

EXHIBIT

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Case: 90-2674
Date: (Sat.) 4-7-90
Reported Time: 1808 hs.
Kaley notified: 1813 hs.
Arrival time: 1821 hs.
Pronounced by Coroner at: 1910 hs.

Victim #1: Bearnhardt Hartig
6593 Moff Rd. Atwater, Ohio 44201
Phone: 947-2083
DOB: 9-22-08 (Age 81)
SSN: 291-03-6420
W/M, 5'10", 145, Brn & Brn
*Retired meat cutter

Victim #2: Cora M. Hartig
6593 Moff Rd. Atwater, Ohio 44201
DOB: 4-29-08
SSN: Unknown
Phone: 947-2083
W/F, 5'7", 120, Gray eyes
* Wife to victim # 1

Reported by: Jim Davis
6613 Moff Rd., Atwater, Ohio
Phone: 947-2677
SSN: 301-56-0679
DOB: 3-3-57

Reported by: Terrence L Davis
1391 Fairview Ave., Atwater, Ohio
Phone: N/A
SSN: 302-58-4825
DOB: 3-3-57

On Saturday, April 7, 1990 at approximately 1813 hs. Chief Detective Duane Kaley was at the intersection of C.H. 18 & S.R. 44 in Rootsotown when he was notified by dispatcher Cathy Rubino by telephonic devise that a Mr. Jim Davis had called and reported that there was two people laying on the kitchen floor at 6693 Moff Road. Kaley was asked to respond to that location along with Patrol units. This information had been reported to Rubino by a next door neighbor, Jim Davis of 6613 Moff Road.

Saturday, 4-7-90, 1821 hrs: Chief Detective Duane Kaley of the Portage County Sheriff's Department arrived at the 6593 Moff Road location, as the first officer on the scene. Upon his arrival he noticed two white males standing in front of a white ranch home with the garage door up. The drive running to the residence was paved and there was a load of lime dumped in the turn around three quarters up the drive

to the west. Close to the garage on the west side a orange colored riding lawn mower was noticed.

Kaley pulled his vehicle in front of the drive off Moff Road to help protect the scene. Upon exiting the vehicle Kaley was approached by one Jim Davis and his brother Terry Davis. Jim stated that his mother had asked him to go and check on the Hartig's due to the fact that the garage door was open and the mower was out, the same as the day before and it was the same way when she saw it this morning. Jim went to the Hartig residence and rang the door bell several times. Upon getting no answer he went to the garage and noticed that the Hartig's car was in the garage. He returned and rang the door bell again with no success. Jim looked into the house through the front door window and noticed that there were papers on the floor. He then observed the Hartig's lying on the kitchen floor. At that time he ran back to his mother's residence and called 911. After making the call Jim and his brother Terry went back over and checked again. They have been neighbors with the Hartig's for approximately thirty years.

Upon completing my conversation with Jim and Terry Davis, Kaley approached the residence by walking up the right side of the paved drive in order to minimize any violation of the crime scene. He entered the residence by walking through the open garage, and opening the door between the garage and the attached kitchen & residence. ~~While walking through the garage, Kaley noticed a coat and a pair of gloves on a box in the garage near the kitchen door.~~ A red Ford with Ohio Registration 623BHC was parked inside. Upon opening the door Kaley noticed a strong odor and observed the following:

There was a male and female subject lying on the kitchen floor. Their feet were headed west and their heads east. The male was clad in brown work shoes, blue slacks, brown belt, multi colored flannel shirt, blue vest, glasses and a blue engineers cap was on his head. Kaley noticed a twenty five caliber casing on the left arm which would indicate that he was shot first. By the way he was lying it would appear that he was sitting against the west kitchen wall at the table when he was shot. The chair was against the wall and there was what appeared to be a bullet hole behind it in the wall and the victim's feet led toward that chair.

The female victim was lying on the floor with her feet toward a chair leaning against the south kitchen wall near the door to the garage. There was a hole in the wall behind her that would lead one to believe that she was sitting in the chair when she was first shot. Under the chair by her foot a copper colored projectile was noticed. She had gray hair and was clad in black shoes, white sweat socks, black dress slacks, pink sweater and she had a ring on her right hand.

Several other twenty five auto casings were observed in the kitchen at the time of entry. (total 10) After making the above observations in the kitchen, Kaley entered the living room at which time he noticed that a desk had been ransacked and there were papers on top of it and on the floor. There was a light colored brown lock box on top of the desk that we later learned should have been in the bedroom closet. Kaley also noticed that the plaster had been knocked out from the round that had entered through the kitchen where Cora Hartig had been sitting.

I moved back into the master bedroom at which time open drawers were noticed on the dressers. A check of the bedroom across from the master bedroom revealed that the dresser drawer in that room had been entered.

A room across from the bathroom was checked and the following was observed: The curtains were sitting on a chair and there was cleaner on the floor as if someone had been doing their spring cleaning. A few of the drawers had been opened.

Once Kaley had checked the residence and made sure it was secure he contacted the dispatcher and told them to notify the coroner Dr. Robert Sybert along with the Sheriff and the Chief Deputy. They were also told to contact all the detectives available and send them to the scene.

It should be noted at this point that there didn't seem to signs of struggle from the victims. The first victim identified as Bearnhardt Hartig still had his wallet with money inside of it. It would appear from the mower outside, his coat and gloves in the garage by the kitchen door, along with his hat and vest that he had been out working on the lawn the day of what appears to be a day time Aggravated Robbery and Murder. The fact that there were no lights on either inside or out also adds to this theory. The thermostat in the house was up to eighty degrees at the time of entry.

There was no forced entry found to the house. From the other chair at the kitchen table it would appear that there was at least one other subject sitting at the table facing the door.

While waiting for assistance Kaley was advised by Jim Davis that Bearnhardt would take his mailbox out in the morning ~~and since it was not there it was assumed that it had been removed from the room due to the fact that it had been vandalized in the past.~~ Kaley checked the mailbox which was still sitting out and found mail dated the fourth of April, 1990. You could also see where two nails held the box in and they could be removed by hand.

The following assignments were given out at the scene:

1. Upon the arrival of Deputy Jerry Krepp he was assigned to protecting the scene. He was told to have any proper party showing up to sign a log and enter the crime scene by walking up the right side of the paved drive, in order to protect the scene. Deputy Duane Dawson took over this duty upon his arrival. Deputy Krepp was then instructed to check with the neighbors on the west side of the Hartig's and see if they saw anything. He also walked the property at which time he observed the fact that someone had started mowing the lawn. He also found what appeared to be a meat wrapper in the yard toward the west between the Hartig's and the neighbors on the west side. Jerry checked what appeared to be a path heading back toward a gas well with no success.

*Davis (neighbor)
meat wrapper at
Portage meats*

2. Deputy Duane Dawson took over and protected the crime scene. He also was assigned to taking a written statement from Jim and Terry Davis, the boys who reported the incident. Duane also helped Kaley make the entry into the house through the kitchen.

3. Deputy Jim Feigant was sent door to door to check with the neighbors and see if they were witness to anything.

4. Chief Deputy Larry Cook obtained the crime scene van and helped tape off the crime scene area. He also took a statement from a Mr. Strong who knew that Beannhardt would remove his mailbox each day.

5. County Coroner Dr. Robert Sybert checked the body and pronounced them dead at 1910 hrs. He made arrangements for Dave Green to transport the bodies to the Coroners office in Cleveland for the Autopsy.

6. Lt. Don Doak of the Portage County Sheriff's Detective Bureau was assigned to taking measurements and making a diagram of the kitchen.

7. Detective Dale Tyjeski was assigned to taking photo's and making a video of the scene. Kaley advised Tyjeski to photograph the scene in the kitchen from all four corners.

8. Detective John Ristity was in charge of collecting the evidence and logging it in.

9. Detective Jim Carrozzi was to check the outside of the residence and the yard for evidence. He also assisted with the collection of evidence inside.

10. Detective Mike Watson assisted with the collection of evidence inside the residence.

11. Sheriff Ken Howe checked over the crime scene and help with the scene.

12. Deputy Cindy Balog helped protect the scene on Sunday. She also checked with the neighbors where a house was adding a porch.

Diana M. [unclear]

POSITION AND LOCATION OF BODIES

Length of Kitchen 17 ft 6-1/2 inch
Width of Kitchen 10 ft.

BEARNHARDT - laying on his right side, right foot - 4 ft 6-1/2 inches from south west corner of kitchen.

Head - 11 feet 1 inch from Northeast corner of the kitchen.

Left elbow - 12 feet 9 inches from south east corner of the kitchen.

Left elbow - 7 feet 6 inches from south west corner of the kitchen.

CORA - Laying on her right side.

Left foot - 3 feet 11 inches from south west corner of kitchen.

Head - 12 feet 4 inches from north east corner of kitchen.

Head - 10 feet 8 inches from north west corner of kitchen.

Head - 10 feet 6 inches from south east corner of kitchen.

Bearnhardt and Cora were approximately 3 feet 6 inches apart, laying on their right sides.

On April 7, 1990 at approximately 6:30 p.m. Chief Kaley contacted Lt. Doak and Det. Tyjeski via public service and advised that he was at ~~6593 Moff Road, Atwater~~, location of a double homicide.

Chief Kaley advised Lt. Doak to have PCSO Dispatcher contact the rest of the detectives and report to the crime scene.

Lt. Doak and Det. Tyjeski arrived at the residence 6593 Moff Road, Atwater, Ohio, where Dep. Dawson had the area secured, checked in 7:00 p.m.

We entered the residence by way of the garage door that was up. Door was on south side of the house. There was an entrance from the garage into the kitchen area. Just inside the door there were two bodies laying on the kitchen floor,

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one male and one female. Both victims were laying on their right sides.

Male victim had on brown shoes, dark pants, multi color flannel shirt, and dark blue vest. Blue and white stripe engineer hat lying on floor near victim's head. Victim also had glasses on.

Female victim had on, black shoes, white socks, black slacks and a pink sweater. Both victims appeared to have several gun shot wounds.

Victims were pronounced dead by Dr. Sybert at 7:10 p.m., 04-07-90.

There were several shell casings laying at different locations on the kitchen floor. One shell casing came to rest on Mr. Hartig's left arm near the elbow area. Another casing was located on the living room floor under some papers that had been removed from the desk. Casings were Winchester 25 Cal. There was a projectile that was recovered from under a chair near the female's feet. There was an indentation in the wall on the west side of the kitchen just above the chair Bearnhardt may have been sitting in. There was another hole where a projectile went through the inner kitchen wall south side, knocked plaster off the living room wall. There was a chair next to the south wall in the kitchen where Cora was believed to have been sitting that had wood splinters on the back, which indicated this was done by a projectile. When you enter the living room from the kitchen there was a desk to your left that had several drawers pulled open. There were papers and a strong box on top of the desk. As you walked east, the bathroom would be the first room to your left. This room did not indicate anything disturbed. The next room to your right was a small spare room. This was where Cora had a pail of water. It looked like she had been cleaning windows. Also, she had taken the curtains down.

If you went down the hall (east) the next room to your left would be the master bed room. Most of the drawers were pulled open to the chest of drawers, dresser and night stand. Sliding door was slid back, unknown if anything had been taken. The chest of drawers had a lot of jewelry, some empty ring boxes. The ring boxes were taken by evidence officer Det. Ristity and sent to BCI to be tested for

prints.

The room across the hall from the master bed room was another spare room. This room had a vanity that had the drawers pulled out. Also sliding door to wall closet was slid back open which indicated someone had been looking for something. There was a small black box that was on the vanity that had been opened. Just a few pictures was all that was in the black box. Lt. Doak dusted the following for fingerprints:

- Glass on top of desk, front room.
- Strong box that was on desk, front room.
- Round tin box with sewing equip, came from closet master bed room, Browning shot gun.
- Black box from vanity spare room.
- Door handles to sliding doors to closets - Master and spare rooms.
- Drawers to vanity spare rooms.
- Shell casings and ring boxes taken to BCI for prints (Ristity)

In going over the crime scene, it indicated that Bearnhardt and Cora were working around their home and they were murdered during the day light hours. Bearnhardt's lawn tractor was outside by the corner of the garage. Him lime spreader was out by the turn around. The top was still open where he was filling the spreader. Shovel was still at the lime pile.

Cora had been cleaning windows in the spare room on the south side. Inside window was up, storm window was still in tack. There was a pail of water and some other cleaning supplies on the floor.

By all indications, there was no sign of alarm or signs of a struggle.

Bearnhardt took his coat and gloves off, laid them on a large wood box by the door where you go from the garage into the kitchen.

The crime scene indicates that Bearnhardt, Cora, and the assailant were all sitting down in the dining area.

There was a hole on the west wall just above the back of the

chair where the projectile hit.

There was a place on the chair where projectile splintered back of the chair. There was another chair moved out from the table. it was facing the other chairs.