

ELYRIA POLICE DEPARTMENT
INVESTIGATIVE SUMMARY 96-3479
BRIBERY

DEFENDANT: Smith, Daniel D., Lorain County Correctional Facility
9896 Murray Ridge Road, Elyria, Ohio 44035
B/ M/ Age 24/ 6'3"/ 220lbs/ Hair Blk/ Eyes Brn
Drivers License Number [REDACTED] Ohio
DOB/ 11/23/71 SSN/ [REDACTED]

Date of Offense: February 8, 1996 Date of Arrest: N/a

Offense: Bribery 2921.02 (C) Felony 3

POLICE OFFICERS: Det. A.L. Leiby #200 Det. D.P. Whitely #320
Elyria Police Department, 601 W Broad St
Elyria, Ohio 44035 Telephone 216 322 1926

Lt. Doug Newman, Lorain County Sheriff Dept
9896 Murray Ridge Road, Elyria, Ohio 44035
Telephone 216 329 3746

SYNOPSIS: On 011896 Det Leiby learned that Dan Smith planned to bribe Carl Hartman, a witness in Smiths Homicide trial, to get Hartman to change his testimony. Eight phone calls from Smith to Hartman were recorded in which Smith discusses what Hartman should say on the stand.

On 020896 Hartman made contact with Smith at Lorain County Jail. A search warrant was obtained, and with Hartmans permission, this conversation was recorded. Again Smith discusses what Hartman should testify to.

Smith then completed a request that \$50.00 be released to Hartman from Smith's Commissary Account. Hartman then received a \$50.00 check from the Lorain County Jail.

WITNESSES: Hartman, Carl [REDACTED] Lorain, Ohio 44055
SSN [REDACTED] DOB [REDACTED]

Rivera, Ronald Lorain County Jail.
SSN [REDACTED] DOB [REDACTED]

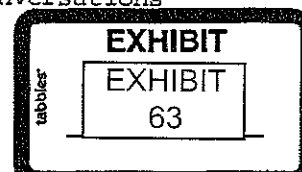
EVIDENCE: Three large audio cassettes that contain eight telephone conversations.

Three small audio cassettes that contain the conversation between Hartman & Smith at LCCF.
(Two originals were made)

Transcripts of all statements and conversations

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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"

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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, I told you I said that I would fuck him up, beat him up, remember that."

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

ELYRIA POLICE DEPARTMENT
INVESTIGATIVE SUMMARY 94-4525
Document #94-4525N, Mike Smith / Threats

On Monday 060595 Det. Whitely received a call from Mike Smith. Mr Smith advised that he had received, what he perceived to be death threats over the weekend and was in fear for his life.

Mike Smith advised that he had been living in an AA halfway house at 15319 St Clair, Cleveland Ohio. His phone number was 761 6673. Mr Smith advised that on Thursday, 060295 at approximately 1730hrs he had called home to check messages on his answering machine and received the message "Do not testify, we know where you are."

Det. Moore from CPD was able to locate Mr Smith and bring him to CPD homicide unit. Det Leiby & Whitely made contact with Mr Smith and transported him back to the Elyria area.

Det Leiby made contact with Lt Will who in turn contacted Mr Rosenbaum. It was determined that Lorain County would seclude Mr Smith, his wife, Diana and their small child, in a local hotel and pay the bill until he testified.

Det Leiby & Whitely and Lt Will were able to obtain a room at the Super 8 Motel, 32801 Lorain Rd, Rm 225, N Ridgeville Ohio. Phone 216 327 0500. Lt Will directed Det Leiby to secure the room on Leibys Visa Card and to provide Smith with some expense money and the county would reimburse.

Mr Smith obtained the room and was then interviewed by Det Leiby & Whitely. Mr Smith advised that he did not return to residence after receiving the threat. After three days, the other occupants at the halfway house packed Mr Smiths gear up in plastic bags. Mr Smith advised that the message was cleared or lost when the answering machine was unplugged. Mr Smith related that he did not recognize the voice but was fairly certain that it had been a member of his family.

Expenses to date have been:

\$280.14	Room for June 5 thru June 11.
\$ 30.00	Expense money provided on 060595
\$ 50.00	Expense money provided from FOJ on 060895
\$195.19	Room for June 12 thru June 16 and telephone calls.
\$ 40.00	Expense money provided on 061295
\$645.33	TOTAL
\$100.00	Less City FOJ Funds
\$545.33	To be reimbursed to Det. Leiby

At approximately 1830hrs on 061695 a deposition of Mike Smith was in progress and Atty Elwell asked M Smith if he had reason to be scared . M Smith replied that he was scared. This was the conclusion on almost four hours of testimony.

Present were Atty Rosenbaum, Det Leiby, Det Whitely, Deputy Bush Deputy Drozdowski, the court recorder, a private investigator, Atty's Elwell, Duff, Wightman, Grunda, Dan Smith and Stan Jalowiec.

At the conclusion of the deposition Ray Smith stated "I raised the kid and now I am going to kill him" or words to that effect. Mr Smith said this under his breath and it was not heard by everyone. The court reporter only heard the word Kill. Leiby and Rosenbaum both heard the statement and Leiby repeated it to rosenbaum. Rosenbaum directed Leiby to complete a short report on the incident.

INVESTIGATIVE NOTES RON LALLY HOMICIDE INVESTIGATION
94-4525

Contacted 021094 by Det Mike Beman of CPD Homicide and was advised that the body found in the cemetery on 011994 was that of Ron Lally. At this time the coroner has not ruled on cause of death but it would appear that he was shot in the right side of the mouth with a small caliber weapon, the bullet recovered from the throat. He was beat about the head and body, his throat was cut, again not fatal, and he was stabbed, again not fatal.

On 022394 Beaman & Moore from CPD on station. Coroner has ruled death a homicide. Cause of death was a culmination of the injuries including blunt trauma to the head...

On 022394 Det Leiby obtained a copy of the COURT DOCKET on Dan Smiths drug trial and learned that a Jury Trial was scheduled for 011994 the same morning that Lally was found dead in Cleveland. The trial was continued at the request of the defense.

On 022394 Det Leiby made phone contact with [REDACTED], Phone 324 2301, the last known address of Terry Hopkins. It was his mothers address and she advises she has little contact with Terry. She advised to call his sister Sharon at 324 3637.

Learned that the phone number 324 3637 is listed to 142 David Drive D-1.

At about 1750hrs 022394 Det Leiby & Whitely made contact with SHARON HOPKINS at [REDACTED] Elyria. Ms Hopkins was interviewed in reference to her brother Terry Hopkins. Ms Hopkins was apprehensive about discussing her brother at first, asking "What did he do now." Once she was assured that he was not in trouble at this time she became very cooperative in answering questions.

She advised that Terry is in Mansfield for the rest of the week with his girlfriend Temeka Foglyano. Ms Foglyano is at some kind of hairdressers school for the week. She lives on 9th St. in Elyria with her parents. Parents do not know that she is dating Terry Hopkins as they do not approve of him.

Terry is due home Friday at about 1800hrs and works as a bouncer at the Power Slam Bar Friday 022594. (Note that Stan Jalowiec also works at the Power Slam as a bouncer.)

~~Sharon was questioned about Dan Smith and if Terry had said anything to her about a homicide. Sharon knows Dan Smith, is afraid of him and doesn't like him. She was asked if Terry had discussed a homicide with her and she said no. She was also asked if she had contacted a police officer in another city with information concerning the homicide and she advised she had not.~~

Briefed Sgt Behne on what had transpired. Leiby will not be available on 022593. Sgt Behne will arrange to have Det Jaykel assist Det Whitely with the interview of Terry Hopkins.

On 022494 Det Beaman & Moore from CPD came to Elyria. Provided photos of crime scene and police reports from Cleveland.

Contacted JIM SNYDER, 516 Middle Ave, Elyria, DOB [REDACTED] SSN [REDACTED] Lally's landlord. He advised that Lally turned up missing for about a week in December. Advised that Andre Gooden had more information than he could provide.

He was aware of an incident where Dan Smith and at least two other people were at Lallys apartment threatening to kill him in Oct or Nov. He also advised that the last time he saw Lally was 010894.

Saw Stan Jalowiec at the apartment twice. Didn't trust Stan and didn't want him around.

Put the three day notice on Lallys room on 012494....

Contacted Andre Gooden, 516 Middle Ave, Elyria, Phone 323 7476 H/ 324 2355 W/ DOB [REDACTED] SSN [REDACTED] Works at Taco Bell at the Mall food court. He was freinds with Lally

He indicates the incident where Dan Smith, Vernard Barry & Stan Jalowiec were at Lallys making threats was in Oct or Nov. That the police caught Dan Smith on that date and spoke with him. He knows Smith & Barry from the neighborhood. Last time he saw Lally was 011594 in the evening. Lally had company, a man & woman, possibly family, and an italian looking guy who was a friend of Lallys who came over alot, name unknown, described as 5'6" Dark Hair, balding, mustach, fancy dresser, in his 30's with a drug problem (Maybe Ralph Zinner). Drove a burgundy colored Aries K with a broke out rear side window.

Lally was getting ready to go out later on, on the 15th and Gooden observed him to be wearing a brown Carhart jacket, blue jeans and brown boots. He advised Gooden he was waiting for a ride but did not say from who.

Leiby & Beaman were both uncomfortable with this interview. Gooden grew up in King Kennedy (near the cemetary) and knew his way around. He knew where the cemetary was and knew guys from the neighborhood that CPD was familiar with. Gooden would make a good suspect if he weren't so cooperative. He did not appear nervous during the interview.

He knows the suspects, he was a trusted friend of the victim, he knows his way around Cleveland, specifically King Kennedy and the cemetary. He has a prior drug trafficking conviction. He doesn't have a car.

022594 Jaykel & Whitely interview Terry Hopkins, uses [REDACTED] sisters address & phone. He stays with Dan Smith at Pine Grove Apartments, [REDACTED] Interview was covertly recorded.

Denied any knowledge of the incident. Claims he wouldn't hang around with anyone who would do something like that. Wouldn't be bragging about it down town if he did know something.

Denies that he uses drugs and denies that Dan Smith sells drugs any more. Knows Smith from school. Smith lets him stay at the house off and on.

Claims to not like Stan Jalowiec. Doesn't know if Dan Smith has a gun. Dan drives a gray Taurus.

In Jan 94 Hopkins was in Jail. Went in on Wed and got out on Friday. Then went to Lorain jail and stayed until Monday. Was in for five days total. (Leiby checked this and learned that Hopkins was in County Jail 010694 and was released to Lorain PD 010794. Officer Garcia of LPD advised that Hopkins came in on 010794 and was released 011094. Dans girlfriends mom lives out in Cleveland, her name is Tammy.

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Didn't know Ron Lally. Never heard the name, never seen him before. Then changes and says that he thought the guys name was ROB that wore the wire on Danny. Danny never made any comments about getting Ron.

Would not take a polygraph test in reference to this. Became very defensive when asked. Was asked several times and refused each time.

Talked to Dan on the phone just prior to coming to EPD. Dan said he ain't did shit and he would come in and talk to us.

Hopkins girlfriend is Temeka Foglyano.

Jaykel asked point blank " Are you involved in any way in the death of Ron Lally?" Hopkins responds No, No way.

Doesn't owe Dan any money. Dan doesn't owe him money.

Used to be an alcoholic. Works at Power Slam as a bouncer.

Not involved in this thing but will not take polygraph. Nothing he can tell us about the incident. Never made any statements to anyone about Dan Smith hurting anyone.

Stan Jalowiec talks about beating someone up every day.

Can provide an alibi if we tell him what day it happened.

022894 1214hrs Leiby & Whitely locate and interview VERNARD BERRY,
DOB [REDACTED] SSN [REDACTED] (His dads house)
Elyria Ohio. Dan Smiths best friend. This is tape recorded covertly by Leiby.

Denied any knowledge of Lallys death. Used to be one of Lallys neighbors. Stayed at Floridian Apartments on Foxhill with his girlfriend Sonja Allen. Ms Allen lives in New York now. She will be returning soon and they will live in a house on Scott Street in Elyria when she does.

Has prior arrest for domestic violence. Father bought him the house on Scott St. Father is Herb Berry.

See's Dan Smith almost daily. One of Dannys best friends. Grew up with Dan Smith. Closer than Stanley Jalowiec. Doesn't know Mike Smith very well.

Claimed that Danny Smith had a copy of the buy tape with Lallys voice on it and was playing it for all of his friends. Berry claims he listened to a portion of the buy tape.

Claimed to have been at Mr Heros in Sept when they went over to Rons Apartment. Was Danny, Stanly Jalowiec, Berry and some "Dudes they had just picked up." Didn't know the other guys. The cars had been parked behind the high school. No girls involved. Terry Hopkins was not there. The two he didn't know was a white dude and a black guy.

Berry was very evasive, denied everything, including any involvement in the thing in Sept. Will not take a polygraph test.

Leiby & Whitely both felt he was not truthful.

030194 1108hrs Leiby & Whitely interview DARREN TACKET. DOB [REDACTED]
SSN [REDACTED]
Phone 323 7390 This was recorded but the tape player didn't [REDACTED]
a blank tape. We had received information that Mr Tacket may [REDACTED]
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information. Tackett advised that he knows Danny Smith. Don't know nothing about the homicide. Hasn't heard any talk. Mr Tackett appeared truthful and was agreeable to a poly graph.

030194 Terry Hopkins came to EPD unannounced and asked to speak with Leiby. Reiterated that he knew nothing about the homicide and wanted to speak directly with Leiby. Indicated he would consider a polygraph test.

030394 Terry Hopkins called Leiby and refused to take a polygraph.

030494 Leiby brought Jalowiec back to EPD from court. Jalowiec came voluntarily as Leiby saw him DUS on the previous day. This interview was recorded.

Stanley was like everybody else. Didn't know anything about the homicide and would not take a polygraph test.

***It should be noted that Dan Smiths dad, also a possible suspect in this case, drove Jaklowiec to court and waited around the courthouse for Stanley. Mr Smith is apparently back off the crack and is in pretty good condition.

030494 James Wilkersons name came up in this as a freind of Dan Smiths. James IS probably the supplier for Dannys dope. James is pending sentencing on several drug deals and is looking at at least four years actual. I sent word via P.S. that I would like to talk to James about the homicide, and maybe work a deal on his time.

030994 PS called Leiby and advised that Wilkerson said Lally deserved to die if he was a snitch and Wilkerson did not wish to speak to anyone about a deal.

***It should be noted that Wilkerson has been living in Cleveland for a awhile now and is driving a full size, light blue, Ford Pickup

Wilkerson is a third or fourth degree black belt in martial arts. Wilkerson should be leaving anytime for prison and is moving alot of cocaine into Elyria, to Danny Smith. Most recent delivery was allegeded to have been the week of 030794.

****Note that the officers have been checking the bottoms of the shoes on all interviewed suspects. This has hopefully been done in a manner that did not arouse suspicion. So far no heel prints like the ones we have photos of.

030994 Made telephone contact with Mike Shelton, 324 4425, Boss at Power Slam bar where Stan used to work. He heard that everyone thinks Dan Smith did Lally but heard that Lally snitched on Dan and thats why he did it. Spoke in generalities, nothing specific.

031094 Spoke with Tammy Lally, Home phone 749 4134, [REDACTED]
Brooklyn, 44114 Work Phone 779 4246 Ext 7522 Trans union Credit Bureau
(New Phone as of 010395 814 623 2361 H 814 623 5811 W) Jalowiec Records Discovery
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Can get Ralph Zimmers phone number from Sandy. She advised that Rons mother is ill and not to give her alot of infor if she calls. She requested that she be the contact person for the family. She wanted to know about posting a reward.

She advised that Ron had two O/Ls and both are missing. Wanted me to check on an incident in Brecksville that was similar to Rons death.

031194 Spoke with Sandy Williams, 288 6119 was Rons Girlfriend. She advised that Ralph Zimmers Phone number was 327-5573. She says that Ron was not affiliated with the KKK. That she had gone with Ron, Ralph Zinner, and Ralphs wife to a Rally in town two years ago and nobody really showed up. Ron didn't go to any meetings or anything.

She advises that Jan 9th was the last time she saw him. She felt sorry for him and took him cigarettes. When she got there he had a black girl, Donna, in the room. (Donna is described as B/F late 20's, 508, real light skinned, big girl, big build, wearing glasses. Ron was in the shower, down the hall, and Donna let her in. When Ron came in she threw the cigarettes at him and walked out. Denies any knowledge about Rons & drugs. She saw Dan once, when threats were made.

Ron had been hanging around with Mike, a little guy he met at an AA meeting. She reffered to Mike as "a little faggot" and felt he was gay. Ron was straight though, as far as she knew. Ron went to AA meetings all over the county and she did not know which one he met Mike at.

031194 per Tammy Lally's request I spoke with Det. Neforos of Brecksville PD (526 8900) about an assault that occurred there that may have involved KKK. He advised that the assault was against a landlord who was evicting the people who assaulted him. Nazi swastika painted on the wall, Vict was handcuffed, beat with Kubaton, nun chucks and cut with a utility knife. No Connection with the Lally incident...

031694 Ronald L Davis, SSN [REDACTED] DOB [REDACTED] was arrested for Bench warrants. His arrest sheet and phot are in the file. He asked to speak with someone about a murder. Leiby spoke with him. Davis is mentally handicapped and would have little if any reliability as a witness. Some of what he said made sense and other things he said were way out in left field. He is Stan Jalowiecs cousin. He claims that Stan is bisexual and has tried to put moves on him.

He claims to have been at Dan Smiths house recently and to have overheard Smith & Jalowiec talking about killing soeomeone in Cleveland. Davis claims that Stan talked about flirting with the guy to get him to go to Cleveland. Dan Smith drove while Stan and the guy necked in the back seat. They all went to the Night Flights bar in Cleveland where Dan Smiths girlfriend, Tammy Kruse, was a waitress. They drank at Night Flights for awhile then decided to go to Cleveland to buy Dope.

Again, Dan Smith drove while Stan necked with the guy in the backseat. They took the guy to Cleveland and killed him. Heard something about stabbing the guy, maybe in the head. Davis claims Dan used a Blue Pontiac Grand Prix registered to a girlrdfriend to drive them in.

Davis also advised that Jalowiec had been living with a male lover named Rob Robinson who owned Fleetwood Limo service in Cleveland

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A covert tape recording was made of this entire interview. Leiby briefed CPD Det Beman of this info and Beman will do some followup.

033094 Det Beman advised that they found Night Flights and it is owned by an ex Cleveland Cop. No Tammy Kruse has ever worked there. Unable to find any Fleetwood Limo nor any Rob Robinson

042894 Advised by Ptlm Ellis that Dan Smith was incustody on six drug trafficking warrants. Was driving a rental Car. Claims his car was stolen. New Address is DAN SMITH 2183 W 104th Cleveland Ohio .

042894 Beaman from CPD advises Fleetwood Limo is owned by Bobby Smith. Mr Smith is openly gay, and a cop groupie. Admits he was stan Jalowiecs lover, didn't know about the homicide. Never saw Lally, don't know Dan Smith or Terry Hopkins.

Stan is dancing in a gay bar. Dan is driving a rental car from Century Rental Phone 216 234 5884. Dans brother is in a hospital, tried to cut his own throat.

Dan Smith contacted Leiby and asked if he could make a deal on the homicide investigation in trade for reduction in drug charges. Leiby advised that it was possible depending on the info.

Dan Smith contacted Leiby and advised that his father ~~Ray Smith would be able to provide facts concerning the death of Ron Lally in exchange for consideration for Danny & Ray. Arrangements were made to interview Ray Smith. No promises were given.~~

070594 Leiby, Det Beaman & Hasan from CPD met with Ray Smith at EPD. Advised him of his rights and obtained a taped statement in which Ray Smith admitted to being present at the time of the homicide by claimed he was defending himself. It appeared to all three officers that Ray Smith had reversed his role with the role of Ron Lally. Smith also told Leiby " We didn't mean to kill him, we just wanted to scare him." This was after the tape was turned off, and the Cleveland Detectives were not present. See Statement for details.

Dan Smith contacted Leiby and wanted to know how his father had done. Dan was advised that his father had lied throughout the statement and if that was the best he could do, no consideration would be given.

Dan Smith contacted Leiby and advised that Ray Smith would come in and give a truthful statement, but he wanted Atty K Lieux to be court appointed to represent him. Det. Leiby made contact with the Jalowiec Records Discovery prosecutors office and with the assistance of Asst Pros. Lis Elyniak Department Files Graves was able to have Judge Janas appoint Mr lieux

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090294 Arrangements were made for Leiby, Rosenbaum, Lieux and Ray Smith to meet at the county prosecutors office.

090694 Rosenbaum, Leiby, Lieux and Smith had a short meeting. Mr Smith had a strong odor of alcohol about his person. Rosenbaum suggested that Smith & Lieux get together so Smith could proffer an unsigned statement, and Lieux could turn it over to Rosenbaum. It was also made very clear to Ray Smith that he would have to pass a polygraph test to verify he was telling the truth.

090694 Leiby was contacted by Attorney Jeanne Cogner Mattes, Phone 244 2500. She represents an Israel Alvarez, SSN [REDACTED] DOB [REDACTED] Ms Mattes claims that this subject has information concerning a homicide in Cleveland where the victim was killed because he was an informant. An appointment was made for 1300hrs 090794.

090794 Ms Mattes on station with Mr Alvarez. Leiby conducted the interview. Mr Alvarez consented to having it recorded and a tape was made. Alvarez was advised that he would have to pass a polygraph, and testify in court if necessary. Alvarez agreed.

Alvarez then related that he and Dan Smith had been out drinking together, at Andys & Teasers, and were talking about their drug cases. Dan began to brag to Alvarez about homicide that he had ordered

Dan Smith had Stan (couldn't remember last name) and Dans father, referred to as "Pops" and "Jack Frost" kill a guy named Ron because Ron had snitched on Dan Smith. Ron had been beat up, shot, and run over with a car.

The car belonged to a woman called "Queen or Queen Bee" it was a blue Lebaron Convertible. That Queen lived out by the college and used to be supported by a Campagna before he died.

Alvarez went on to say that he knew of two other people had heard Dan Smith brag about the homicide. They were Mike Lopez, Phone number 2840210, who drives a white Ford Escort two door, and lives in the area of Fowl Road. Used to work at a gutter place that is on Warden Ave in Elyria. May have active warrants at this time.

The second person is Duane, last name unknown, who drives a gray Buick Century, lives in the Fowl road area, near Lopez, with his mom,

Also advises that Dan Smith is living in West Ridge Green Mobile Home Park, Phone Number 284-0519, with his mom.

090794 Leiby made contact with Ashley and learned that Queen or Queen Bee is a Joann Fike who lives at 112 Greenway. Ms Fike uses crack, is friends with Dan Smith and often lends her car out in trade for dope. Ashley has interviewed her in the past and she was cooperative.

Further that the Elyria Drug Unit has a buy into Mike Lopez and can sign a warrant if necessary. Additional info is SSN [REDACTED] DOB [REDACTED] 143 Mount Vernon, Elyria. Ashley will question him if they make an arrest.

That Duane may be a Duane Moore who lives with his mother. Howie Records Discovery
Both Lopez & Moore are known to hang around with Dan Smith. Elyria Law Department Files

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Alvarez is going to attempt to meet with Dan Smith and obtain a covert tape recording of the meeting.

090794 1600hrs Meeting with Leiby, Rosenbaum & Milasky to review the tape. Milasky advised that Alvarez has jacked Lorain PD around after agreeing to work for them, in order to get sentencing postponed, Then jacked the FBI around in order to get it postponed again. Rosenbaum advised that Alvarez had to deliver the taped conversation with Dan Smith by Friday 090994 or no deal.

090794 1430hrs Leiby made phone contact with Ms Mattes and advised her that her client had two days to deliver. She complained about it and advised she would relay the message.

090794 1800hrs Leiby went to the area of 112 Greenway and observed a Blue 1992 Chrysler Lebaron Convertible, RP UZM349, parked in front of the residence. Leads shows the vehicle to belong to Joann C Fike, SSN [REDACTED] DOB [REDACTED] OLN PK177482. Vin on the vehicle is 1C3XU4532NF297696, purchased from Dick Baker Dodge Chrysler Plymouth in Vermilion.

090994 0900hrs Leiby at Common pleas with Mattes & Alvarez. Alvarez has a poor quality tape that he covertly made while talking to Dan Smith. While Smith doesn't admit to anything on the tape he does discuss the case. The tape is very hard to hear. Barrios from LPD was there. Advised they have a new warrant against Mr Alvarez for Burglary. The will hold the warrant

Leiby convinced Milasky to postpone sentencing until 091494 at 1400hrs.

Leiby, Milasky, Mattes, and Alvarez had a meeting. Alvarez will work with Leiby thru the weekend in an attempt to get Dan Smith to talk about his part in the homicide. He was given until Tues Morning. If he doesn't produce by Monday 091294 Lorain will serve the burglary warrant.

090994 1130hrs Leiby met with Alvarez and his girlfriend Teresa near US Merchandise. Leiby provided Alvarez with three micro cassette tapes, a phone mic and obtained the following phone numbers and address: Alvarez lives at 200 E 31st St. Lorain, Home phone 246 0401, Pager 960 7960, Girlfriend Teresa lives at [REDACTED] Lorain, Phone number 277 4959. Alvarez is to meet Leiby at US Merchandise at 1830hrs this date.

090994 1830hrs. Leiby at US Merchandise, no sign of Alvarez. Paged him. Alvarez called and advised that he was in Cleveland with Dan Smith. Apparently Dan took his new Gray Buick Somerset, with wheels, to a shop in Cleveland for a stereo and an alarm. Dan Called Alvarez to haul him around while the car is being fixed. Alvarez will drop Dan off to pick up his car, and will page Leiby.

091294 Ref 090994. Alvarez was 30 to 45 minutes late for each meeting. Showed up at one with his pregnant girlfriend in the car. Finally got him out to Dan Smith's trailer (in West Ridge Green) around 2200hrs. Made 100 minutes of tape. Alvarez was not able to get Dan Smith to talk about the homicide. Alvarez did say that Lopez had seen the blood on

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the car the next day. It was obvious by listening to the tape that Alvarez had received alot of his info 2nd hand from Mike Lopez as he was heard to say "Mike said" alot. Dan Smith said he would tell Alvarez about it someday but not now. Also learned that Tammy, Dan Smiths' girlfriend doesn't know about the homicide. At one point Alvarez began to discuss the homicide in front of Tammy and Dan signaled him to be quiet. Dan later advised that he "Don't let her in on my business"

Leiby / Ashley ran one wire from Twin Lakes Mobile Homes and got a very clear tape. Holstein / Will ran the second wire from inside the trailer park and got a fair tape. Other teams assigned was Ellis / Homoki in a trailer two streets West of Dans, Whitely / Hought mobile in an unmarked and Zack / Henthorne in a marked unit, mobile.

Discussed Mike Lopez with Det Ashley. They have at least one buy into Lopez for less than bulk, Crack. They will attempt to pick him up quietly so Leiby can interview him concerning the homicide. At this point it is felt that there is insufficient PC to get the car that was used.

091294 Leiby paged Alvarez. Alvarez called back. He was not able to get anything on tape over the weekend. Briefed Prosecutor Milasky and advised Lorian PD to pick Alvarez up on their new warrant for Burglary.

102094 Leiby & Ashley picked Mike Lopez, 143 Mount Vernon Ct, Elyria SSN [REDACTED] DOB [REDACTED], Phone 284 0937 up on the drug charges. Attempted an interview. Lopez refused to talk about the homicide but made it obvious he knew about it but appears scared..

120494 0110hrs Leiby.. Called into work by Will. Vernard Berry in custody for DUS and Drug Warrants. Berrys girlfriend Sonya, Phone 607 869 9448. Conducted an interview. Berry advised the following info:

Dan told him that the vehicle used was a blue Chrysler LeBaron Conv. that belongs to Koreen Fyfe who lives on Greenway in Elyria. Claims there is a blood stain in the trunk of the car. Claims he saw the blood stain about three months back.

Said Dan told him that his dad (Jack Frost/ Ray Smith) & Stan Jalowiec killed Lally. Dan said his dad wanted to do it because of the drug charges. Said they shot him in the neck and they ran over him.

Said he & Raymond got drunk one night and Raymond said Lally got out of the car and fought so Ray shot him.

Said he talked to Stan Jalowiec about it and Stan admitted he was in on the homicide. Stan told him they took his shirt off.

Spoke to Dan, Ray & Stan individually and there wasn't anyone else around when he spoke to them.

Leiby obtained taped statement from Vernard Berry, SSN [REDACTED] DOB [REDACTED] Elyria, No Phone Pager # 242 7228..Put 200 in when you page him....

120494 0400hrs Leiby.. Spoke to Bob Earl at Elyria Holiday Inn. Arranged a ground floor room to keep Berry in while Elyria Law Department Files

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search warrant. Cost will be employee rate of \$16.72. Notified Lt Will of arrangements...His guys will handle.

PC FOR SW On 090794 Det Leiby interviewed Israel (Izzy) Alvarez, SSN [REDACTED] DOB [REDACTED] concerning the Lally Homicide. Mr Alvarez advised Det. Leiby that Dan Smith had told him (later found out that Mike Lopez told him) that the vehicle used in the homicide was a Blue LeBaron Convertible that belonged to Queen Bee, a W/F who lived by LCCG and rented her car out to Dan for crack. Mr Alvarez further advised that after the homicide new tires were put on the car. Det. Leiby then made contact with Det. Ashley of the drug unit and learned that Queen Bee was Joann Fike who lives at 112 Greenway Dr in Elyria. Ashley advised that she does own a blue Chrysler LeBaron and is known to lease the vehicle out to Dan Smith, as well as others, in exchange for crack cocaine

On 120494 Det Leiby interviewed Vernard Berry, who advised that Danny Smith had told him that Ray Smith & Stan Jalowiec had done the homicide, and they had used the blue Chrysler convertible that belonged to Fike. Mr Berry states that Danny further advised that there was a blood stain in the trunk, and that they had replaced the tires on the vehicle since the incident. Mr Berry advises that he had an opportunity to look in the trunk about three months ago and did observe what appeared to be a large blood stain on the mat.

0745hrs Leiby.. Briefed Lt McLean & Det Moore (CPD)

120494 0800 Kogelman & Whitely relieved the NIU guys at Holiday Inn.
0805 Paged Rosenbaum, he called, said to meet at his office at 0900hrs.

0810 Paged Will to be at LCPO at 0900hrs

0900 At LCPO with Berry, Kogelman, Whitely, Behne & Leiby. Completed search warrant and written agreement for Berry to testify & get two Agg drg Trf charges dropped. Leiby & Behne went to Judge Glavas for warrant. Ashley was called in to assist at 1030hrs. Warrant signed at 1100hrs.

1145hrs At 112 Greenway. Found Stan Jalowiec there. Took him into custody for investigation. Behne transported to EPD.

Joann "Koreen" Fike wasn't home. Served the warrant on a Jeff Buteau, 112 Greenway, [REDACTED] DOB [REDACTED] info from Ohio ID. He will attempt to contact Joann.

Leiby obtained Key from Buteau and drove car to EPD Sallyport.

Leiby & Ashley search the car. Found nothing. The front tires appear to match the tracks left in the cemetery. Front tires are Triumph P215/60 R14 M&S 915. Rear tires are Goodyear Invecta P185/70 R-14.

1200hrs Called Moore CPD asked him about their crime lab processing the car. He has to check with his Lt & he will get back with us. Told him Tire tracks appear to match.

1215hrs Behne went home McLean came in.

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1344 Joann Fike called, spoke to Ashley, said she would come in.

Dan Smith Called; Leiby told him what was going on. He called back a short time later and said his dad wanted me to go out there and talk to him. Spoke to Prosecutor Rosenbaum about this. Rosey said bring him over & talk to him. Ask McArthur to have a squad pick him up. Lesner was detailed at 1430hrs.

1500hrs Ray Smith on station for interview. Smith was almost immediately belligerent and making demands, accusing me of dirty pool. Then he asked for his lawyer. Interview terminated and sent him back out to county jail

Will & Ashley will sign County Drug unit charge on Jalowiec and serve him today. He was booked, refused to answer booking questions, and sent to county jail with no bond. Stan continued to deny any knowledge of the incident.

1545hrs Dan Smith called from County. I advised him that his father was not cooperative and was sent back. I advised him that Stan was being sent out to county. He asked if Stan could be put in the cell with him. Spoke to Sgt Canfield about matching Stan & Dan up as roommates and it was arranged. Lt McLean suggested I send a tape player out to Dan. Checked with Sgt Canfield & he okayed it. I sent a tape player and tapes out to Sgt Canfield who will show Dan how to use the unit

1655hrs...Joann Fike never called. Leiby & Ashley went back to 112 Greenway. They said she was enroute to station. She never showed up.

120494.0905hrs..Leiby at muni ct to make sure Stan Jalowiec got a bond. Bond is set at \$5000. Ed Jalowiec (Stans Dad) was there with a bail bondsman to get him out irregardless of bond.

0930...Spoke to Mike Lopez, he will come in at 1400hrs today for an interview.

1000hrs.. Jalowiec made bond and has been released.

1030hrs..Leiby went to 112 Greenway, Joann Fike not home.

1500hrs.. Lopez never showed up.

1545hrs.. Leiby went to 112 Greenway, nobody answering the door

1600hrs.. Spoke to Sgt Canfield, LCSO. Dan Smith was not able to get Jalowiec to talk. Says to pick up tape recorder from booking

Dan Smith called, said Jalowiec thought the cell was wired and wouldn't say anything. Dan Smith has now offered to wear a wire against his father, Ray Smith to get a confession on tape. Wants his six 2 year sentences changed to run concurrent in exchange for the wire. Still denies that Ray has told him anything about the homicide

120694.. 0815hrs Leiby Spoke to County Prosecutors office to arrange to have search warrant sealed..Everybody's busy now, will do it later today.

0910hrs..Leiby received a call from Det. Bobby Moore, CPD Homicide. He advised that they will bring a team to Elyria to examine the car. He will get back to me with a date.

Called back. Det Moore and Beman, Coroners Investigators Linda Lupe & Elizabeth Lansky & photographer will be here Monday December 12, at 10am.

Made arrangements with Davies from Waste Water to use their garage & lift for the evaluation. I can put it in there Sunday evening to avoid moisture.

1400hrs Leiby & Asst Prosecutor Locke-Graves had Judge Glavas seal the search warrant and then filed it (see entry)..

120994..Leiby, after numerous trips to 112 Greenway in the last three days I was finally able to locate Joan Fike at home. She appeared to be stoned. Said she was scared and didn't want to speak with me without her attorney, Mr O'Toole, phone 244 1212. Put a call into him and he was not in. Asked that he return my call.

121194..Leiby, hauled Fikes car from WAS to Sewage treatment and put it in a heated bay for tomorrow.

121294.. Leiby Attempted to speak with Mr O'toole, Atty for Joann Fike Phone 244 1212 unable to make contact..

Banks, Quinn & Bohn from EPD met with Det moore from CPD, Linda Luke & two assistants from Cuyahoga County Coroners Office to process vehicle. Banks was in charge of anything that needed to be handled by Elyria as Leiby had a court appearance during the processing.

Banks will submit an ET report as to what occurred and what was taken. The car was left in the fenced area of waste water for easy access. Leiby gave the keys to John Payne.

121594..Leiby Made contact with Fikes Atty. She will cooperate and has good information. Made an appointment for 1600hrs on 121694 to meet with O'Toole & Fike in O'Tooles office.

121694..Leiby O'Toole requested that this meeting not be recorded. I had previously set up a wire in my car to do a covert recording if necessary. I was able to make a very good covert tape. Neither Fike nor O'Toole are aware the tape was made, and it should be kept that way. O'Toole advised that he wanted a written assurance that Fike would not be charged with anything, before she makes a formal statement. I

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advised that if she was not involved in the homicide and would be willing to submit to a polygraph if necessary, I could arrange that.

Mr O'Toole advised Fike to tell her story.

Ms Fike advised that in January of 1994 Dan Smith asked to borrow her car one evening because his girlfriend Tammy got a ticket in Cleveland and they needed to go to night court. Ms Fike loaned them the car. The next time she saw her car was baout 0700hrs on the following morning.

Stan Jalowiec and Ray Smith returned the car to her and asked her to fix breakfast. She needed items from the store, and went out to her car, which was in the garage. She found that her 1992 Chrysler LeBaron had been washed and remembers wondering to herself " Why would these assholes wash my car in minus 35 degrees weather" (The fact that she remembered how cold it was is signifigant). She had to chip ice from the car in order to get into it. She saw blood on the steering wheel, on the drivers door panel near the door handle, on the drivers window, on the console near the shifter, on the hood and on the trunk. She would later find what she believed to be blood inside of her trunk.

Prior to going to the store Ms Fike went back into her house and asked about the blood. Stan Jalowiec showed her his bruised and cut knuckles and bragged that he had beat someone up behind Moms Open Kitchen on Broad Street in Elyria.

Ms Fike advised that Dan Smith put new tires on the front of the car a couple of months later. The rear ones are the same.

Ms Fike appears to be truthful and has a desire to cooperate. She is very much afraid of Dan, Ray & Stan.

121794... Leiby made contact with Rosenbaum, requested a letter of immunity for Fike.

121994... Leiby typed a written request for a Letter of Immunity for Fike and delivered it to Rosenbaum.

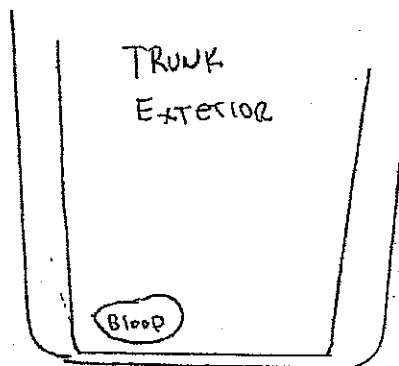
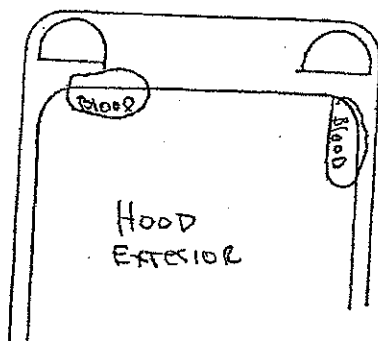
122794... Leiby Moore cancelled... Meeting with Fike & O'Toole. The letter of immunity was agreeable to Mr O'Toole. He advised Fike to tell everything she knew about the homicide and to be truthful. I made an audio tape of this interview with O'Tooles blessing. Ms fikje related the same information she had last time, with a little more detail. Made diagrams of where to look for blood on the hood, trunk and interior. (See attached diagrams completed by Leiby)

Ms Fike indicated that she may still have the front tires that were taken off her car by Smith. She needed a ride back to Elyria and I agreed to transport. Enroute she told me that Darren Tacket had come to her house several months prior and asked to see her car. He had her open the trunk and pointed to a stain on the inside drivers side. Tacket told her that " Someone had been killed in her car."

Ms Fike also advised that she had heard a rumor that "James", from Elyria, one of Dan Smiths main suppliers had given Ray and Stan each five hundred dollars for "Killing the Snitch." (James would be James Wilkerson who is currently serving time for Agg Drug Traff and who was asked by PS if he had any info on the case).

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We checked her garage for the tires and she did not have them. Her phone is turned off and she is scared that Ray or Stan will do her for talking to me if they find out. I advised her that her cooperation will be kept confidential as long as possible. She understands that she will have to testify at some point....



122794.. Leiby submitted written request to records room to have dailies checked for the evening of 011894 thru the morning of 011994 for any reported disturbances in the area of Moms Open Kitchen. Requested a response in writing. Payne responded that the dailies were checked, then double checked by a second records clerk to ensure nothing was missed. There were no reported disturbances in the area of Moms on these dates.

122994 Leiby received a written report from Homoki concerning the disturbance on 091993 at Mr Hero.

1995

010295.. Leiby Reveiwed entire case.

Made appointment with Sandy Williams, Lallys girlfriend, to interview her in reference to the threats that Dan Smith made to her in September of 1993. She will be in at 1600hrs 010395.

Made appointment to re interview Darren Tacket at 1300hrs on 010395.

010395.. Leiby Spoke to Linda Luke & Jeff Wagner of the Cuyahoga County Coroners Office, Phone 721 5610 reference to Luminol the car. They advise they need a dark bay to put the car in.

Left message for Moore or Beaman to call me

Left message at Rons parents for them to contact me.

010395..Leiby 1300hrs Interviewed Darren Tacket, [REDACTED] DOB [REDACTED] uses moms address [REDACTED] Phone 323 7390 or uncles

address of 33074 Cedarbranch Cr, N Ridgeville, Phone 353 0076

Tacket appeared cooperative and truthful. Saw the tape player and requested that the interview not be recorded. Advised that I should

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reinterview Terry Hopkins as he had first hand info on the case and was pending a presentence report on felony charges. Knew that Stan & Pops (Ray) had used the car and returned it with blood in it. He claims that Joann Fike told him what the car had been used for and showed him the blood. (In her interview she claimed he told her about it and showed her the blood spot in the trunk.

Advised that Dan Smith was looking for someone to do Ron. Knew the names of two people Dan had approached. The first being a C/M who lived at 155 Pasadena Ave and drove a brown work truck. Described the subject as skinny, about 38 years old, and wears a beard. A later check revealed this subject to be Richard Altpater. Claims Dan offered this guy \$5000. to kill Lally.

Second subject was a Carl Hartman from Campedo in Lorain. Hartman is or was good friends with Terry Hopkins. Claims Dan offered Hartman a Red BMW auto to "Take care of business for him". Claims Dan told him about this.

010395 1600hrs Leiby.. Interviewed Sandy Williams; Home phone 288 6119 work phone 284 6285 Parker Haniffin. She advised that Rons Moms phone number is 419 853 4040. Obtained a taped statement from her in which she restated that Dan Smith had approached her, in front of witnesses and made threats to harm her, and Rons parents if he testified against him. This occurred on 090793. A Linda Dennis, phone 323 7269, 1303 East Ave. up. Ms Dennis is out of town until 011695 but will cooperate. She states that a Mike Tolbert was also present when this occurred but has since moved out of state. Mr Tolbert had been selling Valium to Lally on a regular basis at the time this happened.

Said that a Mxd race male, 30 31 years old, looks PR, heavy set 5'11" blk curly hair name Duane, last name possibly Moore was hanging around with Ron alot at the time he made the bys for us and had been buying alot of crack from Dan.

010495..Leiby Spoke to Mike Able, manager at Shell Bell Gas Station. In the taped statement given by Ray Smith he indicated that they had stopped there for gas on the way to Cleveland. Thought I might be able to locate a witness. Able advised that they have a very large employee turnover and there is no record maintained of schedules....

010495..Leiby Spoke to P.O. Mike Jackson, phone 329 5228. Did Terry Hopkins presentence report. Hopkins is pending sentencing in Judge Glavas court for Agg Burglary, Att fel. Assault, Domestic Violence Advises he is using his moms address of [REDACTED] Elyria, Phone 324 2301. Called that number and was advised that Terry isn't staying there right now. Can be reached at his girlfriends house at 775 7915.

010495 Leiby made contact with Glavas's court Phone 329 5571 and Hopkins has not been scheduled for sentencing yet. Call back weekly to get a date.

010495 Leiby contact with Lorain PD Ref Carl Hartman. They show one with a SSN of [REDACTED] a 20 year old C/M with a phone number of [REDACTED] 5689. On probation for charges from the LCSO. Called his number, [REDACTED] longer working.

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010495 Moore called, he is on his way from Cleveland with Wagner to luminal the car. Moved the car from waste water plant to the sally port at EPD.

010495 Leiby contact with Terry Hopkins. He has recently completey a rehab program at Compass House and wants to talk to me. Will be in at 1500hrs today.

010495 Leiby.. Det Moore CPD and Jeff Wagner of Cuyahoga County Coroners office proces Fikes vehicle in the EPD Sally Port. Took inside driverside trunk liner, Swabs from the drivers door, arm rest at door pull, both rear 14" Goodyear Invicta rear tires.

Wagner advised that they were able to find dog hair on Lallys coat from the cemetery that appears to match dog hair taken from the back seat of the car the first time it was processed. requested that I determine if Lally had ever been to Joann Fikes home. Also requests hair samples from her dog along with pictures of her and the dog together.

010495...Leiby/Whitely Terry Hopkins, SSN [REDACTED] DOB [REDACTED] is currently residing at [REDACTED] Oberlin Ohio, Phone 775 7915 with his current girlfriend Misty.

Agreed to an audio taped interview. Stated He & Misty were with Dan and Tammy the night that Ron was killed. The four of them had gone to Razzles Pub on Broad St. Dan acted starng and sick all night. Right about bar closing He saw Queen Bee's (Fikes) convertible pull into Chapel alley across from Razzles. Dan went to the car and spoke to the occupants. (Terry did not see who was in the car but claims that his sister Sharon saw Stan Jalowiec, Ray Smith and Mike Smith in the car). Dan came back to the bar and really looked sick. All four left and went to Dans apartment. As they were going up the stairs Hopkins asked Dan what was the matter. Dan replied "They did it" Hopkins asked "What do you mean" Dan replied "They did it tonight man, they took care of business". Hopkins understood this to mean that Lally had been killed.

Stan later bragged to Hopkins that he had shot Lally in the face but the gun jammed. Ray complained that "The son of a bitch wouldn't staydown." They stomped him and finally had to run over him. Stan complained that Mike Smith panicked when they did it.

Hopkins is willing to testify concerning the information but requested that his cooperation be kept confidential as long as possible. He advised that we can contact his sister Sharon at 324 2301 for an interview.

Also suggested that we interview Vernard Berry, Darren Tacket, a light skinned black guy named Duane (Probably Moore) and his ex girlfriend Tomeka Foglyano at 244 4708...

010495..Leiby received a page to call Joann Fike (Code #100 when she pages). She advised that she has her phone turned back on but the number will be changeing. There is some confusion now about who came and got the car that night. She thinks that she wasn't home, Stan came and got the car, and her nephew loaned it to Stan.

We will make arrangements to reinterview her, interview her nephew, photograph her dog and get hair samples. She will page me at noon tomorrow.

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010495... Leiby Page Vernard Berry for a second interview. did not return my pages.

010595...Leiby Spoke to Mike Lopez mother. He don't live there anymore. I explained that I needed to talk to Mike and she advised that he is afraid to talk to me about it. She will ask him to contact me.

010595...Leiby Spoke to Capt Smith about getting money for Fike to get a car with. He felt that we could give her \$200.00 as long as Rosenbaum didn't mind. Called Rosenbaum. He'll think it over and I should call him back.

010595...Leiby Contact county Probation at 329 5228 learned that Hartmans PO is John Risner. Risner wasn't in today.

010595...Leiby contact with Sharon Hopkins. She was real hesitant on the phone and resisted the idea of coming in. She made an appointment for 1300hrs 010695.

010595...Leiby Spoke to Gayle, Payroll at County Auditors office she advises Carl Hartman works for the County Engineer. Called there, they advised he works at the county garage. Called the county garage and made contact with Hartman. He will come in at 1600hrs.

010595...Leiby Vernard Berry called. He will come in at 1700hrs 010695.

010595...1600hrs Leiby/Whitely Carl Hartman, [REDACTED] DOB [REDACTED] Elyria, Brothers Phone is 322 1817, gets off work at 1600hrs and would like for us to contact him at home as he is still probationary at work. Conducted an interview, made an audio tape

Advised that Terry Hopkins always was the one to talk to him about beating someone up. Denies that there was ever talk of him killing the guy and denies any talk about a red car or a red BMW. Says Hopkins talked to him several times toward the end of 1993 about beating the guy up and breaking his leg or something to get him to not testify. Dan was there during one discussion but stayed in the car while Hopkins talked to Hartman. Was in a black Tiempo or something like that. Dan never made personal contact.

Body language and attitude indicated that Hartman was being truthful. Offered to come back in the same time as Hopkins to clear up any questions, said to call if we needed him.

010595 1900hrs Leiby Typed message for Altpaters to contact me on 010695. Had Barbee deliver it to Mrs Altpater at [REDACTED] She got the message...(Message filed under 94-4525B in computer)

010695

0855 Leiby.. Tomeka Foglyano called. Leiby taped conversation. Her mom works with Sandy Williams so she has some knowledge from each side of the incident. She will come in today to be interviewed.

1000hrs Leiby Terry Hopkins called, made a covert tape, will be Records Discovery transcribed. Says that Carl Hartman isn't telling the whole story about meeting Danny. They did have a short face to face meeting at the Ridge
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Motel when Terry was present and Danny asked Hartman about killing someone. Hartman told him no.

1110hrs Leiby spoke with John Risner, 329 5228, Hartmans PO. Explained what was going on. He will bring Hartman in and interview him for me and tape the interview. He will crank on Hartman a little bit to get him to tell the whole truth. Will get back with me Monday.

1120hrs Leiby Terry Hopkins Called back. He has talked to his sister and she is going to be truthful when she comes in. She has additional information that Terry was not previously aware of. This call was also taped and will be transcribed.

1130hrs Leiby Tomeka Foglyanno called, can't make it today. Maybe tomorrow around 1500hrs...

1200hrs Made contact with Beaman CPD gave him info on Tammy Castro aka Tammy Green, Dannys girlfriend, asked that they locate her and interview her. Provided them with her moms home and work phone number.

1200hrs Leiby/Whitely Sharon Hopkins, SSN [REDACTED] DOB [REDACTED] staying at her moms at [REDACTED] Elyria Phone 324 2301 works third shift at Ridge Tool in Elyria. Called wanted to come in early. Showed up ten minutes later. Had her little boy with her. Made a covert tape. She was pretty nervous. Says that she was out drinking the night Ron Died and was probably pretty drunk. She used to hang around with Tammy and they were her ride home that night. They got together right about bar closing.

When she hooked up with them the convertible had already left. Dan, Tammy, Ray and Mike Smith were present. They all loaded in the black tiempo and she thought they were going home. Tammy was driving and they turned S/B on Middle Ave. She asked what was going on and Dan told her to be quiet, he had to take care of something. She says they drove Middle ave and crossed the tracks at the South city limits. They let Ray and Mike out of the car along side the road then drove off. They parked up the street and waited.

The LeBaron convertible drove by them, then drove by again. They started following it and it stopped. Stan was driving. Dan asked something about picking up his brother and Sharon spoke to Stan. Then everyone went back to Dans apartment. They dropped Sharon at her apartment where she hooked up with Terry & Misty.

The homicide was on the news a week later and that is when she and Terry talked about it.

Also advised that Raymond is staying at John Freezes place on Mendel Court.

1320hrs Leiby Whitely went to [REDACTED] and spoke with Lynne Altpater, SSN [REDACTED] DOB [REDACTED]. No Phone. She was initially hesitant to speak with us. She finally said that Dan had asked her if she could get some poison to kill cats with. After a little more discussion and some assurances that the drug use was not an issue in this investigation Ms Altpater advised that Danny knew she worked for a doctor and had approached her about getting him some drugs that he could use to kill someone. Dan told her he was gonna let the guy live

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through Christmas but the guy wouldn't make the new year. Made a covert tape of this interview, it will be transcribed.

1430hrs Leiby.. went to 112 Greenway, spoke to Corrine (as she has asked to be called) Fike. Took photos and hair samples of her 4 year old registered female brindle boxer, Cleopatra, for the crime lab. New phone numberis 365 2033.

Her nephews name is Brian Howington, phone number 244 0045. She is gonna let him know that I will be calling. He may have given Stan the keys to the car that night.

Corrine asked if she needed her attorney present at future meetings. I told her that she was the only one I was talking to that had an attorney. She is gonna page me Monday and maybe cancel the appointment with the attorney and just come to EPD.

While at Corrines Richard Altpater showed up. I left and called Corrine to see if interviewing him would be a problem. She said no. I flagged him down as he was leaving and had him meet me.

1545hrs...Leiby Made contact with Richard Altpater, Pager# 664 5774 SSN [REDACTED], DOB [REDACTED]. Self employed painter, [REDACTED], no phone. Made a covert tape of this interview. Mr Altpater seemed very honest. Advised that Dan & Tammy were staying at the hotel behind McDonalds on Griswold Rd (Comfort Inn) at the time and Altpater was there. Danny asked him if he knew anyone that would kill someone for money, Richard asked "How much?" Danny offered \$1000.00. Richard said no. Danny asked richard if he would consider doing it for \$1000.

Richard has talked to Stan recently and asked Stan if he was there when it happened. Stan claimed that Ron and Raymond were partying and got in an argument. Rone pulled a gun, Ray got it and sahot Ron with it. Stan denied that he was there.

I asked Richard about a formal statement and he said he would give one and would testify in court.

1700hrs 010695 Leiby/Whitely.. Vernard Berry on station at Leibys request. Made a tape, did a reinterview concerning what had happened on Middle Ave. at Mr Hero. Vernard says he and Danny were playing cards at Dammys on West River when Stan called and said he had just seen Ron Lally walking. Danny & Vernard jumped in the car and headed for Mr Hero. Enroute they picked up Robert Norman and an unidentified B/M. They parked over behind Lorain Muffler and Brake. They walked over to the apartment and Stan was already inside. Ron called the police so Dan didn't get to talk to him. Berry claims he did not hear any threats, that Dann just wanted to talk to Ron. This interview will be transcribed.

010795 Leiby... Worked on paper work, compiled a witness list to work off of. Had Dan Smith Call me from the jail. He requested that he be brought over to talk to me again. I had him brought over.

Leiby.. Read Dan Smith his rights which he waived. Dan still denies any involvement in the homicide and still claims Ray Smith hasn't told him anything about it. Interview lasted over an hour. Dan Smith did not change his story.

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Asked Dan about trying to find someone to beat up or kill Ron and he denied that. Then ten minutes later he brought up Richard Altpaters name as being with Stan when Stan was stopped in Corrines car.

I told Dan that I thought I had enough to go for an indictment on him for capitol murder. He still claimed to not know anything. Dan Smith offered to wear a wire when Ray came out to the county jail for a visit on 010895. ~~He wants to set his father up on this homicide in exchange for consideration on his drug charges.~~ Told him we weren't interested. Sent him back to the county jail. Interview was tape recorded.

010995..Leiby Det Moore CPD called. Advised they had located Tammy Marie Castro aka Tammy Green. C/F/23/DOB [REDACTED] SSN [REDACTED] Cleveland, Ohio Phone 281 7371. Ms Castro lives with Katherlyn Green, possible her mother, and has three kids, ages 2,3,& 5 and she works as a stripper at Sams Show Bar in Cleveland. She was Dan Smiths girlfriend at the time of the homicide.

Ms Castro showed up at CPD with her attorney Gary Eisner, 2401 Snow Road, Suite 305, Parma Ohio, Phone ~~661-2993~~. Mr Eisner advised Det Moore that Ms Castro was invoking the fifth and would not speak to the officers. Det Moore requested that I obtain a Grand Jury subpoena for her.

Leiby met with Rosenbaum & breifed him on this. Rosenbaum advsied to contact Eisner and find out what he was after. Rosenbaum will give her immunity and a grand jury subpoena if necessary.

Leiby called Mr Eisner, he was uncooperative. I asked if Tammy was looking for immunity or an excuse not to talk and he advised me that she did not wish to say anything. I advised him that she would get immunity and be subpoenaed before our grand jury. Mr Eisner was argumentative and at one point told me "If you think you can indict her go ahead."

Completed a written request to Rosenbaum outlining what I needed in reference to Tammy Castro.

1130hrs 010995 Leiby Made contact with Jeff Wagner, Coroners office and advised him that Corrine Fikes dog is a boxer and that I had obtained hair samples and photographs.

1140hrs Leiby learned that Richard Altpater had been picked up near Wilks Villa over the weekend (after I interviewed him) and was charged with Drug Abuse and paraphernalia, had a stem w/ residue. (See EPD complaint # 95-573 for details)

1300hrs Leiby Dan Smith called and wanted me to talk to his dad. Advised that his dad would come in an tell what happened if he could get a deal on his drug sentence. Told him Ray could call me.

011095 Leiby...Ray Smith called, said he was goinmg to come in and make a statement and then demanded that the Judge, the Prosecutor, his attorney and I all be there. I hung up on him.

011195 Leiby reinterviewed Joann Corrine Fike. She advised that she had been going over the entire incident and now she belives that it was her

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nephew, Brian Howington Phone 244 0045 that gave Stan the keys on the night in question. Advises that she was out with a Sue Henley on that night.

She also wanted to change her story about why she went out to her car when Stan & Ray returned it that morning. She now advises that she was embarrassed and scared to tell me that she drove Ray over to Dans house to get crack cocaine. They took it back to her house and smoked it. They did not talk about Ron Lally when they got back to the house.

Had her view pictures of Ron Lally to determine if he had ever been to her house. She did not think he had been but advised that Darren Tacket once brought someone over who looked similar and was introduced as "Butch" or something like that.

011195 Leiby made contact with Darren Tacket. Tacket advised that he did not know Ron Lally at all and never took him to Fikes house.

011195 Leiby Dan Smith called to say that Ray would be calling me back and would be serious this time. I told Dan that I needed to know the name of the other person involved before I would do anything else. Dan said he would get back with me. Ray called a little while later and complained that I was pressing him and causing him a lot of problems. Wanted to know if I could do anything about Dans drug sentence. I told him I wasn't doing anything else until someone gave me the name of the third person involved in the homicide. Ray asked what he would get in return and I told him nothing. After some complaining Ray said the name "Stan" and said that he wasn't gonna say nothing else. Wants to come in on February 6th with Stan Jalowiec and confess to what they did and wants Dan off the hook in exchange. There is no way in hell we'll do this. There have been absolutely no promises made at this point and I have made that very clear to them.....

011195 Leiby Temeka Foglyano SSN [REDACTED] DOB [REDACTED] Lorain Phone 244 4708 (H), 934 4092 (W) [REDACTED] She advised that she, Misty Waseleski, and an unidentified female were all going out with Terry in Jan of 1994. Ms Foglyano has a child by Terry Hopkins. She advised that Misty was the one involved with Terry and Dan Smith and would be the one to interview concerning the homicide. She is unable to provide any information on the homicide. Heard rumors that Dan wasn't there when it happened. That Dan had someone do it for him.

Suggested that we talk to Tammy Jalkowiec, Stans sister, but really couldn't say why. Audio taped interview, not transcribed.

011195 Leiby received a call from Mike Lopez. Lopez insisted that he does not know anything about this homicide. Will not come in and talk. Would not give me the name of his attorney on the drug charges. I advised him that he may be able to get his charges dropped in exchange for cooperation. He advised that he wasn't gonna do any time anyway. Did not seem like he is gonna see things my way.

011195 Leiby left a message for Brian Howington to call me.

011295 Leiby Brian Howington [REDACTED] DOB 051871, C/M/Works for H&B Window
Phone 244 0045, SSN [REDACTED] Lorain (Dads Address)
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Cleaning. Corrine Fike's nephew. Called and made an appointment for an interview on Saturday 011395 at 1300hrs.

Advised over the telephone that on the evening that Ron Lally died he and Stan Jalowiec had been out drinking. They had been using Corrine Fikes car. They returned to Fike's residence and Stan wanted the car. As best as Howington can remember Stan left with the car at around midnight. Howington didn't go with him

011494.. Leiby/Whitely.. Brian Howington came in for an interview. The interview was prefaced with discussion about the use of crack cocaine. Howington was advised that he would not be charged for any drug offenses as a result of this investigation.

Howington advised that he and Stan had gone out drinking on the evening of 011894 at about 2000hrs. They were using Corrine's LeBaron and had been at Razzles and Power Slam. About 2300hrs they decided to go back to Corrines house. Stan advised he had to pick someone up first.

They drove to a big house next to Mr Hero on Middle Ave and went in. Howington & Stan went to this big guys apartment. Howington, Stan, the big guy and another unidentified C/M sat and smoked a joint in the big guys room. Then Howington, Stan and the big guy went back to Corrines where the smoked about three stems of crack cocaine and played pool. They did not eat anything while with Howington.

Stan got a page around 1230hrs (plus or minus) and made a phone call. Stan said he needed corrines car and Howington gave him the keys. Somewhere around 0100hrs(plus or minus) Stan and the big guy left 112 Greenway together in Corrines LeBaron.

Howington advised that Corrine got home a little after bar closing. Stan and Pops (Ray Smith) brought the car back sometime around 0600hrs 011995. Howington observed thast the car had been washed and was frozen up (as indicated by Corrine) and observed small blood spots on the car. Howington also saw a little blood on Stans clothes. Stan explained that he had been in a fight downtown. Howington went to bed and did not see Corrine leave with anyone nor did he wake up when she returned.

Howington advised that he lived with Corrine at the time all of this was going on. He never heard Dan Smith threaten to kill anyone. Never talked to Stan or Ray about the homicide. This interview was audio taped and will be transcribed.

Howington was given a seven photo lineup with Ron Lallys photo. He was able to pick Lallys photo from the lineup with little difficulty. The polaroid photo lineup is preserved as evidence.

011695..Leiby Made contact with Corrine Fike and obtained AKC registartion papers for her dog, Cleo, to cover any questions about how long she has owned the dog.

P-1107-95

CORONER'S OFFICE, CUYAHOGA COUNTY, OHIO

Autopsy Protocol

NAME Ronald J. Lally

CASE NO. 218051

AUTOPSY NO. M-65168

DATE January 20, 1994

ELIZABETH K. BALRAJ, M.D.
CORONER

LEARNING. CORRINE FIKE'S NEPHEW. CALLED AND MADE AN APPOINTMENT FOR AN INTERVIEW ON SATURDAY 011395 AT 1300HRS.

ADVISED OVER THE TELEPHONE THAT ON THE EVENING THAT RON LALLY DIED HE AND STAN JALOWIEC HAD BEEN OUT DRINKING. THEY HAD BEEN USING CORRINE FIKE'S CAR. THEY RETURNED TO FIKE'S RESIDENCE AND STAN WANTED THE CAR. AS BEST AS HOWINGTON CAN REMEMBER STAN LEFT WITH THE CAR AT AROUND MIDNIGHT. HOWINGTON DIDN'T GO WITH HIM

011494... ~~REDACTED~~ BRIAN ~~REDACTED~~ CAME IN FOR AN INTERVIEW. THE INTERVIEW WAS PREFACED WITH DISCUSSION ABOUT THE USE OF CRACK COCAINE. HOWINGTON WAS ADVISED THAT HE WOULD NOT BE CHARGED FOR ANY DRUG OFFENSES AS A RESULT OF THIS INVESTIGATION.

HOWINGTON ADVISED THAT HE AND STAN HAD GONE OUT DRINKING ON THE EVENING OF 011894 AT ABOUT 2000HRS. THEY WERE USING CORRINE'S LEBARON AND HAD BEEN AT RAZZLES AND POWER SLAM. ABOUT 2300HRS THEY DECIDED TO GO BACK TO CORRINE'S HOUSE. STAN ADVISED HE HAD TO PICK SOMEONE UP FIRST.

THEY DROVE TO A BIG HOUSE NEXT TO MR HERO ON MIDDLE AVE AND WENT IN. HOWINGTON & STAN WENT TO THIS BIG GUYS APARTMENT. HOWINGTON, STAN, THE BIG GUY AND ANOTHER UNIDENTIFIED C/M SAT AND SMOKED A JOINT IN THE BIG GUYS ROOM. THEN HOWINGTON, STAN AND THE BIG GUY WENT BACK TO CORRINE'S WHERE THEY SMOKED ABOUT THREE STEMS OF CRACK COCAINE AND PLAYED POOL. THEY DID NOT EAT ANYTHING WHILE WITH HOWINGTON.

STAN GOT A PAGE AROUND 1230HRS (PLUS OR MINUS) AND MADE A PHONE CALL. STAN SAID HE NEEDED CORRINE'S CAR AND HOWINGTON GAVE HIM THE KEYS. SOMEWHERE AROUND 0100HRS (PLUS OR MINUS) STAN AND THE BIG GUY LEFT 112 LEEWAY TOGETHER IN CORRINE'S LEBARON.

HOWINGTON ADVISED THAT CORRINE GOT HOME A LITTLE AFTER BAR CLOSING. STAN AND POPS (RAY SMITH) BROUGHT THE CAR BACK SOMETIME AROUND 0600HRS 011995. HOWINGTON OBSERVED THAT THE CAR HAD BEEN WASHED AND WAS FROZEN UP (AS INDICATED BY CORRINE) AND OBSERVED SMALL BLOOD SPOTS ON THE CAR. HOWINGTON ALSO SAW A LITTLE BLOOD ON STAN'S CLOTHES. STAN EXPLAINED THAT HE HAD BEEN IN A FIGHT DOWNTOWN. HOWINGTON WENT TO BED AND DID NOT SEE CORRINE LEAVE WITH ANYONE NOR DID HE WAKE UP WHEN SHE RETURNED.

HOWINGTON ADVISED THAT HE LIVED WITH CORRINE AT THE TIME ALL OF THIS WAS GOING ON. HE NEVER HEARD DAN SMITH THREATEN TO KILL ANYONE. NEVER TALKED TO STAN OR RAY ABOUT THE HOMICIDE. THIS INTERVIEW WAS AUDIO TAPED AND WILL BE TRANSCRIBED.

HOWINGTON WAS GIVEN A SEVEN PHOTO LINEUP WITH RON LALLY'S PHOTO. HE WAS ABLE TO PICK LALLY'S PHOTO FROM THE LINEUP WITH LITTLE DIFFICULTY. THE POLAROID PHOTO LINEUP IS PRESERVED AS EVIDENCE.

011495... LEISY MADE CONTACT WITH CORRINE FIKE AND OBTAINED AKC REGISTRATION PAPERS FOR HER DOG, CLED, TO COVER ANY QUESTIONS ABOUT HOW LONG SHE HAS OWNED THE DOG.

*Get signals
checked & file down
up - Be P
pick 2:30
v8*

Hopkins interview

*ASTRO DIDN'T SHOW - what PIP Easier
Re interview both act photos (help on charges)*

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ELYRIA POLICE DEPARTMENT
INVESTIGATIVE NOTES
CARL HARTMAN / DAN SMITH CONVERSATIONS

011896 Thursday Leiby spoke to Ron Rivera, an inmate at LCCF, via telephone. Rivera has made friends with Dan Smith and has been providing information on Smith.

Along with info on the Altpaters, Rivera advised Leiby that Smith had been in contact with Carl Hartman via three way telephone conversation. Rivera claims that Smith offered Hartman money to testify that Hopkins is lying about what happened.

011896 Thursday Leiby made telephone contact with Hartman. Hartman denies that he has received any calls from Dan Smith.

012296 Monday Leiby received a call from Hartman. Hartman advised that he had received a threeway call from Dan Smith on the evening of 011996. Hartman advised that Ron Rivera was on the phone and stated "I got somebody who wants to talk to you." Then Dan Smith got on the phone. Smith offered to "Hook Carl up" if Carl would testify that Terry Hopkins was lying about what had happened. No specific amount of money was mentioned. Hartman claims he became angry and asked to speak with Rivera. Hartman advised Rivera not to call back and hung up.

012396 Tuesday Leiby provided Hartman with a recording device to record any future calls. Entrapment laws were explained to Hartman and he was provided with a list of specific questions to ask if he was contacted again. Hartman explained that there was a block on his phone that prohibited all but local and incoming calls. Hartman cannot page or call the detective bureau. HARTMAN'S PHONE # IS 246 0452

012496 Wednesday Leiby Had Rivera brought over from County Jail for interview. Asked him why he set the call up. Said Dan Smith asked him to. Asked him what was said. Repeated what Hartman told Leiby. That Smith was offering money for Hartman to meet with Smiths PI and testify that Hopkins was lying.

Leiby asked Rivera to set up another three way call. Advised Rivera not to interfere or make suggestions to Smith. Just to make the call and let Smith talk. Rivera agreed.

Leiby made personal contact with Hartman at his residence and briefed him specifically on what to say and do when the call came in. Mr Hartmans father does not want the police hanging around his residence and did not want Leiby at his residence waiting for the call.

012596 Thursday Leiby Made telephone contact with Hartmans father and learned that a call was received but Hartman did not record it because "He didn't think anything important was discussed."

Leiby made contact with Rivera and learned that he did not monitor very much of the call as he felt it was being recorded. He did hear Smith ask Hartman to meet with the private investigator.

Leiby later made contact with Carl Hartman. Hartman advised that there was nothing important discussed so he did not record. Hartman advised that Smith would call him back Saturday 012796 around 7:30 PM.

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Leiby made arrangements to be present for the call on Saturday and record it.

012796 Saturday Leiby Leiby came in at approximately 1800 hrs in preparation for the phone call. At approximately 1830hrs Leiby called the Hartman residence and spoke with Carls dad, Nick. Leiby asked for Carl and was advised that he and Nick had just had an argument and Carl left the house. Nick was angry because Carl had agreed to allow Leiby to wait in the house for the phone call. Nick Hartman advised Leiby that he had company and there was no way the officer could come to his house and stay.

Leiby made telephone contact with Carl Hartman around 2000hrs. Carl advised he would record the entire call. Leiby advised Carl that Leiby would come and pick up the tape as soon as it is done.

At approximately 2130hrs Leiby called the Hartman residence and spoke with Nick. Nick advised that Carl had got the call, recorded it and left the house because he was nervous..Leiby asked for permission to come get the tape and Nick agreed.

Leiby went to the residence at 3061 Elyria Ave. and spoke with Nick. Leiby found the tape missing from the recorder. Nick advised there would be another call on 012896.

012895 Sunday Leiby Leiby called Hartmans residence and again spoke to Nick. He advised that Carl had not come home, but had called from an unknown place. Leiby is to call at about 2200hrs and seapeak with Carl to get the tape(s).

At approximately 1945hrs Leiby received a call from Rivera, at Leibys request. Rivera advised that a call had been made at about 2100hrs on the 27th and lasted the full twenty minutes. That he did not hear much of the conversation, but did hear that Smith is going to put Carl on his visitors list and pay Carl \$75.00. Leiby advised Rivera to attempt to monitor the call this evening.

At approximately 2035hrs Rivera called back and advised that Smith had already made the call and spoke to Nick. Nick told Dan to call back at 2100hrs 012996

At approximately 2100hrs Det Leiby called Hartmans residence. Carl was not there. Nick said to come get the tape.

Leiby & Whitely went to 3061 Elyria Ave. Made contact with Nick and recovered the tape. Dan Smith wants to put Carl on his visitors list and talk in person because he doesn't like talking on the phone. Tape was marked and secured in the case file.

MEDDERS & Sargent.....

MARTIN
Carl lives at [REDACTED] Lorain, Telephone 246 0452

It appears that he is still on our side, be nice to him for now. I need him real bad.

Dan Smith wants Carl to come visit him at the county jail on Thursday

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Feb 1, 1996 to talk in person cause Dan dont trust the phones. In the tape Dans states he will release \$75.00 to Carl from his commissary to help Carl out.

Call Lt Neuman 329 33746 or 329 3718 and have him Ok Smiths request to add Carl to visitation. Try to get Smiths handwritten request that he has to send in for the change..

Call Carl at 246 0452, I told his dad (Nick) to let Carl know that Medders would be calling. Apparently Nick knows Medders from something and likes him, that should help.

Arrange to wire Carl up and send him into the jail to talk with Dan and to collect the \$75.00 from commissary.

Happy Hunting

INVESTIGATIVE NOTES RON LALLY HOMICIDE INVESTIGATION
94-4525

Contacted 021094 by Det Mike Beaman of CPD Homicide and was advised that the body found in the cemetery on 011994 was that of Ron Lally. At this time the coroner has not ruled on cause of death but it would appear that he was shot in the right side of the mouth with a small caliber weapon, the bullet recovered from the throat. He was beat about the head and body, his throat was cut, again not fatal, and he was stabbed, again not fatal.

On 022394 Beaman & Moore from CPD on station. Coroner has ruled death a homicide. Cause of death was a culmination of the injuries including blunt trauma to the head...

On 022394 Det Leiby obtained a copy of the COURT DOCKET on Dan Smiths drug trial and learned that a Jury Trial was scheduled for 011994 the same morning that Lally was found dead in Cleveland. The trial was continued at the request of the defense.

On 022394 Det Leiby made phone contact with 41571 Northwood Ave., Phone 324 2301, the last known address of Terry Hopkins. It was his mothers address and she advises she has little contact with Terry. She advised to call his sister Sharon at 324 3637.

Learned that the phone number 324 3637 is listed to 142 David Drive D-1.

At about 1750hrs 022394 Det Leiby & Whitely made contact with SHARON HOPKINS at 142 David Dr Apt D-1. Elyria. Ms Hopkins was interviewed in reference to her brother Terry Hopkins. Ms Hopkins was apprehensive about discussing her brother at first, asking "What did he do now." Once she was assured that he was not in trouble at this time she became very cooperative in answering questions.

She advised that Terry is in Mansfield for the rest of the week with his girlfriend Temeka Foglyano. Ms Foglyano is at some kind of hairdressers school for the week. She lives on 9th St. in Elyria with her parents. Parents do not know that she is dating Terry Hopkins as they do not approve of him.

Terry is due home Friday at about 1800hrs and works as a bouncer at the Power Siam Bar Friday 022594. (Note that Stan Jalowiec also works at the Power Slam as a bouncer.)

Sharon was questioned about Dan Smith and if Terry had said anything to her about a homicide. Sharon knows Dan Smith, is afraid of him and doesn't like him. She was asked if Terry had discussed a homicide with her and she said no. She was also asked if she had contacted a police officer in another city with information concerning the homicide and she advised she had not.

Briefed Sgt Behne on what had transpired. Leiby will not be available on 022593. Sgt Behne will arrange to have Det Jaykel assist Det Whitely with the interview of Terry Hopkins.

On 022494 Det Beaman & Moore from CPD came to Elyria. Provided photos of crime scene and police reports from Cleveland.

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Contacted JIM SNYDER, [REDACTED] Elyria, DOB [REDACTED] SSN [REDACTED] Lally's landlord. He advised that Lally turned up missing for about a week in December. Advised that Andre Gooden had more information than he could provide.

He was aware of an incident where Dan Smith and at least two other people were at Lallys apartment threatening to kill him in Oct or Nov. He also advised that the last time he saw Lally was 010894.

Saw Stan Jalowiec at the apartment twice. Didn't trust Stan and didn't want him around.

Put the three day notice on Lallys room on 012494....

Contacted Andre Gooden, [REDACTED] Elyria, Phone 323 7476 H/ 324 2355 W/ DOB [REDACTED] SSN [REDACTED] Works at Taco Bell at the Mall food court. He was freinds with Lally

He indicates the incident where Dan Smith, Vernard Barry & Stan Jalowiec were at Lallys making threats was in Oct or Nov. That the police caught Dan Smith on that date and spoke with him. He knows Smith & Barry from the neighborhood. Last time he saw Lally was 011594 in the evening. Lally had company, a man & woman, possibly family, and an italian looking guy

who was a friend of Lallys who came over alot, name unknown, described as 5'6" Dark Hair, balding, mustach, fancy dresser. in his 30's with a drug problem. Drove a burgundy colored Aries K with a broke out rear side window.

Lally was getting ready to go out later on, on the 15th and Gooden observed him to be wearing a brown Carhart jacket, blue jeans and brown boots. He advised Gooden he was waiting for a ride but did not say from who.

Leiby & Beaman were both uncomfortable with this interview. Gooden grew up in King Kennedy (near the cemetary) and knew his way around. He knew where the cemetary was and knew guys from the neighborhood that CPD was familar with. Gooden would make a good suspect if he weren't so cooperative. He did not appear nervous during the interview.

He knows the suspects, he was a trusted friend of the victim, he knows his way around Cleveland, specifically King Kennedy and the cemetary. He has a prior drug trafficking conviction. He doesn't have a car.

022594 Jaykel & Whitely interview Terry Hopkins, uses [REDACTED] sisters address & phone. He stays with Dan Smith at Pine Grove Apartments, [REDACTED]. Interview was covertly recorded.

Denied any knowledge of the incident. Claims he wouldn't hang around with anyone who would do something like that. Wouldn't be bragging about it down town if he did know something.

Denies that he uses drugs and denies that Dan Smith sells drugs any more. Knows Smith from school. Smith lets him stay at the house off and on.

Claims to not like Stan Jalowiec. Doesn't know if Dan Smith has a gun. Dan drives a gray Taurus.

In Jan 94 Hopkins was in Jail. Went in on Wed and got out on Friday. Then went to Lorain jail and stayed until Monday. Was in for five days total.

Dans girlfriends mom lives out in Cleveland, her name is Tammy.

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Didn't know Ron Lally. Never heard the name, never seen him before. Then changes and says that he thought the guys name was ROB that wore the wire on Danny. Danny never made any comments about getting Ron.

Would not take a polygraph test in reference to this. Became very defensive when asked. Was asked several times and refused each time.

Talked to Dan on the phone just prior to coming to EPD. Dan said he ain't did shit and he would come in and talk to us.

Hopkins girlfriend is Temeka Foglyano.

Jaykel asked point blank " Are you involved in any way in the death of Ron Lally?" Hopkins responds No, No way.

Doesn't owe Dan any money. Dan doesn't owe him money.

Used to be an alcoholic. Works at Power Slam as a bouncer.

Not involved in this thing but will not take polygraph. Nothing he can tell us about the incident. Never made any statements to anyone about Dan Smith hurting anyone.

Stan Jalowiec talks about beating someone up every day.

Can provide an alibi if we tell him what day it happened.

022894 1214hrs Leiby & Whitely locate and interview VERNARD BERRY, DOB [REDACTED] SSN [REDACTED] (His dads house) Elyria Ohio. Dan Smiths best friend. This is tape recorded covertly by Leiby.

Denied any knowledge of Lallys death. Used to be one of Lallys neighbors. Stayed at Floridian Apartments on Foxhill with his girlfriend Sonja Allen. Ms Allen lives in New York now. She will be returning soon and they will live in a house on Scott Street in Elyria when she does.

Has prior arrest for domestic violence. Father bought him the house on Scott St. Father is Herb Berry.

See's Dan Smith almost daily. One of Dannys best friends. Grew up with Dan Smith. Closer than Stanley Jalowiec. Doesn't know Mike Smith very well.

Claimed that Danny Smith had a copy of the buy tape with Lallys voice on it and was playing it for all of his friends. Berry claims he listened to a portion of the buy tape.

Claimed to have been at Mr Heros in Sept when they went over to Rons Apartment. Was Danny, Stanly Jalowiec, Berry and some "Dudes they had just picked up." Didn't know the other guys. The cars had been parked behind the high school. No girls involved. Terry Hopkins was not there. The two he didn't know was a white dude and a black guy.

Berry was very evasive, denied everything, including any involvement in the thing in Sept. Will not take a polygraph test.

Leiby & Whitely both felt he was not truthful.

030194 1108hrs Leiby & Whitely interview DARREN TACKET. DOB [REDACTED] SSN [REDACTED] This was recorded but the tape played in Ohio Records Discovery work. We got a blank tape. We had received information that Mr. Elyria Law Department Files may have information. Tacket advised that he knows Danny Smith. Don't know nothing about the homicide. Hasn't heard any talk. Mr Tackett

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appeared truthful and was agreeable to a poly graph.

030194 Terry Hopkins came to EPD unannounced and asked to speak with Leiby. Reiterated that he knew nothing about the homicide and wanted to speak directly with Leiby. Indicated he would consider a polygraph test.

030394 Terry Hopkins called Leiby and refused to take a polygraph.

030494 Leiby brought Jalowiec back to EPD from court. Jalowiec came voluntarily as Leiby saw him DUS on the previous day. This interview was recorded.

Stanley was like everybody else. Didn't know anything about the homicide and would not take a polygraph test.

***It should be noted that Dan Smiths dad, also a possible suspect in this case, drove Jaklowiec to court and waited around the courthouse for Stanley. Mr Smith is apparently back off the crack and is in pretty good condition.

030494 James Wilkersons name came up in this as a freind of Dan Smiths. James is probably the supplier for Dannys dope. James is pending sentencing on several drug deals and is looking at at least four years actual. I sent word via P.S. that I would like to talk to James about the homicide, and maybe work a deal on his time.

030994 PS called Leiby and advised that Wilkerson said Lally deserved to die if he was a snitch and Wilkerson did not wish to speak to anyone about a deal.

***It should be noted that Wilkerson has been living in Cleveland for a awhile now and is driving a full size, light blue, Ford Pickup

Wilkerson is a third or fourth degree black belt in martial arts. Wilkerson should be leaving anytime for prison and is moving alot of cocaine into Elyria, to Danny Smith. Most recent delivery was alledged to have been the week of 030794.

~~****Note that the officers have been checking the bottoms of the shoes on all interviewed suspects. This has hopefully been done in a manner that did not arouse suspicion. Sofar no heel prints like the ones we have photos of.~~

030994 Made telephone contact with Mike Shelton, 324 4425, Boss at Power Slam bar where Stan used to work. He heard that everyone thinks Dan Smith did Lally but heard that Lally snitched on Dan and thats why he did it. Spoke in genralities, nothing specific.

031094 Spoke with Tammy Lally, Home phone 749 4134, [REDACTED] Brooklyn, 44114 Work Phone 779 4246 Ext 7522 Trans union Credit Bureau

Can get Ralph Zimmers phone number from Sandy. She advised that Rons mother is ill and not to give her alot of infor if she calls. She requested that she be the contact person for the family.

She wanted to know about posting a reward.

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She advised that Ron had two O/Ls and both are missing. Wanted me to check on an incident in Brecksville that was similar to Rons death.

031194 Spoke with Sandy Williams ,288 6119 was Rons Girlfriend. She advised that Ralph Zinners Phone number was 327 5573 She says that Ron was not affiliated with the KKK. That She had gone with Ron, Ralph Zinner, and Ralphs wife to a Rally in Lodi two years ago and nobody really showed up. Ron didn't got to any meetings or anything.

She advises that Jan 9th was the last time she saw him. She felt sorry for him and took him cigarettes. When she got there he had a black girl, Donna, in the room. (Donna is described as B/F late 20's, 508, real light skinned, big girl, big build, wearing glasses. Ron was in the shower, down the hall, and Donna let her in. When Ron came in she threw the cigarettes at him and walked out. Denies any knowledge about Rons & drugs. She saw Dan Once, when threats were made.

Ron had been hanginmg around with Mike, a little guy he met at an AA meeting. She reffered to Mike as "a little faggot" and felt he was gay. Ron was straight though, as far as she knew. Ron went to AA meetings all over the county and she did not know which one he met Mike at.

031194 per Tammy Lally's request I spoke with Det. Neforos of Brecksville PD (526 8900) about an assault that occurred there that may have involved KKK. He advised that the assault was against a landlord who was evicting the people who assaulted him. Nazi swastika painted on the wall, Vict was handcuffed, beat with Kubaton, nun chucks and cut with a utility knife. No Connection with the Lally incident...

031694 Ronald L Davis , SSN [REDACTED] DOB [REDACTED] was arrested for Bench warrants. His arrest sheet and phot are in the file. He asked to speak with someone about a murder. Leiby spoke with him. Davis is mentally handicapped and would have little if any reliability as a witness. Some of what he said made sense and other things he said were way out in left field. He is Stan Jalowiecs cousin. He claims that Stan is bisexual and has tried to put moves on him.

He claims to have been at Dan Smiths house recently and to have overheard Smith & Jalowiec talking about killing someone in Cleveland. Davis claims that Stan talked about flirting with the guy to get him to go to Cleveland. Dan Smith drove while Stan and the guy necked in the back seat. They all went to the Night Flights bar in Cleveland where Dan Smiths girlfriend, Tammy Kruse, was a waitress. They drank at Night Flights for awhile then decided to go to Cleveland to buy Dope.

Again, Dan Smith drove while Stan necked with the guy in the backseat. They took the guy to Cleveland and killed him. Heard something about stabbing the guy, maybe in the head. Davis claims Dan used a Blue Pontiac Grand Prix registered to a girlfdriend to drive them in.

Davis also advised that Jalowiec had been living with a male lover named Rob Robinson who owned Fleetwood Limo service in Cleveland.

A covert tape recording was made of this entire interview. Jalowiec Records Discovery
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Leiby breifed CPD Det Beman of this info and Beman will do some followup. Box 1 of 1
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033094 Det Beman advised that they found Night Flights and it is owned by an ex Cleveland Cop. No Tammy Kruse has ever worked there. Unable to find any Fleetwood Limo nor any Rob Robinson

042894 Advised by Ptlm Ellis that Dan Smith was in custody on six drug trafficking warrants. Was driving a rental Car. Claims his car was stolen. New Address is DAN SMITH [REDACTED] Cleveland Ohio .

Dan Smith contacted Leiby and asked if he could make a deal on the homicide investigation in trade for reduction in drug charges. Leiby advised that it was possible depending on the info.

Dan Smith contacted Leiby and advised that his father Ray Smith would be able to provide facts concerning the death of Ron Lally in exchange for consideration for Danny & Ray. Arrangements were made to interview Ray Smith. No promises were given.

070594 Leiby, Det Beaman & Hasan from CPD met with Ray Smith at EPD. Advised him of his rights and obtained a taped statement in which Ray Smith admitted to being present at the time of the homicide by claimed he was defending himself. It appeared to all three officers that Ray Smith had reversed his role with the role of Ron Lally. Smith also told Leiby " We didn't mean to kill him, we just wanted to scare him." This was after the tape was turned off, and the Cleveland Detectives were not present. See Statement for details.

Dan Smith contacted Leiby and wanted to know how his father had done. Dan was advised that his father had lied throughout the statement and if that was the best he could do, no consideration would be given.

~~Dan Smith contacted Leiby and advised that Ray Smith would come in and give a truthful statement, but he wanted Atty K Lieux to be court appointed to represent him. Det. Leiby made contact with the prosecutors office and with the assistance of Asst Pros. Lisa Lock Graves was able to have Judge Janas appoint Mr lieux~~

090294 Arrangements were made for Leiby, Rosenbaum, Lieux and Ray Smith to meet at the county prosecutors office.

090694 Rosenbaum, Leiby, Lieux and Smith had a short meeting. Mr Smith had a strong odor of alcohol about his person. Rosenbaum suggested that Smith & Lieux get together so Smith could proffer an unsigned statement, and Lieux could turn it over to Rosenbaum. It was also made very clear to Ray Smith that he would have to pass a polygraph to verify he was telling the truth.

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090694 Leiby was contacted by Attorney Jeanne Cogner Mattes, Phone 244 2500. She represents an Israel Alvarez, SSN [REDACTED] DOB [REDACTED] Ms Mattes claims that this subject has information concerning a homicide in Cleveland where the victim was killed because he was an informant. An appointment was made for 1300hrs 090794.

090794 Ms Mattes on station with Mr Alvarez. Leiby conducted the interview. Mr Alvarez consented to having it recorded and a tape was made. Alvarez was advised that he would have to pass a polygraph, and testify in court if necessary. Alvarez agreed.

Alvarez then related that he and Dan Smith had been out drinking together, at Andys & Teasers, and were talking about their drug cases. Dan began to brag to Alvarez about homicide that he had ordered

Dan Smith had Stan (couldn't remember last name) and Dans father, referred to as "Pops" and "Jack Frost" kill a guy named Ron because Ron had snitched on Dan Smith. Ron had been beat up, shot, and run over with a car.

The car belonged to a woman called "Queen or Queen Bee" it was a blue Lebaron Convertible. That Queen lived out by the college and used to be supported by a Campagna before he died.

Alvarez went on to say that he knew of two other people had heard Dan Smith brag about the homicide. They were Mike Lopez, Phone number 2840210, who drives a white Ford Escort two door, and lives in the area of Fowl Road. Used to work at a gutter place that is on Warden Ave in Elyria. May have active warrants at this time.

The second person is Duane, last name unknown, who drives a gray Buick Century, lives in the Fowl road area, near Lopez, with his mom.

Also advises that Dan Smith is living in West Ridge Green Mobile Home Park, Phone Number 284-0519, with his mom.

090794 Leiby made contact with Ashley and learned that Queen or Queen Bee is a Joann Fike who lives at 112 Greenway. Ms Fike uses crack, is friends with Dan Smith and often lends her car out in trade for dope. Ashley has interviewed her in the past and she was cooperative.

Further that the Elyria Drug Unit has a buy into Mike Lopez and can sign a warrant if necessary. Additional info is SSN [REDACTED] DOB [REDACTED] Elyria. Ashley will question him if they make an arrest.

That Duane may be a Duane Moore who lives with his mother.

Both Lopez & Moore are known to hang around with Dan Smith.

Alvarez is going to attempt to meet with Dan Smith and obtain a covert tape recording of the meeting.

090794 1600hrs Meeting with Leiby, Rosenbaum & Milasky to review the tape. Milasky advised that Alvarez has jacked Lorain PD around after agreeing to work for them, in order to get sentencing postponed. The Jacked the FBI around in order to get it postponed again. Rosenbaum advised that Alvarez had to deliver the taped conversation with Dan Smith by Friday 090994 or no deal.

090794 1430hrs Leiby made phone contact with Ms Mattes and advised her that her client had two days to deliver. She complained about it and advised she would relay the message.

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090794 1800hrs Leiby went to the area of 112 Greenway and observed a Blue 1992 Chrysler Lebaron Convertible, RP UZM349, parked in front of the residence. Leads shows the vehicle to belong to Joann C Fike, SSN [REDACTED] DOB [REDACTED] OLN PK177482. Vin on the vehicle is 1G3XU4532NF297696, purchased from Dick Baker Dodge Chrysler Plymouth in Vermilion.

090994 0900hrs Leiby at Common pleas with Mattes & Alvarez. Alvarez has a poor quality tape that he covertly made while talking to Dan Smith. While Smith doesn't admit to anything on the tape he does discuss the case. The tape is very hard to hear. Barrios from LFD was there. Advised they have a new warrant against Mr Alvarez for Burglary. The will hold the warrant

Leiby convinced Milasky to postpone sentencing until 091494 at 1400hrs.

Leiby, Milasky, Mattes, and Alvarez had a meeting. Alvarez will work with Leiby thru the weekend in an attempt to get Dan Smith to talk about his part in the homicide. He was given until Tues Morning. If he doesn't produce by Monday 091294 Lorain will serve the burglary warrant.

090994 1130hrs Leiby met with Alvarez and his girlfriend Teresa near US Merchandise. Leiby provided Alvarez with three micro cassette tapes, a phone mic and obtained the following phone numbers and address: Alvarez lives at 200 E 31st St. Lorain, Home phone 246 0401, Pager 960 7960, Girlfriend Teresa lives at [REDACTED] Lorain, Phone number 277 4959. Alvarez is to meet Leiby at US Merchandise at 1830hrs this date.

090994 1830hrs. Leiby at US Merchandise, no sign of Alvarez. Paged him. Alvarez called and advised that he was in Cleveland with Dan Smith. Apparently Dan took his new Gray Buick Somerset, with wheels, to a shop in Cleveland for a stereo and an alarm. Dan called Alvarez to haul him around while the car is being fixed. Alvarez will drop Dan off to pick up his car, and will page Leiby.

091294 Ref 090994. Alvarez was 30 to 45 minutes late for each meeting. Showed up at one with his pregnant girlfriend in the car. Finally got him out to Dan Smith's trailer (in West Ridge Green) around 2235hrs. Made 100 minutes of tape. Alvarez was not able to get Dan Smith to talk about the homicide. Alvarez did say that Lopez had seen the blood on the car the next day. It was obvious by listening to the tape that Alvarez had received a lot of his info 2nd hand from Mike Lopez as he was heard to say "Mike said" a lot. Dan Smith said he would tell Alvarez about it someday but not now. Also learned that Tammy, Dan Smith's girlfriend doesn't know about the homicide. At one point Alvarez began to discuss the homicide in front of Tammy and Dan signaled him to be quiet. Dan later advised that he "Don't let her in on my business"

Leiby / Ashley ran one wire from Twin Lakes Mobile Homes and got a very clear tape. Holstein / Will ran the second wire from inside the trailer park and got a fair tape. Other teams assigned was Ellis / [REDACTED] Records Discovery and Zack / Benthorne in a marked unit, mobile.

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Discussed Mike Lopez with Det Ashley. They have at least one buy into Lopez for less than bulk, Crack. They will attempt to pick him up quietly so Leiby can interview him concerning the homicide. At this point it is felt that there is insufficient PC to get the car that was used.

091294 Leiby paged Alvarez. Alvarez called back. He was not able to get anything on tape over the weekend. Briefed Prosecutor Milasky and advised Lorian PD to pick Alvarez up on their new warrant for Burglary.

102094 Leiby & Ashley picked Mike Lopez, [REDACTED] Elyria SSN [REDACTED] DOB [REDACTED] Phone 284 0937 up on the drug charges. Attempted an interview. Lopez refused to talk about the homicide but made it obvious he knew about it but appears scared..

120494 0110hrs Leiby.. Called into work by Will. Vernard Berry in custody for DUS and Drug Warrants. Berrys girlfriend Sonya, Phone 607 869 9448. Conducted an interview. Berry advised the following info:

Dan told him that the vehicle used was a blue Chrysler LeBaron Conv. that belongs to Koreen Fyte who lives on Greenway in Elyria. Claims there is a blood stain in the trunk of the car. Claims he saw the blood stain about three months back.

Said Dan told him that his dad (Jack Frost/ Ray Smith) & Stan Jalowiec killed Lally. Dan said his dad wanted to do it because of the drug charges. Said they shot him in the neck and they ran over him.

Said he & Raymond got drunk one night and Raymond said Lally got out of the car and fought so Ray shot him.

Said he talked to Stan Jalowiec about it and Stan admitted he was in on the homicide. Stan told him they took his shirt off.

Spoke to Dan, Ray & Stan individually and there wasn't anyone else around when he spoke to them.

Leiby obtained taped statement from Vernard Berry, SSN [REDACTED] DOB [REDACTED] Elyria, No Phone Pager # 242 7228.. Put 200 in when you page him....

120494 0400hrs Leiby.. Spoke to Bob Earl at Elyria Holiday Inn, Phone 324 5411. Arranged a ground floor room to keep Berry in while we obtain search warrant. Cost will be employee rate of \$16.72. Notified Lt Will of arrangements...His guys will handle.

PC FOR SW On 090794 Det Leiby interviewed Israel (Izzy) Alvarez, SSN [REDACTED] DOB [REDACTED] concerning the Lally Homicide. Mr Alvarez advised Det. Leiby that Dan Smith had told him (later found out that Mike Lopez told him) that the vehicle used in the homicide was a Blue LeBaron Convertible that belonged to Queen Bee, a W/F who lived by LCCC and rented her car out to Dan for crack. Mr Alvarez further advised that after the homicide new tires were put on the car. Det. Leiby then made contact with Det. Ashley of the drug unit and learned that Queen Bee was Joann Fike who lives at 112 Greenway Dr in Elyria. Ashley advised that she does own a blue Chrysler LeBaron and is known to lease the vehicle out to Dan Smith, as well as others, in exchange for crack cocaine

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On 120494 Det Leiby interviewed Vernard Berry, who advised that Danny Smith had told him that Ray Smith & Stan Jalowiec had done the homicide, and they had used the blue Chrysler convertible that belonged to Fike. Mr Berry states that Danny further advised that there was a blood stain in the trunk, and that they had replaced the tires on the vehicle since the incident. Mr Berry advises that he had an opportunity to look in the trunk about three months ago and did observe what appeared to be a large blood stain on the mat.

0743hrs Leiby.. Briefed Lt McLean & Det Moore (CPD)

120494 0800 Kogelman & Whitely relieved the NIU guys at Holiday Inn.
0805 Paged Rosenbaum, he called, said to meet at his office at 0900hrs.

0810 Paged Will to be at LCPO at 0900hrs

0900 At LCPO with Berry, Kogelman, Whitely, Behne & Leiby. Completed search warrant and written agreement for Berry to testify & get two Agg drg Trf charges dropped. Leiby & Behne went to Judge Glavas for warrant. Ashley was called in to assist at 1030hrs. Warrant signed at 1109hrs.

1145hrs At 112 Greenway. Found Stan Jalowiec there. Took him into custody for investigation. Behne transported to EPD.

Joann "Koreen" Pike wasn't home. Served the warrant on a Jeff Buteau, 112 Greenway, [REDACTED] DOB [REDACTED] info from Ohio ID. He will attempt to contact Joann.

Leiby obtained Key from Buteau and drove car to EPD Sallyport.

Leiby & Ashley search the car. Found nothing. The front tires appear to match the tracks left in the cemetery. Front tires are Triumph P215/60 R14 M&S 915. Rear tires are Goodyear Invecta P185/70 R-14.

1200hrs Called Moore CPD asked him about their crime lab processing the car. He has to check with his Lt & he will get back with us. Told him Tire tracks appear to match.

1215hrs Behne went home McLean came in.

1220hrs Leiby spoke to Stan Jalowiec in the holding cell. He asked "What homicide". Denies any knowledge

1300hrs Will called, Leiby briefed him on whats going on. County may have warrants for Agg Drg Trf on Stan if we need to hold him.

1320hrs Leiby called LCSO asked them to have Dan Smith call EPD.

1330 Lori Gobel, Joann Fikes sister, called, Phone 353 9556. She will try to find Joann.

1341 Will called back County can sign two warrants but they won't rather not burn their snitch.

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1344 Joann Fike called, spoke to Ashley, said she would come in.

Dan Smith Called, Leiby told him what was going on. He called back a short time later and said his dad wanted me to go out there and talk to him. Spoke to Prosecutor Rosenbaum about this. Rosey said bring him over & talk to him. Ask McArthur to have a squad pick him up. Lesner was detailed at 1430hrs.

1500hrs Ray Smith on station for interview. Smith was almost immediately belligerent and making demands, accusing me of dirty pool. Then he asked for his lawyer. Interview terminated and sent him back out to county jail

Will & Ashley will sign County Drug unit charge on Jalowiec and serve him today. He was booked, refused to answer booking questions, and sent to county jail with no bond. Stan continued to deny any knowledge of the incident.

1545hrs Dan Smith called from County. I advised him that his father was not cooperative and was sent back. I advised him that Stan was being sent out to county. He asked if Stan could be put in the cell with him. Spoke to Sgt Canfield about matching Stan & Dan up as roommates and it was arranged. Lt Mclean suggested I send a tape player out to Dan. Checked with Sgt Canfield & he okayed it. I sent a tape player and tapes out to Sgt Canfield who will show Dan how to use the unit

1655hrs.: Joann Fike never called. Leiby & Ashley went back to 112 Greenway. They said she was enroute to station. She never showed up.

120494.0905hrs.. Leiby at muni ct to make sure Stan Jalowiec got a bond. Bond is set at \$5000. Ed Jalowiec (Stans Dad) was there with a bail bondsman to get him out irregardless of bond.

0930... Spoke to Mike Lopez, he will come in at 1400hrs today for an interview.

1000hrs.. Jalowiec made bond and has been released.

1030hrs.. Leiby went to 112 Greenway, Joann Fike not home.

1500hrs.. Lopez never showed up.

1545hrs.. Leiby went to 112 Greenway, nobody answering the door

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1600hrs.. Spoke to Sgt Canfield, LCSO. Dan Smith was not able to get Jalowiec to talk. Says to pick up tape recorder from booking

Dan Smith called, said Jalowiec thought the cell was wired and wouldn't say anything. Dan Smith has now offered to wear a wire against his father, Ray Smith to get a confession on tape. Wants his six 2 year sentences changed to run concurrent in exchange for the wire. Still denies that Ray has told him anything about the homicide

120694.. 0815hrs Leiby Spoke to County Prosecutors office to arrange to have search warrant sealed.. Everybodys busy now, will do it later today.

0910hrs.. Leiby received a call from Det. Bobby Moore, CPD Homicide. He advised that they will bring a team to Elyria to examine the car. He will get back to me with a date.

Called back. Det Moore and Beman, Coroners Investigators Linda Lupe & Elizabeth Lansky & photographer will be here Monday December 12, at 10am.

Made arrangements with Davies from Waste Water to use their garage & lift for the evaluation. I can put it in there Sunday evening to avoid moisture.

1400hrs Leiby & Asst Prosecutor Locke-Graves had Judge Glavas seal the search warrant and then filed it (see entry)..

120994.. Leiby, after numerous trips to 112 Greenway in the last three days I was finally able to locate Joan Fike at home. She appeared to be stoned. Said she was scared and didn't want to speak with me without her attorney, Mr O'Toole, phone 244 1212. Put a call into him and he was not in. Asked that he return my call.

121194.. Leiby, hauled Fikes car from WAS to Sewage treatment and put it in a heated bay for tomorrow.

121294.. Leiby Attempted to speak with Mr O'toole, Atty for Joann Fike Phone 244 1212 unable to make contact..

Banks, Quinn & Bohn from EPD met with Det moore from CPD, Linda Luke & two assistants from Cuyahoga County Coroners Office to process vehicle. Banks was in charge of anything that needed to be handled by Elyria as Leiby had a court appearance during the processing.

Banks will submit an ET report as to what occurred and what was taken. The car was left in the fenced area of waste water for easy access. Leiby gave the keys to John Payne.

121594.. Leiby Made contact with Fikes Atty. She will cooperate and has good information. Made an appointment for 1600hrs on 121694 to meet with O'Toole & Fike in O'Tooles office.

121694.. Leiby O'Toole requested that this meeting not be recorded. I had previously set up a wire in my car to do a covert recording if necessary. I was able to make a very good covert tape. Neither Fike nor O'Toole are aware the tape was made, and it should be kept that way. O'Toole advised that he wanted a written assurance that Fike would not be charged with anything, before she makes a formal statement. I

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advised that if she was not involved in the homicide and would be willing to submit to a polygraph if necessary, I could arrange that.

Mr O'Toole advised Fike to tell her story.

Ms Fike advised that in January of 1994 Dan Smith asked to borrow her car one evening because his girlfriend Tammy got a ticket in Cleveland and they needed to go to night court. Ms Fike loaned them the car. The next time she saw her car was about 0700hrs on the following morning.

Stan Jalowiec and Ray Smith returned the car to her and asked her to fix breakfast. She needed items from the store, and went out to her car, which was in the garage. She found that her 1992 Chrysler LeBaron had been washed and remembers wondering to herself " Why would these assholes wash my car in minus 35 degrees weather" (The fact that she remembered how cold it was is significant). She had to chip ice from the car in order to get into it. She saw blood on the steering wheel, on the drivers door panel near the door handle, on the drivers window, on the console near the shifter, on the hood and on the trunk. She would later find what she believed to be blood inside of her trunk.

Prior to going to the store Ms Fike went back into her house and asked about the blood. Stan Jalowiec showed her his bruised and cut knuckles and bragged that he had beat someone up behind Moms Open Kitchen on Broad Street in Elyria.

Ms Fike advised that Dan Smith put new tires on the front of the car a couple of months later. The rear ones are the same.

Ms Fike appears to be truthful and has a desire to cooperate. She is very much afraid of Dan, Ray & Stan.

121794.. Leiby made contact with Rosenbaum, requested a letter of immunity for Fike.

121994.. Leiby typed a written request for a Letter of Immunity for Fike and delivered it to Rosenbaum.

122794.. Leiby Moore cancelled...Meeting with Fike & O'Toole. The letter of immunity was agreeable to Mr O'Toole. He advised Fike to tell everything she knew about the homicide and to be truthful. I made an audio tape of this interview with O'Tooles blessing. Ms Fike related the same information she had last time, with a little more detail. Made diagrams of where to look for blood on the hood, trunk and interior. (See attached diagrams completed by Leiby)

Ms Fike indicated that she may still have the front tires that were taken off her car by Smith. She needed a ride back to Elyria and I agreed to transport. Enroute she told me that Darren Tacket had come to her house several months prior and asked to see her car. He had her open the trunk and pointed to a stain on the inside drivers side. Tacket told her that " Someone had been killed in her car."

Ms Fike also advised that she had heard a rumor that "James", from Elyria, one of Dan Smiths main suppliers had given Ray and Stan each five hundred dollars for "Killing the Snitch." (James would be James Wilkerson who is currently serving time for Agg Drug Traff and who was asked by PS if he had any info on the case)

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We checked her garage for the tires and she did not have them. Her phone is turned off and she is scared that Ray or Stan will do her for talking to me if they find out. I advised her that her cooperation will be kept confidential as long as possible. She understands that she will have to testify at some point....

122794... Leiby submitted written request to records room to have dailies checked for the evening of 011894 thru the morning of 011994 for any reported disturbances in the area of Moms Open Kitchen. Requested a response in writing. Payne responded that the dailies were checked, then double checked by a second records clerk to ensure nothing was missed. There were no reported disturbances in the area of Moms on these dates.

122994 Leiby received a written report from Homoki concerning the disturbance on 091993 at Mr Hero.

1995

010295... Leiby Reviewed entire case.

Made appointment with Sandy Williams, Lallys girlfriend, to interview her in reference to the threats that Dan Smith made to her in September of 1993. She will be in at 1600hrs 010395.

Made appointment to re interview Darren Tacket at 1300hrs on 010395.

010395... Leiby Spoke to Linda Luke & Jeff Wagner of the Cuyahoga County Coroners Office, Phone 721 5610 reference to Luminol the car. They advise they need a dark bay to put the car in.

Left message for Moore or Beaman to call me

Left message at Rons parents for them to contact me.

010395... Leiby 1300hrs Interviewed Darren Tacket, [REDACTED] DOB [REDACTED] uses moms address 350 E River Elyria, Phone 323 7390 or uncle [REDACTED] address of [REDACTED] N Ridgeville, Phone 353 0076. Elyria Law Department Files
Tacket appeared cooperative and truthful. Saw the tape player and requested that the interview not be recorded. Advised that I should

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reinterview Terry Hopkins as he had first hand info on the case and was pending a presentence report on felony charges. Knew that Stan & Pops (Ray) had used the car and returned it with blood in it. He claims that Joann Pike told him what the car had been used for and showed him the blood. (In her interview she claimed he told her about it and showed her the blood spot in the trunk.

Advised that Dan Smith was looking for someone to do Ron. Knew the names of two people Dan had approached. The first being a C/M who lived at 155 Pasadena Ave and drove a brown work truck. Described the subject as skinny, about 38 years old, and wears a beard. A later check revealed this subject to be Richard Altpater. Claims Dan offered this guy \$5000. to kill Lally.

Second subject was a Carl Hartman from Campedo in Lorain. Hartman is or was good friends with Terry Hopkins. Claims Dan offered Hartman a Red BMW auto to "Take care of business for him". Claims Dan told him about this.

010395 1600hrs Leiby.. Interviewed Sandy Williams, Home phone 288 6119 work phone 284 6285 Parker Haniffin. She advised that Rons Moms phone number is 419 853 4040. Obtained a taped statement from her in which she restated that Dan Smith had approached her, in front of witnesses and made threats to harm her, and Rons parents if he testified against him. This occurred on 090793. A Linda Dennis, phone 323 7269, 1303 East Ave. up. Ms Dennis is out of town until 011695 but will cooperate. She states that a Mike Tolbert was also present when this occurred but has since moved out of state. Mr Tolbert had been selling Valium to Lally on a regular basis at the time this happened.

Said that a Mxd race male, 30 31 years old, looks PR, heavy set 5'11" blk curly hair name Duane, last name possibly Moore was hanging around with Ron alot at the time he made the bys for us and had been buying alot of crack from Dan.

010495..Leiby Spoke to Mike Able, manager at Shell Bell Gas Station. In the taped statement given by Ray Smith he indicated that they had stopped there for gas on the way to Cleveland. Thought I might be able to locate a witness. Able advised that they have a very large employee turnover and there is no record maintained of schedules....

010495..Leiby Spoke to P.O. Mike Jackson, phone 329 5228. Did Terry Hopkins presentence report. Hopkins is pending sentencing in Judge Glavas court for Agg Burglary. Att fel. Assault, Domestic Violence Advises he is using his moms address of [REDACTED] Phone 324 2301. Called that number and was advised that Terry isn't staying there right now. Can be reached at his girlfriends house at 775 7915.

010495 Leiby made contact with Glavas's court Phone 329 5371 and Hopkins has not been scheduled for sentencing yet. Call back weekly to get a date.

010495 Leiby contact with Lorain PD Ref Carl Hartman. They JaitowiczRecords Discovery with a SSN of [REDACTED] a 20 year old C/M with a phone numElyriadlawDepartment Files 5689. On probation for charges from the LCSO. Called his number, no longer working.

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010495 Moore called, he is on his way from Cleveland with Wagner to luminal the car. Moved the car from waste water plant to the Sally port at EPD.

010495 Leiby contact with Terry Hopkins. He has recently completey a rehab program at Compass House and wants to talk to me. Will be in at 1500hrs today.

010495 Leiby.. Det Moore CPD and Jeff Wagner of Cuyahoga County Coroners office proces Fikes vehicle in the EPD Sally Port. Took inside driverside trunk liner, Swabs from the drivers door, arm rest at door pull, both rear 14" Goodyear Invicta rear tires.

Wagner advised that they were able to find dog hair on Lallys coat from the cemetery that appears to match dog hair taken from the back seat of the car the first time it was processed. requested that I determine if Lally had ever been to Joann Fikes home. Also requests hair samples from her dog along with pictures of her and the dog together.

010495...Leiby/Whitely Terry Hopkins, SSN [REDACTED], DOB [REDACTED], is currently residing at [REDACTED] Oberlin Ohio, Phone 775 7915 with his current girlfriend Misty.

Agreed to an audio taped interview. Stated He & Misty were with Dan and Tammy the night that Ron was killed. The four of them had gone to Razzles Pub on Broad St. Dan acted starnge and sick all night. Right about bar closing He saw Queen Bee's (Fikes) convertible pull into Chapel alley across from Razzles. Dan went to the car and spoke to the occupants. (Terry did not see who was in the car but claims that his sister Sharon saw Stan Jalowiec, Ray Smith and Mike Smith in the car). Dan came back to the bar and really looked sick. All four left and went to Dams apartment. As they were going upo the stairs Hopkins asked Dan what was the matter. Dan replied "They did it" Hopkins asked "What do you mean" Dan replied : "They did it tonight man, they took care of business". Hopkins understood this to mean that Lally had been killed.

Stan later bragged to Hopkins that he had shot Lally in the face but the gun jammed. Ray complained that "The son of a bitch wouldn't staydown." They stomped him and finally had to run over him. Stan complained that Mike Smith panicked when they did it.

Hopkins is willing to testify concerning the information but requested that his cooperation be kept confidential as long as possible. He advised that we can contact his sister Sharon at 324 2301 for an interview.

Also suggested that we interview Vernard Berry, Darren Tacket, a light skinned black guy named Duane (Probably Moore) and his ex girlfriend Tomeka Foglyano at 244 4708...

010495..Leiby received a page to call Joann Fike (Code #100 when she pages). She advised that she has her phone turned back on but the number will be changeing. There is some confusion now about who came and got the car that night. She thinks that she wasn't home, Stan came and got the car, and her nephew loaned it to Stan.

We will make arrangements to reinterview her, interview Elyria Law Department Files nephew, photograph her dog and get hair samples. She will page me at noon tomorrow.

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010495.. Leiby Page Vernard Berry for a second interview. did not return my pages.

010595..Leiby Spoke to Mike Lopez mother. He don't live there anymore. I explained that I needed to talk to Mike and she advised that he is afraid to talk to me about it. She will ask him to contact me.

010595..Leiby Spoke to Capt Smith about getting money for Fike to get a car with. He felt that we could give her \$200.00 as long as Rosenbaum didn't mind. Called Rosenbaum. He'll think it over and I should call him back.

010595..Leiby Contact county Probation at 329 5229 learned that Hartmans PO is John Risner. Risner wasn't in today.

010595..Leiby contact with Sharon Hopkins. She was real hesitant on the phone and resisted the idea of coming in. She made an appointment for 1300hrs 010695.

010595..Leiby Spoke to Gayle. Payroll at County Auditors office she advises Carl Hartman works for the County Engineer. Called there, they advised he works at the county garage. Called the county garage and made contact with Hartman. He will come in at 1600hrs.

010595..Leiby Vernard Berry called. He will come in at 1700hrs 010695.

010595..1600hrs Leiby/Whitely Carl Hartman, [REDACTED] DOB [REDACTED] Elyria, Brothers Phone is 322 1817, gets off work at 1600hrs and would like for us to contact him at home as he is still probationary at work. Conducted an interview, made an audio tape

Advised that Terry Hopkins always was the one to talk to him about beating someone up. Denies that there was ever talk of him killing the guy and denies any talk about a red car or a red BMW. Says Hopkins talked to him several times toward the end of 1993 about beating the guy up and breaking his leg or something to get him to not testify. Dan was there during one discussion but stayed in the car while Hopkins talked to Hartman. Was in a black Tiempo or something like that. Dan never made personal contact.

Body language and attitude indicated that Hartman was being truthful. Offered to come back in the same time as Hopkins to clear up any questions, said to call if we needed him.

010595 1900hrs Leiby Typed message for Altpaters to contact me on

010695. Had Barbee deliver it to Mrs Altpater at [REDACTED] She got the message...(Message filed under 94-4525B in computer)

010695

9855 Leiby.. Tomeka Foglyano called. Leiby taped conversation. Her mom works with Sandy Williams so she has some knowledge from each side of the incident. She will come in today to be interviewed.

1000hrs Leiby Terry Hopkins called, made a covert tape, will Elyria Law Department Files transcribed. Says that Carl Hartman isn't telling the whole truth about meeting Durny. They did have a short face to face meeting at the Ridge
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Motel when Terry was present and Danny asked Hartman about killing someone. Hartman told him no.

1110hrs Leiby spoke with John Risner, 329 5228, Hartmans PO. Explained what was going on. He will bring Hartman in and interview him for me and tape the interview. He will crank on Hartman a little bit to get him to tell the whole truth. Will get back with me Monday.

1120hrs Leiby Terry Hopkins Called back. He has talked to his sister and she is going to be truthful when she comes in. She has additional information that Terry was not previously aware of. This call was also taped and will be transcribed.

1130hrs Leiby Tomeka Foglianno called, can't make it today. Maybe tomorrow around 1500hrs...

1200hrs Made contact with Beaman CPD gave him info on Tammy Castro aka Tammy Green, Dannels girlfriend, asked that they locate her and interview her. Provided them with her moms home and work phone number.

1200hrs Leiby/Whitely Sharon Hopkins, SSN [REDACTED] DOB [REDACTED] staying at her moms at 41571 Northwood, Elyria Phone 324 2301 works third shift at Ridge Tool in Elyria. Called wanted to come in early. Showed up ten minutes later. Had her little boy with her. Made a covert tape. She was pretty nervous. Says that she was out drinking the night Ron Died and was probably pretty drunk. She used to hang around with Tammy and they were her ride home that night. They got together right about bar closing.

When she hooked up with them the convertible had already left. Dan, Tammy, Ray and Mike Smith were present. They all loaded in the black tiempo and she thought they were going home. Tammy was driving and they turned S/B on Middle Ave. She asked what was going on and Dan told her to be quiet, he had to take care of something. She says they drove Middle ave and crossed the tracks at the South city limits. They let Ray and Mike out of the car along side the road then drove off. They parked up the street and waited.

The LeBaron convertible drove by them, then drove by again. They started following it and it stopped. Stan was driving. Dan asked something about picking up his brother and Sharon spoke to Stan. Then everyone went back to Dannels apartment. They dropped Sharon at her apartment where she hooked up with Terry & Misty.

The homicide was on the news a week later and that is when she and Terry talked about it.

Also advised that Raymond is staying at John Freezes place on Mendal Court.

1320hrs Leiby Whitely went to [REDACTED] and spoke with Lynne Altpater, SSN [REDACTED] DOB [REDACTED] No Phone. She was initially hesitant to speak with us. She finally said that Dan had asked her if she could get some poison to kill cats with. After a little more discussion and some assurances that the drug use was not an issue in this investigation Ms Altpater advised that Danny knew she worked for a doctor and had approached her about getting him some drugs that he could use to kill someone. Dan told her he was gonna let the guy live

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through Christmas but the guy wouldn't make the new year. Made a covert tape of this interview, it will be transcribed.

1430hrs Leiby.. went to 112 Greenway, spoke to Corrine (as she has asked to be called) Fike. Took photos and hair samples of her 4 year old registered female brindle boxer, Cleopatra, for the crime lab. New phone number is 365 2033.

Her nephews name is Brian Howington, phone number 244 0045. She is gonna let him know that I will be calling. He may have given Stan the keys to the car that night.

Corrine asked if she needed her attorney present at future meetings. I told her that she was the only one I was talking to that had an attorney. She is gonna page me Monday and maybe cancel the appointment with the attorney and just come to EPD.

While at Corrines Richard Altpater showed up. I left and called Corrine to see if interviewing him would be a problem. She said no. I flagged him down as he was leaving and had him meet me.

1545hrs... Leiby Made contact with Richard Altpater, Pager# 664 5774 SSN [REDACTED] DOB [REDACTED] Self employed painter, [REDACTED] no phone. Made a covert tape of this interview. Mr Altpater seemed very honest. Advised that Dan & Tammy were staying at the hotel behind McDonalds on Griswold Rd (Comfort Inn) at the time and Altpater was there. Danny asked him if he knew anyone that would kill someone for money, Richard asked "How much?" Danny offered \$1000.00. Richard said no. Danny asked Richard if he would consider doing it for \$1000.

Richard has talked to Stan recently and asked Stan if he was there when it happened. Stan claimed that Ron and Raymond were partying and got in an argument. Rone pulled a gun, Ray got it and shot Ron with it. Stan denied that he was there.

I asked Richard about a formal statement and he said he would give one and would testify in court.

1700hrs 010695 Leiby/Whitely.. Vernard Berry on station at Leibys request. Made a tape, did a reinterview concerning what had happened on Middle Ave. at Mr Hero. Vernard says he and Danny were playing cards at Dannys on West River when Stan called and said he had just seen Ron belly walking. Danny & Vernard jumped in the car and headed for Mr Hero. Enroute they picked up Robert Norman and an unidentified B/M. They parked over behind Lorain Muffler and Brake. They walked over to the apartment and Stan was already inside. Ron called the police so Dan didn't get to talk to him. Berry claims he did not hear any threats, that Dann just wanted to talk to Ron. This interview will be transcribed.

010795 Leiby... Worked on paper work, compiled a witness list to work off of. Had Dan Smith Call me from the jail. He requested that he be brought over to talk to me again. I had him brought over.

Leiby.. Read Dan Smith his rights which he waived. Dan still denies any involvement in the homicide and still claims Ray Smith hasn't told him anything about it. Interview lasted over an hour and Dan Smith did not change his story.

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Asked Dan about trying to find someone to beat up or kill Ron and he denied that. Then ten minutes later he brought up Richard Altpaters name as being with Stan when Stan was stopped in Corrines car.

I told Dan that I thought I had enough to go for an indictment on him for capitol murder. He still claimed to not know anything. Dan Smith offered to wear a wire when Ray came out to the county jail for a visit on 010895. He wants to set his father up on this homicide in exchange for consideration on his drug charges. Told him we weren't interested. Sent him back to the county jail. Interview was tape recorded.

010994..Leiby Det Moore CPD called. Advised they had located Tammy Marie Castro aka Tammy Green. C/F/23/DOB [REDACTED] SSN [REDACTED] Cleveland, Ohio Phone 281 7371. Ms Castro lives with Katherlyn Green, possible her mother, and has three kids, ages 2,3,& 5 and she works as a stripper at Sams Show Bar in Cleveland. She was Dan Smiths girlfriend at the time of the homicide.

Ms Castro showed up at CPD with her attorney Gary Eisner, 2401 Snow Road, Suite 305, Parma Ohio, Phone 661 2993. Mr Eisner advised Det Moore that Ms Castro was invoking the fifth and would not speak to the officers. Det Moore requested that I obtain a Grand Jury subpoena for her.

Leiby met with Rosenbaum & breifed him on this. Rosenbaum advsied to contact Eisner and find out what he was after. Rosenbaum will give her immunity and a grand jury subpoena if necessary.

Leiby called Mr Eisner, he was uncooperative. I asked if Tammy was looking for immunity or an excuse not to talk and he advised me that she did not wish to say anything. I advised him that she would get immunity and be subpoenaed before our grand jury. Mr Eisner was argumentative and at one point told me "If you think you can indict her go ahead."

Completed a written request to Rosenbaum outlining what I needed in reference to Tammy Castro.

1130hrs 010995 Leiby Made contact with Jeff Wagner, Coroners office and advised him that Corrine Pikes dog is a boxer and that I had obtained hair samples and photographs.

1140hrs Leiby learned that Richard Altpater had been picked up near Wilks Villa over the weekend (after I interviewed him) and was charged with Drug Abuse and paraphernalia, had a stem w/ residue. (See EPD complaint # 95-573 for details)

1300hrs Leiby Dan Smith called and wanted me to talk to his dad. Advised that his dad would come in an tell what happened if he could get a deal on his drug sentence. Told him Ray could call me.

011095 Leiby...Ray Smith called, said he was going to come in and make a statement and then demanded that the Judge, the Prosecutor, his attorney and I all be there. I hung up on him.

011195 Leiby reinterviewed Joann Corrine Pike. She advised that she had been going over the entire incident and now she belives that it was her

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nephew, Brian Howington Phone 244 0045 that gave Stan the keys on the night in question. Advises that she was out with a Sue Henley on that night.

She also wanted to change her story about why she went out to her car when Stan & Ray returned it that morning. She now advises that she was embarrassed and scared to tell me that she drove Ray over to Dans house to get crack cocaine. They took it back to her house and smoked it. They did not talk about Ron Lally when they got back to the house.

Had her view pictures of Ron Lally to determine if he had ever been to her house. She did not think he had been but advised that Darren Tackett once brought someone over who looked similar and was introduced as "Butch" or something like that.

011195 Leiby made contact with Darren Tackett. Tackett advised that he did not know Ron Lally at all and never took him to Fikes house.

011195 Leiby.. Dan Smith called to say that Ray would be calling me back and would be serious this time. I told Dan that I needed to know the name of the other person involved before I would do anything else. Dan said he would get back with me. Ray called a little while later and complained that I was pressing him and causing him alot of problems. Wanted to know if I could do anything about Dans drug sentence. I told him I wasn't doing anything else until someone gave me the nam of the third person involved in the homicide. Ray asked what he would get in return and I told him nothing. After some complaining Ray said the name "Stan" and said that he wasn't gonna say nothing else. Wants to come in on February 6th with Stan Jalowiec and confess to what they did and wants Dan off the hook in exchange. There is no way in hell we'll do this. There have been absolutely no promises made at this point and I have made that very clear to them.....

011195 Leiby Temeka Foglyano SSN [REDACTED] DOB [REDACTED] Phone 244 4708 (H), 934 4092 (W) [REDACTED] Lorain She advised that she, Misty Waseleski, and an unidentified female were all going out with Terry in Jan of 1994. Ms Foglyano has a child by Terry Hopkins. She advised that Misty was the one involved with Terry and Dan smith and would be the one to interview concerning the homicide.

She is unable to provide any information on the homicide. Heard rumors that Dan wasn't there when it happened. That Dan had someone do it for him.

Suggested that we talk to Tammy Jalkowiec, Stans sister, but really couldn't say why. Audio taped interview, not transcribed.

011195 Leiby received a call from Mike Lopez. Lopez insisted that he does not know anything about this homicide. Will not come in and talk. Would not give me the name of his attorney on the drug charges. I advised him that he may be able to get his charges dropped in exchange for cooperation. He advised that he wasn't gonna do any time anyway. Did not seem like he is gonna see things my way.

011195 Leiby left a message for Brian Howington to call me. Jalowiec Records Discovery
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011295 Leiby Brian Howington [REDACTED] Lorain (Dads Address)
Phone 244 0045. SSN [REDACTED] DOB [REDACTED] C/N/Works for H&B Window

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Cleaning. Corrine Pike's nephew. Called and made an appointment for an interview on Saturday 011395 at 1300hrs.

Advised over the telephone that on the evening that Ron Lally died he and Stan Jalowiec had been out drinking. They had been using Corrine Pikes car. They returned to Pike's residence and Stan wanted the car. As best as Howington can remember Stan left with the car at around midnight. Howington didn't go with him

011494.. Leiby/Whitely.. Brian Howington came in for an interview. The interview was prefaced with discussion about the use of crack cocaine. Howington was advised that he would not be charged for any drug offenses as a result of this investigation.

Howington advised that he and Stan had gone out drinking on the evening of 011894 at about 2000hrs. They were using Corrines LeBaron and had been at Razzles and Power Slam. About 2300hrs they decided to go back to Corrines house. Stan advised he had to pick someone up first.

They drove to a big house next to Mr Hero on Middle Ave and went in. Howington & Stan went to this big guys apartment. Howington, Stan, the big guy and another unidentified C/M sat and smoked a joint in the big guys room. Then Howington, Stan and the big guy went back to Corrines where the smoked about three stems of crack cocaine and played pool. They did not eat anything while with Howington.

Stan got a page around 1230hrs (plus or minus) and made a phone call. Stan said he needed corrines car and Howington gave him the keys. Somewhere around 0100hrs(plus or minus) Stan and the big guy left 112 Greenway together in Corrines LeBaron.

Howington advised that Corrine got home a little after bar closing. Stan and Pops (Ray Smith) brought the car back sometime around 0600hrs 011995. Howington observed that the car had been washed and was frozen up (as indicated by Corrine) and observed small blood spots on the car. Howington also saw a little blood on Stans clothes. Stan explained that he had been in a fight downtown. Howington went to bed and did not see Corrine leave with anyone nor did he wake up when she returned.

Howington advised that he lived with Corrine at the time all of this was going on. He never heard Dan Smith threaten to kill anyone. ~~Never talked to Stan or Ray about the homicide.~~ This interview was audio taped and will be transcribed.

Howington was given a seven photo lineup with Ron Lallys photo. He was able to pick Lallys photo from the lineup with little difficulty. The polaroid photo lineup is preserved as evidence.

011695..Leiby Made contact with Corrine Pike and obtained AKC registartion papers for her dog, Cleo, to cover any questions about how long she has owned the dog.

030695 Sandy Williams called advised that she had spoke with Jalowiec over the weekend. He told her he had spoke with Duane Moore. Moore talked about Stan Jalowiec being locked up and spoke of his

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knowledge of the homicide. Also told Williams that the guy who was with Ron the night he was taken is named Frankie, aka Monkey Man.

ELYRIA POLICE DEPARTMENT
INVESTIGATIVE SUMMARY CASE #94-2363

VICTIM: Jeffery W Hicks, 788 Pinwood Ct, Elyria, Ohio, 44035
Phone: 365-2199, C/M/DOB [REDACTED]
SSN: [REDACTED]

DEFENDANT: Stanley E Jalowiec, 145 S Olive St., Elyria, Ohio 44035
Phone: Unknown, C/M/DOB [REDACTED]
SSN: [REDACTED]

WITNESSES: Paul Miller, 308 West Ave, Elyria, Ohio, 44035
Phone: 323 9541, C/M/DOB [REDACTED]
SSN: [REDACTED]

Diana Butler, 532 Stanford Ave, Elyria, Ohio, 44035
Phone: 322 6973 C/F/DOB [REDACTED]
SSN: [REDACTED]

~~Lisa Biancardi~~ 365-9720

Rachelle Givens

POLICE OFFICERS: Det A.L. Leiby (Case Officer), Ptlm R.G. Leshner,
Ptlm. H.P. Adams.

EVIDENCE: EMHER Hospital Treatment records.

NARRATIVE: On 012994 at approximately 1618hrs Mr Hicks came to EPD to report that he had been assaulted on 012794 at approximately 2355hrs in front of 360 Depot St. Ptlm Leshner was assigned the initial investigation. Ptlm Leshner learned that Mr Hicks had been in the Warehouse bar when he became involved in a verbal altercation with a subject known only to him as "Stock." As a result of that argument Mr Hicks & Stock were asked to leave the bar.

Mr Hicks advised that he was intoxicated and as he exited the bar he was either pushed, or fell to the ground, and passed out. As Mr Hicks lay on the ground, unconscious, he was kicked in the face causing a fractured jaw. The severity of the injuries was not evident and Mr Hicks was taken home by friends.

When Mr Hicks awoke on 012994 he found his jaw swollen. Mr Hicks went to EMHER where he was treated for a fractured jaw by Dr St. Marie, and released.

Mr Hicks was able to learn that after he fell to the ground, he was kicked in the face by "Stock".

Mr Hicks described "Stock" to Ptlm Leshner as thin build, average height with short hair. Mr Hicks also advised that "Stock" was wearing a dark baseball cap with the letters FBI on the front.

At approximately 2000hrs on 012994 Ptlm H.P. Adams made a check of the downtown bars in an attempt to locate "Stock".

Ptlm Adams located a subject fitting the description and wearing an FBI hat, sitting at the bar in the PowerSlam Lounge. Ptlm Adams identified this subject as Stanley Jalowiec.

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Ptln Adams questioned Mr Jalowiec about the assault. Mr Jalowiec admitted that he had been at the Warehouse Lounge on the previous evening and that there may have been a fight but he was not involved. Mr Jalowiec agreed to accompany Ptln Adams back to EPD for further investigation.

Mr Hicks was then contacted and responded to EPD. Mr Hicks positively identified Mr Jalowiec as "Stock", the individual he had argued with. Mr Hicks was unable to say if it was Mr Jalowiec who kicked him as he was unconscious at the time.

The officers then obtained the identifying data on Mr Jalowiec and released him pending further investigation.

On 013194 Det Leiby was assigned the investigation and made contact with Mr Hicks. Mr Hicks provided the officer with the names of witnesses.

Det. Leiby was able to make contact with Paul Miller. Mr Miller was able to make an identification on Mr Jalowiec based on his physical description and the FBI hat. Mr Miller advised that he had observed Mr Jalowiec to kick Mr Hicks in the face as Mr Hicks lay on the ground. Mr Miller advised that Hicks was unconscious, and unable to defend himself.

Det. Leiby was able to make contact with Diana Butler. Ms Butler advised the officer that she and her friend, Lisa Biancardi, were in the bar after Mr Jalowiec was released by police. Both ladies were able to hear Mr Jalowiec bragging about how he had kicked someone in the face, and the police couldn't prove it. Mr Jalowiec went on to demonstrate for friends, how he had kicked the victim, making kicking motions as he bragged.

Based on the information contained above, Det. Leiby signed a Felonious assault warrant for Stanley Jalowiec.