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STATE OF OHIO

COUNTY OF PORTAGE, ss

IN THE PORTAGE COUNTY GRAND JURY

Courthouse - Grand Jury Room - 3rd Floor

IN RE: TYRONE NOLING

TESTIMONY OF GARY ST. CLAIR

BE IT REMEMBERED that on the 5th day of
May, 1994 before the Portage County Grand Jury
Ravenna, Ohio, the appearances listed having been
made, the following proceedings were had:

APPEARANCES:

Robert Durst, Assistant Prosecutor

On behalf of the State of Ohio

Also present:

Assistant Prosecutor Joseph Szymanski

1 MR. DURST: First thing we need to do,
2 before you sit down, hold on just a second, let me
3 get organized. Go ahead and swear Mr. St. Clair
4 in before we get started.

5 WHEREUPON, the State of Ohio called
6 GARY ST. CLAIR

7 who, having been first duly sworn to testify the
8 truth, the whole truth, and nothing but the truth,
9 did say as follows:

10 EXAMINATION:

11 By Mr. Durst.

12 Q. Gary, why don't you have a seat here.
13 It's kind of a little bit difficult for the people
14 in the back of the room here to hear so if I could
15 ask you to speak up real loud. We've got some
16 noise and so forth outside which makes it kind of
17 tough for those that sit way in the back to hear.

18 Before we get started here this
19 afternoon, I would like to go over a couple of
20 things with you.

21 First off, Gary, you know you and I have
22 talked several times before. We've met several
23 times before. And what we're going to do here
24 this afternoon is I'm going to ask you, you know,
25 a series of questions concerning some events and

1 matters that we believe you have some knowledge of
2 that will assist this Grand Jury in determining
3 whether Mr. Noling ought to be charged with this
4 crime. Okay.

5 Now I want to make, I want to make
6 something clear to you, even though we just had a
7 brief conversation out -- out in the hallway
8 there, I want to repeat it again right now just so
9 there's no misunderstanding.

10 I understand that what we're about to
11 get into concerned events that took place over
12 four years ago.

13 WITNESS: Yes, sir.

14 MR. DURST: And that sometimes it might
15 be difficult for you to, you know, remember
16 specific things because it was such a long time
17 ago. What I want to say to you is, is that number
18 ~~one all that the State of Ohio is interested in~~
19 ~~and all that this grand jury is interested in is~~
20 ~~the truth.~~

21 WITNESS: Yes, sir.

22 MR. DURST: I don't want to say anything
23 or do anything to you that suggests that we want a
24 certain answer from you. Do you understand that?

25 WITNESS: Yes, sir.

1 MR. DURST: All we want is your truthful
2 response to the best of your memory of anything
3 that we ask you about. Do you understand that?

4 WITNESS: Yes, sir.

5 MR. DURST: Okay. Now I know you've
6 talked to me before, I know you've talked to your
7 lawyers before and I know you've talked to the
8 police before, but I want to make sure that you
9 understand today that if I ask a question that you
10 do not understand, please just tell me that.

11 WITNESS: Yes, sir.

12 MR. DURST: If I ask a question that you
13 can't completely remember for sure, the answer to,
14 just tell me, you know, you're not completely
15 sure.

16 WITNESS: No problem.

17 MR. DURST: Okay. If you give us an
18 answer that, you know, that you -- you decide
19 maybe you misstated it or didn't say it right,
20 interrupt me and correct me.

21 WITNESS: Okay.

22 MR. DURST: Fair enough?

23 WITNESS: Yes, sir.

24 MR. DURST: You understand that all we
25 want is the truth, we're not suggesting that you

1 say anything special or do anything special, we
2 just want to hear from your own mind and your own
3 memory what you truthfully remember happened back
4 in April of 1990.

5 WITNESS: Yes, sir.

6 MR. DURST: Fair deal?

7 WITNESS: Yes, sir.

8 Q. Okay. Uhm, let's start with the easy
9 question. Please tell the grand jury what your
10 full name is?

11 A. Gary Eugene St. Clair.

12 Q. ~~And, Gary, how old are you now?~~

13 A. ~~25.~~

14 Q. You are, I believe originally from the
15 Alliance, Ohio, area?

16 A. No, sir.

17 Q. Okay, where were you born?

18 A. Long Beach, California.

19 Q. Okay. ~~And your mother, what is your~~
20 ~~mother's name?~~

21 A. ~~Beverly Rupp.~~

22 Q. ~~Okay, and she's now married to Mr. Rupp,~~
23 ~~is what, your stepdad?~~

24 A. ~~Third -- third husband.~~

25 Q. Okay. When did you move to Alliance?

1 A. I'd say probably around 76.

2 Q. Okay, and how old would you have been at
3 that point in time?

4 A. Four.

5 Q. So is it fair to say that you basically
6 grew up in Alliance?

7 A. Yeah.

8 Q. Okay, and from maybe age four to when
9 these problems began you lived in Alliance?

10 A. Yes, sir.

11 Q. Okay. ~~Now, how long have you known~~
12 ~~Tyrone Noling?~~

13 A. ~~Since we was in grade school.~~

14 Q. Okay. Would -- up until the things that
15 we're going to get into here, was he a friend of
16 yours?

17 A. Yes, sir.

18 Q. Okay. And did you run around with him?

19 A. No, not too much. I moved back to Akron
20 and I came back and ran into him, back in ninety.

21 Q. Okay, what I'm going to do, Gary, just
22 so I don't confuse everybody here, I'm going to
23 get up to what I'm going to talk to you a little
24 about what happened and then back up a little bit
25 and maybe go into some of the history that lead up

1 to what happened.

2 A. Okay.

3 Q. If you understand what I'm saying here?

4 A. Okay.

5 Q. Now, Gary, it is true, is it not, that
6 you are currently in prison serving a sentence for
7 aggravated murder?

8 A. Yes, sir.

9 Q. Okay. And that you pled guilty to being
10 involved in a robbery that resulted in the death
11 of a Bernhardt and Cora Hartig?

12 A. Yes, sir.

13 Q. Is that correct?

14 A. Yes, sir.

15 Q. Okay. Now, it's also true, isn't it,
16 Gary, that the State of Ohio in order to secure
17 that guilty plea from you, you pled guilty, you
18 weren't convicted, that's true?

19 A. I pleaded guilty, sir.

20 Q. ~~You pled guilty. And the understanding~~
21 ~~that we had was that first we would remove any of~~
22 ~~the charges that would make you eligible for the~~
23 ~~death penalty, is that true?~~

24 A. ~~Yes, sir.~~

25 Q. ~~And that we would amend the charge such~~

1 ~~that you would become eligible for parole in 20~~
2 ~~years, less any good time credit that you earn?~~

3 A. ~~Yes, sir.~~

4 Q. Okay, and that in consideration of us
5 doing that you agreed, first, to plead guilty
6 which you did, is that true?

7 A. Yes, sir.

8 Q. And that you also agreed to cooperate
9 with the State of Ohio and it's ongoing
10 investigation of that crime and if called upon to
11 testify, to testify truthfully before a Grand Jury
12 and then ultimately a trial jury, is that kind of
13 fair what the deal was?

14 A. Yes, sir.

15 Q. That's your understanding?

16 A. Yes, sir.

17 Q. All right. Now you have an attorney
18 currently, do you not?

19 A. Yes, I do, sir.

20 Q. And that's Annette Powers?

21 A. Yes.

22 Q. And I understand that you've had the
23 opportunity to speak with Miss Powers before your
24 testimony here today?

25 A. Yes.

1 Q. Okay, and your testimony here today is
2 voluntarily, is voluntary on your part, is that
3 true?

4 A. Yes, it is.

5 Q. We haven't threatened you?

6 A. No.

7 Q. We haven't coerced you?

8 A. No, sir.

9 Q. Okay. And you have had an opportunity
10 to speak with your attorney before you made the
11 decision to come in and talk to the grand jury?

12 A. Yes.

13 Q. Okay. On April the fifth, 1990,
14 according to the investigation that was later
15 conducted, an elderly couple were killed out on --
16 by the name of Hartigs -- out on Moff Road in
17 Atwater in this county, Portage County, Ohio. Do
18 you know who fired the gun that shot the bullets
19 that killed Mr. and Mrs. Hartig?

20 A. Tyrone Noling.

21 Q. Okay. Were you in the house when that
22 happened?

23 A. Yes, sir.

24 Q. Okay. Tell us in your own words, if you
25 can start with just when you're in the car going

1 to Moff Road, I'd like you to first tell the grand
2 jury who all was in the car with you, what
3 happened, and I'd like to just without me asking
4 you questions just have you tell the grand jury in
5 your own words the whole story from, you know, the
6 time the car comes down the road to what happens,
7 you go to the house, to what happens in the house,
8 and what happens as you come out of the house. Do
9 you understand what I'm saying?

10 A. Yes, sir.

11 Q. I'd just like you to tell your story.

12 A. Me, Joe Dalesandro, Butch Wolcott and
13 Tyrone Noling was on Moff Road and as we're
14 driving down the street Tyrone just told Joey to
15 stop, he jumped out of the car. I jumped out
16 right behind him and went up to this house and an
17 elderly lady answered the door and Mr. Noling
18 asked to use the phone for disabled vehicle and
19 she was kind enough to let us in.

20 We got into the house and Tyrone tells
21 me to go back to the bedroom which I did. Was
22 about five minutes, looked through a little bit of
23 stuff and I didn't like what was going on, the
24 situation.

25 Q. Were any guns out yet at this point when

1 you go to the bedroom?

2 A. Uhm, yes, sir.

3 Q. Okay.

4 A. As in me or the Hartigs?

5 Q. You or Tyrone or the Hartigs?

6 A. ~~Tyrone had a .25 automatic with him.~~

7 Q. Okay. Okay, and ~~what did you have with~~
8 ~~you?~~

9 A. ~~A sawed off shotgun. It wasn't loaded.~~

10 Q. Okay. Go ahead.

11 A. ~~So I was in the bedroom,~~ and I was
12 getting ready to come out, ~~I heard some gunshots~~
13 ~~going off in the other room, which would have been~~
14 ~~the kitchen. And there was two dead people laying~~
15 ~~on the floor, all shot up.~~ And before all this
16 happened I go to leave out of the bedroom to take
17 off and it's too late, the gunshots was going off.

18 Q. Now when you went in the kitchen and saw
19 these two dead people laying on the floor, where
20 was Tyrone Noling?

21 A. Right beside them.

22 Q. Did he have anything in his hand?

23 A. The .25 automatic.

24 Q. Was he saying anything?

25 A. ~~He was frustrated. Said to me: I had~~

1 ~~to do this. I said why? He said: No witnesses.~~
2 ~~I said: "Oh, boy."~~

3 Q. Okay. Now before you heard the
4 gunshots, did you hear any talking going on?

5 A. Little argument between the Hartigs and
6 Tyrone Noling.

7 Q. Could you hear what they were arguing
8 about?

9 A. Uhm, no.

10 Q. Okay. Now you mentioned that when you
11 first went to the door an elderly lady let you in?

12 A. Yes.

13 Q. Okay. Did you see an elderly man?

14 A. No, sir.

15 Q. When's the first time you saw the
16 elderly man?

17 A. When I came in the door.

18 Q. Okay.

19 A. The bathroom, I mean the bedroom.

20 Q. You mean you saw him when you went in
21 the bedroom?

22 A. No, when I was coming out.

23 Q. I see. As you're coming out of the
24 bedroom?

25 A. And the shooting -- that is when all the

1 shot was going on.

2 Q. Okay. As near as you could tell were
3 either of these two people on the floor in the
4 kitchen moving when you first saw them?

5 A. No. No, they weren't moving.

6 Q. In your presence did Tyrone fire any
7 more shots?

8 A. I can't recall that.

9 Q. Okay. What did you do then, what
10 happened next?

11 A. I freaked. I thought he was going to
12 pull a gun and shoot me.

13 Q. What did you do?

14 A. We got up and just took off.

15 Q. Okay. Do you remember what door you
16 went out?

17 A. Front door.

18 Q. Okay. And where did you go after you
19 went out the front door?

20 A. Out to the waiting vehicle which was
21 Joey's car.

22 Q. Okay. ~~And where was Joey's car when you~~
23 ~~found it?~~

24 A. ~~He was coming up the street, real~~
25 ~~slowly.~~

1 Q. Okay. Now did you go out the door first
2 or did Tyrone go out the door first?

3 A. I did.

4 Q. Okay. How close behind you was he, do
5 you recall?

6 A. About maybe ten yards, fifteen yards
7 behind me.

8 Q. Okay. Did you yourself ever point a gun
9 at either Mr. or Mrs. Hartig?

10 A. No.

11 Q. Did you fire any of the shots that went
12 into either Mr. or Mrs. Hartig?

13 A. No.

14 Q. Now let me back up a little bit. What
15 was the plan in going out there that day? In
16 other words, was there some discussion at some
17 point about robbing some people?

18 A. As far as talking about it?

19 Q. Yes.

20 A. No.

21 Q. Okay. ~~When did the decision get made to~~
22 ~~go in and rob these two people?~~

23 A. At -- ~~Tyrone Noling came up as we were~~
24 ~~driving down the street--~~

25 Q. Okay.

1 A. -- he just said slow down.

2 Q. Do you have any idea why he picked this
3 particular house or said slow down at that point?

4 A. No, I don't.

5 Q. Okay. Did you see anybody outside or --
6 was the old man outside?

7 A. I can't recall if I seen him out there
8 or not.

9 Q. Okay, what did -- okay, tell us exactly
10 what happened then after Tyrone says slow down.
11 Okay, what was the plan, I mean how was this going
12 to be accomplished? How was the robbery going to
13 be accomplished?

14 A. We was going to go in the house.

15 Q. Okay.

16 A. And, like I said, I was in the bedroom.

17 Q. By that I mean was there any kind of
18 scheme or anything as to how you would get inside
19 the house?

20 A. We was going to use the telephone.

21 Q. Okay. What were you going to say as to
22 why you needed to use the telephone?

23 A. For a disabled vehicle.

24 Q. Okay. Now, you indicated that Ty told
25 you to go to the bedroom?

1 A. Yes, he did.

2 Q. What was your purpose, I think it's
3 obvious but I need to ask you anyway. What was
4 your purpose in going in the bedroom when he told
5 you to do that?

6 A. Look for something to get out of there.

7 Q. Steal stuff?

8 A. Yeah.

9 Q. Now, what did Ty -- do you remember as
10 you come in and the -- the lady, uhm, did Ty pull
11 the gun on her right away? Or do you remember?

12 A. I can't recall.

13 Q. Well, I mean at some point in time I've
14 got to assume that this changed from a situation
15 where you're asking to use the telephone to what
16 was obviously, you know, a robbery?

17 A. Right.

18 Q. Okay, how did that happen? Who said
19 what?

20 A. Tyrone asked if he could come in, use
21 the phone for a disabled vehicle. She let us in,
22 we was in there, and Tyrone says go to the
23 bedroom.

24 Q. What did the old -- what did the lady
25 say then when he suddenly orders you to the

1 bedroom?

2 A. Nothing.

3 Q. Did she appear shocked or anything?

4 A. I don't recall.

5 Q. Okay. Okay. Did you hear Tyrone say
6 anything further to the lady then at that point?

7 A. Uhm, I'm pretty sure that I was in the
8 bedroom.

9 Q. Okay.

10 A. And I guess that he had pulled a gun out
11 because I heard a little argument.

12 Q. With her?

13 A. Yeah.

14 Q. Okay. You heard her voice?

15 A. Yeah.

16 Q. Do you remember at all what she was
17 saying or what Ty was saying at that point?

18 A. Nope.

19 Q. Okay. Now did you ever hear the man's
20 voice?

21 A. No.

22 Q. Okay. Now you said Joey Dalesandro was
23 driving the car?

24 A. Yes.

25 Q. Was there somebody else in the car, too?

1 A. Butch Wolcott.

2 Q. Okay. Now, Gary, this was not the first
3 time that you and Tyrone had robbed older people,
4 was it?

5 A. Wasn't the first incident, there was
6 another one before that one.

7 Q. Okay, tell me about the one before that
8 one.

9 A. The Hughes?

10 Q. The one you were involved in, correct?

11 A. Ah, the Hughes.

12 Q. Tell us about Hughes.

13 A. Tyrone came up with this idea to go to
14 these people and rob them. I went along with
15 him. I thought he was joking, playing around. So
16 he knocked on the door and tells the elderly
17 people that he wanted to use the phone for a
18 disabled vehicle. They let us in. I mean, they
19 was sitting on the couch watching Oprah Winfrey
20 and as the old man started getting up with the
21 son 'cause he had a wrecker.

22 Q. Now this would have been the day before,
23 correct?

24 A. Yeah.

25 Q. All right.

1 A. So I'm there shaking my head at Tyrone,
2 I don't want to do this. And he started thinking
3 about it, too, himself and I guess the old man
4 couldn't get hold of nobody and Tyrone takes his
5 foot and shuts the door shut and pulls the sawed
6 off shotgun from underneath his trench jacket.

7 Q. Tyrone does?

8 A. Yeah.

9 Q. Where were you then, still sitting in
10 the chair?

11 A. Yeah.

12 Q. Okay. What happens next?

13 A. He tells me to go get her purse. I then
14 get up and then he tells them -- puts the shotgun
15 on the older people, tells them to move and he
16 undid her VCR and took it on the couch and then he
17 asked the elderly lady about some rings and that
18 and she said she ain't got none and he kept, you
19 know, harassing her so she said, all right, in the
20 back bedroom. So they get up, I followed behind
21 them. And Mr. Hughes was going for his .25
22 automatic on his dresser and Tyrone seen that.
23 Tyrone spin around, point the shotgun on his wife
24 and he said: If you move I'll blow her head away
25 with the gun.

1 So he put the gun back down and Ty took
2 the .25 automatic, about four inches from the
3 man's head and starting shaking his hand, saying:
4 It's loaded, it's loaded.

5 And after a few minutes Tyrone took him
6 and put them in the bathroom, told them not to
7 come out and we took off.

8 Q. Okay. And that robbery or burglary you
9 pled guilty to, did you not?

10 A. Yes, sir.

11 Q. Okay. And you were in prison serving
12 that sentence, were you not, when you got charged
13 with this, being involved in the murder?

14 A. Yes, sir.

15 Q. Okay. Now going back a little bit
16 further, Gary, where -- you mentioned Butch
17 Wolcott a couple times now. Where did you meet
18 Butch Wolcott?

19 A. It was up in Akron, a place called Haven
20 of Rest on East Market Street.

21 Q. Okay, what kind of place is that?

22 A. That's where you go eat meals, street
23 people.

24 Q. Why were you over there as opposed to
25 being in Alliance?

1 A. Because Butch was a runaway and they had
2 set me up, him and two other females set up me up
3 to be there and plus my stepdad was in a serious
4 car accident, be there, make sure everything was
5 intact and--

6 Q. Okay. By that I think I'm getting
7 myself a little ahead of the story here. You were
8 over in Akron just sort of hanging out, is that
9 true?

10 A. Yeah.

11 Q. And you met Butch at this Haven of Rest?

12 A. Yes.

13 Q. And then there came a situation where
14 you wanted to go back to Alliance because your dad
15 had been hurt?

16 A. Yeah.

17 Q. Did Butch Wolcott go back with you?

18 A. He went to Alliance with me.

19 Q. Okay, had you known Butch before you met
20 him over there in Akron?

21 A. Oh, just previous from Haven of Rest.

22 Q. Okay. What was that on?

23 A. Just associated with them talking for a
24 while.

25 Q. Okay. Now when you and Butch went back

1 to Alliance, where did you stay?

2 A. We went to a hotel.

3 Q. And how long did you stay in a hotel?

4 A. Two to three days.

5 Q. Okay. Where did you go after you moved
6 out of the hotel?

7 A. Went to Johnny Trandifer's house.

8 Q. Okay. Did you stay at Johnny
9 Trandifer's for a while?

10 A. Yes.

11 Q. Now Johnny is -- he's your what, half
12 brother?

13 A. Yes, he is.

14 Q. Okay. Now who else was staying at that
15 house during these days we're about to talk about?

16 A. Me, Joey Dalesandro, Butch Wolcott and
17 my half brother, Johnny Trandifer.

18 Q. Now were there any adults in -- well, of
19 course, you guys were adults but other than
20 yourselves were there any other adults in the
21 house at that time?

22 A. No, there wasn't.

23 Q. And that's because your dad, he was in
24 the hospital, wasn't he?

25 A. Yes.

1 Q. Okay. Now what's this business of --
2 maybe I'm using the wrong words here -- car
3 shopping or you know what I'm talking about?

4 A. Yes.

5 Q. Can you explain to the grand jury what
6 that was all about?

7 A. Going out a few times, at night. Doors
8 unlocked, people's cars, they would jump in their
9 cars and get what they could get.

10 Q. Okay. What kind of stuff was being
11 stolen?

12 A. ~~Sunglasses, few credit cards, uhm,~~
13 some -- I forget, the car was. ~~Sunglasses, money,~~
14 ~~loose change.~~

15 Q. Okay. Who all was involved in that?

16 A. Me, Joey, Butch, my little brother and
17 Tyrone.

18 Q. Okay. Now whose idea was it to start
19 robbing old people?

20 A. Tyrone Noling's.

21 Q. Okay. And do you remember how that came
22 up, and by that I mean there must have been some
23 talk, must have been some discussion how that,
24 how'd that happen? How did it come about that
25 Tyrone started talking about robbing old people?

1 A. He didn't come to me and say: Let's go
2 rob some old people. If I knew it was old people
3 I wouldn't have went, you know. And I got to the
4 Hughes and I seen these old people, I thought, you
5 know, Tyrone is playing around so I went ahead
6 with him. And I was getting ready to get up and
7 leave and he pulled a shotgun out.

8 Q. In terms of getting into the Hughes,
9 what, what was the scheme to get in there? How
10 did -- how did you guys get in the house?

11 A. Mr. Noling had told Mrs. Hughes that we
12 had a disabled vehicle and he had to use the
13 telephone.

14 Q. Okay. Now to your knowledge, did Tyrone
15 do another one earlier in the next day, which is
16 the day the murders occurred?

17 A. Yes, he did.

18 Q. What did he do that day to your
19 knowledge?

20 A. Woke up around 11 o'clock in the
21 morning, around 12 or 12:30, somewhere around then
22 asked me to go rob some more people. I said I
23 ain't going, I'm staying at the house. All right,
24 come back you won't get no stuff. I said that is
25 all right with me. So he took off, come back

1 about 45 minutes later and told me he accidentally
2 shot the gun in the house, went through the floor.

3 Q. Okay. Did he have stuff with him?

4 A. Yep.

5 Q. What kind of stuff did he have, if you
6 remember today?

7 A. VCR, jewelry and money.

8 Q. Okay. About what time of the day was
9 that, if you remember?

10 A. Uhm, quarter to one, one o'clock.

11 Q. Okay. Do you guys, that afternoon then
12 decide to get in the car and leave the house?

13 A. Yes.

14 Q. Why did you leave the house?

15 A. They was all bored and we wanted to
16 cruise, go somewhere, do something.

17 Q. Did you go any place?

18 A. Out to Moff Road.

19 Q. Okay. So how long, if you remember,
20 were you driving around before you got out to Moff
21 Road?

22 A. Uhm, about 45 minutes.

23 Q. Okay, do you recall and again this isn't
24 important but do you recall where you cruised
25 around to before that?

1 A. Uhm, we was in Alliance. Uhm, I don't
2 know the names of the roads in Alliance where we
3 went to, how we got to Atwater.

4 Q. Had you ever been out there to Moff Road
5 before?

6 A. No, sir.

7 Q. Was anybody giving Dalesandro
8 directions?

9 A. Mr. Noling was.

10 Q. By that I mean turn here, turn there,
11 that sort of thing?

12 A. Mr. Noling was.

13 Q. Now, do you today, and I realize this is
14 four years later, remember what that house looked
15 like on Moff Road?

16 A. White.

17 Q. One story or two story?

18 A. One story.

19 Q. Do you recall anything about a garage or
20 a garage door?

21 A. Garage door and a garage.

22 Q. Do you know whether the door was open or
23 closed?

24 A. Open.

25 Q. Okay. Now, you said here earlier that

1 when you came running back out of the house
2 Dalesandro was cruising by, I assume you mean that
3 his car was moving?

4 A. Yeah.

5 Q. Okay, what was the plan? Was he just to
6 sit in the driveway or was he to drive up and down
7 the road? How was that supposed to work?

8 A. No, Tyrone told him to keep going back
9 and forth, take his time and if he sees us speed
10 up, whatever he has to do, and pick us up.

11 Q. Okay. What kind of conversation took
12 place in the car after they picked you up?

13 A. We got in the house. I mean, we got to
14 the vehicle, Joey's car. I again said to Tyrone,
15 I said: Why'd you do that? He said for no
16 witnesses. And there is a lot of argument between
17 me and Joey and Butch.

18 Q. What were those guys saying, Joey and
19 Butch?

20 A. They asked him if it's true or not.
21 They didn't believe him.

22 Q. ~~Tyrone threaten anybody?~~

23 A. ~~He threatened Butch Wolcott.~~

24 Q. How did he do that, what did he say?

25 A. ~~He wanted to go out to Berlin Dam one~~

1 ~~night and dig him a six foot grave, come out the~~
2 ~~next night -- get him drunk first, then take him~~
3 ~~out the next night, push him in the hole and shoot~~
4 ~~him. I said I wasn't going to do it.~~

5 Q. This was after the car ride back from
6 the--

7 A. I think it was pretty much after the
8 second night.

9 Q. Okay, I'm talking about in the car on
10 your way back to Alliance after the shootings, did
11 Tyrone threaten anybody in the car, if you
12 remember?

13 A. I can't recall.

14 Q. Okay. Where did you go after you left
15 Moff Road?

16 A. Went back to Alliance.

17 Q. Back to Trandifer's house?

18 A. Yeah, Johnny Trandifer's house.

19 Q. Okay. All four of you go in the house?

20 A. Yes, me and Tyrone go in first and Butch
21 and Joey came in behind us.

22 Q. ~~Now did you get anything from the house~~
23 ~~out on Moff Road? By that I mean was anything~~
24 ~~actually stolen?~~

25 A. ~~No.~~

1 MR. DURST: Let me stop just for a
2 second. I want to turn this tape over, I know
3 it's just about ready to run out.

4 Q. All right, Gary, couple final things.
5 Now, as you remember, we had expected you to
6 testify in Tyrone's trial last year?

7 A. Yes.

8 Q. Okay, and it's true, isn't it, that you
9 came back up to this Courthouse and indicated
10 that -- to the police, that you -- what you had
11 told them before wasn't the truth?

12 A. Regarding --

13 MR. DURST: Let me rephrase that
14 question, too. It will help a little bit. That
15 is what I'm leading up to. I'm not quite there
16 yet.

17 A. Okay, okay.

18 Q. You came back up to the Courthouse here,
19 and -- you came back up to testify in a trial,
20 true?

21 A. Yes, sir.

22 Q. Okay. But before that trial got started
23 you told the police or the investigators and the
24 prosecutor you weren't going to testify, is that
25 true?

1 A. I can't recall.

2 Q. Okay. Well, you felt that you couldn't
3 go in the courtroom and make the statements that
4 you had previously made out of the courtroom, is
5 that true?

6 A. Yeah.

7 Q. Okay. In your own words, tell us why
8 that happened?

9 A. Because Mr. Noling's prime investigators
10 told me if I could help them out and, you know,
11 tell them what happened they would get me a new
12 lawyer and would be an easier case for me.

13 Q. Okay. Now where did these investigators
14 talk to you?

15 A. Down at Orient Penitentiary.

16 Q. Okay, was your lawyer present when they
17 came and talked to you?

18 A. Oh, no, she wasn't.

19 Q. How -- how did these people get there, I
20 mean, did they just show up one day?

21 A. Yeah.

22 Q. Okay. And they had some sort of
23 conversation with you?

24 A. They sure did.

25 Q. Okay. What did they tell you they could

1 do for you?

2 A. They said they'd give me a lesser charge
3 and then get me a lawyer to work for me.

4 Q. Okay, did they say anything to you about
5 what kind of job your old lawyer had done for
6 you.

7 A. Not -- I can't recall.

8 Q. Okay. But were they telling you that
9 they could get you a better deal?

10 A. Yeah.

11 Q. Okay. What did you have to do for them
12 in order to get that better deal?

13 A. Say a different statement, tell them now
14 what happened.

15 Q. Okay, say a different statement as to
16 what happened?

17 A. I told them that me and Tyrone had
18 nothing to do with it because I was thinking
19 they'll help me out with this case.

20 Q. That's in essence what they wanted you
21 to testify to?

22 A. Yeah.

23 Q. Okay, now you had made -- I realize you
24 don't remember what dates you made these
25 statements on, but you had talked to -- in the

1 ~~presence of your attorneys, Mr. Mackey and Miss~~
2 ~~Tatarsky, you had talked to Investigator Craig~~
3 ~~back in March, 1993. Do you remember that? Do~~
4 ~~you remember talking to Mr. Craig with your~~
5 ~~attorneys present back in March of last year?~~

6 A. ~~Here, in Portage County Courthouse?~~

7 Q. ~~Yes, sir.~~

8 A. That's when, yeah, I remember that, made
9 that statement.

10 Q. Okay. Okay. Gary, you know, I -- I
11 realize this is kind of -- just give you a second
12 to look at it, and now that's a transcript and I
13 don't even want you to, you know, sit there and
14 read it right now. But I would just like you to
15 take a quick look, just the first page of it,
16 there and see if you remember having that
17 conversation?

18 A. Yes, I do.

19 Q. Okay. Now, the -- and I'm not going to
20 ask you about every detail of that conversation
21 took place a year ago, ~~but is the statement that~~
22 ~~you made back on that day with your attorneys~~
23 ~~present to Investigator Craig, was that the truth?~~

24 A. ~~Yes, sir, it was the truth.~~

25 Q. Okay. ~~And is what you said in this~~

1 ~~grand jury here today under oath the truth?~~

2 A. ~~Yes, sir.~~

3 Q. ~~Okay. Is what you were gonna to say for~~
4 ~~those investigators that talked to you down at~~
5 ~~Orient, was that going to be the truth?~~

6 A. ~~No, sir.~~

7 Q. Okay. Now these were two ladies that
8 came down to talk with you at Orient?

9 A. Yes.

10 Q. They weren't attorneys?

11 A. No, private investigators.

12 Q. Okay, private investigators, I
13 understand that. ~~Did they tell you what they~~
14 ~~wanted you to say?~~

15 A. ~~No.~~

16 Q. Okay. How was it then that you came up
17 with the idea that if you changed your story it
18 could help you?

19 A. They came and told me -- asked me if I
20 could help them. I said which way? And they said
21 with Tyrone, and I said, yeah, probably. And they
22 started about ~~help them out, they'll give me a new~~
23 ~~lawyer.~~

24 Q. ~~Okay. Get you a new lawyer, get you a~~
25 ~~better deal?~~

1 A. ~~Yeah.~~

2 Q. ~~But what was it they wanted you to do to~~
3 ~~help them out?~~

4 A. ~~Testify for them, their defense,~~

5 Q. ~~Okay. But did they tell you what they~~
6 ~~wanted you to say in that testimony?~~

7 A. ~~No, you know, they didn't tell me what~~
8 ~~to say, I made it my own self,~~

9 Q. ~~In other words, you came up in your own~~
10 ~~mind--~~

11 A. ~~What to say.~~

12 Q. ~~-- what to say?~~

13 A. ~~Yeah.~~

14 Q. ~~Was it your understanding from what they~~
15 ~~were telling you that if you would testify for~~
16 ~~Tyrone and basically say that this didn't happen,~~
17 ~~that you guys weren't there, that's what they~~
18 ~~wanted from you?~~

19 A. ~~Yeah.~~

20 Q. ~~Okay. Did you believe at the time that~~
21 ~~they could get you a different lawyer and get you~~
22 ~~a better deal?~~

23 A. ~~Yeah.~~

24 Q. ~~Okay. And is that why then when we~~
25 ~~brought you up here for the trial that things~~

1 developed the way they did?

2 A. Yes, sir.

3 Q. Okay. Gary, is everything you have told
4 us here this afternoon the truth?

5 A. Yes, sir.

6 Q. And if it becomes necessary for you to
7 go in the courtroom in front of a trial jury with
8 Tyrone Noling and his attorney sitting in there,
9 are you prepared to tell that jury the truth?

10 A. Yes, sir.

11 Q. Gary, just a couple more questions just
12 trying to clarify this business, the conversation
13 these women had with you down at Orient. Did they
14 tell you they knew what you had already said to
15 the police up here and the statements that you had
16 already by then made?

17 A. What do you mean by that?

18 Q. Well, those investigators that came down
19 there, they -- did they tell you they already knew
20 what you had told the prosecutor or the police
21 that implicated Tyrone Noling in this?

22 A. Yeah. Tell me that they had my
23 statement.

24 Q. I'm sorry?

25 A. Told me that they had my statement.

1 Q. Okay, they had your statement. They
2 apparently didn't like your statement?

3 A. No, they didn't.

4 Q. Did they tell you why they didn't like
5 your statement?

6 A. Because I was trying to put their client
7 away.

8 Q. Okay. Did you tell them that that
9 statement was the truth?

10 A. Yeah.

11 Q. And what did they say?

12 A. They said we still need your help.

13 Q. And then what did you say?

14 A. I said I'll try.

15 Q. And what did they say?

16 A. Good.

17 Q. Then did you make a statement to them?

18 A. Yeah.

19 Q. And that statement was basically that it
20 didn't happen, you weren't there?

21 A. Yes, sir.

22 Q. Okay. Is that the only time you talked
23 to these people?

24 A. Yes, sir.

25 Q. And have you talked to them since?

1 A. ~~No.~~

2 Q. ~~Have you had -- heard anything from~~
3 ~~Tyrone since?~~

4 A. ~~No, No, I don't want to.~~

5 Q. Okay.

6 MR. DURST: Thank you, Gary.

7 MR. ST. CLAIR: You're welcome, Mr.

8 Durst.

9 MR. DURST: Okay.

10 (END 4:00 P.M.)

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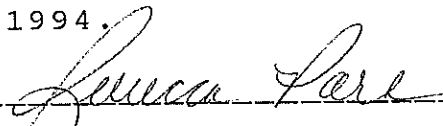
1 STATE OF OHIO

2 COUNTY OF PORTAGE, SS CERTIFICATE

3 I, Rebecca Park, a Notary Public within and
4 for the State of Ohio, duly commissioned and
5 qualified, do hereby certify that the above named
6 GARY ST. CLAIR was first duly sworn to testify the
7 truth, the whole truth, and nothing but the truth;
8 that the foregoing testimony was written by me, in
9 stenotype, in the presence of the witness; that
10 the same is a true and correct transcript of all
11 the testimony introduced and proceedings had in
12 the taking of this testimony in the Portage County
13 Grand Jury at the time and place specified, and
14 transcribed by me with the aid of a computer.

15 I do further certify that I am not of
16 counsel, attorney or relative of any party, or
17 otherwise interested in the event of this action
18 or proceeding.

19 IN WITNESS WHEREOF, I have hereunto set
20 my hand and seal of office at Ravenna, Ohio, this
21 13th day of May, 1994.

22 
23 REBECCA PARK, NOTARY PUBLIC
24 My commission expires 6/1/96

25
REBECCA PARK, OFFICIAL COURT REPORTER
COMPUTERIZED TRANSCRIPTION