

Investigative Notes
EPD Case # 93-14317

On 081793 Det. Leiby received a phone call from a subject who identified himself as Mike Smith, Danny Smiths brother.

This subject claimed that Det. Leiby had arrested the wrong person as Danny Smith was not in the apartment on the night of the sale, and that he, Mike Smith, was the one who sold the dope.

The subject who identified himself as Mike Smith requested a meeting with Det. Leiby. Det. Leiby advised this subject that they could meet in the parking lot of Mountain Jacks in Elyria at 2130hrs 081793.

Det Leiby & Ashley arrived at Mountain Jacks at 2115hrs and stayed until 2150 hrs. Nobody showed up for the meeting.

On 081893 Det. Leiby reviewed the buy tape and was able to hear someone answer the door and the CI say "Get Danny up....". Shortly thereafter the CI can be heard to say "I didn't want to wake you up Danny but I knew you would get up for one.", or words to that effect. The CI was certain that he bought from Dan Smith.

On the evening that Dan Smith was arrested, as Officers Leiby, Dussel, Whitely and Junker booked Mr Smith, Mr Smith did not deny that he sold drugs on the indicated date.

During Booking Dan Smith provided Det Leiby with the name of his father, who was living with him at the time of the deal and facilitated this deal. Mr Smith identified his father as Raymond Augustus Smith, aka Jack Frost, SSN 300 36 0008, and indicated that his father was now living in a room at 514 Bond Street. Based on statements made by Dan Smith as well as the CI's statements that he knew the subject who answered the door, woke Danny up, and later asked for some of the crack for setting up the deal, as Danny Smiths father, Det Leiby signed a warrant for Raymond Augustus Smith for aggravated drug trafficking.

EXHIBIT

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