

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 REBECCA J. FERGUSON

State of Ohio

SS:

County of Preble

Rebecca J. Ferguson, being first duly cautioned and sworn, does state the following:

1. My name is Rebecca J. Ferguson. I have served as the Prosecuting Attorney of Preble County, Ohio, since February of 1991. Prior to that time, I was employed as an Assistant Prosecuting Attorney for Preble County, Ohio, from October of 1975 until my appointment as Prosecuting Attorney.
2. Gary Heath was indicted on April 9, 1991, for felonious assault in connection with an incident occurring on March 20, 1991, wherein Gary Heath's wife, Alicia Heath, sustained a stab wound to the neck. The case was assigned to and handled by my assistant, Mr. K. Brent Copeland. The case was resolved by Heath's pleas of guilty to assault and aggravated menacing charges on July 30, 1991. He was sentenced on those charges on August 2, 1991, to two six month sentences to be served consecutively at the Dayton Human Rehabilitation Center, with credit for time already served of 81 days.
3. On August 5, 1991, I received a letter from Gary Heath, dated August 2, 1991, stating that he had information about Lesa Buckley's homicide and Guy Billy Lee Scott's role in this homicide. He gave some details of the information and offered to give a statement, testify at Grand Jury and testify at Scott's trial if the State of Ohio could use the information. A copy of that letter is attached hereto.

EXHIBIT B

4. After receiving the letter of August 2, 1991, I showed the letter to my investigator, David A. Lindloff, and requested him to go the Dayton Human Rehabilitation Center and talk with Gary Heath regarding his offer.

5. Mr. Lindloff and Deputy Frank Ford reported to me that they talked with Gary Heath at the Dayton Human Rehabilitation Center on August 8, 1991, and that he reaffirmed the information contained in his letter to me of August 2, 1991. He also gave them a taped statement, a copy of which is attached to Mr. Lindloff's affidavit.

6. On or about August 9 or August 12, 1991, I received a letter from Gary Heath dated August 8, 1991, regarding his meeting that day with Investigator Lindloff and Deputy Ford. He reiterated his willingness to testify as to his knowledge of the Scott/Buckley matter.

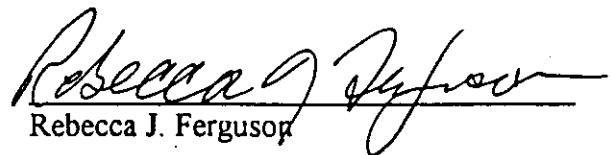
7. On August 20, 1991, Gary Heath did testify at the Grand Jury, along with a considerable number of other witnesses. The only promise that was made to him by me in connection with his testimony was that Judge Abruzzo would be apprised of his cooperation and his offer of assistance.

8. After Gary Heath testified at the Grand Jury, he began to make escalating demands for the State to release him from jail and intervene in his divorce case. In essence, he attempted to manipulate the State of Ohio into giving him anything he wanted for his further cooperation. The State of Ohio refused to do his bidding. In fact, the State opposed his pro se motion for early release on his sentence. See the attached Motion in Opposition filed on December 10, 1991.

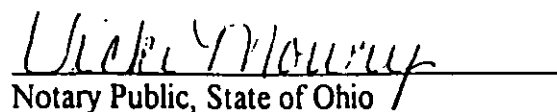
9. The State of Ohio chose not to call Gary Heath as a witness at the trial of Billy Scott, although Heath had been subpoenaed by both the State and the defense.

10. At no time did I ever have reason to believe that the original information and testimony offered by Gary Heath at his grand jury appearance was perjured.

FURTHER, AFFIANT SAYETH NAUGHT.


Rebecca J. Ferguson

Sworn to before me and subscribed in my presence this 30th day of September, 1996.


Notary Public, State of Ohio

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

1613 S. GETTYSBURG AVE
DAYTON, OHIO
45408

DAYTON OH 454 PM 08-03-91 OCE #1
1991



REBECCA FERGUSON
% PREBLE COUNTY COURTHOUSE
COURT OF COMMON PLEAS
EATON, OHIO
45320

RE: CC-91-6841 CC-91-6887

AT

REC-126

Friday August 2

AUG 5 1991

Dear Ms. Ferguson,

Please hear me out before throwing this letter in the trash. Before I get to the reason I'm writing, I like to let you know that I hold no ill feelings toward you personally, however your system doesn't work, atleast not this time.

I never stabbed my wife! She pulled what I believe to be a pair of scissors out of her purse and came at me with them, all I did was grab onto her hands and after that I'm really not sure. I know one thing for sure, I never had the weapon in my possession at anytime, prior to during or after the incident.

I plead guilty to the assault, not because of guilt but on advice of my attorney. I never asked for a misdemeanor deal, that was between my attorney and Mr. Copeland. I had no problem pleading guilty to the ass. menacing because I accept full responsibility for those letters and their contents. I've admitted that all along. I mismanaged the situation and I completely accept that part of my sentence but not the assault. How to the wa-

son I'm writing you. When I accepted the deal offered by Mr. Copeland I realized that the system doesn't work for people like me. Now I'm offering you a possible compromise to this situation I'm in and the situation you're in concerning Lisa Buckley.

I spent the better part of three months with Billy Scott and I have to admit he's one very strange guy. I believe he killed Lisa Buckley and four other women in Florida. Maybe it's nothing, but it might be worth checking out before you just dismiss it all together.

I can't go into a lot of detail because this little envelope won't hold that many pages but here's basically what Billy told me. The day they took hair samples from him he was flipping out so I ask him what was wrong.

He told me that they had a big party at a gravel pit in New Paris. Everyone was drinking & getting high. Him and Lisa were sitting on his truck drinking Tequila & eating buritos. He talked her into taking a walk with him to smoke a joint when his

girlfriend wasn't around. They walked to the other side of the lake where they sat down and smoked a joint. He started playing with her tits and trying to talk her into fucking him. She kept saying no because of his girlfriend and he got pissed because she fucks everyone else. When she started to get up he hit her and threatened her into sucking his dick. Somehow his necklace got caught in her hair and she screamed when he pulled it out. She took off running towards the lake and when he caught her, he hit her again and she fell down. He said she just layed there while he fucked her. He pulled her shorts up, rinsed the mud off his pants and went back to the party.

The next day, Jim & Jerry York went swimming and Billy intentionally swam in that direction to find her to draw suspicion away from himself. When Billy saw the cup he'd been drinking out of the night before, they filled it with gravel and through it in the water. There's some other stuff but it isn't that important right now.

Right before his trial started, he heard from

was hurt by her own actions, not mine. I'm trying to save visitation with son because he's all I got.

You call the shots Mrs. Ferguson and I'll jump for you! Please give me the opportunity to prove myself to you but don't involve my attorney because he's real tight with Steve Hobbs and I don't trust him after what he got me on his advice!

Thank you for your time in reading this letter. If you can use anything I've written, either come here so we can sit down & talk or bring me back there; it doesn't matter. I hope to hear from you soon.

Sincerely,
Gary S. Heath

P.S. You're wrong about me! I didn't stain my wife and I'm not a violent person. She played all of you for a fool.

■ **STATE HONOREE:** Rebecca Ferguson, Preble County prosecutor, will receive the Ohio State Bar

Palladium-Item photo by Steve Koger
Association's distinguished service award Thursday. Ferguson has practiced law for more than 22 years.

Prosecutor's challenge met with reward

WED. MAR. 18, 1988 PAL-172N

Ferguson to receive service award from Ohio State Bar Association

By Arundi Venkayya
Staff writer

EATON, Ohio — When Rebecca Ferguson was growing up, she thought she would be a doctor.

The Preble County prosecutor spent her college years studying biology at Ohio State University.

But after problems in organic chemistry and with the medical school entrance exam, her adviser suggested she take the law school entrance exam instead.

It turned out to be a good choice. Ferguson tested well and was accepted to Wake Forest University Law School.

On Thursday, Ferguson, who has practiced law for more than 22 years, will be honored by the Ohio State Bar Association with the distinguished service award.

Local attorney Herd Bennett nominated her for the award.

"I believe that she is one of the most capable lawyers who has ever practiced in our county," said Bennett, who serves on the state board for the bar association.

Once frightened of speaking in

public, Ferguson came home to Ohio to be closer to her family after law school graduation.

She began working in the prosecutor's office in 1975 and opened a private practice in 1976. Only two paid attorneys worked in the prosecutor's office when Ferguson began.

Six county-paid attorneys work in the prosecutor's office today.

Her first jury trial was a rape case, and she had a realization.

"It made me aware of how little rape was talked about (in society)," Ferguson said.

After that trial, she began a rape prevention program that included speaking at local groups, which was another step toward losing the fear of public speaking. Several times after she finished speaking, women would approach her and tell her about being raped.

"It really made me very aware of how there were no support systems for victims' rights in this county," she said.

Ferguson, 47, was appointed prosecutor in 1991, replacing Bill

Ducs, who became juvenile and probate court judge.

Although she deals with crime on a daily basis, Ferguson said she decided to keep seeking re-election to the prosecutor's office because the job is "very challenging and rewarding."

But she also said she doesn't look at the world with the same idealism as when she left college.

"It has made me realize much more specifically how horribly people can treat each other," she said.

Within her first six months of being appointed prosecutor, Ferguson started working on a victim's rights project.

"She really started it," said Mary Buckley, Preble County victim/witness advocate.

Buckley, whose daughter Lesa was murdered, said she got to know Ferguson through her family's tragedy.

"She is a very professional lady," Buckley said. "I respect her to the fullest. She is more than fair.

"She is tough as nails, but she's got a heart the size of Texas. She is one grand lady."

"She is tough as nails, but she's got a heart the size of Texas. She is one grand lady."

Mary Buckley, Preble County victim/witness advocate