

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 ROBERT ST. CLAIR

STATE OF OHIO)
)
COUNTY OF SUMMIT) ss:

I Robert St.Clair, being first duly cautioned and sworn, state the following:

1. In 1993, I was present when my son Gary St.Clair, was urged to plead guilty to the murder of the Hartigs.
2. Gary was urged by his attorneys, Kathleen Tartarsky and John Mackey to plead guilty.
3. Gary has always maintained that he was not involved in the Hartig murders and he did not know who was.
4. Gary repeatedly told me that he was not involved in the Hartig murders.
5. At no time did Gary want to plead guilty to the murders. In fact Gary had turned down a previous plea bargain that offered him lesser time than he ultimately took.
6. Gary pleaded guilty to the murders of the Hartigs because his mother and I, along with his attorneys urged him to take the plea bargain.

7. Gary's attorneys told Gary's mother and me that Gary had no defense
8. Gary's attorneys told us that Gary would go to the electric chair or get life in prison if he did not take the plea bargain.
9. To my knowledge, Gary's Investigator, Robert Durkin did not conduct a serious investigation in to the actual facts and events of the Hartig murders.
10. To my knowledge, Gary's attorneys' only defense was to try to prove that Gary was incompetent to stand trial. They never investigated his actual innocence.
11. Gary's plea bargain was drawn up the day after he was declared to be competent to stand trial.
12. Gary's mother and I urged Gary to plead guilty, because we did not want to see him go to the electric chair.
13. Gary did not know what details to give concerning the murders, because he wasn't there. I told Gary to just go along with whatever Ron Craig told him.
14. I was told that if Gary was on Death Row, he would not have any contact with the outside world, he would only get one phone call per year and he would be allowed no visitors.
15. I believed that even though Gary was innocent he should accept a plea bargain that would remove the possibility of the electric chair. As long as he was living he would be able to eventually show that he was innocent.
16. I could not bear to see my son go to the electric chair or spend the rest of his life in prison.
17. All of the foregoing is true to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NAUGHT.


ROBERT ST. CLAIR
Affiant

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

VICTORIA M. BUCKWALT, Notary P.
Res. Summit County
State with Jurisdiction, Ohio
My Commission Expires July 28, 1997

Victoria M. Buckwalt
NOTARY PUBLIC