

Affidavit of Hetzel See Jr.

I, Hetzel See Jr., state under oath and penalty of perjury as follows:

1. My name is Hetzel See Jr.
2. My date of birth is May 31, 1962.
3. I was a street parole officer, a Neighborhood Impact Unit (N.I.U.) officer, and a forensic evidence technician during my 18 years of employment for the Elyria Police Department.
4. During my career, I was also Union President of the Elyria Police Patrolmen's Association.
5. I spent some of my career working in the N.I.U. This unit consisted of Elyria police officers that worked directly under Dennis Will and who were supervised directly by Dennis Will. At the time, Will was a Lieutenant for the Elyria Police Department. The N.I.U. was sanctioned and supported by Jonathon Rosenbaum and Greg White. Our unit also worked in conjunction with the other detectives in the Elyria Police Department. I have worked on common cases with Detective Al Leiby during our years on the force.
6. In the 1990's, the N.I.U. was located in a building on Court Street. This is where the current City Hall building is located. This building was separate and distinct from the police station. The N.I.U. building had a basement that we all called "the dungeon." This basement was equipped with a holding room and a restroom. The basement was used as a place to interview Confidential Informants. Officers in the N.I.U., and within the Elyria Police Department, would use the dungeon to interview C.I.s.
7. In order to safely transport the C.I.'s to this basement area, an undercover car would be used. Once we picked up the informant and parked the car in the garage of the building, we would then lead the C.I.(s) directly to the basement for the interview. We had this area designed so that the informants would not be seen walking into the police station. It was a way for us to keep them safe and separate from other people. We also had an intelligence unit vehicle, which was used to transport and record covert conversations (be it by phone or live in person). This van was burgundy and was predominately used by Dennis Will. There are only three members of the Elyria Police Department I am aware of who used this vehicle with the KEL unit. The KEL unit allowed the individuals sitting in the van to listen to conversations which were simultaneously being recorded through covert devices. Those three people are Will, Detective Ashley, and Detective Holstien.
8. Will would have been aware of any audio recorded conversations which were done through the use of this van and the KEL unit. Since Will directly supervised the N.I.U., he would also have been informed of the contents and locations of the tapes that were used to record those covert conversations through the use of the KEL unit.
9. In the 1990's, our building and the N.I.U. had a separate set of computers that weren't linked to the police department's New World System. At our building, all reports were

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saved onto floppy disks and then printed onto paper if necessary. Because our computers were not linked to the New World System, anything saved in our system was not saved in the regular Elyria Police Department files. This led to most cases having two separate files – one in the New World System at the Police Department and one in the N.I.U. building. Because of that, the files in our building could be easily hidden from the defense or anyone else. No one outside the department would know to look for a separate file. The detectives, including Detective Leiby, often used our office when they interviewed informants in the 'dungeon'. They were obviously aware of this separate filing system because they often used it to type their informant interviews taken at our unit. Lorain County Prosecutors, including Greg White and Jonathon Rosenbaum, were certainly aware of these separate filing systems.

10. In fact, Dennis Will had his office in the middle of our N.I.U. building. This made sense because he was in charge of our Unit. In his office, Will kept his own personal prosecution files. In fact, I personally recall seeing him prepare most of his grand jury cases in that office. Like all the files in our building, Will's files at the N.I.U. office were different from what was kept at the Elyria Police Department and the Lorain County State's Attorney's office.
11. Dennis Will was also in control of what officers did with C.I.s. For instance, Will often got, or signed off on, warrants for informant's arrests or the indictments against the informants. Will then directed the officers to hold that information over the informant's head when interviewing them. He kept many of these documents in a file which hung from his office wall. Will and the detectives under his control would then tell the informant that their charges would go away if they cooperated. The documents in his office would then be purged or destroyed without anyone discovering the leverage used to get the informant's cooperation. This is how Will operated. This is also how he instructed others in our unit to operate. Will also instructed the detectives of the Elyria Police Department to do the same.
12. Danny and Raymond 'Jack-Frost' Smith were known to be big-time drug dealers in and around Elyria, Ohio. They often sold drugs around various bars (Bugsy's) and motels in the Elyria area.
13. Stanley Jalowiec was a small-time drug user who lived in Elyria. Stan was known to travel on a bike around town. I have never seen Stan driving a car around Elyria.
14. Sometime in 1993, I recall that Danny Smith had a warrant out for his arrest for this murder case. I was present when Danny was arrested. During that arrest, something very strange happened. I was located near the back window when I viewed Danny, who was still inside, move a bag of cocaine into the trash can. After Danny was taken into custody, I informed Will of the hidden drugs. I was then chastised by him for coming forward with that information. The overreaction by Will led me to be suspicious that the drugs were not meant to be found and were possibly to be left as payment for Michael Schoeger in exchange for him calling the police and informing them of Danny's presence at the house. To my knowledge, Michael Schoeger managed a bar named Power Slam's that the Smith's supplied drugs to.

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15. Interestingly, Michael Schoeger was a known business partner of Detective Leiby's. They were in some sort of car purchasing and resale business with one another. In my opinion, this was a major conflict of interest. Others in my department felt the same way. Schoeger was a known drug abuser, and a close confidant and roommate of Danny Smith. What made the conflict worse was that Ron Lally was Detective Leiby's C.I. Obviously leaking a C.I.'s identity is a big deal, since C.I.'s put their lives at risk by doing the work that they do. I believe that Leiby leaked Lally's name to Schoeger, who in turn told Danny Smith of Lally's identity. And I had reason to believe this was the case. What brought that to light is when the drug task force, along with N.I.U., went to infiltrate Schoeger's bar. Both times Schoeger had been tipped off, and we found nothing. It has never been proven that Leiby tipped him off, but Dennis Cavanaugh went and enlisted the help of another county task force to do the drug bust and they were successful after they removed the officers in the Elyria Police Department. This led many of us to believe that Detective Leiby tipped off Schoeger about our two failed attempts. Because Leiby had that much confidence in Schoeger and such a close friendship with him as well, it also led me to believe that Leiby had tipped Schoeger off as to Lally's name.
16. I believe that this conflict also would logically be the reason for Detective Leiby's desire to close the case as fast as possible. From my vantage point, Detective Leiby was obsessed with closing this case, not solving it. Detective Leiby was known to play fast and loose generally, but his obsession with this case and with getting it closed, caused him to perform more misconduct than usual.
17. At some point prior to the trial, Detective Leiby and I got into an discussion involving the investigation of the Lally homicide. I told Detective Leiby that I did not agree with his theory of the case. Detective Leiby's theory of the case did not match the physical evidence that existed. In fact, as I recall, when I challenged him on it, Detective Leiby went ballistic. He was incredibly invested in his theory of the case and would not even consider alternate suspects, nor theories about what happened that day to Ronald Lally. I have always believed that Stanley Jalowiec had nothing to do with the murder of Ron Lally. Stanley Jalowiec was not at the Smith's criminal level. He was a small time user and hook-up man for street users.
18. It was widely known in the Elyria Police Department that Detective Leiby mishandled and purposely destroyed evidence which did not support his theories of the case. Leiby had a reputation of manipulating the availability and existence of evidence which was not favorable to his theory of the case, evidence which was usually exculpatory for the defendant facing charges. In a number of instances, different types of evidence, including police reports and audio recordings, which were favorable to the defendant went missing.
19. In general, particularly in high profile cases, the department had problems with missing, stolen, and destroyed evidence. During the time of this investigation, and specifically with this case, Dennis Will had total control of every aspect of every investigation. He micro-managed every investigation and nothing happened without his seal of approval. This was widely known within the department. It was also widely known within the department that

Will himself would direct that exculpatory evidence, or evidence that did not fit in with the theory of the case, be destroyed. He directed his inferior officers to do the same.

20. Will had a rule that nothing would be handed over to the defense unless it was specifically asked for. This was the way he operated. Will intentionally set up our filing system so that defendant's would not be able to obtain exculpatory documents. If he felt the request wasn't specific enough, he wouldn't turn it over.
21. It was also widely known within our department that Detective Leiby participated in ex-parte conversations with judges in Lorain County. Sometimes these conversations dealt with people that Detective Leiby was trying to get deals for. At other times, Detective Leiby contacted judges, in order to persuade them that someone was guilty prior to trial.
22. It was well known within our department that Detective Leiby approached Judges Glavas and McGough in reference to the murder of Ron Lally. Detective Leiby had conversations with both of these judges about the guilt of Stanley Jalowiec, Danny Smith, and Raymond Smith prior to the trials taking place. Many people in our department found out about this misconduct because we got word that one of the judges was considering holding Detective Leiby in contempt of court for his overly aggressive conduct pertaining to the ex-parte conversations. Once we got word of Detective Leiby's transgressions, we all became worried that his misconduct would drag down not only our current cases, but our entire department.
23. To this day, based upon my experience on the force, my experience with Detective Leiby, and my overall knowledge of this specific case, I believe that Stanley Jalowiec is innocent of the Ron Lally murder.
24. I am giving this statement of my own free will. This statement is the truth to the best of my knowledge and recollection. I have not been coerced nor promised anything in exchange for this statement. If called upon to testify, I could do so competently.

Name: _____

Hetzel See Jr.
Hetzel See Jr.

Date: _____

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Sworn and subscribed in my presence this 17th day of April, 2012.

Martin D. Yant

NOTARY PUBLIC



MARTIN D. YANT
Notary Public, State of Ohio
My Commission Expires 10-01-2013