

IN THE COURT OF COMMON PLEAS  
OF PORTAGE COUNTY, OHIO

STATE OF OHIO,

- Plaintiff-Respondent,

v.

TYRONE LEE NOLING,

Defendant-Petitioner.

CASE NO. 95-CR-220

DEATH PENALTY CASE

JUDGE JOHN A. ENLOW

AFFIDAVIT OF GARY ST. CLAIR

STATE OF OHIO            )  
                                  )    ss:  
COUNTY OF PICKAWAY )

I, Gary St. Clair, being first duly cautioned and sworn, state the following:

1. I testified on January 12, 1996 at the trial of Tyrone Noling;
2. I was called as a witness by Assistant Prosecuting Attorney Eugene Muldowney;
3. I testified truthfully at the trial of Tyrone Noling on January 12, 1996;
4. I testified truthfully that I was involved in the robbery of the Hugheses in Alliance on April 4, 1990;
5. In June, 1990 I pleaded guilty to aggravated robbery and aggravated burglary and received a sentence of five to twenty-five years in that case;

6. I testified truthfully that I was not involved in the robbery of the Murphys in Alliance on April 5, 1990;

7. At the trial on January 12, 1996 I testified truthfully that on April 5, 1996 I did not go to Atwater with Joey Dalesandro, Butch Wolcott, and Tyrone Noling;

8. On March 19, 1993 I entered a plea of guilty to aggravated murder with a gun specification in the Hartig murders;

9. I did not plead guilty because I was guilty but because my lawyers, John Mackey and Kathleen Tartarsky, told me that I had no alibi and no defense and that I would get life in prison or the electric chair if I did not plead guilty;

10. At all times I told my lawyers that I was not involved in the Hartig murders and I did not see anyone murder the Hartigs and I did not know who murdered the Hartigs;

11. Even though I always told my lawyers that I did not know anything about the Hartig murders, my lawyers, John Mackey and Kathleen Tartarsky, urged me to plead guilty;

12. I told my lawyers, John Mackey and Kathleen Tartarsky, that on the date and time of the Hartig murders I and Tyrone Noling and Butch Wolcott and Joey Dalesandro were involved in a purse snatching in Alliance;

13. I do not believe that my lawyers, or the investigator who worked for my lawyers, Michael Durkin, investigated the purse snatching to show that I and Tyrone Noling and Butch Wolcott and Joey Dalesandro were involved in the purse snatching at the time of the Hartig murders;

14. My parents, Robert St. Clair and Beverly Rupp, were present when my lawyers told me I should plead guilty;

15. I always told my parents that I was not involved in the Hartig murders;

16. My mother and father wanted me to do what my lawyers wanted me to do and plead guilty to avoid the electric chair and my parents pleaded with me to plead guilty;

17. I pleaded guilty only because my lawyers and my parents told me that I would get life in prison or the electric chair if I did not plead guilty;

18. After I entered a plea of guilty on March 19, 1993 I gave a statement to Ron Craig, the investigator for the Portage County Prosecuting Attorney;

19. At the trial on January 12, 1996 I testified that I gave a statement to Ron Craig on March 19, 1993;

20. At the trial of Tyrone Noling I admitted that I said things in my statement to Ron Craig about Atwater and the Hartigs' house and the murder of the Hartigs;

21. At the trial of Tyrone Noling I testified that what I said to Ron Craig on March 19, 1993 about Atwater and about the Hartigs was not true and did not happen;

22. I testified truthfully that I was not involved in the murders of the Hartigs and I did not witness Tyrone Noling or anyone else participate in the Hartig murders;

23. Before I gave a statement to Ron Craig on March 19, 1993 I was shown the videotape and pictures of the scene of the crime at the Hartigs and statements and reports about the crime;

24. The things I told Ron Craig in my statement of March 19, 1993 about the Hartig murders were not based on my personal knowledge;

25. The things I told Ron Craig on March 19, 1993 were based on videotape and pictures and papers that I had been shown and things that Ron Craig told me about the murders;

26. As part of my plea bargain I agreed to cooperate with the Prosecuting Attorney in the investigation of the Hartig murders;

27. In my statement to Ron Craig I told him what I thought he wanted me to say based on the pictures and statements I had been shown and things he told me about the crime;

28. On April 15, 1993 I talked to Vicky Buckwalter and Darla Cogan and told them that I was not involved in the Hartig murders, that I pleaded guilty because my lawyers told me if I did not plead guilty I would get the electric chair, and that what I told Ron Craig about the Hartig murders was based on information I got from the videotape and pictures and statements and what Ron Craig told me;

29. What I told Vicky Buckwalter and Darla Cogan on April 15, 1993 is in the

"Statement of Gary St. Clair Orient Correctional Institute" which is attached to my affidavit;


30. I was not involved in the Hartig murders and I do not know who did it;

31. Any statement that I made to the Prosecuting Attorney or Investigator Ron Craig that I was involved in the Hartig murders and knew about the Hartig murders was untrue and made as part of the plea bargain to avoid the electric chair and to cooperate with the investigation;

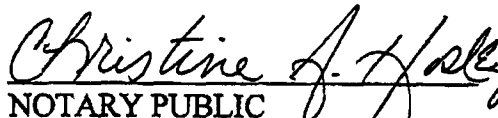
32. On the date and time that they say the Hartigs were murdered I was involved in a purse snatching in Alliance.

33. All of the foregoing is true to the best of my knowledge, information, and belief.

FURTHER AFFLIANT SAYETH NAUGHT.

  
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GARY ST. CLAIR  
Affiant

SWORN to before me and in my presence this 15 day of July, 1997.

  
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NOTARY PUBLIC

CHRISTINE A. HOSLEY  
Notary Public, State of Ohio  
My Commission Expires 7-28-1999

nolinggs.afd