This officer was advised that they have sporatic phone contact with their son. This writer was advised that they were unaware of his location. This officer advised them that they should attempt to locate Alfred and relay information provided by this officer; to wit: This officer indicated that there was information that indicated that Cleveland had evidentiary information that could clarify this investigation. As noted within this report, this officer had received a phone call from Cleveland and same indicated that he would surrender to this department. This officer also had a phone conversation with his father, Leon Cleveland, who indicated that his son had information that may clarify the facts of this case. This officer advised the Cleveland's that additional contact would be made in attempt to locate their son and take same into custody pursuant to an arrest warrant for Felonious Assault.

This writer contacted the Queens Homicide Bureau and spoke with the detectives of that unit. The officers of the NYPD were advised of the situation and the purpose of these officers in their city. The Homicide Unit detectives agreed to assist these officers. These officers were directed to the 113 Th. Precinct and spoke with Det. Second Grade William Clarke. The Queens New York Detectives were provided with photographs and personal information available as of that date. Dets. Cpt. Rivera, Sgt. Cambarare, and Resendez remained in 113Th. Precinct with Det. Sgt. Divagno while Dets. Sgt. Rohner and Taliano proceeded to the Central Police Headquarters in Manhantan with Det. Clarke.

With Det. Clarke, these officers obtained photographs of Alfred Cleveland, John Austin Edwards, and Benson Davis (AKA IAN DAVIS, AKA "J.R."). The following pertinent information should be noted regarding the proper identifcation of "J"R." through the records and information of the New York City Police Department:

These officers were able to provide an address for an "IAN DAVIS" who is also identified as "J". R"." as noted herein. While checking the address through New York City records, the name of " BENSON DAVIS" appeared listed to the address of 188-19 Mangin Ave Queens, New York. The New York Police Department was able to provide a booking photograoh of Benson Davis. Dets. Sgt. Rohner and Cambarare were able to positively identify , through said photograph, that the perosn they knew as " J.R." was in fact Benson Davis; AKA IAN DAVIS, "J.R.", "E". The officers also cooberated the identification in the following manner:

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Precinct DETECTIVE BUREAU REPORT PAGE# 56 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted / Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 55 19..... at

Dets. Sgt. Rohner and Cambare effected the arrest of Lenworth Edwards on August 14, 1991 in the area of Lorain Drive. During the arrest, the subject heretofore identified as "J.R." was in the same vehicle at the time of the arrest. Following Edwards arrest and removal from the area, "J".R." was permitted to leave the area by the officers. The arresting officers came into contact with Patricia Brown, as identified on Page # 5, and were advised of the following: Brown advised Sgt. Rohner and Sgt, Cambarare that "J.R." (Ian Davis) was actually a BENSON DAVIS. Brown indicated that Davis utilized the first name of "IAN" but that his closest companions knew his name to be " BENSON".

While at the 113th Precinct, Det. Cpt. Rivera, Det. Sgt. Cambarare, and Det. Resendez learned the following: Benson Davis was being confined in the Rikers Island Prision in New York based upon an assualt complaint and parole violation. This information was verfied through the Queens County District Attorney's office. These officers immediately contact the Lorain County Prosecutor's office and requested an amended arrest warrant for Benson Davis for Felonious Assault. A copy of the arrest warrant was faxed to these officers and presented to the Queens County District Attorney. A hold was placed on Davis at Rikers Island Prision for this department.

These officers continued the investigation in the following manner: This "team" was directed to a Detective Third Garde Walter Walszak of the North Brooklyn Homicide Squad. These officers received a great amount of assistance from this detective and the following transpired: These officers briefed the North Brooklyn Homicide Detective of the facts and information available regarding the noted suspects. Det. Walszak accompanied these officers to the 100th Precinct located in Rockaway Beach , New York. These officers were able to properly identify "Supreme" in the following manner:

These officers, utilizing evidence Item # V2(dd), had been advised by William Avery Jr. and Patricia Brown that the subject heretofore identified as "Supreme" was located in the far left of same. These officers were able to obtain a New York Police Department booking photograph of a GEORGE BILLUPS. The photograph of Billups was compared to that of the "group photo' (Item#V2(dd)). These officers determined that the subject previously identified as "SUPREME" was in fact a George Billups of 64-03 Thursby Ave. Rockaway, New York(Ph# 718-945-1371) These officers were able to draw said information via the following : Det. Sgt. Rohner had obtained a copy of "Shakim's" phone -address book from the Elyria Police Narcotics Unit. In that address book was a name " MASTER SUPREME". The phone number listed was (718) 945-1371. A check of New York phone records indicated that the phone was listed to a George Billups of the listed Thursby Ave address. The photograph of Billups was obtained via NYPD and the comparison was made by these officers as noted herein. CONTINUED ON PAGE# 57.....

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Precinct DETECTIVE BUREAU REPORT PAGE# 57 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE # 56 19..... at .....

Further, in checking the arrest records of John Austin Edwards and George Billups, these officers noted that the subjects had been arrested in the same incident in Coney Island, New York for Robbery and Assault on May 17, 1987.

The following additional information should be considered regarding the relationship pf John A. Edwards and Billups: Edwards listed a 529 Beach-64th. Street address in the May 17, 1987 arrest. These officers located the address and noted that same is within a half block of the Billups Thursby residence.

Det. Sgt. Rohner interviewed a Rikers Island Correction Officer, Linus Antoine, at the 100th. Precinct. Antoine indicated that the photograph of George Billups was the person he also knew as a "SUPREME". The correction officer was familair with Billups while the suspect was an inmate in Rikers Island.

The following additional information should be noted regarding the identification of "Supreme" as George Billups. On Thursday November 14, 1991, this officer called the residence listed to George Billups. A young female answered the phone and this writer asked for " SUPREME". This officer was advised that "SUPREME" no longer resided at that address. This officer asked to speak with an adult and the following transpired: A female answered the phone and this officer requested to speak with "SUPREME". The female, who identified herself as George Billups' mother, made several references to the fact that "Supreme" and George were the same person. The female, when asked about "Supreme" stated, "You mean George...that's my son and he has not lived her for four years.....". This officer identified myself as a friend of "SHAKIM" and the female immediately indicated recognition. The female stated " You mean John.....Is this about that stuff with John....?". This writer advised that "Shakim" had provided her phone number and requested that she attempt to contact her son George. This writer was advised that she could contact her son and requested that this writer provide a "call-back" phone number. The female was advised that this writer was calling from a phone that had to be vacated. This officer indicated that she would be contacted in a short period of time with another phone number.

These officers proceeded to the 100th Precinct and utilized a detective phone number which was subsequently provided to the Billups residence by this writer. Approximately 40 minutes after leaving the detective number, this officer was phoned by a male subject identifying himself as "Supreme". The caller stated that he received a message from his "mother". The following conversation transpired:

This writer provided the name of a Lorain, Ohio drug dealer and indicated that this writer was to have flown to Queens, New York for the purpose of purchasing Cocaine from "Shakim". This officer advised that "Shakim" had provided the number that led to "Supreme's" mother's residence. Continued on Page # 58.....

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Precinct DETECTIVE BUREAU REPORT PAGE# 58 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 57 19 , at

During this writer's conversation with Billups ("Supreme"), this officer used both the Billups surname and the street name "Supreme". The male subject made no attempt to correct the cross reference during the extensive conversation. "Supreme" indicated that he was in Lorain, Ohio while on leave and met several 'locals' during this period of time. Further, he indicated that he was calling from California where he was in the service. He indicated that he was presently unaware of "Shakim's" whereabouts. The male subject stated that he was unable to locate "Shakim". The conversation terminated.

Based upon the aforementioned information which identifies "Supreme" as one George Billups, the arrest warrant will be amended to reflect same. As in the case of the other 'at-large' suspects, the New York Police Department will attempt to locate the suspects. These officers provided photographs and other pertinent information reference the suspects with the 100Th, 113th, 115th., 101st, Precincts. The Queens Homicide and North Brooklyn Homicide units were also provided pertinent information regarding the suspects

On Thursday November 14, 1991 these officers contacted Det. Edward Stull of the Queens County District Attorney's Office. Det. Stull of the NYPD agreed to transfer Benson Davis ("J.R.") from Rikers Island Prision to the County Supreme Court for the purpose of "on-sight" identification and an interview of the suspect. Det. Stull agreed to cooperate and the suspect was transfered to the court on that date. Dets.Sgt. Rohner and Cambarare made a positive visual identification of Benson Davis as one "J.R.". As noted, the officers observed the suspect on 8-14-91 during the arrest of Lenworth Edwards on Lorain Drive in Lorain, Ohio. See report # 91-31677.

Det. Resendez and this officer, after advising Davis of his constitutional rights, initiated a brief interview of Benson Davis. The suspect was advised of the charge of Felonious Assault and the fact that the investigation involved two(2) counts of Aggravated Murder. Davis initially denied having been in Lorain, Ohio or knowing any of the other suspects. Thereafter, Det. Sgt. Rohner advised Davis that he was one of the officers present during the arrest of Lenworth Edwards. Further, he was advised that he was identified as the subject in the company of same. Thereafter, Davis admitted being in Lorain, Ohio and knowing Lenworth Edwards. It should be noted that Edwards and Davis list Magnin addresses as noted on Page #6 of this report.

The interview continued in the presence of Det. Stull of the New York Police Department. The following additional information was obtained:

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Precinct DETECTIVE BUREAU REPORT PAGE# 59 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 58 19..... at

NY Davis

Benson Davis provided the following information: Reportedly, the suspect traveled to the Cleveland, Ohio area as a stage hand for the "Run DMC" rap group in early August 1991. Davis stated that he flew from the Cleveland Airport on the " day of the murders". He refused to provide the name of the airline or other pertinent information regarding same.

Davis indicated that he returned to Lorain, Ohio area sometime after the date of the Victim redacted Victim redacted Victim redacted murders. Davis indicated that he took up temporary residences with several females in this city. The suspect stated that he was transported throughout the immediate Lorain-Elyria, Ohio area by an unidentified black male. The vehicle was described as a Dodge Magnum. Dets. Sgt. Rohner and Cambarare recalled arresting Lenworth Edwards on Wednesday August 14, 1991 while occupying a red/silver Dodge Magnum bearing temporary Ohio registration A914297 (VIN# XS22G9R207863). The temporary registration indicates that the vehicle was registered to a Robert Dozier of 3609 Lowell Ave. As noted, Benson Davis was in that same vehicle on the date of the Lenworth Edwards arrest (case # 91-31677).

Davis stated that he knew"Al Monday" (Alfred Cleveland) from the New York neighborhood. The suspect, however, denied contact with the subject in the Lorain, Ohio community.

Davis acknowledged "Shakim" (John Austin Edwards). He indicated that he was aware that "Shakim" and Patricia("NAN") Brown had a child. Davis stated that he was made aware of the Brown-Shakim relationship while he cohabitated with Patricia Brown.

Davis refused to acknowledge a subject heretofore identified as "Supreme". The suspect was reluctant to provide information regarding the other subjects identified as "Supreme" by the New York Police Department.

Davis stated that, during the period of time he resided in Lorain, Ohio, he lived with several females at their residences. Davis identified the females as Delphine Guice, Patricia Brown, and Michelle Brooks. For further identification of these females refer to Page # 5 of this bureau report.

When presented with the possibility of a long prision term as a result of the crime of Felonious Assault or Aggravated Murder, Davis stated that he was unconcerned with a lengthy imprisionment. Further, he indicated that he prefered a 'death penalty' and stated that he had been institutionalized his the age of fifteen (15). Davis stated that he would wave extradition to Ohio. These bureau officers were advised that Davis would be available for extradition following a 12-02-91 and 12-09-91 court appaearances in Queens, New York re: an assault complaint and a Parole hearing. Continued on Page # 60.....

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Signature Signature

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Precinct DETECTIVE BUREAU REPORT PAGE# 60 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 59 19 at

On Friday November 15, 1991 the investigative team cleared from New York City and returned to Lorain, Ohio. The New York City Police department was provided with the information required to properly identify Alfred Cleveland and John Austin Edwards. Unfortuneately, the proper identification of "Supreme" as George Billups has not been cooberated.

On November 18, 1991, this writer contacted William Avery Jr., Patricia Brown, and Delphina Guice. Each of the subjects identified the photograph of Benson Davis as the subject they knew as "J.R.". The witnesses, however, indicated that the photograph of George Billups ("Supreme") was not the subject known to them as "Supreme". As noted in this report, the streetname is very popular in the Jamacian section of Queens, New York. Apparently, George Billups is one of many street dealers who utilizes the name "Supreme". In the interview of Patricia Brown, she recalled observing a monagramed shirt with the name "DARREN" on the subject she identified as "Supreme". It should be noted that this officer spoke with a female, Lashar Ralston "Peaches", who also indicated that "Supreme" may bear the first name "DARREN". For further reference to the Ralston interview, refer to same as it appears in chronological order in this report. Ralston is further identified on Page # 5 of this report.

This writer reviewed the facts, as reported, provided by the state's key witness, William Avery Jr. It should be noted that Avery provided the same scenario that he testified to at the Lorain County Grand Jury and the deposition as described herein. Further, the information remained consistant with the taped interviews of the witness as chronicled within this investigative report.

This officer, on 11-21-91, transfered evidence from the Lorain County Crime Lab to the Bureau of Criminal Identification in Richfield, Ohio. The evidence transfered was the following: Criminalist D. Bibby of the Lorain County Crime Lab located numerous red carpet fibers loose and predominate in the Delphinia Guice vehicle when processed. This writer, as previously noted, requested that the victim's clothing be checked for similair red carpet fibers. After conferring with BCI, that agency requested that the sample fibers be transfered to the BCI lab in Richfield, Ohio for comparison. It should be noted that this writer later conferred with Dale Laux of the BCI lab who indicated that he was unable to locate the noted fiber material on the clothing submitted by this bureau re: Victim redacted Victim redacted and Victim redacted

On or about 11-20-91 this writer contacted contacted the attorney of Lenworth Edwards, Atty. Barry Motsch, and advised same that the following had transpired regarding his client. Continued on Page # 61.....:

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Precinct DETECTIVE BUREAU REPORT PAGE# 61 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 60 19..... at .....

Attorney Motsch was advised that this bureau had conferred with Assistant Lorain County Prosecutor Jon Rosenbaum. Mr. Rosenbaum determined that this writer should appear before the Lorain County Grand Jury on 11-26-91 to present facts regarding the Aggravated Murder of Victim redacted Victim redacted Victim redacted Further, the prosecutor indicated that he would seek an indictment for Aggravated Murder against Lenworth Edwards. This writer suggested to Attorney Motsch that he advise his client of same and request that Edwards agree to speak with this officer. Edwards was reportedly advised of this officer's request and same was refused as of this date.

On or about 11-26-91 Det. Resendez arranged for KISS Photo to enlarge the "Supreme" photograph that is inclusive of the group photograph further identified as evidence Item # V2(dd). Det. Resendez was successful and said photograph is attached to the group photo as identified.

Det. Shuster, provided with information on George Billups, was able to ascertain that the subjec t was released from the United States Navy in June of 1991. The matter of the discharge and pertinent information is to be forwarded to this bureau and will be included in the investigative notes.

This bureau officer, along with Det. Resendez, conferred with Agent Dean Winslow of the FBI regarding information for fugitive warrants regarding Alfred Cleveland and John Austin Edwards. Agent Winslow also confereed with Prosecutor Rosenbaum and the fugitive warrants were issued reference same.

On Saturday November 30, 1991 this writer was contacted by Det. Riley of the Elyria Police Department reference a female in custody for a felony theft offense. The female was identified as a Lashar Ralston. This writer was advised that the female may have information that would be of assistance in this investigation. This officer responded to the Elyria Police Department and interviewed the female witness. See Page # 5 of this report further identification.

Ralston advised that she would assist this bureau in consideration regarding the felony theft offense which was the result of a second offense theft. The present theft occured at the Elyria, Ohio Midway Mall on 11-30-91. This writer advised Ralston that her assistance would be brought to the attention of the prosecutor's office and she would be required to consult with same regarding considerstion in reference to the theft offense. Ralston indicated that she understood the aforementioned and agreed to be interviewed by this officer regarding her association with several Jamacian Queens , New York drug traffickers. Continued on Page #62.....

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Precinct DETECTIVE BUREAU REPORT PAGE# 62 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 61 19..... at .....

Lashar Ralston provided the following assistance and information as same related to the suspects in this investigation: Ralston outlined her relationship with John Austin Edwards ("Shakim"), Benson Davis ("J.R."), Alfred Cleveland "Al Monday"), Lenworth Edwards ("WILL"), "Supreme", "Justice", and several other known New York (Jamacian) drug traffickers.

Ralston stated that she met "Shakim" in March of 1991. She indicated that "Shakim: was arrested and spent several months in jail. She stated that the subject was released in May, 1991 and formed a partnership with Alfred Cleveland and Benson Davis. The aforementioned two(2) subjects arrived in Lorain, Ohio via New York. She described an auto accident in Elyria, Ohio involving her vehicle. Ralston advised that "Shakim" was operating the vehicle but convinced her to accept responsibility for the accident in exchange for $500.00. Ralston stated that she did not receive the monetary consideration. The witness stated that she was informed by Alfred Cleveland that "Shakim" owed him a large amount of money and that he did not have the fiscal ability to settle the debt. Ralston stated "Shakim's" debt to Cleveland was the result of a drug related debt. This information is consistant with other witnesses indicating to this bureau that "Shakim" was obligated to Cleveland and required to "work off" the debt created by his drug activities within the Alfred Cleveland drug organization. It should be noted that William Avery Jr., during his initial interviews, indicated that he was obligated to " Al Monady" (Alfred Cleveland) due to a narcotics related debt. Avery further indicated in those interviews that "Shakim" was obligated to such an extent that he was required to stay with Cleveland to satisfy same.

As noted within this report, Ralston identified "Supreme" as a subject she knew as "Darren". Ralston did offer any other pertinentinformation re: "Supreme". She did,however, establish that there was an on-going relationship between "Supreme" and the other identified New York drug dealers who migrated to the Lorain-Elyria, Ohio area.

Ralston stated that a subject identified as "Justice" left a weapon under a couch cushion in her bedroom during the summer of 1991. The weapon was accidently located by Ralston. She stated that she turned the handgun over to a friend, Willie Mercado, who advised that he was assisting in the Victim redacted Victim redacted Victim redacted Victim redacted homicide investigation. Mercado is known to this department as a 'self proclaimed investigator' and he occasionaly lends his services to local bail bondsmen. As of 12-5-91, this writer has not verfied that Mercado obtained the weapon as indicated by Ralston. The weapon was desribed as a black steel semi automatic handgun with brown wood grips. Ralston stated that she overheard a conversation during the noted time frame between "Supreme" and "Justice". During said conversation, "Justice" was to have indicated that he was responsible for a murder in New York City. No further information or verification of this account is available as of this date.

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Signature Signature

—MISCELLANEOUS REPORT— ENTERED #91-30574 #91-30603

18298 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 63 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party [redacted] Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 62 19..... at

Ralston stated that "Shakim" lived in her residence located at 3005 Leavitt Rd. Apartment #A-1 for approximately one(1) week after the August 8, 1991 murders of [redacted] and [redacted] During that period of time, "Shakim" reportedly refused to leave the apartment . During this pwriod of time, Ralston was to have asked "Shakim" if he was involved in the murders of [redacted] and [redacted] "Shakim", during the conversation was to have commented " WHAT MAKES YOU THINK I DIDN'T KILL THOSE PEOPLE?" . Ralston stated that she became concerned for her own safety and avoided any further questions of "Shakim" on the topic of the murders.

As noted, "Shakim" refused to leave the Ralston apartment after the murders. Ralston described an incident that illustrates same. The witness described the following: Delphinia Guice came to the Ralston apartment during the week following the [redacted] murders. "Shakim" became very angry with Ralston for allowing Guice into the apartment. He advised Ralston that he did not want anyone to know that " HE WAS HIDING OUT" at the Ralston residence.

During the period of time immediately following the August 8, 1991 murders, Ralston had contact with "Supreme" in Charlies Bar located at the Westgate Plaza on W. 21st. Street in Lorain, Ohio. Ralston stated that "Supreme" indicated that Ralston's apartment was "TOO HOT" and that he was concerned that Guice could not be trusted. Further, "Supreme" was to have advised Ralston that he was not sure she could be trusted.

Benson Davis was reportedly living with a Michelle Brooks at 3005 Leavitt Rd Apartment # A-1 from June, 1991 through the date of the [redacted] murders. Davis was to have left Lorain after the murders and then returned a short time later. He , once again, resided in the Brooks apartment. After returning, Davis asked that people refer to him as " TONY " , a "twin brother of 'J.R.' ". It should be noted that surveillance and intelligence through the Elyria Police Department Narcotics Unit indicated that "J.R." was living in the Wilkes Villa section of Elyria, Ohio sometime after the murders. Further, "J.R." (Davis) was repoetedly dealing drugs from a Wilkes Villa residence and was connected to a subject identified as "NEW YORK". An attempt to locate Davis ("J.R.") in the Elyria, Ohio area during that time frame was negative.

Ralston stated that she has been contaced by "Shakim" on several occasions since he left the Lorain-Elyria, Ohio area. Ralston advised that she was able to return his calls via a Sky Page Phone system. The number she provided this officer was (1-800-759-7243-577-0354). It should be noted that this officer had that phone number which is assigned to a Sky Page beeper system which is reportedly assigned to a John Austin Edwards. CONTINUED ON PAGE# 64

Report sent to Headquarters ..... m. ..... Date .....

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Signature Signature

—MISCELLANEOUS REPORT— ENTERED #91-30574 #91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 64 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE # 63 19..... at

Ralston stated that she spoke with "Shakim" approximately two(2) weeks pior to this date (11-30-91). "Shakim" was to have indicated that he was in the New York City area. Ralston further stated that he often contacts a "cousin" in Detroit, Michigan. The "cousin" was identified as "Young Dre".

Ralston stated that she accepted a collect call from"Shakim" at her mother's residence in October , 1991. This officer requested and received the phone bill from Centel Phone Company. The number listed is (718-474-9685) ; the phone is listed to a Queens, New York phone system.

During one of the phone conversations recently, "Shakim" indicated to Ralston that he had just returned from Virginia. It should be noted that this bureau has a great deal of information which indicates that the New York drug traffickers spend a great deal of time in the Norfolk, Virginia area. This information was verified by the FBI and local police agencies in that area. Ralston stated that on that occasion noted, a subject in New York, "Victor",was in possession of "Shakim's" beeper and he indicated that "Shakim" was in Virginia and that he was answering "Shaim's" calls. It should be noted that "Victor" may be a Victor Miles who has a record with this department; Miles , Victor J. BM/22(11-22-69/083-68-1429) with a LNA of 513 W. 22nd Street Lorain, Ohio(09-06-90).

Ralston attempted to utilize the beeper number listed above with negative results. The number has been apparently changed or cancelled by Edwards. The witness stated that she would attempt to obtain a new Sky Page number and provide same to this writer.

On December 2, 1991 this officer, along with Det. Resendez,reported to Lorain County Court - Common Pleas for a pre-trial hearing reference Lenworth Edwards. As noted, Edwards had been re-indicted for Aggravated Murder. His attorney, Barry Motsch was once more advised that this writer wanted to speak with Lenworth Edwards regarding his possible co-operation. As in the past, Edwards refused to speak with these officers or the county prosecutor's office regarding his cooperation in this matter.

On December 2, 1991 this officer was contacted by Lorain County Jail prisioner-witness Gary Byrge. As noted within this bureau report, Byrge is housed in the same pod in the Lorain County Jail with Lenworth Edwards. This officer received a message from Byrge that indicated he wanted to speak with this writer. Assistant Lorain County Prosecutor Jon Rosenbaum stated that Byrge could be transfered to his office on 12-3-91 for the purpose of an interview.

CONTINUED ON PAGE# 65.....

Report sent to Headquarters ..... m. Date 19

Reported by .....

Signature Signature

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

—MISCELLANEOUS REPORT— ENTERED

#91-30574
#91-30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 65 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party [redacted] Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 64 19 at

On 12-3-91 this officer transported Gary Byrge from the Lorain County Jail to the office of the Lorain County Prosecutor. Byrge, after reviewing prior conversations with Edwards with prosecutor Rosenbaum, provided the following pertinent information:

Byrge stated that, after being served with the murder indictment, Edwards became very emotional. Edwards was to have begun to cry and made the following statement in the presence of Byrge; to wit: " I KILLED HER, WHAT AM I GONNA DO NOW...?". Further, Lenworth Edwards was to have expressed concern regarding the arrest of Benson Davis ("J.R."). Apparently, Edwards is concerned that "J.R." will attempt to minimize his own involvement in the murders of [redacted] and [redacted] at the expense of Lenworth Edwards. This point is significant due to the fact that Attorney Motsch expressed to this officer the same concern presented to him by Edwards during a conversation at the Lorain County Jail. It should be noted that Edwards is aware of the fact that Davis is willing to waive extradition to Ohio and that these officers have conducted an interview with Davis.

Based upon the current statements offered by Byrge and those preceeding statements addressed in this bureau investigative report, Mr. Rosenbaum enquired regarding Byrge's willingness to submit to a polygraph examination at the BCI lab in Richfield, Ohio. Byrge indicated that he would comply and this officer contacted BCI and arranged same with examiner Kakora on 12-6-91 at 1030 hours. The results of the examination are pending as of this date.

On December 4, 1991 this writer was contacted by Lashar Ralston. This officer was advised of the following: On 12-1-91 in the morning hours she visited a Yalonda Johnson at 5005 West Erie Ave. While at the residence, Johnson received a long distance phone call from Alfred Cleveland. Reportedly, Cleveland invited Johnson to join him in New York on the weekend of 12-7-91. During the conversation, Cleveland learned that Ralston was at the Johnson residence. Cleveland then advised that he and "Shakim" were together and that "Shakim" wanted Ralston to accompany Johnson to New York. Ralston was to have had a brief conversation with "Shakim" and advised that she would consider the invitation. Ralston stated that, during their conversation, "Shakim" had indicated that he had just returned from Conneticuit on "business".

This officer instructed Ralston to re-contact this writer after attempting to obtain additional information. As of 12-6-91, this officer has not been contacted by the witness. This officer will attempt to locate and interview Ralston.

This officer conferred with Det. Cpt. Rivera reference the Ralston-"Shakim" conversation. As of 12-5-91, Det. Cpt. Rivera and this officer favor the idea of Ralston traveling to New York to join the suspects. Continued on Page# 66.....

Report sent to Headquarters m. Date

Reported by

Signature Signature

Approved by

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

—MISCELLANEOUS REPORT—

ENTERED

Report Numb
#91-30574
#9--30603

18296 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 66 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 65 19..... at .....

On Friday December 6, 1991 Det. Resendez and this officer transfered Gary Byrge from the Lorain County Jail to the BCI lab in Richfield, Ohio. The purpose of the transfer was to administer a polygraph examination to determine the truthfulness of his statements to this bureau reference his contact with Lenworth Edwards. The polygraph examination was administered by James Krakora of the BCI lab. Following the extensive interview and test, examiner Krakora provided a preliminary analysis of the test and interview results; to wit: Examiner Krakora advised that Byrge was being truthful in his responses to the test questions proposes. Krakora stated that there was no indication that Byrge was using deceit in those responses. The written report from BCI is pending as of 12-11-91. This officer so advised Assistant County Prosecutor of the preliminary polygraph results as noted.

Further, on 12-6-91, Det. Resendez and this writer retained possession of several tested evidence items pertaining to this investigation from the BCI lab in Richfield, Ohio. The items were transfered to Central Records evidence by this officer.

Gary Byrge was returned to the Lorain County Jail on 12-06-91 by Det. Resendez and this officer. Byrge was advised of the 12-17-91 court hearing date regarding this investigation reference Lenworth Edwards. The witness agreed to testify to those matters asoutlined in this bureau report.

This officer provided lab reports and an updated bureau report to prosecutor Rosenbaum on 12-10-91 in order that he could provide material requested regarding a Motion for Discovery to Lenworth Edwards attorney.

On Thursday December 12, 1991 prosecutor Rosenbaum arrived at the Lorain Police Station to confer with writer, review reports, view evidence, and arrange to meet with witnesses reference this case.

The following additional information should be noted. On Monday December 10, 1991 Det. Sgt. Rohner received a phonecall from John Austin Edwards ("Shakim") while in the Narcotics office. This officer was so advised and spoke with Edwards. "Shakim" advised that he was nearly arrested in New York by the FBI approximately two(2) weeks prior to said date. He advised that the agent questioned another subject and he fled the area in order to avoid arrest. "Shakim" further attempted to convince this writer of his inocense but refused to surrender to authorities in order to expidite the matter through the court system. He expressed concern reference a bond when eventually arrested on the outstanding arrest warrant. He repeatedly advised this officer that his only purpose in Lorain, Ohio was to "make money";ie: sell "Crack Cocaine".

Report sent to Headquarters m. Date 19

Reported by CONTINUED ON PAGE # 67

Signature Signature

Approved by

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

—MISCELLANEOUS REPORT—

Report Number
#91-30574
#91-30603

18296 LP Co.

DETECTIVE BUREAU REPORT PAGE# 67

Precinct ..... Copy for .....

HOMICIDE INVESTIGATION

Subject .....

Name of Party Victim redacted Victim redacted Victim redacted ..... Address .....

Date of Birth SS Number Phone #

CONTINUED FROM PAGE# 66

I respectfully report that on or about ....., 19..... at .....

On Tuesday December 17, 1991 the Aggravated Murder trial against Lenworth Edwards commenced in the court of the Honorable Judge Floyd Harris in the Lorain County Court of Common Pleas at 1100 hours.

The jury was selected and the prosecution presented its case. The prosecutor, Jon Rosenbaum, rested and entered evidence to the court. The defense attorney, Barry Motsch, initiated his defense and presented state witness, Willaim Avery Jr., to discredit his earlier deposition. On this date, in the state's presentation, Avery refused to testify. His deposition was entered as evidence for the jury to read during deliberation. During the defense presentation, Avery advised the court that he had purjured himself and did so for the cash reward offered by the prosecutor's office. Based upon Avery's statement, the trail was declared a mistrail and a new trial was ordered. The jury was so advised and dismissed.

Approximately two(2) days following the aforementioned situation, this officer was contacted by the prosecutor's office and advised of the following: This writer was notified that FBI Agent Dean Winslow had contacted Avery in the Lorain County Jail where he was incarcerated for contemp of court. The contempt charge stemmed from his refusal to testify for the prosecution on 12-17-92 as noted.

Reportedly, Agent Winslow was advised by Avery that the reason he purjured himself during the examination by Attorney Motsch was the fact that he was threatened by the suspect, Edwards. To wit: Avery, while housed in the Lorain County Jail, was appraoched by Lenworth Edwards when same was returned to the jail between court sessions. Reportedly, Edwards made a motion with his finger accross his own neck in a manner that illustrated someone having their neck sliced. The gesture was done in such a manner that could have construed to be the manner in which Victim redacted Victim redacted Victim redacted Victim redacted was murdered. Thereafter, Edwards was to have made a second jesture. The suspect reportedly formed his hand in the shape of a handgun and pointed same at Avery. A short time later a , hertofore, unidentified Lorain County Correction officer approached Avery at his cell and stated " If you had a $100,000.00...would you still testify ?". The correction officer was then to have stated " They know where your dad and girlfriend lives,.". The correction officer was to have suggested that if Avery purgered himself in court that he would "save himself".

Avery indicated that he asked to speak with Attorney Motsch and was returned to the county courthouse that same afternoon on 12-17-91. Avery, who asked to speak with prosecutor Rosenbaum, was refused by same and later testfied and purjured himself as described herein.

CONTINUED ON PAGE# 68.....

Report sent to Headquarters ..... m. ..... Date ..... 19....

Reported by .....

Approved by

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

—MISCELLANEOUS REPORT—

Report Number
#91-30574
#91-30603

18276 LP Co.

Precinct DETECTIVE BUREAU REPORT PAGE# 68 Copy for

Subject HOMICIDE INVESTIGATION

Name of Party EPPS / BLAKELY Address

Date of Birth SS Number Phone #

I respectfully report that on or about CONTINUED FROM PAGE# 67 19..... at .....

On December 23, 1991 this officer contacted William Avery at the Lorain County Jail. He was advised that Agent Winslow had briefed Jon Rosenbaum in regard to the threats by Lenworth Edwards on 12-17-91. Avery advised that he wanted to speak with this officer regarding same.

Avery repeated the account reference the Lenworth Edwards threats and statements by the unidentified correction officer. Further, Avery stated that his original statements to this bureau officer, the Lorain County Grand Jury, and in the deposition were truthful. It should be noted that in the testimony by Avery on 12-17-91,when questioned by prosecutor Rosenbaum, he also stated that he was truthful during the aforementioned instances.

Based upon the representations of Avery, the county prosecutor offered the following solution. Avery would be asked to submit to a polygraph at Richfield, Ohio BCI lab reference the situation and threats at the Lorain County Jail n 12-17-91. Further, Avery would be required to submit to a deposition with Lenworth Edwards' attorney regarding the initial testimony and more recent events on 12-17-91.

In exchange for his co-operation, Avery would be housed as a protested state witness and paid the cistomary $25.00 per-day expense rate by the Lorain County Prosecutor's office. It should be noted that Avery was subsequently transfered from the Lorain County Jail to the Lorain city jail reference the aforementioned arrangements. Avery, who was indicted for Purgery per the testimomy at the Lorain County Grand Jury by this officer, continued to be listed as a Lorain County Prisioner in the Lorain City Jail.

Lenworth Edwards original attorney, Bary Motsch, was hired in January 1992 as an assistant Lorain City Prosecutor. This new position created a conflict and Edwards will be provided with another attorney by the court. This bureau, along with the Lorain County Prosecutor, will arrange for the depsition and polygraph following the appointment of the new defense attorney for Lenworth Edwards. As of 1-15-92, this officer has not been informed of the appointment as noted herein.

Based upon the aforementioned information, the case will go forward and the state will prosecute Lenworth Edwards for Aggravated Murder and Felonious Assault regarding the death of Victim redacted Victim redacted Victim redacted Victim redacted on 08-08-91.

Continued on Page #69.....

Report sent to Headquarters ..... m. ..... Date ..... 19.....

Reported by .....
Signature

Signature

Approved by

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

Report Number

—MISCELLANEOUS REPORT—

18296 LP Co.

Precinct central detective bureau Copy for

Subject page #69

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on, or about 19 , at

With the investigation continuing into the homicide of Victim redacted Victim redacted Victim redacted Victim redacted and Victim redacted Victim redacted this bureau officer, Det. Resendez, was contacted on January 23rd 1992, at 1850 hours by William Avery Jr. who was incarcerated in the Lorain city jail on perjury and material witness charges. Avery at this time advised that he had further information and he wished to relay it to me. He was brought down from the jail area, to the detective bureau interview room and the following information was learned.

Avery began his story and stated that Al Cleveland (aka Al Monday) came over to his residence on Lorain Drive, and that he wanted Avery to beat somebody up to work off a money debt that Avery had with him. Avery agreed and along with Cleveland went over to Victim redacted Victim redacted Victim redacted Victim redacted apartment on Sunset Blvd.Avery was advised that this was the same information that he passed along originally. He continued his story and stated when he arrived with Cleveland at the apartment, a unknown black male was in the doorway , though out the investigation it was determined that this unknown male, was a New York subject only identified as Supreme. Avery advised that he walked up to the door with Cleveland, and John Edwards, Lenworth Edwards, and Benson Davis. Upon going into the apartment he states, that Victim redacted Victim redacted Victim redacted was seated on the bed. Upon seeing her he told the males that he knew her all his life and that he wasn't going to beat her up. At this point he directed and instructed the so named males to do the job. At this time the group of males, began to assault Victim redacted Victim redacted about the head and body. He states the fight began in the bedroom area of the apartment, then moved over to the kitchen area , knocking the table over. This is were Avery and Cleveland were standing. During the struggle , Avery again states that Lenworth Edwards was hit in the face and at this point was out of the fight. Victim redacted Victim redacted was fighting back thru the ordeal. Avery continued and stated that during the beating, John Edwards stated three times "Where's my shit at". After the beating, while Victim redacted Victim redacted was unconscious, Benson Davis drug her out to the car. These are the same set of events that were originally related. This was brought to Avery's attention, at which point this is the time he changes his story, from the first set of facts related.

Avery states that when everybody returned back to their original cars, at first he stated that he was taken home by Al Cleveland, but now he states that he lied and that he wasn't taken home, but instead , they all drove directly to the Westgate plaza, and drove straight behind the plaza. Avery was unsure how far down they drove. Upon arriving at the plaza, Victim redacted Victim redacted was taken out of the car she was placed in and layed on the ground. Avery now states their was a sixth black male, that was already behind the plaza in another vehicle. This sixth male, had some sort of object in his hands and walked over to her and began to stab and poke at her. Avery states that at this point he got scared and ran from the area, east, towards Lorain Drive area. Upon arriving home, at 2140 Lorain Drive, thus being the residence of his at that time girlfriend, Patricia Gaddy, he spent the night. Upon waking up in the morning Averys states, that he was told by Gaddy that the police had found Victim redacted Victim redacted dead behind the plaza.

Report sent to Headquarters m. Date 19

Reported by

Approved by

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

Report Number

—MISCELLANEOUS REPORT—

18298 LP Co.

Precinct central detective bureau Copy for

Subject page #70

Name of Party Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about 19 at

Avery upon hearing this, leaft the Lorain Drive area, and went to his present girlfriends house, Charlotte Watkins house, thus being 403 East 25th St. Avery at that time, didn't tell anybody what he had observed. But abut 3 or 4 days after the incident he told Watkins, what he had saw, at which point she told him that he shouldn't tell anybody else, and to keep it to himself. Avery states that he couldn't keep it to himself anymore after telling Watkins, so he and Watkins walked over to Avery's father residence, and told him. Avery Sr. didn't believe Avery Jr. so he at that time, came down to the police station and met with Det. Sgt. Taliano.

Avery Jr. was asked in detail the incident to the rear of the plaza, and he stated that they took Victim redacted Victim redacted out of the left side of the vehicle, still unconscious. When Victim redacted Victim redacted was taken out of the car, Avery states, that Cleveland looked at him (Avery) but didn't say anything. Avery and Cleveland then got out of their car. While she was outside the car (Victim redacted Victim redacted this sixth male stated to stab at her with some sort of object, Avery was unable to go into detail what the object looked like. In asking who this sixth male was, he advised that he thought it might be this New York male only identified as Justice. In asking for a description, he stated that he was light skinned black male. having some gold fillings in his mouth, with either blue or green eyes. After this male starting poking and stabbing at Victim redacted Avery advised that he took off running and doesn't know what happened after that. _

In continuing the coversation with Avery, he was if he ever had a conversation with Al Cleveland , during the night of the incident, at this point Avery states that Al never came back and that there never was any conversation with him about him stating that he"knocked that junkie off". Avery was asked why he made up that statement, and he stated that when he was given a polygraph by our department, he was asked at the end " If there was any information that he was withholding from the police". He stated that he knew that he was withholding this information, and that he didn't want to put himself at the scene of the crime, so he came up with the story about seeing Cleveland again and making that statement. He was asked if he ever saw Cleveland again after the incident, and he stated that he did one time, but that the conversation was only narcotic oriented. He was asked again if Cleveland ever made any statement after the fact about the murders, and he stated that he didn't.

Avery was finally asked if he had told the whole truth this time and if there was anything else that he was holding back and he stated that there was no other information and that he related everything.

With the information that was passed along by William Avery Jr. and after conferring with county prosecutors office it was decided that Avery's story would have to be verified.

Report sent to Headquarters m. Date 19

Reported by

Approved by

POLICE DEPARTMENT, CITY OF LORAIN, OHIO

Report Number

—MISCELLANEOUS REPORT—

18296 LP Co.

Precinct *central detective bureau* Copy for

Subject *Page #71*

Name of Party Victim redacted Victim redacted Victim redacted Victim redacted Address

Date of Birth SS Number Phone #

I respectfully report that on or about 19..... at

On January 24th 1992 this bureau officer met with Charlotte Watkins for the purpose of checking the authenticity of Avery's story. In first speaking with Watkins she advised that at this point in time she didn't want to relay any information to the police. She was told as to why I was there and she would only have to verify Averys information to which she agreed. In asking her if she and Avery every had a conversation after the murders, she stated that they did, about four days after. In asking her what the conversation was about she stated that Avery had told her that he had been at the scene of the crime, and saw somebody begin to stab at Victim redacted *to which she told him that this type of information was better off kept to himself. In asking her to relay further information, Watkins was hesitant, but did verify Avery's story.*

This information was passed along to assistant county prosecutor Rosenbaum who advised that he will set up necessary procedures to have Avery polygraph again.

Report sent to Headquarters m. Date 19.....

Reported by

Exhibit Q

COURT OF APPEALS
FILED 1
LORAIN COUNTY
MAY 19 1 48 PM '95
CLERK OF COURTS
DONALD C. NICHOLSON
9th APPELLATE DISTRICT

The State of Ohio,)
) SS:
County of Lorain.)

IN THE COURT OF COMMON PLEAS

The State of Ohio,)
Plaintiff,)
vs.) NOs. 91CR040924
and
Ian Davis, aka Benson Davis,) 93CR043666
Defendant.) 94CA005989

ENTERED

* * *

DEFENDANT'S PARTIAL
TRANSCRIPT OF PROCEEDINGS

* * *

APPEARANCES:

Appearing on behalf of the State of Ohio:

Gregory A. White
Lorain County Prosecuting Attorney, by
Jonathan Rosenbaum,
Assistant Prosecuting Attorney.

Appearing on behalf of the Defendant:

Joseph R. Grunda, Esq.

* * *

The State of Ohio,)
) SS:
County of Lorain.)

IN THE COURT OF COMMON PLEAS

The State of Ohio,)
Plaintiff,)
vs.) NOs. 91CR040924
and
Ian Davis, aka Benson Davis,) 93CR043666
Defendant.) 94CA005989

* * *

DEFENDANT'S PARTIAL
TRANSCRIPT OF PROCEEDINGS

* * *

BE IT REMEMBERED, that on Monday, the 19th day of September, 1994, being one of the regular days of the September, 1994 term of said Court, before the Honorable Thomas W. Janas, one of the presiding Judges of said Court, the above-captioned cause came on for trial upon the indictment filed herein.

* * *

I N D E X

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WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
STATE'S:				
Richard Buchanan, MD -	45	60	71	
Dale Laux -	73	85		
Mark Blakely -	91	98	107	108
Sgt. Richard Resendez -	110	126		
William Avery, Jr. -	138	174	218	222
Delphenia Guice -	227	235		
Jina Dalton -	243	248		
Sgt. Geno Taliano -	251	285	300	302
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WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
DEFENDANT'S:				
Florence Michelle Brooks-	316	324	325	
Connie Ward -	327			
Barbara Long -	333			
Willie Mincy -	341	359	362	
Leonard Walker, Sr. -	365	379	380	
Jason Kaiser -	382			
Joann Gleisner -	386			
Lenworth Edwards -	393	397	401	
Benson Davis -	405	415	442	
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EXHIBITS:	MARKED	OFFERED	ADMITTED
STATE'S			
1 - Autopsy report -	48	311	311
2 and 2-A thru 2-J Photographs -	52	54	54
3 - Blood sample -	76	311	312
4 - Blood sample -	76	311	312
5 - Blood sample -	76	311	312
6 - Denim jacket -	79	311	312
7 - BCI report -	84	311	313
8, 8-A & B, and 8-D thru 8-G - Photographs -	111	113	313
9 - Transcript of testimony -	305	311	W/D

W/D = Withdrawn

COURT
FILED
LORAIN COUNTY
MAY 19 1 48 PM '95
ENTERED

MORNING SESSION, SEPTEMBER 21, 1994

THE COURT: Good morning, ladies and gentlemen. We will resume taking testimony this morning.

Attorney Grunda, you may call your next witness.

MR. GRUNDA: Barbara Long.

THEREUPON, the Defense, in order to further maintain the issues on its part to be maintained, called BARBARA LONG as a witness and after being first duly sworn was examined and testified as follows:

DIRECT EXAMINATION OF BARBARA LONG

BY MR. GRUNDA:

Q Would you state your name, please?

A Barbara Long.

Q Where do you live, Barbara?

A 3005 Leavitt Road, Apartment A-2, Lorain.

Q Did you know Marsha Blakely?

A Yes.

Q How long did you know her?

A All her life.

Q All her life?

A Yeah.

Q And calling your attention to Wednesday, August 7th, the day before she was found dead, did you see her on that day?

A Yes. She had been with me and my two daughters all day.
Q Where were you at, what did you do with her, if you would, please, and give us times?
A Around 2 o'clock that afternoon she came to my daughter's house. I took her across the bridge to see -- her sister's house to see her son and daughter, and brought her back across the bridge, dropped her back off in the projects on Lorain Drive. She was -- disappeared for a few hours, came back.
Q Came back where?
A To Lorain Drive, because we were sitting in my car and she told me she would be back. She disappeared again. The last time I saw her was around 10:30, and I took her home to Floyd Epps's apartment around 11:00 and told her I would be back to -- at 10:00 or 11:00 the next morning to take her back to her sister's house to visit her son.
Q So at what time did you take her over to Floyd Epps's house? Or what time did you drop her off there?
A About 11:00.
Q 11 o'clock?
A That night.
Q At night.
And how did she appear at that time?
A She was fine. She changed shoes in my car; she took off her British Knights, put on a pair of slippers, and told me, "I'm leaving my shoes in your car because I'm in for the

night," and I told her okay.
Q And you still have her shoes, then, is that it?
A Yes.
Q Okay. And she went into the house in your slippers?
A Yes.
Q Now, you drove up to the house and you dropped her off?
A Yes.
Q What street were you on when you dropped her off?
A 23rd.
Q Did you notice any other cars parked there at that time?
A No. I didn't park, I just pulled up and she got out and said, "I'll see you in the morning." I said, "Okay. Good-bye."
Q Do you know, was anybody in the apartment at the time?
A No, I don't.
Q And she said, "I'll see you in the morning."
And do you know -- you say Miss Blakely looked fine to you at that time?
A Yes.
Q Had you seen her prior to that evening or that day? I mean before that day, the beginning of the week?
A I saw her almost every day.
Q Every day. And do you -- how did she look that week? You notice any bruises on her?
A No.

Q No? Okay.
Do you know whether Marsha Blakely worked or not?
A No, she didn't work.
Q And did you know whether or not she had large sums of money on her at times?
A I've never had -- never seen her with any large sums of money.
Q Do you know whether or not Marsha Blakely used drugs?
A Yes, I do know she did.
Q Do you know whether at times she had large amounts of drugs on her?
A I never known her to have large amounts of drugs. Those are things that she didn't confide to me. If she had them, I didn't know anything about them.
Q You wouldn't know?
A That -- no.
Q During the week, from August 1st to August 7th, do you know whether or not when you saw her that she was high on drugs at any time during that week?
A Usually when I saw Marsha, she was either in the process of going to get drugs, or going to a store to get merchandise, or just coming back from a store with merchandise. She never did any drugs around me.
Q Okay. And you didn't go to the stores with her, then, either?

A No.

MR. GRUNDA: Okay. Nothing further -- wait a minute.

Q You say you dropped Marsha off at Mr. Epps's apartment. Where did you go then?

A Back to Lorain Drive to my daughter's.

Q Back to your daughter's house?

A (Witness nods head affirmatively.)

Q Then where did you go?

A My daughter and I went to the car wash and washed my car.

Q Okay. And where was this car wash at?

A Right across the tracks from the shopping center where Marsha was murdered.

Q What time -- in other words, you dropped her off, went back to your place?

A My daughter's.

Q Your daughter's.

Now, did you then go back to the car wash?

A No. We were sitting on the car and my daughter just said, "Mom, the car's dirty. Let's go wash it." And I -- it shocked me, and I said, "Cool. We can wash it."

Q So who went into the car wash?

A My daughter and I.

Q How old is your daughter?

A Right now she's 27.

Q And what's her name?
A Shawna Barnette.
Q And so the two of you went over there?
A Yes.
Q And this is the car wash right on Leavitt?
A Yes.
Q And across -- you crossed the tracks? You would be behind the plaza there?
A Yes.
Q Now, where would Wallace Lane be?
A I don't know.
Q You don't know where that's at?
A No.
Q Have you ever gone -- when you come out of the car wash, have you ever turned west? Instead of going onto Leavitt Road, you went the other way?
A No.
Q You never been down there?
A No.
Q When you were at the car wash, that would have been at what time?
A Around 11:30, maybe 12 o'clock.
Q Now, during that particular time, 11:30, 12:00, when you got there, how long did it take you to wash your car?
A No more than about 20 minutes.

Q So you were there maybe from 12:00 to 12:30, is that what you're saying?
A No. I think I was home before 12:30.
Q You were home before 12:30?
A Yeah.
Q Okay. And then when you were there, did you hear any cars going up and down behind the plaza?
A No, nothing at all.
Q Nothing at all?
A No.
Q Did you look over there at all?
A No. The car wash, you know, it's a little red building and you pull the car inside of it.
Q Okay. When you came out, did you back out?
A No, I gone through.
Q You went through?
A Yeah.
Q Well, when you -- were you able to see anything from the -- through the side where you went out over at the plaza?
A No.
Q You saw no cars over there?
A No.
Q That you can recall?
A No.
Q Nothing?

A Nothing at all.
Q Did you hear any noises, or people talking or yelling or anything like that?
A No.
Q Do you know anything about the death of Marsha Blakely?
A No.
Q How many times did you wash your car when you were at the car wash?
A Just once.
Q Did you wipe it down?
A No. You just wash it and rinse it and leave.
Q Did -- when you were washing the car, did you soap it down and then rinse it off there?
A Yes.
Q Did you use the brush?
A Yes.
Q You used the brush to rinse it off? What about the tires, you wash the tires with the brush?
A No.
Q What was -- was the car real dirty when you took it down?
A No, just dust and dirt. Everyday dust and dirt.
Q By chance, was there any blood on the car?
A No.
Q Or on the tires?
A No.

MR. GRUNDA: Nothing further.

THE COURT: Attorney Rosenbaum?

MR. ROSENBAUM: I have no questions.

THE COURT: You may step down

* * *

(Witness excused.)

* * *

THE COURT: Next witness, please.

MR. GRUNDA: Willie Mincy.

THEREUPON, the Defense, in order to further maintain the issues on its part to be maintained, called WILLIE MINCY as a witness and after being first duly sworn was examined and testified as follows:

DIRECT EXAMINATION OF WILLIE MINCY

BY MR. GRUNDA:

Q Would you state your name, please?

A Willie Mincy.

Q Where do you live?

A 1040 Tower Boulevard in Lorain.

Q How long have you lived there?

A About two years. Almost two years now.

THE COURT: Mr. Mincy, I'm going to have to ask you to speak up or move a little closer to the microphone.

A Going on about two years.

Exhibit R

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

DIRECT EXAMINATION OF JERIMIAH CHARLTON

BY MR. DUFF:

Q Sir, your name is Jerimiah Charlton?

A My name is Abdulla, I had it legally changed in 1988. I was formerly known as Jerimiah Charlton.

Q Where are you currently residing?

A Marion Correctional Institute.

Q Did you know Marsha Blakely?

A Yes, I did.

Q How did you know her?

A We were an acquaintance.

Q How about Floyd Epps?

A Yes, ever since I was a child.

Q How old are you, sir?

A Thirty-seven.

Q Are you currently in prison?

A Yes, I am.

Q For what offense, sir?
A Robbery and felonious assault.
Q All right. Back in 1991, you were not in jail, were you, sir?
A No, I was not.
Q Do you know William Avery?
A Yes, I do.
Q How do you know him?
A Acquaintance.
Q Okay. Back in 1991, August, specifically, did you have occasion to see -- did you have occasion to see Marsha Blakely?
A Yes, I did.
Q August 7th and August 8th, I point you to that date, do you recall that date?
A Yes, I do.
Q On the night before Marsha died, that August 7th, do you follow me?
A Yes.
Q Did you see Marsha?
A Yes, I did.
Q What time?
A About 11:30, quarter to 12:00.
Q Where at?
A They called Leavitt Homes, apartments, the projects.

Q Did you reside in that area at this time?
A No, did not.
Q What were you doing over there?
A I would like to answer the question but I would like to request immunity for anything I had to say.
Q Were you selling drugs?
A I would like to answer that question, but I would like to request immunity for anything I would say that would incriminate me.
Q You were in the projects that night?
A Yes, I was.
Q And have you ever sold drugs, sir?
You don't want to answer that?
A I don't want to answer that question.
Q Okay. You saw Marsha that night, right?
A Yes, I did.
Q Tell us under what circumstances?
A Marsha was looking for a $20 piece of crack cocaine.
Q So what did you do? Did you talk to her?
A I told Marsha if she went over to Bradley's house I'd meet her over the house later and we could work out some deal.
Q Who is Bradley?
A A friend that lives over there, Richardson.
Q Then what happened?
A We headed towards Bradley's, and I seen a little red car,

with a guy that is familiar to me known as Little White Jeff. I went up to the car and asked what was their purpose of being in the projects, and they explained to me their purpose of being in the projects.

Q Then what did you do?

A They was looking for a girl, a Good-o, someone who trades sex for drugs.

Q What did you do then?

A I took Marsha back to the car, a 4 door red Chevette and the passenger got out of the car and moved to the back seat and Marsha got in the passenger seat and I received something from the driver.

Q What time did this happen?

A About 5 minutes after they told me they was looking for a Good-o.

Q About what time was this?

A Ten minutes to 12:00.

Then Marsha asked me was I sure they was cool. I said yeah, go ahead and go with them. I shut the door, and I went over to a friend of mine named Kevin Lasuter's house and did something else.

Q Did you ever give this information to the police?

A Yes, I did.

Q Tell us when?

A I would say it's like about a week after the incident

occurred. I'd got arrested for some illegal activities, and I was trying to get out of the case I was arrested for.

Q What do you mean you were trying to get out of it?

A Well, they had me red-handed, so I was trying to get them some information that I knew would help me out of the case.

Q You thought your information might help you get out of your problems?

A Yeah, it should have, I knew it should have.

Q Who did you talk to?

A Det. Rohner, and I believe Det. Al Rivera at the time.

Q Where did that conversation occur?

A In the narcotics office.

Q This was about a week after Marsha's death?

A A week, maybe 8 days, I'm not precise. I know it was a little over a week.

Q Did they take a statement from you?

A Yes, they did.

Q Was the reward posted at this point?

A Yes, it was.

Q Did you want that?

A Yes, I did.

Q Did you tell them that?

A Yes, I did, I told them that I wanted the reward and I was trying to work out a deal with the charges they arrested me for, they would drop them against me for the information I

had.

Q Did you have occasion to talk to an Assistant Lorain City Prosecutor about this?

A Yes, I did.

Q Who was that?

A I think his name was Panseas --

Q Provenza?

A Yes, thank you.

Q What did you tell him?

A I told him the same information that I told the narcotic detectives. I told them that I told Marsha to get in the car with them, same information, same time, same information and everything.

Q Now, directing your attention to testimony of 1991, did you have occasion to see William Avery in jail?

A Yes, I did.

Q And did you have a conversation with him?

A Yes, I did.

Q And what did you tell him, and don't tell us what he told you, tell us what you told him?

A I told him that what he was doing was wrong, and he knew, I told him that it would be best for him to go to Court and say that he wouldn't lie for the Prosecutor and he'd be committing an act of perjury if he did, and he wouldn't perjure himself.

Q Do you know if he subsequently did that in November 1991?
A Yes, he did. He came back and told me. The reason I was being held in a detox cell, and he was being held to be a witness against Lenworth Edwards. He was walking back and forth and passing back and forth and we had a conversation.
Q And you told him what you just told us?
A I told him what I just told you.
Q Do you know Mr. Avery?
A Yes, I do.
Q Do you know other people in the community that know him?
A Yes, I do.
Q Do you know his reputation for truthfulness?
A Yes, I do, he's not a truthful person.

MR. DUFF: Nothing, Your Honor.

THE COURT: Mr. Rosenbaum.

CROSS-EXAMINATION OF JERIMIAH CHARLTON

BY MR. ROSENBAUM:
Q Sir, not that it's very important, but you also have been convicted of drug abuse and possession of drug abuse paraphernalia, correct?
A Yes, I have.
Q And I take it then that you admit that night to being a pimp?
A A what?
Q Pimp.

A No, I wasn't a pimp.
Q You just put Marsha Blakely in a car to do sex and you got something in return for that?
A Well, I didn't put her in the car for the sole purpose of doing sex.
Q That's what a Good-o is?
A Yeah, that's what a Good-o is.
Q That's why you hooked her up with these guys?
A Yes.
Q So you're a pimp?
A No, sir, I'm not.
Q You have no idea where they took Marsha Blakely, do you?
A No, I do not.
Q And you don't know if they really wanted her for a Good-o or if they wanted to take her somewhere to have her killed, do you?
A No, I do not.
Q Now, in addition to --
A Wait a minute, let me take my time because you asking me questions pretty quick. Yeah, I do know they wanted her for a Good-o, because that's what they told me. To say otherwise I would be contradicting myself.
Q You don't know if they were telling the truth?
A I believe they was telling the truth.
Q Of course you would vouch for these people?

A Would I vouch for them?
Q You told Marsha they were okay, they were cool, you thought Kevin Lasuter, your friend, was cool back then?
A Yes, he was. He still is.
Q Who did he murder?
MR. DUFF: Objection.
THE COURT: Sustained.
MR. DUFF: Ask it be stricken.
Q In addition to the 2 narcotics detectives you talked to Det. Taliano, did you not?
A No, I never talked to Taliano. I talked to the detective that was helping him on the case.
Q Do you know who that gentleman is there?
A Yeah, I know who that is.
Q Who is that?
A I think that's Taliano.
Q Okay, so you're telling me that you never talked to him regarding this case?
A No, I remember another detective.
Q That's not what I'm asking. Do you know if you talked to Det. Taliano?
A I talked to him in the projects when he was passing out flyers, yes.
Q You didn't interview with him in an attempt to get this reward?

A Not that I remember.
Q Is it possible you did and you don't remember?
A No, it was another guy.
Q Is it possible that you are mistaken as to when you had this conversation about the reward, also?
A When I had the conversation about the reward?
Q Let me put it to you more directly, are you saying for sure you talked to a police officer in an attempt to collect a reward within 8 days to a week after Marsha's death?
A It could have been a couple days.
Q A couple weeks, longer even?
A It could have been.
Q If the reward poster didn't come out until the first week of September, you couldn't be accurate about this, could you?
A If it didn't come out, if that was the date.
Q Are you aware of anybody else posting a reward in this case?
A Yeah.
Q Who?
A I don't know who. There was supposed to be another reward. I don't know who posted it.
Q If you can clear the people from New York --
MR. DUFF: Objection.
A What you say?
THE COURT: Overrule.

Q What is the reward for?
A So in other words --
Q I'm asking if you know what that reward is for?
A From what I read in the paper the reward is for --
MR. DUFF: Object.
THE COURT: Overrule.
A No, I don't know what it's for.
Q But you read it in the paper?
A Yeah.
Q And you don't remember it saying to find someone other than the people from New York?
A Well, I mean the information I have and the information I gave back in 1991, when this first occurred, showed that it was somebody possibly different than the people you're saying did it.
Q You never told anyone that Shakim was there and Det. Taliano should go speak to him because he was present.
A Was where?
Q At the scene of Marsha's death?
A Never. Never. I wasn't at the scene of Marsha's death. How could I say anybody else was there?
Q I would like to play a portion of a tape.
THE COURT: Is it marked?
MR. ROSENBAUM: I'll mark it 17.
THEREUPON, STATE'S EXHIBIT 17, A TAPE,

WAS MARKED FOR IDENTIFICATION PURPOSES.

(Thereupon, a portion of the tape was played.)

Q Did you hear that?

A Yeah, I said no.

Q You were asked if Shakim killed her and you said no?

A That's right.

Q And then he asked you was he there, and you said yes?

A I said no.

MR. DUFF: Object, he said no.

A I remember what I said. Put the tape back on and play it again.

(Thereupon a portion of the tape was replayed.)

Q Did you hear that? Let's stop right there. Did he ask you, should he get a hold of Shakim, and you said yes?

A Yeah.

(Thereupon, a portion of the tape was played.)

A But it didn't say what you asked me.

Q You're telling him that he should get a hold of Shakim, right?

A Right.

(Thereupon, the tape was played.)

Q "Did Shakim do it?"

"No."

"Were you there when he did it?"

"No."

MR. DUFF: He said yeah.

THE COURT: Overruled.

Q If he wasn't there why would Taliano have to get a hold of Shakim?

A The only reason I said that was fright --

Q If he's not there and he doesn't know anything, why is Det. Taliano to get ahold of Shakim?

A Because he could get his alibi, where he needed -- if need be.

Q So you're telling the police to go out so he can give his alibi?

A You're saying all these people that wasn't in the state, and I said --

Q You're saying, did Shakim do her? Yes. And was he there, yes.

MR. DUFF: Object.

THE COURT: Overruled.

A If I said that he was there, I meant he was at the bar. I do not mean he was there actually when the murder occurred. I knew he was at the bar, Charlie's.

Q How do you know that?

A How can I say who was there to commit the murder unless I was there and seen it?

Q Unless you heard something and are ratting him out?

A I don't do that.

Q You are saying he didn't commit the murder. How can you say this if you weren't there?
A How can I say he did it?
Q Say he didn't do it. Don't you have to haave been there?
A No, I don't. You can say the words however you want, I know what my words say, they are true.
Q Det. Taliano should get a hold of the guy that doesn't know anything?
A I never gave that statement to Taliano. That statement is given to Rohner and Alverez.
Q His voice is not on that tape?
A I don't know whose voice. I know I talked to Rohner. I would check that tape if you say I was talking to Taliano.
Q You say I should check it?
A To see if it was an authentic tape.

MR. ROSENBAUM: I have nothing further.

MR. DUFF: May I have that tape?

MR. ROSENBAUM: No. I'll play it again if he wants this tape, and I'll agree it can go to the Jury, but I don't want anything to happen to this tape.

THE COURT: We'll take a recess. Remember the admonishment not to discuss this case and don't let anyone discuss it with you.

(Out of the presence of the Jury.)

MR. DUFF: Should the witness be excused, Your

Honor?

THE COURT: Are you done with him?

MR. DUFF: No.

THE COURT: Let him sit.

THE WITNESS: Your Honor, I have something that I wanted to take care of when I was here at the Court, if I could pass something to the clerk?

THE COURT: You can check with the Deputy.

MR. DUFF: Sit down, Jerimiah.

THE COURT: Mr. Duff.

MR. DUFF: He has a tape that he's made and he's tried to portray it as saying something. I would like the opportunity to listen to the full tape.

THE COURT: Mr. Rosenbaum.

MR. ROSENBAUM: I'll gladly play it again.

MR. DUFF: Not you, me.

THE COURT: I would think Mr. Duff should be entitled to listen to the tape. You brought it up, and played portions of it. I would think he should have an opportunity to hear it.

MR. ROSENBAUM: I have no problem with this.

THE COURT: Very well, take a recess and listen to it.

MR. ROSENBAUM: Am I supposed to give it to him?

THE COURT: No, you'll be with him.

(Thereupon, a short recess was held.)

(Thereupon, hearing resumed.)

(Within the hearing of the Jury.)

THE COURT: Mr. Duff.

MR. DUFF: I have no questions, Your Honor.

THE COURT: Very well. Any questions from the members of the jury?

(Out of the hearing of the Jury a question was discussed.)

THE COURT: You are free to step down. Thank you.

Mr. Duff.

MR. DUFF: The defense would call John Austin Edwards to the stand.

Exhibit S

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

DIRECT EXAMINATION OF MARK BLAKELY

BY MR. ROSENBAUM:

Q Will you state your name, please?

A Mark Blakely.

Q How old are you, sir?

A Twenty-eight.

Q Are you married?

A No.

Q Are you working at this time?

A Yes.

Q What do you do, sir?

A Outside maintenance for US Kobe.

Q How long have you worked there, sir?

A About 4 months.

Q Do you have any brothers, sir?

A Yeah, 2 brothers, 3 sisters.

Q Are all of your brothers and sisters alive?

A All of them except one.
Q Who is not?
A My twin sister, Marsha.
Q Do you know the date that she died?
A August 8, 1991.
Q And what was her birth date?
A January 25, 1969.
Q How old was she when she died, sir?
A Twenty-two.
Q I would like to hand you a picture marked State's Exhibit 2-D and ask you to look at it, please. Do you recognize the person in that photograph?
A Yeah.
Q Who is that, sir?
A My twin sister, Marsha.
Q Did Marsha work?
A No.
Q What was Marsha's position or condition in life?
A Well, she was a crack addict. She had problems with drugs.
Q How did she get by?
A Some of the time she kind of like stole different objects to sell for the drugs.
Q She was severely addicted to crack cocaine?
A Yes, she was.

Q Is it fair to say she did whatever she needed to do to sustain her habit?
A Yes.
Q How long had she been in that condition, sir?
A Several years.
Q Did she graduate from high school?
A No.
Q Where did she live?
A She lived mostly wherever she could, but she, the last final days she lived with Mr. Epps, Floyd Epps.
Q Where does Mr. Epps live?
A He lives in the projects, Metropolitan Homes.
Q In the City of Lorain?
A Yes, Lorain.
Q What was her relationship with Floyd Epps?
A He was a good friend of the family. All of us knew Floyd around the neighborhood, he was a good friend.
Q He wasn't her boyfriend or anything like that?
A No.
Q Did Marsha have a boyfriend?
A Yes.
Q Who was that?
A Willie, Willie Mincy.
Q Did she have children with Mincy?
A Yes, one.

Q Who had custody of that child?
A He had custody of him.
Q What was Floyd's condition?
A Floyd was an alcoholic.
Q Severely?
A Yeah, severely.
Q Are your parents alive, sir?
A No.
Q When did they pass?
A My father passed away in '87, and my mother in '90.

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

THE COURT: Mr. Duff.

MR. DUFF: Any tapes?

MR. TALIANO: No.

MR. ROSENBAUM: We have none, Your Honor.

MR. DUFF: Can that be on the record, Your Honor? Thank you.

THE COURT: It is.

CROSS-EXAMINATION OF MARK BLAKELY

BY MR. DUFF:

Q Mr. Blakely, I would like to ask you a few questions, if I could, is that all right?
A (Nods head yes.)
Q When was the last time you saw your sister alive?

A It was on the 7th of August.
Q What time? The 7th of August was a Wednesday?
A Yeah, I think. It's been since '91.
Q I understand. Would you accept the 7th of August was a Wednesday?
A No, I can't accept that. I don't remember what day it was.
Q Let's assume for my questions August 7th was a Wednesday. What time of day would you have seen her?
A I seen her in the morning.
Q The morning of the 7th?
A Yeah, in the daytime.
Q Was she acting normal?
A Yeah, she was acting normal.
Q What time in the morning, about?
A It was in the afternoon, I don't remember what time it was.
Q Sometime in the afternoon?
A Yeah, sometime in the afternoon.
Q And do you recall testifying in the case involving Benson Davis, do you recall that, sir?
A Yeah.
Q Do you recall telling that Jury the last time you saw your sister alive was about midnight on the 7th in the morning? I'm talking, so we get this straight, let's assume

Wednesday is the 7th.

A Wednesday is the 7th.

Q All right. Do you recall telling that Jury the last time you saw her was on the 7th at midnight, like 12:01 A.M.?

A No.

Q You don't recall that?

Let me read you some questions. Page 103, "What about your sister" -- Line 5, "when did you see her last?"

Answer, "Last day I seen her was August 7th."

"And she died on?"

Answer, "August 8th."

"And what time of day did you see her?"

"I would say it was about 12 o'clock in the evening."

Question: "Twelve o'clock in the evening?"

Answer: "Yeah."

"That would have been 12 o'clock midnight on the 8th, 12 o'clock in the evening on the 7th?"

Your answer was "Twelve o'clock in the evening on the 7th." All right?

Then the question was, "On the 7th where it was going into the 8th?"

"No, the 7th at 12 o'clock, the 7th in the morning."

Do you remember telling them that?

A Yeah, right.

Q So your testimony in the prior case was you saw her

around 12:01 A.M. on the 7th, is that right?
A The evening, right, the 7th, 12 o'clock the afternoon--
evening, not 12 o'clock, going to morning, as being the 8th,
no, 12 o'clock.
Q Let me ask you this, sir, what I'm saying is I understand
your prior testimony --
A Right.
Q -- that you saw your sister at 12:01 A.M. on the 7th of
August?
A Right.
Q Right?
A Right.
Q You are saying today you saw her again that afternoon on
the 7th?
A No, I didn't say that.
Q I thought you said that earlier to me?
A I said 12 o'clock, the afternoon. See 12 o'clock is the
7th, if you say Wednesday is the 7th, 12 o'clock, afternoon
like you go to lunch after noon.
Q So now your testimony is you saw her in the afternoon on
the 7th, is that right?
A Yeah, the afternoon on the 7th.
Q Well, in this previous trial do you remember being asked,
Question: "In the morning?"
And your answer was, Line 21, "In the morning."

Do you want to see that, sir? Did you say that?
A I probably did. Yes, I did say that.
Q So your testimony in the prior trial was you saw her in the morning on the 7th?
A Yeah.
Q Now, she appeared to be in no distress at this time, right?
A That's right.
Q Just acted normal?
A As usual.
Q Your sister wouldn't drink, would she?
A No, she wasn't a drinker.
Q She had a bad drug habit as you talked about, right?
A Yeah.
Q Did you know Floyd Epps?
A Yeah.
Q Were they friends?
A Yeah, they was friends.
Q She would stay there on occasion?
A Yeah, occasionally.
Q And do you know Billy Avery?
A Who.
Q William Avery, Billy?
A Yeah.
Q How do you know him?

A I been knowing him since school, been knowing him around the projects, knew him since school.
Q Did he live in the projects back then?
A Yeah.
Q For the Jury, what are the projects we're talking about?
A Low income housing.
Q Tell us the area we're talking about, what area?
A What area?
Q What area of Lorain?
A Leavitt Road, 21st Street. Leavitt runs one way and 21st, and the projects runs both ways. There's projects on 21st Street and 23rd Street.
Q So the projects would be north of 21st and south of 21st?
A I guess.
Q And Avery lived in that area?
A Yes.
Q And you lived in that area?
A Yeah.
Q And you would agree that after your sister's death and Floyd Epps' death there was a lot of talk going on about this case, wasn't there?
A There was a lot of talk going around. I guess people knew who I was.
Q It was in the papers a lot?

A Yeah, it was in the papers a lot.
Q And I think your sister was addicted to crack, crack cocaine, is that right?
A Yes.
Q I know you don't use crack. Can you tell the Jury what crack is, what it looks like?
A It's a white substance, that's all I know.
Q How do these people take it?
A That's -- I don't know.
Q You don't know this?
A No.
Q You never saw your sister do drugs?
A No.
Q Your sister would go out and steal stuff to get money for drugs?
A Yeah.
Q She would steal steaks or clothes and then sell those to get money for drugs?
A Yeah.
Q Is that how she appeared to you on the 7th?
A No, she --
Q That's how she normally got by?
A Yeah, that's how she got by.
Q She had a boyfriend, I think his name was Willie Mincy?
A Yeah.

Q Did she have a child by him?
A Dominic.
Q So Floyd Epps, it would be fair to say, was a family friend of yours?
A Yeah.
Q He was a severe alcoholic, was he not, sir?
A Yes, he was.
Q He did not use drugs?
A No, he didn't.
Q But he'd been the kind of guy that on occasion you would see him laying on the side of buildings or sleeping in cars or on the streets?
A Yes.
Q And Marsha Blakely would stay at Floyd's, I asked you that?
A Yes.

MR. DUFF: If I could just have a minute, Your Honor. Nothing else, Your Honor.

THE COURT: Mr. Rosenbaum.

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

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

Thank you, Mr. Blakely, you're free to step down.

(Out of the hearing of the Jury.)

THE COURT: Well, if he knows, certainly he's entitled to answer, and then you can pursue that on cross examination.

So your objection is overruled.

Q Did you see Floyd Epps often?

A Yeah, every day.

Q Was his problem evident to you?

A Yes.

Q And anyone that might observe him?

A Yes.

Q What was his problem?

A He was a alcoholic. Liked to drink wine.

Q Was he often drunk?

A Every day.

Q Stumbling around?

A Stumbling around, laying on the sides of buildings, sleeping in streets, cars.

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

THE COURT: Attorney Grunda, you may cross examine.

MR. GRUNDA: One second, your Honor.

THE COURT: Certainly.

CROSS EXAMINATION OF MARK BLAKELY

BY MR. GRUNDA:

Q You say you were with your sister buying drugs?
A I didn't -- no. I don't buy drugs.
Q You said you were with your sister when she bought drugs.
A I didn't say she bought drugs with me. I wasn't with her. I said she was -- she was stealing things. I probably seen her out or about when her --
Q Did you see her steal anything?
A No.
Q So your testimony that she stole stuff, you don't know that for a fact from you seeing it, right?
A Yes, sir, I've seen it. I mean, she had the tags on it. I mean --
Q Do you know, were you there, when she stole anything?
A No.
Q When you buy stuff in a store, tags are still on there, aren't they?
A Yeah.
Q Okay. Now, you said in your direct testimony you were with her when she bought drugs; is that true or not?
MR. ROSENBAUM: I'd object, your Honor.
THE COURT: Basis, Counsel?
MR. ROSENBAUM: That is not his testimony.
THE COURT: Well, rephrase the question, Counsel.

Q Do you remember telling Mr. Rosenbaum on direct exam that you were with her when she was buying drugs?
A No.
Q You didn't say that?
A No. I can't recall.
Q So what you're saying is, you were never with your sister when she bought drugs?
A No.
Q That's not right?
A I was never with her.
Q You was never with her, so your testimony about she bought drugs with this money, you don't know that, do you?
A No.
Q So all that testimony that Mr. Rosenbaum brought out with you about you knowing she bought drugs, you don't know that because you didn't see it?
A No, I didn't.
Q Were you -- and you also said that -- to Mr. Rosenbaum when he was questioning you -- that she sold drugs, she sold items in the projects. Now, were you with her when she sold anything in the projects?
A No.
Q So you don't know that either, then?
A No, I don't know that neither.
Q So what you're saying, then, is -- I mean, actually, is,

you know, that she's your sister, she didn't graduate from high school, okay?
A And --
Q And that she took drugs. Were you ever with her when she took drugs?
A No.
Q So you don't even know that, then?
A I know she's a drug user.
Q But you never saw her take drugs?
A No.
Q You saw her high, would you say?
A Yeah.
Q And you don't know whether that's from drugs or alcohol, do you?
A She was -- never drank no alcohol.
Q As far as you know, you never seen her use drugs; is that correct?
A That's correct.
Q You've never seen her buy drugs; is that correct?
A That's correct.
Q And you never seen her sell any items in the projects?
A That's correct.
Q And you never seen her steal anything either?
A That's correct.
Q Now, you say Floyd Epps was a friend of your sister's?

A Yes.
Q And they were not romantically involved?
A No.
Q Do you know whether or not your sister stayed at Mr. Epps's apartment?
A Yes.
Q How do you know this?
A I dropped her off a couple times.
Q And she went in there?
A Yeah, she went in.
Q Now, you say you saw Floyd Epps drunk every day?
A Yes.
Q You saw him every day drunk?
A Not every day, but I mean, most of the time when I seen him.
Q What you're saying, then, is that most of the time that you've seen him he was drunk?
A Yes.
Q And that wasn't every day?
A Not every day.
Q No.
Now, when was the last time you seen Mr. Floyd Epps?
A August. I think August 3rd.
Q August 3rd. Do you know when he died?
A I think it was August 8th.

Q So there is a gap there? You didn't see him for a spell?
A Right.
Q Five days?
A Somewhere about five days.
Q And what about your sister, when did you see her last?
A Last day I seen her was August the 7th.
Q And she died on?
A August the 8th.
Q And what time of the day did you see her?
A I would say it was about 12 o'clock in the evening.
Q 12 o'clock in the evening?
A Yeah.
Q That would have been 12 o'clock midnight on the 8th?
A 12 o'clock in the evening on the 7th.
Q On the 7th, where it was just going into the 8th?
A No. The 7th and -- 12 o'clock the 7th in the morning.
Q So what you're saying, it was like -- so I understand what you're saying -- 12:01 on August the 7th?
A Yeah.
Q In the morning?
A In the morning.
Q Okay. So you didn't see her all day Saturday except for that time?
A Right.
Q Where did you see her at?

A I seen her on 22nd Street, 22nd and -- I think it's called Oakdale or -- right by Convenient Food Mart store.
Q Did you talk to her?
A Yeah.
Q Did you notice her appearance at that time?
A No, I didn't pay attention to it.
Q You didn't pay attention to it?
A No. I was in the car driving, and she -- I was at the stop sign and she came up to me and she asked me did I have a few dollars.
Q Well, I don't know. You tell us what she said.
A Okay.
Q You talked to her?
A Yeah, I talked to her.
Q Just for less than a minute?
A Less than a minute.
Q Okay. You didn't notice if she was bruised at that time about the face?
A No.
Q You didn't notice that?
A No.
Q Where did you see Mr. Epps the last time?
A Leavitt Road.
Q Where at?
A At Convenient Food Mart.

Q Is that the same spot as you saw your sister, or a different spot?
A That's a different spot.
Q Okay. You know where Mr. Epps's apartment is?
A Yes, I do.
Q What's the address?
A I don't know that address, I just know the apartment.
Q Do you know what street it's on?
A It's on 23rd.
Q You don't know where, though?
A I know. I know where the apartment's at.
Q You've been inside the apartment?
A No, I've not been inside.
Q You've never been in there?
A No.
Q Where do you live at?
A 219 East 32nd.
Q That's Lorain?
A Yeah, Lorain.
Q How long have you lived at that address?
A At 218 East 32nd?
Q Yeah.
A Ever since my mother passed away.
Q When was that?
A Since '90. January of '90.

Q And you lived there when your sister died, too?
A Yes.
Q Who do you live with there?
A My grandparents.
MR. GRUNDA: Nothing further.
THE COURT: Redirect?
MR. GRUNDA: Oh, wait. One second, your Honor. Couple more questions.
BY MR. GRUNDA:
Q Do you know a Bill Avery, Jr., also known as B.B.?
A Yes.
Q Do you know whether he at times drove a Ford LTD, brown or tan --
A No.
Q -- in color?
A No.
Q You don't remember him driving that kind of car?
A No.
Q Do you know what kind of car he drove?
A I think it was a white LTD.
Q A white LTD?
A I think it was a white LTD. I couldn't --
Q You're not sure of that?
A I know it's a Ford.
Q Do you know what year?

A No, I don't.
Q Now, I'd like to draw your attention to the time in '91, in August of '91 or just prior to that; what kind of car was he driving at that time?
A I can't recall.
Q You can't recall that?
A No.
Q This white LTD is what you're talking about that he's recently driving?
A Yes.
Q Not before your sister was murdered?
A No.
Q And you can't recall what he was driving before your sister was murdered?
A No.

MR. GRUNDA: Nothing further.

THE COURT: You may redirect.

REDIRECT EXAMINATION OF MARK BLAKELY

BY MR. ROSENBAUM:
Q Mr. Blakely, you said you never saw your sister do drugs?
A Yes.
Q Well, how do you know she did them, then?

MR. GRUNDA: Objection.

THE COURT: Overruled. You may answer.

A Way she would act. She would act jittery. And the way the weight she lost; when she got out of prison, she was pretty healthy then, you know? Then she got real, real thin then. She wouldn't -- weighed less than a hundred.

Q And when you would see her in the projects, did she have these steaks with her?

A Yes.

Q She had the baby clothes with her?

A Yes.

Q And you knew she did not have a job?

A Yes.

Q Did you ever discuss these things with her?

A Yeah. Yes and no.

Q Okay. So even though you never saw her buy drugs and you never saw her steal, you did have knowledge of what she was up to?

A Yes.

Q Is she the only one out there in the projects doing these things?

A No.

MR. ROSENBAUM: I have no other questions.

THE COURT: Attorney Grunda, you may recross.

RECROSS EXAMINATION OF MARK BLAKELY

BY MR. GRUNDA:

Q Have you -- what are you -- you have no schooling. Did you go --

A I went to --

MR. ROSENBAUM: Objection as to beyond the recross.

MR. GRUNDA: Well, I want to ask him about -- he says it's because she was jittery that she -- he knew she was taking drugs. I want to inquire as to how he got the qualification to determine that.

MR. ROSENBAUM: Then I object on those grounds, too. I don't think you need to go to school to know that.

THE COURT: I'm going to sustain the objection. I do believe you can inquire into the area covered on redirect without going into educational background.

MR. GRUNDA: Nothing further.

THE COURT: You may step down.

* * *

(Witness excused.)

* * *

THE COURT: Your next witness.

Exhibit T

The State of Ohio,)
County of Lorain.) SS:

IN THE COURT OF COMMON PLEAS

)
The State of Ohio,)
Plaintiff)
vs.) Case No. 91CR041238
Lenworth O. Edwards,)
)
Defendant)

***

Complete Transcript of Proceedings had before the Hon. Floyd D. Harris and a Jury commencing on December 17, 1991.

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APPEARANCES:

On behalf of The State of Ohio:

Gregory A. White, Prosecuting Attorney, by Jonathan E. Rosenbaum, Assistant Prosecuting Attorney

and

Lisa Milasky, Assistant Prosecuting Attorney

On behalf of the Defendant:

Barry B. Motsch, Esq.

I N D E X

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Defendant's Opening Statement:				35	
STATE'S WITNESSES:					
NAME	DIRECT	CROSS	REDIRECT	RECROSS	
Richard S. Buchanan, MD	90	101	---	---	
Dale Laux	106	115	---	---	
Mary Jane Gonzalez	117	123	---	---	
William Avery, Jr.	134	141	---	---	
Delphenia Guice	146	151	152	---	
Gary Byrge	155	171	178	180	
Richard Resendez	182	188	---	---	
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3	Blood Sample	105	222	224
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Thereupon, the following proceedings occurred at 1:15 p.m.:

THE BAILIFF: June Scott, Florence Jaworski, Margaret Schonhut, Carl Conrad, Monroe Daniels, Kathy Vargovich, Harry Davis. Thomas DeChant, Ellen Luca, Merle Simmons, Scott Fowler, Lillian Beck.

THE COURT: Well, sorry to keep you waiting; but we had some other things this morning. We thought, maybe, we would get started around 11:00 o'clock; but things didn't work as quickly as we thought. So, we appreciate your patience.

You are called here as a Jury in this, a criminal case. I have to give you some instructions at this time. You have been summoned here in this, a criminal case. Each party is entitled to Jurors who approach this case with open minds and agree to keep their minds open until a verdict is reached.

Jurors must be as free as humanly possible from bias, prejudice or sympathy and not influenced by preconceived ideas either as to the facts or to the law.

You are undoubtedly qualified to serve as a Juror; however, there may be something that could disqualify you in this particular case.

The way we start a criminal case is with a piece of paper we call an indictment. This informs the Defendant

of the charge or charges against him. Now, that indictment is just how we start a case. It's a document; and that is not evidence. So, don't consider that as part of the case. The evidence will come to you from the witness stand and any exhibits that The Court allows.

So, you take all of the witnesses that testify on either side, take all of the witnesses who testify up here, plus any exhibits. That would be like documents or anything that The Court allows as evidence. Those 2 things equal evidence; and that's what you base your opinion on. And both sides will have an opportunity to present witnesses to you and any exhibits that they may desire.

In all criminal cases -- this case, every other criminal case -- we have Constitutional Rights. You have undoubtedly been hearing a lot about Constitutional Rights recently. Every Defendant is presumed innocent until proven guilty beyond a reasonable doubt. This is in the Ohio Constitution and Federal; so, that's over 200 years old.

Every person is presumed innocent until proven guilty beyond a reasonable doubt. This beyond a reasonable doubt is proof that the Prosecutor must show to you. And I will define this term thoroughly for you at the end of the trial.

So, just remember, beyond a reasonable doubt. It is the degree of proof in this case. You can see we've seated 12 members in The Jury Box. In all criminal cases in Ohio we have 12 members seated on The Jury.

And you must reach a decision, all 12 of you, unanimously. In other words, all 12 of you must agree on the verdict. The only verdict you can reach in a criminal case, obviously, is either not guilty or guilty. That's your decision, not guilty or guilty.

The subject of punishment, anything like that, is not in your province. That would be up to The Court, the punishment. You just decide, based upon the evidence, again, not guilty or guilty. But it takes all 12 of you. All 12 must agree.

In a civil case where you are suing say for money damages we only have 8 people on The Jury, and only 6 of the 8 need agree. So, the rules in a civil case are not as strict as that in a criminal case.

The Defendant also has a Constitutional Right not to testify if he so desires; and this is his choice. And if he does not testify, this cannot be used against him in any way; and, again, this is a Constitutional Right.

With that, we'll ask you, would you please stand and raise your right hands. Also, all the Prospective Jurors in the back, would you please stand and raise your right

hands. The Bailiff will give you an oath at this time.

(Prospective Jurors sworn.)

THE COURT: Now, Ladies and Gentlemen, at this time, The Court and the attorneys will ask you some questions. These questions are not designed to pry into your personal affairs but to discover if you have any knowledge of this case, have any preconceived opinion which you cannot lay aside, or if you have had any experience in your personal or family life that might cause you to identify yourself with either party.

These questions are necessary to assure each party an impartial Jury. The first step is, obviously, the selection of a Jury. Once we get The Jury selected, then we go into the evidence.

The Jury selection is in 2 stages. If there's any obvious reason you cannot sit, then I would excuse you; and the attorneys also may excuse up to 4 members of the panel for any reason they deem advisable. Remember, all this process is just to seat a Jury that can be very attentive in this case, be fair to both sides, and reach a just verdict.

After the selection of a Jury, then, we go into the evidence. Remember, I said the Prosecutor has the burden of proof; so, the Prosecutor's Office will go first throughout the proceedings. The Prosecutor will give the

opening statement, and then the Defense will give their opening statement; and then we'll go into the evidence. The Prosecution, again, will go first.

After all the evidence is completed, then we'll have the final or closing arguments of the attorneys. And remember, what the attorneys state to you throughout the trial is not evidence. That comes from the witness stand.

After the final arguments of the attorneys, then I read all these definitions. I'll give you all the law that you need; and you'll have a copy of that with you in the Jury Room. And, as soon as I give all the law that applies to the case, then The Jury would have the case for their consideration.

This case involves -- it's really 2 cases combined; so, there would be 2 charges. The first charge is aggravated murder; and the second is felonious assault.

And the Defendant is Lenworth, L-e-n-w-o-r-t-h, Edwards, represented by Attorney Barry Notsch at this side of the table.

And the Prosecution, through the Lorain County Prosecutor's Office, they represent all cases initiated by The State of Ohio. Mr. Rosenbaum is the lead Prosecutor today. And who is with you at the table, please?

MR. ROSENBAUM: Thank you, Your Honor, good afternoon Ladies and Gentlemen. With me today is Lisa

Milasky from the Lorain County Prosecutor's Office and Sgt. Geno Taliano from the Lorain Police Department.

THE COURT: Do you know any of these people? Neither attorney is your own attorney, private attorney, or you don't know any of these people?

MR. DAVIS: I'll state there -- Mr. Rosenbaum lives near one of my relatives, if that's any problem.

THE COURT: But you don't feel that would cause you a problem?

MR. DAVIS: None.

THE COURT: You would base your opinion on the evidence? This county is not that large; so, sometimes you're going to hear of people or know of people in the neighborhood or something; but, unless you are so closely connected with them that it would cause you a real problem, that's certainly all right.

MRS. JAWORSKI: If you have someone on the Lorain Police Department, is that --

THE COURT: I'm sure the attorneys would ask you about that. What name?

MRS. JAWORSKI: Mr. McCoy. It's my son-in-law.

THE COURT: Would that cause you any problem with this case? I don't know. I don't think he's

involved in this case; but I'm sure Mr. Rosenbaum, the attorney, will ask you some questions.

Again, the mere fact that you know somebody should not be a problem because we ask -- it's like a blackboard. Just erase all this and base your opinion on what happens here in the Courtroom. Then, if you can do that, you'll be a real good Juror.

Any of you heard about this case? I'm sure you don't know enough of the facts yet; but, as the facts unfold, you, perhaps, have read or heard something about the case. There again, The Court would ask that you erase that, just disregard it because what you read in the newspaper is sometimes not too factual. Again, you base your opinion on what happens here in the Courtroom.

And I have to ask some of these questions. Are any of you addicted to alcohol and/or drugs? Do you have any problems that way with any immediate member of the family? How about conviction of a felony, either you or an immediate member of your family?

A felony is a more serious crime, not traffic, more serious crime.

Any of you served on a Jury before?

THE COURT: I guess you have heard this before, but for the new Jurors, then, do you all feel at this point that you can listen carefully to the evidence

and be fair to both sides?

All right, Mr. Rosenbaum.

MR. ROSENBAUM: Thank you, Your Honor. Good afternoon, again, Ladies and Gentlemen.

The first thing I would like to say to you is that, probably, myself or Mr. Motsch will excuse some of you. Please don't feel badly and please don't feel badly for the people that are, maybe you have made a friend on the panel that got excused.

Obviously, we are trying to get to know you in a very brief period of time. It's really impossible; and it may just be that we think you look tired or something like that, and on another day we might gladly have you serve.

But, do you understand why we are asking all these questions? Our entire system of justice funnels down to what's going to happen with the 12 people that are picked to sit here.

In other words, we wouldn't need laws, we don't need Police Departments, and we don't need Courtrooms if we can't get 12 people here who are going to try as hard as they can to make our system of justice work. And The Judge is going to tell you what your duties are; but, if you don't really sit here and try to do that, it's wasted. That's why we ask these questions. That's why we want to know if you're tired or something like that or you're sick

or, maybe, you just worked a double shift or you have a sick family member and your business is bad or you shouldn't be away because it's Christmastime.

Is there any reason why any of you might not be able to pay as close attention as you normally would but for some personal reason that's happening now? Is there anyone here that cannot sit in judgment of their fellow man for religious or moral reasons?

Do you all understand that you, probably, in all likelihood, will be returning to the Jury Room and have to decide the fate of this case?

Is there anyone here that can't do that?

MRS. JAWORSKI: I can't.

MR. ROSENBAUM: Why is that, ma'am?

MRS. JAWORSKI: I just don't feel that I'm able to make a judgment whether he's guilty or not.

THE COURT: For what reason? Is it religious or what reason?

MRS. JAWORSKI: No, it's just my feeling that, you know, I feel, well, if he committed the crime, he should probably pay for it.

THE COURT: But that's the idea. You have to hear the evidence first. You know, we haven't heard anything yet; so, obviously, he's presumed innocent at this time.

You have to hear the evidence and then determine from the evidence the guilt or innocence.

So, you feel you can do this or you can't?

MRS. JAWORSKI: No, I can't.

THE COURT: We'll excuse you.

When do they come back?

THE BAILIFF: Call back tomorrow about, possibly, Thursday.

THE COURT: I think Jeff has already told everybody. We schedule cases Tuesday and thus Thursday; and we have all kind of different cases, so, perhaps you could sit on some other case.

So, call us Wednesday afternoon or Wednesday evening.

MRS. SCOTT: I have to go to a funeral Thursday.

THE BAILIFF: Don't worry about that until this is over.

THE COURT: You may be excused.

THE BAILIFF: Juror No. 31, Charles Knapp.

THE COURT: Mr. Knapp, have you heard the questions that were asked up to this point? Can you serve for us?

MR. KNAPP: I don't see no reason why not.

THE COURT: You don't know anybody involved?

MR. KNAPP: No, I don't recognize nobody.

THE COURT: Again, what we ask you to do is just sort of, if you have heard anything about the case, forget it. Listen to the evidence here and reach a decision that's fair to both sides.

THE COURT: Okay. Prosecutor.

MR. ROSENBAUM: Do you also understand that if you're picked, that The Judge, at the close of all the evidence, will give you the law? Do you understand that you're bound by that law? You're stuck with it as a Juror.

In other words, you can't go back to the Jury Room and say, well, I think the law is too weak or too liberal, and adjust your verdict for that.

Do you understand that? Likewise, if you go back, you can't say to yourself, I think the law is too strict. You can't acquit the Defendant because of that. If you feel the law is wrong, as voters you have other avenues to fix that, right; but as Jurors you understand you are to, as fairly as you can, apply the law as The Judge gives it to you to the facts as you determine them.

Understand? Do you also understand that any possible punishment is up to The Judge? And you cannot go back and say, oh, gees, this is a very serious case; if I vote guilty, The Judge might send this guy to jail for the rest

of his life.

That's not what you are here for. That's his problem. You're here to apply the law to the facts as you hear them.

Do you understand? Can you do that?

Is there anyone here that would not have the courage to convict? Say you heard all the evidence and you heard the law and you know in your heart a guilty verdict is required, is there anyone here that would go back to that room and say, gees, I don't think I have the strength to sign my name to a piece of paper that says this Defendant might be a murderer?

Is there anybody that would have trouble doing that if you thought the law and the evidence required it?

Could you do that, sir?

MR. DANIELS: Yes.

MR. ROSENBAUM: How about you, ma'am?

MRS. VARGOVICH: Yes.

MR. ROSENBAUM: You're going to hear an awful lot about a concept called proof beyond a reasonable doubt; and The Judge will define that for you. And that's the burden placed on The State; and we welcome that burden, and it's the way our system should be.

But I want to remind you that you understand whatever this level of proof is that The Judge says, it does not go

up in a murder case like this one and it does not go down in a bad check case.

Proof beyond a reasonable doubt is a standard The State must meet in all criminal cases, whether it be bad checks, running a stop sign, or even murder like we have today.

Do you understand that?

Now, I have some questions that I call attitude questions; and so as not to mislead anybody, I want to tell you right from the start I'm not saying that the Defendant or anyone is involved in this or I'm not trying to imply that he might have been. I just want to get your attitudes so I can try to learn something about how you think. And the first question -- some of these you might think are kind of silly or obvious -- but, believe me, if I get an opposite response, I do learn something.

Is there anyone here that feels there is not a drug problem in our community today? Is there anyone here that feels there is one?

MR. DAVIS: Yes.

MR. ROSENBAUM: Okay. We are all moving.

Is there anyone here that thinks that some people that sell drugs professionally are not capable of killing others?

Do we all understand that sometimes in the drug world

that people could get killed for, maybe, not paying up? Is that a possibility?

MR. DAVIS: Yes.

THE JURORS: Yes.

MR. ROSENBAUM: Is there anyone here that feels that people that owe drug dealers or pushers like this might do anything to work off their debt? Is that feasible? Now, is there anyone here that also might feel that everyone would testify against a drug dealer? Is there anyone here that feels that people might be reluctant to testify against a drug dealer? How about you, Mr. Knapp? Do you think some people might be reluctant to do that?

MR. KNAPP: Some people would.

MR. ROSENBAUM: Would that be --

MR. KNAPP: Probably afraid of the drug dealer already putting a hit out on them.

MR. ROSENBAUM: Does anyone feel these things cannot happen in our community, little Lorain County? Now, is there anyone here that is not confident in their abilities to reason? What I'm asking is: Do you realize that, sometimes, because of these considerations, there just may not be a whole lot of evidence or not a whole lot of people might want to come forward; but, if The State gave you enough

that you could reason out a crime was committed by a certain person, do you have enough confidence in your own ability to vote guilty based upon that reasoning?

Do you understand what I'm saying, ma'am?

MRS. VARGOVICH: Yes.

MR. ROSENBAUM: Are you that kind of person that would have the strength to do that or would you say, gees, I'm not really sure; I may not be a very good thinker; I don't trust myself to put 2 and 2 together and come up with 4 in a serious case like this?

MRS. VARGOVICH: I think I could do it.

MR. ROSENBAUM: Do you understand, sir, that you are encouraged to use your common sense and reasoning?

MR. SIMMONS: Yes.

MR. ROSENBAUM: And if your reasoning tells you the Defendant is guilty, would you believe in that and vote guilty?

MR. SIMMONS: Yes.

MR. ROSENBAUM: How about the other way? If your reasoning told you the Defendant was not, could you stick with that?

MR. SIMMONS: Yes.

MR. ROSENBAUM: Do you understand that this is not television, that in every case The State of Ohio

can't pronounce a Quincy type of expert that will come in and say, zip, zip, this is how, why, scientifically, beyond any doubt this Defendant did this crime.

That doesn't often happen. Do you understand that?

Now, is there anyone here who either themselves, a close family member or friend has been the victim of a crime, had something stolen, broken into?

MR. SCOTT: Burglary.

MR. ROSENBAUM: You had a burglary, sir? Was that a while ago?

MR. FOWLER: Yes.

MR. ROSENBAUM: Were you satisfied with the service the Police provided you?

MR. FOWLER: Yes.

MR. ROSENBAUM: Mrs. Vargovich?

MR. VARGOVICH: Yes.

MR. ROSENBAUM: It is Mrs.?

MRS. VARGOVICH: Yes.

MR. ROSENBAUM: Tell me about your experience, please.

MRS. VARGOVICH: Our house was broken into.

MR. ROSENBAUM: How long ago was that, ma'am?

MRS. VARGOVICH: Back in '75.

MR. ROSENBAUM: Were you satisfied with the

service the Police provided?

MRS. VARGOVICH: Yes, I was.

MR. ROSENBAUM: Who else did I miss? I think somebody else had their hand up.

Anybody, close family member or friend --

MR. DAVIS: My son had some property stolen, but never regained it.

MR. ROSENBAUM: Were the Police summoned, sir?

MR. DAVIS: They were.

MR. ROSENBAUM: Do you know if your son was satisfied with the service the Police provided?

MR. DAVIS: No.

No, he wasn't.

MR. ROSENBAUM: Would that interfere with your judgment in this case?

MR. DAVIS: Not at all.

MR. ROSENBAUM: Did you have your hand up, ma'am?

MRS. SCOTT: Yes, my daughter was broke into; but she lives out of state.

MR. ROSENBAUM: So, would that experience affect your judgment in any way today?

MRS. SCOTT: No.

MR. ROSENBAUM: Anybody else?

Now, have you, a close family member or friend ever been arrested for a crime? Anybody?

I would like to ask each of you a few personal questions.

EXAMINATION OF KATHY VARGOVICH

BY MR. ROSENBAUM:

Q Mrs. Vargovich, are you currently married, ma'am?

A Yes, I am.

Q For how long have you been married?

A 21 years.

Q Do you have children, ma'am?

A 1.

Q Do you or have you worked outside of the home?

A Yes.

Q What do you do, ma'am?

A I work for -- I work for a travel agency now.

Q How long have you worked there?

A 3 months.

Q What did you do before that?

A I was home.

MR. ROSENBAUM: Thank you, ma'am.

EXAMINATION OF MONROE DANIELS

BY MR. ROSENBAUM:

Q Mr. Daniels, are you currently married?

A Yes.

Q For how long have you been married?
A 11 years.
Q Have children, sir?
A Yes, 2.
Q Are you employed at this time?
A Yes.
Q What do you do?
A Forklift driver.
Q Where at?
A Lorain Assembly Plant.
Q Does your wife work outside of the home?
A No, she doesn't.

MR. ROSENBAUM: Thank you, sir.

EXAMINATION OF CARL CONRAD

BY MR. ROSENBAUM:

Q Mr. Conrad, are you currently married?
A Yes.
Q For how long, sir?
A 42 years.
Q Do you have children?
A 2.
Q Are you employed at this time?
A I'm retired.
Q From where, sir?
A Lorain City Schools.

Q What did you do for the school system?
A Taught science, taught biology.
Q Does your wife work outside of the home or has she?
A She worked for the Elyria City Schools; and she's also retired.
Q What did she do?
A She was a reading supervisor.

MR. ROSENBAUM: Thank you, sir.

EXAMINATION OF MARGARET SCHONHUT

BY MR. ROSENBAUM:

Q Is it Mrs. Schonhut?
A Yes.
Q Are you currently married, ma'am?
A 31 years, yes.
Q Children?
A 2.
Q Do you or have you worked outside of the home?
A I have. I am not.
I was a floral designer for 13 years.
Q Is your husband currently employed?
A GM in Parma.
Q What does he do for them?
A Machine operator.

MR. ROSENBAUM: Thank you, ma'am.

EXAMINATION OF CHARLES KNAPP

BY MR. ROSENBAUM:

Q Mr. Knapp, are you currently married?

A Yes.

Q For how long have you been married?

A 35 years.

Q Pardon me?

A 35 years.

Q Do you have children, sir?

A Yes, I have 5.

Q Are you employed at this time, sir?

A Yeah, Ford Motor Company, Lorain Assembly.

Q Does your wife work outside of the home?

A No.

EXAMINATION OF JUNE SCOTT

BY MR. ROSENBAUM:

Q Is it Mrs. Scott?

A Yes.

Q Are you currently married, ma'am?

A Yes.

Q For how long?

A 3 years.

Q Children?

A Yes, 4 girls.

Q Have you or do you work outside of the home?

A I have worked.

Q What did you do?
A Rockwell International.
Q What did you do for them?
A Machine operator, 17 years, till they closed the door.
Q Is your husband currently employed?
A No, he retired 2 years ago.
Q From where, ma'am?
A Ford Plant in Lorain.

EXAMINATION OF HARRY DAVIS

BY MR. ROSENBAUM:

Q Mr. Davis, are you currently married?
A Yes, for 50 years.
Q And you have children other than your son?
A 6.
Q What neighbor of mine is that?
A Ron.
Q How are you related to Ron?
A Ron's brother is my son-in-law.
Q Are you employed at this time, sir?
A Yes.
Q What do you do?
A JC Penney, maintenance.
Q How long have you worked there for, sir?
A 6 months.

Q What did you do before that?
A Elyria City Schools.
Q What did you do for them?
A Maintenance.
Q Does your wife work outside of the home, sir, or --
A Well, she had, General Motors, retired 17, 18 years ago.

MR. ROSENBAUM: Thank you, sir.

EXAMINATION OF THOMAS DeCHANT

BY MR. ROSENBAUM:

Q Mr. Decnant, are you currently married, sir?
A Yes, sir.
Q For how long?
A 3 years.
Q Do you have children?
A 3.
Q Are you employed at this time, sir?
A Spitzer Olds-Cadillac, Lorain.
Q What do you do for them?
A Service Manager.
Q Is your wife currently employed?
A No.
Q She ever worked outside of the home?
A Spitzer Olds-Cadillac.
Q Are you related to the big DeChant murder case that I

had once in the past?
A Yes, but like 6th cousin.
Q Do you have any feelings about that?
A No.
Q Do you feel that the Defendant was treated fairly or not?
A Yes.

MR. ROSENBAUM: Thank you, sir.

EXAMINATION OF ELLEN LUCA

BY MR. ROSENBAUM:

Q Is it Mrs. Luca?
A Yes.
Q Are you currently married, ma'am?
A Yes, 19 years.
Q Have children, ma'am?
A 3.
Q Have you or do you work outside of the home?
A Yes.
Q What do you do?
A Teacher.
Q Field, grade, subject?
A Elementary, Physical Ed, Lorain City Schools.
Q Were you a close friend of Mr. Ashton?
A Not a close friend.
Q Do you feel he was treated fairly by our system? Do

you have any feelings in that matter in any way?
A I don't have any feelings on it.
Q Is your husband currently employed?
A Yes.
Q What does he do?
A He's a millwright at American Steel and Wire in Cleveland.

MR. ROSENBAUM: Thank you, ma'am.

EXAMINATION OF MERLE SIMMONS

BY MR. ROSENBAUM:

Q Mr. Simmons, are you married, sir?
A Yes.
Q For how long have you been married?
A 3 years.
Q Have children, sir?
A 1.
Q What do you do for a living?
A Welder.
Q Where at?
A Invacare.
Q How long have you been there?
A Going on 11 years.
Q Does your wife work outside of the home or has she?
A Yes, she does.
Q What does she do, sir?

A She's a CPA.

MR. ROSENBAUM: Thank you, sir.

EXAMINATION OF SCOTT FOWLER

BY MR. ROSENBAUM:

Q Mr. Fowler, are you currently married?

A No.

Q Have you ever been?

A No.

Q Are you employed at this time, sir?

A Yes.

Q What do you do?

A Roll operator.

Q At Kobe?

A No, American Tank and Fabrication, Cleveland.

Q How long have you been there for?

A About 6 years.

MR. ROSENBAUM: Thank you.

EXAMINATION OF LILLIAN BECK

BY MR. ROSENBAUM:

Q Is it Mrs. Beck?

A Yes.

Q Are you currently married, ma'am.

A 28 years, 3 children.

I have been married twice, though. I was a widow and remarried. I don't know if you have to have that, if it's

necessary or not?

Q Thank you. Have you or do you work outside of the home?

A I just help my husband once in a while.

Q What does he do, ma'am?

A He manages a private club. I help him clean.

Q What club would that be?

A Ukranian Club.

MR. ROSENBAUM: Thank you, ma'am.

I have no other questions, Your Honor.

THE COURT: Mr. Motsch.

MR. MOTSCH: Good afternoon, Ladies and Gentlemen.

THE JURORS: Good afternoon.

MR. MOTSCH: As the Prosecutor has told you, basically, the reason why we ask the questions is to make sure that we get a Jury that's fair and impartial and is going to listen to the evidence and base their decision only on the evidence, not using any sympathy or bias or prejudice or anger, but just on the evidence.

Now, The Judge has explained to you that a criminal case starts with an indictment; and my client has been indicted on 2 charges.

Now, the fact that he has been indicted, does that give rise to anyone thinking that, well, where there's

smoke, there's fire; he must have done something, otherwise he wouldn't have been indicted?

Does anyone think that way? Does everybody understand an indictment is not evidence? It does not prove anything; and the point I'm trying to make is this: According to our system, as my client sits here in front of you, the law presumes him to be innocent. You have heard no evidence in this case.

Now, does anybody have a problem right now in presuming Lenworth Edward is innocent? Anyone?

MR. DAVIS: He's innocent until he's proven guilty.

MR. MOTSCH: I take it that would be no, you have no problem with that?

MR. DAVIS: No problem.

MR. MOTSCH: Okay. The Prosecutor also told you that there is a burden of proof; and does everybody understand that burden is on the Prosecution? The Prosecution has to prove the case beyond a reasonable doubt. Does everybody understand that?

Do you understand that my client does not have to prove anything? It's not up to him to prove his innocence. It's up to The State, the Prosecution to prove his guilt. Does anybody have a problem with that concept? Okay.

Now, the Prosecutor asked you some, what he called attitude questions; and I believe you, basically, all responded that you do think that there is a drug problem in this country. Do you think that there is a drug problem in this community? Now, does everyone understand that my client is not on trial here today for drugs? Okay.

As Jurors, would all of you, all of you promise to base a decision only on the evidence here for the crime he's accused of? Can you all do that?. Do most of you read newspapers? Okay.

Do you usually get your news by way of newspapers? Radio? TV?

THE JURORS: Yes.

MR. MOTSCH: Now, the victim in this case is named Marsha Blakely; and there will be other things, I believe, to show that there was another murder at the time involving a Floyd Epps. Now, has anyone here heard anything about that case?

Yes, sir, and how did you --

MR. KNAPP: Just in the newspapers and the news.

MR. MOTSCH: Have you read newspaper accounts of this?

MR. KNAPP: Yes, I have.

EXAMINATION OF CHARLES KNAPP

BY MR. MOTSCH:

Q Mr. Knapp?

A Yes.

Q How often have you read things concerning this?

A Well, when I was working every day, I was reading 3 newspapers a day; so -- which was the Chronicle-Telegram, The Lorain Journal and Cleveland Plain Dealer.

Q Did all those newspapers have things about this case, that you remember?

A Yes, basically, at some time or another.

Q Now, Mr. Knapp, from what you have read, has that helped you form some sort of an opinion right now about what has happened in that case?

A No, because it's just like The Judge said, you can't believe everything you read in the newspapers.

Q That is absolutely true.

A They put it in there to sell newspapers; and I realize that; and that's --

Q Well, the point I'm trying to make is this: When you read something, even thinking it might not be true, my question is: Has it affected you or had you thought about what had happened or made any sort of opinion as far as what happened?

A No, I don't believe it has. I believe they still got

to prove that he done it or whatever they're out -- they're out to prove.

They still have to prove to me that it was done the way the newspapers say it was done or --

Q I take it that in the newspapers you've read an account of how this would have taken place?

A Yes, basically.

Q Would it be fair to say that the account given was very bad?

A Well, I can't say because I don't know what happened. See, I'm still --

Q I'm talking about what you read, though.

A Well, what I read, of course, they say he done it, but --

Q That was in the paper?

A But that doesn't mean that he did do it.

Q The whole point of asking questions is to make sure that a Jury that is selected would be as free as humanly possible from any bias or prejudice they got anywhere, including publicity this case has generated; and living in this community, this has been in the newspapers quite a long time.

Mr. Knapp, what you're saying is that regardless of what you have seen or read about this case, you can put that behind you and give my client a clean slate?

A Yes.
Q You understand that slate would have to be filled up by evidence; and that has nothing to do with what you heard outside? Thank you.

EXAMINATION OF JUNE SCOTT

BY MR. MOTSCH:
Q Mrs. Scott, have you heard anything about this case in any media?
A No. I can't remember anything about it. I read so much in the newspapers, I can't remember different cases; so I don't know.
Q Are you saying that you might have read something?
A I might have; but I can't remember.
Q Besides the names Marsha Blakely and Floyd Epps, I believe there will be testimony to show where and how the bodies were found. This would be in The City of Lorain.
Do you remember anything about that?
A No.
Q Have you talked to anybody who is --
A No.
Q -- about this case?
A No.
Q Mrs. Scott, do you have any problem in listening only to the evidence and basing the decision strictly on the evidence?

A No, I have -- no, I wouldn't have no problem.
Q Do you have a problem, as Mr. Edwards sits there right now, presuming him to be innocent?
A No.

EXAMINATION OF MARGARET SCHONHUT

BY MR. MOTSCH:

Q Mrs. Schonhut?
A Close enough.
Q Schonhut?
A Schonhut.
Q Mrs. Schonhut, have you heard or read anything concerning this case?
A I'm not really sure. I don't recognize the names; so I'm not sure if I'm thinking the same case or not.
Q Her body was found in an area in Lorain and her throat had been cut numerous times.

Does that ring a bell with you?

A Just vaguely, but not enough to form any feelings on it at all.
Q In anything that you had heard you had not formed an opinion concerning anyone's guilt or innocence?
A No, no.
Q Would you have any problem in doing that and only listening to the evidence?
A No, no problem.

Q You would promise to do that?
A Yes.

EXAMINATION OF CARL CONRAD

BY MR. MOTSCH:

Q Mr. Conrad, you're a retired teacher from Lorain?
A Yes.
Q And have you heard or read anything concerning this case?
A Just in the Chronicle-Telegram.
Q Is that the newspaper you normally read?
A Yes, only.
Q Have you been following this case in the paper?
A No, I'm a scanner. I just pick out little pieces.
Q You are familiar with what the paper has said concerning this case, though, are you?
A Only that -- I didn't know until the word Epps was mentioned a while ago. I had no idea what the lady's name was; but I do connect them together.
Q From what you have read in the paper, had that given rise to any opinion that you might have concerning this case or my client?
A No.
Q You understand our system works by law, by Rules of Evidence and everything else. The only thing that you are to determine is what you hear in evidence.

There is nothing else that you have heard about this case or talked with anyone about this case to give rise to any predisposed feeling you might have?

A No, I never talked to anybody about it, never mentioned it, as far as I know.

MR. MOTSCH: Thank you, sir.

EXAMINATION OF MONROE DANIELS

BY MR. MOTSCH:

Q Mr. Daniels?

A Yes.

Q Do I know you?

A Long time ago. I used to play ball in Lorain.

Q Okay. That was at --

A St. Mary's.

Q You were a coach for St. Mary's, were you not?

A Yes.

Q I played on that team, did I not?

A Yes.

Q And that's the only place I think we ever met?

A Correct.

Q And with your knowing me -- that's been a while ago, I would guess 10, 15 years ago?

A Yes, it has.

Q Would that in any way influence how you would look at this case?

A No, sir.
Q You understand your duty as a Juror is only to listen to the evidence?
A Correct.
Q Do you have any problem doing that?
A No, sir.
Q Have you heard anything or read anything about this case prior to coming here today?
A Briefly, in the newspapers.
Q Have you followed what has been written in the newspapers concerning this case?
A Not really because I don't get the newspaper, per se, every day.
Q Is there anything that you have heard or anything that you read that has made you form an opinion concerning this case?
A No, sir.

MR. MOTSCH: Thank you.

EXAMINATION OF KATHY VARGOVICH

BY MR. MOTSCH:

Q Mrs. Vargovich?
A Yes.
Q You were the victim of a crime; and your home was broken into?
A Yes.

Q It's been a while ago?
A Yes.
Q Would that give rise to any problem you might have in sitting on a Jury?
A No.
Q No one was caught in that?
A No.
Q Mrs. Vargovich, have you heard or read anything concerning this case in any of the media?
A No.
Q Do you know anything about this case?
A No.
Q Would you promise to listen strictly to the evidence and base your findings on the evidence and nothing else?
A Yes.
Q Is there any reason why you feel that you might not be able to serve on this particular case?
A No.
Q You understand this is a very serious case?
A Yes.

EXAMINATION OF LILLIAN BECK

BY MR. MOTSCH:

Q Mrs. Beck?
A Yes, sir.
Q Mrs. Beck, have you heard anything or seen anything

from any source?
A Outside of the first day it was put in the paper; and I never followed it after that.
Q You don't know anything --
A No, I'm an obituary reader, so I don't worry about that.
Q Nothing on the radio?
A No, I don't even play the radio. I play tapes.
Q Okay. So, anything that you have heard after the first time when this came up, do you have any opinion concerning this case?
A No.
Q You understand or do you have any problem with my client being presumed innocent at this point since no evidence has been brought in?
A No problem.
Q And you would listen to only the evidence to make your decision?
A That's right.

EXAMINATION OF SCOTT FOWLER

BY MR. MOTSCH:
Q Mr. Fowler?
A Yes.
Q Have you read or heard anything about this case?
A No, I haven't.

Q Nothing in the paper?
A No.
Q Marsha Blakely or Floyd Epps doesn't ring a bell with you?
A No.
Q Do you have any sort of opinion on this case prior to hearing anything?
A No.
Q Mr. Fowler, I'll ask you the same question: Is there any reason why you feel you can't be fair and impartial?
A No, there isn't.
Q You're willing to listen strictly to the evidence?
A Yes.

MR. MOTSCH: Thank you, sir.

EXAMINATION OF MERLE SIMMONS

BY MR. MOTSCH:

Q Mr. Simmons?
A Yes.
Q Do you know anything about this case? Have you heard anything about this case?
A No.
Q Do you read the newspapers?
A Every now and then sports.
Q Do you remember reading anything in the newspapers concerning this case?

A No.
Q Do you know of any reason why you feel you couldn't be fair and impartial?
A No.
Q As my client sits here in front of you today, do you have any problems with presuming him to be innocent?
A I don't know the man.
Q You have not heard any evidence concerning anything, have you?
A No.
Q Would you promise, then, to base your decision solely on the evidence?
A Yes.

MR. MOTSCH: Thank you.

EXAMINATION OF ELLEN LUCA

BY MR. MOTSCH:

Q And, Mrs. Luca, have you heard anything about this case?
A Just what I read in the paper.
Q Have you read in the paper on more than one occasion concerning this case?
A Yes.
Q Now, from what you read, did that help you make some sort of an opinion?
A It's been a while; so, I really can't -- can't really

say. It's been such a long time.

I remember the names. I remember kind of about what happened, but I don't remember wno's been charged or anything like that.

Q So, I take it you don't have any opinion concerning this case at all?

A No opinion, no.

Q You understand, as a Juror, your duty would be to listen only to testimony?

A Right.

Q Now, if you feel that no evidence is introduced that would tend to make you believe that my client is guilty of something, but not of what he is charged, would that influence you in determining only what he is charged with?

A (No response).

Q Do you understand the question?

A No.

Q Okay. Let's say that when the evidence comes in, you think that he's guilty of something, but not of aggravated murder and not of felonious assault, now, if you think that he might be guilty of something else, would that influence how you look at the aggravated murder and the felonious assault?

A No.

Q Okay. Would you agree that your job is to base your

decision in those cases on the evidence?

A Right.

MR. MOTSCH: Thank you, ma'am.

EXAMINATION OF THOMAS DeCHANT

BY MR. MOTSCH:

Q Mr. DeChant, have you heard anything about this case?

A Read the paper.

Q On more than one occasion?

A Yes.

Q Have you followed this case in the paper?

A Not real close. I read something just the other day about it again, you know; but all I did is -- I read front page and the sports page, probably like many people do.

I don't even go into the second thing; so, I'm kind of only a scanner myself.

Q Now, based on anything that you have read, has that given rise to any opinion?

A No.

Q Do you have a problem with viewing my client with a clean slate right now?

A No.

MR. MOTSCH: Thank you.

EXAMINATION OF HARRY DAVIS

BY MR. MOTSCH:

Q And Mr. Davis?

A Yes.

Q Do you know anything about this case?

A Not a thing.

Q Not a thing. You're willing to -- you're saying that you will listen solely to the evidence and base your decision on the evidence?

A Absolutely.

MR. MOTSCH: Thank you.

Now, I'm certain that there will be evidence of a very horrible nature, gruesome. Would that type of evidence in any way affect your ability to be fair and impartial? If you would see the aftermath of a murder and the pictures involved with that, is there anything within you that would make you think that you couldn't do that, that that would, somehow, cloud your decision making process?

Does anyone have a problem with that? There will be very graphic and horrible things that will be brought forth in this trial. Now, the fact that you will be seeing, in all probability, horrible and gruesome things, would you all agree that, regardless of how gruesome that might be, you would have to be convinced beyond a reasonable doubt on the evidence before you could reach any sort of verdict? Does everybody agree with that?

Ladies and Gentlemen, the point I'm trying to make is

this: if you see something that is horrible, you see something showing man's inhumanity to man, would you get angry and want to punish somebody for that?

I take it by your silence that's no, because the only person on trial right now is my client, Lenworth Edwards. Okay.

I know it was asked who has sat on a Jury before. And I didn't get a chance to mark all of your names.

Who has been on a Jury?

EXAMINATION OF JUNE SCOTT

BY MR. MOTSCH:

Q Mrs. Scott, you were on The Jury before?

A Long, long time ago.

Q Do you know what type of Jury it was?

A It was an accident case.

Q Was somebody being sued for money or a criminal case?

A Accident.

Q Accident case?

A Yes.

Q Did you actually sit in deliberation on that?

A Yes.

Q You understand in an accident case the burden of proof would be different than it is in a criminal case?

A Oh, yes.

EXAMINATION OF HARRY DAVIS

BY MR. MOTSCH:

Q Mr. Davis, you sat on a Jury?

A Yes, I did.

Q Was that a criminal Jury or --

A No, it was an insurance claim.

Q You actually sat and deliberated?

A I did not. They eliminated me.

MR. MOTSCH: Anyone else on a Jury?

EXAMINATION OF CHARLES KNAPP

BY MR. MOTSCH:

Q Mr. Knapp?

A Yes.

Q Was this a criminal Jury?

A Malpractice. I don't know.

Q Malpractice, for money?

A Yes.

Q You do understand the burden is different in that case as opposed to this case? In that case it's somewhere by a preponderance. This is beyond a reasonable doubt.

The Judge will explain all that in great detail. With your prior service as a Juror, would that in any way affect how you would go into this case?

A No, I don't see why.

MR. MOTSCH: Mr. DeChant, you sat on a Jury?

MR. DeCHANT: No.

MR. MOTSCH: No?

MR. DeCHANT: No.

EXAMINATION OF MARGARET SCHONHUT

BY MR. MOTSCH:

Q Mrs. Schonhut?

A I did. It was money, also involved automobile accident.

Q It was not a criminal case?

A No.

Q Your experience on that Jury, would that in any way affect you here today?

A No.

EXAMINATION OF MERLE SIMMONS

BY MR. MOTSCH:

A Mr. Simmons?

A Yes.

Q What sort of Jury was it?

A Grand theft.

Q Was it a criminal case?

A Yeah, or car stealing.

Q Was that done in this county?

A Yes.

Q How long --

A Judge Harris.

Q How long ago was that?
A 8 years.
Q And did you actually sit on The Jury?
A Yes, I did.
Q And was a verdict rendered by that Jury?
A Yes.
Q Now, having gone through that experience prior, would that in any way affect you in this case?
A No.

MR. MOTSCH: Thank you, sir.

Anyone else on The Jury?

MRS. SCOTT: I don't know if it was pertaining to this; but I was on the indicting Jury for 3 months, came every 2 weeks.

EXAMINATION OF JUNE SCOTT

BY MR. MOTSCH:

Q That was the Grand Jury?
A That decided if we went to a Jury Trial.
Q When was that?
A I don't know, about 8, 10 years ago. It was right here in the Courthouse here. I can't remember.
Q That was not a Jury for the determining of someone's guilt or innocence?
A No.
Q Probable cause type thing; so it was different rules

that apply there.
A But I didn't -- I wasn't sure if it pertained to this. I figured I better mention it.
Q Would that in any way affect you as a Juror in this case?
A No. I would like to hear the story before I decide what I want to say.

MR. MOTSCH: Anybody else on The Jury?

EXAMINATION OF KATHY VARGOVICH

BY MR. MOTSCH:

Q Mrs. Vargovich?
A I was in the Courtroom before.
Q You were in this Courtroom before?
A Yes.
Q About how long ago was that?
A Oh, about 5, 6 years ago.
Q What sort of case was that?
A It was a murder case.
Q Did you actually sit --
A I was the alternate Juror; so, I sit on down in The Judge's Chambers while they reached a verdict.
Q You understand that each case is different?
A Yes.
Q How long did that case last? Was it a lengthy case?
A No, it wasn't.

Q Having gone through that, that prior experience, would that in any way affect you here as a Juror in this case?

A No.

Q You will listen only to the evidence and base your decision on the evidence?

A Yes.

MR. MOTSCH: Does anyone here have any close friend or family that's a member of a law enforcement group, Police Officer?

EXAMINATION OF HARRY DAVIS

BY MR. MOTSCH:

Q Mr. Davis?

A My son-in-law is a Deputy Sheriff.

Q Where is he a Deputy Sheriff?

A Lorain County.

Q Do you talk to him much, Mr. Davis?

A Every day.

Q If there would be Police Officers that would testify on the stand in this case, would you tend to believe them more just because they're Police Officers?

A No.

Q Would you give any more faith or credit to what they're saying because they're Police Officers?

A Absolutely not.

Q How about somebody who is not a Police Officer?
A Well, I listen to all people and I determine, yes.
Q It's your son-in-law that's a Sheriff's Deputy; is that right?
A What was that, again?
Q It's your son-in-law that's a Sheriff's Deputy?
A Yes.
Q Do you and he talk about his job?
A Absolutely not. I'm not interested in his job.
Q Okay.

Is there a reason why you are not interested or do you think that's something you should not get into?

A Well, no, it's none of my business wnat he does.

MR. MOTSCH: Does anybody else have any family or friends that's a Police Officer or anybody in law enforcement?

EXAMINATION OF CHARLES KNAPP

BY MR. MOTSCH:

Q Mr. Knapp?
A I got a nephew. He's only Auxiliary with the Sheriff's Department here in Lorain County.

He's attending school is what he's doing; and he does this --

Q Police Science in school?
A As part of his schooling.

Q Have you talked to him concerning his experience?
A I see him but he don't talk about this.
Q That's your nephew?
A Yes.
Q The fact that he's in that type of employment right now, would that in any way affect you as a Juror?
A No.

MR. MOTSCH: Anyone else?

EXAMINATION OF CARL CONRAD

BY MR. MOTSCH:

Q Mr. Conrad?
A I have a nephew that's a State Police in West Virginia.
Q That's your nephew?
A Nephew.
Q Are you close with him?
A No, see him once a year at family reunions.
Q Do you talk much about his job at those?
A I didn't even talk to him last year. I think I said howdy to him.
Q The fact that is your nephew, would that in any way affect you as a Juror?
A I don't think so.
Q Well, would you tend to believe a Police Officer on the stand more than anyone else on the stand?

A I wouldn't know why. I mean I wouldn't know why I would. I want to treat everyone the same way.

Q Well, I take it the reason why you would is because it's a Police Officer and because that was his job and uniform and that he would be more likely to tell the truth.

A No, not necessarily.

Q You do not feel that way?

A No.

MR. MOTSCH: Anyone else who has family or friends --

EXAMINATION OF MONROE DANIELS

BY MR. MOTSCH:

Q Mr. Daniels?

A I have a cousin in Pennsylvania that's a Police Officer.

Q Are you close to this cousin?

A No, not really. When I go back there, I see him once in a while.

Q Do you talk about his job?

A No.

Q Would you be more likely to believe a Police Officer on the stand than someone else?

A No.

MR. MOTSCH: Thank you.

Now, the fact that there are 2 counts in this case, as The Judge has explained to you, 1 count being for aggravated murder and the other count for felonious assault, now, the fact that there are 2 of them, does that number cause any problems with anybody?

Does anyone think that, well, he's charged with more than 1 crime, so he must be guilty of something? Does anybody feel that way?

Does everybody understand that besides what has to be shown, the evidence has to convince you beyond a reasonable doubt of my client's guilt, that the burden of doing that is on The State? Does everyone agree with that? Does everyone agree that my client doesn't have to prove anything?

If my client would decide not to take the stand in this case, can all of you state that that would not, in any way, shape or form, bias or prejudice you either way? That's difficult to do. Would anyone think that because he doesn't take the stand he's trying to hide something? Anyone?

Do you all agree that, pursuant to our laws, that he has a Constitutional Right not to take the stand and you can't hazard a guess as to why? Because of the nature of this case, because this is a murder case and because, obviously, it's very serious, what he's charged with,

aggravated murder, does that create any problem with any of you people in sitting on this Jury? Would all of you promise to listen to the evidence and not be swayed by bias or prejudice and listen only to what is presented in Court here and base your decision only on the evidence?

Will all of you do that?

Thank you, I have no further questions.

THE COURT: Ladies and Gentlemen, The Court has already mentioned that punishment is up to The Court in this case. So, your only decision on both counts is either not guilty or guilty.

This is not a so-called capital or death penalty case; so, the penalty, if any, is on The Court. So, I trust that you understand that.

And your first peremptory, please.

MR. ROSENBAUM: Your Honor, The State thanks Mr. DeChant.

THE COURT: Sir, then, would you call us tomorrow afternoon or tomorrow evening.

MR. DeCHANT: Sure.

THE COURT: You're excused.

THE BAILIFF: Juror No. 25, Lenore Varga.

THE COURT: Is it Mrs. Varga?

MRS. VARGA: Yes.

THE COURT: Have you heard the questions

asked up to this point?

MRS. VARGA: Yes.

THE COURT: Would you be able to serve as a Juror for us?

MRS. VARGA: I think so.

THE COURT: Again, we keep stressing you would base your decision on the evidence. You can do this for us?

MRS. VARGA: Yes.

THE COURT: Prosecutor.

EXAMINATION OF LENORE VARGA

BY MR. ROSENBAUM:

Q Are you married, ma'am?

A Yes.

Q For how long have you been married?

A 29 years.

Q Do you have children, ma'am?

A Yes, 3.

Q Have you or do you work outside of the home?

A Yes, I'm a legal secretary.

Q Where at?

A The firm of Baumgartner's in Elyria, here.

Q How long have you been there, ma'am?

A 9 years.

Q Do you work for a specific attorney?

A Basically, yes.
Q Which one is that?
A Attorney Kurt Breunig.
Q Have you, a close family member or friend ever been the victim of a crime?
A No.
Q Have you, a close family member or friend ever been arrested for a crime?
A No.
Q Do you understand that sometimes people are reluctant to come forward in cases like this one, murder cases, for whatever reason?
A Yes.
Q What reasons might those be?
A Fear of retaliation.
Q You understand that, sometimes, The State might have to offer a reward to get someone to come forward and give the Police the lead they need to crack a case?
A Yes.
Q Would the fact that a witness got a reward, even a sizable one, cause you not to believe that person?
A No.
Q Would you evaluate his testimony based upon other circumstances? In other words, if you found out that he said some things that he might have seen that were

corroborated by other evidence, would you tend to believe that person?

A Yes.

Q Even though he got a reward?

A Yes.

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

EXAMINATION OF LENORE VARGA

BY MR. MOTSCH:

Q Mrs. Varga?

A Yes.

Q You're a legal secretary?

A Yes.

Q Does the firm handle criminal work?

A No.

Q Do you have any close friends or family that are members of a Police force or any law enforcement agency?

A My daughter-in-law is an agent, Federal Agent.

Q Your daughter-in-law is a Federal Agent?

A Yes.

Q What agency?

A Department of Agriculture.

Q Are you close with her?

A (No response).

Q I'm saying --

A They live out of state.
Q Would you be more likely to believe a Police Officer than any other witness that would take the stand in a case?
A No.
Q And would you admit that, in determining whether or not any witness that you might hear is telling the truth, to see if they're credible, there's a number of things that you would look at?
A Yes.
Q And you promise to look at all those things?
A Yes.
Q Is there any reason why you feel that you could not sit on a Jury like this with a charge being that of aggravated murder?
A No.
Q Do you agree that, as my client sits here, he is presumed innocent?
A Yes.
Q Do you have a problem with that?
A No, it's the law.
Q I understand it's the law; but do you have a problem with that being the law?
A No.
Q Okay. Do you understand that the burden of proving

guilt is placed on the State?
A Yes.
Q That my client doesn't have any burden of proving his innocence?
A Yes.
Q And are you willing to be fair and impartial as a Juror?
A Yes.
Q Is there any reason why you think you might not be able to be fair and impartial?
A No.

MR. MOTSCH: Thank you.

THE COURT: Mr. Motsch, No. 1.

MR. MOTSCH: Yes, the Defense would like to thank and excuse Mr. Simmons.

THE BAILIFF: Juror No. 18, Mary Tvaroha. Sorry for what I did to your name.

MRS. TVAROHA: I'm used to it.

THE COURT: Now, what is your name?

MRS. TVAROHA: It's Mary Tvaroha.

THE COURT: Jeffrey didn't do too bad, then.

MRS. TVAROHA: No, he did very well.

THE COURT: You have heard the many questions asked up to this point?

MRS. TVAROHA: Yes, I have.

THE COURT: Would you be able to serve on this Jury for us?

MRS. TVAROHA: I believe so.

THE COURT: Again, you would listen to the testimony and be fair to both sides?

MRS. TVAROHA: Yes.

THE COURT: Prosecutor.

EXAMINATION OF MARY TVAROHA

BY MR. ROSENBAUM:

Q Are you married, ma'am?

A No.

Q Have you ever been?

A Yes.

Q Do you have children?

A 2.

Q Do you work outside of the home at this time?

A Yes, I did do.

Q What do you do, ma'am?

A I'm Manager of Employee Relations and Recruitment for Oberlin College.

MR. ROSENBAUM: Thank you, ma'am.

EXAMINATION OF MARY TVAROHA

BY MR. MOTSCH:

Q Let me see if I have this.

Tvaroha?

A Yes.

Q Is there any reason why you feel you couldn't be fair and impartial in a case of this nature?

A No.

Q Do you have any problem in presuming my client innocent at this point?

A No.

Q Do you agree with the burden of proof being on The State?

A Yes, I do.

Q Have you ever been on a Jury before?

A No.

Q Have you ever been a victim of a crime?

A No.

Q Do you have any friend or family that's a member of a Police organization?

A My ex-brother-in-law is a Campus Policeman.

Q Would that relationship in any way affect your ability as a Juror in relation to Police Officers who are going to testify?

A No.

Q Would you be more likely to believe a Police Officer testifying than any other witness?

A No.

MR. MOTSCH: Thank you.

THE COURT: State of Ohio?

MR. ROSENBAUM: Your Honor, The State thanks Mrs. Tvaroha.

THE COURT: Perhaps we'll see you Thursday.

THE BAILIFF: Juror No. 7, Lynne Fanslau.

THE COURT: Is it Mrs.?

MRS. FANSLAU: Yes, it is.

THE COURT: Have you heard the questions asked up to this point?

MRS. FANSLAU: Yes, I have.

THE COURT: Would you be able to serve as a Juror for us?

MRS. FANSLAU: Yes.

THE COURT: State?

EXAMINATION OF LYNNE FANSLAU

BY MR. ROSENBAUM:

Q Are you currently married, ma'am?

A Yes, I am.

Q For how long?

A 14 years.

Q Children?

A 2.

Q Do you or have you worked outside of the home?

A I have worked outside of the home.

Q What did you do?
A I was a teller at AmeriTrust.
Q Where?
A AmeriTrust Company.
Q Is your husband currently employed?
A Yes,.
Q What's he do, ma'am.
A He is a Furnaceman B at USS/Kobe.
Q Have you, a close family member or friend ever been the victim of a crime?
A No.
Q How about arrested for a crime?
A No, sir.
Q How do you feel about someone that may be testifying today that received a reward or came forward as a result of a substantial amount of money?
A You're asking me if I could be impartial?
Q Well, would you feel that he is telling the truth or he would not be telling the truth solely because he got a reward?
A Not necessarily.
Q Would you listen to what he had to say and see if it jibed with other facts that were proven by other means to see if you could tell whether or not he was telling the truth?

A Absolutely.
Q Do you feel that people that may be involved in the drug underworld sometimes kill?
A Yes.
MR. ROSENBAUM: I have no other questions, Your Honor.
EXAMINATION OF LYNNE FANSLAU
BY MR. MOTSCH:
Q It's Mrs. Fanslau?
A Yes.
Q Have you heard anything about this case?
A Not at all.
Q Read about it?
A Not at all.
Q Newspapers?
A I haven't touched a newspaper since I got my little thing in the mail.
Q You know nothing about this?
A Nothing at all.
Q Now, the fact that this case involves a charge of aggravated murder, would that, in any way, prevent you from being fair and impartial?
A No, sir.
Q The seriousness of the case would not bother you?
A No, sir.

Q Some of the evidence that you might look at might be of a very gruesome nature. Would that prevent you from being fair and impartial?
A No, sir.
Q Have you ever been the victim of a crime?
A No.
Q Do you have any close friends or family that's a member of a Police Department?
A No.
Q Is there anything that you feel would somehow prevent you from being fair and impartial in this type of case without hearing any of the evidence?
A No.
Q Are you willing to listen strictly to the testimony and base your determination on that?
A Yes.
Q I believe the Prosecutor asked you whether or not you felt that people within the drug community would kill each other.

Do you think that is possible?
A Yes.
Q Would you agree that if there were drugs involved in this case, that that doesn't necessarily prove anything as far as a murder without other evidence?
A Right.

Q Are you willing to listen and pay attention and base your decision only on the evidence?

A Yes.

MR. MOTSCH: Thank you.

THE COURT: Mr. Motsch?

MR. MOTSCH: Your Honor, the Defense would like to thank and excuse Mrs. Scott.

THE COURT: See you Thursday.

THE BAILIFF: Juror No. 11, Marybelle Arnold.

THE COURT: Is it Mrs. Arnold?

MRS. ARNOLD: Yes.

THE COURT: Have you heard all the questions asked up to this point?

MRS. ARNOLD: Yes.

THE COURT: Do you think you could be a Juror for us, be fair to both sides?

MRS. ARNOLD: Well, I'm afraid I'm very prejudiced about anyone that's involved in any way with drugs. That's about all I have --

THE COURT: There again, probably a lot of people are. But here you can't convict someone just because of that.

MRS. ARNOLD: No, I agree.

THE COURT: You have to listen to the

testimony.

MRS. ARNOLD: I realize that.

THE COURT: What happens to other people or that you read about or anything like that is not relevant to this case. You have to listen to the evidence and decide this case solely on the evidence.

So, do you think that you could put that aside and base your opinion on the evidence?

MRS. ARNOLD: Well, I would try.

THE COURT: All right. Let's take a short recess; and I'll see you in a few minutes. You can stand or walk. I'll be back in about 5 minutes. Okay.

(Short recess taken.)

THE COURT: I think we were at Mr. Rosenbaum.

MR. ROSENBAUM: Your Honor, The State is satisfied.

THE COURT: This is Juror No. 6.

EXAMINATION OF MARYBELLE ARNOLD

BY MR. MOTSCH:

Q Okay, Mrs. Arnold.

A Yes.

Q Believe me, I appreciate your candor; and you had said that you, basically, are very prejudiced when it comes to drugs?

A Yes.
Q Now, if there is mention of drugs in this case, would that give rise to that prejudice?
A Yes, I think so.
Q Again I appreciate your candor and that's -- everybody's human and everybody has certain biases and prejudices that make up our human nature.

Are you saying because there might be testimony about drugs in this case, that you don't feel that you can be fair and impartial in listening to the evidence?
A Well, I'd try to be; but I'm not sure I could be. The other thing, I was listening to the directions; and I'm afraid pictures --
Q Might be too much for you to handle?
A I'm afraid so. I'm trying to be truthful.
Q Do you feel that because of the nature of this trial, what he is charged with, just that, in and of itself, would make it difficult for you to sit as a Juror?
A It would be difficult.

THE COURT: Well, I think it's difficult for all Jurors.

MRS. ARNOLD: Well --

THE COURT: But can she be fair is the question.

Q That is, because of that difficulty, do you think

that might interfere with you being fair and impartial?
A It might. I would try to be fair.
Q But you're saying you can't tell us for sure that you would be?
A I can't tell you for sure.
MR. HOTSCH: Your Honor, I would make a motion for cause.
THE COURT: All right. We'll excuse her for cause. You're excused.
MRS. ARNOLD: Thank you.
THE BAILIFF: Juror No. 40, Marjorie Kenska.
THE COURT: Is it Mrs.?
MRS. KENSKA: Yes.
THE COURT: Have you heard the questions all right up to this point?
MRS. KENSKA: Yes, I have.
THE COURT: Would you be able to serve as a Juror for us?
MRS. KENSKA: Yes, I would.
THE COURT: Good.
State of Ohio.
EXAMINATION OF MARJORIE KENSKA
BY MR. ROSENBAUM:
Q Ma'am, are you currently married?

A No, I'm a widow.
Q How long were you married for, ma'am?
A 24 years. I have been a widow for 20.
Q Do you have children, ma'am?
A 1.
Q Do you work outside of the home or have you?
A I'm retired from General Motors.
Q What did you do there, ma'am?
A I was a Floor Inspector for 30 years.
Q Have you, a close family member or friend ever been the victim of a crime?
A I was a victim of a mugging at one time.
Q How long ago was that, ma'am?
A Several years ago.
Q Were the Police called?
A Yes, they were.
Q Were you satisfied with the service the Police provided you?
A Very much.
Q Have you, a close family member or friend ever been arrested for a crime?
A No.

MR. ROSENBAUM: Thank you, Your Honor.

EXAMINATION OF MARJORIE KENSKA

BY MR. MOTSCH:

Q Mrs. Kenska, have you heard anything about this case, read anything about it in the paper?
A No, I don't get the newspaper except on Sunday; and I haven't read that for a couple of weeks.
Q Had you read about it prior?
A No, I know nothing about it.
Q Is there anything that you know that would make you feel you couldn't be fair and impartial --
A No.
Q -- in this case?
A No.
Q The fact this this case might concern testimony about drugs --
A No, that wouldn't bother me.
Q If you would feel that there was some wrongdoing going on, something my client did that was against the law but that does not relate to the charge of murder or felonious assault, would that influence you at all?
A No.
Q Are you willing to listen strictly to the evidence and base your decision only on the evidence?
A Yes, that's right.

MR. MOTSCH: Thank you, ma'am.

THE COURT: State of Ohio?

MR. ROSENBAUM: Satisfied, Your Honor.

THE COURT: Mr. Motsch?

MR. MOTSCH: The Defense is satisfied, Your Honor.

THE COURT: Ladies and Gentlemen, would you please stand and raise your right hand. You will be The Jury in this case.

(Thereupon, a Jury of 12 was duly impaneled, accepted, sworn and/or affirmed.)

THE COURT: Be seated.

THE BAILIFF: Juror No. 20, Shirley Shupe.

THE COURT: Is it Mrs. Shupe?

MRS. SHUPE: Yes.

THE COURT: If you're selected, you would be the alternate for us. So, if 1 of the 12 can't complete their service with us, then you would be called to take their place. So, you would have to listen just as carefully as they do and be fair to both sides.

Do you think you can do this for us?

MRS. SHUPE: Yes.

THE COURT: State of Ohio?

EXAMINATION OF SHIRLEY SHUPE

BY MR. ROSENBAUM:

Q Are you currently married, ma'am?

A Yes, I am.

Q For how long?

A 22 years.
Q Do you have children, ma'am?
A 2.
Q Do you or have you worked outside of the home?
A I have worked outside for 22 years.
Q What do you do?
A Office Manager, Erdie Paper in Lorain.
Q Is your husband currently employed?
A Yes,.
Q What does he do, ma'am?
A Store Manager.
Q Where?
A Broadview Apple's.
Q Have you, a close family member or friend ever been arrested for a crime?
A No.
Q Have you, a close family member or friend ever been the victim of a crime?
A No.

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

EXAMINATION OF SHIRLEY SHUPE

BY MR. MOTSCH:

Q Mrs. Shupe, do you know anything about this case? Have you read anything about it, heard anything about it?

A I read one of the very first articles in the paper, casually.
Q What paper was that?
A The Chronicle.
Q Do you remember what was said?
A Pardon me?
Q Do you remember what the article was about or what was said in the article?
A No, not really. I work in Lorain; and I had seen that it was Lorain related; and that was about it.
Q From your having read that, would that give rise to any bias or prejudice or any preconceived idea about this case?
A No.
Q Does the fact that this case involves a charge of aggravated murder -- would that, in and of itself, present you with a problem being a Juror?
A No.
Q Do you understand that you can only listen to the evidence that's introduced and base your decision only on that evidence?
A Right.
Q Are you willing to do that?
A Yes, I am.

MR. MOTSCH: I have nothing further.

THE COURT: Any further challenges, State of Ohio?

MR. ROSENBAUM: No, Your Honor.

THE COURT: Mr. Motsch?

MR. MOTSCH: No, Your Honor.

THE COURT: Would you please stand and raise your right hand. You will be the Alternate Juror.

Thereupon, an Alternate Juror was duly impaneled, accepted, sworn and/or affirmed.)

THE COURT: Members of The Jury, it is important that you be fair and attentive throughout the trial. Do not discuss this case among yourselves or with anyone else. Do not permit anyone to discuss the case with you or in your presence. Do not form or express any opinion on this case until it is finally submitted to you.

You will receive, first, the opening statements. That's when the attorneys tell you more about the case. Remember, what they say is not evidence. This is just their discussion with you. So, we'll have the opening statements.

Then we'll go into the evidence. The State of Ohio will go first. Now, the evidence will come from the witness stand and the exhibits.

After all the evidence is completed, then we have the final arguments of the attorneys; and then I'll give you

all the law and definitions that you need after that.

It would be unfair to discuss this case among yourselves before you receive everything necessary for your decision. After the trial is over, then you are free to discuss the case with anyone if you choose to do so.

The Court instructs you not to converse -- this is during the trial -- with the attorneys, parties or witnesses during this trial. Likewise, the participants in the trial must not converse with you. If anyone should attempt to discuss the case with you, report the incident to The Court or to my Bailiff immediately.

You may not investigate or attempt to obtain additional information on tnis case outside of the Courtroom. It is highly improper for any one of you to attempt to do so.

Again, please disregard any news media report about the case. News reporters are not in the Courtroom throughout the trial, so their impressions are incomplete and, at times, inaccurate.

You may only consider and decide this case upon the evidence presented here during this trial. If you should acquire any information from any outside source, you must disregard it.

In the event you experience a personal problem, you may explain the matter to the Bailiff or to my Court

Reporter. They then will convey the message to me.

I will repeat these instructions at each recess. If overlooked, they nevertheless apply to your conduct throughout the trial. Your base of operations now will be the Jury Room directly across the hall. So, I'll have Jeff take you over there. Tomorrow morning you'd sign in upstairs and then come back; and, after each recess, always go to your Jury Room so we know where to find you.

So, with that, we'll take a short recess; and I'll see you in a few minutes.

(Short recess taken.)

THE COURT: Ladies and Gentlemen, we'll have the opening statements of the attorneys, and then we'll go into the evidence.

State of Ohio.

MR. ROSENBAUM: Thank you, Your Honor. Good afternoon, again, Ladies and Gentlemen.

As you may have gathered, today's case is an aggravated murder case; and it concerns the death of Marsha Blakely. Her body was found behind the Westgate Shopping Center at 21st and Leavitt in The City of Lorain on August 8th of 1991, at approximately 9:00 a.m. in the morning.

This case and the evidence we hope to show you will tell you how she came to her demise; and I believe will prove to you that this man right here, the Defendant, was

one of the people responsible for her death and is guilty.

The evidence is going to show you, and our first witness will be a Deputy Coroner from Lorain County, and he'll have very graphic and gruesome pictures, as Mr. Motsch has intimated to you, showing you how she died. And I think it's very important that you understand this because this greatly supports the theory of The State's case.

This woman was tortured before she was killed. Someone wanted to know something. You're going to find that she was stabbed approximately 20 times in the neck, superficially, but very painfully. Somebody wanted some information from her; and they were motivating her. They were prodding her with a knife.

She did not come up with the money or information they wanted from her, that the Defendant wanted from her; and she was killed. The manner of her death, the exact mechanism of her death is impossible to tell you because she was hurt so badly in different ways and in a very short period of time; but you will find that she was beaten severely.

You'll find, in addition to the 20 stab wounds to her neck, that her throat was sliced almost right through and down to the windpipe and then simultaneously, or within minutes of that, she was run over by a car, which finished

the job; and what started it is beyond the ability of medical science to say; but you'll find that there is no doubt that she was the victim of a very savage and brutal demise.

The State's next witness will be called sort of out of order in the story of things and will be from the Bureau of Criminal Identification to identify the blood on the Defendant's own jacket.

You'll hear testimony from Det. Taliano that he admitted wearing this jacket. You'll hear testimony from one of the Defendant's girlfriends that he had this jacket on at the time; and you'll hear testimony from Mr. Laux of BCI that the blood on his jacket was the same type as his, not the victim's, and this becomes relevant and important and will be one of the corroborating circumstances that will help you when you hear what one of The State's other witnesses that received the reward has to say and is truthful.

You will hear, I hope, from a man named William Avery, Jr., who, though he is recalcitrant for more than one reason, I hope that he is going to take the stand and testify. If he refuses to do so, we do have his deposition to offer, at which Mr. Motsch and the Defendant were present.

Mr. Avery, Jr., is a thug. He is a drug seller,

although he does not admit to using drugs; and I don't think there will be any reason to doubt him. He will freely tell you he is in the business of selling drugs; and he got his drugs from tnis man right here. He incurred a debt to them, which he had to work off; and he volunteered his services as a thug to beat up whoever they might need to work off his debt so he would not get in trouble.

This man and his friends recruited Mr. Avery, Jr.'s, services on the evening of Marsha Blakely's death and said to him, we want you to beat someone up for what you owe us; and he willingly agreed. He accompanied them to the apartment of Floyd Epps, where Marsha Blakely sometimes resided.

Now, Marsha was a drug addict. Marsha was a user. In any event, you'll hear that when Mr. Avery, Jr., went to the place where he was supposed to work off his debt, he recognized Marsha and said, I can't do it to her, I know her, we grew up together, I have known her for a long time, or whatever; and, whereupon, the Defendant and nis cohorts take it upon themselves to start physically beating Marsha Blakely.

In that melee, Mr. Avery, Jr., will tell you that Marsha Blakely was holding her own and struck him in the nose causing a nose bleed, wnich is the blood of nis type

all over the jacket he admits that he was wearing, so that he was forced to withdraw from the conflict. But, you will find out that there were enough others of his associates that they were able to beat Marsha unconscious and drug her out.

Now, prior to this, in the evening, you'll hear testimony from someone that knew Marsha Blakely -- and her name is Mary Jane Gonzalez -- Mary Jane is going to tell you that prior to the morning she was found, Marsha Blakely was desperate for money. She was boosting steaks. She had stolen steaks. She was trying to sell them to Mary Jane or anybody for money. She told Mary Jane, you know how it is when you owe.

She was beaten badly, apparently; and I think you will be able to conclude from the evidence that they gave her some time to come up with the dough. When she wasn't able to do so, they killed her.

You'll hear testimony, also, from another person who was in jail with the Defendant. He is a jailhouse informant. He is looking to save himself and to cut a deal with The State and that's what's motivating his testimony; but you'll find that he had information that could only be gathered from the Defendant.

You'll find that his information jibes with what William Avery has to tell you, and it will jibe with what

Det. Taliano will tell you he personally observed at the scene of the crime. But, in any event, the sum and substance of this jailhouse informant's testimony is that he told nobody about it for a while; and, when finally served with his murder indictment, he broke down and said to him, I did it. But that's not the only person he admitted this to, either.

The Defendant's girlfriend, Delphenia Guice, with whom he resided at least part of the time he was in Lorain, is going to tell you that night she lent him her car. I think she will tell you he went out with his thugs. He came back in with his jacket covered with blood, and that he said to her the next day something like, I killed the junkie bitch. Then he says, I'm just joking, but would you say I was with you in any event; whereupon she said no, she wouldn't.

She is afraid, as are all these witnesses; but she did come forward. She has been reluctant to testify.

She vacillates back and forth; but I think she is finally going to come in and do the right thing and tell you that he admitted this.

So, you'll have his jacket with the blood, which confirms what the guy, William Avery, says he saw in the fight, that she was beaten and drug unconscious. You'll have evidence from the Coroner showing that she was

drug some distance, by her injuries and things that were found on her body. You'll have his confession to the jailhouse informant; and you'll have his admission to his girlfriend; and, I think as I have told you, that if you are confident in your reasoning abilities and you pay close attention, you'll find that The State of Ohio has produced enough evidence for you to conclude that Marsha Blakely was an addict, she couldn't pay her debt or pay for the drugs, for whatever reason she had; they beat her; they sent her out to get the money; she couldn't do it; and she suffered at his and his cohorts' hands one of the most brutal deaths that you'll ever hear testimony about in this Courthouse.

THE COURT: Mr. Motsch.

MR. MOTSCH: Ladies and Gentlemen of The Jury, you've all promised to listen only to the evidence; and I'll caution you that the statements I'm giving you right now and what Attorney Rosenbaum just gave you are not evidence.

This is an opening statement. We try to give you some guide about where we think this case is going to go. To that effect, you're going to hear a number of different players in this, obviously, Marsha Blakely, who's the victim in this, and the Defendant, Lenworth Edwards.

Mr. Rosenbaum told you about the testimony of Mr.

Avery. I will say that it's up to you to give credibility to any witness based on what they say, how they say it, and what the facts and circumstances surrounding it are.

Mr. Rosenbaum had made mention that she owed them money, Marsha Blakely. There will be a lot of thems. You'll hear testimony concerning a person by the name of JR, person by the name of Shakeem, person by the name of Justice, person by the name of Al, person by the name of Patch, person by the name of Supreme.

Ladies and Gentlemen, we do not deny that Marsha Blakely met a horrible death. That will be obvious. What we are denying is that Lenworth Edwards had anything to do with that, anything.

We believe that what you will hear is a story, a story coming from one person, the one person who had reason to make the story up, okay; and that's it. That's going to be the evidence. There will be things that the prosecution will say that will corroborate that. That's up to you, Ladies and Gentlemen of The Jury. That is up to you.

Now, the scene where this took place was in Lorain, Ohio. Now, the physical evidence from my client -- there's going to be a jacket with his blood on it, not the victim's, his. And that's all the physical evidence that you're going to be looking at concerning my client.

Everybody who is human has certain biases or prejudices concerning a number of things. But, as a Jury, what I'm asking you to do is use your God given common sense because if you do, if you go over all the evidence that is brought in this Courtroom in this trial, the conclusion you have will be unmistakable, that is there isn't enough evidence, not even close.

You might very well think that, perhaps, Mr. Lenworth Edwards got himself involved with the wrong people or the wrong crowd. That is not proof of murder. The Prosecutor wants you to believe that Mr. Edwards did what you're going to see to Marsha Blakely.

In our theory of innocence, he is. He didn't do it; and I'm sure that you're going to realize a number of people could have done this, a number.

The burden the Prosecution has is proof beyond a reasonable doubt. This is a very important case; and I'm going to ask that you pay particular attention to the evidence that you hear; and after you hear all the evidence, I think you will be left with only one conclusion.

I appreciate your attention and your concern over what is going to happen in the following day or days. Please give this your careful attention.

Thank you.

THE COURT: The State's first witness, please.

MR. ROSENBAUM: Dr. Buchanan.

MR. MOTSCH: May it please The Court, I would make a motion for a separation of witnesses at this time.

THE COURT: Granted. If there are any witnesses in the Courtroom, you'll have to wait outside until you are called.

Thereupon, The State of Ohio, in order to maintain the issues on its part to be maintained, called RICHARD S. BUCHANAN, M.D. as a witness, upon being first duly sworn and/or affirmed, was examined and testified as follows:

DIRECT EXAMINATION OF RICHARD S. BUCHANAN, M.D.

BY MR. ROSENBAUM:

Q Will you state your name, please, sir, and spell your last name for the Reporter.

A Richard S. Buchanan, B-u-c-h-a-n-a-n.

Q Do you have a profession or trade that you follow, sir?

A Yes, I'm a physician.

Q And are you licensed to practice medicine in The State of Ohio?

A Yes.

Q Have you served Lorain County in any other capacity, Doctor?

A Yes, I have been a Deputy Coroner since 1967.

Q Pursuant to your duties as a Deputy Coroner, were you present and did you assist in and/or perform the autopsy on a woman whose name during her life was Marsha Blakely?

A Yes.
Q Will you tell the Court and Jury what date that took place?
A That was October 8th of this year.
Q Do you have a report with you that you prepared in the ordinary course of business of the Lorain County Coroner's Office that details your findings as a result of this autopsy?
A Yes.
Q Will you produce that, please?
A Yes.

MR. ROSENBAUM: Mark this, please.

(Coroner's Report marked as State's Exhibit No. 1 for identification.)

Q Doctor, I would like to hand you what has been marked as State's Exhibit No. 1 and ask you if you can identify that, please?
A Yes.
Q What is that, sir?
A This is a Coroner's Report setting up the cause of death and the official Autopsy Report of the Coroner's Office that I prepared.
Q Is that document under official government seal of the Lorain County Coroner's Office?
A Yes.

Q When an autopsy is performed by the Lorain County Coroner's Office, are pictures taken?
A Yes.
Q Are those pictures sometimes taken by your office at the scene where the body is found?
A Yes.

MR. ROSENBAUM: Mark these, please.

(Photographs marked as State's Exhibits Nos. 2 through 2K for identification.)

Q Doctor, I would like you to look at some photographs that have been marked as State's Exhibits 2 and 2A through 2K and tell us if you can identify them, please.

Do you recognize those photographs, sir?
A Yes.
Q And were they taken by the Lorain County Coroner's Office?
A Yes.
Q Do those photographs, to the best of your knowledge, truly and accurately depict the scenes they represent?
A Yes.
Q Will you tell The Court and Jury briefly what are they, in general, photographs of?
A These are pictures of the body at the scene where it was found of the lady dead, as she lay there; and the subsequent pictures are -- from 2D are pictures of the

body taken in the morgue during the course of the autopsy, mostly before the autopsy was started.

MR. ROSENBAUM: Your Honor, at this time, I would like to move their admission and ask the Doctor, then, if they were admitted, if he would be able to hold them up and describe what each scene depicts in detail to The Jury.

THE COURT: Have you seen the pictures yet?

MR. MOTSCH: Yes, I have, Your Honor. At this time I understand the probative value of those pictures; however, I would object to the inflammatory nature of that.

THE COURT: May I see them, Doctor?

THE WITNESS: Yes.

THE COURT: Your objection is just on inflammatory?

MR. MOTSCH: Yes, Your Honor.

THE COURT: The objection is overruled. The pictures are admitted into evidence.

Unfortunately, victims pictured such as this would be rather upsetting; but you may examine.

(State's Exhibits Nos. 2 through 2K admitted in evidence.)

Q Doctor, would you be so kind to hold the first picture up -- I believe it's 2 -- and tell The Jury what

that depicts.

A Yes, this is a picture taken of the body at the scene; and it is taken from some distance, from the foot end.

Q That is Marsha Blakely's body?

A It shows the body of Marsha Blakely and bloodstains from the upper head area.

No. 2A is a picture taken from the left side; and you can see more clearly bloodstains in the hip area there and a larger bloodstain from the area of the head and neck.

This is a closer one of the upper chest, head and neck, showing in more detail the bloodstain and a brighter red area on the neck which represents a cut in the neck; another showing the same thing; and you can get some view, also, of an abrasion, scrape, with blood on the left side of the head, somewhat under my finger there.

This is an initial picture taken in the morgue before we undressed her; and it, again, shows the bloody head and the cut neck.

This is a picture taken after we wiped her off somewhat, showing a cut throat; and, at the tip of my finger you can see a somewhat whiter, tubular structure that's the windpipe, which has been cut through.

This is a picture which is difficult to orient. It's just a picture of the back of her buttocks showing some

leaf material and some plants at the scene.
Q So, this was stuck on her flesh, on her rear end?
A Yes.
Q And she was clothed, though, when you found her?
A Yes.
Q So, this leaf material was under her clothing?
A Yes.
Q Is that consistent with someone being drug, Doctor?
A Yes.
This is a picture, again difficult to orient, but taken from the back on the right side, of the upper shoulder there and toward the right side of the neck, and it shows numerous cuts or lacerations in the neck.
Q Now, were these deep injuries?
A No, they were not.
Q Were they life-threatening in any way?
A No.
Q Would they be painful as they were inflicted?
A Yes.
Q How many of these were you able to find on her neck area?
A Around the -- most of them were on the back, right side, about 15, and a total of 20 or more going around to the front of the neck, with a few on the left side.
Q How deep were these little wounds?

A These wounds, as I recall, were very superficial, quarter inch or so; and they ran for, maybe, three-quarters of an inch to an inch in length under the skin.

Q So, they weren't directed in more of a deep --

A They were not directed deep.

Q They were like three-quarters of an inch to an inch in length under the skin?

A Yes.

Q And there's 20 of these?

A At least.

Q And in what area of her body were they inflicted?

A Mostly on the right side and some -- most on the right side and the back and the side, some in the front and a few on the left side.

Q And these would not have killed her?

A No.

Q But they were painful?

A Yes.

This is another showing somewnat the same thing. This is the ear, the hair; and again you can see some small drops of blood and some of the cuts shown.

This is not very clear; but it shows cuts on the fingers of the left hand.

Q What is the significance of wounds like that, Doctor?

A These wounds are called defense wounds and usually are acquired in some defensive gesture of the victim in trying to ward off assault, pushing the knife away or grasping it. They're trying to fend off blows. Sometimes you find them on the forearms, hands.

This is a picture of the cut throat. Again the circular, tubular object in the middle is the windpipe that's been cut and there are fleshy masses on either side which result -- the bulky muscles on either side of the throat that have been almost cut through.

Q Is the wound straight across the neck or does it slant up in any way? Are you able to describe the wound any more for us, Doctor?

A The wound was pretty much deeper on the left side and becoming somewhat more superficial as it came over to the right side and pretty much horizontal. I don't recall a slant or cant, particularly.

Q Based upon the shape or type of wound that was inflicted in her neck and the fact these little prod marks were on the right side, are you able to form an opinion as to whether her assailant was right or left-handed?

A My reconstruction is that the assailant probably was right-handed; and that was standing, perhaps, in back of the victim.

Q Can you see from your seat what hand the Defendant is

holding his pen in at this time to write with?
A Right hand.
Q Can you tell The Jury if any arteries or veins were severed and does that picture show that?
A The picture does not show it clearly, but the main, the large vein on the left side was severed. It's called the left internal jugular vein.
Q Would that cause a rapid death or in what time span would that cause death, if it would?
A That would cause disability within minutes and death within just a few more minutes, very -- a very rapid loss of blood.
Q Would that account for the puddle of blood that is shown in the earlier pictures you showed?
A Yes.
Q Go on, please. Do you have any more photos?
A The last one is of a bruise or abrasion of the left shoulder and, again, it's not very clear. It's a nonfatal injury.
Q Were you able to tell from the crime scene and her injuries if the Defendant was struck by a vehicle?
A I did not personally visit the crime scene. That was done by my associates; but, yes, judging from the injuries, the victim may well have been struck by a vehicle.

Q Do some of the pictures that you have shown us show tire treads going through her blood and demonstrate a course that passed over her body?

A Yes. There are tire treads that are visible in this first picture along that line; and I can't speak with certainty about the tire marks on her body.

Q Now, Doctor, were there other injuries that she sustained other than to the throat and head area?

A These were -- are the dominant injuries. There was a 2 bruises or scrapes on the back of each shoulder; and the last one, the last picture I showed you, was the one on the left shoulder.

There was a cut on the palm of the hand, which I described to you as being, probably, a defensive injury; and there was a laceration on the left elbow, cut, and one on the ball of the left big toe.

Q Did she sustain any bone fractures, Doctor?

A Yes, she did. She sustained a fracture of the right jawbone, right about here; and there was a very large fracture, dislocation of the spinal column where it joins the skull.

Q What, exactly, do you mean by that, Doctor?

A I mean that the neck was snapped off the spinal column by -- or off the skull by some substantial force, such as a major impact with a car, as you mentioned.

Q Can you state what the exact mechanism of her death was today, Doctor?
A I think the mechanism of her death was blood loss due to the cut throat; and going back to one of the questions you asked earlier, there was an injury to the chest on the left side with many fractures of the ribs and some bleeding into the chest cavity on the left side.
Q The rib fractures were only on the left side as well?
A Yes.
Q Would the neck, snapped neck have been fatal as well?
A Yes.
Q Is it possible to say with today's medical knowledge which injuries occurred first?
A It is difficult to say. I think the main injury, judging from the scene and from the severity of the cut neck, must have been the dominant injury; but I believe the -- the chest injuries occurred while there was still some life; and I believe there were injuries on the scalp, evident when we turned the scalp back, that also occurred during life.
Q Because there was bruising and blood flow?
A Right, because there was bruising, which would require some blood flow present when it was done.
Q Is it fair to say all these things happened to Marsha Blakely in a matter of minutes?

A Yes.

Q And that any one or all of them could have caused her death?

A Yes.

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

CROSS-EXAMINATION OF RICHARD S. BUCHANAN, M.D.

BY MR. MOTSCH:

Q Doctor, did you personally visit the crime scene where the body was at?

A No.

Q Were you able to determine an approximate time of death?

A I determined that -- or I estimated that as early in the morning of that day, the 8th.

Q Is there some time frame? When you say "early morning," was it plus or minus an hour or 2 hours?

How does that work, Doctor?

A It's not an exact determination. The determination is made on the presence -- on the signs of death which we call rigor, which is stiffening of the muscles.

And this takes about 4 to 6 hours to start; and it becomes manifest -- it's fairly well developed by 10 to 12 hours and stays for, maybe, another 12 hours before it starts to fade.

There are many, many variables so that it's quite difficult to be as precise as they are in the TV stories.

Q So, when you say the early morning hours of the 8th, could that be anywhere after midnight to what time?

A Midnight, probably, till I saw her at 3:00 and -- midnight to 5:00 or 6:00 in the morning, I would imagine.

Q Doctor, were you able to determine what, if any, instrument was used that would cause the injuries to the neck area of Marsha Blakely?

A The cut throat was caused by a sharp knife-like object. The multiple stab wounds, I should imagine, were caused by a thinner -- a thinner knife, with not a very wide blade.

Q But you do think that the main damage that was caused to the throat was done by some sharp instrument in a cutting manner?

A Yes.

Q Would you then assume that there was a person holding that cutting instrument at the time at which her throat was cut?

A Yes.

Q Now, I believe you stated, Doctor, that the cause of death was probably rapid loss of blood?

A Yes.

Q And that would have been caused by the injury to the

throat?
A Yes.
Q Would that have resulted in much blood? Would there be much bleeding in that type of wound?
A Yes.
Q I think you stated that her jugular, the aorta had been cut?
A The jugular vein just pours blood; and the arteries pump it out in spurts or jets.
Q Do you think, in this type of a case, it would have been spurting, spraying?
A No. As I said, the veins just pour it out. The arteries pump it out.
Q Is it your belief that there was someone standing behind her doing that?
A That's a likely scenario.
Q To your knowledge, from looking at the pictures and in your investigation, were there any footprints found in her blood?
A I can't speak to that.
Q Were you able to determine how much blood she actually lost?
A No.
Q Would it be fair to say that she lost a sizable amount?

A She lost a sizable amount. I did estimate there was at least a unit of blood, which is 500 ccs, about a pint, little more than a pint in her chest cavity, her left chest cavity; and her capacity would have been, maybe, a total of 8 pints, 8 or 9 pints.

Q Now, Doctor, I believe you stated that she had also suffered other injuries besides the wound in the tnroat; is that correct?

A Yes.

Q And there were bruises on both shoulders?

A Yes.

Q Bone fractures --

A Yes.

Q -- of the neck?

A The neck.

Q And also rib fractures?

A Yes.

Q And you stated that, in your opinion, was consistent with someone running over her in a car?

A Yes.

Q Now, Doctor, in what you have looked at and in your investigation, were you aole to tell whether or not, prior to those serious injuries, whether or not there were any other injuries that had been done to Marsha Blakely?

Do you understand the question, Doctor?

A I believe I do.

I would imagine because of the nonfatal or non-incapacitating nature, that the multiple, little stab wounds on the neck must have been done while she was still alive and still competent.

Q Were you able to determine any abrasions about her face or anything that would indicate that she had been punched?

A I can't speak for certainty to that. There was a substantial abrasion on the left side. There was a cut lip on the left side and a fracture of the jawbone on the right side.

Q When that might have taken place, though, that would be conjecture on your part to say?

A Correct.

MR. MOTSCH: I have no further questions.

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

THE COURT: Thank you, Doctor.

MR. ROSENBAUM: Mr. Laux.

Mark these, please.

(Blood samples marked as State's Exhibits Nos. 3, 4 and 5 for identification. Jacket marked as State's Exhibit No. 6 for identification.

Laboratory Report marked as State's Exhibit No. 7 for identification.)

* * *

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

DIRECT EXAMINATION OF DALE LAUX

BY MR. ROSENBAUM:

Q Will you state your name, please, sir, and spell your last name for the Reporter.

A Dale Laux, L-a-u-x.

Q Are you employed, sir?

A Yes, sir.

Q What do you do for a living?

A I'm a Forensic Scientist with the Ohio Bureau of Criminal Identification and Investigation.

Q And wnere is that?

A (No response).

Q Or your office?

A In Richfield, Ohio.
Q And does your office serve this area of the State?
A Yes, sir.
Q Will you tell The Court and Jury, briefly, what qualifications you have and what training that enables you to perform your functions as a Forensic Scientist.
A Yes, I have a Bachelor's of Science Degree from Heidelberg College and a Master's of Science Degree from Ohio State University.

I have received in-service training at the headquarters laboratory of BCI in London, Ohio, and I have attended several courses. I'll mention a few of these.

I have attended the FBI Academy in Quantico, Virginia, on 3 occasions. 2 of these courses dealt with the analysis of bloodstains, and 1 course dealt with the analysis of hairs and fibers. I have had advanced training in bloodstain analysis from the Illinois Department of Law Enforcement, had advanced training in blood and semen analysis and typing from the Serological Research Institute in Emeryville, California.

I have had training in the use of forensic microscopes from Walter McCrone's laboratory in Chicago, Illinois; and I have attended several seminars from the Midwestern and American Academy of Forensic Scientists.
Q Do you belong to any professional associations

pertaining to your field, sir?
A Yes, sir.
Q Would you tell The Court and Jury which ones.
A The Midwestern Association of Forensic Scientists and the American Academy of Forensic Scientists.
Q Do these associations publish periodicals which help you keep abreast of the recent events in your field?
A Yes.
Q Do you read and subscribe to them?
A Yes, sir, I do.
Q Will you tell The Court and Jury, sir, what your duties are as a Forensic Scientist for the Bureau of Criminal Identification.
A I work in the micro-analysis section of the Lab; and we analyze all sorts of items that are brought to us, mostly bloodstains and semen stains and also hairs, fibers and other trace evidence.
Q Were you asked to assist the Lorain Police Department in connection with this case, sir?
A Yes, sir.
Q And can you tell The Court and Jury what you did to assist them.
A The first examination I performed was on a jacket that was submitted to us. This was one of the first pieces of evidence that they wanted examined. I remember

looking at a jacket and a pair of pants for bloodstains and typing those bloodstains.

Q So, you did find blood on the jacket?

A Yes, sir.

Q Was the blood in any type of pattern that might give you a clue or some insight as to how it got on the jacket?

A Yes, it was.

Q Will you describe that to The Court and Jury, please.

A It was not in the form of smears but rather had -- it was in the form of spatters. Spatters is a term that we give to blood that's been traveling and has moved due to some sort of force. They can be spatters as a result of a very low velocity. Just patting your hand in some blood would cause some spatter to form or they can be extremely high velocity spatters that you might get with a gunshot, fine mist or something; but these spatters appeared on the jacket and had directional direction to them, directional pattern to them.

That indicated that they came from above, that the pattern of the spatters on the jacket appeared that the blood came from above and dropped onto the jacket.

Q Would these patterns be consistent, in your professional opinion, with a nosebleed?

A Yes. As a matter of fact, I believe I mentioned to the Detective that it appeared that that might have been

one of the sources of the blood.

Q I would like to hand you 3 packages which have been marked as State's Exhibits 3, 4 and 5, sir, and ask you to look at them, please.

A State's Exhibit 3 is BCI Item No. 91-34122A6; and this item contained a blood standard from Lenworth Edwards. I believe it contained 4 vials of blood from Lenworth Edwards.

State's Exhibit 4 is a plastic bag, sealed, which contains dried blood and also a tube of blood from Marsha Blakely; and State's Exhibit 5 is a sealed plastic bag which contains 2 envelopes, contains dried blood and liquid blood, from Floyd Epps.

Q Can you identify, sir, State's Exhibit 6?

Open it if you'd like.

A This is -- was a sealed, brown bag -- I have just opened it -- containing a jeans jacket. It was our State's, BCI Exhibit 91-34122, No. 2, and it's a blue jeans jacket; and I sealed it up in brown paper at the lab.

I can open that if you would like.

Q Would you please so The Jury can see it.

A I have cut out, I believe, 4 squares. There's 3 on the right front and then another one on the left-hand side of the jacket, in which there were bloodstains; and those

stains are frozen at the laboratory.
Q So, you had that jacket in your possession for analysis --
A Yes, sir.
Q -- along with State's Exhibits 3, 4 and 5, that contain blood?
A That's correct.
Q Can you tell The Court and Jury how they came into your possession?
A The jacket was submitted to our laboratory by Det. Taliano on August 20th, 1991, and the blood samples were submitted by Det. Resendez on August 21st, 1991.
Q And did you compare the jacket to the blood samples in any way?
A Yes, I did.
Q Will you tell The Court and Jury briefly what you did to make that comparison.
A Yes. First of all, I performed tests on extracts from the 4 stains that were found on the front of the jacket -- I'm sorry. Apparently, there were 5 stains on the front of the jacket.

All of the stains contained human blood. I attempted to run ABO groupings on the bloodstains and also additional genetic markers. The ABO groupings are the markers that you are probably familiar with, Type A, B,

AB, O; and, unfortunately, those markers did not come up on the samples from the jacket.

However, I was able to obtain information on some of the genetic markers of the stains on the jacket. And Stains 1, 2, 3 and 4 were PGM Type 2. The 5th stain was a very small stain and was not typed in the genetic marker system; but stains 1, 2, 3, and 4 were PGM Type 2, ADA Type 1 and AK Type 1; and I typed the bloodstains from Marsha Blakely, Floyd Epps and Lenworth Edwards and ran those along with the stains from the coat and their markers. Marsha Blakely was type PGM 1 plus 1 plus; Floyd Epps is 1 plus 1 minus, and Leonard Edwards is 2 plus 2 minus.

So, he is a Type 2; and I concluded in the report that the bloodstains found on the jacket could not have come from either Marsha Blakely or Floyd Epps but could have come from Mr. Edwards, Lenworth Edwards.

Q Have you prepared a report documenting those findings that say that the blood on the jacket is consistent with the Defendant's?

A Yes.

Q Do you have a copy of that report to leave with us today, sir?

A Yes, I do.

This is the submission sheet, the first report and the second.

Q Sir, I'd like to hand you what has been marked as State's Exhibit No. 7 and ask you to identify that for the record, please.

A This is a copy of the report. I prepared the copy this morning. The original report was dated September 4th, 1991; and it indicates the results from the stains, the blood typing of the stains on the jacket; and it states exactly what I just stated about the results on the typing, that the blood matches that of Lenworth Edwards, PGM Type 2, and that is found in approximately 3.8 percent of the black population.

Q Now, is that report a business record that's prepared and kept in the ordinary course of business of the Bureau of Criminal Identification?

A Yes.

Q Is it a true and accurate copy of your report, State's Exhibit 7?

A Yes, it is.

Q How do you know or can you tell today, sir, that these 3 blood samples or standards and the coat are the same ones you worked upon and were brought to you by Detectives from the Lorain Police Department?

A Well, the -- all the items have the case numbers, my initials and the date that I performed the analysis and my handwriting on all the numbers.

Q And are they in substantially the same condition today as when you received them from the Lorain Police Department except for the work that you had to do on them pursuant to your duties as a Forensic Scientist?

A Yes, they are.

Q And can you tell us what happened to the exhibits after you analyzed them as you have testified today?

A They were placed in an evidence locker downstairs in our laboratory until they were picked up by Det. Taliano.

Q Do you recognize the seals that were put on the jean jacket and the seals that you broke today?

A Oh, yes.

Q Did you put them on there?

A Yes.

Q That's how you packaged it when you were done with your analysis?

A Yes.

Q And you opened it today in the presence of The Jury?

A Yes.

Q Can the same be said of the blood standards?

A Yes.

Q They are as yet unopened, are they not?

A They are still unopened.

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

CROSS-EXAMINATION OF DALE LAUX

BY MR. MOTSCH:

Q Mr. Laux, just so I understand, the tests that you have run you ran based on samples you have obtained and the jacket?

A Correct.

Q I take it the parts that are cut out from the jacket, those are the areas that had bloodstains on them?

A Yes.

Q So, I take it there is no bloodstains on that jacket right now because they're all cut out?

A I think you're correct, yes, that there is no blood left.

Q And pursuant to your tests, you concluded that the blood -- there was blood on the jacket?

A Yes.

Q Human?

A Yes.

Q But that could not have come from either Marsha Blakely or from Floyd Epps?

A That's correct.

Q And that it could have come from Lenworth Edwards?

A Yes.

Q There is no way of being scientifically certain that that, in fact, was Lenworth Edwards' blood?

A That's correct.

MR. MOTSCH: I have nothing further, Your Honor.

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

THE COURT: Okay. Thank you.

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

THE COURT: Yes.

(Discussion had off the record.)

THE COURT: The witness has to come from across the street; so, if you want to stand up and stretch and relax for a minute, go ahead.

It will just be a minute or so.

MR. ROSENBAUM: She's on her way.

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

DIRECT EXAMINATION OF MARY JANE GONZALEZ

BY MR. ROSENBAUM:

Q Will you state your name, please, and spell your last name for the Reporter.

A Mary Jane Gonzalez.

Q Think you could talk a little bit slower? Okay?

A Okay.

Q Are you a little bit nervous?

A Yes.

Q Did you know Marsha Blakely?

A Yes, I did.

Q How did you know her, ma'am?

A Ever since I was a kid. I grew up around her, went to school with her.

Q Did she live around you at the time of her death?

A No, not that I know of.

Q You don't know where she lived?

A Not exactly, no.
Q Mary Jane, do you know if Marsha had a drug habit?
A Yes.
Q Did she?
A Yes, she did. You could tell.
Q Was it a bad one?
A From what I observed of it, yeah, it looked like it.
Q How often would you see her prior to her death?
A Well, from where I work at, I used to see her coming out of the store all the time, walking the streets sometime.
Q And would you talk to her?
A She would say hi, yes.
Q Did you say hi back?
A Yes.
Q Do you know when she died or when her body was found?
A I found out that morning when I went to work.
Q Do you know the date offhand?
A I can't remember, no.
Q But you remember the morning when you went to work that her body was found and hearing about it?
A Yeah, I heard about it that morning.
Q In relation to that morning, when did you last see Marsha?
A That night.

Q Where at?
A She came to my apartment.
Q Can you tell The Court and Jury at what time?
A I can't remember exactly what time; but it had to be somewhere after 9:30 because I went to bed at 9:30 and all I heard was the pounding on the door; and it was her.
Q Describe as best you can exactly what you saw and heard.
A When she came in -- well, it was a real loud knock. I was sleeping. I got up; and I didn't look out the peekhole because I figured that much of a knock, as hard it was, it must have been important.

So, I just opened the door. It was her. She just came right on in. She closed the door behind her. And when I looked at her, she looked -- in my eyes she looked beat up real bad.

Q Why do you say that?

Can you describe what you saw.

A She had bruises on her face. I mean, they had to be fresh because they even looked like it. And the first thing -- my reaction towards her is, "What happened to you?"

And the only comment she made to me is, she said, "You know how it is when you owe somebody some money."

I said, "What are you talking about? You want to

talk about it?"

And she said, "I just came by to see if you had any money I could borrow."

And I said, "I don't have anything."

And she had a bag in her hand full of -- I don't know what was in it. She didn't show me.

Q Did she tell you what it was?

A I seen it, you know -- well, she had --

Q What was it?

A It was full of meat, evidently -- everybody knows her, going out stealing things, ask people, do you want to buy it.

I guess that would be her support of her habit. So, she asked me, did I know anybody who would want to buy it. She didn't offer -- she didn't ask me did I want to buy. She asked me, did I know anybody want to buy this.

Her first question to me was, did I have any money, but -- she needed some money; but I didn't have anything.

Q Can you talk a little slower, ma'am?

A I said, I don't know -- I didn't know anybody in the building or anywhere who would want it, what she had.

Q Would it be fair to describe her condition or manner as desperate?

A Very desperate.

Q She wanted money?

A Yes.
Q She wanted to know from you if you knew anybody that --
A If I knew anybody who would want to buy what she had.
Q And she asked you for money?
A Yes.
Q Did she say why she needed money?
A No, she didn't.
Q Did she say why she needed money?
A She said she needed it.
Q And she said, "You know how it is when you owe."
A Yes, I asked her -- she told me that when I asked her what happened to her, you know. I asked her, "What happened to you," you know. "Look at your face."

I mean, our conversation was based upon that. That's when she answered me, "You know how it is when you owe somebody some money."

And I left it at that. I didn't get involved into no further conversation about it.
Q What happened next?
A Then she -- she left. I mean, she --
Q Did you see where she went?
A When she left, I went back to my bedroom and through my -- through my bedroom window is the parking lot; and I looked out and all I could remember is seeing a car. I couldn't exactly remember seeing the color because it was

Q He was in the driver's position?
A Yes.
MR. ROSENBAUM: I have no other questions, Your Honor.
CROSS-EXAMINATION OF MARY JANE GONZALEZ
BY MR. MOTSCH:
Q Is it Miss Gonzalez?
A Yes.
Q You had known Marsha Blakely from childhood? You grew up with her?
A Yeah, from school, elementary, high school.
Q Since this time, did you remain good friends?
A We weren't what you really call good friends, I mean the best of friends. We knew each other as friends when we lived around each other; but we never hung around each other.
Q Had Marsha Blakely ever been to your apartment before that evening?
A Like I -- like I explained to Taliano when he talked to me, she came around, not just to me, to everybody around where I live at. She would come asking if we would want to buy things from her, I guess to support her drug habit.
Q So, her coming to your apartment wasn't unusual, then?

knew someone who wanted to buy something?
A When she asked me, did I want it, did I want to buy what she had -- her first question to me was, did I have any money, that she needs money. That was her first question.

And then I told her I didn't have any money.

Then, she said, "I have some stuff in this bag. You sure you don't want to buy it?"

I said, "No, I don't want to buy nothing. I don't have no money."

She said, "You know anybody in the building, you know, got money around here?"

I go, "No, I don't know." And that's when she left.

Q Now, you stated that she had appeared to have been injured when she came to your apartment?
A Yes, she looked beat up to me.
Q What way?
A I mean, when I looked at her face, her face -- any other time that I saw her, she didn't look that -- I mean, you know, rundown, yeah; but you could see the bruises and stuff on her face.
Q And did you ask her what happened to her?
A I asked her -- I said, "What happened to you?"

I said, "What the heck happened to you?"

And she said -- only comment she made to me is, "You

know how it is. You know how it is when you owe somebody."

And I just said -- you know, I didn't say anything. I didn't ask her anything more about it.

Q Did she mention any names?

A No, she did not.

Q Did you ask?

A No, I did not. I didn't get as far as that conversation. I didn't get any deeper.

Q Did she ask you to do anything else?

A No, she did not.

Q And I take it that immediately from leaving your apartment, she went out to the car?

A Yeah.

Q Okay -- because you were watching out the window?

A When I went -- after she left, I went out my window -- went to my bedroom; and I looked out the window.

Q Do you have any idea what type of car this was?

A No, I do not.

Q Any idea what color?

A Light color. I don't really remember too much, I mean, from that night.

Q And I believe you stated that she got in the driver's side?

A Yeah.

Q Now, this would be in the front or the back?
A The front, you know, next to the driver, the front.
Q You mean -- there's a driver. We have the steering wheel; then there's --
A Next to it.
Q The passenger side?
A Passenger side.
Q And you saw somebody in the front seat?
A It looked like to me -- looked like there was somebody in the front seat and somebody in the back.
Q And you think that tne person in the front was a male?
A Yeah, because I saw the baseball cap and that was it.
Q And that's it?
A That was it.
Q So, your impression that was a male was based solely on seeing a baseball cap?
A The cap, and that's it.
Q So, what did you do after you saw her drive away?
A I went back to bed.
Q Do you have any idea what time it was at that point?
A (Shaking head no).
Q If you know?
A I do not.
Q Would it be fair to say tnat Marsha had a reputation

within that area for being on drugs?
A I mean -- I guess.
Q I think before you said that everybody knew.
A To my knowledge, the way people talked about her, I mean that's all you heard.
Q Do you have any other friends that live in that area?
A Do I have friends, yeah.
Q To your knowledge, were they or are they -- were they familiar with Marsha Blakely?
A Yeah, lot of us just went -- lot of us who knew her around even where I live at, we all went to school with her. We all know her family.
Q Now, Miss Gonzalez, I believe you testified that she was acting very desperate at the time she came to see you.
A She looked desperate, like she needed some money real badly; and I don't know if it was for anything that goes on in this case or I don't know if it was just because she needed a drug or whatever she needed or -- but, yeah, she was desperate that night for some money, yes.

MR. MOTSCH: Thank you, I have no further questions.

MR. ROSENBAUM: I have nothing further, Your Honor.

THE COURT: You may step down.

THE WITNESS: Thank you.

THE COURT: Ladies and Gentlemen, we'll adjourn for this evening. Remember, don't talk with anyone about the case. Don't form any opinions at this time. We haven't heard all the evidence.

Sign in tomorrow morning, and then we'll start at 9:00 a.m. tomorrow morning.

So, Court is adjourned.

(Hearing adjourned.)

Hearing resumed on Wednesday, December 18, 1991, and the following proceedings occurred out of the hearing of The Jury at 9:30 a.m.:

MR. ROSENBAUM: Your Honor, I have asked for a hearing out of the presence of The Jury regarding my next witness. His name is William Avery, Jr. Your Honor, a brief scenario or history for the record, Mr. Avery, Jr., came forward at the instance of Mr. Avery, Sr., contacted Det. Taliano pursuant to a reward offered for information to help solve this crime. He was given a $2,000 reward. He felt he was in extreme danger. We concurred with him. We spent $1,000 to relocate him and part of his family to Detroit; and a few days later he was back claiming that he was in danger again.

We took a deposition of Mr. Avery, Jr., with Mr. Motsch and his client present on September 26th of 1991, in The Courthouse to preserve his testimony for fear that something might happen to him as a result of his cooperation.

He has been recalcitrant of late. He has informed Det. Taliano today that he is not testifying unless he is given immunity and $2,000 more money from the Crime Stoppers program. The Crime Stoppers program would not offer this Defendant a reward or assist in this case for 2 reasons. 1 was that it is outside of Cuyahoga County and,

2 is Det. Taliano informs me that they don't offer rewards in drug cases because they feel they would immediately go broke.

In any event, he is nere today. I don't think he will cooperate with The State. What I would like to do is bring him in, lay that foundation, and submit his deposition as evidence for The Jury to consider during their deliberations.

THE COURT: Mr. Motsch?

MR. MOTSCH: May it please The Court, for the record, we did take the deposition of Mr. Avery on the 26th of September; and I understand the Prosecutor saying that there is a possibility he will be recalcitrant on the stand.

I would, however, ask for an opportunity to cross-examine Mr. Avery on the stand concerning the deposition. If what the Prosecutor is asking is just the groundwork be laid that this deposition was given and have the deposition entered in evidence without a chance that I would have to cross-examine Mr. Avery --

THE COURT: You already had a right to cross-examine under the deposition.

MR. MOTSCH: That is correct, Your Honor.

MR. ROSENBAUM: And did so.

MR. MOTSCH: I just don't know in what

manner Mr. Avery is being recalcitrant, if he is taking the statement back.

THE COURT: None of us know yet, but we'll listen to Mr. Avery.

You may call him.

MR. ROSENBAUM: He's in the Civil Office.

Thereupon, The State of Ohio, 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 Sir, have you been subpoenaed as a witness in this case?

A Yes.

Q And are you currently residing in the Lorain County Jail as a material witness?

A Yes.

Q Det. Taliano has informed me today that you are not willing to testify; is that correct?

A Nope, I take the Fifth.

Q And is it my understanding that you will not answer any of my questions today concerning this matter?

A Yes.

Q Why is that, sir?

A I plead the Fifth.
Q Have you already testified in a deposition concerning this matter?
A Yes.
THE COURT: Is he a prospective Defendant or anything like that?
MR. ROSENBAUM: Not to my knowledge, Your Honor. We have no intention of charging him.
THE COURT: Why would you -- what basis are you taking the Fifth?
THE WITNESS: That's my rights. I take the Fifth.
THE COURT: Well, not unless you're under some prospective criminal indictment regarding this matter.
THE WITNESS: Well --
THE COURT: The Prosecutor just said that you are not under indictment.
THE WITNESS: Well, I would like to have a lawyer then. I take my rights. I like to take the Fifth.
THE COURT: You want to talk to a lawyer first?
THE WITNESS: No, I take the Fifth until we get an understanding.
THE COURT: Well, there's no taking the

Fifth. I'll let you talk to Mr. Duff back there. He's an attorney; and he can advise you of your rights anyway. And then you'll come back to the witness stand; and if tnere is not a pending matter or a prospective matter, you'll be ordered by The Court to testify.

Mr. Duff, would you go to the Civil Office and explain about the Fifth. I guess he thinks he has a right to throw out the Fifth whenever he wants to.

So, we'll let you talk to that attorney back there. He's not part of this case.

(Short recess taken.)

THE COURT: Be seated. Mr. Duff, you have talked to Mr. Avery.

MR. DUFF: Yes, I have, Your Honor. I have had a chance to discuss this matter with Mr. Avery; and it's his position at this time, Your Honor, that the Prosecutor has not fulfilled certain promises to him; and on that basis he is not willing to testify.

I have advised him that The Court will, in all likelihood, order him to testify based on the fact that the Prosecutor has advised this Court that the Prosecutor will not prosecute him for anything contained in the deposition he gave The State of Ohio. But he advises me that, despite the nonavailability of the Fifth Amendment, he still refuses to testify unless the Prosecutor fulfills

certain promises to him in regard to his personal safety.

THE COURT: Is that correct?

THE WITNESS: Yes.

THE COURT: Well, obviously the Fifth doesn't apply; so, I guess you're just refusing to testify because of some problem with the Prosecutor's Office.

MR. ROSENBAUM: Your Honor, I would ask The Court to have Mr. Duff make that more specific for the record.

THE COURT: Can you, Mr. Duff?

MR. DUFF: If the Prosecutor wants me to. I didn't think the Prosecutor wanted to get into this in open Court.

MR. ROSENBAUM: I want The Court to know what this man wants from us.

MR. DUFF: Your Honor, there was a reward in this case from Crime Stoppers that my client feels he is entitled to; and he also says that Mr. Rosenbaum promised him protection and safety. He feels that his life is in danger if he testifies in this case, and Mr. Rosenbaum assured him, according to my client now, that he would pay for his relocation to another city; and these promises, as far as my client's concerned, have not been fulfilled by Mr. Rosenbaum.

MR. ROSENBAUM: I think Mr. Duff has left

out what he told me in the hall; and that is his client's latest demand is he wants $2,000 from Crime Stoppers and $10,000 from me to relocate.

That's preposterous. We have indicated to him all along we would do the best we can to protect him. He came forward at his father's insistence, received the $2,000 reward. We paid $1,000 to send him to Detroit; and he was back within a week saying he is in danger and needs more money again.

The State does not mind paying for legitimate expenses for relocation for his cooperation. He was entitled to $2,000 for cracking this case; and he got it. We are not paying him $10,000 and 2 more.

MR. DUFF: I think that's the problem, Your Honor, between Mr. Rosenbaum's position --

THE COURT: The money problem?

MR. DUFF: Well, Mr. Avery feels that his promises, Mr. Rosenbaum's, weren't delivered. Mr. Rosenbaum feels this man is trying to take advantage of him.

THE COURT: I don't think anybody in his right mind would give anybody $10,000 to relocate. It might help him to relocate; but you don't give a person that kind of money.

You still refuse to testify?

THE WITNESS: Yes, I do.

THE COURT: Well, The Court will order you to testify; and I'll prepare an entry to that effect. You are hereby ordered to testify in this case. There's no reason to plead the Fifth.

Certainly, the desire for $10,000 or more additional money is not a valid reason.

And with that order, do you still refuse to testify?

THE WITNESS: Yes.

THE COURT: All right. The Court will find you in direct contempt of Court. You'll be sentenced to the Lorain County Correctional Facility for 10 days or until you desire to testify.

And I think we'll have you set up here and bring The Jury in and have you again state that you refuse to testify.

So, thank you very much, Mr. Duff. You can have a seat up here; and, Jeffrey, bring The Jury in.

(Jury returned to Courtroom.)

THE COURT: Be seated.

Your next witness, please.

Thereupon, The State of Ohio, 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 Sir, would you state your name again, please, for the record.

A William Avery, Jr.

Q Would you spell your last name for the Reporter.

A A-v-e-r-y.

Q Will you testify today concerning your knowledge about this case?

A No.

Q Have you given a deposition?

A Yes.

Q Was your deposition truthful statements?

A Yes.

Q Are you under Court Order to testify here today?

A Yes.

Q And you refuse to do so?

A Yes.

MR. ROSENBAUM: I have no other questions, Your Honor; and I will ask that his deposition be marked and admitted into evidence in this case.

THE COURT: Mr. Motsch?

CROSS-EXAMINATION OF WILLIAM AVERY, JR.

BY MR. MOTSCH:

Q Mr. Avery, you're under Court Order, are you not, to testify?

A Yes.

Q And you're refusing to testify?

A Yes.

Q Why are you refusing to testify?

A Because I've -- he ain't fulfilled what he said he was going to do. He --

MR. ROSENBAUM: Your Honor, I object to this. This is a matter not for The Jury.

THE COURT: This is not for The Jury. You have explained it to The Court already. We heard all this before you came in.

Go ahead.

Q Mr. Avery, you did give a deposition, did you not?

A Yes.

Q And present at that deposition was Lenworth Edwards?

A Yes.

Q Now, are you saying that you said the truth in this deposition?
A Yes.
Q You're standing behind the deposition, what you said in this deposition?
A I'm not testifying.
Q Mr. Avery, are you frightened of something?
A Yes.
Q Are you frightened of my client?
A No.

MR. MOTSCH: I have no further questions.

MR. ROSENBAUM: I have no other questions.

THE COURT: You may step down.

Deputy.

MR. ROSENBAUM: I would like to mark this, Your Honor, and tender it at this time.

MR. MOTSCH: Your Honor, may we approach the bench?

THE COURT: Mark those first.

(Photographs marked as State's Exhibits Nos. 8 to 8G, inclusive, for identification.)

(Deposition of William Avery, Jr., marked as State's Exhibit No. 9 for identification.)

THE COURT: Give us the date, again.

MR. ROSENBAUM: This has been marked as

State's Exhibit 9. It was a deposition taken on September 26th, 1991, at 4:00 p.m. in this Courthouse. Myself, Mr. Motsch, the Defendant, Det. Taliano were present, along with The Court Reporter.

MR. MOTSCH: Your Honor, I believe this deposition -- perhaps I shouldn't -- I should make this motion outside of the presence of The Jury.

THE COURT: Is there going to be some argument?

MR. MOTSCH: About introducing that deposition.

THE COURT: You're not supposed to listen to legal argument; so, would you retire briefly to The Jury Room again.

(Jury excused from Courtroom.)

THE COURT: Okay, Mr. Motsch. The Jury is out.

MR. MOTSCH: Your Honor, concerning the admission of the deposition into evidence, I would make an objection to that. I believe the deposition was taken under Rule 15. Rule 15 gives use at trial for a deposition.

I don't think this qualifies for that, Your Honor. The witness is present. He was here pursuant --

THE COURT: What qualifies it is Rule 304;

so, The Court will allow that deposition in.

MR. MOTSCH: I would think that I would be able to comment on the fact that he -- this goes to his credibility, the fact that he refused to testify; and now we are just introducing the deposition.

I think that's a matter that can be commented on, Your Honor.

MR. ROSENBAUM: I fail to see how it goes to his credibility, Your Honor, the fact that he won't testify today.

Mr. Motsch has asked him if he was truthful in the deposition. He said yes; and I think he is stuck with that at this point.

THE COURT: Yes, that's all. You can either read the deposition or give it to The Jury; but 804 is definitely on point; and The Court, obviously, declares this declarant unavailable according to 804, where a Defendant "persists in refusing to testify concerning the subject matter of his statement despite an order of the court to do so," it is admissible.

The statement becomes admissible. Any statement in a lower Court or a deposition, anything like that, where one pleads the Fifth or refuses to testify, then he thus becomes unavailable and the hearsay exception, then, is not an exception. It's an exclusion.

So, No. 9 is admitted.

(State's Exhibit No. 9 admitted in evidence.)

THE COURT: Was there anything on the pictures or will they be coming later?

MR. ROSENBAUM: They'll be coming later.

THE COURT: Okay. Jeffrey.

(Jury returned to Courtroom.)

THE COURT: You may be seated, please.

Ladies and Gentlemen, the last witness refused to testify; but he had given a previous -- what we call deposition or statement. That's Exhibit No. 9; and it's admitted into evidence. You'll have that with you in The Jury Room; so, you may read it; and that will be his statement, then.

Next witness.

MR. ROSENBAUM: Delphenia Guice.

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

DIRECT EXAMINATION OF GARY BYRGE

BY MR. ROSENBAUM:

Q Will you state your name, please, sir.

A Gary Byrge.

Q Spell your last name.

A B-y-r-g-e.

Q Where are you currently residing, sir?

A County Jail.

Q Why are you there?

A For burglary charge.

Q Are you facing a sentence?

A Yes.

Q Can you tell The Court and Jury, if you know, what tne minimum sentence you're facing is?

A 10 years.

Q Did you contact Det. Taliano regarding information you may have concerning tne matter that is before this

Court and Jury at this time?
A Yes.
Q Can you tell The Court and Jury when you did that?
A About a month ago.
Q Okay. How did you come to get this information?
A Talking with Lenworth.
Q Are you cellmates or were you cellmates with the Defendant?
A No, just in the same pod.
Q You were in the jail with him together?
A Yes.
Q Now, why are you doing this today?
A Why?
Q Yes.
A Trying to help myself.
Q You expect something from me for your sentence, do you not?
A Right.
Q We have talked about that, have we not?
A Yes.
Q Have we reached any definite plans?
A No.
Q Is it your hope that what you say today will be taken into consideration by either The Judge or myself at your sentencing?

A Yes.
Q Are you willing to tell the truth today?
A Yes.
Q All right. Would you lie to get yourself a sentence bargain?
A Probably, but I took a lie detector test and proved that I wasn't.
MR. MOTSCH: Objection, Your Honor.
THE COURT: Sustained.
MR. ROSENBAUM: Your Honor, I ask that be stricken; and I did not intend for that --
THE COURT: That may be stricken. Just disregard that last statement.
Go ahead.
Q Now, sir, can you tell us what the Defendant has told you in as much detail as you can about his involvement in the death of Marsha Blakely.
A Well, in the beginning he was saying it wasn't -- he didn't have nothing to do with it, said a guy named JR and a guy named Shakeem did it; and then we talked a little further and, then, when he got hit -- he was in lockup -- he got hit with the murder indictment -- he said -- he started crying, said, "I killed that woman. What am I going to do now."
Q Let's go back to the first statement. Did he tell

you details about things that happened about, maybe, him being injured or anything like that that you were able to relay to Det. Taliano?

A Something about the woman hit him; and he hit her or he hit her, and she hit him back, and he quit hitting her.

Q So, he told you that he was injured?

A Yes, he was hit.

Q By the woman?

A He was hit.

Q But he had first denied that he killed her?

A Right.

Q But he admitted to you that he was there when it happened?

A Right.

Q And that he was participating in the fight with her?

A Right.

Q And that he was injured in some way?

A Yes.

MR. MOTSCH: Your Honor, I would object. I would ask that the witness testify. I believe that --

THE COURT: Sustained.

Q Can you tell us how he was injured?

A He said that they went there to collect some money from the woman or something; and he hit her. They all started beating on her, I guess; and he hit her; and she

hit him back; and that was it.

And he didn't hit her no more after that.

Q So, then, he admitted that he was involved in the confrontation initially?

A Right.

Q And when was this? Can you tell us when this was?

A I don't know the exact day. It's been about a month ago or something.

Q And, then, when did he make the admission that he did it himself?

A About 2 weeks ago.

Q Can you tell us the circumstances that led up to that and could you, maybe, talk a little bit louder, sir?

A He was in lockup for something. I don't know why he was in -- been in lockup for 10 days; and they brought the murder indictment into him.

Q What do you mean by lockup?

A Lockup is -- is -- this is when you're in your cell.

Q By himself?

A Yes.

Q And they served him with the murder indictment?

A Yes.

Q And did you see that?

A Yes.

Q And then what happened?

A Then he just broke down and started crying.
Q How were you able to talk to him if he was in there by himself?
A They have -- they got a little hole in the door like this.
Q And you went over to talk to him?
A Yes.
Q And what, exactly, was he doing in there?
A He was crying and looking at the murder indictment.
Q And what did he say, as best you can recall?
A He said, "I killed the woman. What am I going to do now."

And then he told me to leave, that he didn't want to talk no more.

Q Did he give you more detail that you're relating to us now? Did he tell you who he was there with and how people went when this fight occurred between himself and the woman that was killed?
A Yeah.
Q Can you tell us that, please?
A He told me about him, Shakeem, JR, Al Monday -- and I think he said something about a Supreme, but he said Supreme wasn't at the house. He said it was just those 4; and a guy named Avery was at the house when it started.
Q So, he gave you the names of those people?

A Right. He said Shakeem and JR dragged the woman out of the house.
Q He said they drug her out?
A Yes.
Q What else did he tell you?
A That's about it.
MR. ROSENBAUM: I have no other questions, Your Honor.
CROSS-EXAMINATION OF GARY BYRGE
BY MR. MOTSCH:
Q Mr. Byrge, how many times did you have conversations with Lenworth Edwards?
A How many times?
Q In the County Jail?
A A lot.
Q A lot. And you had conversations with him prior to him getting served with the murder indictment, didn't you?
A Yeah.
Q In fact, you had contacted Det. Taliano prior to him getting served with the murder indictment; isn't that a fact?
A Right.
Q In the course of your conversations with Mr. Lenworth Edwards, he talked to you about William Avery?
A Yeah, said Avery was the snitch.

Q Did he relay to you the story that William Avery had said?
A Not really.
Q He didn't tell you anything about --
A He just told me that Avery was in Court testifying against him.
Q Okay. He told you about that?
A Yeah.
Q So, I take it he told you the story that William Avery said?
A Some of it, yeah.
Q And that's where you got the information about JR and Shakeem and Supreme and those names?
A Yeah, through him.
Q But that was about the time in which he was talking about, you said, Avery testifying in Court against him, right?
A No, he said Avery testified before on this. This was when they had him for assault.
Q Mr. Byrge, the only time that Lenworth Edwards told you that he killed Marsha Blakely -- that only happened one time, did it not?
A Right.
Q And that was after he had gotten his indictment?
A Right.

Q And he's in a lockup in a cell by himself; and you go over to a little, square window to talk to him?
A Right.
Q And what, exactly, did he say?
A Well, he was crying. And, like I said -- and told me -- he said, "I killed that woman. What am I going to do now? "

I don't know if he was really talking to me or just talking to hisself; and he looked at me and said, "Go away. I don't want to talk no more."
Q Are you certain he didn't say, now they're saying I killed her. Now what am I going to do?
A No.
Q You're positive? You had been asking Lenworth Edwards about his case for a long time, have you not?
A No, he has been talking to me about it.
Q I mean, he just volunteered this information to you?
A Yeah, I read about it in the paper. I show him the paper or something; and he tell me about it.
Q You read about this case in the paper?
A Couple times, yeah.
Q Well, correct me if I'm wrong, but you have been following it very closely ever since you talked to Det. Taliano, haven't you?
A Not really, no.

Q Mr. Byrge, you're doing this because you're facing some time yourself?
A Yeah.
Q You have had 2 counts of aggravated burglary?
A Right.
Q 2 counts of grand theft?
A Right.
Q And tnere is a hold on you from Cuyahoga County?
A Right.
Q What's the hold about, sir?
A Drug abuse.
Q You did have a conversation with another prisoner recently, didn't you, a Mr. Gilliam?
A No.
Q Didn't he ask you why you were saying things?
A No.
Q You didn't say, it's a question of survival?
A No.
Q But that's exactly what this is about? This is the reason why you're doing this, is because you want something off in your sentence?
A Right.
Q You admitted that in order to get something off on your sentence you would probably lie?
A Probably.

Q Do you know a Roy Fluker?
A Do I know a Roy Fluker? Yes.
Q Do you know a Todd Patton?
A Yes.
Q Are they presently in County Jail with you?
A I'm not in the same pod, no; Lorain County Jail, yeah.
Q So, I take it other than that one time in which he's crying and you heard him say, "I killed her," he has never admitted to you that he had anything to do with Marsha Blakely's death?
A Right.
Q Prior to that, everything was concerning other people?
A Yeah.
Q Okay.
Now, when you say that you saw him and he was crying, I take it he was very emotional?
A Yes.
Q Was he sobbing?
A Not really, no.
Q Did you say anything to him?
A No.
Q How did he know you were there?
A We were -- I was there. I walked back there when we

was -- when he come in with the indictment, the Deputy Sheriff come back; and I was standing there by the door talking to him before that.

Q Weren't you there at that time specifically to see his reaction?

A No.

Q This was just happenstance, that you happened to be going by there at that time?

A When -- no, I was there talking to him when they come and brought him the indictment.

Q Now, in all the times that you had talked to Mr. Edwards in the past, this has gone on over 2 months, has it not?

A Something like that, yeah.

Q Maybe closer to 3?

A No.

Q Over 2?

A No, about a month and a half because I was on the other side, in the other pod for a month and a half.

Q And if you're in one side of the pod, you wouldn't have access to prisoners on the other side?

A Right.

Q So, all the other conversations that you had with Mr. Edwards, other than the one that you're saying that he was crying, they all involved other people; and he had never

admitted to you in any way, shape or form that he participated in the murder of Marsha Blakely, did he?

A Right.

Q Mr. Byrge, let me ask you this. Is it possible that Mr. Edwards was telling you what he heard from Mr. Avery?

A Possible.

Q Sure. Okay.

Do you remember the date that the indictment came down against Mr. Edwards?

A No.

Q Is it fair to say that sometime prior to that you had had conversations with the Police or any governmental agency concerning this case?

A Yeah.

Q Did you know that an indictment was going to be issued against Mr. Edwards that day?

A No.

Q So, if I understand the gist of your testimony, Mr. Byrge, other than the other conversations you had prior to that one day through the little window in the cell, Mr. Edwards never had said anything that implicated himself in the murder?

A No.

Q And it's just that one statement?

A Yeah.

Q Okay. And that statement was unsolicited; and you didn't ask him anything?
A No.
Q He didn't say anything else about that but that statement?
A No.
Q And you happened to be right outside a cell that he was in in lockdown at the time that happened?
A Yes.
Q Also, you are doing this for the purpose of trying to reduce your sentence?
A Yeah.
Q And to reduce your sentence, you would lie if that's what it came down to?
A Yes.

MR. MOTSCH: I have no further questions.

REDIRECT EXAMINATION OF GARY BYRGE

BY MR. ROSENBAUM:
Q Are you lying today, sir?
A No.
Q Were steps taken to insure that you weren't lying?
A Yeah.
Q Now, Mr. Motsch has asked you several times if the Defendant has admitted other than the one time being involved in the murder, and you said no.

But he did admit to you being involved in the assault of Marsha Blakely, did he not?

A Right.

Q And that's when he was injured?

A Yes.

Q And didn't hit her any more?

A Yes.

Q He didn't say other people did that? He was there with her, right?

A Yes.

Q Until he was hit by her?

A Yes.

Q Now, I want you to listen very carefully to this question because I think it's very important to both sides in this case.

In your first conversations when he was telling all about Shakeem and all that stuff, did he say to you, Byrge said he did this or did he say this is what happened -- I mean, not Byrge, I'm sorry, Avery.

Did he say Avery said, I did this, or was he telling you what he knew?

A He said -- he said -- he did not say Avery.

Q Mr. Motsch said, was it possible he was telling you what Avery said.

Is that what happened? Was he telling you what Avery

said about it or was he telling you what happened?
A He didn't mention Avery.
Q Did he say -- he told you that he went with Shakeem and JR and those people?
A Yes.
Q And he was striking Marsha Blakely until she hit him back?
A (Nodding yes).

MR. ROSENBAUM: I have no other questions.

RECROSS-EXAMINATION OF GARY BYRGE

BY MR. MOTSCH:
Q Mr. Byrge, do you know whether or not he was saying things to you out of his own knowledge or what someone else had told him?
A I don't. I couldn't know that.
Q But, I mean you did know that there was a deposition taken of Mr. Avery, did you not?
A No, I did not.
Q Didn't you say that Lenworth Edwards had told you about William Avery?
A Yeah, but he didn't say nothing about no deposition or nothing.
Q Did he say that he was in Court testifying against him?
A Yean.

Q And after that conversation, was that when Lenworth Edwards told about the different people and who --
A He would tell me a little bit each time we talked.
Q Were you asking him questions at that time?
A No.
Q Just sit and listen?
A Yeah.
Q At the time in which you were talking to him, had you already talked with the Police concerning your involvement in this case?
A Pardon?
Q At the time when you first started talking to Lenworth Edwards, had you already talked to the Police --
A No.
Q -- concerning this?
A No.
Q When did you first contact the Police?
A About 5, 6 weeks ago.
Q That was before he was issued the murder indictment?
A Yes.

MR. MOTSCH: I have no further questions.

MR. ROSENBAUM: I have nothing further, Your Honor.

THE COURT: You may step down. Thanks.

MR. ROSENBAUM: Det. Resendez.

Thereupon, The State of Ohio, 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 State your name, please, sir, and spell your last name for the record.

A Geno Taliano T-a-l-i-a-n-o.

Q Are you employed, sir?

A Yes, I am.

Q What do you do for a living?

A Lorain Police Department.

Q And do you hold any particular rank at the Police Department?

A Sergeant in the Detective Bureau.

Q How long have you served the City of Lorain as a Police Officer, sir?

A Approximately 14 years.

Q How long have you been involved in the Detective Bureau?

A 8 years.
Q Now, sir, is it fair to say that you are the Chief Detective or Chief Investigator responsible for this case for the Lorain Police Department?
A Yes, sir, that would be correct.
Q Can you tell us, sir, how State's Exhibits 3, 4 and 5 got to Court today?
A Yes, sir. I took control of these from the Lorain Police Department and transported them from the Police Department to The Court and they are in relatively the same condition as I brought them to The Court.
Q Are they in substantially the same condition other than what the -- well, they are in the same condition, other than being opened, as you brought them to Court, right?
A That's right.
Q You were also present when the blood was drawn from Mr. Edwards, the Defendant in this case?
A At St. Joseph's Hospital, that's right.
Q Can you identify State's Exhibit 6? That is the jacket in this case.
A Yes, sir, I can.
Q Do you recognize that?
A On August 18th of this year, Delphenia Guice contacted the Lorain Police Department and requested that

she be able to speak with Det. Resendez and myself.

And we met with her on that date; and she provided that coat to us and had identified it as being the coat or jacket of Lenworth Edwards.

Q After the arrest, did you speak to the Defendant?

A That's correct.

Q And did he admit to you anything about that jacket?

A Yes, sir, he did. In the taped interview at the Lorain Police Department, with the benefit of an attorney, he had indicated that this jacket was his jacket. He was shown the jacket; and he identified it as being his jacket.

Q Did he tell you if he had it on the night in question?

A He did. Yes, he did.

Q Did he say he did?

A Yes, sir.

Q Now, have you seen the photographs that have been marked and put into evidence in this trial, sir, prior to the trial?

A Yes.

Q And do they truly and accurately depict the scenes they represent as have been testified to previously by others?

A Yes, sir, they do.

Q Did you bring them to Court as well?
A Yes, sir, I was responsible for all of the evidence in this case.
Q Can you tell The Court and Jury, in general, the events surrounding this investigation?
A Yes, sir.

On August 8th of 1991, at approximately 9:18 in the morning, the Lorain Police Department was contacted; and the information was that there was a female located to the rear of 2550 W. 21st Street, to the rear of the Westgate Plaza, and that this female was dead.

Det. Capt. Rivera, Det. Resendez and myself responded. We arrived on scene; and there were a number of uniformed Policemen on the scene who were protecting the crime scene.

And we located the body that was later identified as Marsha Blakely.

Q Was another body found on this day, sir?
A Yes, approximately 8 hours earlier, in the 200 -- excuse me, the 1600 block of Wallace Lane; and it was later identified as being the body of Floyd Epps.
Q Did you ever establish some sort of relationship between the 2 bodies or the 2 people whose bodies you found, when they were alive?
A Yes, Floyd Epps and Marsha Blakely were friends; and,

on occasion, Floyd allowed Marsha Blakely to use his residence on Sunset Blvd.

Q What did you do upon finding of Miss Blakely's body, sir?

A The crime scene was immediately preserved. The evidence was collected; and we initiated interviews of prospective witnesses; and over the course of the next month, numerous people were interviewed that had information relating to either the background of the 2 victims, their associations with people and their life-styles; and any information -- all information that was pertinent to the case.

Q Were you able to develop any lead as a result of this month-long interviewing process?

A Yes, sir, we did.

Q Were you able to formulate any concrete evidence, though, to prove your suspicions?

A Yes. On September 10th of 1991, a William Avery, Sr., contacted me at the Lorain Police Department and asked to speak with me.

Q Before we say that, could you tell us why or what prompted this call, is what I was trying to --

A During the course of this month investigation, it was difficult at times to have people come forward to provide information for fear, I was told, of retaliation and the

general nature of the investigation.

I had contacted Crime Stoppers in Cuyahoga County and asked them if they would be willing to provide a reward for information leading to the arrest and indictment of any suspects. They had a board meeting and determined that they were unable to do that, although they did provide some media coverage.

We contacted the --

Q Did they tell you why they couldn't do that?

A Well, their policy was, of course, since it was outside Cuyahoga County, they didn't feel responsible to do that and, secondly, because of the large number of drug-related deaths, that if they would start that practice, that it would exhaust any funds available to them.

In light of that, we contacted -- the Police Department contacted Lorain County Prosecutor Greg White and asked him if he would be willing, through one of their funds, to provide monies, make them available to any prospective witnesses and he agreed to do that; and he had posted -- posters were subsequently prepared and distributed in the communities around the City of Lorain.

Q How much money was offered to anyone that would come forward?

A There was a monetary amount of $2,000 for the arrest

and indictment of murder suspect or suspects in the deaths of Marsha Blakely and Floyd Epps.

Q Did that prompt anyone to come forward?

A Yes, sir, it did.

Q And would you tell us what happened.

A On September 10th William Avery, Sr., had contacted me at the Lorain Police Department. I had had some relationships with him in the past; and he had indicated to me that he wanted to talk to me about, 1, the reward and, 2, that he had information he thought would be of use.

We met on this date; and he relayed a scenario that was very pertinent and to the point and named specific suspects in the deaths of both Marsha Blakely and, possibly, Floyd Epps. After speaking with him, I had indicated to him that, although the information was very pertinent and useful, that I needed to speak with a person who had firsthand knowledge. He did not identify that person on that date but did indicate to me that he would be willing to meet with this person and provide him to me.

On September 11th, William Avery, Sr., contacted me once again and indicated that he wanted to come to the station and he would arrive with that person who could provide the firsthand information. He did so on that date; and that person was his son, William Avery, Jr.

Q And did you interview Mr. Avery, Jr.?
A I did. I first advised him of his Constitutional Rights and had him sign a waiver form; and I taped that interview along with Det. Resendez and Det. Capt. Rivera who also took part in the interview.

During that taped interview, William Avery, Jr., provided information, facts and names that related to the death of Marsha Blakely.

Q Were you able to verify somehow that what Mr. Avery, Jr., was telling you was reliable?
A Yes, we did. The information that William Avery, Jr., provided was consistent with some of the physical evidence that we had already obtained.

On, as I noted, August 18th, Delphenia Guice had provided us with this jean jacket that has been marked and entered and -- on the jacket, when it was provided to us on that date, there were several apparent blood -- fresh blood marks or spots on this jacket; and, subsequently, we had the blood analyzed through BCI in Richfield and compared to the victims and to the owner of the jacket, Lenworth Edwards; and the blood was identified as being the same type as that of the Defendant.

Q Well, could you tell us specifically how what you learned from the jacket coincided with what Mr. Avery, Jr., had to say to you, how you knew --

A Yes.

MR. MOTSCH: Excuse me, Your Honor. I'm going to raise an objection. I believe since Mr. Avery has refused to testify and his deposition is going to speak for itself, I don't think the Detective should be allowed to testify to what he said.

MR. ROSENBAUM: If it please The Court, it's offered for the purposes of establishing why, through independent knowledge, Det. Taliano knew it was accurate.

THE COURT: Go ahead. Overruled.

A In the course of my interview with Mr. Avery, he had indicated that he observed firsthand Lenworth Edwards strike Marsha Blakely and that she, in a defensive mode, struck him back in the area of the face and, thereafter, Lenworth Edwards had backed away from the assault that continued by other suspects.

During the course of my month's investigation prior to my interview with William Avery, Lenworth Edwards, when interviewed, had indicated, 1, he was wearing that jacket on the evening before and the morning of the murder, 2, that he had indicated to me that he had blood on his jacket.

He had indicated to me that he had sneezed; and in sneezing, he ruptured something in his nose, nasal cavity and bled. While interviewing Mr. Avery, Jr., that became

very consistent, 1, that he identified him as wearing this jacket, 2, that he had been involved in a physical confrontation with the victim and himself, in fact, was also struck.

Q Now, was that information released to any source so that somebody could have read about that in the paper or known that outside of the Police Department?

A No, it was not.

Further, during the interview with Mr. Avery, Jr., he had indicated that during the course of the assault upon Marsha Blakely by 5 suspects, one of which was Lenworth Edwards, that the kitchen table was struck; and when we, during the course of our investigation, entered Floyd Epps' apartment, we noted and photographed that the kitchen table had suffered damage and, specifically, that the kitchen table leg -- one of the legs was torn away from it.

Also, during the interview, I had asked Mr. Avery if he would describe in some detail the physical layout of Floyd Epps' apartment, and he did that; and I found that to be extremely consistent with what I had personally observed when entering during the course of the investigation and later photographed -- or Det. Resendez had photographed.

Q Now, was Mr. Avery able to give you names of people

that he was there with?

A Yes, he did.

Q Were you able to confirm that these associates were, in fact, or people were associates of the Defendant through information you had developed?

A That's correct.

Q Now, did there come a time -- well, could you tell The Court and Jury, then, what led up to Delphenia Guice being developed as a potential witness for this trial.

A During the course of the investigation, we had learned that Delphenia Guice had befriended several of the subjects who were possible suspects in the investigation. Each of these subjects were from the Jamaica, Queens, New York, area, and intelligence had indicated that they were involved in illegal drug trafficking in The City of Lorain and Elyria.

Also, during the course of our investigation, the vehicle which Delphenia Guice owned and had been searched on 3 separate occasions with consent searches by the owner, Delphenia Guice, had been used by Lenworth Edwards on the evening prior to and the morning of the murder of Marsha Blakely. We gained that information by the interview with Delphenia Guice and also the interview with Lenworth Edwards and also later was verified through the interview with William Avery, Jr.

Q Did Delphenia cooperate initially?

A No, she was very reluctant. Initially, she minimized her personal knowledge of the people from Jamaica, Queens. She didn't come forward voluntarily. The Officers -- I believe it was Det. Capt. Rivera and Det. Resendez -- initially had gone to the apartment where she resided on Leavitt Road and requested they be allowed to search the car.

She signed a consent search. The car was towed to the city garage. They were looking for physical evidence, trace evidence on the vehicle. Finding none, it was later returned to her.

However, during the course of the investigation, there was a lot of information brought forward to me and the other Officers helping me investigate that her car, in fact, was used on that morning. We, again, this time Det. Sgt. Resendez -- excuse me, Det. Sgt. Rohner, Det. Resendez and myself returned and again searched the car. It was searched a third time, later, for possible trace evidence that was located.

Q Did she subsequently, though, at a later date contact you and admit she had not been truthful?

A Yes, on August 18th, Officer Garcia, Dave Garcia, who was working the day shift in uniform, contacted the station and said that he had been flagged down in the area

of 23rd and Leavitt Road by Delphenia Guice. She indicated that she had been untruthful or less than truthful with us in our initial interviews and had some information and some evidence that she thought would be of use to us. That was a Sunday.

Det. Resendez and I were contacted by the station; and we met with her. It was at that time that we transported her to the station, again advised her of her rights. She provided at that time this jean jacket, which she identified as being the jacket that Lenworth Edwards owned, housed at her apartment and was, in fact, wearing on the evening prior to and the morning of the murder.

She had also indicated during that interview that she had provided him her car. She thought it might have been about 11:00 o'clock in the evening; but she was very certain that it was 5:10 in the morning that he had returned the car.

Q Sir, I forgot to ask you something about Mr. Avery's statement and another factor concerning its reliability.

Did Mr. Avery relate to you that the body of Marsha Blakely was drug?

A Yes, he did. Mr. Avery said he observed the body of Marsha Blakely, after she was beaten unconscious in Floyd Epps' apartment, drug to the vehicle he believed was the vehicle of Delphenia Guice outside and located north

of the Epps' apartment by JR, who is also known as Benson Davis.

Q Prior to this statement given to you by Mr. Avery, did you receive some sort of physical evidence from the Coroner's Office or photograph that evidence that would indicate that Marsha Blakely, at some time during or prior to her demise, was drugged.

A Yes, Det. Resendez and I had gone to the County Coroner's Office, and this is just after the autopsy had been performed; and it was pointed out to us, and still on her body there was a small, green, leafy substance attached to her buttocks.

I say attached. It was stuck; and I asked the Coroner for that; and it was tagged as evidence. When Marsha Blakely was found on August 8th in the morning, she was wearing a pair of jeans, no underwear; but her jeans were fastened both at the zipper and the button.

And some other physical evidence, the fact that she had some abrasions to her feet and the left side of her body, would indicate that it was consistent, specifically, and the consistency was with the leafy substance because her body, per Avery, Jr., was taken out by what was described as being the back or east door, and there is a grassy area that separates the apartment and sidewalk from the street where she would have had to have been drug

to the waiting vehicle; and that was consistent with the leafy substance that was located by the Coroner.

Q Sir, can you tell The Court and Jury how you came to be aware that the last witness, Gary Byrge, may have some knowledge pertinent to this case?

A Yes. During the course of the investigation, our Department was contacted on November 1st of this year by the Lorain County Sheriff's Department; and I was directed by Det. Capt. Rivera to interview a Gary Byrge, who said he had information or had relayed that he had information that was of use in this investigation.

On that date I went to the County Jail, and with a tape recorder, taped an interview with Gary Byrge, who was being incarcerated there for burglary offenses.

Q And were you skeptical of his statements at first, sir?

A Well, during the course of the investigation, numerous people, some in either the City or the County Jail, had contacted our Department with what they thought was useful information; and it was a myriad of different scenarios people had provided to us; and some, I'll be real honest with you, pretty far-fetched.

And some of that information I wasn't sure would come from something they might have read; but, after interviewing Gary Byrge, it was evident to me, in my

opinion, that he had very useful information. In fact, he had information that he could not have -- could not have possibly gotten from any sources in the paper or from our other witness, which would have been William Avery.

Gary Byrge had been in jail during the time of the murder; and during the period of time that we had interviewed William Avery, Jr., and his account of what happened was extremely close and paralleled that of the information we had gathered to date. Again, that was November 1st of this year.

Q Did you take precautions to insure what he was telling you or to verify what he was telling you was truthful?

A We did.

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

CROSS-EXAMINATION OF GENO TALIANO

BY MR. MOTSCH:

Q Det. Taliano, concerning Gary Byrge and taking precautions, there isn't any way of guaranteeing what someone is saying is the truth, is there?

A Well, we did whatever -- what resources were available to us, we did.

Q I understand that. There is no way of guaranteeing something like that?

A No.
Q That's part of the beast, is it not?
A Yes.
Q Now, also concerning Gary Justice, you were originally contacted by someone from the Sheriff's Department?
A I'm sorry. I don't know who Gary Justice is.
Q I'm sorry. Gary Byrge.
A Yes, sir.
Q You were contacted by the Sheriff's Department concerning Gary Byrge?
A I wasn't personally contacted. The Sheriff's Department contacted the Lorain Police Department; and I was directed to go there.
Q And I believe you stated it was your opinion that what he had to say showed that he had some valid information?
A That's correct.
Q And I take it what he had to say closely paralleled what William Avery, Jr., had to say?
A Very close.
Q You were aware that William Avery, Jr., had given a deposition?
A Yes.
Q You were present during that?

A That's correct.
Q As was my client, Lenworth Edwards?
A Yes, sir.
Q Mr. Byrge had testified that he had been talking to Lenworth Edwards prior to him getting indicted. I take it this would have been prior to November 1st, when you would have been contacted?
A Yes.
Q Did Mr. Byrge indicate that Lenworth Edwards had told him about the deposition or of William Avery testifying?
A Without reviewing the tape, I can't testify to that. I don't recall.
Q But if, in fact, he had asked; and Mr. Edwards had told him what someone else had said during that deposition, that would closely parallel the information given you by Mr. Byrge, would it not?
A Yes, except for the inconsistencies that did exist between the 2 accounts.
Q There were inconsistencies?
A Yes.
Q Between the 2 accounts of William Avery, Jr.?
A The -- the scenario that was provided to me by William Avery, Jr., and that which was relayed to me by Gary Byrge via Lenworth Edwards, there were 2 points that did not match.

Q And what were those points?
A One was that William Avery, Jr., insisted that a subject known as Supreme -- we only know his first name as Darren -- was there. Lenworth Edwards had indicated to Gary Byrge that he was not there.

And, secondly, that William Avery, Jr., had indicated that when the victim, Marsha Blakely, was drug from Floyd Epps' apartment, she was drug by JR and taken to this car. Entering this car was to be JR, Lenworth Edwards, and Shakeem; and that William Avery indicated that he and Al Monday left in a different car.

During the conversation or interview with Mr. Byrge to me via the Defendant, he had indicated that he entered the car with William Avery and Al Monday and also that it was Shakeem had drug her from the apartment as opposed to JR, or Benson Davis.

So, there were those 2 inconsistencies.
Q Those are the 2 inconsistencies?
A I guess it's 3, as I count them.
Q Now, you testified that William Avery, in your conversations with him, it is your opinion he gave valid information concerning what happened that night?
A That's correct.
Q And part of it had to do with the physical layout of Floyd Epps' apartment?

A That was one of the issues, yes.
Q Now, is that apartment part of what they call the projects?
A Yes.
Q Are they like row houses?
A It's metropolitan housing. This one is located on Sunset Blvd. and the corner of W. 23rd Street.
Q In that area, most of the apartments are alike, are they not?
A My personal knowledge is this particular apartment is somewhat different from the others in that it's a corner apartment; and the layout was significantly different.
That's the first one I had personally seen that was laid out that way.
Q But it's laid out like other corner apartments are within that area?
A I don't know.
Q Secondly, William Avery had told you about the jacket -- or he didn't really tell you about the jacket, did he -- that Lenworth Edwards had on, if you remember?
A I don't remember.
Q I take it that Mr. Avery had relayed to you that my client was injured or bled sometime in the presence of Marsha Blakely?
A He had indicated that he was struck and that he,

after being struck by Marsha Blakely, backed out of the physical confrontation.

I don't recall whether or not -- I don't think that he indicated he had actually bled.

Q And concerning the car, isn't it a fact that William Avery could not identify any car?

A In my interview on September 11th --

Q On his deposition?

A Okay. I don't recall him identifying the car during the deposition, no.

Q Now, Detective, you had testified that, basically, you were the Chief Detective involved in this investigation of this case?

A I was assigned the case, yes.

Q And there have been a number of names that have been mentioned in this trial: JR, Shakeem, Supreme.

Have you made efforts to locate and find those people?

A Oh, absolutely.

Q Where were your efforts located at?

A Well, initially in The City of Lorain, also in The City of Elyria and, later, in Queens, New York -- Jamaica, Queens, New York, and Brooklyn, New York, a place called the Hammels. It's an area that these people originally come from and frequented.

Q In looking for any of these people, have you been successful in finding them?
A We located JR, Benson Davis. Our first day there we learned that he was a prisoner in Rikers Island on an unrelated assault and parole violation.
Q But you have been unsuccessful in locating any other parties involved?
A To date.
Q Now, Detective, I take it that the car that Delphenia Guice had testified she let Lenworth Edwards use that night -- you said that's been searched 3 times?
A That's correct.
Q I take it there was no evidence found in that car?
A None that's of any aid in this investigation.
Q And I take it, having been searched 3 times, it was searched very, very carefully?
A The first time and -- the first time I wasn't there, so I can't testify to that. I looked at the car on 2 separate occasions looking for trace evidence, both inside and on the outside and underneath the vehicle; and it was an examiner from BCI viewed the car at Dunson's Towing; and the Lorain County Crime Lab, Mr. Bibby, recovered some predominant red fibers from the interior; and we checked those against the clothing of the victim and located them.
Q In the course of your conversations with Mr. Edwards,

did he admit to driving that car that evening?
A Yes.
Q Or being in that car?
A Yes, he did.
Q Did he tell you his whereabouts that evening?
A To the best of my recollection, during the interview with Attorney Grunda, Sr., being present at the Lorain Police Department, he refused to speak to the issue of anything that happened prior to 1:00 o'clock in the morning; in fact, asked that Det. Resendez and I leave the room while he conferred with his attorney.

He said that -- after returning, he said that he would answer any questions pertaining to anything thereafter. He indicated that he and at least 2 other subjects, that I recall, had gone to The City of Elyria, the Mom's Kitchen -- or Open Kitchen Restaurant; and, while in Elyria, had been stopped by Elyria Police Department.

Det. Resendez had contacted Elyria Police Department in an attempt to verify that vehicle stop and was not able to do that.
Q To your knowledge, was the Ohio State Patrol contacted about that stop?
A No, he had indicated it was the Elyria Police Department.

Q Did he indicate to you on what road he was stopped?
A I don't recall. He may have; but I don't recall.
Q Detective, correct me if I'm wrong. He told you who he was with?
A He had provided the names of -- I believe there were 2 other subjects, but I don't know without reviewing the tape.
Q If I would say the name Justice, would that refresh your memory?
A That's possible; but without reviewing the tape, I don't recall.
Q And he had told you that he had been stopped by the Elyria Police Department?
A That's what he had indicated, yes, to the best of my recollection.
Q And I take it that was checked out? The Elyria Police Department had no record of that?
A Det. Resendez had contacted the Elyria Police Department and attempted to verify if they had stopped the vehicle; and he had indicated to me, Det. Resendez, they were unable to do that.
Q But you have no knowledge whether or not the Highway Patrol was contacted?
A I don't know that they were contacted.
Q In the course of your investigation, were you able to

determine the scene or the area that the murder was done at, where it happened at?

A The -- are you referring to the scene where she was located?

Q Yes.

A I don't understand your question.

Q You don't understand the question?

A No. Would you please ask it again.

Q Were you able to determine the murder scene, where the murder actually took place at?

A No.

Q So, where Marsha Blakely's body was found might not necessarily be where she was killed?

A That's correct.

Q Did you find any physical evidence to link Lenny Edwards to Marsha Blakely at the crime scene where her body was found?

A No.

Q Have you located any physical evidence other than his jacket with his own blood on it that would in any way link Lenny Edwards to Marsha Blakely's death?

A No.

Q So, would it be fair to say that, basically, besides the jean jacket, this case was predicated upon people saying things about what had happened?

A Yes.
Q And the people that have said something have been William Avery, Jr. --
A Correct.
Q -- and Delphenia Guice?
A That's correct.
Q And Gary Byrge?
A Yes.
Q To your knowledge, was there anyone else that witnessed or had anything to do -- strike that.
To your knowledge, did anyone else witness anything concerning my client during August 7th or August 8th?
A None that have come forward.
Q Did Mr. Edwards indicate to you how the blood had gotten on his own jacket?
A Yes, he did.
Q How was that?
A He had indicated he was in the kitchen of a friend's house and sneezed and developed some type of a nosebleed.
Q In your conversations with Mr. Edwards, did he indicate to you when or if and when he got back to Delphenia Guice's apartment?
A The best that I can recall is that he thought it might nave been about 3:00 o'clock in the morning.
Q And, again if you recall, was he with someone when he

came back to that apartment?
A I don't recall.
Q And, Detective, up until this time, has any weapon been found that might be linked to the murder of Marsha Blakely?
A No, it has not.
Q Has any vehicle been located that has, in any way, been linked to Marsha Blakely's death?
A No, it has not.
Q Officer, I believe you testified that the jean jacket was given to you on or about August 18th?
A That's correct.
Q And this would have been approximately what, 11 -- 10 days after Marsha Blakely's body was found?
A 10 days.
Q Officer, concerning your conversations with William Avery, Jr., he indicated to you that Marsha Blakely struck my client at one point?
A That's correct.
Q And did he say where he was struck at?
A In the area about the head.
Q Shoulders and head?
A Yes.
Q But he also didn't state that he saw any blood or any injuries on anyone?

A Not on anyone?
Q Yes.
A I don't recall him indicating that Lenworth Edwards had any injuries; and I don't recall other than the fact that he indicated that Marsha Blakely was knocked unconscious, identifying any specific injuries.
Q Even to Marsha Blakely?
A Yes, other than she was knocked unconscious.

MR. MOTSCH: I nave no further questions, Your Honor.

MR. ROSENBAUM: I just have a few, Your Honor.

REDIRECT EXAMINATION OF GENO TALIANO

BY MR. ROSENBAUM:

Q Officer, did I understand you to say upon cross-examination that when you questioned Lenworth Edwards about what he was doing on the evening of August 7th I believe to 1:00 a.m. on the 8th, he refused to tell you what he was doing?
A That's correct.
Q And he asked for a separate and private conference with the lawyer he had there assisting him?
A He did.
Q And after that, he wouldn't tell you what happened up until 1:00 a.m. of the morning that her body was found?

A Other than he had indicated he had been in Elyria.
Q Well, that happened afterwards, right?
A I don't recall the chronology of that statement.
Q In any event, when you focused in on the time period that this trial is concerned with, he would not tell you where he was?
A That's correct.
Q But he was willing to tell you what all happened after that about being in Elyria, whether it was with the Police or Highway Patrol or what?
A That's correct.
Q Now, going back to that one question where Mr. Motsch asked you if you know where Marsha Blakely was killed, based upon the doctor's testimony that all these injuries would cause death in a few minutes and the amount of blood where her body was found, is it an oversimplification to say that you don't know where she was killed?
A Yes, the physical evidence and the -- based upon my interviewing -- or of my interview and contact with the County Coroner's Office, I would, in my opinion, say it was to the rear of the Westgate Plaza, 2550 W. 21st Street.
Q Where her body was found?
A Where it was found.
Q There, obviously, was a large quantity of blood

consistent with her throat being cut there or very close to that spot, was there not?

A That's correct.

Q Also, the tire tracks through the blood that show a course over her body certainly demonstrate she was struck by a vehicle there, do they not?

A That's correct.

Q Now, is it also an oversimplification to say this whole case is based upon saying things?

A As in many cases, this case is built upon statements offered by witnesses.

Q But the statements were also based, even though the statements were what they said to you, they were based upon what people saw, right?

A That's correct.

Q And scientific tests to verify that, as best as we could avail ourselves of, is that correct?

A That's correct.

MR. ROSENBAUM: I have no other questions.

RECROSS-EXAMINATION OF GENO TALIANO

BY MR. MOTSCH:

Q Detective, the first conversation you had with Lenworth Edwards, I take it he had counsel available; is that correct?

A No, the first time we spoke, he was being

incarcerated on that -- during that period of time in the Lorain City Jail based upon an unrelated obstruction of official business; and he was transferred from the jail. And I advised him of his Constitutional Rights; and he spoke briefly. It was taped.

I returned -- he said he had nothing else he had or wanted to say; and I returned him to the jail; and, en route, he said, "If you decide you want to talk to me again, I want an attorney."

It was during that second requested interview that Attorney Grunda, Sr., was provided by The Court.

Q The second interview, now, you stated that he refused to tell you anything about his whereabouts or what happened prior to 1:00 o'clock?

A With the exception of the fact that he had indicated that he had picked up the car from Delphenia and had been at mom's country kitchen.

I also recall he said something about the fact he may have been in Charlie's Bar at Westgate Plaza, maybe, prior to that date, -- or time, excuse me.

Q At the time in which you were interviewing him, you did read him his Miranda Warnings, did you not?

A In each case.

Q That is very explicit that anything he says can and will be used against him?

A That's correct.
Q Now, at that time are you questioning him in regards to this murder case and investigation?
A That's correct.
Q Were you interviewing him concerning any possible involvement with drug activity?
A Yes, I also questioned him about that.
Q And is it after you started questioning him concerning that that he wanted to talk to his attorney?
A No, when the interview was concluded -- that would be the first interview; and he indicated to me that he didn't want to talk any more.

I returned him to the City Jail; and, while en route, he had indicated to me that if I planned on talking to him again, that I should provide him with an attorney.

So, I took steps to do that when I wanted to talk to him in a subsequent interview, contacted the Lorain Municipal Court, requested that an attorney be provided. Attorney Grunda, Sr., was provided; and we advised him of his Constitutional Rights, taped the interview. And during that second interview when we questioned him about that time frame, he turned to his attorney; and they spoke softly; and Mr. Grunda indicated to us that they wanted to speak in private.

And when we returned, he said that, you can continue

to question him, my client, but with regards to something that happened after 1:00 o'clock, he refused to provide any information; and something might have happened prior to that at that time on that date.

Q You have no way of knowing for what reason that was done, limiting it to after 1:00 o'clock?

A I wasn't privy to the conversation between him and his attorney.

I don't know.

Q Concerning, on redirect, the location, the murder scene, there are pictures to show tire tracks running over her body, are there not?

A There were tracks both east and west of her body, where it was located.

Q Now, since you have taken Delphenia Guice's car 2 or 3 times, I take it those tires were checked against that?

A That's correct.

Q And --

A There was no match on that tread.

Q Is it a fair statement, Detective, that there are other people involved that still are the source of your investigation concerning this case?

A Targets of our investigation?

Q Yes.

A Yes.

MR. MOTSCH: I have no further questions.

MR. ROSENBAUM: I have 1.

FURTHER REDIRECT EXAMINATION OF GENO TALIANO

BY MR. ROSENBAUM:

Q There is more than one car involved here, isn't there?

A Yes.

MR. ROSENBAUM: I have no other questions.

MR. MOTSCH: I have nothing further, Your Honor.

THE COURT: You may step down. Thank you.

Ladies and Gentlemen, this is a good time for a noon recess. Don't talk about the case. I'll see you at about 1:15.

Just report back to your Jury Room.

(Lunch recess taken.)

(Out of the hearing of The Jury.)

THE COURT: State of Ohio, I think you were ready to rest, other than exhibits?

MR. ROSENBAUM: We would like to tender our exhibits, Your Honor.

THE COURT: Mr. Motsch, I think I have already admitted 2 and 9.

So, first we have the Coroner's Report. That's No. 1.

MR. MOTSCH: I would have no objection to that.

THE COURT: That's admitted.

Nos. 3, 4 and 5 are those blood samples, BCI.

MR. MOTSCH: I would not object that they would be admitted.

THE COURT: Those would be admitted.

6 is the jacket, the Defendant's jacket.

MR. MOTSCH: I would have no objection that that be admitted.

THE COURT: Admitted.

7 is the report. 7 is a report, the BCI report.

MR. MOTSCH: I would not object to that being admitted.

THE COURT: Admitted.

8, A, I think, through G are pictures of the scene.

MR. MOTSCH: I would object to those being introduced into evidence, Your Honor. I think that the inflammatory nature of those pictures outweighs their probative value since there are other pictures introduced through the Coroner.

THE COURT: The Coroner's pictures are not of the scene, maybe the body at the scene, but not the general scene.

Let me see A through G.

All right. These will be admitted; and the interior of the Epps' apartment is, obviously, relevant. And the general area is certainly relevant.

The Jury should know the general area and also the tire tracks and so on that the Officer testified to.

So, these are admitted. Exhibits 1 through 9 are admitted; and I think that's all.

(State's Exhibits Nos. 1 through 9, inclusive, admitted in evidence.)

MR. MOTSCH: Your Honor, at this time, I would like to make a motion pursuant to Rule 29 for a dismissal.

I don't believe that the evidence that has been brought forth so far is of sufficient character and nature that reasonable minds could disagree; and I believe that this case should not go to The Jury based on the evidence that's in front of it.

THE COURT: State?

MR. ROSENBAUM: Your Honor, the testimony of Gary Byrge alone is sufficient to send this case to The Jury. Mr. Byrge has testified that the Defendant admitted to him performing this murder. That, in and of itself, must be construed in a light most favorable to The State at this juncture. It's up to The Jury to decide what credibility to put on this; so, there is really no need to

comment on the rest of the evidence, which I think would justify sending it to The Jury, also.

THE COURT: The Court does find it should go to The Jury. The issue of believability, credibility, the weight, all that is a Jury function, not a Court function. The Jury would have to decide who they believe and who they do not believe.

So, the motion is overruled.

Anything further?

MR. MOTSCH: Nothing further, Your Honor.

THE COURT: Are you about ready to proceed, then?

MR. MOTSCH: Yes, Your Honor.

THE COURT: Okay.

(Jury returned to Courtroom.)

THE COURT: Ladies and Gentlemen, The State of Ohio has completed its presentation of the initial evidence. The Court has went through all the exhibits. They will all be with you in The Jury Room. That's 1 through 9. That all will be with you to review in The Jury Room.

We now, then, pass to the Defense of the case, and your first witness.

MR. MOTSCH: May it please The Court, at this time I would call Sandra Huff to the stand.

Thereupon, the Defendant, in order to further maintain the issues on his part to be maintained, called SANDRA HUFF as a witness, upon being first duly sworn and/or affirmed, was examined and testified as follows:

DIRECT EXAMINATION OF SANDRA HUFF

BY MR. MOTSCH:

Q For the record, would you please state your name and spell your last name for The Court Reporter.

A Sandra Huff, H-u-f-f.

Q Is it Mrs. Huff?

A Mrs.

Q Mrs. Huff, do you know a Lenworth Edwards?

A Yes, I do.

Q How do you know him?

A He's my grandson.

Q Has he lived with you?

A Yes, he does.

Q How long has he lived with you?

A He's lived with me since about the age of 11 or 12.

Q And how old is he now?

A He just turned 19.