

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Tyrone Noling, :  
PETITIONER, : Case No. 5:04CV01232  
-vs- : Judge Donald C. Nugent  
Margaret Bradshaw, Warden, : **Death Penalty Case**  
RESPONDENT. :

AFFIDAVIT OF GARY A. RINI, M.F.S., D.A.B.F.E.

IN THE STATE OF OHIO )  
 ) ss:  
COUNTY OF CUYAHOGA )

I, Gary A. Rini, being first duly sworn according to law, state the following:

1. I am a Forensic Science Educator, Trainer and Consultant. A copy of my curriculum vitae is attached to this affidavit as Exhibit A.
2. I was contacted by counsel from the Office of the Ohio Public Defender to review materials obtained by the Cleveland Plain Dealer related to the above-captioned case. Mr. Noling's attorneys have provided me with the following materials to review: A crime scene report written by Chief Detective Duane Kaley of the Portage County Sheriff's Department; a handwritten report of an interview with Jim Geib dated April 10, 1990; and a report of an interview with Jill Hall dated August 10, 1990.
3. The crime scene report written by Portage County Sheriff's Department Chief Detective Duane Kaley is a supplemental report. Every officer at the scene should have filed such a report.
4. Kaley's crime scene report contains strong indications that the perpetrator of the murders was an individual known to the Hartigs. The following facts contained in the report lead me to this conclusion:
  - The garage door was open, the lawn mower was out, and Bearnhardt Hartig's gloves and coat were on a box in the garage near the door leading into the kitchen.
  - There were no signs of forced entry.

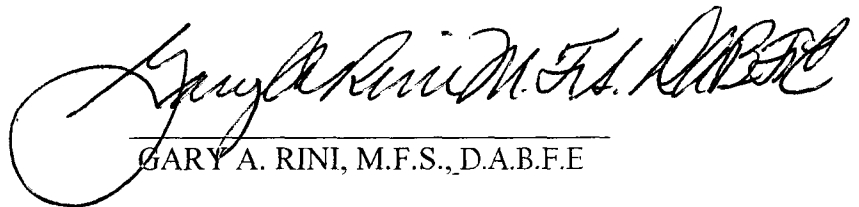
- It appeared to Kaley that Bearnhardt Hartig was sitting in the kitchen when he was shot.
- There was a hole in the wall behind Cora Hartig leading Kaley to believe that she had been sitting in a kitchen chair when she was shot.
- Kaley noted that it appeared that at least one other individual had been seated at the kitchen table.
- There were no signs of struggle from the victims.

5. Jim Geib told investigators that on April 5, 1990 at approximately 4:30 p.m., he saw a dark blue vehicle traveling at a high rate of speed in the general area of the Hartig residence. Mr. Geib said that he saw one subject, the driver, who appeared to be around 30 years old with black hair. This was an important piece of evidence. Competent investigators should have brought Mr. Geib in to give a formal statement. Failure to follow up on this was a serious error.

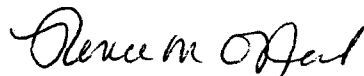
6. The report of Jill Hall's 1990 interview is in the form of a supplemental report. Routine investigative practice would have included taking a formal statement from her.

7. The 1990 report of Jill Hall's interview indicates that Butch Wolcott came to her apartment and talked about robberies in Alliance in which he, Noling, Joseph Dalesandro, and Gary St. Clair had been involved. If Jill Hall had told the police that Wolcott talked about a murder when he came to her apartment, normal investigative procedure would have been to include that fact in the report.

Further Affiant sayeth naught.

  
GARY A. RINI, M.F.S., D.A.B.F.E

Sworn to and subscribed before me this 7<sup>th</sup> day of October, 2006.



Renee M. O'Neil, Notary Public  
State of Ohio, Lorain County  
My Commission Expires Sept. 24, 2008

# *Forensic Science Consultant*

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## **- Biographical Information -**

Gary A. Rini is a internationally recognized Crime Scene Expert & Consultant who provides a Critical Case Review and Evaluation of Homicide Cases which includes: Criminal Events Analysis and Physical Evidence Correlation, Crime Scene Evidence Evaluation, Bloodstain Pattern Analysis, Luminol Testing for Blood, Crime Scene Reconstruction, a Review and Evaluation of Crime Scene Investigation Policies and Procedures and Expert Witness Testimony for both Prosecution and Defense Attorneys.

Mr. Rini began his professional career in 1975, serving in small, mid-size and large Police Agencies. During the course of his career, Mr. Rini served as Patrol Officer, Police Agent, Crime Scene Investigator, Crime Laboratory Detective, Patrol Sergeant, Forensic Services Manager and Commander of Criminal Investigations. He received his graduate education in the Forensic Sciences from The George Washington University in Washington, D.C., and received advanced specialized Forensic Science training from the Federal Bureau of Investigation, United States Secret Service, Smithsonian Institution, the Armed Forces Institute of Pathology, Saint Louis University Medical School, University of New Mexico Medical School, Case-Western Reserve University's Law-Medicine Center, Northwestern University's Public Safety Institute and other nationally recognized professional organizations.

He has designed and taught college Forensic Science courses, as well as Forensic Science training courses for Judges, Attorneys, Law Enforcement Officers, Nursing and Allied Health specialists, First Responders and other Forensic Science professionals. He is a member of a number of Forensic Science professional organizations, where he has held leadership positions as Board Member, Vice-President, President, Chairman of the Board, Training Conference Chairman and Regional Representative.

Mr. Rini served on the National Institute of Justice's Committee that established the **National Guidelines for Crime Scene Investigators** and Crime Scene Investigations, and has recently been designated as **Visiting Professor of Forensic Science** by the Francisco Marroquin University School of Law, Guatemala City, Guatemala. In 1998, the American Board of Forensic Examiners awarded him "Diplomate" status (DABFE), in recognition of his educational and professional accomplishments in the Forensic Sciences. He is a Vietnam-Era veteran of the United States Air Force and Ohio Air National Guard, where he served as an Emergency Room (Trauma) Medical Corpsman.