

IN THE COURT OF COMMON PLEAS
OF PORTAGE COUNTY, OHIO

STATE OF OHIO,

Plaintiff-Respondent,

v.

CASE NO. 95-CR-220

TYRONE LEE NOLING

DEATH PENALTY CASE

Defendant-Petitioner

JUDGE JOHN A. ENLOW

AFFIDAVIT OF BUTCH WOLCOTT, JR.

STATE OF OHIO)
) ss:
COUNTY OF SUMMIT)

I, Butch Wolcott, Jr., being first duly cautioned and sworn, state the following:

1. I was born on July 13, 1975;
2. In April 1990 I was fourteen years old;
3. In early April 1990 I was staying at Johnny Trandafir's house at 421 Bonnieview in Alliance, Ohio, along with Tyrone Noling, Gary St. Clair, and Joey Dalesandro;
4. I did not participate in the robbery of the Hugheses on April 4, 1990 or in the robbery of the Murphys on April 5, 1990; however, I was at 421 Bonnieview when the robberies were discussed and after they were committed;
5. I stayed overnight at the apartment of my friend, Jill Hall, on Thursday April 5, Friday April 6, and Saturday April 7, 1990;
6. When I stayed at the apartment of my friend Jill Hall, I talked to her and her friend Julie Mellon about what had been going on at 421 Bonnieview, including the robberies of the Hugheses and the Murphys;

7. I never told Jill Hall or Julie Mellon that I or Tyrone Noling or anyone else had been involved in the killing of old people in Atwater; all I Told Jill Hall and Jullie Mellon is that I was upset about something: What I was upset about is the robberies;
8. At a party at 421 Bonnieview on Saturday April 7, 1990 I heard Tyrone ask Robyn Elliot whether she had heard about some robberies on the police scanner; he did not ask her whether she had heard about two old people being killed in Atwater; he never mentioned anything about murders; Tyrone only referred to the robberies of the Hugheses and the Murphys;
9. On Monday, April 9, 1990 I was arrested, along with Tyrone Noling, Gary St. Clair, and Joey Dalesandro, and held at the Alliance Police Department;
10. While I and Tyrone Noling were being booked at the Alliance Police Department on April 9, 1990, Tyrone Noling said to me that the police were questioning him about some murders; that was the first time that I had ever heard anyone mention anything about any murders;
11. I was released from jail within a couple of weeks and I was not charged in the robberies of the Hugheses or the Murphys;
12. About a week after my release from jail in April 1990 Portage County Deputy Sheriff Duane Kaley came to see me and asked me whether Tyrone Noling was involved in the murders in Atwater; I told him that Tyrone had nothing to do with the murders in Atwater and that he was not capable of doing anything like that;
13. The next time I was asked about the murders is a year or two later when Portage County Prosecutor's Investigator Ron Craig called and spoke with my father on the telephone and asked that I come to his office;
14. I went with my father to the office of Prosecutor Robert Durst and Ron Craig was there with him;
15. I asked that my father remain with me during the questioning. My father also asked several times to be present during the questioning but Robert Durst and Ron Craig would not allow him to remain;
16. Ron Craig and Robert Durst questioned me alone for over two hours;
17. My father continued to ask to be present during questioning and wanted to know what was going on;
18. At one point, during the initial questioning, Ron Craig told me that my father was starting to become a problem and I was going to have to deal with him.

19. During this questioning I told Ron Craig and Robert Durst that I did not know anything about the murders in Atwater; I told Ron Craig and Robert Durst over and over again about what I did and what Tyrone Noling, Gary St Clair, Joey Dalesandro, and Johnny Trandafir, Jr., did on April 4, 5, 6, 7, and 8, 1990;

20. I kept telling Ron Craig and Robert Durst the truth, that I knew nothing about the murders in Atwater, but Ron Craig kept asking me questions about the murders and he told me that I had blocked the murders out of my memory;

21. Ron Craig told me that I was involved in the murders in Atwater, that he had a witness, a cable or telephone man who had been up on a utility pole near the home of Bearnhardt and Cora Hartig on the day of the murders, who had seen the whole thing, and that I could be charged with the murders and could go to jail for the rest of my life; I now know that it was a lie that a cable or telephone man up on a pole witnessed the Hartig murders;

22. Ron Craig and Robert Durst told me that I would be given immunity if I cooperated with them;

23. Ron Craig told me I had to take a polygraph examination; he told me that if I did not take a polygraph examination I would not get immunity;

24. Ron Craig took my father, Harold "Butch" Wolcott, and me to Richfield for the polygraph examination;

25. Ron Craig said that my father could not remain with me during the polygraph examination;

26. Robert Durst told me that I did not pass the polygraph examination but he did not show me or my father anything in writing about the results of the examination; I told the truth during the polygraph examination; I did not know anything about the murders in Atwater except for what Ron Craig told me about the murders;

27. After the polygraph examination Ron Craig told me I needed an attorney;

28. Ron Craig took me to the Public Defender's Office and to Public Defender William Carrell;

29. William Carrell asked me whether I could remember anything about the murders in Atwater and I told him no; he was fully apprised of the prosecution's version of the murders before he ever talked to me; he seemed to just take Ron Craig's word that there was something wrong with my memory since I could not provide details of the murders;

30. Within a short period of time after I met William Carrell and he was assigned as my lawyer I was told that I would get immunity if I cooperated with the Prosecutor in the investigation of the Hartig murders;

31. When I was questioned by Ron Craig and Robert Durst I was scared because I had been told by Ron Craig that a man up on a utility pole saw me and the others commit the Hartig murders, I was told that my DNA matched the DNA on the cigarette butt found at the Hartigs, I was told that the polygraph examination indicated that I was involved in the Hartig murders, and I was told that I was involved in the murders but had repressed the memory of the murders;

32. In August 1992 and again in December 1995 Ron Craig sent me to be examined by Psychologist Alfred Grzegorek because Ron Craig did not believe that I was telling the truth when I told him I could not remember anything about Atwater; Dr. Grzegorek told me that I had post-traumatic stress disorder and was repressing my memory of the events; I asked to see the results from Dr. Grzegorek's testing and Ron Craig told me that I was not allowed to see them; he stated that Portage County was requesting the tests, therefore, I had no right to them; every time I questioned something, Ron Craig told me to remember that he could tear up my immunity at any time; Ron Craig kept holding my immunity over my head and I was scared to death that I would go to jail for life if I did not do what they wanted;

33. Ron Craig drove me to Atwater together with William Carrell and Psychologist Alfred Grzegorek; before that I had never been to Atwater or to the home of the Hartigs; Ron Craig drove to Moff Road and asked me if I recognized the road and I told him I did not; and when we went by a house he slowed down, looked over at the house, looked at me in the rear view mirror, and asked me if I recognized the house, trying to get me to say that I recognized the house, and to go along with him, I told him I did, even though I really didn't;

34. During questioning by Ron Craig, when I could not tell him things he wanted to know about Atwater, he showed me calendars and suggested to me when things happened; he suggested the answers to questions about the route to Atwater, about guns and who had guns and who loaded guns and how; about the woman and the man at the house; about hearing shots and about smelling gun smoke; about how Tyrone Noling and Gary St. Clair acted; and about the color of the house; I did not have any personal knowledge about any of these things;

35. I was questioned many times by Ron Craig and Robert Durst, and many times the questioning was not recorded; during this questioning I could not answer their questions; Ron Craig and Robert Durst tried to get me to say things by telling me that something may have happened this way or that way, and if I said what they wanted me to say they would signal me with facial expressions that they were satisfied, but if I said something they didn't want to hear they would suggest another answer until I agreed

with their version; sometimes the questioning would go on for 6 hours with the first couple of hours unrecorded; when they felt that my answers were consistent with their theory, only then would they turn the tape recorder on;

36. Ron Craig and Robert Durst repeatedly threatened to withhold immunity and to prosecute me for the murders and to put me in jail for life if I did not cooperate with them;

37. Ron Craig constantly used my dislike and fear of Tyrone Noling to scare me; he told me that Tyrone murdered the Hartigs in cold blood. He kept saying that Tyrone Noling was a cold-blooded killer. He told me that Tyrone put a gun to my head and threatened me about the Hartig murders; but Tyrone never threatened me to keep quiet about the Hartig murders; he did threaten me and warn me to keep quiet about the Hughes and Murphy robberies;

38. Ron Craig convinced me that I was involved in the Hartig murders because he told me my DNA matched the DNA on the cigarette butt, he told me that there was a man on a utility pole who saw the murders, he told me I lied on the polygraph examination when I said I did not know anything about the murders, and he and the psychologist told me I had post-traumatic stress disorder and was repressing my memory of the events;

39. The reason I could not remember Atwater and the Hartig murders is that I was not involved in them;

40. Ron Craig convinced me that I knew about the Hartig murders and I tried to fill in my memory with all the things that he told me and suggested to me about the murders;

41. I know now that I did not have post-traumatic stress disorder and that I did not try to repress my memory about the Hartig murders; I remember other events during this same period of time but I have no memory about Atwater and the Hartigs; I experienced very traumatic events as a young child but I never repressed my memories of those events; my memory is exceptionally good; the reason I did not remember Atwater and the Hartig murders is because I never went to Atwater until Ron Craig drove me there and I was never involved in the Hartig murders despite what Ron Craig tried to plant in my mind;

42. What I testified to at the trial of Tyrone Noling about the murders of the Hartigs was not based on my own personal knowledge but was suggested to me and told to me by Ron Craig and Robert Durst; I testified to these things because Ron Craig lied to me and convinced me that I was involved in the murders and that Tyrone Noling and Gary St. Clair and Joey Dalesandro were also involved, and he and the psychologist persuaded me that I had repressed my memory of all these things;

43. What I testified to at trial about the Hartig murders and about myself and Tyrone Noling and the others being involved in the Hartig murders was what I had

learned about events through the prompting and suggestion of Prosecutor's Investigator Ron Craig;

44. When I was being questioned by Ron Craig in 1992 I told him that in the afternoon of the day that Johnny Trandafir's relatives picked him up, the day I testified about at Tyrone Noling's trial, I remembered being in Alliance and driving around with Tyrone Noling and Gary St. Clair and Joey Dalesandro; and I remembered that Tyrone Noling planned to snatch a purse; and we followed a woman in our car from a grocery store to her home; and that Tyrone Noling got out of the car and snatched her purse; the purse snatching was what happened on the afternoon I described in my testimony rather than a trip to Atwater and the Hartig murders;

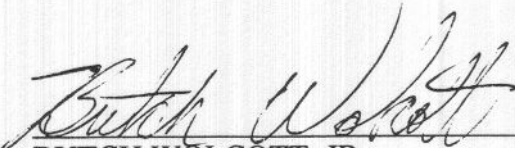
45. Immediately prior to my testifying at the trial of Tyrone Noling on January 12, 1996 Ron Craig and the prosecutors told me to read the statements I had given with their prompting and suggestion; I had no personal knowledge or recollection of the events in the statements and I could not remember all of the things that Ron Craig and the prosecutors had told me about what was supposed to have happened; Ron Craig and the prosecutors were worried that I wouldn't remember what I was supposed to say;

46. When I was questioned during trial by the attorney for Tyrone Noling, I was waiting for him to ask me questions that would have allowed me to say what I thought had really happened; if I had been given the opportunity I would have testified that I had been told by Ron Craig that there was an eyewitness to the murders on a utility pole, that I had been told by Ron Craig that my DNA matched that on the cigarette butt, that I had been told by Ron Craig that the polygraph examination indicated I was involved in the Hartig murders, that I had been convinced that I and the others had done the Hartig murders but that I had repressed my memory of events by Ron Craig and Psychologist Alfred Grzegorek, and that Ron Craig had brainwashed me into thinking that all the things I had said in my statements to him and the prosecutors were true; and that I had no personal knowledge or recollection of Atwater and the Hartig murders;

47. When charges were dropped against Tyrone, I didn't hear from the prosecutor's office until Tyrone was re-indicted; at that time David Norris was no longer in office because of drug charges that were brought against him; from that time on, I did not hear from Robert Durst whenever I was questioned, it was always by Ron Craig and Eugene Muldowney; the line of questioning and the constant threat of immunity continued as before they seemed very nervous about my testimony because they knew how confused I was; they continually had me rehearse my testimony before I actually went on the stand;

48. All of the foregoing is true to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NAUGHT.


BUTCH WOLCOTT, JR.
Affiant

SWORN to before me and in my presence this 21st day of July, 1997.

VICTORIA M. BUCKWALTER, Notary Public,
Residence - Summit County
State Wide Jurisdiction, Ohio
My Commission Expires July 28, 1997


NOTARY PUBLIC

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