

IN THE MUNICIPAL COURT
PORTAGE COUNTY, OHIO

State of Ohio)	Case Number: 95-CR-220
)	
Plaintiff)	<u>DEATH PENALTY CASE</u>
-vs-)	
)	
Tyrone Lee Noling)	JUDGE JOHN A. ENLOW
)	
Defendant-Petitioner)	

AFFIDAVIT OF BRUCE H. BRUBAKER


STATE OF OHIO)
) ss:
COUNTY OF SUMMIT)

I, Bruce H. Brubaker, being first duly cautioned and sworn, state the following:

1. I am an attorney, licensed to practice in the State of Ohio.
2. I have knowledge of the struggle that Harold Wolcott had with his son as a juvenile. Butch was a continual runaway.
3. In 1990, Butch was involved with some friends in Alliance when some robberies occurred.
4. Butch was questioned about the robberies, but was later released. Two of his friends were charged with the robberies.
5. Apparently, within the same time frame of the robberies in Alliance, a double homicide occurred in Atwater.
6. A couple of years later, I was contacted by Harold Wolcott and was informed by him that Butch was being questioned about the double homicide.

7. I did not know all of the facts relating to the case because I was not Butch's counsel of record.
8. To the best of my knowledge and information, it was Ron Craig who told me that there were two witnesses to the homicide, a man who was on a utility pole and someone who was walking by the scene.
9. To the best of my knowledge, it was Ron Craig who told me that the cigarette butt that was found at the scene was the same brand that Butch smoked.
10. I assumed that Mr. Craig was operating in good faith when he told me these things.
11. I assumed also that Mr. Carrell, who was Butch's attorney at the time, was looking out for Butch's best interest in this case and had investigated the facts.
12. In light of all of the above, I was present when Butch signed his immunity papers. I was not present as his counsel, but as a family friend who just happened to be an attorney. I looked over the papers to assure that everything was in order and that the immunity would cover a certain specified amount of time. At the time of the above stated incidences in Alliance, I was advised that Butch had been using drugs and we wanted the immunity to cover anything related to that as well.
13. Acting in good faith and without knowledge of all of the facts, I felt Butch was getting a very good deal.
14. All of the foregoing is true to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NAUGHT.


Bruce H. Brubaker
Affiant

BHB 8/5/97

SWORN to me before and in my presence this 5th day of
August, 1997.

Victoria M. Buckwalter

Notary Public

Victoria M. Buckwalter

My Commission Expires

July 28, 2002.