

1 Complete Transcript of audiotape of interview between
2 Michael J. Duff and Richard Altpater on October 23, 1995,
3 commencing at 7:35 p.m.

4 * * *

5 ALSO PRESENT:

6 Lynne Altpater

7 Gerald Mielcarek

8 * * *

9 EXAMINATION OF RICHARD ALTPATER

10 BY MR. DUFF:

11 Q All right. This is what? October 23rd?

12 A Yeah.

13 Q We got Michael Duff, Gerald Mielcarek. It's 7:35 p.m.

14 I also have present --

15 A Richard Altpater.

16 Q Alt -- spell the last name.

17 A A-l-t-p-a-t-e-r.

18 Q All right. And your wife?

19 MRS. ALTPATER: Yeah.

20 A Yep.

21 Q Lynne? Lynne?

22 A Same last name.

23 Q All right. You're here and I'm recording this
24 conversation; is that correct?

25 MRS. ALTPATER: Yes.

EXHIBIT
27

1 A Go ahead.

2 Q You're aware of that?

3 MRS. ALTPATER: Yes.

4 Q And it's done with your consent and your permission?

5 A Yes.

6 MRS. ALTPATER: Yes.

7 Q Okay. Now, you're here for purposes of, ah, being
8 questioned about what you know about the Daniel Smith case.

9 A Yeah.

10 Q Do you know Danny Smith?

11 A Very -- pretty good.

12 Q Okay. Do you know anything about his involvement in
13 this case, ah -- what's the gentleman who is deceased?

14 MR. MIELCAREK: Ronald Lally.

15 Q Ronald Lally. Do you know any -- did you talk to Det.
16 Leiby about that case?

17 A Yes.

18 Q And what do you know about that case?

19 A Not a whole lot, just know what people have said, what
20 he -- what Leiby told me that he heard about it.

21 Q What did Leiby tell you he --

22 A He heard -- well, he told me -- he seen me -- he caught
23 me at this chick's house; and he said -- motioned me down the
24 road, this is how -- I was being caught with -- for a -- a
25 fugitive charge.

1 Q Drug abuse?

2 A Drug abuse.

3 And he said, well, now he's talking, he said, it's a
4 good thing you got caught before I talked to you, he said,
5 'cause, otherwise, they would think you're just saying this
6 to get off -- to get off; but then when -- after -- well,
7 when the tape wasn't on, he told me he could get me off of
8 this case if I -- if I cooperated.

9 Q All right.

10 A And then I -- I had -- I'm doing 3 years probation, 18
11 months in prison, and I didn't get off of shit.

12 Q Did you give him a statement?

13 A Yeah.

14 Q What'd you tell him?

15 A Well, I agreed with what he told me because he -- he
16 said he had all these witnesses; and, yeah, he said people --
17 people -- people told him that Danny offered me money to kill
18 this dude or make him move out of town or some shit --

19 Q Yeah.

20 A -- wanted to get rid of just -- just -- just to do
21 something -- to do him or something.

22 Q Yeah. You told him Danny told you that?

23 A No, he said he -- yeah, I told him that he told me that
24 people told him that Danny had asked me that. He said they
25 got -- so he's got all these witnesses here and these

1 people -- all these people said --

2 MRS. ALTPATER: Officer Leiby said that he had
3 30 witnesses saying --

4 A 6 --

5 MRS. ALTPATER: -- (inaudible) -- what he
6 wanted us to agree to so that --

7 A He had 5 of them that said that Danny offered me money.

8 MRS. ALTPATER: He said he had 30 witnesses.

9 A He had 30 witnesses, but 5 of them had tell -- saying
10 that Danny had gave -- was offering me money.

11 Q All right. Somebody just walked in. Let me just check
12 this out a little.

13 MR. MIELCAREK: Did a -- did he say who?

14 A Well, he wouldn't say who --

15 MRS. ALTPATER: He wouldn't say who.

16 A But I know who did it.

17 MR. MIELCAREK: Who was that?

18 MRS. ALTPATER: Well, we're sure it was
19 Darren.

20 A I'm sure it was Darren.

21 MR. MIELCAREK: And he's since gone into the
22 Service?

23 A Yeah.

24 MRS. ALTPATER: Right.

25 A So, he -- just went so -- so he ain't got nothing here

1 to do this.

2 MRS. ALTPATER: Can't find him.

3 A You know. That's why -- why he went to the Service.
4 Same thing he went to the Service for. He knows more about
5 it than anybody.

6 Q He's like -- he's like (inaudible) -- I mean, he's
7 just --

8 MRS. ALTPATER: He's the one was lying out of
9 the top of his mouth anyway. I don't know anything about it,
10 really.

11 A I didn't even know who he was. I didn't --

12 MRS. ALTPATER: I never even knew who the guy
13 was, either, the first place. (Inaudible) thought of who he
14 is. I never -- you know, I -- I never seen him, I don't even
15 know who he is or was, I should say.

16 MR. MIELCAREK: Is that the -- the one and
17 only time you ever talked to Leiby?

18 A No, he talked to me -- they sent -- got me in the
19 school, that guy -- he got me in his car when he told me
20 that, ah, it was in his car the first time I talked to him.

21 I talked to him twice.

22 MR. MIELCAREK: Okay. Then, hold on until
23 Mike comes back. I -- it -- it could be important. Wait for
24 him to come.

25 A A -- a Detective came to my house, ah, a couple months

1 ago, asked me, said, has anybody else ever bribed me. For
2 what? Asked me if any of Danny's friends tried to bribe me
3 or threaten me. For what? What am I going to do if
4 (inaudible) -- bribing me for?

5 MR. MIELCAREK: Was that after I was there?

6 A Yeah.

7 MRS. ALTPATER: Yeah.

8 A This was (inaudible).

9 MRS. ALTPATER: Right afterwards, wasn't it?
10 Said (inaudible) and they came right after.

11 A No, the same day, you mean, no.

12 MRS. ALTPATER: Not the same day, but --

13 A No, I don't know. It was -- it was after you came, I'm
14 pretty sure.

15 MRS. ALTPATER: I know it was --

16 A I don't -- I don't know.

17 MRS. ALTPATER: -- holiday -- like I said, I
18 never talked to nobody except for Leiby.

19 A He says, well, if anybody does try and bribe you or
20 anything, won't you let us know.

21 MRS. ALTPATER: (Inaudible) I can't really
22 help anyway (inaudible).

23 MR. DUFF: What's up? Where we at, Butch?
24 I'm sorry.

25 MR. MIELCAREK: Well, I -- I'd asked him --

1 A How many times I walked to Leiby.

2 MR. MIELCAREK: -- how many times Leiby had
3 talked to him.

4 Q So, he wanted you to say --

5 A He told me just to -- he said -- just said -- he said --
6 he said just cooperate.

7 Q All right.

8 A And I had -- had 18 months. I was cooperating.

9 Q What did he mean cooperate?

10 A I wanted to be -- he wanted -- he wanted -- he didn't
11 tell me -- he wanted me to say what -- to agree with -- say
12 was truth, what everybody else was saying.

13 Q All right.

14 A And it ain't fucking the right thing.

15 Q Did you went ahead and say that?

16 A Um-hum.

17 Q It just wasn't true?

18 A No.

19 Q It wasn't true?

20 A No.

21 Q So, you lied to Det. -- to Det. Leiby?

22 A Yeah, 'cause I didn't want to do 18 months in jail.

23 Q Well, I understand. I understand. So you told him --

24 A I said, well -- I said, whatever they said, whatever
25 they said, yeah.

1 Q I don't like to turn it off. Why? What do you want to
2 say?

3 MRS. ALTPATER: (Inaudible.)

4 Q Tell me the truth. That's all --

5 A I am telling it.

6 MRS. ALTPATER: Danny never offered you --

7 A No.

8 Q Danny never offered you any money?

9 A He -- he asked me if I ever knew anybody would do
10 something like that, but he never offered it to me. He --
11 Leiby said that he -- he -- he offered \$5,000.

12 Q Leiby said that?

13 A He said, Dan -- somebody told him Danny offered me
14 \$5,000.

15 Q Did Dan offer you 5,000?

16 A Hell no.

17 Q Did Danny ever ask you to get somebody to kill this guy?

18 A No, he asked me if I -- if I needed somebody to -- he
19 asked me -- I don't know who he was talking about. He asked
20 me if I knew anybody (inaudible) like that.

21 I said no.

22 MR. MIELCAREK: And Darren Tackett's the one
23 that told Leiby that you were offered money --

24 A \$5,000.

25 MR. MIELCAREK: We think.

1 A I'm pretty sure that's what he said.

2 MR. MIELCAREK: Tackett's gone in the Service.
3 He's out of the picture. He's gone away to the Navy.

4 MR. DUFF: Do you have the other witness list
5 names?

6 MR. MIELCAREK: Ah, Corrine Fike.

7 A And I was there in the house one day when -- when --
8 when -- when Leiby first talked to me the first time.

9 Q You know her? What she got to say?

10 A I don't know what she's gonna say.

11 MRS. ALTPATER: I have no idea.

12 MR. MIELCAREK: She won't answer the door or
13 return our calls.

14 MR. DUFF: All right. I'm gonna turn the tape
15 off. It's now 7:40.

16 (Short pause.)

17 MR. DUFF: All right. We're going back on the
18 record. Ah, we've been talking about Danny Smith's case.

19 Now, you said that Danny asked you about -- if you knew
20 he -- anybody that could --

21 A They would do something. Now, he didn't say anything
22 about killing anybody. He said something -- he just asked me
23 if I -- if I knew anybody would be --

24 Q Could hurt someone?

25 A Yeah.

1 Q All right. And how did you take him to mean that?

2 A I fight 'cause, see, I like to fight. I thought, maybe,
3 he was going to (inaudible) whoop somebody's ass.

4 Q Yeah.

5 A And I used to whoop people's ass for money before.

6 Q Yeah.

7 A And I -- and I says no, 'cause I don't do that shit no
8 more 'cause I'm getting too old for that.

9 Q Yeah, but did you think he was serious or what?

10 A No, I think he -- me and Jackie, we -- I just laughed it
11 off. I said, come down, I don't do that shit no more 'cause
12 (inaudible) I'm too old for that shit (-inaudible) I was
13 fucking with you anyway.

14 Q All right. So you didn't take him seriously?

15 A Hell, no.

16 Q He said he was just screwing with you anyways?

17 A Yeah.

18 Q All right. So you don't believe he was serious about
19 requesting you --

20 A No, hell no. I didn't then. I -- I still don't.

21 Q All right.

22 You still don't believe it..

23 A No.

24 Q How about you?

25 MRS. ALTPATER: No, I don't believe it.

1 Q Okay. Do you know of anybody that Danny asked to do any
2 harm to Mr. Lally?

3 MRS. ALTPATER: No.

4 A No way.

5 MRS. ALTPATER: Danny was a big clown.

6 MR. MIELCAREK: Did you hear rumors of anyone
7 else?

8 MRS. ALTPATER: Rumors?

9 A Of what? Him asking anybody else?

10 Q Yeah, rumors?

11 A No.

12 MRS. ALTPATER: Alls I --

13 A I just didn't -- all I heard was, next thing you know
14 that you heard that -- heard the story came out in the
15 newspaper.

16 MRS. ALTPATER: That -- that was --

17 A Now, I didn't even know who he was talking about he
18 asked me --

19 MRS. ALTPATER: We didn't even -- we don't
20 even who the deceased was. We never saw who it was.

21 Q You never did know him?

22 MRS. ALTPATER: No. Now, who he is or what --

23 A I heard he was a smoker? That's all.

24 MR. MIELCAREK: How about Stanley?

25 A Well, Stan, he was like -- now, I don't know about him

1 and (inaudible) but, you know, I know him and Stan were
2 buddies because they used to live together but I have -- I
3 mean, I go to Stan all the time. Me and Stan was pretty
4 close; and I -- Stan never said a word -- hide -- word to me
5 about nothing like that.

6 Q How come they knew that?

7 A I mean even -- even after -- it came after a rumor. John
8 just said that -- rumor was later on that Stan did it.

9 Q Stan who?

10 A He and Stan --

11 Q Jalowiec?

12 A Something like that.

13 Q Stan what?

14 A He got -- he was asking me something like that. I don't
15 think --

16 Q How about Raymond?

17 A No, him I don't know that well -- the old man, Pops?

18 Q Yes.

19 A I don't know him that well.

20 MRS. ALTPATER: I don't -- we really don't
21 know him very well.

22 A I mean, he's all -- I'm sure he wouldn't ask Stan to do
23 anything like that 'cause Stan -- I mean I don't think Stan
24 could have, either.

25 MR. MIELCAREK: How -- how long after the

1 murder did Leiby approach you?

2 MRS. ALTPATER: That was after --

3 A It was a long time, it was awhile.

4 MRS. ALTPATER: It was after Danny was
5 arrested.

6 A Yeah.

7 Q Any idea who else Leiby talked to about requesting the
8 same kind of information, just from your talking?

9 A He wouldn't tell us names. He wouldn't tell us no names
10 'cause I wanted to know who told him this about me.

11 MRS. ALTPATER: (Inaudible) tells Leiby.

12 A He wouldn't tell me. He said, just cooperate with me
13 'cause I can get you off this drug case. And that what --
14 what I want.

15 Q He didn't, though, did he?

16 A Hell, Leiby didn't do shit for me.

17 Q So, Leiby lied to you?

18 A Exactly.

19 MRS. ALTPATER: Yeah, he did.

20 A Do I lie to you?

21 Q All right. I have -- that's what I don't understand.
22 How did you lie to him?

23 A I didn't lie. He -- he says, didn't (inaudible) offered
24 you money, didn't he offer you this money to kill, to --
25 to -- to take this guy out or kill this guy.

1 I says, hell, he didn't offer me no \$5,000. He probably
2 would only -- he probably would only give me \$2,000 or some
3 of that shit, you know.

4 Q So you were just playing along with his game?

5 A Um-hum.

6 MRS. ALTPATER: Right.

7 Q You told him what he wanted to hear?

8 A Exactly. That's why what he told me to do.

9 He -- why didn't you tell me, too, he says, just play
10 along, just cooperate. I was cooperating.

11 Q I --

12 A (Inaudible) -- he said, I'll get this drug case dropped
13 from -- for you. He said, don't worry about it. I even
14 called a few times, make -- tell him I was going to Court,
15 just somebody said show up.

16 Q And he never showed up?

17 MRS. ALTPATER: Never did nothing.

18 MR. MIELCAREK: When's the last time you spoke
19 with Leiby?

20 A Too long ago -- not long enough ago, I mean. No,
21 it's -- it's long before my -- the last time I went to Court.
22 I called him up. He told me, well, call me up you -- when
23 you know you're going to Court; and he says, I'll be there.
24 I'll -- I'll talk to somebody. Lying son of a bitch.

25 I got 18 months suspended and they got 3 years Probation

1 and all this other crap, you know what I mean. He just shit
2 me. Like want to do is just -- he just used me.

3 MRS. ALTPATER: Yeah, he told us he -- Danny
4 would never see the light of day again.

5 A He said that, he said, yeah, just --

6 MRS. ALTPATER: He said we really -- don't
7 really need us.

8 A I said, well, I won't go on the -- I can't -- I can't go
9 on the stand and say that shit because, you know, it ain't
10 right.

11 He said, well, you ain't get -- you ain't gonna be put
12 on the stand anyway. We're not -- they're not -- they're not
13 gonna --

14 MRS. ALTPATER: And he said he wasn't gonna
15 need us anyway.

16 A They're not gonna -- they're not gonna -- they're not
17 gonna call you in anyway.

18 MRS. ALTPATER: And they had --

19 A So, you ain't gotta worry about it.

20 MRS. ALTPATER: -- flat iron closed without
21 us. (Inaudible.)

22 A He said you're -- you're -- you're not gonna -- you're
23 not gonna get subpoenaed into Court.

24 Q Was that your address?

25 MRS. ALTPATER: Yeah, that's who I think it

1 is.

2 MR. MIELCAREK: That's Dana?

3 Q Yeah, your phone number?

4 (Inaudible.)

5 Q Where?

6 A 45 100 block in Elyria.

7 Q What was your maiden name? You look awful familiar.

8 MRS. ALTPATER: McAllister.

9 MR. MIELCAREK: Do you ever see Chris?

10 MRS. ALTPATER: No, I don't.

11 A Very seldom. I used to see her for a while there, but

12 I --

13 MR. MIELCAREK: Any idea what her phone number
14 is?

15 A Third --

16 MR. DUFF: Let me get the witness list and see
17 where you can recognize any other names.

18 Let me get the list.

19 We're back on the record.

20 Q Ah, Lynne Altpater, ah --

21 A Altpater.

22 Q Okay. I'm sorry.

23 A Well, let's make sure it's right, you know.

24 Q You say Danny could -- tell me what you just said.

25 MRS. ALTPATER: Danny asked me if I could get

1 him some poison from the doctor's office 'cause he wanted to
2 get rid of them cats that kept crawling on his cars.

3 Q You told Det. Leiby that?

4 MRS. ALTPATER: Yes, I did, but he didn't
5 believe it. He said that he -- Danny wanted the poison for
6 something else. I said, whatever. I don't know what he
7 wanted it for.

8 Q Have what? Chloroform?

9 MRS. ALTPATER: Yeah, but I couldn't get
10 Chloroform. I work for a foot doctor.

11 Q Who do you work for?

12 MRS. ALTPATER: I don't work there any more.
13 The doctor's out of town. I work for Bob Evans. I been
14 there for 2 -- almost 2 years.

15 Q Do you know Jim Owens?

16 MRS. ALTPATER: Yes, I do.

17 How do you know Jim Owens?

18 Q I just know him. Okay. Anything else you know about
19 this case --

20 MRS. ALTPATER: That's --

21 Q -- while I got the tape on?

22 Rick?

23 A Hum?

24 Q Anything else you want to say on the tape?

25 A (Inaudible.)

1 (Inaudible) for the purpose of killing some person?

2 MRS. ALTPATER: No, I do not.

3 A I never pictured Dan to be like that. I mean, I --

4 MRS. ALTPATER: I mean I used to let Danny
5 come in. He used to stay at our house. He used to take --

6 A He baby-sit our kids at Christmas for christ's sake.

7 MRS. ALTPATER: He even watched my kids and
8 stuff. We went to dinner together. I mean he was just like
9 a family member for christ's sake.

10 A We -- he -- I mean, some people used to come down --
11 kids used to come from miles around. We kept Dan in our
12 house 'cause Dan would make them all laugh. I mean --

13 MRS. ALTPATER: He was just a big clown.

14 MR. MIELCAREK: What -- what -- when -- when
15 did he ask for the Chloroform? How much -- how prior to
16 this -- this killing?

17 MRS. ALTPATER: Oh, god, it was months before
18 all that happened -- months before that all happened. In
19 fact, I didn't think I was working at the doctor's office
20 when that happened anyway.

21 I don't remember now.

22 A He said he was gonna put in it the trash when -- so when
23 the cats got in his trash, he said it was on his property.

24 MRS. ALTPATER: But I mean I, you know I --

25 A Kill the cat.

1 Q I'm gonna turn the tape off. Okay?

2 MRS. ALTPATER: Okay.

3 (End of tape.)

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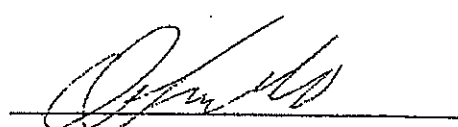
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C E R T I F I C A T E

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County of Lorain.) SS:

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correct and complete transcript of the audiotape in this
matter taken by me from my stenographic notes, and that
said complete transcript has been compared to my
stenographic notes.



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