

**Gary Heath Taped Recantation  
Taped by Steven Hobbs and  
Sworn In and Interviewed by William Riley, Investigator**

**January 7, 1992**

During one of Billy's appeal attempts, he was told the judge would not even look at the video because Heath had not been sworn in. Gary Heath is indeed sworn in by William Riley, Investigator on that video.



THE ABOVE COPY TAKEN FROM VIDEO TAPE  
SHOWING GARY HEATH BEING SWORN TO TELL THE  
TRUTH TO WM. RILEY - INVESTIGATOR JAN. 7, 1992



INVESTIGATOR'S REPORT

Bill: We're going to taperecord the following conversation and camcord it.

Gary: I don't mind.

Bill: Have you met me before today?

Gary: No, I've never seen you before.

Bill: And have I introduced myself as an investigator for Mr. Hobbs?

Gary: Yes you have.

Bill: First of all, what are we going to be talking about today? Are you familiar with why we're here?

Gary: Yeah, about what I testify to and why I testified and who fed me the information.

Bill: In reference to what investigation?

Gary: The death of Lisa Buckley.

Bill: And who was arrested subsequent to that?

Gary: Billy Scott, in a roundabout way. He wasn't really arrested. He was sentenced on a prior.

Bill: But they suspect him of . . .

Gary: Oh yeah, they suspect him. They want him real bad. And that's how they got me involved.

Bill: When did you first become involved? First of all, for the camcorder, what are you in the work house for?

Gary: Right now, aggravated menacing. I was also in for assault, but I served that sentence and now it's just aggravated menacing.

Bill: And what are you going back to Eaton for? Preble County.

Gary: I understand Preble County is supposed to pick me up tomorrow, on the 8th, to be put on probation on the 9th, or something like that.

Bill: And are they trying to revoke your probation or parole?

Gary: My parole officer said in a roundabout way no, but I'm getting alot of pressure over this Preble County, Lisa Buckley case.

Bill: So what they've indicated to you is if you don't cooperate, something could happen on your parole, is that true?

Gary: Not so much if I don't cooperate. If I don't play it their way, then something's gonna happen.

Bill: That's what I meant by "cooperate". When did you first become involved with this investigation? This Scott investigation, Buckley investigation?

Gary: You mean with an investigator or with Billy himself or the prosecution?

Bill: Okay, prior to the prosecution talking to you, did Billy discuss this with you?

Gary: No, just other than denials.

Bill: So he denied it to you. Said he was being . . . what did he say?

Gary: Just saying he was being made a scapegoat because of his past record, which isn't uncommon because I've been made a scapegoat because of my past record before.

Bill: Alright. How long were you in with Billy?

Gary: I don't know, he was there before I got there. I got arrested on the 14th of May and Billy was transferred out about the 31st of August, I guess. Or July. I was transferred here the 2nd of August.

Bill: So a couple of months is fair to say?

Gary: Yeah.

Bill: Let me ask you. You've been in and out of jail before, is that correct? And you're familiar with the institutional process.

Gary: Right.

Bill: Are you also familiar that alot of times cellmates hear information about other cases then trade that to better their position on a plea bargain on their case or volunteer information for purposes of making their sentences lighter or to cut a deal with the prosecution. Are you familiar with that process?

Gary: Oh sure.

Bill: Have you ever been involved in one of those situations?

Gary: No.

Bill: Is that the premise that the prosecutor approached you with or the idea that the prosecutor approached you with when he first met you?

Gary: Right. It was an investigator for the prosecutor's office.

Bill: And who was that?

Gary: Dave Limoff.

Bill: Do you know him or have you known him prior to this time?

Gary: I never had any contact with any Preble County Sheriff's Deputy, prosecutor, judge, lawyer, nothing prior to May.

Bill: Okay, and in May he came to you. You didn't solicit him or call for him?

Gary: No, this was in July.

Bill: I'm sorry, in July. What were you arrested for in May?

Gary: Felonious Assault

Bill: And you've already done your . . .

Gary: That was broken down to two misdemeanors. But that had nothing to do with helping the prosecution on the Buckley case.

Bill: O.K. So that was broken down prior to him approaching you in July.

Gary: Right.

Bill: Okay, and did you have an attorney on that case?

Gary: Yes.

Bill: And who was that?

Gary: Steven Bruns.

Bill: Would Steve Bruns verify what we're talking about today as far as the case being dealt with and the conditions already made prior to you meeting with Limoff?

Gary: Oh yeah. Mr. Hobbs knows that too.

Bill: I know, but we have to verify this independently.

Gary: Yeah, there was nothing, there was no contact between me and the prosecution or me and the investigators about the Buckley case that had anything to with my . . . my felonious assault charge wasn't a felonious assault, it was nothing but a nasty divorce and Steve Bruns just kept pushing that and that's just what it was, just a nasty divorce, it never happened.

Bill: O.K. So you had two misdemeanors and you served, you're finishing up serving that time right?

Gary: Yeah.

Bill: When you were approached in July, how did that happen, how did that occur?

Gary: Dave Limoff came up, pulled me out of the cell, back into the interview room, kind of like had a shit eating grin on his face, says that

they kind of got me over a barrel and he don't really believe it all but the system works the way the system works and felt me might be able to do me a favor if I would do him one. And my emotional status at that time, my emotional status because of the nasty divorce, my now ex-wife was trying to keep me from ever seeing my son again, harassment and all kinds of stuff like that, had me in the emotional position where I listened to what he had to say and I sternly refused. At that time, I sternly refused.

Bill: You said, "No, I don't want any part of it."

Gary: Because Steve Bruns was telling me we could beat this felonious assault case because it never happened.

Bill: Let me get back to the original conversation. I understand briefly what you described with Limoff, but what did he say? I mean, besides just saying they've got you over a barrel, did he indicated what they wanted from you?

Gary: Yeah. He asked me how well did I get to know Billy Scott. Really I didn't get to know him all that well. We were in the same jail and we played cards together, we watched TV, we talked together a little bit. I mean, you really don't know anything about anybody. He asked me what I thought about a man that would do these things to a girl and explained those things to me that were done to this girl. He said that they knew for a fact that he did it, but they can't really prove it, and they need to shore up their case a little bit.

Bill: He volunteered that to you?

Gary: Right. Oh he volunteered all the information to me.

Bill: We're going to get into that in a minute, but I'm interested in that, the initial approach to you was that they needed to support their case.

Gary: Right. They said they didn't want to go into court on this and then lose and not have any way of coming back on him again. They wanted to shore up their case the first time, and they wanted me to, I guess, be the person that could tie it altogether. They said they had all the pieces of the puzzle, but I was the glue that was going to hold it together for them

Bill: I see. That's how he described it.

Gary: Right.

Bill: Let me jump back for just a second. I hate to jump back and forth, but let me clarify. We didn't bring the file with us today, is that correct. I don't have any of the dates, so I need to really jump back and forth to get this in proper perspective. When you were in jail with Billy, we said for about two months?

Gary: About 2 1/2 months.

Bill: And you played cards and . . . do you work, when you're in Preble County Jail, I need to get the routine, is there any work?

Gary: No.

Bill: All your time is idle time.

Gary: Right. Sleeping, eating, playing cards, talking, using the phone, write letter, stuff like that.

Bill: It is common for some inmates, when they're in that kind of situation to talk about their cases, is that correct?

Gary: Rookies, new boys who don't know the system, they do. People experienced to the system usually don't say nothing.

Bill: That's the point I wanted to get. Why?

Gary: Either it's happened to you before or you heard about it happening to somebody else you're done time with where so and so will cut a deal to

testify against you or fabricate information to make things work a little bit easier on him. Just a variety of reasons. But experienced people don't talk about their case.

Bill: O.K. And would you consider yourself, and I don't mean this in a derogatory sense, but would you consider yourself experienced to the system?

Gary: Sure.

Bill: And what about Billy? Do you consider him experienced to the system?

Gary: I would say with his past, with his background, yeah.

Bill: Describe how he conducted himself while he was in jail with you.

Gary: Somewhat worried about the case he was in there on, which he had reason to be worried. Confused on why the system was pursuing it when he felt his life was in danger and he was protecting him and his girlfriend. A little emotional because of what it was doing to his relationship with his girlfriend. It was separating the family. Just the trauma of going through what he was going through. He was going through a big deal.

Bill: Did he have a reputation in the jail?

Gary: With the staff there? Yeah, they knew that if anything happened in that cell, Billy wouldn't let it get too far.

Bill: Why?

Gary: Billy didn't cause no trouble while he was there, we respected Julie Withrow which was the head jailer, we were looked upon by the staff to maintain in the cell. We didn't take over, but as far as keeping the place clean, you know, keeping the new boys in line. They looked to us as the oldest ones in the cell, been there the longest.

Bill: So outside of the normal routine, day in and day out, he didn't discuss his case, you didn't discuss your case, you just talked about run of the mill things or emotions or that kind of stuff.

Gary: We didn't talk about his case; he let me read a transcript of the preliminary or the pretrial, whatever you call it. Just talked about what he felt at that moment when he had to shoot those people because he thought his life was in danger. We read a law book and copied the ORC; we were going through that finding things to help on my case and on his case. As far as like discussing each other's cases, it would like . . .

Bill: What about detail?

Gary: No.

Bill: Never did that. How about the Buckley case, did you discuss that at all?

Gary: Very briefly. They come up and dropped a search warrant on him one day. I don't which day, but it was a Tuesday. I do know that but the reason I know that is the jail doctor comes in on Tuesday. Me and Billy had signed up to see the doctor. I signed up first and then I think Tom Newberry signed up, and then Billy was the third one on the list. When they come back in and pulled Billy out first, and he was gone quite awhile. He come back and he was all shook up and everything. They had dropped a search warrant on him for hair and pubic hair or something like that. Some hair samples, they dropped the search warrant on him. And it kind of had him shook up because this was just right before the trial that he was in there on, the shootings in New Paris was supposed to take off. He got a continuance but it wasn't known there was going to be a continuance. This was right before the trial started. They really had him shook up. He was on the phone alot trying to find out

what was going on, talking to his first lawyer, Mr. Moser in Hamilton, and asking him what was wrong. He let me read the search warrant. He said it was all bullshit. He said he was there and found the body, other than that, nothing. That was the first time I'd even heard of the case was from him, but that was very very briefly. Just about the search warrant. It had him shook up.

Bill: When was the trial? Was that supposed to be the 27th of July?

Gary: His first trial was in June. It was supposed to go in June.

Bill: So the first time you're talking about . . .

Gary: The first time I ever heard the name Lisa Buckley was prior to his first trial and that was from him and that was just very brief on why he was shook up over that search warrant, and then the next time I heard it was out of Limoff's mouth.

Bill: So you had one discussion and that was because of the search warrant.

Gary: That discussion between me and Billy lasted probably ten minutes.

Bill: And that was June of 1991?

Gary: Right.

Bill: O.K. Then you talked to Limoff in July.

Gary: That's right.

Bill: 1991.

Gary: This was prior to his second coming up of his trial.

Bill: O.K. And that second trial was scheduled in July, July 27?

(?): July 21.

Bill: So it would have been sometime the week prior to July 21, is that what you're saying?

(?): Yeah.

Bill: And he said you remembered it was what day, or did you? Did you remembered?

Gary: That was on the search warrant.

Bill: You don't remember what day Limoff came?

Gary: No.

Bill: Do you remember what time of day it was?

Gary: I'd say it was before lunch.

Bill: Let me ask this again to make sure. You did not request Limoff to come to see you.

Gary: No.

Bill: You didn't send any correspondence, you didn't make any phone calls, you didn't leave any message with the jailers?

Gary: No.

Bill: Nothing.

Gary: No.

Bill: He came on his own.

Gary: Yes.

Bill: What's the procedure, if you know, in Preble County as far as visitation either by prosecutor, police or citizens. Do they have to sign in on a jail log or a visitation card?

Gary: I don't know.

Bill: You have no idea.

Gary: I don't know. My visitors like my sister and brother-in-law that have come to the jail to see me, I think they had to sign in, but as far as like attorneys or law enforcement or anything like that, I don't know.

Bill: Do you have to sign in you come in?

(?): No.

Bill: You don't. So they don't have a jail log or anything like that. Is there a normal shift, this was in the daytime prior to noon, is there a continuing, does the same person continue on the shift each day?

Gary: ( ? )

Bill: Who would have been the jailer during the day?

Gary: Bob Wysong.

Bill: Bob Wysong, is he a deputy?

Gary: Yes. Dispatcher, jailer.

Bill: So he would have had to let anyone that comes in, such as Limoff, into the area?

Gary: Yeah.

Bill: So if we talk to him, he should remember that visitation.

Gary: Yeah.

Bill: So Limoff talks to you first. Let's talk about that first. I know what he approaches you about, you described that. Then you said he described the crime, is that correct?

Gary: Right.

Bill: Let's go into that a little bit. What did he tell you the first time?

Gary: A very good looking semi-innocent, what he meant by semi, I don't know, that Billy had a way with women, he was violent with them. Liked slapping them around and beating them, bite them, take the pussy and then threaten them later, he told them he kill them. He had a reputation in Florida where he is suspected of three girls murders down there.

Bill: He told you that?

Gary: Yeah. He told me about a shooting he was involved in in Maryland. He told me what his facts were behind the shooting, the motivations for the shootings in New Paris, that it was all connected to a juvenile girl. You know, just a basic rundown of his interpretation of Billy Scott's life.

Bill: Okay, you said it was pretty graphic, the discussion about Lisa Buckley.

Gary: He had a notebook with him. Large binder, black, had a label on, if you're looking at the book this way, the binding there, those big three rings, had a label there that said Lisa Buckley on it. It was full of papers. He flipped back and forth through there telling me things and this and that and everything. I just refused to go along with him.

Bill: Tell me some of the things he told you.

Gary: That she was beaten, raped.

Bill: Did he describe how she was beaten?

Gary: About the face and head, busted lips, swollen face.

Bill: Did he show you pictures?

Gary: No.

Bill: What else?

Gary: Just that they determined that she was raped in all three holes, that they know that Billy's necklace played a large part in it in being tangled in her hair.

Bill: How do they know that?

Gary: Well, after I had testified at the Grand Jury and Frank Ford who's a sargent, I think, come to get me on the 5th of September to take me back to my divorce trial. I had asked him about why Mr. and Mrs. Buckley was testify-

ing because they weren't at the (?) of this thing. They had her testify that she had done Lisa's hair and they wanted her to verify that there was a chunk of hair missing. Somehow Billy's necklace was supposed to have played a big part in it. That was supposed to have been the key in tying Billy to her that night. It was Billy's necklace, the hair being ripped out, the necklace missing. That was supposed to be the big key for some reason. I don't see how a necklace can be the key, but that was supposed to be the big key.

Bill: He told you about that though?

Gary: Right.

Bill: Did he tell you about that at the first meeting?

Gary: Who's that?

Bill: Limoff.

Gary: This was Ford telling me about this.

Bill: I know, but Limoff mention the necklace and hair the first time?

Gary: Necklace, hair, floating on the lake, shorts, thought they were a Frisbee, I guess he was going off peoples' statements. He was taking a little bit off of everybody's statement and then a little bit out of what they had, I guess evidence and combined it and that's when they told me they wanted to use me as the glue to hold the whole puzzle together. And I sternly refused.

Bill: Okay, but what gruesome details did he tell you about?

Gary: That they had to prove that Billy and this girl took a walk to get high, Billy had started trying to fuck her, she didn't want nothing to do with him because Billy's girlfriend was present at the party and she started to leave, he hit her, threatened her into performing oral sex on him, his necklace got caught up into her hair, and as he ripped the necklace out she screamed, went running for the water, he caught her from behind, hit her, beat

her, sexually punished her. There was one thing that he wanted me to testify to that I forgot to testify to, and Swihart and Ford got kind of mad that I was supposed to testify that he raped her in the ass and I didn't. Sexually punished her, left her laying and returned to the party.

Bill: So he didn't throw her in the lake?

Gary: He never mentioned anything about throwing her in the lake.

Bill: Limoff didn't mention it.

Gary: No, just that Billy had gotten into the water to wash off after.

Bill: But nothing about her in the water.

Gary: Billy got into the water to wash off after he was done and returned to the party. He explained to me his thinking behind the whole thing. They wanted to prove that Billy was wet when he come back to the party, his necklace was missing, scratches on his chest, you know, just everything. And after that, I sternly refused because my lawyers telling me, "Gary, I can beat this case because she's lying. I know she's lying." I'm putting confidence in my lawyer. Well, when it came down to it, he's telling me, "Well, it's going to go down as your word against hers, and a woman in front of the jury, a little tear." So he had me running scared and I pled guilty to two misdemeanors, was sent over here on August 2. Another emotional shock, my visitation with my son was hanging in the wings, that was bothering me, worrying me, I was overcome by emotions and I decided to go along with what they wanted me to do.

Bill: What did they offer you?

Gary: To have my time reduced, guaranteed visitation with my son, and not sent back on the parole violation.

Bill: Which would have been how much time? How much time you got on the shelf?

Gary: Until September of this year is my max.

Bill: So even if you had not chose the max you were going to look at was less than year, is that correct?

Gary: It would have been until April here and then another six or seven or eight months.

Bill: Okay, so a little over a year.

Gary: Right. But for something that you didn't do, that's alot.

Bill: I understand that. I'm not questioning it. I'm just getting it clarified for the tape. Now, when does Limoff, after you refused, then you get over here and thinking it around and you're thinking, "If I do what they ask, then I'm going to get my reduced time, my visitation, and so on." Do you make the second contact?

Gary: I wrote Rebecca Ferguson a letter.

Bill: And what do you say in the letter?

Gary: In the letter I told Rebecca Ferguson that I wanted to make a deal, that Billy had discussed this stuff with me in the Preble County Jail, and when through it briefly on what I could remember, what Limoff told me.

Bill: What was that? Do we have a copy of the letter?

Gary: No, just that they were sitting on a truck eating Doritoes and drinking Tequila, Billy talked her into going and getting high, they took a walk down by the lake, started feeling her out, wanted to mess with her because she was known to everybody, you know, just basically the whole thing. I mailed a letter to Rebecca Ferguson, the prosecutor for Preble County. I got there on Friday, which was August 2, I mailed the letter out the next day.

Saturday was the third, Sunday the fourth, Monday the fifth, Tuesday the sixth of August, Limoff and Frank Ford were here. Brought a tape. Frank Ford had that same book, the same notebook that Limoff had when he seen me in the county jail. Come in, talked for a few minutes, gave me a couple of cigarettes and wanted to stress a few things before he turned his tape recorder on. He wanted to stress that I didn't know Billy Scott, I didn't know Lisa Buckley, I don't know where New Paris is, never been to New Paris, from another county, you know. He was wanting to prove I had no connection with the case, no connection with Billy or the Buckleys. No personal interest in the case, that I would be the perfect prosecution's witness. We discussed it around for a little bit between the three of us and he turned the tape on and recorded the tape.

Bill: Did he go over any of the details that he was going over with you in jail?

Gary: No.

Bill: Those were pretty much in your mind already.

Gary: Right. I know I had forgotten one, the one that he wanted me to testify to at the grand jury, something about it was important.

Bill: Anal sex?

Gary: Yeah. It was important (?).

Bill: Did he say why?

Gary: Billy's reputation I guess. They had people that were going to testify about Billy's sexual habits or something. I don't know.

Bill: But you don't know. You're going to be asked, Gary, at some point to discuss this tape and the other tapes that you made with the prosecution. I'm not trying to be sarcastic to you, but you're going to have to answer the

question in your own best way. Why first you told one story, first you listened to the prosecutor and you refused, and then you agreed for the reasons that you listed to testify for the prosecution, now you're telling a different story and people are going to say that you tried to cut a deal and it didn't work, or you got unhappy with something and now you've changed your story. Why should we believe you this time and why shouldn't we believe the first tape? You're going to have to explain that.

Gary: First of all, none of the deal ever came from Rebecca Ferguson. All the feeding of the information came from Dave Limoff, all the bargaining was done between Swihart, Frank Ford, and myself. Limoff was eventually excluded out of the bargaining. I got involved in this and decided to do what they asked me to do and say what they coached me on saying because the state they had me in, they had me in a very vulnerable state. After they got what they wanted me to do, they didn't fulfill none, not one of the promises they made. They made promises from everything from breakfast before I testified, supper after I testified, just all kinds of promises; nothing ever came through. I got mad and I started thinking that I had no reason to be mad because I got involved in something that I didn't have any business in anyway. I contacted my attorney, Mr. Bruns, he was very receptive as far as what I was telling him. Finally I called my lawyer, Mr. Bruns' office, and requested Mr. Hobbs' phone number and it just so happens that he was sitting there when I called. They put him on the phone and asked him that I wanted to see him and he come over here, and I told him what I did, why I did it, everything. The whole truth.

Bill: And now, what you're telling us is the truth.

Gary: This is the truth. What I testified at the grand jury to in August was the information that I was coached on saying that was supplied to me by investigator Limoff. It was wrong. I thought I could gain something by it. They had me in a vulnerable state, which Mr. Bruns will more than happy to tell you the state of mind I was in during this mess I was in. My son, who means the world to me. The woman trying to stab me and I'm left holding the bag. You know, facing 8-15 in the penitentiary. I was a wreck and they had me over a barrel and they used it.

Bill: I don't want to be redundant but I want to go over this again. Did Billy Scott discuss any detail of his association and information with you concerning Lisa Buckley's death?

Gary: Nothing other than the party at the gravel pit after a concert, lots of people were there, the next day him and a friend of his found Lisa Buckley floating in the lake.

Bill: And he gave you no details about the death or how it happened?

Gary: No. He did tell me his dad got a copy of the autopsy report and the cause of death was supposed to have been drowning.

Bill: Did Investigator Limoff from the Preble County Investigator's Office contact you and ask you and furnish you information and ask you to testify to that information knowing that it was not the truth?

Gary: Yes, he did.

Bill: Did you at any time, the first time when you rejected, say, "I'm not going to lie, I'm not going to go along with that." Did you refuse the first time he met you at jail?

Gary: Yes, I did.