



Attorney General
Lee Fisher

Handwritten signatures and initials

BCI-30 (Rev. 3-91)

Bureau of Criminal Identification and Investigation

Laboratory Report

To: Sheriff P.K. Howe
Portage County Sheriff's Office
213 W. Main Street
Ravenna, Ohio 44266
ATTN: Det. John Ristity

BCI Lab Number: 90-31768

Analysis Date: June 19, 1991

Re: Double Homicide
Victims: Bearnhardt Hartig
Cora Hartig

Agency No: 90-2674

FINDINGS:

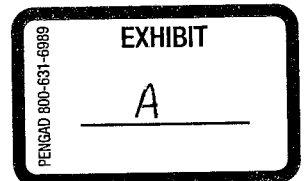
Analysis of an extract made from the cigarette butt in item #1 revealed elevated levels of amylase which is indicative of the presence of saliva. Typing of the extract failed to reveal detectable levels of secreted blood group substances. The cigarette may have been smoked by a non-secretor.

Typing of the blood from Daniel E. Wilson, BCI & I case number 91-31692-D, revealed him to be a type A non-secretor.

Handwritten signature of Dale L. Laux

Dale L. Laux
Forensic Scientist

DLL/cn
T061991



000517

Please address inquiries to the office indicated, using the BCI lab number.

BCI & I - Fremont Office
405 Pine Street
Fremont, Ohio 43420
Phone: (419) 334-3851

BCI & I - London Office
P.O. Box 365
London, Ohio 43140
Phone: (614) 466-8204

BCI & I - Richfield Office
P.O. Box 336
3333 Brecksville Road
Richfield, Ohio 44286
Phone: (216) 659-4600

BCI & I - Cambridge Office
60788 Southgate Road
Byesville, Ohio 43723
Phone: (614) 439-3655

NATHAN CHESLEY

4-24-90
2:00 PM

~~DOB 11-3-77~~ - 12 YRS

SHIRLEY SPINNEY 7236 CLARK Rd

WORKS FOR COLLEGE MEDICINE

7236 CLARK Rd

ATWATER, OHIO

PHONE 947-3535

NATHAN MADE THE STATEMENT HE THOUGHT
IT WAS POOL WHAT HAPPEND TO THE HARTIGS.

NATHAN MADE THE STATEMENT HIS BROTHER
DID IT.

SHIRLEY SPINNEY - FOSTER PARENTS - 3 CHILDREN

CANTON TOMPKEN SCHOOL

ATTENDS MAPLE WOOD SCHOOL. 14 FEB-90

WORKED ARBYS PATENT.

CRUSHED RUBBER.

GETS ALONG FAIR IN SCHOOL, MISSED DAYS LAST
TWO WKS.

KIDS WALK THE DOGS OUT IN THE COUNTRY.

NATHAN MADE THE STATEMENT TO MR COOPER THAT
HE OWED SOME MONEY.

NATHAN IS OUT OF PATH WAY OUT OF CANTON, OH
REFERRED FROM PATH WAY CANTON, OH

NATHAN WAS INVOLVED PATH WAY APPROX 2-4 YRS

STEVE CASE # 454-1356

000593

EXHIBIT

B

PCNGAO 800-631-6989

90-2674

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

90-2674

PC-0847

I, Marlene M. Van Steenberg, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to St. John Ristity. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve. 358-2288

I am 45 years of age, and I live at 9492 Miryong Rd., Ravenna, OH. 44266

On April 8, 1990 I was at work, when I got home, Richard L. Van Steenberg told me that his brother Raymond Van Steenberg was at the house and got the gun, we only have one pistol. Raymond wanted to show the gun to somebody. My husband took the clip out because Raymond had just been charged for domestic violence on Friday, April 6th, 1990.

On April 8, 1990 at about 5:00 pm, when I got home from work, Raymond called on the phone. He was calling from the Sheriff's Dept. and said the detective's wanted him to turn in a gun. Raymond didn't say why. He told me he turned in our gun, and I'm to tell the detective that he had our gun for at least 3-4 months. I told him I would not do that and asked where his gun was at. He told me he threw it away. I asked why he threw the gun away and he said he just had to do it. He was upset that I wouldn't lie for him.

On April 9, 1990 while I was on my way to work, I heard on the radio about the double murder. When I got to work (Portage County, Minic Court) I contacted a detective at the Sheriff's Dept. and talked to Detective Don Cook. I told him everything about Raymond getting the gun from my husband and turning it in to the Sheriff's office.

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. **000141**

Dated at 203 W. Main St. Ravenna, OH, this 01 day of April, 19 91.

WITNESS: St. John Ristity Marlene Van Steenberg

WITNESS: [Signature]

EXHIBIT
C
PENGAD 800-631-6989

90-2674

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

90-2674
Page

PC-0847

I, Marlene M. VanSteenberg, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Lt. John Ristity. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 45 years of age, and I live at 9492 Mingoung Rd., Ravenna, OH 44216

Sunday, April 8, 1990 was the last day he was at my house, he used to come at least once a week, for the last 2-3 years. He doesn't call on the phone.

Within a month after April 8, 1990 I heard from Sharon Morris (my husband's boss) that he had told of a guy that was in the truck (I think it was Jeff Smith Dennis VanSteenberg who is Raymond's son) when they stopped a guy slid out from under the seat. Dennis threw the guy out the window near the skating rink which is located at S.R. 224 and Alliance Rd - Newfield, Ohio. I do not know why Dennis threw the guy out.

On today's date - April 1, 1991 Lt. John Ristity released a Raven 25-Cal. Semi-Auto pistol Model #MP25, Serial #1446154 - no clip and one Uncle Mike's holster to me. Lt. Ristity showed me an ATF form 4473 dated 12-11-88 for the mentioned gun. Originally they gave because I filled it out for my husband and they husband signed it.

MVS

On Sunday March 24, 1990 my husband's sister, Clara called and asked my husband to call Raymond because he was threatening suicide. He did call him and talk for a short time. MVS

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at CCSO, Detective Bureau this 01 day of April 19 91.

WITNESS: [Signature]

Marlene VanSteenberg
Signature of person giving voluntary statement.

WITNESS: [Signature]

000142

TRANSCRIPT OF MARLENE M. VAN STEENBERG
Voluntary Statement 04-01-91
J.R.

Age: 45
Address: 9492 Minyoung Road
Ravenna, Ohio 44266

Sunday, April 8, 1990 was the last day he was at my house. He used to come at least once a week for the last two or three years. He doesn't call on the phone.

Within a month after April 8, 1990 I heard from Shelton Morris (My husband's boss) that he was was told from a guy that was in the truck (I think it was Jeff) with Dennis Van Steenberg (who is Raymond's son) when they stopped a gun slid out from under the seat. Dennis threw the gun out the window near the skating rink which is located at S.R. 224 and Alliance Road, Deerfield, Ohio. I do not know why Dennis threw the gun out.

On today's date, April 1, 1991 Lt. John Ristity released a Raven 25 cal. Semi Auto pistol, Model #MP25, Serial #1446154, no clip, and one Uncle Mike's holster to me. Lt. Ristity showed me an ATF form 4473 dated 12-11-88 for the mentioned gun. I remember this form because I filled it out for my husband and my husband signed it.

On Sunday, March 24, 1990 my husband's sister Clar called and asked my husband to call Raymond because he was threatening suicide. He did call him and talked a short time.

On April 8, 1990 I was at work, when I got home Richard L. Van Steenberg told me that his brother Raymond Van Steenberg was at the house and got the gun. We only have one pistol. Raymond wanted to show the gun to somebody. My husband took the clip out because Raymond had just been charged for domestic violence on Friday, April 6th, 1990.

On April 8, 1990 at about 5:00 p.m. when I got home from work, Raymond called on the phone. He was calling from the Sheriff's Department and said the detectives wanted him to turn in a gun. Raymond didn't say why. He told me he turned in our gun, and I'm to tell the detectives that he had our gun for at least three or four months. I told him I would not do that and asked where his gun was at. He told me he threw it away. I asked why he threw the gun away and he said he just had to do it. He was upset that I wouldn't lie for him.

On April 9, 1990 while I was on my way to work I heard on the radio about the double murder. When I got to work (Portage County Muni Court) I contacted a detective at the Sheriff's Department and talked to Detective Don Doak. I told him everything about Raymond getting the gun from my husband and turning it into the Sheriff's Office.

PENNSAID 800-631-6289

EXHIBIT

D

000143

In the Court of Common Pleas
Portage County, Ohio

State of Ohio,

Case No. 95-CR-220

Plaintiff-Respondent,

vs.

Tyrone Noling,

Defendant-Petitioner.

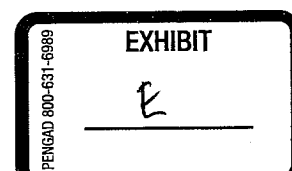
Affidavit of Nathan Chesley

County of Summit

State of Ohio

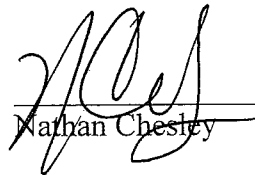
I, Nathan Chesley, being duly sworn state the following:

1. I do not know Tyrone Noling. I do not recall hearing about the Hartig murders in 1990.
2. In 1990, I was a foster child living at Shirley Spinney's home in Atwater, Ohio. I was in high school at the time.
3. Dan Wilson was just moving out of Ms. Spinney's home when I moved in. Wilson continued to visit the home after he moved out.
4. Wilson was a heavy drinker. Wilson was the type of guy who turned into a different person when he was drinking. *WILSON OFTEN DIDN'T HAVE MEMORIES OF WHAT HAPPENED AFTER A NIGHT OF DRINKING. NC*
5. Wilson scared the other boys who lived with Ms. Spinney, including me. Wilson got drunk and beat up people. Wilson was always saying he was going to kill people.
6. I recall Wilson waking me up in the middle of the night and saying "let's go" when I was around sixteen years old. Wilson would tell me how he had just gotten into a fight at a bar and how I needed to go back with him to the bar to clear the place out.
7. Wilson was violent in Ms. Spinney's house and once tried to stab Ms. Spinney.



8. Ms. Spinney's foster home was not a good setting for me, or for Wilson. Ms. Spinney would hand pick the boys she wanted from Pathways in Canton, Ohio. I believe she did this because she was having sex with some of the boys she fostered.
9. I am sure Wilson was breaking into places, including private homes, and stealing money in 1990.
10. I also believe Wilson could have committed the Hartig murders; it sounds like something Wilson would do. In fact, I think it's likely that he did it.
11. I believe that Wilson had guns in 1990.
12. I recall Wilson driving a blue Dodge Omni for a long time before the engine blew up.
13. I have reviewed what is attached to this affidavit as Exhibit A. Exhibit A is a handwritten document bearing the number 000593 at the bottom. This document appears to be a set of notes that relate to me and, in particular, a statement I made on or about April 1990 indicating that I thought that what happened to the Hartigs was cool and that my brother committed the murders. While I do not have a specific recollection of making this statement, I do not deny that I made it and am sure that the "brother" that I referred to was my foster-brother, Dan Wilson. As I stated above, I believe that the Hartig murders were crimes that Wilson was capable of and likely committed. *AFTER REVIEWING THIS EXHIBIT I HAVE MORE RECOLLECTION NOW OF MAKING THIS STATEMENT. NC*

Further Affiant sayeth naught.

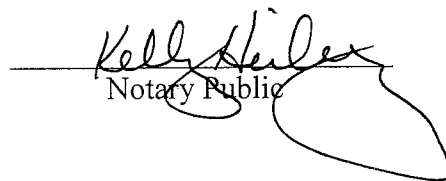


 Nathan Chesley

Sworn to and subscribed before me this 13th day of January, 2010.



KELLY HEIBY
 NOTARY PUBLIC, STATE OF OHIO
 MY COMMISSION EXPIRES 11-5-2013



 Notary Public

NATHAN CHESLEY

4-24-90
2:00 PM

~~DOB 11-3-79~~ - 19 YRS

SHIRLEY SPINNEY 7236 CLARK Rd.

WORKS FOR COLLEGE MEDICINE

7236 CLARK Rd

ATWATER, Ohio

PHONE 947-3535

NATHAN MADE THE STATEMENT HE THOUGHT
IT WAS POOL WHAT HAPPENED TO THE HARTIGS.
NATHAN MADE THE STATEMENT HIS BROTHER
DID IT.

SHIRLEY SPINNEY - FOSTER PARENTS - 3 CHILDREN

CANTON TINKER SCHOOL

ATTENDS MAPLE WOOD SCHOOL. 14 Feb-90

WORKED ARBYS PATENT.

CRUSHED RUBBER.

GETS ALONG FAIR IN SCHOOL, MISSED DAYS LAST
TWO WKS.

KIDS WALK THE DOGS OUT IN THE COUNTRY.

NATHAN MADE THE STATEMENT TO MR COOPER THAT
HE OWED SOME MONEY.

NATHAN IS OUT OF PATH WAY OUT OF CANTON, OH
REFERRED FROM PATH WAY CANTON, OH'S

NATHAN WAS INVOLVED PATH WAY APPROX 2-YRS

S. TEVE CASE # 454-1356

PENGAD 800-631-6889

EXHIBIT

A

000593

In The Court Of Common Pleas
Portage County, Ohio

State Of Ohio,
Plaintiff,

vs.

Case No. 1995 CR 00220

Tyrone Noling,
Defendant.

Affidavit of George Keith

County of Summit

State of Ohio

I, George Keith, being duly sworn state the following:

1. I am an attorney licensed to practice law in the State of Ohio. I represented Tyrone Noling during his capital trial, along with attorney Pete Cahoon.
2. I reviewed several documents provided to me by Mr. Noling's attorney Jennifer Prillo. These exhibits are identified as Exhibits A through D.
3. I do not recall receiving these exhibits during the discovery process at Mr. Noling's trial. I also do not recall learning the substantive information contained in those exhibits.

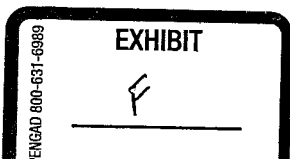
Further Affiant sayeth naught.


George Keith

Sworn to and subscribed before me this 31 day of April, 2010.


Notary Public

317894



ROSE FORSYTH, Notary Public
Residence - Summit County
State Wide Jurisdiction, Ohio
My Commission Expires Jan. 18, 2011



Attorney General
Lee Fisher

Handwritten signatures

BCI-30 (Rev. 3-91)

Bureau of Criminal Identification and Investigation

Laboratory Report

To: Sheriff P.K. Howe
Portage County Sheriff's Office
213 W. Main Street
Ravenna, Ohio 44266
ATTN: Det. John Ristity

BCI Lab Number: 90-31768

Analysis Date: June 19, 1991

Re: Double Homicide
Victims: Bearnhardt Hartig
Cora Hartig

Agency No: 90-2674

FINDINGS:

Analysis of an extract made from the cigarette butt in item #1 revealed elevated levels of amylase which is indicative of the presence of saliva. Typing of the extract failed to reveal detectable levels of secreted blood group substances. The cigarette may have been smoked by a non-secretor.

Typing of the blood from Daniel E. Wilson, BCI & I case number 91-31692-D, revealed him to be a type A non-secretor.

Dale L. Laux

Dale L. Laux
Forensic Scientist

DLL/cn
T061991

000517

Please address inquiries to the office indicated, using the BCI lab number.

BCI & I - Fremont Office
405 Pine Street
Fremont, Ohio 43420
Phone: (419) 334-3851

BCI & I - London Office
P.O. Box 365
London, Ohio 43140
Phone: (614) 466-8204

BCI & I - Richfield Office
P.O. Box 336
3333 Brecksville Road
Richfield, Ohio 44286
Phone: (216) 659-4600

BCI & I - Cambridge Office
60788 Southgate Road
Byesville, Ohio 43723
Phone: (614) 439-3655

NATHAN CRESLEY

4-24-90

2:00 PM

~~DOB 11-3-78~~ - 19 YRS

SHIRLEY SPINNEY 7236 CLARK Rd

WORKS FOR COLLEGE MEDICINE

7236 CLARK Rd

ATWATER, OHIO

PHONE 947-3535

NATHAN MADE THE STATEMENT HE THOUGHT
IT WAS COOL WHAT HAPPEND TO THE HARTIGS.

NATHAN MADE THE STATEMENT HIS BROTHER

Did it.

SHIRLEY SPINNEY - FOSTER PARENTS - 3 CHILDREN

CANTON TUMPKEN SCHOOL

ATTENDS MARPLE WOOD SCHOOL. 14 Feb-90

WORKED ARBYS PATENT.

CRUSHED RUBBER.

GETS ALONG FAIR IN SCHOOL, MISSED DAYS LAST
TWO WKS.

KIDS WALK THE DOGS OUT IN THE COUNTRY.

NATHAN MADE THE STATEMENT TO MR COOPER THAT
HE OWED SOME MONEY.

NATHAN IS OUT OF PATH WAY OUT OF CANTON, OH

REFERRED FROM PATH WAY CANTON, OH'S

NATHAN WAS INVOLVED WITH WAY APPROX 2-4 YRS

STEVE CASE WHEN 54-1358

000593

90-2674

VOLUNTARY STATEMENT

90-2674

PC-0847

(NOT UNDER ARREST)

I, Marlene M. Van Steenberg, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to St. John Ristity. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve. 358-7288

I am 45 years of age, and I live at 9492 Minyoung Rd., Ravenna, OH. 44266

On April 8, 1990 I was at work, when I got home, Richard L. Van Steenberg told me that his brother Raymond Van Steenberg was at the house and got the gun, we only have one pistol. Raymond wanted to show the gun to somebody. My husband took the slip out because Raymond had just been charged for domestic violence on Friday, April 6th 1990.

On April 8, 1990 at about 5:00 p.m. when I got home from work, Raymond called on the phone. He was calling from the Sheriff's Dept. and said the detective's wanted him to turn in a gun. Raymond didn't say why. He told me he turned in our gun, and I'm to tell the detective that he had our gun for at least 3-4 months. I told him I would not do that and asked when his gun was at. He told me he threw it away. I asked why he threw the gun away and he said he just had to do it. He was upset that I wouldn't lie for him.

On April 9, 1990 while I was on my way to work, I heard on the radio about the double murder. When I got to work (Portage County, Muni Court) I contacted a detective at the Sheriff's Dept. and talked to Detective Don Cook. I told him everything about Raymond getting the gun from my husband and turning it in to the Sheriff's Office.

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. 000141

Dated at Portage County Sheriff's Dept. Bureau 203 W. Main St., Ravenna, OH, this 01 day of April, 1991.

WITNESS: [Signature] Marlene Van Steenberg

WITNESS: [Signature]

90-2674

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

90-2674

Page

PC-0847

Marlene M. Van Steenberg, am not under arrest for, nor am I being detained for any criminal

offenses concerning the events I am about to make known to D. John Ristity
Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 45 years of age, and I live at 9492 Minnowing Rd, Ravenna, OH 44266

Sunday, April 8, 1990 was the last day he was at my house, he used to come at least once a week, for the last 2-3 years. He doesn't call on the phone.

Within a month after April 8, 1990 I heard from Sgt. Tom Morris (my husband's boss) that he was told from a guy that was in the truck (I think it was Jeff) with Dennis Van Steenberg who is Raymond's son when they stopped a gun slid out from under the seat. Dennis threw the gun out the window near the skating rink which is located at S.R. 224 and Alliance Rd - Oakfield, Ohio. I do not know why Dennis threw the gun out.

On today's date - April 1, 1991 Lt. John Ristity released a Raven 25-Cal. Semi Auto pistol Model #MP25, Serial # 1446154 - no clip and one Uncle Mike's holster to me. Lt. Ristity showed me an ATF form 4473 dated 12-11-88 for the mentioned gun. I remember they gave because I filled it out for my husband and my husband signed it.

MVS

On Sunday March 24, 1990 my husband's sister, Clay called and asked my husband to call Raymond because he was threatening suicide. He did call him and talk for a short time. MVS

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at PCSO, Detective Bureau this 01 day of April 19 91.

WITNESS: [Signature]

Marlene Van Steenberg
Signature of person giving voluntary statement.

WITNESS: [Signature]

000142

! TRANSCRIPT OF MARLENE M. VAN STEENBERG

Voluntary Statement 04-01-91
J.R.

Age: 45
Address: 9492 Minyoung Road
Ravenna, Ohio 44266

Sunday, April 8, 1990 was the last day he was at my house. He used to come at least once a week for the last two or three years. He doesn't call on the phone.

Within a month after April 8, 1990 I heard from Shelton Morris (My husband's boss) that he was was told from a guy that was in the truck (I think it was Jeff) with Dennis Van Steenberg (who is Raymond's son) when they stopped a gun slid out from under the seat. Dennis threw the gun out the window near the skating rink which is located at S.R. 224 and Alliance Road, Deerfield, Ohio. I do not know why Dennis threw the gun out.

On today's date, April 1, 1991 Lt. John Ristity released a Raven 25 cal. Semi Auto pistol, Model #MP25, Serial #1446154, no clip, and one Uncle Mike's holster to me. Lt. Ristity showed me an ATF form 4473 dated 12-11-88 for the mentioned gun. I remember this form because I filled it out for my husband and my husband signed it.

On Sunday, March 24, 1990 my husband's sister Clar called and asked my husband to call Raymond because he was threatening suicide. He did call him and talked a short time.

On April 8, 1990 I was at work, when I got home Richard L. Van Steenberg told me that his brother Raymond Van Steenberg was at the house and got the gun. We only have one pistol. Raymond wanted to show the gun to somebody. My husband took the clip out because Raymond had just been charged for domestic violence on Friday, April 6th, 1990.

On April 8, 1990 at about 5:00 p.m. when I got home from work, Raymond called on the phone. He was calling from the Sheriff's Department and said the detectives wanted him to turn in a gun. Raymond didn't say why. He told me he turned in our gun, and I'm to tell the detectives that he had our gun for at least three or four months. I told him I would not do that and asked where his gun was at. He told me he threw it away. I asked why he threw the gun away and he said he just had to do it. He was upset that I wouldn't lie for him.

On April 9, 1990 while I was on my way to work I heard on the radio about the double murder. When I got to work (Portage County Muni Court) I contacted a detective at the Sheriff's Department and talked to Detective Don Doak. I told him everything about Raymond getting the gun from my husband and turning it into the Sheriff's Office.

000143

In The Court Of Common Pleas
Portage County, Ohio

State Of Ohio,
Plaintiff,

vs.

Case No. 1995 CR 00220

Tyrone Noling,
Defendant.

Affidavit of Peter T. Cahoon

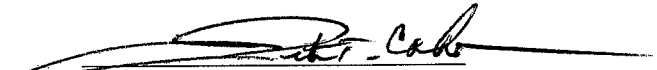
County of Summit :

State of Ohio :

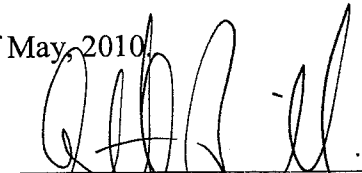
I, Peter T. Cahoon, being duly sworn state the following:

1. I am an attorney licensed to practice law in the State of Ohio. I represented Tyrone Noling during his capital trial, along with attorney George Keith.
2. I reviewed several documents provided to me by Mr. Noling's attorney Jennifer Prillo. These exhibits are identified as Exhibits A through D.
3. I do not recall receiving these exhibits during the discovery process at Mr. Noling's trial. I also do not recall learning the substantive information contained in those exhibits. However, because it has been many years since the time of Mr. Noling's trial, I am unable to say with certainty that I have not seen these documents.

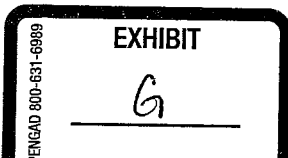
Further Affiant sayeth naught.


Peter T. Cahoon

Sworn to and subscribed before me this 5th day of May, 2010.


Notary Public

319236



MARIETTA M. PAVLIDIS, Attorney-At-Law
Notary Public - State of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.



Attorney General
Lee Fisher

Handwritten signatures

BCI-30 (Rev. 3-91)

Bureau of Criminal Identification and Investigation

Laboratory Report

To: Sheriff P.K. Howe
Portage County Sheriff's Office
213 W. Main Street
Ravenna, Ohio 44266
ATTN: Det. John Ristity

BCI Lab Number: 90-31768

Analysis Date: June 19, 1991

Re: Double Homicide
Victims: Bearnhardt Hartig
Cora Hartig

Agency No: 90-2674

FINDINGS:

Analysis of an extract made from the cigarette butt in item #1 revealed elevated levels of amylase which is indicative of the presence of saliva. Typing of the extract failed to reveal detectable levels of secreted blood group substances. The cigarette may have been smoked by a non-secretor.

Typing of the blood from Daniel E. Wilson, BCI & I case number 91-31692-D, revealed him to be a type A non-secretor.

Handwritten signature of Dale L. Laux

Dale L. Laux
Forensic Scientist

DLL/cn
T061991

000517

Please address inquiries to the office indicated, using the BCI lab number.

BCI & I - Fremont Office
405 Pine Street
Fremont, Ohio 43420
Phone: (419) 334-3851

BCI & I - London Office
P.O. Box 365
London, Ohio 43140
Phone: (614) 466-8204

BCI & I - Richfield Office
P.O. Box 336
3333 Brecksville Road
Richfield, Ohio 44286
Phone: (216) 659-4600

BCI & I - Cambridge Office
60788 Southgate Road
Byesville, Ohio 43723
Phone: (614) 439-3655

NATHAN CHESLEY

4-24-90
2:00 PM

DOB 11-3-77 - 12 YRS

SHIRLEY SPINNEY 7236 CLARK Rd

WORKS FOR COLLEGE MEDICINE

7236 CLARK Rd

ATWATER, OHIO

PHONE 947-3535

NATHAN MADE THE STATEMENT HE THOUGHT
IT WAS POOL WHAT HAPPEND TO THE HARTYS.

NATHAN MADE THE STATEMENT HIS BROTHER

Did it.

SHIRLEY SPINNEY - FOSTER PARENTS - 3 CHILDREN

CANTON TEMPLER SCHOOL

ATTENDS MAPLE WOOD SCHOOL. 14 FEB-90

WORKED ARBYS PATENNA.

CRUSHED RUBBER.

GETS ALONG FAIR IN SCHOOL, MISSED DAYS LAST
TWO WKS.

KIDS WALK THE DOGS OUT IN THE COUNTRY.

NATHAN MADE THE STATEMENT TO MR COOPER THAT
HE OWED SOME MONEY.

NATHAN IS OUT OF PATH WAY OUT OF CANTON, OH
REFERRED FROM PATH WAY CANTON, OHIO

NATHAN WAS INVOLVED PATH WAY APPROX 2-YRS

STEVE CASE WORK 54-1358

90-2674

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

90-2674

PC-0847

I, Marlene M. VanSteenberg, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to St. John Ristity

DOB: 02-07-46 SSN: [REDACTED]
Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve. 358-2288

I am 45 years of age, and I live at 9492 Miryoking Rd., Ravenna, OH. 44266

On April 8, 1990 I was at work, when I got home, Richard L. VanSteenberg told me that his brother Raymond VanSteenberg was at the house and got the gun, we only have one pistol. Raymond wanted to show the gun to somebody. My husband took the clip out because Raymond had just been charged for domestic violence on Friday, April 6th, 1990.

On April 8, 1990 at about 5:00 p.m. when I got home from work, Raymond called on the phone. He was calling from the Sheriff's Dept. and said the detective's wanted him to turn in a gun. Raymond didn't say why. He told me he turned in our gun, and I'm to tell the detective that he had our gun for at least 3-4 months. I told him I would not do that and asked where his gun was at. He told me he threw it away. I asked why he threw the gun away and he said he just had to do it. He was upset that I wouldn't lie for him.

On April 9, 1990 while I was on my way to work, I heard on the radio about the double murder. When I got to work (Portage County Meigs Court) I contacted a detective at the Sheriff's Dept. and talked to Detective Don Cook. I told him everything about Raymond getting the gun from my husband and turning it in to the Sheriff's office.

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. **000141**

Dated at 203 W. Main St., Ravenna, OH, this 01 day of April, 1991.

WITNESS: [Signature] Marlene VanSteenberg

my statement

90-2674

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

90-2674
Page

PC-0847

Marlene M. Van Steenberg, am not under arrest for, nor am I being detained for any criminal

offenses concerning the events I am about to make known to LT. John Ristity
Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 45 years of age, and I live at 9492 Mingens Rd, Ravenna, OH 44216

Sunday, April 8, 1990 was the last day he was at my house, he used to come at least once a week, for the last 2-3 years. He doesn't call on the phone.

Within a month after April 8, 1990 I heard from Sharon Morris (my husband's boss) that he had been told from a guy that was in the truck (I think it was Jeff Smith Dennis Van Styly who is Raymond's son) when they stopped a guy slid out from under the seat Dennis threw the gun out the window near the skating rink which is located at S.R. 224 and Alliance Rd - Newfield, Ohio. I do not know why Dennis threw the gun out.

On today's date - April 1, 1991 Lt. John Ristity released a Raven 25-Cal. Semi-Auto pistol Model #MP25, Serial # 1446154 - no clip and one Uncle Mike's Holster to me. Lt. Ristity showed me an ATF form 4473 dated 12-11-88 for the mentioned gun. I originally thought I filed it out for my husband and my husband signed it.

MVS

On Sunday March 24, 1990 my husband's sister, Clay called and asked my husband to call Raymond because he was threatening suicide. He did call him and talk for a short time. MVS

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at PCSO, Detective Bureau this 01 day of April 19 91.

WITNESS: [Signature] Marlene Van Steenberg
Signature of person giving voluntary statement.

WITNESS: [Signature]

000142

TRANSCRIPT OF MARLENE M. VAN STEENBERG

*Voluntary Statement 04-01-91
J.R.*

Age: 45

Address: 9492 Minyoung Road
Ravenna, Ohio 44266

Sunday, April 8, 1990 was the last day he was at my house. He used to come at least once a week for the last two or three years. He doesn't call on the phone.

Within a month after April 8, 1990 I heard from Shelton Morris (My husband's boss) that he was was told from a guy that was in the truck (I think it was Jeff) with Dennis Van Steenberg (who is Raymond's son) when they stopped a gun slid out from under the seat. Dennis threw the gun out the window near the skating rink which is located at S.R. 224 and Alliance Road, Deerfield, Ohio. I do not know why Dennis threw the gun out.

On today's date, April 1, 1991 Lt. John Ristity released a Raven 25 cal. Semi Auto pistol, Model #MP25, Serial #1446154, no clip, and one Uncle Mike's holster to me. Lt. Ristity showed me an ATF form 4473 dated 12-11-88 for the mentioned gun. I remember this form because I filled it out for my husband and my husband signed it.

On Sunday, March 24, 1990 my husband's sister Clar called and asked my husband to call Raymond because he was threatening suicide. He did call him and talked a short time.

On April 8, 1990 I was at work, when I got home Richard L. Van Steenberg told me that his brother Raymond Van Steenberg was at the house and got the gun. We only have one pistol. Raymond wanted to show the gun to somebody. My husband took the clip out because Raymond had just been charged for domestic violence on Friday, April 6th, 1990.

On April 8, 1990 at about 5:00 p.m. when I got home from work, Raymond called on the phone. He was calling from the Sheriff's Department and said the detectives wanted him to turn in a gun. Raymond didn't say why. He told me he turned in our gun, and I'm to tell the detectives that he had our gun for at least three or four months. I told him I would not do that and asked where his gun was at. He told me he threw it away. I asked why he threw the gun away and he said he just had to do it. He was upset that I wouldn't lie for him.

On April 9, 1990 while I was on my way to work I heard on the radio about the double murder. When I got to work (Portage County Muni Court) I contacted a detective at the Sheriff's Department and talked to Detective Don Doak. I told him everything about Raymond getting the gun from my husband and turning it into the Sheriff's Office.

000143

In the Court of Common Pleas
Portage County, Ohio

State of Ohio,

Case No. 95-CR-220

Plaintiff-Respondent,

vs.

Tyrone Noling,

Defendant-Petitioner.

Affidavit of Kenneth Amick

County of RICHLAND

State of Ohio

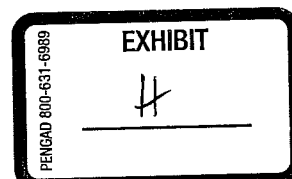
I, Kenneth Amick, being duly sworn state the following:

1. I do not know Tyrone Noling. I do not recall hearing about the Hartig murders in 1990.
2. I was a foster child at Shirley Spinney's house from 1989 to July 1990. There were two other foster children at Spinney's house while I was there, Nathan Chesley was one. I do not remember the other child's name.
3. Dan Wilson, who had been one of Ms. Spinney's foster children, visited often, but didn't live at Ms. Spinney's home while I was there. I recall Dan spending the night in the basement on a few occasions.
4. Wilson drove a blue car that may have been 2-door hatchback. It was a nice car for that time. It could have been a Camaro because I remember a hatchback.

Further Affiant sayeth naught.

Kenneth Amick
Kenneth Amick

Sworn to and subscribed before me this 13th day of January, 2010.





KELLY HEIBY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 11-5-2013

Kelly Heiby

Notary Public

04-12-90 1657 hours

Dave M. Dawson Phone 947-2720

SSN. 253-36-2837

D.O.B. 8-20-29

1901 SR-183

ATwater OH. 44201

SELF Employed: Dawson's Tac Shop

Phone & address see residence

Debbie PETTIT was in the shop when
Joe The U.P.S. Driver was in or about
Tu. (04-10-90) The U.P.S. Driver said he was
on MUFF Rd. Wen. & Pt. (Twice a day -
Forgot a package had to go back) - saw a
vehicle.

see card for Debbie PETTIT
see card for Joseph Williams U.P.S. Driver
Det. J. Reilly

4-10-90

JIM GEIB

881 Rt-14A

DEERFIELD Ohio

PHONE-584-7961

JIM GEIB CALLED PCSO TALKED TO LT DARK ADVISED ON TH.
4-5-90 APPROX 4:30P - SUBJECT DRIVING DARK BLUE MID SIZE
CAR LEAVING THAT GENERAL LOCATION SUBJECT WAS GOING IN
A HIGH RATE OF SPEED.
1 - SUBJECT DRIVING, LOOKED TO BE 30+ MALE BLK HAIR.

EXHIBIT

I

PENGAD 800-631-6889

INTERVIEW

LARRY CLEMETSON

4-08-90 9:45 a.m. Case #90-2674

Interview by Kaley and Doak
Larry Clemetson
1329 Rt. # 14, Deerfield, Ohio
SSN: [REDACTED]
DOB: 12-25-66
Phone: 584-2632

Larry Clemetson said he and Dennis VanSteenberg took Dennis' father's truck to the skating rink at 224 and 225. This was Friday night, April 6. Larry said on the way or while they were in the truck Dennis showed Larry a 25 automatic that was kept in the air vent in the truck.

Larry said that he and Branden Rosa who lives on Rt #225 in Atwater went to Lake Milton, came home around 1:00 a.m. Saturday Morning.

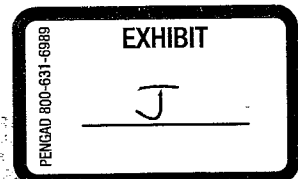
Dennis called Larry and asked him what happened to his gun.

Larry said that he and Rosa went to the skating rink and reported it to the manager.

While Kaley and Doak were talking to Larry, Kaley had Larry call Dennis VanSteenberg to see if Dennis found the gun, (4-08-90 11:20 a.m.). Dennis said his brother Ray took the gun out of the truck on Friday, 5:30 p.m. This checked out not to be true. Larry said Dennis showed him the gun on the way to the skating rink.

05-01-90 6:45 p.m.

Kaley and Doak returned to Larry Clemetson's residence to talk with Larry regarding the 25 automatic that we were talking with him about on 04-08-90. We had received information that the Vanstenbergs turned another gun in to Kaley on 04-08-90.



Larry said that was true. Dennis Vanstenburg told him the gun the Sheriff's Office wanted had been used to kill three other people.

Larry stated he knew Todd Legg since 2nd grade in school. Larry said he did not know Bill Dunkin very well.

000494

INTERVIEW

DENNIS VANSTEENBERG

04-08-90 11:50 a.m. Case #90-2674

Dennis VanSteenberg
2296 Porter Road, Atwater, Ohio
SSN: [REDACTED]
DOB: 08-22-70
Phone: 947-1006

Kaley and Doak talked with Dennis regarding the 25 automatic that was in the truck that came up missing. Dennis could not come up with the gun. While we were there Ray VanSteenberg drove up and he could not produce the gun.

Dennis told Kaley he would come up with the gun. The next day Kaley stopped by and picked up a 25 automatic. Lt Doak received a phone call advising we had had the wrong gun.

04-09-90 2:00 p.m.

Kaley turned two 25 cal. casings over to Det. Anderson, Alliance P.D. to have them checked against a 25 Cal. casing recovered at one of their crime scenes.

Pouch two and three, Winchester cal. casings.

Test made at Stark County Lab.

000501

CC # 90-2674

4-8-90
9:45 AM

INTERVIEW - BY KALEY & DORR.

LARRY CLEMETSON

1329 RT # 14 DEERFIELD, OHIO

SSN - [REDACTED]

DOB - 12-25-66

PHONE - 584-2632

LARRY CLEMETSON SAID HE & DENNIS VANSTENBERG TOOK DENNIS FATHER'S TRUCK TO THE SKATING RINK AT 224 & 225 THIS WAS FRIDAY NIGHT, 6^{PM} LARRY SAID ON THE WAY OR WHILE THEY WERE IN THE TRUCK DENNIS SHOWED LARRY A .38 AUTO MAGNIFIC TANT WAS KEPT IN THE AIR GENT IN THE TRUCK.

LARRY SAID THAT HE & BRADEN ROSA WHO LIVES ON RT # 225 AT WATER WENT TO LAKE WILSON, CAME HOME AROUND 1:00^{PM} SAT MORNING.

DENNIS CALLED LARRY ASKED WHAT HAPPEND TO HIS GUN.

LARRY SAID THAT HE & ROSA WENT TO THE SKATING RINK & REPORTED IT TO THE MANAGER.

WHILE KALEY & DORR WERE TALKING TO LARRY KALEY HAD LARRY CALL DENNIS VANSTENBERG TO SEE IF DENNIS FOUND THE GUN. 4-8-90 11:20 AM

DENNIS SAID HIS BROTHER RAY TOOK THE GUN OUT OF THE TRUCK ON FRIDAY 5:30^{PM}, THIS CHECKED OUT NOT TO BE TRUE, LARRY SAID DENNIS SHOWED HIM THE GUN ON THE WAY TO THE SKATING RINK.

000559

CE# 90-2694

4-8-90

11:50 AM

DENNIS VANSTENBERG

2296 PORTER RD ATWATER, CA

SSN- [REDACTED]

DOB-8-22-20 PHONE-949-1006

KALEY & DORK TALKED WITH DENNIS REGARDING THE 25 AUTOMATIC THAT WAS IN THE TRUCK THAT CAME UP MISSING DENNIS COULD NOT COME UP WITH THE GUN, WHILE WE WERE THERE RAY VANSTENBERG DROVE UP & HE COULD NOT PRODUCE THE GUN.

DENNIS TOLD KALEY HE WOULD COME UP WITH THE GUN, NEXT DAY KALEY STOPPED BY AND PICKED UP A 25 AUTOMATIC, LT DORK RECEIVED A PHONE CALL ADVISING WE HAD THE WRONG GUN.

4-9-90

2:00 PM

KALEY TURNED TWO 25 CAL CASINGS OVER TO DET ANDERSON ALLIANCE RD. TO HAVE THEM CHECKED AGAINST A 25 CAL CASING RECOVERED AT ONE OF THESE CRIME SCENES.

Pouch 2 AND 3 WINCHESTER CAL CASINGS.
TEST MADE STARK COUNTY LAB.

000560

4-9-90

RAY VANSTEENBERG
CAME OVER TO MARLENE HOUSE. Phone 358-2258
BETWEEN NOON & 4:00 P - PICKED THE GUN UP

SUNDAY.
RAY CALLED MARLENE TOLD HER TO TELL POLICE
THAT HE HAD THE GUN FOR 8-4 MONTHS
MARLENE PURCHASED THE GUN FROM GUN RT
LEVITTSBURG GUN SHOP.

ROBERT AND VIRGINIA BOYD 4-9-90
RT # 224 ACROSS FROM ALLIANCE POLICE.
FRANKS OLD BARBER SHOP.

SUMMIT COUNTY SO 4-9-90
BERNIE MILLER
379-2770
WILL CALL KATEY BACK
ON HIS CAR PHONE.

MONDAY EVENING 4-11-90
DR CANNONE CAME OVER MONDAY TALKED TO KENNY, HE
TALKED TO KENNY ON MONDAY THE 9TH TOLD KENNY
THAT HE TALKED TO MR HARTIG ON THE 4TH APPROX 2:30.
DR CANNONE TOLD KENNY THAT MR HARTIG WAS
TO COME TO HIS OFFICE ON FRIDAY, THAT HARTIG
WAS HAVING A PROBLEM WITH HIS SIDE.

4-10-90
JIM GEIB 891 RT-14-A DEERFIELD, OH
PHONE 584-7961 000598

THURSDAY 4-5-90 4:30 P - SUBJECT IN 30' 1-PERSON
DRAWING MALE DARK HAIR VEHICLE MID SIZE



THE PLAIN DEALER

Lies put man on death row, three claim

Portage investigator used coaching, threats to get confessions, men say

Sunday, August 13, 2006

Andrea Simakis
Plain Dealer Reporter

Ten years ago, Butch Wolcott told a packed courtroom a gripping story. Wolcott was one of a group of young punks led by a hellion named Tyrone Noling. One day as Wolcott waited outside, Noling forced his way into the home of an elderly couple in Atwater Township, then shot them dead. Wolcott even described for the jury the smoking gun Noling carried as he fled the house.

Today, Wolcott lives on the Hawaiian island of Oahu; Noling is on death row in the Ohio State Penitentiary in Youngstown.

But Wolcott can't find peace in paradise. Noling is innocent, Wolcott says, condemned to die because of the lies Wolcott told a decade ago. Two other men who pleaded guilty to taking part in the slayings also say Noling is innocent. All have claimed in affidavits that their testimony was coerced and coached by an overzealous investigator for the Portage County prosecutor's office.

But prosecutors, who once built a case on the men's damning confessions, now dismiss what they have to say as self-serving fiction.

A Plain Dealer examination of the investigation into the murders of Bearnhardt and Cora Hartig raises serious doubts about the testimony the government used to sentence Noling to death.

The case against Noling is shot through with inconsistencies. A psychologist hired by prosecutors to assess Wolcott and who helped him try to remember details of the murders says he's not sure those memories are true.

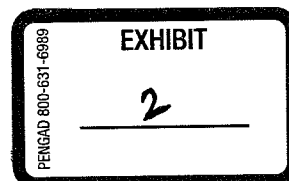
Though Noling was an incorrigible thief, the slain couple wasn't robbed. Noling's guns weren't used to kill the Hartigs. A cigarette butt found in the driveway yielded DNA that didn't belong to Noling or members of his gang. Except for the flawed and conflicting statements of Wolcott and others, no evidence points to Noling as the killer.

It wasn't like Bearnhardt Hartig to leave his garage door open and the riding mower outside. He and his wife, Cora, both in their 80s, kept their house and lawn tidy. So after seeing the orange tractor in the drive for several days, neighbors called the sheriff on April 7, 1990.

The Hartigs' living room was littered with papers when deputies arrived, like a filing cabinet had exploded. A few feet away in the kitchen, Cora lay on her side, her pink sweatshirt stained rusty red. She'd been shot five times.

On the floor in front of her was her husband. Like his wife, it looked as if he'd been sitting in a chair when someone fired three bullets into him.

Cora's wedding band was on her finger, Bearnhardt's wallet in his pocket, filled with cash. Watches and other jewelry sat untouched. Deputies found \$160 in a vanity beneath the bathroom sink. The killer had opened the doors, but left the money behind.



Deputies found no witnesses or fingerprints and struggled to pin anything down -- even the date of the murders. They guessed the Hartigs had been at the kitchen table, perhaps talking with someone they knew, when they were shot. There was no sign of a break-in or scuffle.

The same week the Hartigs were killed, Noling was robbing old people in nearby Alliance. He left his fingerprints everywhere, his victims terrified but alive. He stole jewelry, cash and VCRs. During one home invasion, he accidentally fired a bullet into the floor. He asked the 74-year-old woman who lived there if she was OK. She told detectives the gunshot scared him more than it did her.

A natural suspect

but no murder weapon

Police quickly homed in on the 18-year-old with a thick file in juvenile court. Noling was living in a house with Gary St. Clair, a 21-year-old high school dropout; Joey Dalesandro, 18, who drove a baby blue Olds; and Wolcott, a 14-year-old runaway from Akron.

Noling was the alpha dog and butted heads with Wolcott from the day they met. Skinny and small for his age, Wolcott talked his way out of trouble. But he couldn't charm Noling. Once, Noling hogtied him and left him bound for hours; another time, he put a gun to Wolcott's head.

Police raided the house and found a diamond-studded Rolex and other booty from the Alliance heists strewn about. They dragged Noling out of an attic crawl space. He confessed to the robberies within hours.

News of the Hartig killings had broken the night before. Given his history, Noling was a natural suspect.

Noling led deputies to the guns he'd used in the robberies -- a sawed-off shotgun and a Browning .25-caliber handgun he'd taken from one of the homes. The Hartigs had been shot with a .25, and authorities thought they had their killer, but a ballistics test proved Noling's gun wasn't the murder weapon.

DNA tests showed a cigarette butt police plucked from the Hartigs' driveway didn't match Noling or any of his cronies. With no evidence linking Noling or the others to the crime scene, the murder investigation stalled.

Noling pleaded guilty to the Alliance robberies and was sentenced to five to 25 years.

In 1992, Ron Craig, an investigator for the Portage County prosecutor, picked up the Hartig file. He zeroed in on Noling's old cohorts.

Craig went after Wolcott first. He told the 16-year-old that a witness had seen Dalesandro's blue Olds on the Hartigs' street the day of the murders and that they'd found a cigarette butt in the driveway they could link to Wolcott, according to Wolcott and a lawyer and family friend who sat in on some meetings.

Neither was true. There was no witness and the butt didn't have Wolcott's DNA, but police are allowed to lie to suspects during investigations. Prosecutors gave him a choice: Testify against Noling and go free. Refuse and be charged in the killings. Wolcott took the deal.

"I sold my soul that day," he says now. And, Wolcott says, Craig helped him do it.

But Wolcott couldn't provide the details prosecutors needed to make the case. He couldn't remember the date of the drive to the Hartigs. He couldn't describe the exterior of their neat ranch though he claimed to have waited in the couple's driveway while Noling and St. Clair forced their way past Cora.

The Portage County prosecutor's office hired Alfred Grzegorek, a Stow psychologist, in 1992 to help. Grzegorek's charge was to conduct a psychological assessment of Wolcott and determine why the 16-year-old couldn't remember much about the killings.

In his report, Grzegorek wrote that Wolcott "was quite clear with me that he is extremely frightened that he will not be able to recall enough to win the immunity recommendation promised on his cooperation in the

investigation "

Wolcott, he wrote, had begun to think he was "going crazy," not certain if his recollections of the murders were real or imagined.

Recently, the psychologist said he isn't sure, either

It's true, Grzegorek said, that people sometimes recall a traumatic event slowly because remembering it all at once would be overwhelming. But the psychologist said he was never sure if Wolcott's memory problems were the result of trauma or if he was simply unable to remember the crime because he wasn't there.

"I could never figure that out, to be honest with you," Grzegorek said in an interview with The Plain Dealer

The psychologist warned prosecutors in 1992 not to press Wolcott too hard or he might fill the gaps in his story with information gleaned from suggestions and hints made by investigators or Grzegorek himself.

"One of the worst things you can do is create a memory that in fact really isn't there," Grzegorek says today

The sessions with Wolcott reached a point, he said, where he didn't think he could elicit any more information without contaminating Wolcott's recollections with memories that weren't his own.

"There is a point beyond which you shouldn't do much more," Grzegorek said.

The psychologist's reservations don't give Prosecutor Victor Viglucci pause. "This case does not trouble me in the least," he said. "There was overwhelming evidence of Noling's guilt. I'm not interested in helping these people rewrite history."

Men say they were

coached, threatened

Wolcott now says he reacted as Grzegorek feared he might and pieced together his statement using cues from investigators.

In 1992, he repeatedly asked investigator Craig if he could take a trip to the Hartigs' house to jog his memory. Grzegorek went along.

The visit was anticlimactic -- no long-buried memories came flooding back.

But Wolcott had gotten what he'd needed. He now says he asked to visit the house so he could tell a more convincing story and keep his immunity deal.

With Wolcott's confession as leverage, Craig went after Dalesandro and St. Clair.

The three men now tell similar stories of their interrogations by Craig. They said he threatened them with the death penalty or life in prison, twisted their words and, when they eventually agreed to testify against Noling, provided them with details of the killings.

St. Clair said Craig showed him a videotape of the crime scene and photos of the victims, and drew a diagram of the house showing where the bodies were found. Wolcott was taken to the Hartigs' home and said he was also left alone with evidence files. Dalesandro said Craig told him facts about the crime and coached him on what to say.

Prosecutor Viglucci would not allow Craig to be interviewed for this story, but defended his veteran investigator.

Craig did nothing underhanded, the prosecutor said. There are transcripts of the interrogations, which prove Craig had nothing to hide, Viglucci said.

But there were off-the-record meetings between the suspects and the investigator as well. And it was during those sessions, the men say, that Craig supplied them with information about the case and helped them build their statements.

Undocumented chats happen, Viglucci admitted; sometimes people feel more comfortable with the tape recorder off. But such tactics are ripe for abuse, say experts who study false confessions. It's the time when witnesses can be bullied, their recollections contaminated with facts they couldn't come up with themselves.

That's what Wolcott and the others say happened.

It's not what witnesses get right that determines whether their confessions are reliable, but what they get wrong, experts say. Wolcott couldn't describe the Hartigs' place until Craig drove him there. He couldn't provide directions, either.

Wolcott told them Noling had ripped the telephone cord out of the wall and trussed up the Hartigs with it. But the phone was intact and the Hartigs hadn't been tied.

All the confessions should be classified as "untrustworthy" and "unreliable," said social psychologist Richard Ofshe, an expert in false confessions hired by Noling's appellate lawyers to review the men's statements.

"Coercive interrogation tactics" were used to elicit all their declarations, he wrote in a report that has been filed with the court. Their recollections were deliberately contaminated during extensive sessions with Craig, Ofshe wrote.

Ofshe also concluded that any memories Wolcott had about the crime weren't his own, but were created from suggestions and coaching provided by his interrogators.

In September 1995, four months before Noling's murder trial, prosecutors sent Wolcott to the psychologist one last time. According to Grzegorek's report, while Wolcott's "memory . . . is more complete than it was in 1992," Wolcott admitted that "there are still a lot of things about [the day of the murders] that are a puzzle" and "it's still very hard to realize it's true." Later, Wolcott began to cry and told Grzegorek that he just wanted the ordeal to end.

Prosecutors put Wolcott on the stand in January. Jurors never heard from the psychologist.

Authorities fail

to find the gun

In 1996, with three confessions in hand, prosecutors offered to take the death penalty off the table if Noling admitted to pulling the trigger. He refused and told his lawyers he was innocent.

They didn't call a single witness in his defense or suggest another possible suspect, even though police had questioned one. (See sidebar) Instead, his lawyers argued the government hadn't proved its case. Prosecutors had no murder weapon, no hairs or fibers - nothing, attorney George Keith told the jury.

The defense pounded on prosecution witnesses Dalesandro, St. Clair and Wolcott.

St. Clair was key. Prosecutors expected him to say that he'd watched Noling execute the Hartigs. They'd warned St. Clair that he would face "the maximum" sentence if he didn't tell what he knew. But he recanted on the stand, saying Noling was innocent - they all were. "Gary St. Clair is your reasonable doubt," attorney Keith argued.

Defense lawyers also pointed out that police never found the murder weapon. During the investigation, Wolcott, St. Clair and Dalesandro had told investigators that Noling carried only two guns - the sawed-off shotgun and a stolen .25 that was not the gun that killed the Hartigs.

But at trial, Dalesandro and Wolcott testified that Noling had a second .25 he'd used on the couple. After the

shooting, they said, he stashed it in the glove compartment of Dalesandro's car. Noling called him days later from jail and told him to get rid of it, Dalesandro said

Dalesandro claimed he sold it to a fence, but the fence, who'd turned over Noling's two guns earlier, was unable to lead police to the weapon.

"The government needs a second gun," Keith told jurors "Joey Dalesandro . . . tailors his testimony, whatever they need. If they needed a pink elephant they could interview him about an hour and he could remember a pink elephant."

Dalesandro now says he lied about the second gun at investigator Craig's prodding.

What jurors didn't hear was that, according to the account Alliance police Detective William Mucklo recently gave The Plain Dealer, officers searched Dalesandro's car the day of Noling's arrest and didn't find a gun.

Today, Prosecutor Viguicci dismisses evidence of the fruitless search. Maybe, he says, the detective has a faulty memory.

After a day of deliberation, the jury found Noling guilty. "I didn't do it," he told the judge before he was sentenced to death. "Someday, maybe someday, the truth will come out."

In 1997, a year after the conviction, St. Clair and Dalesandro, who pleaded guilty to lesser crimes involving the murders, signed affidavits stating Noling was innocent. So did Wolcott. St. Clair is serving 20 to life for the Hartig murders while Dalesandro is in prison on unrelated drug charges.

Viguicci dismisses their recantations. The three are lying, he says, to save themselves and a friend. If Noling is exonerated, then St. Clair and Dalesandro might be able to clear their names too.

That's not true of Wolcott, who, because of his immunity deal, didn't spend a day in prison.

"I don't know about Wolcott," Viguicci said when asked why Wolcott would swear Noling is innocent. "Friendship? Fear? Who knows? There's a myriad of possible reasons. For me to say that I'd lose sleep over that? Nope, I wouldn't."

The prosecutor expressed surprise that anyone would believe Wolcott, but his testimony was key to the government's case.

Wolcott, now a 31-year-old artisan who builds wooden floors for a living, says he has a moral obligation to tell the truth. "I did the most evil thing imaginable. I have to go to sleep each night knowing that."

It's long past time, he says, to get some rest.

Courts so far reject

the recantations.

Court after court has rejected Noling's appeals. Judges say the recantations aren't credible, even though they've refused to let Wolcott and the others tell their stories in a courtroom.

In March, U.S. District Judge Donald Nugent denied Noling's request for an evidentiary hearing that would have allowed them to testify.

Nugent has yet to rule on the case, but wrote that the court was not concerned with Noling's guilt or innocence, but "solely the question whether his constitutional rights have been preserved." If Noling loses there, he can appeal the decision. As a last resort, he can ask the U.S. Supreme Court to hear the case. If it refuses, the state will set an execution date.

Because the courts have rejected the recantations, Noling worries that without proof someone else pulled

the trigger, he's a dead man

Noling has had nothing but time to think about his case and imagine Wolcott in his tropical paradise. He said he blames Craig and prosecutors, not Wolcott.

Four thousand miles away, Wolcott said he wishes he could travel back in time, to the moment he agreed to take the deal and testify against Noling.

He would whisper into the ear of the boy and tell him to think hard about what he was about to do. Don't think about survival, he would tell the boy. Think about what's right.

To reach this Plain Dealer reporter:

asimakis@plaind.com, 216-999-4565

© 2006 The Plain Dealer

© 2006 cleveland.com All Rights Reserved

An investigation halted without explanation

Insurance agent questioned, but case wasn't pursued

Sunday, August 13, 2006s

By Andrea Simakis

Plain Dealer Reporter

Days before Bearnhardt and Cora Hartig were found dead in their kitchen, their physician phoned them to chat.

Dr. Daniel Cannone had been friends with the retired meat cutter and his wife for years. Cannone told police that on April 4, 1990, he spoke with Cora about their plans to eat Easter dinner together and asked to talk with Bearnhardt. The old man got on the phone and said he had been expecting a call from someone else. The Hartigs had lent their insurance agent \$10,000; Bearnhardt was upset because the man hadn't paid them back.

According to Cannone's account, Bearnhardt said, "This whole thing is starting to smell" and that he was going to call the agent when they hung up "to meet him for the final payoff."

Three days later, deputies found the couple's bullet-riddled bodies. There was no sign of a break-in, and no obvious indication that anything had been stolen. Papers covered the living room, as though someone had been searching for something. Police found a cigarette butt in the driveway but never determined who had dropped it.

Investigators went looking for the Hartigs' insurance agent. The couple had two, but one of them, Lewis Lehman, owned a .25-caliber handgun - the same type of weapon used to kill the Hartigs. He had bought the gun in 1975 from a store in Alliance. A state ballistics expert determined that out of the dozens of brands of .25-caliber handguns, only four could have been the murder weapon - including Titan, the make owned by Lehman.

Lehman told deputies he had sold the .25, but he couldn't remember when or to whom. He agreed to be photographed and fingerprinted but refused to take a polygraph test, saying he worried about its accuracy and wanted to "consult with someone" first. Lehman denied getting a loan from the Hartigs.

According to police records, that was the last time anyone asked Lehman about the shootings. The focus of the investigation soon turned to Tyrone Noling, who was convicted of the murders in 1996, though his gun was not the murder weapon.

Today, Portage County Sheriff Duane Kaley said he couldn't remember why the investigation of Lehman stopped. Prosecutor Victor Viglucci, who was not in office at the time, also could not explain why Lehman wasn't questioned further. But during a post-conviction hearing, an assistant prosecutor told a judge that Lehman's gun had

been recovered and tested and was not the murder weapon, a misstatement corrected by Noling's attorney. In fact, Lehman's gun was never found.

Lehman, a longtime smoker, died of complications from cancer of the esophagus in 1994. To reach this Plain Dealer reporter: asimakis@plaind.com, 216-999-4565

© 2006 The Plain Dealer. Used with permission.

Excerpts from an interrogation

Investigator Ron Craig questions witnesses

Sunday, August 13, 2006

By Andrea Simakis

Plain Dealer Reporter

The three men who confessed to taking part in the 1990 murders of Beamhardt and Cora Hartig recanted in 1997. They say Ron Craig, an investigator for the Portage County prosecutor, pressured them into admitting to crimes they didn't commit and naming a fourth man, Tyrone Noling, as the killer.

They said Craig and assistant prosecutors did not listen to their protestations of innocence, insisted they were guilty, put words in their mouths and twisted their answers. They claim they confessed only because they were told if they didn't cooperate, they would spend the rest of their lives in prison or die in the electric chair.

Prosecutor Victor Viguicci defended his lawyers and his investigator. "Sometimes these questions get aggressive," he said. "It's the nature of the beast. You're not sitting down here with schoolchildren. You're sitting down here with murderers. And they have obvious reasons to lie and to protect themselves, so sometimes, the questioning gets aggressive. Not physically aggressive but verbally aggressive, and that's not unusual and it's not a tactic that's illegal. Neither is it illegal to use ruses or falsehoods in the course of the questioning. That's an acceptable tactic."

The following excerpts have been taken from early interrogations Craig conducted with Joey Dalesandro and Gary St. Clair, two of the men who now say their confessions were bogus.

On June 12, 1992, Craig visited Dalesandro at the Orient Correctional Institution. Dalesandro was serving three to 15 years for selling cocaine to an undercover police officer. It was their first meeting and lasted nearly an hour. Assistant Portage County Prosecutor Robert Durst and a colleague were also there. During that meeting, Dalesandro tells the same story he told detectives when they questioned him two years before: He had nothing to do with the Hartig murders and Noling hadn't killed the couple, either.

Dalesandro repeatedly tells Craig and assistant prosecutors that Noling robbed homes in Alliance, but didn't kill anyone.

He also says Noling sold the two guns he'd used in the robberies - a sawed-off shotgun and a .25-caliber handgun stolen from one of the victims - to a fence in Alliance. Police recovered those weapons after Noling led them to the fence and discovered they were not the guns used to kill the Hartigs.

Dalesandro denies driving Noling and the others to the Hartigs' house on the day of the murders.

Following is a partial transcript of that interview.

Ron Craig (RC): You have a right ... to tell us exactly what happened so we know from your own lips what happened. You have a right to tell us that so nobody else can make up any other stories about you. Do you understand that?

Joey Dalesandro (JD): I understand.

RC: . . . Now, you tell us what you did or didn't do. You tell us.

JD: I already told you what Tyrone did

Assistant prosecutor Robert Durst (RD): Did you shoot those two old people, Joey?

JD: I don't even know nothing about that, man.

RC: You drove them there.

JD: Man, I never even knew where that town was.

RC: You drove them there!

JD: I don't know nothing about that, man.

RC: OK, you understand the seriousness of what's going on?

JD: Yeah, it's serious. Yeah.

RC: OK.

LATER

RC: But you have to answer this one thing.

JD: What do you mean "you have to answer"?

RC: One thing.

JD: What?

RC: Why are you afraid to tell us the truth? [Why are you protecting] Tyrone?

JD: I'm telling you the truth, man.

RC: What is this thing? Why [do] you have to protect Tyrone?

JD: Tyrone hurt f- - - - no one.

RC: You said he did, you said it to many people - he blew them away.

JD: No, I didn't. They're lying.

RD: Joey, you are saying two things.

JD: Those are all lies.

RD: What you are telling us is, Tyrone didn't go there that day intending to hurt anybody, Tyrone is not that kind of guy.

JD: ... He never went out of Alliance.

RC: No.

JD: I never went out of Alliance unless I went to my dad's.

RD: You didn't go far out of Alliance, we know that. You're saying Tyrone is not that kind of person. What you are telling us is, you guys went out there that day, nobody intended to murder anybody. It happened.

JD: I ain't saying nothing 'cause I told you I don't know nothing.

Of Noling's putative accomplices, the testimony of Gary St. Clair was arguably the most crucial. Prosecutors said St. Clair followed Noling through the Hartigs' front door and watched him execute the husband and wife.

He was serving a prison sentence for robbing a couple in Alliance with Noling when Craig visited him in 1992 and told him he was being charged with two counts of aggravated murder.

When he heard the news, St. Clair shot out of his chair and pounded on the door until a guard let him out of the room, Craig wrote in his report.

In March 1993, St. Clair pleaded guilty to aggravated murder. Prosecutors asked that his sentencing be delayed until after Noling's trial.

St. Clair agreed to cooperate with prosecutors, but struggled to deliver a cogent account of the killings.

Following is a partial transcript of an interview between Craig and St. Clair in March 1993, immediately after St. Clair pleaded guilty.

Ron Craig (RC): What room were [the bodies] in?

Gary St. Clair (GSC): I think it was in the kitchen.

LATER

RC: Did he [Noling] shoot the people after they were already laying on the floor?

GSC: Did he shoot them while they was laying on the floor?

RC: Yeah.

GSC: I can't remember.

LATER

RC: Were Mr. and Mrs. Hartig screaming in the house?

GSC: I think they might have been.

RC: They were pleading for their life, weren't they?

GSC: I think.

RC: They were pretty scared people, weren't they? They were pleading to live, weren't they?

GSC: I think they were.

LATER

RC: When you came running out of that bedroom are they both laying on the floor?

GSC: When I come out of the bedroom I do believe both of them was on the floor.

RC: Did you see Tyrone shoot them while they were on the floor?

GSC: Yeah.

Editor's note: When Craig asked him what he and Noling said to each other inside the murder house, St. Clair stumbled and asked for help

GSC: What's the words I want to say?

RC: Use your own words.

Editor's note: At trial, prosecutors told jurors that Noling had three guns - a shotgun, a stolen .25 that police recovered and ruled out as the murder weapon, and a handgun

that was never recovered. That third gun, they contend, was used to kill the Hartigs. But none of Noling's compatriots could recall it in their early interviews, even after they'd agreed to cooperate with prosecutors

RC: How many guns did you ever see at any one time in the house [where St. Clair, Noling and the others often stayed]? Name them all.

GSC: ... A sawed-off shotgun - that's all they had around the house, until the robbery at Hughes and Tyrone got hold of that .25.

RC: Ever see another gun?]y are you afraid to tell us the truth? [Why are you protecting] T

GSC: No sir.

RC: Ever been told about another gun?

GSC: Nah.

LATER

RC: There's another gun. Where did that gun come from? Did you guys ever steal another gun out of another house on a crime that hasn't been discovered?

GSC: If they got another gun, he might of made a deal with [the fence] to get another gun.

RC: Did they?

GSC: I have no idea. I'm just taking another guess. All I knew about was the sawed-off shotgun and the .25 automatic.

RC: Those guns weren't important. You had already gotten rid of them.

GSC: Right.

RC: Right. There is another gun.

GSC: If there is, I don't know anything about another gun.

RC: Did you ever shoot that gun?

To reach this Plain Dealer reporter: asimakis@plained.com, 216-999-4565

© 2006 The Plain Dealer. Used with permission.

Other witnesses get facts wrong

Reports show changed stories

Sunday, August 13, 2006

By Andrea Simakis

Plain Dealer Reporter

In 1997, a year after Tyrone Noling was sentenced to death for gunning down an elderly couple in their home, Butch Wolcott and two other men who placed Noling at the crime scene signed affidavits saying their confessions were false. Ron Craig, the Portage County prosecutor's investigator, had put words in their mouths and pressured them, they claimed. Noling is innocent, they said.

Since then, prosecutors and judges have pointed to the testimony of several others as additional proof of Noling's guilt, including three jailhouse snitches - one in for drug trafficking, burglary and theft, one for kidnapping and one for aggravated assault. The convicts took the stand during Noling's 1996 murder trial and claimed that he'd admitted to robbing and killing Bearnhardt and Cora Hartig in Atwater Township in 1990.

In their testimony and statements to investigators, two of them got almost all crucial details wrong. One man told jurors Noling had bragged that he'd shot Bearnhardt in a bedroom and Cora in the basement, and had torn a safe out of the wall. The couple were shot in the kitchen and no safe was torn out of the wall.

Another said he believed Noling was guilty because "he acted as if he had committed the crime" and claimed Noling said he had shot the elderly couple in the back of the head. In fact, the Hartigs were shot from the front.

A third convict testified that while Noling discussed details of the murder charges against him and quoted facts about the killings from newspaper stories, Noling had actually told him he didn't kill anyone.

Appellate judges have refused to allow Wolcott and the others to tell their stories in person, saying their written statements are enough. But the paper pleas have moved no one.

Court after court has upheld a 1998 ruling from a Portage County Common Pleas judge declining to overturn the guilty verdict and order a new trial. The judge wrote that "it is clear under Ohio law that a recantation by an important witness is not by itself grounds for a new trial and should be looked upon with the 'utmost suspicion.'"

The state presented enough evidence to convict Noling without the admissions, the judge concluded. That evidence was the testimony of two young women who testified at trial that Noling and his cronies knew about the murders before police did. A third woman told a similar story before a grand jury that indicted Noling.

But their testimony did not mesh with the records of their earlier statements to investigators. Robyn Elliott told Craig in 1993 and a grand jury in 1994 she wasn't sure if Noling had talked to her before or after the murders became public. At trial two years later, she testified she was certain Noling had asked her if she'd heard anything on her family's police scanner about the killings before they hit the news, something only the killer could have known.

Another woman, Jill Hall, told Craig in 1992 that 14-year-old Wolcott had come to her apartment - days before the murders were reported - and tearfully told her that Noling had shot two people during a robbery. Julie Mellon, a friend who was visiting Hall at the time, told Craig the same thing - Wolcott, she claimed, had said "Tyrone freaked out" and that "some people were dead."

That wasn't the story reflected in investigative reports from 1990, which contain no reference to the murders. According to the records, when the women were first interviewed, they said nothing about the killings.

In the summer of 1990, Hall told deputies that Wolcott had talked to her "about some of the robberies" Noling and his pals "did in Alliance." She said nothing to the detectives about the Hartig killings - or any murders. Neither did her friend Mellon, who was also questioned by the authorities.

Today, Mellon stands by the statement she gave to investigator Craig, the one implicating Noling in the Hartigs' murders. When asked why she didn't tell deputies that she'd heard Noling had killed some people when they interviewed her in 1990, Mellon says deputies must have not written her statement down correctly.

Hall declined to comment.

Today, Wolcott says the women's original statements to police are the ones to believe - he says on the night he visited Hall's apartment, he talked about the robberies Noling and St. Clair committed in Alliance, not murders.

To reach this Plain Dealer reporter: asimakis@plaind.com, 216-999-4565

© 2006 The Plain Dealer Used with permission.



12 of 39 DOCUMENTS

Copyright 2006 Plain Dealer Publishing Co.
Plain Dealer (Cleveland)

September 14, 2006 Thursday
Final Edition; All Editions

SECTION: OPINION; Pg. B8

LENGTH: 351 words

HEADLINE: A legal twist that chokes justice

BYLINE: The Plain Dealer

BODY:

A strange quirk in Ohio's public records law needs to be fixed. It's a legal wrinkle that prevents criminal defendants or their lawyers from obtaining public records, such as police reports, that could possibly help prove their innocence

This law has several glaring problems, among them the fact that the same public records generally are made available to any other, disinterested party. Attorneys for death-row inmate Tyrone Noling last week asked a federal judge to force The Plain Dealer to turn over public records the newspaper obtained before publishing stories that called into question Noling's actual guilt.

Noling was convicted and sentenced to death in 1996 for the murders of an elderly Portage County couple. His attorneys chose to pursue this newspaper because it has records that they could not obtain from the Portage County prosecutor's office - records that the defense says could have helped exonerate their client.

Noling's attorneys will have access to the previously unseen records because The Plain Dealer has voluntarily posted them on a publicly accessible Web site. But this does nothing to address the fact that the law will continue to create an unnecessary and indefensible hurdle for those fighting to prove their innocence.

The law was created in 1994 when the Ohio Supreme Court ruled 5-2 that defendants and their attorneys could not use public record laws to gather information that prosecutors did not turn over in discovery. The court's rationale was curious, to say the least. Writing for the majority, former Justice Andy Douglas opined:

"We recognize that our decision will not be met with universal approval, but those who criticize do not see the daily bombardment on our criminal justice system that we see."

This "bombardment" for public records by those whose freedom is on the line is simply the cost of justice. It's inexcusable that disinterested parties can have unfettered access to potentially useful public records denied to the accused. The Ohio legislature must amend a public records law that has been distorted and turned against those most in need of it.

LOAD-DATE: September 15, 2006

