

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO,

Plaintiff

Case No. CR91-11-0947

vs.

GUY BILLY LEE SCOTT,

Defendant

AFFIDAVIT OF DAVID A. LINDLOFF

State of Ohio

SS:

County of Preble

David A. Lindloff, being first duly cautioned and sworn, does state the following:

1. My name is David A. Lindloff. I have been employed as an investigator for the Preble County Prosecuting Attorney's Office since 1984. Prior to joining the Prosecuting Attorney's Office, I was employed as a deputy sheriff for Preble County, Ohio, from 1974 to 1984. During both said periods of employment, one of my main duties has been to talk with victims, suspects, and witnesses to secure information from them.

2. The first time I ever met Gary Heath was on March 22, 1991. Gary Heath had been released from the Preble County Jail on a felonious assault complaint made to the Camden Police Department by his wife Alicia and was allegedly on his way to Camden to confront her. I was called to the scene where he had been stopped by Sheriff's deputies and advised him to have no contact with her pending further investigation.

3. My second contact with Gary Heath was on May 15, 1991, when I happened to be in the courtroom where he was arraigned on the charge of felonious assault. Heath motioned to me in the courtroom and told me that he wanted to talk with me. I subsequently met with him and

EXHIBIT A

took the statement from him which is attached to this exhibit. In that statement, he related to me that he had been present when one Vendetta Cox was murdered in Warren County, Ohio, in October of 1985. He also claimed that he was giving me this statement because he had put those men who killed Cox onto his current wife's trail with the idea that she would be killed and that he regretted what he had done and he wanted to stop them from hurting her. This was the only time I had a one on one meeting with Gary Heath while he was incarcerated at the Preble County Jail.

4. At no time during my meetings with Gary Heath on March 22, 1991, or May 15, 1991, was there any discussion of any case involving Billy Scott.

5. On or about August 5, 1991, Prosecuting Attorney Ferguson showed me a letter she had received from Gary Heath, who claimed to know details about the Lesa Buckley homicide. She requested that I go to the Dayton Human Rehabilitation Center where Heath was incarcerated to check out what he had stated in his letter to her. I had had no contact with Heath since the statement about the Cox homicide was taken on May 15, 1991.

6. On August 8, 1991, I went to the Dayton Human Rehabilitation Center with Deputy Frank Ford to talk to Gary Heath about his letter to Ms. Ferguson. This was my third contact with Gary Heath and to my best recollection, this was the only time I talked with him while he was at the Dayton Human Rehabilitation Center. As far as I can recall, this was the last meeting I ever had in person with Gary Heath. At that meeting, neither myself or Deputy Ford gave Gary Heath any details about the Buckley homicide before or after taking a taped statement from him, a copy of which is attached hereto. At no time were any promises made to Gary Heath, a fact that he acknowledged at the conclusion of his taped statement. This was the only time that I can ever recall discussing the Buckley homicide with Gary Heath, face to face.

7. On August 12, 1991, I received a letter from Gary Heath, reaffirming the details he had related to me during our August 8 meeting. A copy of that letter is attached hereto.

8. On August 14, 1991, I received a follow up letter from Gary Heath, a copy of which is attached hereto.

9. At no time in my meetings with Gary Heath, or any other individual, have I ever suborned perjury.

10. In the fall of 1995, Gary Heath was convicted of attempted murder and burglary in the near-fatal shooting of his then-wife Deanna Louderback in Hamilton County, Ohio. See news clipping attached hereto taken from the Cincinnati Enquirer.

11. In April of 1996, in Warren County, Ohio, Gary Heath was convicted of the murder of Vendetta Cox and was sentenced to a term of 15 years to life. I was called upon at that trial to testify regarding the statement that he gave me on May 15, 1991.

FURTHER THE AFFIANT SAYETH NAUGHT.

David A. Lindloff
David A. Lindloff

Sworn to before me and subscribed in my presence this 20th day of September, 1996

Vicki Mowry
Notary Public, State of Ohio

VICKI MOWRY Notary Public
In and for the State of Ohio
My Commission Expires March 23, 1997

Dear Sir,

Once again I am writing to you concerning my incarceration here at the Clayton Human Rehabilitation Center. Even though these letters and their contents carry no weight in making your decision regarding suspending the remainder of my sentence, it helps me deal with the anger and frustration I feel.

I received a copy of the prosecution's motion in opposition to my early release and I'm thoroughly confused because according to my last attorney, Stephen Burns, the prosecution submitted a favorable recommendation the last time which you denied and now they strongly oppose to it. I think a fair question to ask right now is, why it don't make any sense what so ever to me!

Why won't anyone believe me about what happened that night? I plead guilty to the aggravated menacing because I accept responsibility for sending those letters and their contents. Because of the emotional & mental strain, I used extremely poor judgement which I regret!

I only plead guilty to the assault on the constant urging of my attorney, Stephen Burns, because of the possible promise to an 8-15 year sentence if found guilty at trial. At the plea hearing you acknowledged case history on that; why won't you acknowledge it now?

I did not attack my wife that night and I've never laid a hand on her ever. I can't accept responsibility for something I didn't do! In your decision regarding visitation with my son you state that "since there was no trial in the matter you have no one will ever know who was the aggressor that night." Those are your exact words on paper! How can you say something like that and then continue to do this to me?

I told you long ago what she was going to do; I'm

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2. One of the visitations I had with my son. I knew what
was up to because I know how she is. It struck
me as odd that she is living with the guy that lived next
to who is supposed to have been an eye witness to the
"ole thing". That's right, we've only been divorced less than
months and they've been living together and getting married!
I was even told that he plans on adopting my son.
It serves no purpose for my incarceration any longer. Except
purpose. I have served the sentence for the crime I did commit.
I now I'm serving time for something I didn't do. I'm angry
at you just flat out refuse to put a stop to this.
By the time you receive this you'll have probably already made
your decision to deny my early release but you can't give up be-
cause that will mean that I admit defeat.
I've been lied to and lied on, what else can happen to me? Am
I thoroughly convinced that I'm responsible for what happened
that night. Regardless I'm out of here in 112 days and no amount
of pressure can stop that!
Thank you for your time in reading this letter.

Respectfully yours,

Gay S. Halk
(INNOCENT MAN)

Scott to continue effort to overturn conviction

By ARUNDI VENKAYVA

Staff writer

HAMILTON, Ohio — A Richmond man convicted of rape, assault and murder in 1992 will keep trying to overturn his conviction, his attorney said.

Guy Billy Lee Scott was denied post-conviction relief earlier this month by Butler County Common Pleas Judge George Elliott. But Scott's lawyer, H. Fred Hoefle of Cincinnati, said he will file for a rehearing.

"I'll move to reconsider what he's done," Hoefle said. Hoefle did not know when or where the motion will be filed, and he refused to comment any further.

Scott was convicted for the July 7, 1990, murder and rape of Lesa Buckley of Eldorado. He was sentenced to 15 to 25 years on

the rape charge and 15 years to life on the murder charge. He was convicted in Butler County after his trial was moved from Preble County.

Scott also was convicted in 1981 of voluntary manslaughter for the shooting of Albert "Pete" Ruebush in New Paris. He was sentenced to eight to 25 years for that crime. His petition applies to the Buckley case.

Guy Billy Lee Scott



Buckley, 20, was found dead in a lake on the American Aggregates property near New Paris.

She and Scott attended a party there on the night of her death. Investigators said she and Scott wandered away from the party, but when Buckley refused to have sex, he raped her, beat her and threw her into the lake.

In his motion, Scott's attorney argued that Gary Heath, a man in prison with Scott, perjured himself before the grand jury that returned Scott's indictment.

In a transcript of a conversation between Heath and William Riley, an investigator for Scott's then-attorney, Steven Hobbs, Heath said he was fed information about the Buckley investigation by David Lindloff, an investigator with the Preble County prosecutor's office.

Heath said Lindloff approached him and gave him information about the Buckley

case. Heath also said that in exchange for his testimony, he was offered, "to have my time reduced, guaranteed visitation with my son and not sent back on the parole violation."

Lindloff said he never approached Heath. He said Heath sent letters to Preble County Prosecutor Rebecca Ferguson that detailed the Buckley murder. Lindloff said he testified against Heath last year in Warren County in a 10-year-old aggravated murder case, for which Heath was convicted.

"I don't think Gary Heath is too fond of me," Lindloff said. Heath did not testify during Scott's trial, Lindloff said. "As I remember it, Lindloff was playing this game," Lindloff said. "Neither side wanted to use him."