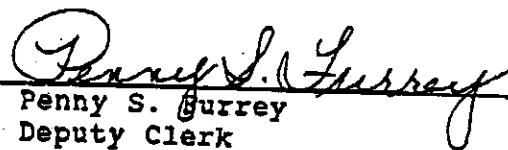


C E R T I F I C A T E

I hereby certify that the foregoing is a true, correct, and complete transcript of the testimony of Gary Steven Heath, before the Grand Jury of Preble County, Ohio, May Term, August 20, 1991, and recorded by me on cassette tapes, and that the said transcript has been compared with the cassette tapes by me.



Penny S. Gurrey
Deputy Clerk
Court of Common Pleas
Juvenile Division
Preble County, Ohio

IN THE COMMON PLEAS COURT, PREBLE COUNTY, OHIO

IN THE MATTER OF THE GRAND JURY OF

PREBLE COUNTY, OHIO, MAY TERM, 1991:

TESTIMONY OF GARY STEVEN HEATH

AUGUST 20, 1991

APPEARANCES:

Rebecca J. Ferguson
Prosecuting Attorney
Preble County, Ohio

Edmund Kalil
Assistant Prosecuting Attorney
Preble County, Ohio

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Examination of witness, Gary Steven Heath, in front of
the Grand Jury, by Rebecca J. Ferguson, Prosecuting Attorney,
and Edmund Kallil, Assistant Prosecuting Attorney,
August 20, 1991.

GARY STEVEN HEATH, having been first duly sworn, testified
as follows:

FERGUSON: Would you please tell us your full name?

HEATH: Gary Steven Heath.

FERGUSON: And what's your age, Mr. Heath?

HEATH: Thirty-one.

FERGUSON: And uh, your address right now is what?

HEATH: 1613 South Gettysburg Road, Dayton.

FERGUSON: Okay and that is the Dayton Workhouse address?

HEATH: Dayton Human Rehabilitation Center.

FERGUSON: Okay. Uh, now you're in there because of some
charges that have nothing to do with this Lesa Buckley
investigation, is that correct?

HEATH: Yes ma'am.

FERGUSON: Okay, and Mr. Heath, did you have occasion
to send me a letter and send Officer Swihart a letter
about two weeks ago indicating that you had information
about the Buckley homicide?

HEATH: Yes, I did. August 3rd and August 4th.

FERGUSON: Okay, and uh, you were a cell mate or well,
a, you were in the Preble County Jail with Billy Scott
during the time he was being tried for the shooting in
New Paris, is that right?

PENGAGIMDY MUNCIE IN 47102

SF-2094

1 HEATH: Yes ma'am.

2 FERGUSON: Did Billy Scott talk to you about Lesa Buckley?

3 HEATH: Yes, he, yes.

4 FERGUSON: What, what happened that caused him to
5 start talking about Lesa Buckley?

6 HEATH: ~~Uh, I don't know exactly, how much time elapsed,~~

7 uh, I don't know the day. I know it was a Tuesday. Uh,
8 we had sick call for the doctor and we both signed up
9 to see the doctor. Uh, they bypassed me and pulled him
10 out first. He was gone quite awhile, came back and was
11 all upset. Uh, I'd spent some time up there with him.
12 I tried to calm him down and asked him what the problem
13 was and he showed me a search warrant uh, for some hair
14 samples. Uh, I asked him what it was all about and he
15 told me this rather hideous story.

16 FERGUSON: Okay and what did he tell you?

17 HEATH: He told me that it was all over a party at a gravel
18 pit in New Paris over the 4th of July of last year. Uh,
19 he said there was a lot of people there. It was after
20 a concert they went to, um, they went, at this party,
21 he was there, his girlfriend was there, uh, and this girl
22 named Lesa Buckley. Him and Lesa Buckley was sitting
23 on his truck eating Doritos and drinking tequila. He
24 talked her into taking a walk with him to smoke a joint.
25 She agreed as long as his girlfriend didn't see 'em leave.

PERGAD/INDY. MURKIE. IN 47303

SF-3094

1 They walked to the other side of the gravel pit, sit down,
2 was smoking a joint, uh, you want me to go word for word
3 with all the profanity and all that?

4 FERGUSON: Okay, did, well, what you related the way that
5 Billy related it to you. Did Billy indicate that Lesa
6 had smoked a joint?

7 HEATH: Yes.

8 FERGUSON: Okay.

9 HEATH: He said he started, uh, excuse my language, uh,
10 playing with her titties and uh, trying to get her to
11 have sex with him. Do you want the exact words or can
12 I just kind of?

13 FERGUSON: Uh huh.

14 HEATH: Wanted her to fuck him. Uh, she wouldn't because
15 his girlfriend was back at the party. Uh, he said that
16 she wasn't anybody's and he thought he had the right to,
17 everybody else did. Uh, she got up to leave. He hit
18 her uh, threatened her into sucking his dick. Somehow
19 his necklace got caught up in her hair. When he went
20 to pull his necklace free, she screamed and ran towards
21 the water. He hit her again, uh, knocked her down. Uh,
22 he said she just laid there uh, while he fucked her and
23 punished her. When he was done, he pulled her shorts
24 up, got in the water to wash the dirt and the mud of him
25 and returned back to the party.

PENGANNBY MUNCIE IN 47902

SF-2094

1 FERGUSON: Okay, did he relate this story to you more
2 than once?

3 HEATH: Yes, several times.

4 FERGUSON: Okay, and prior to the time that search warrant
5 had been served on him for the hair, had he ever mentioned
6 anything about Lesa Buckley?

7 HEATH: Nothin'. All the talk was about the Stoner/Ruebush/Ferguson
8 incident.

9 FERGUSON: Okay. Now uh, prior to the other problems
10 that caused you to be upstairs in jail with Billy, had
11 you ever known Billy Scott?

12 HEATH: Never heard of his name. Never heard of New Paris.
13 Never heard of the shooting in New Paris.

14 FERGUSON: Okay, had you ever been in New Paris?

15 HEATH: I don't even know to this day where New Paris
16 is. I've been no farther north than Ames out here in
17 Eaton.

18 FERGUSON: Okay. Uh, you're basically from down in the
19 Butler County area, is that right?

20 HEATH: Yes, Hamilton.

21 FERGUSON: Okay. Um, when Billy was telling you about
22 what had happened with Lesa Buckley, what was his emotional
23 demeanor? How did he act about it?

24 HEATH: Kind of boastful. Like he was bragging.

25 FERGUSON: And uh, did he ever explain to you what he

1 meant when he said that he fucked her and punished her?
2 HEATH: No, he did not and I didn't have the heart to
3 ask.

4 FERGUSON: Okay. Did he ever talk to you about what,
5 or did he ever at anytime indicate to you about what kind
6 of sex he liked?

7 HEATH: Yes, he did. Several times. Uh, that's quite
8 a popular subject in jail. Uh, he liked it rough. He
9 liked to slap and punch and bite. He told me about some
10 sexual experiences with his girlfriend and uh, it makes
11 me sick.

12 FERGUSON: Did he ever indicate to you that he'd ever
13 drawn, ever bit a woman hard enough to draw blood?

14 HEATH: Yes, he did. His girlfriend.

15 FERGUSON: Can you think of anything else that he might
16 have said, Gary, about this incident or anything else?

17 HEATH: Yes, he said that after he got back to the party,
18 uh, he immediately saw some scratches on his chest, uh,
19 and about the exact same time, a fight broke out. He
20 got in the middle of the fight to break the fight up because
21 it was between some of his friends and afterwards he was
22 asked about the scratches and he dismissed it as being
23 inflicted in the fight. He also told me about the next
24 day, him and his dog and a guy named Jerry York went swimming
25 and his exact words were, he intentionally led Jerry York

PENCAJ/INDY, MUNCIE, IN 47302

SF-2094

1 back to where him and Lesa Buckley was the night before
2 and his exact words was, to draw suspicion away from himself.
3 Uh, he said that they were walking in the water. They
4 were walking, they were on the bottom but they were walking
5 in the water uh, Jerry York had said, look, there's a
6 frisbee. Billy said, no, it's not. He walked over and
7 rolled her over and they started screaming for help.
8 He noticed a plastic cup sitting on the bank of the, of
9 the gravel pit. Uh, he said it was a cup that he had
10 been drinking out of the night before, that he filled
11 it full of gravel and threw it in the lake so it would
12 sink.
13 FERGUSON: Okay, Billy said that he filled it full of
14 gravel and threw it in the lake?
15 HEATH: He said that Jerry York picked it up first and
16 then Billy grabbed it and filled it full of gravel and
17 threw it in the water.
18 FERGUSON: Okay, did.
19 HEATH: And it sank.
20 FERGUSON: Okay, did Billy talk about anything else that
21 he or Jerry threw into the lake besides the cup?
22 HEATH: No, ma'am.
23 FERGUSON: Did he tell you what kind of a cup it was?
24 HEATH: It was a plastic fast food cup. He described
25 it to me as like a promotional cup, like you would get

SF-2094
FOWAD/INDY. MUNCIE, IN 47302

SF-2094

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1 when you pay 69c at Arby's or Hardee's or someplace like
2 that. He described it as a plastic fast food promotional
3 cup. He didn't say what was on it or anything.

4 FERGUSON: Okay. Uh.

5 KALIL: Do you know Jerry York?

6 HEATH: Uh, just, I heard the name from Billy, that's
7 it.

8 KALIL: Would you know him if he sitting in this room?

9 HEATH: No sir.

10 FERGUSON: Okay, Gary, did Billy ever indicate to you
11 how Lesa Buckley got into the water?

12 HEATH: No. Uh, when he told me that he pulled his necklace
13 out of her hair and she screamed and ran towards the water,
14 uh, that he caught her and hit her. Uh, he didn't come
15 out and say that he killed her, uh, just the story that
16 he told me indicates that he did. Uh, evidently they
17 musta been pretty close to the water for him to have dirt
18 and mud on his pants. Uh, he didn't explain how, how
19 she got in the water. Just when him and Jerry York was
20 in the water walking towards her, the color of her
21 clothing indicated to Jerry that it was a frisbee and
22 Billy said, no, it wasn't and he walked over and rolled
23 her over and said that she was unrecognizable, was his
24 exact words. Uh, bloated, uh, things like that.

25 GRAND JUROR TAYLOR: He said he hit her. Did he say what

PENNSYLVANIA, MUNCIE, IN 47302

SF-2094

1 he hit her with? Did he just hit her with his fists?

2 HEATH: He just said hit her. Whether it was a.

3 GRAND JUROR TAYLOR: He didn't say where he hit her?

4 HEATH: No, he never said where he hit her either time.

5 whether or not it was with an object or with his fist,

6 he didn't indicate. He just said, the story that he told

7 to me, he indicated he hit her twice. Once when she started

8 to get up and leave. The second time, when she ran for

9 the water and ran down and caught her and hit her and

10 he said that she went down and uh, that's kind of street

11 slang, where if I hit you, I knock you down. It's referred

12 to as down. Uh, he said that she just laid there while

13 he fucked her and punished her. Uh, when he got done,

14 he pulled her shorts up uh, got in the water to wash the

15 dirt and the mud off of him and returned to the party.

16 GRAND JUROR TAYLOR: And just left her lay there?

17 HEATH: He said that he returned to the party. He didn't

18 say they or we, he just said he returned to the party.

19 FERGUSON: Okay, can you think of anything else that Billy

20 Scott may have told you about this?

21 HEATH: Just a couple of phone conversations that I overheard.

22 He uh, I think it was the day of his jury selection in

23 his other case. He uh, got word from somebody that a

24 guy named Cecil York was gonna testify at uh, Stoner/

25 Ferguson/Ruebush trial. That when they, when he told

1 Billy that these guys were looking for him, that Billy
2 went home, got his gun, went looking for them with an
3 attitude. Billy made a phone call. I don't know who
4 he called. Uh, he told this person to tell Cecil York
5 that if he come to Court and testified against him at
6 the Stoner trial that when and if the Buckley shit hit
7 the fan, he would take his brother, Jerry York down with
8 him.

9 GRAND JUROR LINDLEY: Uh, why are you, do you expect anything
10 in return to giving this information to the Grand Jury?

11 HEATH: I've been promised nothing. I was in the Dayton
12 Workhouse until about 7:00 this morning.

13 GRAND JUROR LINDLEY: Okay.

14 FERGUSON: Okay, Mr. Heath, in fact, you were in the Dayton
15 Workhouse, were you not, when you sent these letters?

16 HEATH: Yes, I was.

17 FERGUSON: And you had already been sentenced on your
18 charges in that other case?

19 HEATH: Yes, two misdemeanors.

20 FERGUSON: Okay, any other questions? Okay, thank you,
21 we appreciate it.

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PENGAD/INDY. MUNCIE IN 47302

SF-2084

The Register-Herald October 2, 1996

Bad Indictment

Gene Lindley was used for
Grand Jury May Term 1991-
was he Treasurer or Chairman
for the Republican Party??

RE-ELECT CHRISTOPHER B. WASHINGTON



REPUBLICAN CANDIDATE
FOR
CLERK OF COURTS

Paid for by: Washington for Clerk of Courts, 726 Lakengren Dr.,
Eaton, Ohio 45320, Heber Felton, Treasurer.

PREBLE COUNTY REPUBLICAN RALLY

Wednesday, October 9th
7:00 P.M. — Bruner Arena

GUEST SPEAKER

Mr. Jim Petro, Auditor State of Ohio

Dinner, Entertainment, Silent
Auction and Much More.

Tickets may be obtained from any of the following or at the
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