

DATE: December 8, 1995

Covert telephone conversation between Det. A. Leiby (AL) and Patrick Healy (PH).

PH: Hello.

AL: Hello is Patrick...is this Patrick?

PH: Yeah.

AL: This is Detective Leiby from Elyria Police Department. How are you today?

PH: Alright.

AL: OK, I didn't mean to cause you any problems down there. I hope I didn't.

PH: No.

AL: I talked to Carl Hartman yesterday.

PH: Mmhmm.

AL: He told me I should call you.

PH: Mmhmm.

AL: He told me you'd probably talk to me and I realize I'm asking a lot here. He talked to me about the Lally homicide, and he indicated that Danny Smith was present or you were present when Danny Smith was trying to hire him, and you knew what happened there. He also told me that Stan was pressing you when you were out at the County here the last time, and that you're coming back on the 20th?

PH: Mmhmm.

AL: For some kind of hearing.

PH: Yeah.

AL: He told me it would probably be worth my while to drive down there to Mansfield and talk to you, but I didn't want to do that without touching base with you first on the phone to see if you'd be willing to talk to me.

PH: I mean it's....I could talk to you, you know this....that's cool, I ain't got no problem with it but, I mean I don't know how much I would be able to help you.

AL: OK, do you remember being there when Danny and Carl talked about...when Danny tried to hire Carl to do something?

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PH: Yeah.

AL: OK, do you remember what it was he tried to hire him to do?

PH: Yeah, he wanted him to get rid of that guy that was about to testify against him.

AL: OK, did he indicate how he wanted him to do it?

PH: Uh...any way, I guess any way he wanted him to do it but...

AL: See the good thing about having you is you haven't talked to anybody about this, so you don't know what anybody else has said. So what you're telling is from your memory.

PH: Yes.

AL: And that's what makes it important.

PH: I mean....

AL: Do you remember how many times Danny came around when you were there?

PH: Danny used to come around a lot to buy clothes off me.

AL: OK, do you remember how many times he talked to Carl about doing this thing for him?

PH: I don't know, maybe two, two or three, two or three different times on different occasions.

AL: OK, do you remember what he offered Carl for doing it, if Carl did it what Carl would get?

PH: I know he offered him money, but I don't really know how much. He did that on his own. In his own privacy.

AL: Yeah, do you remember any other offers or any other discussions of anything other than money?

PH: Uh, no.

AL: OK.

PH: Not...I mean not that...I was also told that he would be able to help us get a car. Because he knew a car dealer dude. But other than that I don't really know.

AL: OK, well that's what I was looking for was the car.

PH: OK.

AL: Uh, do you remember what kind of car it was?

PH: It was an orange BMW.

AL: An orange BMW?

PH: Yep.

AL: OK, um, what else....Danny had indicated that he was going to get something that Carl could use to kill this guy with. Do you remember what that was?

PH: Uh, some ether.

AL: OK, do you know how he was going to get it?

PH: Nope.

AL: You just knew he was going to get something like ether or something?

PH: Yeah.

AL: OK, if I make an appointment to drive down there and talk to you, you'll talk to me about this?

PH: Yeah.

AL: When you come back up here on the 20th are you going to need isolation from these guys? Are you going to want to be away from them?

PH: They um, they usually they...I've been asked before, and they just put me on a different pod where um, they...Danny's dad....Danny and him and his dad are staying ain't on.

AL: OK.

PH: But uh, if you could make sure I can get on...I mean I don't want to be in protective custody or nothing, you know, but just tell them to make sure I ain't on their pod....I mean they'll be sure...

AL: Yeah, I, I can do that. Um, you know, that we convicted Ray this week?

PH: No, I didn't know that.

AL: Yeah, he had a trial this week...Raymond did.

PH: Mmmmm.

AL: And he's been convicted of Aggravated Murder. Now we got to do Danny and Stanley.

PH: OK.

AL: So in...by getting a statement from you, I may need you to testify.

AL: What are you coming up here for on the 20th?

PH: I've got a um, a theft case that...I mean it's unbelievable because it didn't...it never really happened and they're trying to press it and say that it happened and they're trying to give me a 3 to 15 ran wild.

AL: Where's it from?

PH: From Elyria Dillard's.

AL: OK. Do you know who the judge is?

PH: Miss McGough.

AL: OK and who the prosecutor was?

PH: I guess. I guess it would be Lisa Milasky.

AL: OK, um, OK, well I'll check into that and see what's up with that. Did you wrestle with a security guard or something?

PH: No they, no this is what happened. I was in the store, I had some stuff in my hand. The guy, Dave, I guess he owns the place or he's the head man there. He knows my face and he says I've been arrested there before.

AL: Yeah.

PH: For stealing, OK? He comes up to me, takes the articles of clothes from me and then escorts me outside. Now they weren't concealed, they weren't under my jacket, they weren't nothing, they were in my hand....I'm still a regular shopper.

AL: Yeah.

PH: He escorts me outside and tells me to leave. On the way down the escalator, he uh, tells a lady to call for security. Security meets us at the bottom of the escalator, we go outside, I leave and they write down my license plate number. That's at 4:00 in the afternoon on the 18th of August. At 11:00 on the 18th of August, that night, I was arrested for the theft.

AL: OK, so you're saying you didn't carry nothing outside? You got to be straight with me on this...if you carried something outside, tell me, because I need to know what really happened.

PH: No, I being....I was on the 2nd floor when it happened.

AL: OK.

PH: There's no exit outside, you know, or I couldn't had did it.

AL: What do you got left to serve now? You're down there for

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AL: shoplifting now, right?

PH: No, I'm down on a probation violation for originally for shoplifting.

AL: OK and when are you do to get out for that?

PH: Uh, they just....they brought me a paper the other day and said I'm up for parole in February, which I know I could get. If...because I ain't, you know I ain't been in no trouble or nothing or..

AL: You're in isolation down there right now, right?

PH: Yeah, because I go to see the review board today about it and I'm, they're going to let me out because I didn't do nothing. And uh, but there, I was in an area when there was a big incident. But uh, they're going to let me out, they're going to let me out today and then I go...come back to court and then I was looking forward, you know, by the time I come back from court, I should be able to go home in February. But even if I do my max out and my max out is in October of '97. But they're trying to give me a 3 to 15 with a three year ran wild and I mean.

AL: Who's your attorney?

PH: Uh, Balena.

AL: OK.

PH: I mean and that's where -UNCLEAR- and I mean, all 13 other times that I've been convicted of a theft. I copped out to it and admitted to it because I did it and this one here, I told him to take it all the way to the box because I didn't do it. If I did it I ain't got no problem admitting to it. I admitted to it every time, even when I violated my probation.

AL: Is that right?

PH: I wrote my P.O. a letter and told her, "Look come and get me, put me in court and get me the Hell out of here and let me go ahead and do my sentence. Because I'm guilty, there ain't nothing...there's no reason for me to sit here and bullshit you or the court." And that's exactly what I told her in the letter.

AL: OK.

PH: You know I ain't got no problem of owning up to something if I did it. But I didn't do this.

AL: OK, well my primary thing was I didn't want to drive all the way down to Mansfield and then have you tell go screw myself, you wouldn't even talk to me. So what I will be making arrangements to come down there and talk to you.

PH: Mmmmm.

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AL: And get a taped statement from you.

PH: OK.

AL: And that will be some time in the next week or so.

PH: Alright.

AL: And understand that I'm not making any promises at all.

PH: Mmmmm.

AL: But Carl told me that I should call you and talk to you and he said if I said his name that you would probably be able to figure what was up. If I said certain things and he didn't want it to seem like I was throwing you, he was throwing you in on something.

PH: Mmmmm.

AL: But um, he just turned himself in to me for his probation violation and he's out on a personal bond right now, rather than going out to the county. And he's trying to get a job and he's trying to get his shit straightened out.

PH: OK.

AL: So he told me to call you and you'd probably be pretty responsive too.

PH: Alright.

AL: OK, so I'll be in touch in the next week or so.

PH: OK, but my brother ain't in jail though, right?

AL: Who's that Carl?

PH: Yeah.

AL: No, he's out.

PH: OK.

AL: He's out on the street and there was a warrant for him for probation violation.

PH: Yeah, I knew that.

AL: Well we got that taken care of.

PH: OK.

AL: And he's out on a personal bond on that. He has to report to his P.O. once a week.. Um, how long has it been since you talked to him?

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PH: Since I got arrested in August.

AL: OK, it's been awhile, huh?

PH: Yeah, because I ain't....

AL: OK.

PH: I ain't heard from him and he's been afraid to write to me and stuff.

AL: Well he can write to you now. But here's what's up, I would rather you guys not communicate with one another until I get a statement from you.

PH: OK.

AL: And the reason for that is I don't want your statement to be effected by something somebody else said. All I want for you to do is think, think as best you can about what happened....

PH: Mnhmm.

AL: And remember what you can about it.

PH: Mnhmm.

AL: And don't leave anything out because even a small detail that you might not think is important would be to me.

PH: Mnhmm.

AL: And we'll come down and get a statement from you and then I'll tell Carl, you know to get a letter off to you or something.

PH: Alright.

AL: But I'd rather...right now your statement is basically pretty pure. I mean what you say, if it matches what everybody else is saying and there hasn't been nobody told you to say it.

PH: Nope.

AL: And that's important to me. OK, so we'll be in touch.

PH: OK.

AL: Thanks a lot.

PH: Alright.

AL: Bye-bye.

PH: Bye-bye.

STATEMENT CONCLUDED.

Typed and transcribed by
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