

IN THE COURT OF COMMON PLEAS
OF PORTAGE COUNTY, OHIO

STATE OF OHIO,

- Plaintiff-Respondent,

CASE NO. 95-CR-220

v.

DEATH PENALTY CASE

TYRONE LEE NOLING,

JUDGE JOHN A. ENLOW

Defendant-Petitioner.

AFFIDAVIT OF JOSEPH DALESANDRO

STATE OF OHIO)
) ss:
COUNTY OF ALLEN)

I, Joseph Dalesandro, being first duly cautioned and sworn, state the following:

1. I was not involved in the murders of Bearnhardt and Cora Hartig;
2. I never went to Atwater and I never went to the home of the Hartigs in April of 1990;
3. In April of 1990 I did not even have a driver's license and I did not drive out of Alliance;
4. I repeatedly told my lawyer John Noble that I was not involved in the Hartig murders;
5. My lawyer John Noble told me I should agree to a plea bargain to avoid the

electric chair;

6. I believed that my lawyer John Noble knew what he was doing and I did what he said I should do;

7. I agreed to the plea bargain and I agreed to cooperate with the Prosecutor's investigation;

8.- On July 29, 1992 I pleaded guilty to conspiracy to aggravated robbery and agreed to a sentence of 5 to 15 years;

9. I did not plead guilty because I was guilty but because my lawyer John Noble told me I should accept the plea bargain to avoid the electric chair and because my father begged me to accept the plea bargain and my mother said she would never visit me in prison if I did not accept the plea bargain;

10. On June 12, 1992 I was questioned by Prosecutor's Investigator Ron Craig and I gave a tape-recorded statement;

11. During the interview on June 12, 1992 I stated to Ron Craig I was not involved in the murder of the Hartigs and did not know anything about the murders;

12. What I told Ron Craig on June 12, 1992 was the truth;

13. On July 29, 1992, after my guilty plea, I was again questioned by Investigator Ron Craig. My lawyer John Noble was there; Ron Craig showed me things and told me things about the Hartig murders;

14. On July 29, 1992 I gave Ron Craig a tape-recorded statement;

15. The things I told Ron Craig on July 29, 1992 in the tape-recorded statement were based on things Ron Craig showed me and told me about the Hartig murders and were not based on my own personal knowledge;

16. During the questioning on July 29, 1992 Ron Craig yelled and screamed at me when I told him the truth that I didn't know things about the murders of the Hartigs;

17. In September, 1992 my attorney, John Noble, was suspended from practicing law and was replaced by Mark Heisa;

18. On June 8, 1995 the Prosecutor requested that Judge Martin raise my sentence from 5 to 15 years concurrent to my previous sentence to 8 to 15 years consecutive to my previous sentence because I wouldn't say what the Prosecutor wanted me to say;

19. At the hearing on June 8, 1995 Mark Heisa told Judge Martin that I wanted him dismissed as my attorney and that I wanted a new attorney; I told Judge Martin that I did not want lawyer Mark Heisa to represent me and I wanted a new lawyer; Judge Martin would not let me have a new lawyer;

20. I told Judge Martin that the Prosecutor was putting words in my mouth and making me say things that weren't true and that I was not involved in the Hartig murders;

21. I was not involved in the Hartig murders and I do not know who was;

22. On the date and time that they say the Hartigs were murdered I was with Tyrone Noling, Gary St. Clair, and Butch Wolcott in Alliance.

23. All of the foregoing statements are true to the best of my own personal knowledge, information, and belief.

FURTHER AFFLIANT SAYETH NAUGHT.


JOSEPH DALESANDRO
Affiant

SWORN to before me and in my presence this 22nd day of August, 1997.



NOTARY PUBLIC
JOHN J. GIDEON
ATTORNEY AT LAW
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R. C.

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