

From Lorain County Sheriffs Dept:

Request from Dan Smith that Carl Hartman be added to visitors list

Request completed by Dan Smith that \$50.00 be released from Smiths Commissary Account to Carl Hartman.

Check # 16756 issued to Carl Hartman from The Lorain County Correctional Facility Resident Fund for \$50.00

SUMMARY: On 021094 Det Leiby was assigned to assist Cleveland police Department with the investigation of the homicide of Ronald Lally.

Raymond Smith, his son Dan Smith, and Stanley Jalowiec were indicted for Capitol Murder (EPD# 94-4525). On 010696 Raymond Smith was convicted and sentenced to death. Stan Jalowiecs trial will be 031296 and Dan Smiths trial will be 040996

In the course of the investigation Det. Leiby learned that Dan Smith had attempted to hire Carl Hartman to kill Ron Lally. Hartman declined.

Carl Hartman was located and on 120795 Hartman made an audiotaped statement to Det. Leiby and Det. Whitely as to his involvement with Dan Smith. Hartman indicated that he would testify in court against Dan Smith.

On 011896 Det Leiby received a call from Ron Rivera, an inmate at the Lorain County Jail. Mr Rivera had provided previous information on Dan Smith, and knew Carl Hartman. Rivera advised that he believed Dan Smith had made telephone contact with Carl Hartman to offer him money to testify that Terry Hopkins, another witness in the case, had lied.

Upon receiving this information Det Leiby made contact with Hartman. Hartman indicated that he had received no phone calls from Dan Smith.

On 012296 Hartman made contact with Det Leiby and advised that he had received a phone call, at 3071 Elyria Ave. Lorain, from Smith. Hartman advised that Ron Rivera was on the phone and stated "I got somebody here who wants to talk to you." Rivera then put Dan Smith on the phone. Smith offered to "Hook Carl up" if he would testify that Terry Hopkins lied about what had happened. No specific amount of money was mentioned. This was not recorded.

On 012396 Det Leiby attached a recording device to the telephone at 3071 Elyria Ave. and explained to Hartman how to use it. Hartman explained that there was a block on his fathers phone due to unpaid phone bills and they could only make local calls and receive calls. They could not accept collect calls. Hartman was advised on what to do and say if he received another call from Dan Smith.

On 012496 Det Leiby interviewed Ron Rivera. Rivera was asked why he set up the call. Rivera indicated that Smith knew he was friends with Hartman and had asked him to. Leiby advised Rivera to continue to facilitate the calls if asked. Rivera was also told not to interfere with or make suggestions to Dan Smith concerning the investigation.

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On 012596 Det Leiby learned that Hartman had received another call but failed to record it.

On 012796 Hartman received another call from Dan Smith. This call was recorded. Smith was under the impression that Hartman had not yet turned himself in on his Parole Violation. Hartman lead Smith to believe that he is on the run from police, and had plans to leave the area soon. Smith advises Hartman to keep in contact.

Hartman asks "Are we gonna have something solved by then as far as me and you?" Smith replies "Yeah, yeah, that's what I'm talking about." Smith states "All I really need you to do is clear up Terry." Smith also indicates he wants Hartman to come to the jail for a visit. Smith indicates he will try to get seventy five (meaning \$75.00). Smith goes on to explain that he will have his mother put \$75.00 in his commissary account and when Hartman does the visit, Smith will release the money to him. Smith states "I need you to do something for me, as you telling them. You know what I'm sayin?"

There is further conversation about how they will keep in contact and how Smith will get the money and the conversation ends.

On 012996 Smith makes a second three way call to Hartman. Smith indicates that he has spoke to his attorney. That his attorney will take care of Hartmans P.V. warrant. Smith advises that Hartman can then go in and speak with Smiths attorney. Smith states "I was getting that Louie sent up here" meaning he had made arrangements to get the money. There is more conversation about Hartman contacting Michael Duff and the conversation ends.

A short time later, on the same evening Smith calls Hartman again. Hartman indicates he has made contact with Smiths lawyer, and will meet with him. Smith states "Alright, well just tell him we didn't do it. Hartman states "Alright" and Smith replies "I'm gonna hook you up with some of the things I was talking about." There is more discussion about contact with the attorney and Smith states "for you doing that for me, to do something for you, that's no problem."

Hartman then talks about leaving and coming back for Smiths trial. Smith replies "I was thinking, I'll give you a little some now. You meet with my lawyer, and then, you know what I'm saying."

Smith then talks about Terry Hopkins testimony and states "I needed you to come up here too, cause there some things I wanted to tell you. Smith explains how this can happen and indicates that his mom will put the money in his commissary.

There is discussion about Hartmans prison record and how much time he served. Smith indicates that there is a lot about his case that Hartman should know. Smith then states "Once I get "T" (Terry Hopkins) out of the way, and you can help me." There is more conversation about Hartman contacting Smiths attorney and the conversation ends.

On 013096 Ron Rivera calls Hartman to advise him that Smith will be calling shortly. Shortly there after Rivera called Hartman and advised that Smith wanted to talk to him. Smith then gets on the phone. Hartman indicates that he has an appointment to see Smiths Attorney. Smith states "You said you wanted some dinero (money), you know"

Hartman states "Yeah." Smith states "I really don't got much. The most I can come up with is like three, you know." "So is that, is that?" and Hartman responds "Yeah."

Smith indicates he wants Hartman to come to the jail for a visit and states "I'm just gonna shot you fifty, there on the spot." There is more discussion about the visit and Smith states "They're not playing, I'm gonna need some help. There is discussion about Smiths attorney helping Hartman with his PV and what Smith will do when he gets out of jail.

On 020396 Smith calls Hartman. Hartman advises he has not been in to see Smiths attorney yet and Smith is upset. Smith reassures Hartman about the attorney and the discussion ends.

On 020496 Smith calls Hartman again. Smith talks about getting Hartman on the visitors list and asks if Hartman will keep his appointment with the attorney. Hartman says he will. The conversation ends.

On 020696 Smith calls Hartman again. Hartman tells Smith he has been in to see the attorney (He has not). Smith advises Hartman to come in on Thursday for a visit and they'll talk. The conversation ends.

On 020796 Det Leiby obtained a search warrant to monitor the conversation between Smith & Hartman at the jail. Det Leiby also made Hartman aware of and obtained his permission to record the conversation.

Det Leiby made contact with LT Newman at the jail and confirmed that Hartman had been placed on the visitors list. Det Leiby also made arrangements to monitor and record the conversation.

On 020896 Mr Hartman went to the Lorain County Jail for visitation with Mr Smith. There were two original recordings made of the conversation which was monitored by Det Leiby & Whitely.

Smith starts out by asking if Hartman had seen his attorney. Then asks if Hartman will be testifying in court. Hartman advises he will.

On page one Smith states "Okay, I might give you that now".

On page two Smith states "I need ya to uh..that much?" while making hand signals through the glass as to how much Hartman was expecting. Hartman responds "Yeah." and Smith asks "You know what I'm sayin?"

On page two and three Smith and Hartman then discuss Terry Hopkins testimony and Smith states "I need his fucked up." "When you talk to my lawyer on tape, explain to him that you was asking me about a car, you know what I'm saying?" "Be like, you know, everything that Terry said, you know what I'm saying, was a lie."

On page four Hartman states "I ain't got no lute." Smith responds "Well, okay, I'll give you that now." referring to the fifty dollars

On page six and seven of the transcript Smith states "Just tell my lawyer that was a, he's lying about the whole thing about a BMW." "I never spoke to you about killing nobody." "You don't know how Terry even got that idea about me wanting to kill someone."

Hartman asks "Remember, I said, when we first talked about it, I said that I would fuck him up, beat him up, remember that."

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Smith responded "Yeah." "Well see, you can't really bring that up" "Be like, you know, I, as far as I know he never even wanted to hurt the dude."

On page nine Smith asks "You want that in halves?" Hartman responds "Yeah". Smith states "Then I'll set it up to where you can pick it up from one of my dudes." referring to payment.

On page twelve Smith states "He's going to be able to testify on my trial and the jury is gonna hear what he saying. I need the jury to hear this guy is lying" referring to Terry Hopkins

On page twenty eight Hartman asks " That car trip, you just want me to say that you wasn't gonna buy, you were just gonna go like halves or something on it?"

Smith states "No see, just tell them that I knew the dude, and you was going to go thru me to buy a car cheaper. So Terry made a big hassle out of nothing."

On page thirty Smith states "Tell my lawyer that the police told you, you understand, be like, you know, police told me they was gonna frame me. If not anything. They was gonna try to frame you. Because I got other people comin' to court. So if I get enough people to court, you gotta say the same. It would be like, he told me flat out he was going to frame me. And the jury gonna be like, shit."

The conversation ended at approximately 1420hrs. Dan Smith completed and signed a Money / Property release requesting that \$50.00 be released to Carl Hartman. The Lorain County Jail then cut Check #16756 from the Resident Fund issued to Carl Hartman in the amount of \$50.00. Det Leiby obtained the Money / Property request from Lt Newman. Det Whitely recovered the check from Carl Hartman. Both were secured as evidence.

Submitted by: Det. A.L. Leiby #200
Elyria Police Department