

Elyria Police Department (EPD) Records

#	<u>Audio-taped and/or transcribed Statements</u>	<u>Supporting Information</u>	<u>Bates-Stamp Page of Reference</u>
1	Covertly Recorded Tape of Terry Hopkins/Jaykel & Whitely – 2/25/94	Investigative Summary states “Interview was covertly recorded.” In 1/4/95 Investigative Summary, Leiby refers to a previous meeting with T. Hopkins	EPD 1215 1st Exp. Rec., Vol. 2, p. 55
2	Covertly Recorded Tape of Stanley Jalowiec/Leiby – 3/4/94	Investigative Summary states “Leiby brought Jalowiec back to EPD from court. . . This interview was recorded.”	EPD 1217
3	Recorded Tape of Israel Alvarez/Leiby – 9/7/94	Investigative Summary states “Leiby conducted the interview. Mr. Alvarez consented to having it recorded and a tape was made.” In the Dec. 4, 1994 Search Warrant for the LeBaron, Leiby reported that he found out in 9/94 through Lopez and Alvarez that D. Smith told them that R. Smith and Jalowiec used the LeBaron to transport/kill Lally.	EPD 1220 2nd Exp. Rec. Vol. 1, p. 4
4	Recorded Tape of Israel Alvarez/Dan Smith – 9/12/94	Investigative Summary states “Made 100 minutes of tape.”	EPD 1221
5	Covertly Recorded Tape of Joann Fike, O’Toole & Leiby – 12/16/94	Investigative Summary states “I was able to make a very good covert tape. Neither Fike nor O’Toole are aware the tape was made, and it should be kept that way ”	EPD 1225
6	Recorded Tape between Danny Smith/Stamley Jalowiec – probably	Investigative Summary states “Dan Smith was not able to get Jalowiec to talk. Says to pick-up tape	EPD 1225

	12/5/94	recorder from booking."	
7	Recorded Tape of Tomeka Foglyano/Leiby - 1/6/95	Investigative Summary states "Leiby taped conversation."	EPD 1230, 1707 & 1793
8	Covertly Recorded Tape of Sharon Hopkins/Leiby & Whitely - 1/6/95	Investigative Summary states "Made a covert tape."	EPD 1231 & 1794
9	Recorded Tape of Tomeka Foglyano/Leiby - 1/11/95	Investigative Summary states "Audio taped interview, not transcribed."	EPD 1234 & 1797
10	Recorded "on wire" of suspect at apartment when picked-up Ron - 1/16/95	Leiby handwritten note, states "Will = Recorded on wire"	EPD 1711
11	Covertly Recorded Tape of Shawndell Donald/Leiby & Whitely - 3/15/95	Leiby handwritten note, states "Leiby + Whitely at Lorain Correctional Institution w/ Shawndell Donald - made covert tape."	EPD 1770
12	Recorded Tape of Leonard McCall/Leiby - 3/13/95	Leiby handwritten note states "Made recorded statement."	EPD 1775
13	Recorded tape of "Ted"/Leiby - ?	Typed note from Leiby to "Scott" states "I got a tape from Ted"	EPD 1566
14	Tape of William Jones interview - 2/15/96	Transcript of interview provided - never received tape of interview	EPD 1064-85
15	Covertly Recorded Tape of Ronald Davis/Leiby - 3/15/94	In typed report, Beaman states "Leiby says he audio taped this males interview and same is available to these detectives if needed." Investigative Summary states "A covert tape recording was made of this entire interview."	CPD 20 & 93, EPD 1218-19
16	Interview between Sharon Hopkins, Leiby & Whitely - 2/23/94		EPD 1214

17	Interview with Andre Gooden, Beaman, & Leiby- 2/24/94		EPD 1215
18	Call with Terry Hopkins & Leiby -3/3/94		EPD 1725
19	Interview with Sandy Williams & Leiby - 3/11/94		EPD 1218
20	EPD tape of Andre Gooden interview -3/12/94		CPD 21
21	Interview with Sharon Hopkins & Leiby - 3/23/94	In Terry Hopkin's 2nd 1/6/95 statement, Leiby refers to notes about a conversation w/ S Hopkins on 3/23/94 In T. Hopkins 1/4/95 statement, Leiby refers to S. Hopkins being "pretty cooperative last time."	EPD 792 EPD 758
22	Several Calls from Danny Smith to Leiby - June & July, 1994		EPD 1219 & 1686-7
23	Interview between Danny Smith & Leiby -9/5/94		EPD 1696
24	Interview between Ray Smith, Leiby, Rosenbaum, & Lieux - 9/6/94		EPD 1220 & 1687
25	Several calls from Danny Smith to Leiby - 9/94		EPD 1687
26	Two Calls from Danny Smith to Leiby - 12/4/94		EPD 1224
27	Interview with Ray Smith & Leiby - 12/4/94		EPD 1224
28	3rd call from Danny Smith to Leiby - 12/4/94		EPD 1224

29	4th call from Danny Smith to Leiby - 12/5/94		EPD 1225
30	Statement of Stanley Jalowiec to Will & Ashley - 12/4/94		EPD 1224
31	Joann Fike call with Leiby - 1/4/95	Investigative Summary states Leiby reports that he called Fike	EPD 1229
32	Interview between Joann Fike & Leiby - 12/15/94	In Fike's "1st" interview on 12/27/94, Leiby refers to a previous interview/conversation with her	EPD 1745; 1st Exp. Rec., Vol. 2, pgs. 38-40
33	Joann Fike interview (while giving her a ride home) & Leiby - 12/27/94	Investigative Summary states Leiby recorded interview, but then reports driving Fike home, and makes notes as to conversation while driving	EPD 1226
34	Call from Sharon Hopkins to Leiby - 1/5/95		EPD 1230
35	Call from Vernard Berry to Leiby - 1/5/95		EPD 1230
36	Interview between Carl Hartman & P.O. John Risner - around 1/6/95	Investigative Summary states "[Risner] will bring Hartman in and interview him for me and tape the interview."	EPD 1231, 1707
37	Interview between Joann Fike & Leiby - 1/6/95	Leiby interviewed Fike. Investigative Summary states "While at Corrines, Richard Altpater showed up. . .I flagged him down as he was leaving and asked him to meet me. . .made a covert tape of this interview."	EPD 1232
38	Call from Danny Smith to Leiby - 1/7/95		EPD 1232
39	Call from Danny Smith to Leiby - 1/9 or 10/95		EPD 1233 & 1697
40	Call from Raymond Smith	At the 1/11/95 interview of R.	EPD 1233 &

	to Leiby - 1/10/95	Smith, Leiby says they've had other meetings and at "1" Ray was drunk & at others, you "lied your ass off."	1687; 1st Exp. Rec., Vol. 4, p. 79
41	Discussion between Darren Tackett & Leiby - 1/11/95		EPD 1234
42	Call from Danny Smith to Leiby - 1/11/95		EPD 1234
43	Call from Brian Howington to Leiby - 1/12/95		EPD 1234-5 & 1797-98
44	Interview between Joann Fike and Leiby - 1/16/95		EPD 1235
45	Interview with Terry Hopkins & Leiby/Whitely - 1/16/95	Leiby handwritten note suggests T. Hopkins was interviewed	EPD 1712
46	Interview between Tank from Lorain Corr. Inst. & Leiby - 1/20/95		EPD 1714-5
47	Interview between Misty Waleski & Leiby - 1/23/95		EPD 1716
48	Interview with Ziggy & Leiby - 1/24/95		EPD 1717
49	Interview with John Freeze & Leiby (maybe Whitely) - 3/22/95?	Handwritten notes refer to interview	EPD 1776
50	Calls between Giggy Farris & Danny Smith - while DS was in jail awaiting trial	In William Jones' 2/15/06 interview, states "Giggy Farris... has been talking to Danny on the phone on a regular basis" (while DS in jail)	EPD 1077
51	Interviews with Ron Rivera & Leiby - 1/18/96 & 1/24/96	Investigative Summary refers to calls between Leiby and Rivera	EPD 4
52	Interview between Carl		EPD 4 & 1612

	Hartman & Leiby – 1/22/96		
53	Interview between Carl Hartman & Leiby/Whitely – 1/7/95		EPD 913
54	Interview between Vernard Berry & Leiby – Previous to 12/4/95	In Berry's 12/4/95 statement, Leiby states "I brought you in and interviewed you once before."	2nd Exp. Rec., Vol. 1, p 27.
55	Call from Ray Smith to Leiby - June, 1994		Transcript of R Smith's trial, p. 243
56	Interview between Carl Hartman & Leiby – Previous to 1/5/95	During Hartman's interview on 12/7/95, Leiby states : "We've talked twice before"	EPD 824
57	Interview between Darren Tackett & Leiby - Previous to 1/4/95	In T. Hopkin's 1/4/95 statement, Leiby states he had Darren Tackett in the station for the case "probably the same week that you were here"	EPD 767
58	Interview between Mike Lopez & Leiby - Sept., 1994	In the Dec. 4, 1994 Search Warrant for the LeBaron, Leiby reported that he found out in 9/94 through Lopez and Alvarez that D. Smith told them that R. Smith and Jalowiec used the LeBaron to transport/kill Lally. During 1/11/95 interview between Leiby and M. Lopez, Leiby states "You told me last time . . ."	2nd Exp. Rec. Vol. 1, p. 4 CD of 1/11/95 Leiby/Lopez interview; interview also transcribed @ p. 7
59	EPD Report/Statement concerning Stan Jalowiec being "the right hand man of the drug dealer Danny Smith"	2/20/94 – CPD Supplemental Report – Beaman Detective states that "Leiby says as a result of their conversation on February 10, 1994, he conducted interviews in Elyria."	CPD 42

60	Interview between V. Berry & Leiby – on same day, but previous to 2/28/94 interview	Investigative Summary states “1214 hrs. . . tape is recorded covertly by Leiby” Statement provided between V. Berry and Leiby on 2/28/94 was not covertly recorded and taped at ____ hrs.	EPD 1779 CD of 2/28/94 Leiby/Berry interview; interview also transcribed @ p.1
61	Interview between Mike Lopez’s Mother and Leiby – previous to Jan. 11, 1995	During 1/11/95 interview between Leiby and M. Lopez, Leiby states “Your Mom told me you didn’t want to talk about it because you were scared.”	CD of 1/11/95 Leiby/Lopez interview; interview also transcribed @ p. 7
62	Reports/tapes deemed little or no value or import to investigators	Several times, notes/reports state that a tape/interview was of no value or “knows nothing”	Examples = EPD 1716, 1717

City of Cleveland Police Department (CPD) Records

<u>#</u>	<u>Documents and/or Audio-Taped Statements</u>	<u>Supporting Information</u>	<u>Bates-Stamp Page of Reference</u>
63	Unreadable Pages		CPD 70 138 141 142 152
64	Blank Pages		CPD 148-151
65	Channel 5 Assignment	1/19/94 – CPD Supplemental Report – Beaman & Moore Received assignment of dead body from Detective Stevers – Stevers said assignment from Channel 5 Moore Depo (9/13/06) states “Q. And is there a printout that comes with what goes over those nine channels? A. That’s correct. There should be.”	CPD 65 & 156 Moore Depo p. 78-79

66	EMT Reports	1/19/94 -- CPD Supplemental Report -- Beaman & Moore At scene, met with Lt. Bungo, Sgt. George, Officers Robinson & Lewis, Lt. Kapantas, Detective Wilson, & EMS Ciarrone & Boeschler Beaman depo (9/13/06) states "If they responded to the scene, they generate generally some kind of report" Moore Depo (9/13/06) states "Q. Did the EMT's involved in cases you worked on do written reports? . . . A. Yes, ma'am."	CPD 65 & 156 Beaman Depo p. 72 Moore Depo p. 79-80
67	All Radio Tapes & 911 Calls	1/19/94 -- CPD Supplemental Report -- Beaman & Moore Conferred with Dispatcher Bender & requested copy of "all radio tapes & 911 calls to be duplicated and forwarded to this office" Beaman Depo (9/13/06) states "you would request that [911] call, a copy of that call within that time period. A. Yes. Yes."	CPD 69 & 160 Beaman Depo p. 142
68	Radio Broadcast Tape	1/19/94 -- CPD Offense/Incident Report Responded to radio broadcast & arrived at E. 69 & Quincy Ave. at 10:05 a.m. to find WM laying face down on snow-covered road Moore Depo (9/13/06) states that the broadcast would be in the investigation file if requested. Moore stated that he would request this.	CPD 123 & 264 Moore Depo p. 91

69	911 Printout	1/20/94 – CPD Supplemental Report – Beaman & Moore 911 call from 431-7339 at 3939 Community College according to 911 printout attached to file Moore depo (9/13/06) states “Q. Was it the practice of the Cleveland Police Department to put [the computer printout] in the homicide investigation file? ... A. Yes”	CPD 63 & 154 Moore Depo p. 76-77
70	EPD Lt. Jaykel's Reports	2/20/94 – CPD Supplemental Report – Beaman Detective Jaykel spoke with Patrolman McCann on Feb 15, 1994 about call McCann received from an anonymous female who reported T. Hopkins was bragging about Danny Smith & Ray Smith killing a drug snitch Detective Jaykel gave them T. Hopkins' arrest record & photo	CPD 25-26, 42 & 283-84
71	Phone Records of Patrolman McCann from February of 1994	Records on CPD pgs. 28-30 represent phone records from Jan., 94; McCann's report states phone call from “anonymous female” took place in Feb., 94	CPD 27-30, 25-26, 42 & 283-4
72	Complete Official Report of Leiby's Investigation sent to CPD	2/20/94 – CPD Supplemental Report – Beaman Detective states “Complete official report requested of Detective Leiby in c/w information he has learned in this investigation”	CPD 42
73	Note by “Donna” left at Ronald Lally's home	2/10/94 – CPD Supplemental Report – Beaman Detective writes that during his interview of William Lally, W. Lally told him that when he first entered Ron Lally's apartment after he disappeared he found a note from “Donna” stating that she had	CPD 45

		been by the home.	
74	Tape from Caller who notified detectives where body could be discovered	3/11/94 – CPD Supplemental Report – Moore --Detective states "A complete set of color crime scene photographs were turned over to Detective A. L. Leiby, along with a copy of the telephone conversation from the caller who informed detectives where the victim's deceased body could be discovered."	CPD 26
75	EPD Recorded or transcribed Statement of Jeffrey Hicks	Investigative Summary describing incident with J. Hicks, although prepared by Leiby from the EPD, was solely found in CPD discovery, and not found in EPD discovery (no transcribed interview or audio-tape found in either EPD or CPD disc.)	CPD 280-81
76	Any reports or tapes deemed of little or no value or importance to investigators	Several times, notes/reports state that a tape/interview was of no value or "knows nothing"	Examples = EPD 1716, 1717