

DATE: January 11, 1995

TIME: Covert Telephone Conversation

LOCATION: Elyria Police Department, 601 West Broad Street

COVERT TELEPHONE RECORDING between Det. Alan Leiby, (AL), and Michael Lopez, (ML).

(AL) If anyone asked if I talked to you I denied it, at some point your going to have to testify. And when they do its going to be a bunch of guys that you know. Um told me the truth about what they knew. And I am going to be able to wrap this up. I think your probability, you could probability be my pretty most important witness if I can get you to tell me what you knew. If I can get you to talk to me.

(ML) Well I don't know nothing about that shit that went down though, you know?

(AL) You didn't hear no conversation about it?

(ML) Huh?

(AL) You didn't hear no conversation about it, Danny didn't never talk to you about it?

(ML) Not Danny.

(AL) Who did?

(ML) Huh?

(AL) Who did talk to you about it?

(ML) Nobody. I just know that... You know what I'm saying, I know when it happen.

(AL) Izzy Lopez, Izzy Alveraz tried to cut deal for himself on his charges and he came in and talked to me quite frankly and he told me that you told him everything that he knew. And he knew a lot of interesting stuff. And he went out tried to set Danny up wore a wire and Danny wouldn't talk to him and it became obvious to me by listening to what was going on that he was getting most of his information from you. So I got an idea Michael of what you know. I'm not trying to get you to admit to something that you don't know, I'm not even asking or considering asking you to say anything that you don't know from conversations and everything. But I think you knew...

EXHIBIT

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(ML) What did he say?

(AL) Well I..If I tell you that then its going to screw things up, but he had quite a bit to say.

(ML) Did he?

(AL) Yeah.

(ML) I don't know nothing about that, I don't know man. I don't know where he got that I told him. Him and Danny were best friends.

(AL) Him and Danny were?

(ML) What?

(AL) You and Danny were best friends, right?

(ML) Him and Danny was.

(AL) Izzy was?

(ML) Yeah.

(AL) He didn't talk like that when I listened to the wire.

(ML) What?

(AL) He didn't talk that way when I listened to the wire.

(ML) He wasn't trying to wear a wire on Danny man.

(AL) Huh?

(ML) He was going, he was gonna try to knock Danny again?

(AL) He was going to testify against Danny, to keep himself out of jail, the problem was everything he knew you told him. And you can't testify about something somebody else told you, you got to testify, you know if you talked to Danny Smith then you got to say you talked to Danny Smith and that is what he purported, but he didn't he talked to you. I'm not trying to jack you around or nothing Michael, and I'm not trying to play any head games or anything like that. If your interested in having your drug charges just go away, you heard what Danny got on his right? Dannys Serving..

(ML) Twelve.

(AL) Twelve years, two years on each charge. That will be four years for you. Two years on each charge.

(ML) Aw I aint gonna do not time you know.

(AL) Okay. You don't think?

(ML) Some, but I aint going to do no four years.

(AL) Danny didn't think he was going to do not twelve either, I specifically went to the judge and told her what I wanted.

(ML) So what are you trying to say, you going to do the same thing to me?

(AL) I'll do the same thing to you yes.

(ML) Why?

(AL) Why? Because this is a capital murder investigation and I'm going to do what I need to do within the scope of the law to follow through on it.

(ML) What do I have to do with any, any kind of murder? I don't know shit about no damn murder. Man. That's a little too deep for me.

(AL) I aint saying you was in on it, I'm not saying you were there....

(ML) I aint going to lie I could of known, you know, some shit, you know what I'm saying that went down but I don't know nothing about it.

(AL) So you didn't hear any conversation or anything like that?

(ML) Na.

(AL) That's not what Izzy said.

(ML) Man. Izzy's in jail.

(AL) You're right. Because he couldn't deliver what he said he could.

(ML) How long, how long..

(AL) Izzy said he talk to Danny straight and he wasn't talking to Danny, Danny wouldn't tell him shit, what he knew he got from you.

(ML) Na, I don't know, I don't believe that one. Man him and Danny were hanging out, you know what I'm saying, day and night.

(AL) Umhu.

(ML) Danny wouldn't even talk to me any ways.

(AL) What I'm saying to you Michael, if you have information on this and you want to make your traff. I don't mean get probation or something I mean making them go away. No charges. They get dismissed. I've already done that for other people that you know. And I can't tell you who because I don't want it getting around. But I can do the same thing for you. You got an attorney?

(ML) Huh?

(AL) Do you have an attorney?

(ML) Yeah.

(AL) Who do you have for an attorney?

(ML) Huh?

(AL) Who do you have for an attorney?

(ML) Why?

(AL) You can ask him to contact me and I can explain to him what I'm doing.

(ML) I'll tell him to call you.

(AL) Okay, you want to tell me who he is?

(ML) Huh?

(AL) You don't want to tell me who your attorney is?

(ML) I don't know what to say? Man I don't know nothing about this and it seems like you, you really think I know something about it.

(AL) I do. I really do think that.

(ML) You don't know that much though, because Izzy is lying. You know what I'm saying. Izzy's was Danny's boy, that's not my boy

(AL) I'm not saying he's your boy.

(ML) You know and if I did know something it I sure wouldn't have told him.

(AL) Well, I've been lead to believe that you were around when discussions were had, and when talk was made and

you were privileged to a lot of discussions or talk. And that's what I have been trying to get a hold of you and get you to talk to me, because we can make these charges go away and all you got to do is tell me what you know. That offer doesn't even appeal to you? Huh?

(ML) Huh?

(AL) That offer doesn't appeal to you?

(ML) Hell yeah it does. But it's, you know what I'm saying hell yeah it does. I aint going to make up shit.

(AL) I wouldn't ask you to make up shit, I absolutely do not want you to make up shit.

(ML) The truth.

(AL) And all I want you to do is tell me the truth. But I think Danny talked to you about it, before or after, told you who's car was used. And told you actually who went up and did it. I was told that Danny told you that stuff. And if he did, you have something to bargain with on the charges.

(ML) I don't know what to tell you.

(AL) Do you want to bring your attorney in this and talk, and have your attorney talk to me and see what we can do? See what he thinks?

(ML) I don't know I can have him call you.

(AL) And you don't want to tell me who your attorney is then?

(ML) No not really.

(AL) Okay. Your not assigned to the grand jury, cause I looked in on it today. And

(ML) How long is it going to be?

(AL) I don't know. I was surprised it wasn't summonsed in. Some might be tomorrow when I talk to. the grand jury..

(ML) I already know who got me any ways.

(AL) You do?

(ML) Yeah.

(AL) Who got you?

(ML) Shannon's ass.

(AL) What is his name?

(ML) Shannon.

(AL) Shannon who?

(ML) Well he didn't but his girl was a detective I guess, talking about she was his cousin.

(AL) What's Shannon's last name?

(ML) Ahh I don't know.

(AL) Okay. So I tell them I need this guy, this guy, this guy hit.

(ML) What do you mean hit?

(AL) Tell them I need them to go out and make some drug buys you know so I can get some people to talk to me and make some deals with people.

(ML) Ummm, old Izzy, Izzy.

(AL) So.

(ML) How long does he got? About fourteen more months.

(AL) Oh he's got a long time.

(ML) And I was about to go up there and see him out there on a Saturday.

(AL) Where's he at, LCI?

(ML) A yeah. LCI or a Lima.

(AL) Well.

(ML) I'm not, Izzy met Danny before I did.

(AL) Yeah.

(ML) You know what I'm saying. I met Izzy because he's married to my, I mean not him, his family is, his sister is married to my uncle.

(AL) Okay.

(ML) You know what I'm saying I didn't even know Izzy until Danny introduced me to him.

(AL) Did you have some conversations with Danny about this

shooting?

(ML) No. I don't know nothing about that man. If I did, believe me, you know what I'm saying. Now your trying to stick me for about two years.

(AL) Well that's the minimum sentence that the a charge carries. It's not even the maximum sentence and Danny got the maximum sentence on all six count, two years each stacked one on top of each the other.

(ML) I think your trying to scare me man, because I don't know nothing about it...

(AL) No, No, No, I'm not trying to scare you.

(ML) Well your talking about your going to go to the judge and tell them, you know what I'm saying.

(AL) Um hum.

(ML) If you know for a fact that I knew something about it then you could do that. But you know what I'm saying that's all hearsay, hearsay, Izzy heard hearsay, hearsay too obviously.

(AL) But he heard it from you. Your mom told me you didn't want to talk about this because you were scared.

(ML) It aint about being scared.

(AL) You told me the last time you were in that you didn't want to talk about it because you were Lally got in trouble cause he was a snitch.

(ML) It don't mean nothing about me though.

(AL) You got call waiting?

(ML) Excuse me?

(AL) You got call waiting?

(ML) Why?

(AL) Cause I just thought I heard a that beep when you get a call waiting and I don't have it.

(ML) Yeah I do, but I don't think I have a call..

(AL) Okay. So when will your attorney try to contact me?

(ML) When do you want him to? Today, tomorrow?

(AL) First thing tomorrow?

(ML) In the morning?

(AL) Yeah. It'd be good.

(ML) Okay.

(AL) And I'll explain to him everything that's going on and I'm sure he'll tell you it's straight, its not a problem.

(ML) It really, you know what I'm saying there really aint not use because I don't know nothing about it. I mean but..

(AL) Okay. Have your attorney contact me and we'll see what we can do.

(ML) All right.

(AL) Okay.

(ML) Yep.

(AL) That was Michael Lopez, it's 1/11/1995, its Wednesday, its twenty minuets after four and this is Leiby.