

No. _____

In the Supreme Court of the United States

MELVIN BONNELL,
Petitioner,

v.

STATE OF OHIO,
Respondent.

On Petition for Writ of Certiorari to
the Supreme Court of Ohio

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

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SLIP OPINION NO. 2018-OHIO-4069

THE STATE OF OHIO, APPELLEE, v. BONNELL, APPELLANT.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Bonnell*, Slip Opinion No. 2018-Ohio-4069.]

Criminal law—Postconviction DNA testing—Appellant failed to demonstrate that results of testing of any evidence he sought to have tested could be outcome determinative—This court lacks jurisdiction to consider matters relating to adequacy of prosecution’s search for biological material that could be tested—Trial court’s denial of application for testing affirmed.

(No. 2017-1360—Submitted August 1, 2018—Decided October 10, 2018.)

APPEAL from the Cuyahoga County Court of Common Pleas,
No. CR-87-223820-ZA.

O’DONNELL, J.

{¶ 1} Melvin Bonnell appeals from the denial of his second application for DNA testing, following his conviction and death sentence for the 1987 murder of Robert Eugene Bunner. He presents two propositions of law for our consideration. We lack jurisdiction to consider the first proposition of law and conclude that

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Bonnell has failed to show any of the evidence he sought to have tested could be outcome determinative. Accordingly, we affirm the judgment of the trial court.

Factual and Procedural Background

Bonnell's conviction and direct appeals

{¶ 2} A Cuyahoga County grand jury indicted Bonnell on two counts of aggravated murder (R.C. 2903.01), each with firearm and aggravated-burglary specifications; one count of aggravated burglary (R.C. 2911.11), with firearm and prior-offender specifications; and one count of possessing a weapon under disability (R.C. 2923.13) with specifications. In our decision on Bonnell's direct appeal, we summarized the facts of the case:

Shirley Hatch, Edward Birmingham and Robert Eugene Bunner shared an apartment on Bridge Avenue in Cleveland, Ohio. On November 28, 1987, at approximately 3:00 a.m., Hatch heard someone knock at the kitchen door of the apartment. Hatch asked who was at the door and a voice replied, "Charles." Bunner opened the door and appellant, Melvin Bonnell, entered the apartment and closed the door behind him. Appellant uttered an expletive directed at Bunner and then proceeded to fire two gunshots at Bunner at close range. Bunner fell to the floor and Hatch, who had witnessed the shooting, ran to a bedroom where Birmingham was sleeping. Hatch heard two more gunshots, awoke Birmingham to tell him that Bunner had been shot, and then fled from the apartment to call paramedics. Birmingham went to the kitchen.

Upon entering the kitchen, Birmingham observed appellant who was on top of Bunner "* * * pounding him in the face." Birmingham also observed bullet holes in Bunner's body. Birmingham grabbed appellant and ejected him from the apartment.

At approximately 3:40 a.m., two Cleveland police officers were patrolling Bridge Avenue in a police cruiser when they observed a blue vehicle being driven backwards on Bridge Avenue with its headlights off. The officers attempted to stop the vehicle, and a high-speed chase ensued when the driver of the vehicle failed to stop. During the chase, the officers never lost sight of the vehicle except, perhaps, for a few seconds. The officers never saw anyone in the vehicle except the driver. No one exited the vehicle during the chase. The chase ended when the driver of the blue vehicle crashed into the side of a funeral chapel. The officers removed the driver from the vehicle and placed him on the ground. Both officers identified appellant as the driver of the vehicle.

Shortly after the accident, Cleveland police officers Stansic and Kukula arrived at the crash site and saw a man lying on the ground with police officers standing over him. However, officers Stansic and Kukula left the accident scene almost immediately thereafter in response to a radio call regarding the shooting at the Bridge Avenue apartment.

Upon arriving at the apartment, officers Stansic and Kukula interviewed Hatch and Birmingham who provided the officers with a description of Bunner's assailant. The officers recognized the witnesses' description as meeting the description of the man they had observed at the accident scene. The officers asked Birmingham to accompany them to the hospital where the man had been transported following the accident. At the hospital, Birmingham identified appellant as Bunner's assailant.

Bunner died as a result of a gunshot wound to the chest. An autopsy revealed that Bunner was shot twice, once in the chest and

once in the pubic region. Both bullets were recovered from the body.

Police officers retraced the chase scene and found a .25 caliber automatic pistol which was later identified as appellant's. The weapon was test-fired and the test bullets were compared to the bullets found in Bunner's body. The test bullets and the bullets retrieved from Bunner's body had the same characteristics, and test casings matched spent bullet casings found at the murder scene.

(Ellipsis sic.) *State v. Bonnell*, 61 Ohio St.3d 179, 179-180, 573 N.E.2d 1082 (1991).

{¶ 3} On March 3, 1988, a jury found Bonnell guilty of aggravated burglary and two counts of aggravated murder with specifications, and it recommended a sentence of death, which the trial court imposed.

{¶ 4} The Eighth District Court of Appeals affirmed in part. It sustained Bonnell's convictions for aggravated burglary and aggravated murder, held that the two aggravated murder counts should have been merged for sentencing purposes, but determined that error was harmless, and also vacated Bonnell's prison sentence for aggravated burglary because the record did not demonstrate that he was present in court when it was imposed, but remanded for a new sentencing hearing on that count. 8th Dist. Cuyahoga No. 55927, 1989 Ohio App. LEXIS 4982 (Oct. 5, 1989).

{¶ 5} In a separate entry, the court of appeals affirmed the capital sentence. 1989 Ohio App. LEXIS 5028 (Oct. 5, 1989). On further appeal, we affirmed the aggravated murder conviction and capital sentence, finding the evidence of guilt to be "overwhelming." 61 Ohio St.3d at 183, 573 N.E.2d 1082.

Petitions for collateral relief

{¶ 6} On March 16, 1995, Bonnell filed a 53-count petition for postconviction relief. He alleged that the state violated *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), by withholding police and lab reports containing

material, favorable information. Moreover, Bonnell alleged that the state failed to preserve blood evidence found on the back porch and the stairs leading up to the porch. He also asserted that his rights were violated because the state never tested physical evidence, including vomit found in the kitchen near the body, fingerprints at the scene, Bonnell's hands, the contents of his automobile, or his pants.

{¶ 7} The trial court denied the petition, but the Eighth District Court of Appeals sua sponte remanded "for clarification as to whether or not the trial court reviewed the original trial transcript." 8th Dist. Cuyahoga No. 69835 (July 12, 1996). In 1997, the trial court again denied the postconviction petition, and the court of appeals affirmed. 8th Dist. Cuyahoga Nos. 69835 and 73177, 1998 Ohio App. LEXIS 3943 (Aug. 27, 1998). The appeals court deemed the statements in the police reports to be either "immaterial" or "minor inconsistencies." *Id.* at *13-14. We declined to exercise jurisdiction. 84 Ohio St.3d 1469, 704 N.E.2d 578 (1999).

{¶ 8} In 2000, Bonnell filed a petition for a writ of habeas corpus in the United States District Court for the Northern District of Ohio. The federal court agreed with the Eighth District that any inconsistent statements in police interviews that had not been turned over to the defense were, for the most part, immaterial, *Bonnell v. Mitchel*, 301 F.Supp.2d 698, 728-729 (N.D. Ohio 2004), and the Sixth Circuit Court of Appeals affirmed, 212 Fed.Appx. 517 (6th Cir.2007). In its opinion, the appellate court observed that the failure to disclose a negative gunshot-residue test was harmless because the state did not claim to have found residue on Bonnell's clothes, and thus, the defense was able to and did argue that the jury could assume the tests on Bonnell's hands were negative. *Id.* at 522-523.

Initial application for DNA testing

{¶ 9} On October 29, 2004, Bonnell submitted his first application for DNA testing. He requested testing of four items:

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- [1] vomit found in kitchen,
- [2] Blood from [his] vehicle,
- [3] hair on green pillow, [and]
- [4] Plastic bags for Gun Shot residue.

In addition, his memorandum in support requested testing of the blood recovered from the rear steps, railings, and stairwell, as well as swabs or slides taken from Bonnell's own hands.

{¶ 10} After five extensions of time, the state responded to the application on August 30, 2005. The state argued, among other things, that the application should be denied because "no parent sample^[1] exists with which to do a DNA comparison." The trial court accepted the state's representations, and denied the petition on October 21, 2005.

The instant appeal

{¶ 11} After the General Assembly enacted a new DNA-testing statute, Bonnell filed a new application for DNA testing with the trial court on February 6, 2008. In his second application, Bonnell requested DNA testing of:

- [1] swabs and slides of blood recovered from the crime scene;
- [2] swabs and slides of blood recovered from [his] hands, jacket and other clothes;
- [3] vomit found in kitchen;
- [4] blood from [his] vehicle;
- [5] hair on green pillow;
- [6] plastic bags for gunshot residue; [and]

¹ The term "parent sample" means "the biological material first obtained from a crime scene or a victim of an offense * * * and from which a sample will be presently taken to do a DNA comparison to the DNA of the subject offender." R.C. 2953.71(M).

[7] 1 or 2 guns recovered by Cleveland police.

On April 23, 2008, the state informed the court that it had located Bonnell's jacket in the Eighth District Clerk's files, and it agreed to DNA testing. The parties then submitted a joint motion for DNA testing of the jacket, which the court granted.

{¶ 12} The state filed the results of the DNA testing on July 7, 2009, which concluded that DNA samples taken from multiple locations on the jacket came from a male donor, and that Bonnell could be excluded as a contributor. Five samples, however, were consistent with the DNA profile of Bunner. With respect to two samples, obtained from the right upper sleeve and right lower back, the report noted that the probability of selecting a random, unrelated person from the population having the same partial DNA profile was 1 in 239,000 individuals.

{¶ 13} The remainder of Bonnell's second application lay dormant for years until, on April 26, 2017, he filed a motion to compel the state to provide an accounting of the physical evidence from the case. In response, the prosecuting attorney submitted a report, including an affidavit from Christopher D. Schroeder, on June 15, 2017, detailing his efforts to locate evidence from the trial. Those efforts included personally searching and/or arranging for searches of the prosecutor's property room, the office of the Cuyahoga County Clerk of Courts, the Cleveland Police department property room, the "dead files" section of the Eighth District Court of Appeals, the Bureau of Criminal Investigation, the Cuyahoga County Medical Examiner's Office, and the Western Reserve Historical Society (which sometimes receives items from old cases). Schroeder spoke with multiple former prosecutors, including the lead prosecutor at trial and a member of the appellate team, as well as investigating police officers and at least one assistant attorney general. He also tried to speak with the court reporter who transcribed the trial, but she was deceased.

{¶ 14} Schroeder’s investigation revealed that the Medical Examiner’s Office still had possession of 7 autopsy microslides, 4 swabs from Bonnell’s jacket, and 1 swab from an autopsy microslide, as well as the jacket itself. The lead prosecutor signed out the murder weapon, pellets, and cartridge case on “February 18, 1987 [sic, 1988]” and never returned them. The .25 caliber shell casings had also been signed out, but the name was illegible. A second weapon seized during the investigation, but not connected to the crime, had been destroyed. Other items, including the pillow, had been sent from the police property room to the coroner in November 1987 but never returned.

{¶ 15} On August 14, 2017, the trial court denied the second application, for two reasons. First, relying on Schroeder’s affidavit, the court determined that no parent sample of any biological material still exists for testing, other than the jacket that has already been tested. The court’s judgment specifically noted that the Schroeder affidavit satisfied all the statutory requirements and demonstrated that the search had been adequate.

{¶ 16} Second, even if any biological material *did* exist, the trial court concluded that Bonnell “cannot show that any additional DNA testing would be outcome-determinative.” According to the court, the evidence of guilt presented at trial, including the eyewitness testimony of Hatch and Birmingham, the testimony that the car chase began near the victim’s apartment shortly after the shooting, Birmingham’s identification of Bonnell as the shooter, the discovery of the murder weapon along the route of the car chase, and the ski jacket in Bonnell’s car that matched the description of the shooter’s jacket, was overwhelming. Coupled with the 2009 DNA test that showed Bunner’s blood on the jacket, the trial court found that “Bonnell’s case does not present this Court with a plausible claim of actual innocence.”

{¶ 17} Bonnell appealed that decision.

Law and Analysis

{¶ 18} If an eligible offender submits an application for DNA testing under R.C. 2953.73, the prosecuting attorney must use “reasonable diligence” to determine whether (1) biological material was collected from the crime scene or victim against which a sample from the offender may be compared, and (2) whether the parent sample of that biological material still exists. R.C. 2953.75(A). In exercising that diligence, the prosecuting attorney must rely on “all relevant sources,” including but not limited to (1) all prosecuting authorities involved in the case, (2) all law enforcement involved in the investigation, (3) all custodial agencies involved at any time with the biological material, (4) the custodians of the custodial agencies, (5) all crime laboratories involved at any time with the biological material, and (6) all other “reasonable sources.” *Id.* The prosecuting attorney must prepare and file a report containing the required determinations. R.C. 2953.75(B).

{¶ 19} A court may accept an R.C. 2953.73 application for DNA testing only if it determines that six conditions apply, two of which are central to this appeal. First, the court must determine that biological material was collected from the crime scene or the victim and that the parent sample still exists. R.C. 2953.74(C)(1). And second, a trial court may accept a DNA application only if it determines that “if DNA testing is conducted and an exclusion result is obtained, the exclusion result would be outcome determinative.” R.C. 2953.74(C)(4). In its current form, the Revised Code defines “outcome determinative” to mean that, had the testing been presented at trial and admitted into evidence, when considered alongside the other evidence in the case, “there is a strong probability that no reasonable factfinder would have found the offender guilty of [the] offense or, if the offender was sentenced to death relative to that offense, would have found the offender guilty of the aggravating circumstance or circumstances the offender was found guilty of committing and that is or are the basis of that sentence of death.” R.C. 2953.71(L).

Determination that testing would not be outcome determinative

{¶ 20} In this second proposition of law, Bonnell contends that the trial court erred in its determination that he was not entitled to DNA testing (assuming any materials exist for testing) because the results would not be outcome determinative. For example, on the night of the murder, Bonnell was bar-hopping with a friend named Joseph Egnor, a.k.a. Joseph Popil. Bonnell has suggested that Popil may have been the actual shooter. Popil owned a red jacket with the words “Devil’s Den” on the back. In his reply brief, Bonnell suggests that if testing of Popil’s jacket revealed the victim’s blood, that result would be outcome determinative. But Bonnell’s application did not include a request to test Popil’s jacket, and that matter is not before us.

{¶ 21} As for the items he *did* ask to have tested, we recognize that DNA testing would not have changed the outcome of the trial. According to Bonnell, a DNA test of his jacket would be strong evidence of his innocence if it detected no trace of the victim’s blood. According to Birmingham, the shooter crouched over Bunner after shooting him and punched him repeatedly. It stands to reason that the assailant would have Bunner’s blood on his clothing. Therefore, Bonnell suggests, DNA testing of his clothes that failed to detect the victim’s blood would make it obvious that he could not have committed the crime. But the state’s forensic witness testified at trial that Bunner’s blood was not on the jacket, so Bonnell already had the opportunity to argue his innocence based on the absence of blood evidence. Despite this evidence, the jury convicted him. A new test would not strengthen his innocence claim. (The parties disagree over whether the detection of Bunner’s blood on the jacket in 2009 resulted from more sophisticated testing methods (the state’s position) or improper storage and cross-contamination (Bonnell’s position), but that argument is ultimately not relevant, because the 2009 test results were not presented to the jury.)

{¶ 22} The same is true with respect to evidence recovered from Bonnell's hands and his car: the jury convicted him despite the state's inability to show gunshot residue on his hands or blood in his car.

{¶ 23} The second DNA application also mentions a hair supposedly found on a green pillow that was recovered from the scene. Trial testimony indicated that the pillow had Bunner's blood on it. The state ultimately withdrew it as an exhibit and it was never offered into evidence. After trial, it was revealed that the investigating officers found the pillow on the back porch, not inside the apartment, as had been assumed at trial. But even assuming a DNA test proved that the hair did not belong to Bonnell, it is unclear how this would be exculpatory, much less outcome determinative.

{¶ 24} Bonnell's claim that vomit may be outcome determinative is not well taken. There is no evidence in the record to suggest that the vomit was ever collected or stored, and therefore, it cannot be outcome determinative.

{¶ 25} Bonnell devotes the bulk of his brief to arguing what he believes to be the weakness of the evidence against him, based largely on evidence disclosed postconviction. But he fails to show that DNA testing, if performed, would yield a result that would be outcome determinative. We therefore reject this second proposition of law.

Due process

{¶ 26} In his first proposition of law, Bonnell asserts a due-process right to challenge in the trial court the adequacy of the state's search for the evidence. We note that our appellate jurisdiction exists by virtue of R.C. 2953.72(A)(8), which provides in relevant part that a capital sentenced defendant may "appeal the rejection" of an application for DNA testing to the supreme court, and that "no determination otherwise made by the court of common pleas in the exercise of its discretion regarding the eligibility of an offender or regarding postconviction DNA testing under these provisions is reviewable by or appealable to any court." By its

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plain terms, the statute limits our jurisdiction to a determination of whether or not to grant DNA testing. We therefore cannot consider matters relating to the adequacy of the state's search for evidence.

Conclusion

{¶ 27} Because the statute limits our jurisdiction to reviewing the denial of DNA testing by a trial court, we lack jurisdiction to entertain the first proposition of law. With respect to the second proposition of law, Bonnell has failed to demonstrate any of the evidence he sought to test could be outcome determinative and therefore, this proposition is overruled. Accordingly, we affirm the judgment of the trial court.

Judgment affirmed.

O'CONNOR, C.J., and KENNEDY, FRENCH, FISCHER, DEWINE, and DEGENARO, JJ., concur.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Christopher D. Schroeder, Assistant Prosecuting Attorney, for appellee.

Timothy Young, Ohio Public Defender, and Kimberly S. Rigby and Kandra Roberts, Assistant Public Defenders, for appellant.



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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

2017 AUG 14 P 2:08

STATE OF OHIO
Plaintiff

MELVIN BONNELL
Defendant

WIND J.
CLERK OF COURTS
CUYAHOGA COUNTY

Case No: CR-87-223820-ZA

Judge: TIMOTHY MCCORMICK

INDICT: 2911.11 AGGRAVATED BURGLARY WITH
SPECIFICATIONS
2903.01 AGGRAVATED MURDER WITH
VIOLENCE SPECIFICATION
2903.01 AGGRAVATED MURDER WITH
VIOLENCE SPECIFICATION
ADDITIONAL COUNTS...

JOURNAL ENTRY

DEFENDANT'S APPLICATION FOR DNA TESTING IS DENIED
OSJ

CLERK ORDERED TO SEND A COPY OF THIS ORDER TO:
KIMBERLY S. RIGBY, ESQ.
SUPERVISOR, DEATH PENALTY; 250 EAST BROAD STREET, SUITE 1400
COLUMBUS OH 43215

CHRISTOPHER SCHROEDER, ESQ.
ASSISTANT COUNTY PROSECUTOR
1200 ONTARIO STREET, 8TH FLOOR
CLEVELAND OH 44113

08/14/2017
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Judge Signature

Date

HEAR
08/14/2017

APPENDIX B

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

STATE OF OHIO

Case No. CR-87-223820

Plaintiff,

JUDGE TIMOTHY P. MCCORMICK

v.

MELVIN BONNELL,

Defendant.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On February 6, 2008, Defendant Melvin Bonnell filed an Application for DNA Testing pursuant to R.C. 2953.71 through 2953.84. This Court has considered Bonnell's application, all supporting affidavits, and the documentary evidence submitted, along with all files and records pertaining to the proceedings against Bonnell in accordance with R.C. 2953.73(D). Upon review of all of the evidence in this case, this Court denies defendant's application for further DNA testing and issues the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. In the early morning hours of November 28, 1987, Robert Bunner was shot to death by Melvin Bonnell. The incident happened in the victim's kitchen at his apartment at 5709 Bridge Avenue, Cleveland, Ohio, in front of his roommate, Shirley Hatcher. After Bonnell shot the victim, Hatcher ran to a bedroom and awoke Edward Birmingham who entered the kitchen and observed Bonnell on top of the victim punching him in the face. Birmingham grabbed Bonnell and threw him out of the apartment.

2. Within minutes, Cleveland Police arrested Melvin Bonnell following a high-speed car chase that ended when Bonnell crashed his car into a funeral home. Officers connected the two incidents based on the description provided by the victim's roommates, Hatch and Birmingham. Birmingham was taken to the hospital where

he identified Bonnell as the assailant. The gun used in the shooting was recovered along the path Bonnell drove while being chased by the police.

3. Bonnell was indicted, and on February 22, 1988, his case proceeded to a jury trial. The jury found Bonnell guilty of aggravated burglary with a firearm specification, aggravated felony-murder with firearm and aggravated burglary specifications, and aggravated murder with firearm and aggravated burglary specifications. Following the sentencing phase, the jury unanimously recommended that Bonnell be sentenced to death. On March 29, 1988, the trial court, the Honorable Judge James McMonagle presiding, sentenced Bonnell to death on both counts of aggravated murder.

4. In October of 2004, Bonnell filed a first application for post-conviction DNA testing. See docket entry, 10/29/2004. This Court denied that application on October 21, 2005. See Findings of Fact and Conclusions of Law issued 10/21/2005. This Court specifically found, based on then-Assistant Prosecutor Jon Oebker's Report pursuant to R.C. 2953.75, that "no parent sample exists for DNA testing." *Id.*, p. 10. This Court thus found that "[w]here the statutory criteria * * * outlined in R.C. 2953.74 has not been met, this Court is required to reject the DNA application." *Id.*

5. Bonnell appealed this Court's decision to both the Eighth District Court of Appeals and the Supreme Court of Ohio. The Eighth District dismissed Bonnell's appeal for lack of jurisdiction because R.C. 2953.73(E)(1) requires capital defendants to appeal the denial of an application for DNA testing directly to the Supreme Court. See *State v. Bonnell*, 8th Dist. Cuyahoga No. 87337, unreported (Aug. 3, 2006). The Supreme Court, by a vote of 6-1, declined jurisdiction over Bonnell's discretionary appeal. See *State v. Bonnell*, 108 Ohio St.3d 1510, 2006-Ohio-1329, 844 N.E.2d 855. The Supreme Court also unanimously declined jurisdiction over Bonnell's attempt to appeal the Eighth District's dismissal of his appeal to the lower court as well. *State v. Bonnell*, 112 Ohio St.3d 1420, 2006-Ohio-6712, 859 N.E.2d 559.

6. On February 6, 2008, Bonnell filed a second Application for DNA Testing pursuant to R.C. 2953.71 et. seq., seeking testing of all of the following items: "Swabs and slides of blood recovered from the crime scehe [sic]; swabs and slides of blood recovered from my hands, jacket and other clothes; vomit found in kitchen; blood from my vehicle; hair on green pillow; plastic bags for gunshot residue; 1 or 2 guns recovered by Cleveland police." Defendant's Application for DNA Testing, p. 2. Bonnell also requested an evidentiary hearing on his application. *Id.*, p. 27, 41.

CONCLUSIONS OF LAW

7. A convicted inmate has no constitutional right to post-conviction review. See *State v. Steffen*, 70 Ohio St.3d 399, 410, 639 N.E.2d 67 (1994) ("post-conviction state collateral review itself is not a constitutional right, even in capital cases").

Additionally, "the Supreme Court of the United States has declined to recognize a freestanding constitutional right to post-conviction DNA testing." *State v. Prade*, 126 Ohio St.3d 27, 2010-Ohio-1842, 930 N.E.2d 287, *42, citing *District Attorney's Office for Third Judicial Dist. v. Osborne* (2009), 129 S.Ct. 2308, 2323, 174 L.Ed.2d 38. Because a convicted inmate does not have a constitutional right to any post-conviction proceedings, "[t]he right to file a post-conviction petition is a statutory right, not a constitutional right." *State v. Broom*, 146 Ohio St.3d 60, 2016-Ohio-1028, 51 N.E.3d 620, *28, citing *State v. Calhoun*, 86 Ohio St.3d 279, 281, 714 N.E.2d 905 (1999). A post-conviction petitioner "receives no more rights than those granted by statute." *Calhoun* at 281.

8. Ohio's post-conviction DNA testing statutes clearly establishes that an eligible inmate has no right to a hearing on application for DNA testing. Specifically, R.C. 2953.73(D) provides: "The court is not required to conduct an evidentiary hearing in conducting its review of, and in making its determination as to whether to accept or reject, the application."

9. Accordingly, convicted inmates such as Bonnell have neither a constitutional nor a statutory right to a hearing on an application for post-conviction DNA testing. Instead, this Court may determine whether to grant or deny an application by considering: "the application, the supporting affidavits, and the documentary evidence and, in addition to those materials, shall consider all the files and records pertaining to the proceedings against the applicant, including, but not limited to, the indictment, the court's journal entries, the journalized records of the clerk of the court, and the court reporter's transcript and all responses to the application filed under division (C) of this section by a prosecuting attorney or the attorney general[.]" See R.C. 2953.73(D).

10. R.C. 2953.74(C) provides that a trial court may only accept an eligible offender's application for DNA testing if six factors are present:

- (1) The court determines pursuant to section 2953.75 of the Revised Code that biological material was collected from the crime scene or the victim of the offense for which the offender is an eligible offender and is requesting the DNA testing and that the parent sample of that biological material against

which a sample from the offender can be compared still exists at that point in time.

(2) The testing authority determines all of the following pursuant to section 2953.76 of the Revised Code regarding the parent sample of the biological material described in division (C)(1) of this section:

(a) The parent sample of the biological material so collected contains scientifically sufficient material to extract a test sample.

(b) The parent sample of the biological material so collected is not so minute or fragile as to risk destruction of the parent sample by the extraction described in division (C)(2)(a) of this section; provided that the court may determine in its discretion, on a case-by-case basis, that, even if the parent sample of the biological material so collected is so minute or fragile as to risk destruction of the parent sample by the extraction, the application should not be rejected solely on the basis of that risk.

(c) The parent sample of the biological material so collected has not degraded or been contaminated to the extent that it has become scientifically unsuitable for testing, and the parent sample otherwise has been preserved, and remains, in a condition that is scientifically suitable for testing.

(3) The court determines that, at the trial stage in the case in which the offender was convicted of the offense for which the offender is an eligible offender and is requesting the DNA testing, the identity of the person who committed the offense was an issue.

(4) The court determines that one or more of the defense theories asserted by the offender at the trial stage in the case described in division (C)(3) of this section or in a retrial of that case in a court of this state was of such a nature that, if DNA testing is conducted and an exclusion result is obtained, the exclusion result will be outcome determinative.

(5) The court determines that, if DNA testing is conducted and an exclusion result is obtained, the results of the testing will be outcome determinative regarding that offender.

(6) The court determines pursuant to section 2953.76 of the Revised Code from the chain of custody of the parent sample of the biological material to be tested and of any test sample extracted from the parent sample, and from the totality of circumstances involved, that the parent sample and the extracted test sample are the same sample as collected and that there is no reason to believe that they have been out of state custody or have been tampered with or contaminated since they were collected.

11. If any of the factors is absent, the trial court "is precluded from accepting the application." *State v. Emerick*, 170 Ohio App.3d 647, 650, 2007-Ohio-1334, 868 N.E.2d 742 (2d Dist.2007). "The statute does not prioritize the court's obligations and provides the trial court with discretion to find one criterion from R.C. 2953.74 lacking so that other criteria need not be evaluated." *State v. Bunch*, 7th Dist. Mahoning No. 14 MA 168, 2015-Ohio-4151, *62.

12. This Court finds that Bonnell's Application fails to satisfy two different requirements of R.C. 2953.74(C). First, under R.C. 2953.74(C)(1), the evidence shows that a parent sample of any biological material, against which a sample from Bonnell could be compared, does not still exist at that point in time, apart from the already-tested jacket. "Parent sample" is defined in R.C. 2953.71(M) as "the biological material first obtained from a crime scene or a victim of an offense for which an offender is an eligible offender, and from which a sample will be presently taken to do a DNA comparison to the DNA of the subject offender[.]"

13. R.C. 2953.75(A) requires the Prosecuting Attorney "to use reasonable diligence to determine whether biological material was collected from the crime scene or victim of the offense" and "whether the parent sample of that biological material still exists at that point in time." Reasonable diligence is defined in R.C. 2953.71(Q) as "a degree of diligence that is comparable to the diligence a reasonable person would employ in searching for information regarding an important matter in the person's own life." Here, "[t]he burden is on the state; the prosecuting attorney is required to use reasonable diligence relying on all relevant sources to determine if the biological material still exists." *State v. Ustaszewski*, 6th Dist. Lucas No. L-05-1226, 2006-Ohio- 329, *20.

14. The prosecution must then file a report with the trial court addressing the existence and availability of the requested biological material. R.C. 2953.75(B). "If the court concludes, based upon the prosecution's report, that the requested biological evidence in fact no longer exists, the court may deny the applicant's request for DNA testing." *State v. Mayrides*, 10th Dist. Franklin No. 07AP-658, 2008-Ohio-2290, *6, citing R.C. 2953.74(C)(1).

15. This Court has reviewed and considered the Prosecuting Attorney's Report Pursuant to R.C. 2953.75(B), filed June 15, 2017. That report is 24 pages long. It is accompanied by approximately 80 pages of exhibits (exclusive of cover pages), including a 15-page affidavit submitted by Assistant Prosecutor Christopher

Schroeder totaling 80 paragraphs. That affidavit discusses in detail the Prosecuting Attorney's efforts to locate any biological material in this case.

16. R.C. 2953.75 provides that in preparing such a report, "the prosecuting attorney shall rely upon all relevant sources, including, but not limited to, all of the following:

- (1) All prosecuting authorities in the case in which the offender was convicted of the offense for which the offender is an eligible offender and is requesting the DNA testing and in the appeals of, and post-conviction proceedings related to, that case;
- (2) All law enforcement authorities involved in the investigation of the offense for which the offender is an eligible offender and is requesting the DNA testing;
- (3) All custodial agencies involved at any time with the biological material in question;
- (4) The custodian of all custodial agencies described in division (A)(3) of this section;
- (5) All crime laboratories involved at any time with the biological material in question;
- (6) All other reasonable sources."

17. The Prosecuting Attorney's Report in this case complies with all requirements of this statute. The report demonstrates that the Prosecuting Attorney relied upon trial prosecutors Rick Bombik and Donald Butler, appellate prosecutors L. Christopher Frey, Jon Oebker, and Matthew Meyer, several searches of the inventory of the property room in the Prosecutor's Office, one physical search of that room, and searches the storage areas in the basement and 25th floor of the Cuyahoga County Justice Center. This satisfies R.C. 2953.75(A)(1).

18. The Prosecuting Attorney's report demonstrates that he relied upon information received from former Homicide Detectives Jack Bornfeld and Anthony Zalar, as well as current Homicide Detective Joselito Sandoval. The Prosecuting Attorney initiated a search the Cleveland Police Forensic Lab. He also initiated several checks of the Cleveland Police Property Room. Although the Prosecuting Attorney's Report contains some information as to the chain of custody of the evidence at the time of trial, there is no evidence that indicates any of those items are in existence or still in the possession of the Cleveland Division of Police 30 years later. This satisfies the Prosecuting Attorney's obligations under R.C. 2953.75(A)(2).

19. The Prosecuting Attorney's report demonstrates that he relied upon the Cuyahoga County Medical Examiner's Office as the custodial agency involved with the biological material in this case. The Prosecuting Attorney prompted separate searches of the Medical Examiner's Office by both Curtiss Jones, the Supervisor of the Trace Evidence Department, and Dr. Nasir Butt, the DNA Supervisor and Technical Manager. From Mr. Jones, the Prosecuting Attorney learned that the Medical Examiner's Office is in possession of four items in relation to Bonnell's case:

- 7 autopsy microslides from the victim, Robert Bunner,
- 4 swabs from Bonnell's maroon and tan jacket,
- 1 swab from an autopsy microslide, and
- the maroon and tan jacket.

This satisfies R.C. 2953.75(A)(3).

20. The Prosecuting Attorney's report documents that he spoke with Dr. Thomas P. Gilson, M.D., the Medical Examiner of Cuyahoga County and the custodian of the Cuyahoga County Medical Examiner's Office as defined under R.C. 2953.71(E). Dr. Gilson conducted his own search of the Medical Examiner's Office file and concluded that there was no additional evidence in the Medical Examiner's possession apart from the items Mr. Jones had already mentioned. This satisfies the Prosecuting Attorney's obligations under R.C. 2953.75(A)(4).

21. The Prosecuting Attorney's report documents that he relied upon information from all crime laboratories involved at any time with the biological material in question. Specifically, he spoke to representatives of both the Cuyahoga County Medical Examiner's Office and the DNA Diagnostics Center, the only two agencies who are known to have conducted any testing on any biological evidence in this case. In addition, Dr. Lewis Maddox, DNA Technical Leader at the Ohio Bureau of Criminal Investigation (BCI) in Richfield, Ohio, also checked BCI's LIM computer system and card catalogue system and found no evidence that BCI was ever involved in Bonnell's case in any way. This satisfies R.C. 2953.75(A)(5).

22. The Prosecuting Attorney's report establishes that he also relied upon all other reasonable sources. These included the Cuyahoga County Clerk of Courts' Office, the Eighth District Court of Appeals, the Ohio Attorney General's Office, the Court Reporters Department, the Cuyahoga County Archives Building on Franklin Boulevard, the Western Reserve Historical Society, the transcripts of Bonnell's 1988 trial, and various police reports and other documentation in Bonnell's case. The Court finds that this satisfies the requirement of "[a]ll other reasonable sources" under R.C. 2953.75(A)(6).

23. In sum, the Prosecuting Attorney's Report establishes that the only evidence collected from the crime scene or from Bonnell in this case was his jacket, the murder weapon, his clothing, two .25 caliber shell casings from the victim's apartment, Bonnell's car, and a green pillow/cushion from the victim's apartment. With the exception of the jacket, however, that evidence cannot be located. Bonnell therefore cannot show that a parent sample of any biological material exists at this point in time. There is thus nothing for Bonnell to test, and his application fails the first criteria for acceptance under R.C. 2953.74(C)(1).

24. Additionally, this Court further finds that even if any of the above-listed items did still exist, Bonnell cannot demonstrate that the results of any additional DNA testing would be outcome determinative under R.C. 2953.74(C)(5) in light of the overwhelming evidence of his guilt.

25. "Outcome determinative" means that "there is a strong probability that no reasonable factfinder would have found the offender guilty" had the results been presented at trial. R.C. 2953.71(L). Here, it is Bonnell who bears the burden of proof. "The burden to establish that the DNA test results would have been 'outcome determinative' is on the inmate submitting the application. R.C. 2953.74(B). Unless the inmate meets that burden, the trial court is statutorily precluded from accepting the inmate's post-conviction application for DNA testing." *State v. Caulley*, 10th Dist. Franklin No. 09AP- 172, 2009-Ohio-5801, *16.

26. Because Bonnell cannot show that any additional DNA testing would be outcome- determinative, this Court can deny his application on that basis alone. The legislative intent of Ohio's post-conviction DNA testing statutes, and specifically R.C. 2953.73, was to provide trial courts with "considerable discretion and wide latitude" in considering an application for DNA testing. See *State v. Buehler*, 113 Ohio St.3d 114, 2007-Ohio-1246, 863 N.E.2d 124, *31. "For example, if a trial court decided that a DNA test exclusion result would not be outcome-determinative, the court would have no obligation to accept the application and would have no need for a prosecuting attorney to prepare and file a DNA evidence report pursuant to R.C. 2953.75." *Id.*

27. The following evidence introduced at trial and through the documentary evidence submitted in this case establishes that Bonnell was the person who murdered Robert Bunner:

- Shirley Hatch, Bunner's roommate, testified that she saw Bonnell shoot Bunner.

- Edward Birmingham, Bunner's other roommate, testified that immediately after the shooting, he saw Bonnell on top of Bunner's body striking Bunner in the face. Birmingham grabbed Bonnell and forcibly threw him out of the apartment.
- Shortly after the shooting, Cleveland Police Officers Emerilo Montalyo and Thomas Jesionowski saw a blue car being driven backwards on the street near the victim's apartment with its headlights off. The officers attempted to stop the car, and a high-speed chase ensued. The chase ended when the driver lost control of the blue car and crashed into a funeral chapel. The officers immediately removed the driver from the vehicle and placed him on the ground. Both officers testified at trial that Bonnell was the driver and sole occupant of the blue car.
- Both Hatch and Birmingham immediately provided officers with a description of the shooter that the officers recognized as being consistent with Bonnell.
- At the hospital later that night, Birmingham identified Bonnell as the assailant.
- Police found a .25 caliber Tanfoglio handgun, later identified as Bonnell's, on the street along the route of the chase, approximately one half-block away from where Bonnell had crashed his car, and in the area where Bonnell first lost control of the vehicle. Test casings fired from the gun matched spent bullet casings found at the scene, and the test bullets fired from the gun were consistent with the bullets removed from Bonnell's body.
- Police found a tan and maroon ski jacket inside Bonnell's car after the crash. Both Hatch and Birmingham described the shooter as wearing a tan and maroon ski jacket.
- Bonnell's own alibi witness, Joey Popil, contradicted Bonnell's story as to what happened that night, identifying Bonnell as the man driving the blue 1980 Chevrolet Malibu, wearing the gray and maroon jacket, and in possession of the .25 caliber Tanfoglio handgun.
- DNA testing done in by the DNA Diagnostics Center (DDC) in 2009 revealed that the victim's blood was on Bonnell's jacket.

28. The Supreme Court of Ohio held in Bonnell's direct appeal that the evidence of his guilt was "overwhelming." *State v. Bonnell*, 61 Ohio St.3d 179, 183, 573 N.E.2d 1082 (1991). The Supreme Court reached that conclusion even without the benefit of the 2009 DNA testing proving that the victim's blood was on Bonnell's jacket. Especially in light of that testing, Bonnell's case does not present this Court with a plausible claim of actual innocence.

29. This Court therefore finds that Bonnell cannot demonstrate a "strong probability that no reasonable factfinder" would have found him guilty at trial with more DNA testing. R.C. 2953.71(L). His application therefore fails to demonstrate that any additional testing would be outcome-determinative, as required under R.C. 2953.74(C)(5).

CONCLUSION

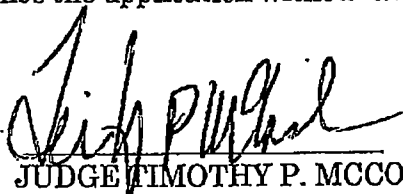
33. For the foregoing reasons, this Court hereby finds two separate and independent reasons that compel the rejection of Bonnell's application:

- a. The prosecuting attorney has used reasonable diligence, but there is no evidence to suggest that any biological material in this case still exists at that point in time for testing under 2953.74(C)(1) apart from the gray and maroon jacket.
- b. Bonnell has failed to demonstrate that the results of any additional DNA testing would be outcome-determinative under R.C. 2953.74(C)(5) in light of the overwhelming evidence of his guilt.

34. Accordingly, this Court hereby denies the application without a hearing.

IT IS SO ORDERED.

DATE: 8/14/12



JUDGE TIMOTHY P. MCCORMICK
Cuyahoga County Court of Common Pleas

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO,

2008 AUG -4 ^{K.R.} A 9: 34

Case No. CR-223820

Plaintiff,

vs.

GERALD E. FUERST :
CLERK OF COURTS
CUYAHOGA COUNTY :

Judge Timothy McCormick

MELVIN BONNELL,

:

DEATH PENALTY CASE

Defendant.

:

ORDER FOR DNA TESTING

Upon the representation of counsel for the State of Ohio that Bonnell's jacket is available for DNA analysis and is located in the Eighth District Clerk's Office files, the court hereby orders that this item be tested for DNA identification by the DNA Diagnostic Center (DDC), DNA Technology Park, One DDC Way, Fairfield, OH 45014. Upon representation of both counsel and DDC, all DNA testing for this case will be done at no cost to the parties.

Accordingly, the Court hereby orders that the Cuyahoga County Clerk of Courts shall deliver the box containing the aforementioned jacket, which is maintained as part of the record of this case, to the Cuyahoga County Coroner. It is further ordered that upon receipt of the jacket from the clerk of courts, the Cuyahoga County Coroner shall (1) document the condition of the evidence as it would in the ordinary course of its business, taking all reasonable and necessary precautions to prevent contamination and spoliation of the evidence and preservation of the chain of custody of the evidence, (2) prepare the evidence for shipment to DDC, taking all reasonable and necessary precautions to prevent contamination and spoliation of the evidence and preservation of the chain of custody of the evidence, and (3) ship the evidence to DNA Diagnostic Center (DDC), DNA Technology Park, One DDC Way, Fairfield, OH 45014.

Counsel for the State of Ohio is continuing to search for other evidence related to the above-captioned case. Materials found, if any, are subject to further order of this Court.

APPENDIX C

A - 24

CR87223820-ZA

52856653



It is also ordered that the Cuyahoga County Coroner shall inspect its records concerning this case, and determine if it possesses any remaining sample of biological material from the body of victim Robert Eugene Bunner, Coroner's Case No. 199612, Autopsy No. M-56190, and if so, promptly inventory such evidence and provide to the Court and counsel for both parties such inventory, documenting the condition and location of such evidence, as well as its suitability for DNA testing.

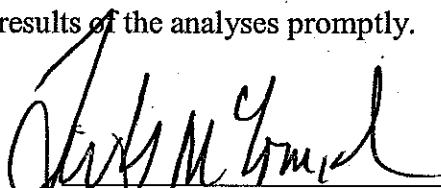
Counsel for Melvin Bonnell shall promptly deliver to DDC a DNA sample consisting of an oral swab taken from the mouth of Mr. Bonnell for comparison purposes. It is further ordered that the Ohio Department of Rehabilitation and Correction shall provide counsel for Mr. Bonnell whatever medical assistance is necessary for obtaining a swab of Mr. Bonnell's DNA.

It is also ordered that upon receipt of the evidence item to be tested, the aforementioned jacket, DDC shall document the evidence using its routine procedures for preservation of chain of custody. DDC is ordered to examine the evidence and perform standard STR DNA testing in accordance with its established and customary procedures for conducting such testing.

Counsel for both parties is to report the results of the analyses promptly.


IT IS SO ORDERED.

7/30/08
Date


Judge Timothy McCormick

APPROVED:


Matthew E. Meyer
Assistant Prosecuting Attorney

 / mm by telephone
Kimberly S. Rigby
Attorney for Defendant
consent 7/28/08

CR223820
M. Bonnell

CRIMINAL INVESTIGATION

DATE _____ Time 1052 HOURS Age 32

The following is the statement of EDWARD E. BIRMINGHAM

Race W Sex M DOB [REDACTED] Marital Status [REDACTED] Sep. Address [REDACTED]

City CLEVELAND State OHIO Phone NONE Zip Code 44102

Employed UNEMPLOYED Address _____ City _____

State _____ Phone _____ Regarding the arrest of MELVIN BONNELL

on the charge of MURDER

Name EDWARD E. BIRMINGHAM

APPENDIX B

I have known the guy who got shot about 2 weeks, he told me his name Gene. I have been living with Shirley Hatch at [REDACTED] Shirley liked Gene so I let him stay with us at the apartment. This has been for the last two weeks.

We had been drinking all day, myself, Shirley, and Gene. I was drinking heavy so I went to bed about 8:30 P.M. Saturday Friday nite Nov. 27, 1967. Gene and Shirley were up talking when I went to bed. Shirley woke me and said that Gene got shot. I went into the kitchen and I saw Gene with blood all over him. There was a guy on top of Gene and he was punching him. This was right by the back door. I grabbed the guy off of Gene and threw him out of the apartment onto the back porch. I went out after him and I kicked him. He fell down the stairs. I went back into the apartment and closed the door and locked it. Gene was laying on the floor and I thought he was just knocked out. There was a lot of blood coming from Gene and I thought he was just beat up. So I went back to bed. Shirley had ran across the hall to Ray Campbell's apartment while I was fighting with the guy who beat up Gene. Then I woke up again and that's when the police came. I told them what had happen and what I did. Then I realized that Gene was dead. Then the police took me over to Luthern Hospital and in the emergency room I saw a white male on a stretcher and the doctors were working on him. I looked at the guy and told the police that he was the one I saw fighting with Gene. Then the police took me home. I was later brought to the Justice Center by the Homicide Detectives to make a statement.

Q. Do you know Gene's real name?
A. No, but the police tell me his name is Robert Eugene Bunner.

Q. Do you know the name of the male you identified in the hospital as the male you saw assaulting Gene?
A. No, but the police tell me his name is Melvin Bonnell. I never saw the guy before.

Q. Did Gene have any weapons that you know of in the apartment?
A. None

Q. Did you see Melvin Bonnell with any weapons?
A. No

Q. Did you have any conversation with Melvin Bonnell when you were fighting with him?
A. I told him to get the fuck out of my house and threw him down the stairs and never to come back.

Q. Did you know anything about the background of Gene as to why Melvin Bonnell would assault and shot him?
A. No

Q. Showing you a .25 cal automatic Tanfoglio Giuseppe Made in Italy Ser. #M41846 what can you tell me about this weapon?
A. I never saw it before.

Q. Can you describe Melvin Bonnell and what he was wearing?
A. He was a white male with blondish red hair, he looked like he hadn't shaved in a couple of days, but he was wearing a maroon and grey ski jacket.

EXHIBIT

tabbles

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CRIMINAL INVESTIGATION

Date November 28th, 1987Time 10:55AM

The following is the statement of SHIRLEY MARIE HATCH Age 31
 Race White Sex Female DOB [REDACTED] Marital Status Sen. Address [REDACTED]
 City Cleveland, State Ohio Phone none Zip Code 44113
 Employed at no Address _____ City _____
 State _____ Phone _____ Regarding the arrest of MELVIN BONNELL
 on the charge of Murder
 Name SHIRLEY HATCH

1 I have known ROBERT EUGENE BUNNER since October of last year. I call
 2 him by the nickname of GENE. EDDIE BIRMINGHAM also lives with me at my
 3 apartment. I have been only living in the apartment for about a month.
 4 About two weeks ago ROBERT BUNNER told me that he did not have any place
 5 to stay so me and EDDIE BIRMINGHAM let ROBERT BUNNER stay in our apartment.

6 Early this morning, it must have been around 3:30AM in the morning me
 7 and GENE were laying in bed in the livingroom and we were talking. GENE is a
 8 painter and he was telling me that he wasn't going to work this morning.
 9 EDDIE BIRMINGHAM was in a room off the kitchen sleeping in the bedroom.
 10 The next thing that I heard was that there was a knock on the rear door
 11 which is by the kitchen. I got out of the bed and I walked to the kitchen door
 12 and I asked who is was. The man that was outside on the back porch said he
 13 name was CHARLIE and he mentioned a last name but I can't recall it. I didn't
 14 asked what this man wanted and I walked into the living room and I told GENE
 15 that there was a CHARLIE somebody at the back door. GENE told me that he
 16 would handle it. GENE got up out of bed and he put his pants on and he walked
 17 to the rear kitchen door. The guy outside on the back porch mentioned his name
 18 again. At this time I was standing behind GENE. GENE then opened up the door
 19 and the guy that was outside on the rear porch walked into the kitchen and
 20 he then closed the door. GENE was getting ready to say something to this man
 21 and the man called GENE a MOTHER FUCKER. I didn't see the gun but the next thing
 22 that I heard was a pop like from a cap pistol and then GENE stumbled backwards
 23 and he knocked the kitchen table over and then he fell to the floor. The man
 24 that shot GENE was still standing in the kitchen and he was still calling
 25 GENE a bunch of dirty names. I ran into EDDIE BIRMINGHAM bedroom and I finally
 26 got him up and I told him that GENE was shot. I hid in the closet in EDDIE
 27 BIRMINGHAM bedroom. The next thing that I heard was the man that shot GENE
 28 came to the bedroom door that I was in and he began knocking on the door. I
 29 know that this man had to be high or something because the bedroom door was
 30 unlocked and the man could have walked in. This man said let me in there or
 31 I am blowing the fucking door down. That's when EDDIE BIRMINGHAM got up. In
 32 the meantime the man must have walked away from the bedroom door and then I
 33 heard a couple more shots. When EDDIE BIRMINGHAM got up and walked into the
 34 kitchen, I got out of the bedroom closet and I ran out of the apartment to
 35 the ladies across the halls apartment. I went through the front door. I did pay
 36 any attention to what was going on in the kitchen. When I heard the first shot
 37 fired and GENE fell to the floor he was laying by the bathroom door off the
 38 kitchen. When I came back into the apartment after EMS arrived, GENE was lay-
 39 ing by the door that leads to the back porch. I didn't know how GENE got there.
 40 EDDIE BIRMINGHAM told me that when he went into the kitchen that the guy was
 41 beating on GENE and that GENE was already dead or knocked out. When I was
 42 across the hall at the ladies house, EDDIE walked to the front door of our
 43 apartment and the man that did the shooting was standing right by EDDIE.
 44 I did come out of the apartment where I called the police from, but later EDDIE
 45 told me that he through the man down the stairs. Later I found out that GENE
 46 had died. I never say this man before that did the shooting.

Q. Do you care to add anything further to your statement at this time?

A. YES

Q. After having read this statement, is it the truth?

A. YesSigned Shirley Marie HatchWitness Det. John McKibben [Signature]

Witness _____

Taken by Det. McKibben [Signature]Statement taken at Homicide OfficeDet.# 1597

Det.# _____

Det.# 1597Date 11-28-87 Time 11:20AM

A-27

the continued statement of SHIRLEY HATCH

11-28-87 at 11:22AM

1. I don't even know why this man shot GENE, The only thing that this man said
2. was that he was calling GENE a lot of dirty names.
3. Q. When you were first in the kitchen and GENE answered the door, how many
4. shots did you heard fired. ?
5. A. On this time I only heard one shot and then GENE fell to the floor. Later
6. while I was in the bedroom, I heard a couple more shots, but I don't
7. know what the man was shooting at.
8. Q. Can you describe the clothing that the man was wearing that shot GENE?
9. A. I think that he had jeans on and the man was wearing a gray and maroon
10. colored ski jacket. He was a white male in his late 20's. The man was
11. maybe an inch taller than GENE from the way that they were standing.
12. The man had a mustache and he had like blonde hair and the hair was down
13. to his neck.
14. Q. Can you tell us how far the man was standing from GENE when he shot him?
15. A. It was less than three feet.
16. Q. Is there anything else that you can recall about this incident?
17. A. That's about it.
18. Q. Have you read the above statement and is it the truth.

Bunner was
6'1"

5. A. YHS

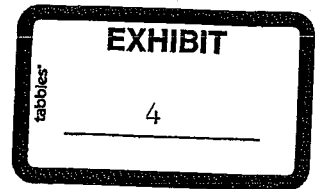
SIGNED:

Shirley Hatch

WITNESS

J. H. Miller

Typed by Detective McKibben at the Homicide Office at 11:33AM



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, :
 :
 Plaintiff-Respondent, :
 : Case No. CR-223820
 -VS- :
 :
 MELVIN BONNELL, :
 :
 Defendant-Petitioner : HON. TIMOTHY McCORMICK

EXHIBIT A

STATE OF OHIO

SS:

COUNTY OF CUYAHOGA

I, RICHARD F. WALSH, after being duly cautioned and sworn according to law, hereby state as follows:

1. I am an attorney licensed to practice law in the State of Ohio (SC#0034123)
2. I represented Melvin Bonnell, Jr. in his capital trial in Case No. CR-223820.
3. Mr. Bonnell was convicted of aggravated murder with specifications and sentenced to death by a jury.
4. After Mr. Bonnell's conviction and sentence, I no longer represented Mr. Bonnell.
5. Laurence E. Komp, Esq., Mr. Bonnell's post-conviction attorney, requested me to review police records, marked as Post-conviction Exhibits A, B, H, K, L, O, S, T, X, CC, GG, HH, KK, NN, PP, WW, XX, DDD, and EEE, he had obtained in the course of investigating Mr. Bonnell's post-conviction petition.
6. The information contained in the records was not disclosed to me by the prosecutor before or during Mr. Bonnell's trial.
7. The records contain information which would have been helpful to me when I represented Mr. Bonnell.

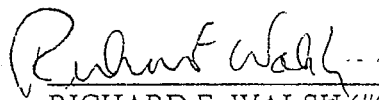
8. For instance, one of the records forwarded to me by Mr. Komp, a police report marked as Post-conviction Exhibit Q, indicated that Edward Birmingham was too intoxicated to give a statement to the police immediately following the alleged murder. This information would have been helpful in defending Mr. Bonnell on a number of levels.

a) First, although an attempt was made to challenge the credibility of Birmingham by questioning him regarding the amount he drank, he vehemently denied that he was intoxicated when he allegedly witnessed the homicide. The police report would have been instrumental in establishing that Birmingham had drunk too much, his testimony to the contrary. This information would have impeached his testimony as to other matters: i) Birmingham had lied about his drinking and therefore was capable of lying about other matters; and, ii) the mere fact that he was drunk affected his ability to accurately recall the events.

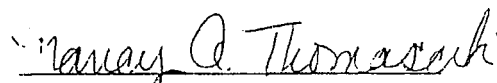
b) Second, the police report provided evidence which would have been the basis of a suppression motion regarding Birmingham's out-of-court identification of Mr. Bonnell. The totality of the circumstances clearly shows that Birmingham's out-of-court identification was unduly suggestive: he was too intoxicated at the time of the show-up; he was told by police that he was being taken to see the suspect; and he was shown only one (1) person, Mr. Bonnell, who was lying on a gurney under guard at the hospital.

9. The other records forwarded to me by Mr. Komp, marked as Post-conviction Exhibits A, B, H, K, L, O, S, T, X, CC, GG, HH, KK, NN, PP, WW, XX, DDD, and EEE, contain numerous pieces of helpful information.

FURTHER AFFIANT SAYETH NAUGHT.


RICHARD F. WALSH (#0034123)

Sworn and subscribed in my presence this 30th day of June, 1997.


Notary Public

NANCY A. THOMASCIK
NOTARY PUBLIC - State of Ohio, Cuya. Cty
My Commission Expires June 13, 1998

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO,

Plaintiff-Respondent,

-vs-

MELVIN BONNELL,

Defendant-Petitioner

Case No. CR-223820

HON. TIMOTHY McCORMICK

EXHIBIT A

STATE OF OHIO

SS:

COUNTY OF CUYAHOGA

I, **WILLIAM T. McGINTY**, after being duly cautioned and sworn according to law, hereby state as follows:

1. I am an attorney licensed to practice law in the State of Ohio (SC#0009285)
2. I represented Melvin Bonnell, Jr. in his capital trial in Case No. CR-223820.
3. Mr. Bonnell was convicted of aggravated murder with specifications and sentenced to death by a jury.
4. After Mr. Bonnell's conviction and sentence, I no longer represented Mr. Bonnell.
5. Laurence E. Komp, Esq., Mr. Bonnell's post-conviction attorney, requested me to review police records, marked as Post-conviction Exhibits A, B, H, K, L, O, S, T, X, CC, GG, HH, KK, NN, PP, WW, XX, DDD, and EEE, he had obtained in the course of investigating Mr. Bonnell's post-conviction petition.
6. The information contained in the records was not disclosed to me by the prosecutor before or during Mr. Bonnell's trial.
7. The records contain information which would have been helpful to me when I represented Mr. Bonnell.

8. For instance, one of the records forwarded to me by Mr. Komp, a police report marked as Post-conviction Exhibit Q, indicated that Edward Birmingham was too intoxicated to give a statement to the police immediately following the alleged murder. This information would have been helpful in defending Mr. Bonnell on a number of levels.

a) First, although an attempt was made to challenge the credibility of Birmingham by questioning him regarding the amount he drank, he vehemently denied that he was intoxicated when he allegedly witnessed the homicide. The police report would have been instrumental in establishing that Birmingham had drunk too much, his testimony to the contrary. This information would have impeached his testimony as to other matters: i) Birmingham had lied about his drinking and therefore was capable of lying about other matters; and, ii) the mere fact that he was drunk affected his ability to accurately recall the events.

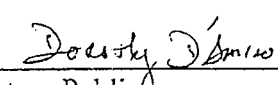
b) Second, the police report provided evidence which would have been the basis of a suppression motion regarding Birmingham's out-of-court identification of Mr. Bonnell. The totality of the circumstances clearly shows that Birmingham's out-of-court identification was unduly suggestive: he was too intoxicated at the time of the show-up; he was told by police that he was being taken to see the suspect; and he was shown only one (1) person, Mr. Bonnell, who was lying on a gurney under guard at the hospital.

9. The other records forwarded to me by Mr. Komp, marked as Post-conviction Exhibits A, B, H, K, L, O, S, T, X, CC, GG, HH, KK, NN, PP, WW, XX, DDD, and EEE, contain numerous pieces of helpful information.

FURTHER AFFIANT SAYETH NAUGHT.


WILLIAM T. MCGINTY (#0009285)

Sworn and subscribed in my presence this 3rd day of July 1997.


Notary Public

DOROTHY L. D'AMICO, Notary Public
State of Ohio, Cuyahoga County
My Commission Expires Feb. 7, 2002

EXHIBIT

6

RED BODY SUSPECTED
HOMICIDE ARREST/CONFINEMENT
SUBJECT or CRIME

SUPPLEMENTARY REPORT

CLEVELAND POLICE DEPARTMENT

DATE OF THIS REPORT NOV. 28, 1987 87-080470

COMPANY OR OWNER	ADDRESS	PHONE	AGE	SEX	RACE	M-S
VICTIM ROBERT EUGENE BUNNER	ADDRESS	PHONE NONE	23	M	W	S
ADDRESS OF OCCURRENCE 709 BRIDGE AVE UP	TYPE OF PLACE KITCHEN/HOME	ZONE 212				
TIME OF OCCURRENCE approx. 0235 Hrs.	DATE OF OCCURRENCE NOVEMBER 28, 1987	DAY OF WEEK SATURDAY				
INVESTIGATED BY	ADDRESS	PHONE	TIME	DAY	DATE	
COVERED BY	ADDRESS	PHONE	TIME	DAY	DATE	

PAGE 1 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

On Saturday Nov. 28, 1987, while assigned to car 8151, in company with Det. Zalar, received a call from Police Radio of 5709 Bridge Ave. meet car 211 on a victim of a homicide. This assignment was received at 0345 Hrs.

Arrived at 5709 Bridge Ave met with the following officers, car 253 LT. TOROK, in charge of the district cars, 211. P.O.'S STANCZYK # 1677, KUKULA # 1642, investigating officers. car 212, P.O.'S JESIONOWSKI # 2187, MONTALVO # 1246. S.I.U. car 277, DET. MATUSZNY # 1569. Also car 214 P.O.'S WALSH # 1682 and BROWN # 1302, together investigated.

VICTIM

ROBERT EUGENE BUNNER, W-M-23, [REDACTED] SSN [REDACTED] residing at [REDACTED] This male is our C.P.D. 172796. This male has a record with this department for the following; 6 T.O. 83-86, 5 C of C 83-87, R.S.P. 1983, D.C.I. 1984, D.C. 1985. This male was conveyed to Lutheran Hospital with a GSW to the chest. He was conveyed by E.M.S. #3. The victim was dressed in blue jockey type shorts only. Viewed the body at Lutheran Hospital, he had 1, GSW to the left side of the chest, there was a treatment laceration of the left side of the chest. Check of the victim at S.I.U. Det. ALLEN, reveals this male has a record with our department, attached is his face sheet. Check of the Record room reveals the above record on this male, PER PAYTHRESS. Checked the W&S Unit PER. RINALDI, No Wants.

NOTIFICATION

PATRICIA ALEXANDER, W-F-43, D.O.B. [REDACTED], this female is the mother of the victim, she resides at [REDACTED]. She was sent to Lutheran Hospital by car 211, at the hospital staff informed her that her son expired.

MORGUE

Victim was pronounced at Lutheran Hospital, by Dr. MOYSANKO at 0430 Hrs. He was received at the morgue by ATT. HOLSTEIN conveyed by C&A Ambulance Service, the victim was 73 inches 179 lbs. This male had no property and his clothing was a pair of blue shorts.

DET. HAYES AND ZALAR

A - 33

COFC71-10

INVESTIGATING OFFICERS Det. Hayes # 106	PLATOON Third	CAR 8151	APPROVED BY [Signature]
OTHER <input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> RAIN <input checked="" type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW	TEMP 44 °	WIND SE 11	<input type="checkbox"/> A.I.U. <input type="checkbox"/> REQUESTED <input type="checkbox"/> S.I.U. <input type="checkbox"/> NOT REQUESTED
			<input type="checkbox"/> ON SCENE

DEAD BODY SUSPECTED SUPPLEMENTARY REPORT

HOMICIDE/ARREST/CONFINEMENT CLEVELAND POLICE DEPARTMENT

SUBJECT or CRIME

DATE OF THIS REPORT NOV. 28, 1987

COMPLAINT NO. 87-080470

COMPANY OR OWNER	ADDRESS	PHONE	AGE	SEX	RACE	M-E
CTIM	ADDRESS	PHONE				
ROBERT EUGENE BURNER	[REDACTED]	NONE	23	M	W	S
ADDRESS OF OCCURRENCE	TYPE OF PLACE	ZONE				
5709 BRIDGE AVE.	KITCHEN/HOME	212				
TIME OF OCCURRENCE	DATE OF OCCURRENCE	DAY OF WEEK				
APPROX. 0235 HRS.	NOVEMBER 28, 1987	SATURDAY				
CURED BY	ADDRESS	PHONE	TIME	DAY	DATE	
DISCOVERED BY	ADDRESS	PHONE	TIME	DAY	DATE	

PAGE 2 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

SUSPECT ARRESTED

MELVIN BONNELL AKA PEANUTS, W-M-29, D.O.B. [REDACTED]
SSN [REDACTED] P.D. 149685. This male is confined at EUTHERAN HOSPITAL. This to be explained in the Invest-
section of this report. Checked at the W&S Unit, not wanted
PER. RINALDI, Check at S.I.U. DET. ALLAN, rap sheet is
attached to this report. Record room reveals that this
male was an Escapee in 1977, 2 Agg. Rdberys in 1977 and
1981, CCW in 1977, Kidnapping on 1977. PER. PAYTHRESS.
It should be noted at this point that this male was very
intoxicated or under the influence of drugs while at the
hospital, he could not talk, there came a time that he was
able to mumble a name and address. This was the address
of his father, he was interviewed later. This male was
taken to I.C.U. and a detail was established.
This male was injured in a auto accident this will be
explained in the investigation of this report.

AUTO TOWED

1980 Chev. 4 Dr. Light Blue in color, Ohio Lic. 325 GSD
VIN. 1T19KA1494616, this vehicle is listed to one, RONALD
SMITH, [REDACTED] this male is a mail
man assigned to the airport at Hopkins. He informed us
that he last seen his vehicle at the driveway at his home
at 1830 Hrs. He then drove to work in his girlfriends car
he was not aware that his brother had his vehicle untill
he was informed by us. He then told us that his brother
has keys to his home and his keys were on a stand in the
kitchen. This vehicle was involved in an accident at 3929
Lorain Ave. Towed from the scene assigned VIU # 37097.
This vehicle is to be processed by S.I.U.

WEAPON USED

There was two casings recovered at 5709 Bridge in the
apartment of the victim, they were taken by P.O. WALSH
after they were photographed by DET MATUSZNY. He entered
them in the property book at the second district, they
were signed for by members of 8151, conveyed to the hom-
icide office and entered in the property book. The are
described as .25 Cal. casings. The weapon was NOT recovered
at this time.

DET. HAYES, ZALAR

A - 34

COFC 71-10

ESTIMATING OFFICERS

Det. Ernest Hayes #106

PLATOON
Third

CAR
8151

APPROVED BY

[Signature]

ATHER ☐ CLEAR ☐ RAIN ☐ SNOW ☒ CLOUDY TEMP 44.8 WIND SE 11

☐ A. I. U. ☐ REQUESTED ☐ ON SCENE
☐ S. I. U. ☐ NOT REQUESTED

HOMICIDE/ARREST/CONFINEMENT ELEMENTARY REPORT

CLEVELAND POLICE DEPARTMENT

COMPLAINT NO.

SUBJECT or CRIME

DATE OF THIS REPORT NOV. 28, 1987

87-080470

REPORTING OFFICER	ADDRESS	PHONE	AGE	SEX	RACE	M-S
TIM						
REPORTING OFFICER	ADDRESS	PHONE	AGE	SEX	RACE	M-S
ROBERT EUGENE BUNNER		NONE	23	M	W	S
ADDRESS OF OCCURRENCE	TYPE OF PLACE	ZONE				
5709 BRIDGE AVE	KITCHEN/HOME	212				
DATE OF OCCURRENCE	DATE OF OCCURRENCE	DAY OF WEEK				
APPROX. 0235 Hrs.	NOVEMBER 28, 1987	SATURDAY				
REPORTED BY	ADDRESS	PHONE	TIME	DAY	DATE	
COVERED BY	ADDRESS	PHONE	TIME	DAY	DATE	

PAGE 3 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

STOLEN

There was nothing stolen or reported stolen at this time.

EVIDENCE

Two (2) casings recovered at the scene, .25 Cal. These were entered into the homicide property book. These are to be compared with the weapon at the time of recovery. These were recovered by P.O. WALSH, he entered them in the property book at the second district, signed for by car 8151.

Photos taken by DET. MATUSZNY on car 277, a total of 12 was taken.

1980 Chev. Ohio Lic. 325 GSD, this was towed after the suspect wrecked the vehicle at 3929 Lorain Ave.

1 Maroon and Gray ski jacket, this was recovered in the 1980 Chev. by members of car 212.

Green vinyl pillow recovered on the back porch of the victims home. This had blood on same it was conveyed to the morgue for testing.

WITNESSES

SHIRLEY HATCH, W-F-31, D.O.B. [REDACTED] residing at [REDACTED] No Phone. This female informed us that at approx. 0230 Hrs. there was a knock at the door, she stated that she was in the bed with the victim, she got out of bed and started to the back door that is located in the kitchen, she was followed by the victim. He told her not to open the door without knowing who is there. He then ask through the door WHO IS THERE? There was a voice that replied CHARLES. He opened the door and a male came into the kitchen wearing a MAROON AND GRAY SKI JACKET. He then shot the victim two (2) times. She ran into a bed room that is located off the living room and woke up her brother, this male EDWARD BIRMINGHAM, came out of the bedroom and went to the aid of the victim. At the time they arrived back in the kitchen the suspect was on top of the victim, BIRMINGHAM pulled the suspect off the victim and pushed him out the door. HATCH went on to say that she had never seen the suspect prior to tonight.

T. HAYES, ZALAR

INVESTIGATING OFFICERS

Det Ernest Hayes #106

PLATOON Third

CAR 8151

APPROVED BY

OTHER ☐ CLEAR ☐ RAIN

☐ A. I. U. ☐ REQUESTED

☐ ON SCENE

COFC71-10

OMICIDE/ARREST/CONFIDENTIAL ELEMENTARY REPORT

CLEVELAND POLICE DEPARTMENT

COMPLAINT NO.

SUBJECT or CRIME

DATE OF THIS REPORT NOV. 28, 1987 87-080470

COMPANY OR OWNER

ADDRESS

PHONE

AGE

SEX

RACE

M-S

TIM

ROBERT EUGENE BUNNER

ADDRESS

PHONE

NONE

23

M

W

S

ADDRESS OF OCCURRENCE

5709 BRIDGE AVE

TYPE OF PLACE

KITCHEN/HOME

ZONE

212

TIME OF OCCURRENCE

APPROX 0235 Hrs.

DATE OF OCCURRENCE

NOVEMBER 28, 1987

DAY OF WEEK

SATURDAY

INJURED BY

ADDRESS

PHONE

TIME

DAY

DATE

COVERED BY

ADDRESS

PHONE

TIME

DAY

DATE

PAGE 4 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

WITNESSES

CONT

HATCH, During the interview with this female she was upset and intoxicated, we advised her that someone would be at her home later this morning to take a statement from her. She is the girlfriend of the victim.

EDWARD BIRMINGHAM W-M-32, D.O.B. [REDACTED] this male is staying at the home of HATCH, he is her brother, he claimed he was in his bed, he was woke up by SHIRLEY, she told him that ROBERT had been shot, he went to the kitchen and saw the suspect on ROBERT he was punching him he pulled this male off the victim and pushed him outside. He was ask about seeing a gun, he stated that he did not see one. This male was also intoxicated and a statement could not be taken at this time. He will be at the home later today.

INTERVIEW

ROY CLINGAN W-M-34 [REDACTED] This male is the boyfriend of the victims mother, he claimed that the victim was involved in drugs, he was arrested for 400 hits of ACID. The persons that supply him with the drugs felt that he was working for the narcotis people, and they wanted to get him for turning them in, he claimed that they were also arrested later for this deal. He can be reached at work on line [REDACTED] or [REDACTED] Most of these things that he told me he got second handed, he did not know this for fact.

SCENE

5709 Bridge Ave this is a 4 apartment dwelling located on the south side of the street, it is of cream colored ALUM. siding. The apartment is the middle door of the three. The steps lead to the upstairs apartment and entry is gained to the living room, our attention was directed to the kitchen located on the southmost portion of the apartment, on the floor we noticed a small spot of blood, along with what appeared to be vomit. The victim had been removed prior to our arrival. Off the kitchen was a both room, examination of the door and frame of this there appeared to be a gouge that was fresh, there was wood splinters on the floor. This look like it was done with a pellet

HAYES, ZALAR

REPORTING OFFICERS

[Signature] #106

PLATOON Third

CAR 8151

APPROVED BY

WEATHER ☐ CLEAR ☐ RAIN

☐ CLOUDY ☐ SNOW

☐ A. I. U. ☐ REQUESTED

CPD 71-10

HEAD BODI BURNED
HOMICIDE/ARREST/CONFINEMENT

SUPPLEMENTARY REPORT

CLEVELAND POLICE DEPARTMENT

COMPLAINT NO.

SUBJECT or CRIME

DATE OF THIS REPORT NOV. 28, 1987 87-080470

COMPANY OR OWNER	ADDRESS	PHONE	AGE	SEX	RACE	M-S
TIM ROBERT EUGENE BUNNER	[REDACTED]	PHONE NONL	23	M	W	S
ADDRESS OF OCCURRENCE 5709 BRIDGE AVE	TYPE OF PLACE KITCHEN/HOME	ZONE 212				
TIME OF OCCURRENCE Approx. 0235 Hrs.	DATE OF OCCURRENCE NOVEMBER 28, 1987	DAY OF WEEK Saturday				
INJURED BY	ADDRESS	PHONE	TIME	DAY	DATE	
COVERED BY	ADDRESS	PHONE	TIME	DAY	DATE	

PAGE 5 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

SCENE CONT.

From the kitchen you exit onto a rear porch, this is along-side the upstairs apartments. There was heavy drops of blood on the floor and the banister. The inside door opens from the outside inside, the screen door opens from the inside out. The kitchen is 12 Ft. wide from the north to the south. 13 Ft. East to the west. The bath is located on the west wall. A spot of blood was found 3 Ft. 6 In. North of the south, 5 Ft. 9 In. West of the East. Vomit was found 3 Ft. North of the south wall, 6 Ft. West of the East. From Zone Car 212 it was learned that the victim had his head to the south and his feet to the north, he was on his back.

INVESTIGATION

Learned that car 212 was patrolling north bound on West 58 St. they observed a vehicle 1980 Chev. backing south bound on W. 58 St. towards them. This vehicle had no lights on at this time. They turned on the overhead lights to stop him, he then stopped the 1980 Chev. and started back north bound on W. 58 at Bridge he went east bound, and south on W. 57 St. He was at this time being persued by 212, at Lorain Ave. this vehicle went east bound, he lost control and struck a house at 3929 Lorain Ave. This is the BODNER FUNERAL HOME. 212 called for assistance from EMS and unit #4 conveyed him to Lutheran Hosp. At the time this event was going on a call came for a male shot at 5709 Bridge Ave. 211 and EMS #3 responded. It was the feeling that these events may be connected EDWARD BIRMINGHAM was conveyed to Lutheran Hosp. He saw the male from the auto accident and identified him as the man that shot ROBERT. He was then returned to 5709 Bridge where he was interviewed by members of 8151. 212 informed us that they checked the 1980 Chev. for a gun but was unable to locate it. Det. Zalar was in the treatment room at Lutheran he was able to understand a name and address from the victim this was [REDACTED]. At this address interviewed MARVIN BONNELL SR. D.O.B. [REDACTED] he gave a discription of his son and showed us a photo of him. This was the same person that was in the vehicle and at Lutheran Hosp. A cal was received from another son RON, he informed us that he did not know MELVIN had his vehicle. He was then informed A #37 impounding of his vehicle.

W. HAYES, ZALAR

INVESTIGATING OFFICERS Det. Hayes #106	PLATOON 2	CAR 8151	APPROVED BY [Signature]
OTHER [] CLEAR [] RAIN [] CLOUDY [] SNOW	[] A. I. U. [] REQUESTED	[] ON SCENE	

COF C71-10

DEAD BODY SUSPECTED
ICIDE/ARREST/
CONFINEMENT

SUPPLEMENTARY REPORT

CLEVELAND POLICE DEPARTMENT

COMPLAINT NO.

JECT of CRIME

DATE OF THIS REPORT NOV. 28, 1987

87-080470

ANY OR OWNER

ADDRESS

PHONE

AGE

SEX

RACE

M-S

ADDRESS

PHONE

23

M

W

S

ROBERT EUGENE BUNNER

ESS OF OCCURRENCE

TYPE OF PLACE

ZONE

5709 BRIDGE

KITCHEN/HOME

212

OF OCCURRENCE

DATE OF OCCURRENCE

DAY OF WEEK

APPROX. 0235 Hrs.

NOVEMBER 28, 1987

SATURDAY

RED BY

ADDRESS

PHONE

TIME

DAY

DATE

VERED BY

ADDRESS

PHONE

TIME

DAY

DATE

6 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

REQUESTS

Statements be taken from SHIRLEY HATCH

Statements be taken from EDWARD BIRMINGHAM.

Contact Coronor for cause of death, Make change RC-1.

Convey jacket and pillow to morgue for blood work.

DLT. HAYES, ZALAR

COFC 71-10

ITIGATING OFFICERS

A-38
Third

CAR 8191 APPROVED BY

OTHER ☐ CLEAR ☐ RAIN
☒ CLOUDY ☐ SNOW

TEMP 44 ° WIND SE 11

☐ A. I. U. ☐ REQUESTED
☐ S. I. U. ☐ NOT REQUESTED

☐ ON SCENE

PETITION EXHIBIT WV

CUYAHOGA COUNTY CORONER'S LABORATORY
TRACE EVIDENCE DEPT.

RE: Robert Bunner

Case # 199612

ITEMS SUBMITTED: 'Received in separate brown paper bags.'

Trace Evidence
Designation

237-87E-646 Green pillow-

Hemastix - positive for the presence of blood.
Precipitin - positive for human protein.
Group Stain - "H" agglutinin detected, 0 cells used

Enzymes #439 - Erythrocyte Acid Phosphatase - B
Esterase D - 1
Phosphoglucomutase - 2-1

238-87E-647 Jacket property of Melvin Bonnel.

Hemastix - positive for the presence of blood.
Precipitin - positive for human protein.
Group Stain - "A" agglutinin detected, 0 cells used

Enzymes #440 - Erythrocyte Acid Phosphatase - BA
Esterase D - 1
Phosphoglucomutase - 1

(Test for nitrites - No reaction!)

Gun Shot Residue ↑

A - 39,

Items listed above received by: Linda M. Luke

Police Department

EXHIBIT

8

SUPPLEMENTARY REPORT

CLEVELAND POLICE DEPARTMENT

SUBJECT or CRIME HOMICIDE

DATE OF THIS REPORT 12-19-87

COMPLAINT NO.
87080470

PARTY OR OWNER	ADDRESS	PHONE	AGE	SEX	RACE	M-S
IM ROBERT EUGENE BUNNER	[REDACTED]	PHONE NONE	23	M	W	S
ADDRESS OF OCCURRENCE 5709 BRIDGE AVE.	TYPE OF PLACE HOME/KITCHEN	ZONE 212				
TIME OF OCCURRENCE 0235 HOURS	DATE OF OCCURRENCE NOVEMBER 28th. 1987	DAY OF WEEK SATURDAY				
REPORTED BY	ADDRESS	PHONE	TIME	DAY	DATE	
COVERED BY	ADDRESS	PHONE	TIME	DAY	DATE	

1 OF 2 PAGE REPORT.

FOLLOW-UP REPORT ☐

While assigned to the Homicide Unit and in company with Det. Hayes, we further investigated the above crime in the following manner.

INTERVIEWED- EDWARD BIRMINGHAM, W/M/S/32, of [REDACTED]. Up, No phone, DOB [REDACTED]

1. This male was a witness to the above homicide. This male was reinterviewed in
2. regards to DARRYL BUTCHER AND APRIL BUNNER. He stated just about what he said in
3. the past in regards to witnessing the homicide. Asked this. who was in the
4. apartment when the homicide happened. he stated just Eugene, the victim, Shirley and
5. himself. Told this male that we had information that April Bunner, was in the
6. apartment when the murder was committed. He stated that this was no true. He said
7. that on Thursday, 11-26-87, Eugene, brought April, to the apartment. He told us that
8. she had been living in a abandon building and that he didn't want her living like
9. that because she was still his sister. Edward, said that the only clothes that
10. April, had were a dirty pair of pink sweat pants and some old shoes, she had
11. plastic bags over her shoes. She also had a coat and a blouse. Nothing else. He said
12. that she was down and out and looked bad. He said that while she was there in the
13. apartment he started fucking her. On Friday, 11-27-87, Another female by the name of
14. Linda Caraballo, came over. He was fucking this female in the front bedroom and then
15. he would go into the back bedroom and have sex with April. He was having with both
16. females at the same time in two different rooms. April, saw what was happening and
17. she got so mad that she left the apartment without taking her shoes or coat. This was
18. about 1800 hours. He has never seen April, since this night. He further stated that
19. was not in the apartment when Eugene, was killed that Saturday morning. He further
20. stated that Linda, left shortly after April, left.
21. Asked this male if he knew a male by the name of DARRYL BUTCHER, he said that
22. he had met him and that he was a friend of Eugene. He said that Butcher, was also
23. at the apartment on that Friday, and that they sat around drinking and getting high.
24. He said that he saw Butcher, once before and that was a couple a days before Eugene
25. was killed. He said that Eugene and Butcher had sold some drugs together in the
26. past. He said that he never saw this but he was told that they had. He further
27. stated that there is talk on the street that Butcher, was the one that set up
28. Eugene's killing. Asked this male if Butcher, is the guy that killed Eugene. He
29. stated no way, I pointed out the guy that killed Eugene, in the hospital. He stated
30. that he is positive that that guy killed Eugene.
31. Asked this male if he ever saw the guy that killed Eugene, before that night.
32. He said that he never seen the guy before. Asked this male where Shirley Hatch, was.
33. He said that he hadn't seen her for a couple of nights. He said that she will be
34. back to the house and he would have her call us when she comes home.

REPORTING OFFICERS
DET. ZALAR DET. HAYESPLATOON
2nd.CAR
8153

APPROVED BY

SUPPLEMENTARY REPORT

CLEVELAND POLICE DEPARTMENT

SUBJECT or CRIME HOMICIDE

DATE OF THIS REPORT 12-19-87

COMPLAINT NO.
87080470

REPORTING OFFICER		ADDRESS		PHONE	AGE	SEX	RACE	M-S
TIM		[REDACTED]		NONE	23	M	W	S
NAME OF OCCURRENCE		TYPE OF PLACE		ZONE				
5709 BRIDGE AVE.		HOME/KITCHEN		212				
TIME OF OCCURRENCE		DATE OF OCCURRENCE		DAY OF WEEK				
0235 HOURS		NOVEMBER 28th. 1987		SATURDAY				
REPORTED BY	ADDRESS	PHONE	TIME	DAY	DATE			
COVERED BY	ADDRESS	PHONE	TIME	DAY	DATE			

PAGE 2 OF 2 PAGE REPORT.

FOLLOW-UP REPORT ☐

EDWARD BIRMINGHAM CONTIUED- Asked this male if there was any bad blood between Butcher and Eugene. He stated that when they were together on Friday, he didn't notice any bad blood.

38. Asked this male if he had heard about the black male and the white male that were found on St. Olga Ave. He said that he did not know anything about it. He said that he didn't even hear about these murders.

While we were there Edward, gave us a expended casing. He said that he found it behind the waste basket in the kitchen. This was marked and entered as evidence. REQUEST THAT THIS CASING AND THE OTHER CASING FOUND AT THE SCENE BE COMPARED WITH THE 25 Cal. automatic, found on Lorain Ave. Asked Edward, if he knew where April, was now staying. He said that he didn't know.

MADE a record check and found the following record.

LINDA CARABALLO, LINDA RATTAY of [REDACTED] St. [REDACTED] Av 1984, DOB [REDACTED], CPD 155066.SSN [REDACTED] with the following record. 1978 Robbery, 1980, Drug, Rape, 1980 Escape, 1980 Kidnapping, 1982 Intoxicant, 1982 probation violation, 1982, Agg. Burg, 1983 Parole violation, 1984 parole violator. No wants.

Tried to make arrangements to interview Melvin Bonnel, found that the only place we could interview him was in his pod. This didn't seem to be a good idea as other prisoners are present when interviews are made in the pods. This male should be interviewed during the day shift Or these officers will come in during the day to interview him.

A - 41

REPORTING OFFICERS		PLATOON	CAR	APPROVED BY
DET. ZALAR DET. HAYES		2nd.	8153	[Signature]
PER	CLEAR <input type="checkbox"/> RAIN <input type="checkbox"/>	A. I. U. <input type="checkbox"/>	REQUESTED	ON SCENE

May we have
the transcripts?
for Ed Shirley
Tina Dooty -
Grey -

I Martha Marsh see no way
the twelve year will ever come
to a decision. May I be excuse
to go home to see to my
two girls that need me at home
with them. They are ten and
and I do not want them at
home alone to much. Spring
vacation is going to start
Monday and I do not let them
be alone. My husband says
not to let work and at home
at the same time. (over)

Can try to understand my
respect for my girls.
My girls is not had give
but still you can't leave
them home alone to much.

Signed:

Martha Marsh

We are at an
impass. Are
you able to give
us direction?

RECEIVED
JAMES H. HARRISON

~~doubt and
not fully disclosed
H
evidence be included
under mitigating
factors.~~

(suggested but
not proven)
Carole M. Metz

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

STATE OF OHIO

Plaintiff,

v.

MELVIN BONNELL,

Defendant.

Case No. CR-87-223820

JUDGE TIMOTHY P. MCCORMICK

**PROSECUTING ATTORNEY'S
REPORT PURSUANT TO R.C.
2953.75(B)**

Now comes the State of Ohio, by and through Cuyahoga County Prosecutor Michael C. O'Malley and his undersigned assistant, and respectfully submits the attached report pursuant to R.C. 2953.75(B) regarding the prosecutor's search for biological material and parent samples conducted in response to the Defendant's Application for DNA Testing.

Respectfully submitted,

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**REPORT REGARDING SEARCH FOR BIOLOGICAL MATERIAL
AND PARENT SAMPLE PURSUANT TO R.C. 2953.75**

Pursuant to the Prosecuting Attorney's obligations under R.C. 2953.75(B) to submit a report detailing its search for biological material and a parent sample in response to an Application for DNA Testing, the undersigned reports the following.

On February 6, 2008, Defendant Melvin Bonnell, by and through counsel, filed an Application for DNA Testing pursuant to R.C. 2953.71, et. seq. Bonnell sought testing of the following items:

"Swabs and slides of blood recovered from the crime scehe [sic]; swabs and slides of blood recovered from my hands, jacket and other clothes; vomit found in kitchen; blood from my vehicle; hair on green pillow; plastic bags for gunshot residue; 1 or 2 guns recovered by Cleveland police."

Defendant's *Application for DNA Testing*, p. 2. Bonnell is an "eligible offender" for DNA testing purposes as defined in R.C. 2953.71(F) and R.C. 2953.72(C)(1)(a) and (b)(i).

Pursuant to R.C. 2953.75(A), when an eligible offender submits an application for DNA testing, the prosecuting attorney is required "to use reasonable diligence to determine whether biological material was collected from the crime scene or victim of the offense" and "whether the parent sample of that biological material still exists at that point in time." "Reasonable diligence" is "a degree of diligence that is comparable to the diligence a reasonable person would employ in searching for information regarding an important matter in the person's own life." R.C. 2953.71(Q).

In using reasonable diligence to determine whether biological material exists for testing, the prosecutor "shall rely upon all relevant sources, including, but not limited to, all of the following:

(1) All prosecuting authorities in the case in which the offender was convicted of the offense for which the offender is an eligible offender and is requesting the DNA testing and in the appeals of, and postconviction proceedings related to, that case;

(2) All law enforcement authorities involved in the investigation of the offense for which the offender is an eligible offender and is requesting the DNA testing;

(3) All custodial agencies involved at any time with the biological material in question;

(4) The custodian of all custodial agencies described in division (A)(3) of this section;

(5) All crime laboratories involved at any time with the biological material in question;

(6) All other reasonable sources.”

R.C. 2953.75(A)(1)-(6). The prosecution must then file a report with the trial court addressing the existence and availability of the requested biological material. R.C. 2953.75(B). “If the court concludes, based upon the prosecution’s report, that the requested biological evidence in fact no longer exists, the court may deny the applicant’s request for DNA testing.” *State v. Mayrides*, 10th Dist. Franklin No. 07AP-658, 2008-Ohio-2290, ¶ 6, citing R.C. 2953.74(C)(1).

Pursuant to R.C. 2953.75, the prosecution hereby provides this Court, Bonnell, and the Ohio Attorney General’s Office with this report documenting the undersigned prosecuting attorney’s efforts to search for biological material in this case at all of the following locations. Attached to this report as State’s Exhibit 1 is an affidavit prepared and executed by the undersigned prosecutor attesting under oath to his efforts to search for evidence in this case. The complete contents of that affidavit are incorporated herein as if fully rewritten.

1. All prosecuting authorities in the case * * * and in the appeals of, and postconviction proceedings related to, that case.

a. Richard Bombik.

The undersigned prosecutor spoke to both Richard Bombik and Donald Butler, the two assistant prosecutors who tried Bonnell's case in 1988. *See* Schroeder Affidavit, ¶ 49, 63. Mr. Bombik, now retired, stated that he had no memory of the evidence in question from Bonnell's case. *Id.*, ¶ 49. He was certain that he did not have any items of evidence in his possession. *Id.* He retired from the Prosecutor's Office in 2011. *Id.*

b. Donald Butler.

Mr. Butler also stated that he did not recall seeing any evidence from Bonnell's case outside of the 1988 trial. *Id.*, ¶ 63. Mr. Butler was certain that he did not currently have any evidence from Bonnell's case in his possession. *Id.* Mr. Butler further stated that he was not involved in any of the appeals or postconviction proceedings in Bonnell's case. *Id.*

c. L. Christopher Frey.

The undersigned prosecutor spoke to former Assistant Prosecutor L. Christopher Frey. *Id.*, ¶ 62. Mr. Frey represented the State of Ohio in many of Bonnell's appellate and postconviction proceedings prior to leaving the Prosecutor's Office in 2003. *Id.* Mr. Frey stated that he did not recall ever seeing any physical evidence in Bonnell's case, and that he did not know what evidence might exist. *Id.* Mr. Frey said that he did not recall ever searching for any evidence in the case. *Id.*

d. Jon Oebker.

The undersigned prosecutor spoke to former Assistant Prosecutor Jon Oebker. *Id.*, ¶ 48. Mr. Oebker also formerly represented the State of Ohio in many of Bonnell's appellate and postconviction proceedings prior to the time at which he left the Prosecutor's Office in

2008. *Id.* Mr. Oebker indicated that he did recall seeing either a jacket or a square cutting from a jacket in the “dead files” section of the basement of the Eighth District Court of Appeals. *Id.* He did not recall seeing any other exhibits. *Id.* He did not recall the Prosecutor’s Office ever being in possession of any exhibits in Bonnell’s case. *Id.*

e. Matthew Meyer.

The undersigned prosecutor spoke to APA Matthew Meyer, who represented the State of Ohio in Bonnell’s state postconviction proceedings between approximately 2008 and 2011. *Id.*, ¶¶ 12, 14. APA Meyer stated that the last time he had seen any physical evidence in Bonnell’s case was in 2008 in the “dead files” section of the Eighth District Court of Appeals, when he arranged for Bonnell’s maroon jacket to be sent to the DNA Diagnostics Center (DDC) for testing. *Id.*, ¶ 14. APA Meyer did not recall ever seeing any physical evidence in Bonnell’s case except for that jacket. *Id.*

f. Prosecutor’s Office property room.

In addition to speaking to the aforementioned prosecutors, the undersigned prosecutor also searched the Prosecutor’s Office file and storage areas for any evidence related to Bonnell’s case. At the undersigned prosecutor’s direction, employees of the Prosecutor’s Office conducted several checks of the inventory of the property room located on the eighth floor of the Prosecutor’s Office. *Id.*, ¶¶ 9, 13, 28. One of those searches also included a physical inspection of the contents of the property room itself for evidence. *Id.*, ¶ 29. Each of these searches revealed no evidence related to Bonnell’s case. *Id.*

The undersigned prosecutor directed two employees of the Case Management Unit of the Prosecutor’s Office to search for any items in storage in the Prosecutor’s Office from Bonnell’s case. *Id.*, ¶ 10. The prosecutor also personally conducted a search of the storage

areas in both the basement and on the 25th floor of the Cuyahoga County Justice Center. *Id.*, ¶ 25. The only items found to be in the possession of the Prosecutor's Office were four boxes of paper documents, about which the prosecutor promptly informed the defense investigator. *Id.*, ¶ 5.

g. Prosecutor's Office file.

The prosecutor has also reviewed the complete Prosecutor's file on its digital discovery database known as "Justice Matters." That file consisted of more than 9,000 pages of documents, although the prosecutor found that many of these documents were duplicative or consisted of irrelevant case law. That file does not contain any inventory, chain of custody, or any other documents indicating where any evidence from Bonnell's case may be currently located, apart from the sources discussed in this report. There are no other items in the possession of the Prosecutor's Office from or related to Bonnell's case.

2. All law enforcement authorities involved in the investigation of the offense for which the offender is an eligible offender and is requesting the DNA testing.

a. Jack Bornfeld.

The undersigned prosecutor spoke to Jack Bornfeld, formerly a detective with the Cleveland Division of Police, Homicide Unit, and currently an investigator with the Cuyahoga County Prosecutor's Office. *Id.*, ¶ 55. Mr. Bornfeld stated that he had no recollection of Bonnell's case and no information as to where any exhibits in the case might be located. *Id.* The undersigned prosecutor provided Mr. Bornfeld with the original complaint number so that Mr. Bornfeld could check with the Cleveland Police property room. *Id.* He later informed the undersigned prosecutor that he had checked the run book in the property room from November 1987 through the summer of 1988 and found no listing for either a jacket or a

pillow in Bonnell's case. *Id.* Mr. Bornfeld stated that the property room records indicated that the items were sent on November 28, 1987 to the Coroner's Office and that there was no record of them ever coming back to the Cleveland Police property room. *Id.*

Investigator Bornfeld later conducted a second review of the Cleveland Police Property Room records. *Id.*, ¶ 55. Mr. Bornfeld again informed the prosecutor that the items in Bonnell's case were sent on November 28, 1987 to the Coroner's Office and that there was no record of them ever coming back to the Cleveland Police property room. *Id.* ¶ 55, 69. The run book from the Cleveland Police Property Room also confirms that these items were sent to the "morgue." *See* State's Exhibit 2.

b. Dets. John McKibben and Anthony Zalar.

The undersigned prosecutor also asked Mr. Bornfeld for contact information for former Dets. John McKibben and Anthony Zalar, both of whom worked were assigned to Bonnell's case out of the Cleveland Police Homicide Unit. *Id.*, ¶ 56. Mr. Bornfeld stated that Det. McKibben was now deceased. *Id.* He did, however, provide the undersigned prosecutor with a phone number at which the prosecutor could reach Det. Zalar. *Id.*

The undersigned prosecutor then spoke to former Det. Anthony Zalar. *Id.*, ¶ 57. Mr. Zalar stated that he was not aware of the location of any evidence in Bonnell's case and that he was certain that none of the evidence was in his possession. *Id.* The prosecutor specifically asked Mr. Zalar as to whether he recalled anything about a green pillow. *Id.* He replied that he did not. *Id.* Mr. Zalar further stated that he had no information as to where any evidence in Bonnell's case may be located. *Id.*

c. Det. Joselito Sandoval.

In addition to speaking with the aforementioned detectives, the prosecutor also requested a search of the Cleveland Division of Police Property Room. Specifically, the prosecutor reached out to Det. Joselito Sandoval with the Cleveland Division of Police, Homicide Unit. *Id.*, ¶ 30. Det. Sandoval was not involved in Bonnell's case in any way, and agreed to check the Property Room as a favor to the prosecutor. *Id.*, ¶ 43. Det. Sandoval informed the prosecutor that the records of the Cleveland Police Property Room showed that a .25 caliber handgun from Bonnell's case, serial number D93314, was listed as being destroyed on February 1, 1992. *Id.*, ¶ 31. The prosecutor later determined that this was the .25 caliber Titan handgun that Cleveland Police had received from Marlene Roberts – not the murder weapon. Det. Sandoval further stated that the last entry in the property room records showed that the jacket and the pillow were sent to the Cuyahoga County Coroner's Office on November 28, 1987. *Id.*, ¶ 31.

d. Cleveland Police Forensic Lab.

The undersigned prosecutor also personally went to the Cleveland Police Forensic Lab (formerly Scientific Investigation Unit, or SIU) to search for any evidence. *See* Schroeder affidavit, ¶ 72. Officer Bryan Myers searched through a card catalogue in the Forensic Lab using the names of both Bonnell and the victim, Robert Bunner. Officer Myers was able to locate a single entry under the name "Robert Bunner" reflecting that the SIU received two morgue pellets, designed "A" and "B," on December 8, 1987. *See* State's Exhibit 3. Officer Myers explained that this card contained a Lab number corresponding to a second card catalogue in the Forensic Lab that was organized by lab numbers. *See* Schroeder affidavit, ¶ 72. He discovered, however, that this particular Forensic Laboratory Report card was

missing, and had been replaced by a blank sheet of white paper left protruding upwards out of the catalogue in what appeared to be a placeholder position. *Id.*, ¶ 73.

At this time, the undersigned prosecutor spoke to Det. Todd Marazzi, who also works in the Forensic Lab. *Id.*, ¶ 74. Det. Marazzi stated that the actual pellets themselves would normally be in a file cabinet in the Forensic Lab. *Id.* He stated that if someone had pulled the Forensic Laboratory Report card, however, this suggested to him that this person had also removed the evidence (the two morgue pellets) as well. *Id.* Det. Marazzi provided the undersigned prosecutor with copies of pages 286-287 from the Forensic Lab run book showing that morgue pellets A and B had been received by SIU on December 8, 1987, associated with the “dead body of Robert Bunner.” *Id.*; *see also* State’s Exhibit 4. There was no further indication as to where the pellets were currently located.

The undersigned prosecutor also spoke to Tina Stewart, a Scientific Examiner with the Cleveland Division of Police, detailed to the Medical Examiner’s Office. *Id.*, ¶ 76. Ms. Stewart provided the prosecutor with copies of the Forensic Laboratory Report cards for the .25 Tanfoglio pistol (Lab #244381), the morgue pellets (Lab #244492), the .25 cartridge case (Lab #244815), and two .25 caliber shell casings (Lab #245065). *Id.*, ¶ 76; *see also* State’s Exhibit 18. These accounted for the remaining four items received by SIU (the fifth item, the .25 caliber Titan handgun, having been destroyed in 1992). *See* State’s Exhibit 9. The cards for the .25 Tanfoglio pistol, the morgue pellets, and the .25 cartridge case all contained handwriting showing that they had been signed out to trial prosecutor Rick Bombik on February 18, 1987 (likely intended to say 1988). *Id.*, ¶ 76; *see also* State’s Exhibit 18. The card for the two .25 caliber shell casings showed that it was signed out to another individual, whose name appeared illegible, on February 23, 1988. There was no further indication of

what happened to any of the items. *Id.* Ms. Stewart further stated that she had looked through the Forensic Lab for all of the evidence specified under the five different SIU / Forensic Lab numbers in Bonnell's case. *Id.*, ¶ 77. She stated that none of the evidence was in the Forensic Lab.

e. Cleveland Police Property Room.

The undersigned prosecutor also went to the Cleveland Police Property Room on the eighth floor of the Cleveland Police headquarters. *See* Schroeder Affidavit, ¶ 75. Det. Tom Ward provided the prosecutor with a copy of pages from the Cleveland Police "Record of Property" run book confirming that the .25 caliber Titan handgun, serial number D93314, was destroyed on February 1, 1992. *Id.*, *see also* State's Exhibit 5. Det. Ward stated that he had reviewed the property room records and found no other evidence related to Bonnell's case. *Id.* The prosecutor specifically asked Det. Ward about a green cushion/pillow. *Id.* He stated that the cushion/pillow had never made it to the Property Room, and that the coroner must have collected that item on scene. *Id.*

3. All custodial agencies involved at any time with the biological material in question.

R.C. 2953.71(D) defines "custodial agency" as "the group or entity that has the responsibility to maintain biological material in question." Through the State's investigation, the State has determined that the Cuyahoga County Coroner's Office – now known as the Cuyahoga County Medical Examiner's Office – was the agency responsible for maintaining biological material in Bonnell's case.

a. Curtiss Jones.

The undersigned prosecutor spoke several times to Curtiss Jones, the Supervisor of the Trace Evidence Department at the Cuyahoga County Medical Examiner's Office. *See*

Schroeder Affidavit, ¶¶ 36, 38-39, 41, 58-59. Mr. Jones stated that that his office's records showed that only one jacket and one pillow were ever submitted to them as evidence, and that his office had released both the jacket and the pillow to Assistant Prosecuting Attorney Rick Bombik on February 25, 1988, during the original trial. *Id.*, ¶ 38; *see also* State's Exhibit 6. Mr. Jones further stated that the jacket, which was listed as being property of Melvin Bonnell, was resubmitted to him at the Medical Examiner's Office by Keith Hurley from the Clerk of Courts' office on December 9, 2008. *Id.*, ¶ 38; *see also* State's Exhibit 7. The pillow was never resubmitted. *Id.*

Mr. Jones stated that the Medical Examiner's Office sent Bonnell's jacket to the DNA Diagnostics Center for testing in 2008. *Id.*, ¶ 38; *see also* State's Exhibit 7. Following the completion of that testing, DNA Diagnostics then returned the jacket to the Medical Examiner's Office in 2012. *Id.* Mr. Jones stated that the Medical Examiner's Office was in possession of the following four items of evidence in Bonnell's case:

- 7 autopsy microslides from the victim, Robert Bunner,
- 4 swabs from Bonnell's maroon and tan jacket,
- 1 swab from an autopsy microslide, and
- the maroon and tan jacket.

Id., ¶¶ 39, 58. Mr. Jones stated that he had performed a thorough search of the Medical Examiner's archives and that these were the only items in their possession associated with Bonnell's case. *Id.*, ¶ 58.

b. Dr. Nasir Butt.

At Mr. Jones' suggestion, the undersigned prosecutor also spoke to Dr. Nasir Butt, DNA Supervisor and Technical Manager at the Cuyahoga County Medical Examiner's Office.

Id., ¶ 36. Dr. Butt stated that he had searched the Medical Examiner's Office's electronic database and had not found any results under Bonnell's original Cuyahoga County Coroner's Office (CCCO) case number of 199612. *Id.*, ¶ 60. Dr. Butt further initiated a physical search of the storage areas used by the Medical Examiner's Office. *Id.* Dr. Butt later informed the prosecutor that the only evidence in the possession of the Medical Examiner's Office were the items Mr. Curtiss Jones had previously mentioned. *Id.*, ¶ 68. Dr. Butt also provided the undersigned prosecutor with email correspondence between himself and APA Matthew Meyer dated January 15, 2009 in which Dr. Butt informed APA Meyer that "[t]here are no samples retained in either the DNA or the Trace Evidence Departments for 199612 Robert Bunner." *Id.*; *see also* State's Exhibit 8.

c. The DNA Diagnostics Center records.

Chain of custody documents received from the DNA Diagnostics Center (DDC) show that the Medical Examiner's Office mailed seven autopsy microslides consisting of DNA samples from Robert Bunner, one swab from an autopsy slide from Bunner, and a DNA extract from that autopsy slide, to DNA Diagnostics on April 21, 2009. *See* State's Exhibit 7. The autopsy slides were received by DNA Diagnostics on April 23, 2009. *Id.* Following the completion of the DNA testing, DNA Diagnostics released the items back to the Medical Examiner's Office on July 2, 2012. *Id.* Mr. Jones confirmed that those items are currently in possession of the Medical Examiner's Office. *See* Schroeder Affidavit, ¶¶ 39, 58.

4. The custodian of all custodial agencies described in division (A)(3) of this section.

R.C. 2953.71(E) defines "custodian" as "the person who is the primary representative of a custodial agency." Given that the Cuyahoga County Medical Examiner's Office is the sole

custodial agency responsible for maintaining biological material in this case, the primary representative of the Medical Examiner's Office is Dr. Thomas P. Gilson, M.D., the Medical Examiner of Cuyahoga County.

a. Dr. Thomas Gilson.

The undersigned prosecutor spoke to Dr. Gilson. *Id.*, ¶ 73. Dr. Gilson agreed to check to see if there were any additional avenues of search at the Medical Examiner's Office apart from what Mr. Jones and Dr. Butt had already done. *Id.* Two days later, Dr. Gilson responded that he had searched through the Medical Examiner's Office's file, and that he agreed with Mr. Jones and Dr. Butt that the Medical Examiner's Office did not have any evidence in its possession apart from the items Mr. Jones had already mentioned. *Id.*, ¶ 78.

5. All crime laboratories involved at any time with the biological material in question.

"Crime laboratory" does not appear to be a term that is defined in the Ohio Revised Code. It is safe to assume, however, that the term includes, but is not necessarily limited to, both the Cuyahoga County Medical Examiner's Office and the DNA Diagnostics Center (DDC). Both of those agencies are known to have been in possession of biological material in this case in the past. The prosecution has accounted for its efforts regarding both of those sources above.

a. BCI.

In addition, the undersigned prosecutor also spoke with Dr. Lewis Maddox, DNA Technical Leader at the Ohio Bureau of Criminal Investigation (BCI) in Richfield, Ohio. *Id.*, ¶ 66-67. Dr. Maddox stated that he had checked BCI's Laboratory Information Management ("LIM") System, BCI's computer database used to track evidence in cases in which BCI has investigated or assisted. *Id.*, ¶ 67. Dr. Maddox found no indication in the LIM System that

BCI had ever assisted in Bonnell's case. *Id.*, ¶¶ 66-67. Additionally, Dr. Maddox also conducted a physical search of BCI's card catalogue, which he explained that BCI used until approximately 2002 to track their old cases. *Id.*, ¶ 67. Once again, Dr. Maddox stated that he found no indication that BCI was ever involved in Bonnell's case in any way. *Id.* The undersigned prosecutor also found no indication in any of the documentation regarding Bonnell's case in the Prosecutor's Office file showing that BCI was ever involved in the case.

The undersigned prosecutor has no information, evidence, or reason to believe that any additional "crime laboratories" were involved in the investigation of this case.

6. All other reasonable sources.

a. The Cuyahoga County Clerk of Courts' Office.

The undersigned prosecutor spoke with James Boyle, the Manager of the Criminal Division of the Clerk's Office, about locating any physical exhibits in Bonnell's case. *Id.*, ¶ 5. Mr. Boyle indicated on several occasions that he and his staff were unable to locate any evidence related to Bonnell's case in the Clerk's Office. *Id.*, ¶¶ 19, 23, 34. In an abundance of caution, the undersigned prosecutor personally went to the Clerk's Office to search the evidence in their possession. *Id.*, ¶ 17. Kayla Griffin, Pending Files Division Supervisor, showed the undersigned prosecutor inside a secured room on the first floor of the Cuyahoga County Justice Center where the Clerk's Office maintained the records of many of Cuyahoga County's old capital cases. *Id.* Each box inside the room was clearly labeled with the name and case number of the defendant. *Id.* The prosecutor examined each box and found that none of them contained Bonnell's name or case number. *Id.*

The State's subsequent review of the transcript of Bonnell's 1988 trial revealed that the Clerk's Office would not have had any of the items in question in its possession. *Id.*, ¶ 33.

The Clerk's Office would only have exhibits in its possession that were actually admitted into evidence at trial, and therefore were a part of the appellate record. *Id.* The only two exhibits that were admitted at trial that are the subject of Bonnell's application for DNA testing were his maroon jacket and the .25 caliber Tanfoglio handgun. *Id.* Bonnell's jacket had been sent to DNA Diagnostics in 2008. *Id.* And according to Det. Sandoval, the Cleveland Division of Police had destroyed the .25 caliber Titan handgun in 1992. *Id.*

b. The clerk of Courts of the Northern District of Ohio and the Sixth Circuit Court of Appeals.

For the same reason, the undersigned prosecutor determined that the clerk of courts for the Northern District of Ohio and the Sixth Circuit Court of Appeals would not have evidence from Bonnell's case in their possession. Federal courts presiding over Bonnell's habeas appeals would only have those items that were part of the original trial court record. None of the items in question were a part of that record, with the exception of the murder weapon, which would not have been submitted as an exhibit to the court reporter. Any additional items with the federal habeas courts could only have been added as part of a motion to supplement the record, which would have been visible on the federal court docket.

c. The Eighth District Court of Appeals.

The undersigned prosecutor went to the old files storage section in the basement of the Eighth District Court of Appeals Building on Lakeside Avenue in Cleveland, sometimes referred to as the "dead files section." *Id.*, ¶ 15. There, the prosecutor spoke to Robert Duckworth, an employee assigned to the "dead files section." *Id.* Mr. Duckworth stated that all of the old capital case files previously held by the Eighth District Court of Appeals were now being stored in the Clerk of Courts' office in the Justice Center. *Id.*

d. The Ohio Attorney General's Office.

On November 30, 2016, the undersigned prosecutor was first contacted by Elizabeth Quattrochi, an investigator with the Federal Public Defender's Office, in connection with this case. *Id.*, ¶ 3. The prosecutor referred Investigator Quattrochi to Assistant Attorney General Thomas Madden to see if his office had any exhibits from Bonnell's case. *Id.*, ¶¶ 3, 5. Investigator Quattrochi later indicated that she had spoken with AAG Madden, and that he was unable to locate any exhibits in Bonnell's case in the possession of his office. *Id.*

The undersigned prosecutor also spoke to Assistant Attorney General Brenda Leikala with the Capital Crimes Unit of the Ohio Attorney General's Office. *Id.*, ¶ 32. AAG Leikala indicated that she was unaware of the location of any items of evidence in Bonnell's case and that she had never seen them. *Id.* She also provided a PDF of the photographic exhibits that the prosecution had introduced during Bonnell's 1988 trial. *Id.* Upon examination, State's Exhibits 44 and 45 were photos of a gun lying in the street. *Id.*

e. The Court Reporters Department.

The undersigned prosecutor spoke to Bruce Bishilany, the head of the Cuyahoga County Court Reporters department. *Id.*, ¶ 51. Mr. Bishilany stated that he would search the court reporters office for any evidence associated with Bonnell's case or any indication that the Court Reporters Department was ever in possession of any evidence. *Id.* Mr. Bishilany later informed the prosecutor that he had personally checked all of the evidence storage areas used by the Court Reporters department. *Id.*, ¶ 52. He had found no evidence related to Bonnell's case. *Id.* Mr. Bishilany stated that any evidence that the original court reporter may have had following the trial would have been filed in the court of appeals along with the transcript for Bonnell's direct appeal. *Id.* He further explained that the Court Reporters department generally does not want to keep any evidence in their possession. *Id.*

The court reporter at Bonnell's 1988 trial was Sandra G. Gieling. *Id.*, ¶ 53. In an attempt to locate Ms. Gieling, the prosecutor searched her first and last name in the Ohio Law Enforcement Gateway (OHLEG), an electronic information network. *Id.* That search revealed that the only Sandra Gieling anywhere in Ohio, DOB 11/23/1935, was now deceased. *Id.* The prosecutor subsequently confirmed this information through speaking with Mr. Bishilany over the phone. *Id.*

f. The Cuyahoga County Archives Building.

The undersigned prosecutor spoke to Dr. Judith Cetina, Manager and Archivist with the Cuyahoga County Archives building on Franklin Boulevard in Cleveland. *Id.*, ¶¶ 64-65. Dr. Cetina stated that the Archives building did not have any transcripts or evidence related to cases recent enough to have six-digit criminal case numbers; rather, the Archives building only possessed items related to criminal case numbers old enough to have only five digits. *Id.*, ¶ 65. The Cuyahoga County Clerk of Courts transitioned from five-digit to six-digit criminal case numbers in approximately 1980. *Id.* Bonnell's six-digit criminal case number is CR-87-223820. Dr. Cetina further stated that any items related to cases from that time would be in the possession of the Clerk of Courts' Office at the Justice Center. *Id.*

g. The Western Reserve Historical Society.

The undersigned prosecutor contacted Ann Sindelar, Reference Supervisor at the Western Reserve Historical Society (WRHS) in Cleveland. *Id.*, ¶ 65. Ms. Sindelar responded that she had checked the WRHS online catalog and found no references to the name Melvin Bonnell. *Id.*

h. Transcripts of Bonnell's 1998 trial.

The complete transcript from Bonnell's 1988 trial was present in electronic format as part of the Prosecutor's Office file in Bonnell's case. The transcript revealed that the prosecution had introduced only one jacket into evidence: Bonnell's maroon jacket, marked as State's Exhibit 22. *Id.*, ¶ 33. The prosecution had introduced a green pillow as State's Exhibit 23, but then withdrew the pillow at the close of the State's evidence. *Id.* The prosecution had introduced the murder weapon, the .25 caliber Tanfoglio handgun, as State's Exhibit 51. *Id.* The transcript did not contain any indication as to what happened to any of those items after the conclusion of trial.

i. Police reports and other miscellaneous information.

The undersigned prosecutor also reviewed the police reports and other documents within the Prosecutor's Office file for information as to where any evidence might be located. The information below recounts what the prosecutor was able to learn about each item identified in Bonnell's application as a subject of possible DNA testing. The items are listed in the same order as they appear on page 2 of Bonnell's application.

i. Swabs and slides of blood recovered from the crime scene.

According to the Incident Report, the evidence collected from the crime scene consisted of two shell casings, a red and gray jacket, and a bloodstained cushion from a chair on the back porch. *See* Exhibit 14, p. 4. There is no reference in any of the documents in the State's possession indicating that any swabs or slides of blood were ever taken at the crime scene. Moreover, Detective Robert Matuszny, the principle officer at the scene in charge of collecting evidence, testified that he did not collect any fingerprints from the crime scene, and made no mention of collecting swabs or slides of blood. Tr. 1055-1059.

ii. Swabs and slides of blood recovered from Bonnell's hands.

Officer Thomas Jesionowski testified that a Lieutenant Torek ordered the staff at Lutheran hospital to cover Bonnell's hands in plastic bags. Tr. 1270. No other mention of the plastic bags can be found in any documents in the prosecutor's file. There is no evidence that any swabs or slides of blood were ever taken from Bonnell's hands, and no evidence regarding any potential testing of such swabs or slides was mentioned at trial. SIU never received any evidence indicating that any testing done on Bonnell's hands. *See State's Exhibit 9.* During the sentencing hearing, defense counsel William McGinty stated: "The record indicates at the hospital that the hands were bagged. We don't have any testimony that any test was conducted on those hands at that time. I am not going to say it was bad policework, maybe there was fear for the person and they couldn't do it at that time." *See Sentencing Tr. 23.*

Detective Donald Ferris with the Cleveland Police Homicide Unit submitted a sample of Bonnell's blood to Linda Luke, a forensic serologist at the Coroner's Office, on December 4, 1987. *See State's Exhibit 10.* Luke determined from this sample that Bonnell's blood was type A. *See State's Exhibit 11; see also Tr. 904.* This sample was later discarded. *Id.*

iii. Bonnell's jacket and other clothes.

Cleveland Patrol Officer Jan Thorkelson testified at trial that she recovered a gray and maroon colored jacket from the front seat of Bonnell's car. Tr. 1215, 1219. Cleveland Police Detective James Svekric with the Homicide Unit submitted Bonnell's jacket to the Coroner's Office on November 28, 1987. *See State's Exhibit 6, p. 2.* Linda Luke tested the blood found on Bonnell's jacket and found that it was consistent with Bonnell's blood. Tr. 904.

Luke released Bonnell's jacket to Assistant Prosecutor Bombik on February 25, 1988, during Bonnell's trial. *See State's Exhibit 6, p. 2.* The prosecution introduced this jacket into

evidence at trial as State's Exhibit 22. Tr. 1215. The jacket was then placed in a locked closet on the ninth floor of the Prosecutor's Office until February 9, 1990, when Prosecutor Bombik retrieved it. *See* Schroeder Affidavit, ¶ 49; *see also* State's Exhibit 2, p. 3. At some point, the jacket was transferred to the possession of the Eighth District Court of Appeals, where it was stored in a box in the "dead files" section. *See* Schroeder Affidavit, ¶ 14.

On December 9, 2008, Keith Hurley with the Cuyahoga County Clerk of Courts submitted Bonnell's jacket to Curtiss Jones at the Trace Evidence Department of the Medical Examiner's Office. *See* State's Exhibit 7, p. 5. On December 23, 2008, Jones forward the jacket to DNA Diagnostics in Fairfield, Ohio for DNA testing. *Id.*, p. 4.

In 2009, DNA testing on this jacket done by DNA Diagnostics revealed that the partial DNA profiles obtained from bloodstained areas on Bonnell's jacket were consistent with the DNA of the victim, Robert Bunner. *See* State's Exhibit 12. The probability of selecting an unrelated individual at random from the population having a matching DNA profile was approximately 1 in 239,000. *Id.* On July 2, 2012, Jessica York, a Forensic DNA Analyst with DNA Diagnostics, released the jacket back to the custody of the Cuyahoga County Medical Examiner's Office. *See* State's Exhibit 7, p. 4. The jacket is currently being kept at the Medical Examiner's Office. *See* Schroeder affidavit, ¶ 58.

Bonnell's other clothing that he was wearing the night of the murder when he arrived at Lutheran Hospital was placed on police hold. *See* State's Exhibit 13, p. 2. The "Patient Belongings Form" from Lutheran Hospital lists one pair of white pants, one pair of white socks, one pair of black boots, and one block key ring with three keys. *Id.* On December 4, 1987, this property was signed out to Officer Robert Reed. *Id.*, p. 3. The property was never logged in any at department after that. The disposition of these items is unknown. There is

no evidence of any testing performed on these items and they were not introduced as evidence at trial. Tr. 4-6.

iv. Vomit found in the victim's kitchen.

Det. Ernest Hayes noted briefly in two places in his Supplementary Report dated November 28, 1987 that officers found what appeared to be vomit in the kitchen of Bunner's apartment. *See* State's Exhibit 15, pp. 4, 5. There is no indication in any documentation related to this case that the vomit was ever collected as evidence.

v. Blood from Bonnell's vehicle.

The Incident Report states that police towed Bonnell's vehicle, a blue 1980 Chevrolet Malibu, Ohio license plate 325 GSD, VIN 1T19KA1494616, to Lot #2 for processing. *See* State's Exhibit 14, pp. 2, 4; *see also* State's Exhibit 16. There, Patrol Officer Patrick Evans marked and tagged the car in the Second District property book. *See* State's Exhibit 14, p. 4; Tr. 1212. The Cleveland Police Scientific Investigation Unit (SIU) processed the car on November 30, 1987. *See* State's Exhibit 17. The State has been unable to find any evidence as to what, if any tests were performed on Bonnell's car, or any information concerning the final disposition of this vehicle. SIU did not receive or retain any items from Bonnell's car. *See* State's Exhibit 9, p. 1.

vi. Hair on a green pillow.

Det. Ernest Hayes wrote in his Supplementary Report dated November 28, 1987 that a "[g]reen vinyl pillow" was recovered "on the back porch of the victims home." *See* State's Exhibit 15, p. 3. Det. Hayes noted that there was blood on the pillow. *Id.* The pillow "was conveyed to the morgue for testing." *Id.*, p. 3, 6. In the Incident Report, this item is referred to as a "chair seat cushion." *See* State's Exhibit 14, pp. 2, 4.

Det. Svekric submitted the pillow to Linda Luke at the Coroner's Office on November 28, 1987. *See* State's Exhibit 6. Ms. Luke released the pillow to the lead trial prosecutor, Richard Bombik, on February 25, 1988. *Id.* This was during Bonnell's trial, which lasted from February 22 to March 24, 1988. Tr. 8, 1700.

At trial, the prosecution introduced the green pillow as State's Exhibit 23. Tr. 905-906. Linda Luke testified that she received the green pillow at the Coroner's Office. *Id.* at 903. Ms. Luke was able to determine that the blood on the pillow was type O. *Id.* The victim, Robert Bunner, was blood type O. *Id.* at 906. Melvin Bonnell was blood type A. *Id.* At the close of the State's evidence, the prosecution withdrew the pillow. *Id.* at 1276. No further records concerning the disposition of the pillow could be found.

vii. Plastic bags for gunshot residue.

Officer Thomas Jesionowski testified that Lieutenant Torek ordered the staff at Lutheran hospital to cover Bonnell's hands in plastic bags. Tr. 1270. This was done at approximately 6:00 a.m. *Id.* No other mention of the plastic bags can be found in any documents in the prosecutor's file. There is no evidence that any testing was ever conducted, and no evidence regarding any potential testing of the plastic bags was entered at trial. SIU never received any plastic bags, or any evidence related to any potential testing done on Bonnell's hands. *See* State's Exhibit 9.

viii. Two guns recovered by Cleveland police.

Cleveland Police recovered two guns in connection with this case. Officers Emerilo Montalvo and Thomas Jesionowski recovered the first gun, a .25 caliber Tanfoglio pistol, about a half a block away from where Bonnell had crashed his car on Lorain Avenue, and in the area where they saw Bonnell first lose control of his vehicle. Tr. 1112, 1117, 1257-1258.

The .25 caliber Tanfoglio was received by SIU and labeled Lab #244381. *See* State's Exhibit 9, p. 1. The .25 caliber Tanfoglio was signed out to Prosecutor Rick Bombik on February 18, 1987. *See* State's Exhibit 9, p. 4; *see also* State's Exhibit 18, p. 1.

At trial, the State introduced the .25 caliber Tanfoglio as State's Exhibit 51. Tr. 1145. Detective Mitchell Wisniewski of the SIU testified that he processed the .25 caliber Tanfoglio. Tr. 1144-1145. Det. Wisniewski was unable to lift any fingerprints off of the weapon. *Id.* at 1146. He further testified that when the weapon was recovered, the hammer was in the firing position, the clip was in place, and a bullet was in the chamber. *Id.* at 1145.

Detective James Yonkers, a firearms examiner with the SIU, testified at trial that he compared the two .25 spent casings recovered from Bunner's apartment to casings that were test-fired from the .25 caliber Tanfoglio handgun recovered near Bonnell's car. Tr. 1164. Det. Yonkers concluded that the recovered .25 caliber Tanfoglio was the weapon that fired and ejected the casings found in Bunner's apartment. *Id.* at 1167-1171. There is no record of what happened to the .25 caliber Tanfoglio after trial.

The second gun, a .25 caliber Titan pistol, was turned over to the police by Marlene Roberts, whose daughter was dating Bonnell's brother. Tr. 1285, 1298. She found the gun in the cushions of her couch a few days after the murder and did not know whose it was. *Id.* at 1298-1299. She testified that Bonnell and his brother were "like family, they are in and out all the time." Tr. 1301. The .25 caliber Titan was also received by the SIU as Lab #244533. *See* State's Exhibit 9, p. 1. There is no Forensic Laboratory Report card associated with this weapon on file in the Forensic Lab. This gun was never entered into evidence, nor is there any indication in the records that it was relevant to the murder of Robert Bunner. Cleveland Police destroyed the .25 caliber Titan in 1992. *See* State's Exhibit 5.

CONCLUSION

Pursuant to its obligations under R.C. 2953.75, the Prosecuting Attorney has used reasonable diligence to determine whether biological material was collected from the victim or crime scene and whether a parent sample of the biological material sought for DNA testing still exists. Based on all of the foregoing, the Prosecuting Attorney reports and certifies to this Court, to the defendant, and to the Ohio Attorney General, that the only items of biological material still in existence for DNA testing are as follows:

- seven autopsy microslides from the victim, Robert Bunner,
- four swabs from Bonnell's maroon and tan jacket,
- one swab from an autopsy microslide, and
- Bonnell's maroon and tan jacket, introduced at trial as State's Exhibit 22.

All of these items are currently in the possession of the Medical Examiner's Office.

The Prosecuting Attorney remains open to any additional avenues to search for biological material in this case, and intends to supplement this report with any additional information the prosecutor might learn in the future.

Respectfully Submitted,

MICHAEL C. O'MALLEY
CUYAHOGA COUNTY PROSECUTOR

/s/ Christopher D. Schroeder
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CERTIFICATE OF SERVICE AND COMPLIANCE

A copy of the foregoing *Prosecuting Attorney's Report Pursuant to R.C. 2953.75(B)* has been served by email this 15th day of June, 2017 to Kimberly S. Rigby (kim.rigby@opd.ohio.gov), counsel for Defendant Melvin Bonnell, and to Assistant Attorney General Katherine E. Mullin (katherine.mullin@ohioattorneygeneral.gov) on behalf of Ohio Attorney General Michael DeWine.

/s/ Christopher D. Schroeder
Christopher D. Schroeder
Assistant Prosecuting Attorney

Exhibit 1

AFFIDAVIT OF CHRISTOPHER D. SCHROEDER

STATE OF OHIO

SS:

COUNTY OF CUYAHOGA

Christopher D. Schroeder, being first duly sworn, deposes and says the following:

1. I am an assistant prosecuting attorney employed in the Office of Cuyahoga County Prosecuting Attorney Michael C. O'Malley. I am the Managing Attorney, Capital Crimes Docket, and a member of the Office's Appellate Unit.
2. From November 2016 through the present, I have represented the State of Ohio in the capital case of *State v. Melvin Bonnell*, case number CR-87-223820.
3. On November 30, 2016, I received a phone call at my office from Elizabeth Quattrochi, who identified herself as an investigator with the Federal Public Defender's Office. Investigator Quattrochi asked me for permission to review the exhibits from the Melvin Bonnell case. I asked what exhibits she was looking for. Investigator Quattrochi stated that she was not looking for anything in particular, and that she simply wanted to go through all of the exhibits to see what we had in our possession. She offered to record her review of any evidence on video. I told Investigator Quattrochi that I would check to see what, if any, evidence my office had in its possession, and that I would get back to her. I also recommended that she speak to Assistant Attorney General Thomas Madden with the Ohio Attorney General's Office to see if his office had any exhibits from Bonnell's case in its possession.
4. On December 5, 2016, I sent an email to Investigator Quattrochi stating as follows:

"Elizabeth,

"I have discussed your request to review our office's file in the Melvin Bonnell case with my supervisors. We cannot agree to such a broad request. If you are looking for anything in particular – police reports, an exhibit – let me know and I will be glad to look for that for you.

"Thank you and have a happy holidays season."
5. Shortly after sending that email, Investigator Quattrochi and I spoke over the phone again. I informed her that my office had four boxes of material related to the Melvin Bonnell case in our possession, but that those four boxes contained only paper documents. Investigator Quattrochi indicated that she was looking for physical exhibits. Based on this conversation, I believed that Mr. Bonnell's attorneys at the Federal Public Defender's Office were seeking to conduct DNA testing of some of the physical exhibits in Bonnell's case, and were not interested in any of the paper

documents in the case. I stated that my office had no physical exhibits in our possession. I again recommended that she speak to either Assistant Attorney General Madden or to the Cuyahoga County Clerk of Courts to look for any exhibits in the case.

6. At some point during the week of December 5, 2016, I went to the Cuyahoga County Clerk of Courts Office on the second floor of the Cuyahoga County Justice Center. There, I spoke in person to James Boyle, the Manager of the Criminal Division of the Clerk's Office, about locating any physical exhibits in Bonnell's case. He agreed to search the Clerk's Office to determine what, if anything, they had in their possession.

7. On December 6, 2016, Investigator Quattrochi emailed me the following:

"Hi-

So, I have spoken with the Tom Madden (he emailed) and the clerk's office (Jeff Cardenas and Kayla Griffin) and it seems that the physical exhibits cannot be located for Bonnell Case #223820. The clerk's office seems to believe that they are with you... is there any way that you could double check or help figure out there whereabouts? I am looking for the physical exhibits which include a .25 handgun, two jackets and a pillow. Thank you for your time.

Sincerely,

Libby"

8. My office maintains a secure property room on the eighth floor of the Cuyahoga County Justice Center. I was generally aware from past cases that this property room contained numerous exhibits from old, closed cases, and that my office kept an inventory of the items maintained in that property room.
9. Upon receiving Investigator Quattrochi's email on December 6, 2016, I asked the secretaries assigned to the Appellate Unit of my office to check that written inventory for any items related to Bonnell's case. I provided them with both Bonnell's name and the criminal case number, CR-87-223820.
10. Also on December 6, 2016, I asked two employees of my office's Case Management Unit if our office had any additional items in storage from Bonnell's case. I specified that I was looking "for physical exhibits – a handgun, two jackets, and a pillow." They later informed me that they had checked our office's file storage areas and that the only items we had related to Bonnell's case were the four boxes of paper documents I had already both reviewed and informed Investigator Quattrochi about.
11. I was aware at this time that there had already been DNA testing in Bonnell's case. To confirm this, I checked the online docket and saw that on July 6, 2009, Assistant Prosecuting Attorney Matthew Meyer had filed a document captioned *Notice of Postconviction DNA Testing Results* in the trial court. Attached to that document were two forensic reports from DNA Diagnostics Center (DDC) dated March 30, 2009 and

June 29, 2009 indicating that the partial DNA profile obtained from several bloodstained sections of the maroon jacket that Bonnell was wearing the night of the murder was consistent with the DNA of the victim, Mr. Robert Bunner.

12. I then forwarded Investigator Quattrochi's December 6, 2016 email to APA Meyer. I was aware that Prosecutor Meyer had formerly served as counsel of record for the State of Ohio in Bonnell's case, prior to joining the Economic Crimes Unit of my office in 2013. I asked APA Meyer if we had ever received Bonnell's maroon jacket back from the DDC after the completion of the 2009 DNA testing. I also asked if he was aware of the location of the remaining items specified in Investigator Quattrochi's December 6, 2016 email – the handgun, another jacket, and a pillow.
13. On December 7, 2016, one of the secretaries assigned to the Appellate Unit informed me that she had checked our office's property room inventory and found no items related to Melvin Bonnell, CR-223820.
14. That same day, APA Meyer informed me that the last time he had seen any physical evidence in Bonnell's case was about eight years earlier, in the "dead files" section of the Eighth District Court of Appeals, when Bonnell's maroon jacket was sent to the DDC for testing. APA Meyer did not recall ever seeing any physical evidence in Bonnell's case except for that jacket.
15. Based on that conversation with APA Meyer, I personally went to the "dead files" section in the Eighth District Court of Appeals to inquire if they had any evidence related to Bonnell's case. Specifically, I spoke to Robert Duckworth, an employee there. Mr. Duckworth informed me that all of their capital case files were now being stored in the Clerk of Courts' office in the Justice Center.
16. I then emailed Investigator Quattrochi stating that I had confirmed there were no physical exhibits related to Bonnell's case in my office's possession. I further stated that I would make some phone calls to attempt to locate any exhibits that I could.
17. On December 8, 2016, I went to the Clerk of Courts' Office to determine what physical evidence was in the Clerk's possession from any capital cases in Cuyahoga County. Kayla Griffin, Pending Files Division Supervisor, showed me inside a secured room where the Clerk's Office maintained the records of many of our office's capital cases. Each box inside the room was clearly labeled with the name and case number of the defendant. I examined each box. None of them contained Bonnell's name or case number.
18. On December 15, 2016, Investigator Quattrochi sent me an email indicating that she had "triple checked with the clerk" and that the clerk's office did not have any exhibits in Bonnell's case. She stated that she appreciated me looking for the exhibits and

reaching out to others in an attempt to find them. She also asked if there was anyone else that she could follow-up with.

19. Immediately after receiving Investigator Quattrochi's email, I emailed James Boyle asking if he had located any physical exhibits in Bonnell's case. He responded that he was still looking and that he would keep me posted.
20. I emailed Investigator Quattrochi back stating that I had personally walked down to the Clerk's office the week before (the week of December 5, 2016) to determine if they had any evidence in their possession from Bonnell's case. I stated that they had told me they did not, but that they were looking into some other avenues and would let me know.
21. Later that afternoon on December 15, 2016, I received the following email from Investigator Quattrochi:

"Hi-

I have spoken with Kayla Griffin (Supervisor) twice and she has stated that she does not have anything. It does not make sense that they would tell me that they do not have anything while telling you that they're looking into other avenues. Ms. Griffin was clear that they do not have them and seemed to think that y'all ordinarily keep them. Who else would keep exhibits? I am new to Ohio, so I am learning about how things are done up here. I am genuinely confused and a bit stumped. Thank you for your time.
Elizabeth"

22. To ensure that Investigator Quattrochi had the same information I did, I replied that the person I had been dealing with was Ms. Griffin's supervisor, Mr. Boyle. I provided Investigator Quattrochi's with Mr. Boyle's office phone number. She responded that this made sense and that she would contact Mr. Boyle.
23. On December 21, 2016, I received another email from Investigator Quattrochi. She stated that she had spoken with both Mr. Boyle and Ms. Griffin in the Clerk's office and that they were still unable to locate any physical exhibits related to Bonnell's case. She asked if I had been able to locate anything.
24. On that same day, I contacted Linda Steimle, the Manager of the Case Management Unit of our office, asking if her staff could "take a good look through storage, the property room, or anywhere else that we might have evidence to see if there [was] anything related to" Bonnell's case. I informed her that the Federal Public Defender's Office was looking for "a .25 handgun, two jackets, and a pillow." I provided her with Bonnell's name and case number and asked her to let me know if she needed any additional information.

25. Following that email, and still on December 21, 2016, I personally visited our office's file storage areas in the basement and on the 25th floor of the Justice Center to search for any boxes labeled with Bonnell's name or case number. After reviewing the files stored in both locations, I did not find anything related to Bonnell's case.
26. During that search, one of the employees of my office's Case Management Unit recommended that I speak to Marilyn Neff. At that time, Ms. Neff worked in the Finance & Operations section on the 9th floor of our office. For several years prior to that, however, Ms. Neff sat at a desk in the property room on the 8th floor of our office. In that capacity, she worked in close proximity to many of the physical items of evidence in our office's possession in the property room.
27. On December 22, 2016, I emailed Ms. Neff asking if she recalled seeing anything related to Bonnell's case, including "a .25 handgun, two jackets, and a pillow." I provided her with Bonnell's name and case number. Ms. Neff responded later that day that she did not recall seeing anything related to Bonnell's case, but that she would check the property room inventory to be sure.
28. On December 27, 2016, Ms. Steimle recommended that I speak to the secretaries assigned to the Appellate Unit of my office about whether we had any items from Bonnell's case in the secure property room on the 8th floor of our office. By this point, the appellate secretaries had already checked that inventory once at my request on December 7, 2016. Later in the day on December 27, 2016, a second secretary informed me that she had separately checked our office's property room inventory and found no items from Bonnell's case.
29. On December 28, 2016, one of the secretaries assigned to the Appellate Unit of my office informed me that she would go into property room to conduct a visual inspection of the items inside to determine if any of the items I was searching for were located there. She later informed me that she had not located any items from Bonnell's case during her search.
30. On January 3, 2017, I spoke to Det. Joselito Sandoval with the Cleveland Division of Police, Homicide Unit. I asked Det. Sandoval to attempt to locate any evidence from Bonnell's case that was still in the possession of the Cleveland Police. I did this because the Cleveland Division of Police was the original law enforcement authority involved in the investigation of Bonnell's offense in 1987. I provided Det. Sandoval with Bonnell's name, case number, and the name of the victim.
31. On January 4, 2017, Det. Sandoval left me a voicemail stating that he had checked the Cleveland Police property room and learned that a .25 caliber handgun from Bonnell's case, serial number D93314, was listed as being destroyed on February 1, 1992. Det.

Sandoval further stated that he was attempting to locate the jackets and the pillow, and that the last entry in the property room records showed the jackets and pillow going out to the morgue a few days after the murder on November 28, 1987.

32. Around this time, I also spoke to Assistant Attorney General Brenda Leikala with the Ohio Attorney General's Office. AAG Leikala indicated that she was unaware of the location of any items of evidence in Bonnell's case and that she had never seen them. She also emailed me a PDF of the photographic exhibits that the prosecution had introduced during Bonnell's 1988 trial. I examined those photographs and saw that State's Exhibits 44 and 45 were photos of a gun lying in the street. I assumed this to be the murder weapon – the .25 caliber Tanfoglio handgun. None of the other photographs appeared relevant to my search for the items.
33. I then reviewed the transcript from Bonnell's 1988 trial for any potential indication as to where the four items in question were sent after trial. The transcript revealed that the prosecution had introduced only one jacket into evidence: Bonnell's maroon jacket, marked as State's Exhibit 22. The prosecution had introduced a green pillow as State's Exhibit 23, but then withdrew the pillow at the close of the State's evidence. The prosecution had introduced the murder weapon, the .25 caliber Tanfoglio handgun, as State's Exhibit 51.
34. Based on this review, I realized that the Clerk of Courts' office would not have any of the items in question in its possession. Bonnell's jacket had been sent to the DDC for testing in 2008. Neither party had offered a second jacket into evidence. The prosecution had withdrawn the pillow. And I was previously aware that the court reporters did not accept firearms as exhibits to be included with the record. From prior experience, I knew that the Clerk of Courts' office would only have exhibits actually admitted into evidence at trial in its possession. I believed I had thus eliminated the possibility that any of those items were still, or ever had been, in the possession of the Clerk of Courts' office. This was consistent with the representations of Ms. Griffin and Mr. Boyle to both Investigator Quattrochi and I that the Clerk's office had been unable to locate any of these items from Bonnell's case in their possession.
35. On January 18, 2017, I spoke to Dr. Julie Heinig at the DNA Diagnostics Center (DDC). Dr. Heinig stated that the DDC had mailed Bonnell's maroon and tan jacket to the Cuyahoga County Coroner's Office (now known as the Cuyahoga County Medical Examiner's Office) in 2012, following the completion of their DNA testing in 2009. She also emailed me chain of custody documentation verifying that Jessica York with the DDC had released Bonnell's maroon jacket via UPS delivery to the Cuyahoga County Medical Examiner's Office on July 2, 2012.
36. On January 18, 2017, I called Dr. Nasir Butt, DNA Supervisor and Technical Manager at the Cuyahoga County Medical Examiner's Office, and asked if his office had any

items related to Bonnell's case in their possession. At his request, I then followed up with an email to both him and Curtiss Jones, the Supervisor of the Trace Evidence Department, providing them with Bonnell's name, the victim's name, and the original Medical Examiner's Office number. Mr. Jones responded that he was in the process of pulling the case file from archives and that he would look through it to verify what items were in their possession.

37. On January 24, 2017, Melvin Bonnell's attorneys filed a new notice of appeal in the Supreme Court of Ohio of Judge Timothy McCormick's decision to deny Bonnell's prior application for DNA testing in 2005 (Case No. 2017-0115). Bonnell's attorneys also filed an application for reopening his discretionary appeal of Judge McCormick's decision (Case No. 2005-2284) and a motion to stay his execution date, which was at that point scheduled for October 18, 2017.

38. On January 30, 2017, I received an email from Curtiss Jones at the Medical Examiner's Office. Mr. Jones stated that his office's records showed that only one jacket and one pillow were ever submitted to them as evidence, and that his office had released both the jacket and the pillow to Assistant Prosecuting Attorney Rick Bombik on February 25, 1988, during the original trial. Mr. Jones further stated that the jacket, which was listed as being property of Melvin Bonnell, was resubmitted to him at the Medical Examiner's Office by Keith Hurley from the Clerk of Courts' office on December 9, 2008. The pillow was never resubmitted. According to Mr. Jones' email, the Medical Examiner's Office sent Bonnell's jacket to the DDC for testing in 2008. Following the completion of that testing, the DDC then returned the jacket to the Medical Examiner's Office in 2012. I noted that all of this was consistent with the other information I had learned from the transcript and from Dr. Heinig.

39. Mr. Jones concluded by stating that the Medical Examiner's Office was in possession of three items in regard to Bonnell's case:

"7 Autopsy microslides
4 swabs 'from maroon and tan jacket'.
1 swab 'from one autopsy microslide'."

During a subsequent conversation on May 31, 2017, Mr. Jones clarified that the Medical Examiner's Office was also in possession of the maroon and tan jacket that it had received back from the DDC in 2012. (See paragraph 58).

40. Beginning on January 30, 2017 and lasting through March 6, 2017, I was engaged in an aggravated murder trial in the Cuyahoga County Court of Common Pleas. During that trial, I was generally unavailable to search for items of evidence in Bonnell's case.

41. At some point during that trial, the prosecution called Curtiss Jones to testify as a Trace Evidence expert. I met with Mr. Jones in the hallway outside of the courtroom

immediately prior to his testimony to review his findings. At that time, and once we had finished reviewing his testimony in that case, I changed the subject of the conversation to the Bonnell case. I asked Mr. Jones if I understood his January 30, 2017 email correctly to mean that the items specified therein were the only items that the Medical Examiner's Office had in its possession. He indicated that this was correct, but that he was continuing to search for any additional evidence.

42. On February 10, 2017, Ohio Governor John Kasich issued a temporary reprieve of Bonnell's execution date, rescheduling his execution to April 11, 2018.
43. On March 16, 2017, I received a phone call from Investigator Quattrochi, who stated that she was at the reception area in the 9th floor of my office looking for evidence in Bonnell's case. I informed Investigator Quattrochi that I had learned from Det. Sandoval that the records from the Cleveland Police property room showed that a .25 caliber handgun had been destroyed in 1992. Although I do not recall the exact wording of this conversation, I believe that I incorrectly stated that the .25 caliber handgun that had been destroyed was the murder weapon. In actuality, I later learned that the destroyed weapon was actually the .25 caliber Titan handgun that Marlene Roberts had found in her couch several days after the murder. I also explained to Investigator Quattrochi that, based on the transcript, I believed I had ruled out the Clerk of Courts' Office as a possible location for any physical evidence in Bonnell's case. I further stated that I had no additional information regarding the green pillow or the two jackets. I provided Investigator Quattrochi with the phone number for the Cleveland Police property room, as well as the number for the Homicide Unit if she desired to speak with Det. Sandoval. I also explained to her that Det. Sandoval's involvement in the case was limited to checking the property room for items in Bonnell's case essentially as a favor to me. I reiterated that my office had no evidence in its possession from Bonnell's case.
44. During this conversation, Investigator Quattrochi asked if I knew where any "projectiles" from the case might be located. I stated that Det. Sandoval had not mentioned any projectiles being in the Cleveland Police property room, but that I did not know for sure.
45. A short time later, I received a voicemail from Investigator Quattrochi stated that she was now at the Cleveland Police property room looking for evidence. She stated that the staff at the property room needed permission from either me or from the Court to allow her to look at any records related to Bonnell's case. I called the property room and agreed to allow Investigator Quattrochi to look at anything in their possession, provided that neither she nor anyone else removed anything.

46. On April 6, 2017, the Supreme Court of Ohio granted my motion to dismiss Bonnell's new appeal in Case No. 2017-0115. On April 19, 2017, the Supreme Court denied Bonnell's application to reopen his prior appeal in Case No. 2005-2284.
47. On April 26, 2017, I received a copy of the *Motion for an Accounting by the Prosecution* that Bonnell's attorneys had filed before Judge McCormick. After reviewing that filing, I began the process of cataloging my efforts to locate any physical exhibits from Bonnell's case.
48. On May 30, 2017, I spoke to former APA Jon Oebker over the phone. Oebker was formerly appellate counsel for the State on Bonnell's case and is now an attorney with the law firm of Tucker Ellis. Oebker indicated that he recalled seeing either a jacket or a square cutting from the jacket in the "dead files" section of the court of appeals. He did not remember seeing any other exhibits. He did not recall the Prosecutor's Office ever being in possession of any exhibits from Bonnell's case. Mr. Oebker stated that he left the Prosecutor's Office in 2008.
49. On May 30, 2017, I spoke to retired APA Rick Bombik over the phone. Mr. Bombik was the lead prosecutor in Bonnell's 1988 trial. Mr. Bombik said that he had no memory of any of the evidence from Bonnell's case. He was certain that he did not have any items from the case in his possession. I specifically asked Mr. Bombik about a handwritten note in the Prosecutor's Office file stating that Bonnell's jacket had been "found by Bombik 2-9-90 in his closet." Mr. Bombik stated that at the time of Bonnell's trial, the Prosecutor's Office kept evidence from some of its cases in a locked closet on the 9th floor of the Justice Center. Mr. Bombik was confident that this was the closet referred to in the note, although he did not recall specifically finding evidence from this case in that closet. He further stated that all of the evidence had been removed from the closet years ago. Mr. Bombik also stated that he did not believe anyone would destroy evidence from a murder case. He recommended that I speak to Det. Jack Bornfeld, now an investigator with my office, as to the location of any exhibits. Mr. Bombik stated that he retired from the Prosecutor's Office in 2011.
50. Immediately following my conversation with former Mr. Bombik, I subsequently inspected the closet on the 9th floor of the Prosecutor's Office myself and confirmed that there was no longer any evidence kept there.
51. On May 30, 2017, I spoke to Bruce Bishilany, the head of the Cuyahoga County Court Reporters department. Mr. Bishilany stated that he would search the Court Reporters' office for any evidence associated with Bonnell's case or any indication that the Court Reporters Department was ever in possession of any evidence.
52. On May 31, 2017, I again spoke to Mr. Bishilany over the phone. Mr. Bishilany stated that he had personally checked all of the evidence storage areas used by the Court

Reporters department. He had found no evidence related to Bonnell's case. He stated that any evidence that the original court reporter may have had following the trial would have been filed in the court of appeals along with the transcript for Bonnell's direct appeal. He further explained that the Court Reporters department generally does not want to keep any evidence in their possession.

53. I was aware through my review of the transcripts of Bonnell's 1988 trial that the original court reporter at trial was a Sandra G. Gieling. In an attempt to locate Ms. Gieling, I searched her first and last name in the Ohio Law Enforcement Gateway (OHLEG), an electronic information network. That search revealed that the only Sandra Gieling anywhere in Ohio, DOB 11/23/1935, was now deceased. I subsequently confirmed this information through speaking with Mr. Bishilany over the phone on May 31, 2017.
54. On May 30, 2017, I contacted the Ohio Bureau of Criminal Investigation (BCI) at Richfield, Ohio. I am generally aware that BCI has cooperated with local law enforcement in many of our criminal cases in Cuyahoga County, although I saw no evidence from my review of Bonnell's file that BCI was involved in Bonnell's case in any way. I spoke to Alisa Kramer, an Administrative Professional 2 with BCI's Cyber Crimes Unit. Ms. Kramer stated that records from the timeframe of 1987-1988 have since been "microfiched," and that she would check to see what, if anything, BCI had in its possession related to Bonnell's case.
55. On May 31, 2017, I spoke to Jack Bornfeld, formerly a detective with the Cleveland Division of Police, Homicide Unit, and currently an investigator with my office. Mr. Bornfeld stated that he had no recollection of Bonnell's case and no information as to where any exhibits in the case might be located. Mr. Bornfeld asked me for the complaint number from the original police reports so that he could check with the Cleveland Police property room. He informed me later that same day that he had checked the run book in the property room from November 1987 through the summer of 1988 and found no listing for either a jacket or a pillow in Bonnell's case. He stated that the property room records indicated that the items were sent on November 28, 1987 to the Coroner's Office and that there was no record of them ever coming back to the Cleveland Police property room.
56. I also asked Mr. Bornfeld if he knew how I could contact former Dets. John McKibben and Anthony Zalar, both of whom worked on Bonnell's case. Mr. Bornfeld stated that Det. McKibben was now deceased. He did provide me with a phone number at which I could reach Det. Zalar.
57. On May 31, 2017, I spoke to former Det. Anthony Zalar over the phone. Mr. Zalar had some limited recollection of Bonnell's case after I reviewed a basic outline of the facts of the case with him. He stated that he was not aware of the location of any evidence

in Bonnell's case and he was certain that none of the evidence was in his possession. I specifically asked Mr. Zalar as to whether he recalled anything about a green pillow. He replied that he did not. Mr. Zalar further stated that he had no information as to where any evidence in Bonnell's case may be located.

58. On May 31, 2017, I again spoke to Curtiss Jones with the Medical Examiner's Office over the phone. Mr. Jones confirmed that his office was in possession of the three items specified in his January 30, 2017 email: (1) the seven Autopsy microslides, (2) the four swabs from the maroon and tan jacket, and (3) one swab from an autopsy microslide. Mr. Jones also clarified that the Medical Examiner's Office did in fact have the maroon and tan jacket itself in their possession as well. This was consistent with the documentation I received from Dr. Heinig at the DDC showing that the jacket had been returned to the Medical Examiner's Office in 2012. Mr. Jones also stated that he had performed a thorough search of the Medical Examiner's archives and that these were the only items in their possession associated with Bonnell's case.
59. Mr. Jones also recommended that I contact Dr. Nasir Butt, DNA Supervisor and Technical Manager at the Medical Examiner's Office, to ask if his office had a "DNA packet" in Bonnell's case. Mr. Jones explained that if the Medical Examiner's Office had taken DNA samples in Bonnell's case, any swabs from those samples might still be in the possession of the Medical Examiner's Office.
60. Based on Mr. Jones recommendation, on May 31, 2017, I contacted Dr. Nasir Butt. I provided Dr. Butt with the original Cuyahoga County Coroner's Office (CCCO) case number for Bonnell's case of 199612, along with the names of both Bonnell and the victim. Dr. Butt stated that he did not see any results for that case number in the Medical Examiner's Office's electronic database. To be sure, however, he stated that he would pull the case jacket and that he would assign someone in his office to check their physical storage areas for any evidence related to Bonnell's case.
61. On May 31, 2017, I contacted Ann Sindelar, Reference Supervisor at the Western Reserve Historical Society (WRHS) in Cleveland. I am aware that items from old, historical cases have sometimes been located at the WRHS in the past. I provided her with the names of both Bonnell and the victim, and stated that I was looking for any evidence in the possession of the WRGS from the case. Ms. Sindelar responded that she had checked the WRHS online catalog and found no references to the name Melvin Bonnell.
62. On May 31, 2017, I spoke to former APA L. Christopher Frey, now an Assistant Law Director for the City of Parma. Mr. Frey stated that he did not recall ever seeing any physical evidence in Bonnell's case, and that he did not know what evidence might exist. He said that he did not recall ever searching for any evidence in the case. Mr. Frey recommended that I check the Prosecutor's Office property room, the Homicide

Unit of the Cleveland Division of Police, and the “dead files” section of the court of appeals. Mr. Frey stated that he left the Prosecutor’s Office in 2003.

63. On May 31, 2017, I spoke to former APA Donald Butler, now a defense attorney in Cleveland. Mr. Butler was the second chair prosecutor in Bonnell’s 1988 trial. Mr. Butler stated that he did not recall seeing any evidence in Bonnell’s case outside of the trial, and that he was certain he did not have any evidence from the case in his possession. He further stated that he was not involved in any of the appeals or postconviction proceedings following the 1988 trial. Mr. Butler stated that he left the Prosecutor’s Office in 1989.
64. I placed two phone calls to the Cuyahoga County Archives building on Franklin Boulevard in Cleveland on May 30 and May 31, 2017. In both instances, I left detailed voicemails explaining that I was searching for evidence in the Melvin Bonnell case. I provided Bonnell’s name, case number, and the victim’s name.
65. On June 2, 2017, I received a voicemail from Dr. Judith Cetina, Manager and Archivist with the Cuyahoga County Archives. Dr. Cetina stated that the Archives building did not have any transcripts or evidence related to cases recent enough to have six-digit criminal case numbers. The County Archives only possessed items related to criminal case numbers with five digits. Through a basic check of the online docket, I determined that Cuyahoga County transitioned from five-digit to six-digit criminal case numbers in 1980. Bonnell’s six-digit criminal case number is CR-87-223820. Dr. Cetina further stated that any items related to cases from that time would be in the possession of the Clerk of Courts.
66. On June 2, 2017, I received a voicemail from Dr. Lewis Maddox, DNA Technical Leader at BCI Richfield. Dr. Maddox stated that he had reviewed what he referred to as the “LIM System,” and that he had also conducted a physical review of the old card catalogue system at BCI Richfield. He stated that he found no indication that BCI had ever had a case involving Melvin Bonnell or Robert Bunner.
67. On June 5, 2017, I spoke to Dr. Maddox over the phone. Dr. Maddox explained that the “LIM System” was the Laboratory Information Management System, BCI’s computer database used to track evidence in cases that BCI has worked. Prior to the introduction of the LIM System, BCI maintained that information in a card catalogue. Dr. Maddox estimated that BCI switched from the card catalogue to the LIM System in approximately 2002. He further stated that any information contained in the card catalogue prior to that date would have been back-entered into the LIM System. Dr. Maddox reiterated that he had searched both sources and found no indication that BCI was ever involved in Bonnell’s case in any way.

68. On June 6, 2017, I spoke with Dr. Butt over the phone. Dr. Butt stated that the only evidence in the possession of the Medical Examiner's Office were the items Mr. Curtiss Jones had previously mentioned. Dr. Butt also provided me with email correspondence between himself and APA Matthew Meyer dated January 15, 2009 in which Dr. Butt informed APA Meyer that "[t]here are no samples retained in either the DNA or the Trace Evidence Departments for 199612 Robert Bunner."
69. On June 9, 2017, I received a voicemail from Jack Bornfeld, who stated that he had double checked with the Cleveland Police property room for the green pillow. He stated that he was unable to locate the pillow and could not determine what had happened to it. Mr. Bornfeld further stated that there was no record of the pillow ever returning to the Cleveland Police after it went out to the Coroner's Office a few days after the murder on November 28, 1987.
70. On June 13, 2017, I spoke to Dr. Thomas P. Gilson, M.D., the Cuyahoga County Medical Examiner. I informed Dr. Gilson that I was searching for any evidence in the possession of his office from Bonnell's case. I provided him with Bonnell's name, the victim's name, and the original Cuyahoga County Coroner's Office (CCCCO) case number of 199612. I also informed Dr. Gilson that I had previously spoken to Dr. Butt and to Mr. Jones, and that they had been unable to locate any evidence in Bonnell's case in their respective departments. Dr. Gilson stated that he would check to see if there were any additional avenues of search that Dr. Butt and Mr. Jones had not already exhausted, and promised that he would get back to me within a few days if he learned any additional information.
71. On June 14, 2017, I spoke to Lt. Andrew Desanik at the Cleveland Police Property Room. I informed Lt. Desanik that I was looking for any evidence that the Cleveland Police had in the Melvin Bonnell case at any point. I provided him with Bonnell's name, the victim's name, and the complaint number of 87080470. A few moments later, Lt. Desanik called me back, stating that the only evidence in the possession of the Property Room was the .25 caliber Titan handgun, which had been destroyed in 1992.
72. On June 14, 2017, I went to the Forensic Lab on the seventh floor of the Cleveland Police headquarters. There, I spoke to Officer Bryan Myers and informed him that I was looking for any evidence in the Forensic Lab's possession from Bonnell's case. I watched Officer Myers search through a card catalogue in the Forensic Lab using the names of both Bonnell and the victim, Robert Bunner. Officer Myers was able to locate a single entry under the name "Robert Bunner" reflecting that the SIU received two morgue pellets, designed "A" and "B," on December 8, 1987. Officer Myers explained that this card contained a Lab number corresponding to a second card catalogue in the Forensic Lab organized by lab numbers. The laboratory number associated with morgue pellets A and B was Lab #244492.

73. I observed Officer Myers search the Forensic Laboratory Report card catalogue for Lab #244492. Upon investigation, however, Officer Myers and I discovered that this particular Forensic Laboratory Report card was missing, and had been replaced by a blank sheet of white paper left protruding upwards out of the catalogue in what appeared to be a placeholder position.
74. At this time, I also spoke to Det. Todd Marazzi, who also worked in the Forensic Lab. Det. Marazzi stated that the actual pellets themselves would normally be in a file cabinet in the Forensic Lab. He stated that if someone had pulled the Forensic Lab Report card, however, this suggested that this person had removed the evidence (the two morgue pellets) as well. Det. Marazzi showed me pages 286-287 from the Forensic Lab run book, which indicated that morgue pellets A and B had been received by SIU on December 8, 1987, associated with the "dead body of Robert Bunner." There was no further indication as to where the pellets were currently located.
75. At Officer Myers' suggestion, he and I also went to the Cleveland Police Property Room on the eighth floor of the Cleveland Police headquarters. There, I spoke to Det. Tom Ward. Det. Ward provided me with a copy of pages from the Cleveland Police "Record of Property" run book confirming that the .25 caliber Titan handgun, serial number D93314, was destroyed on February 1, 1992. Det. Ward stated that he had reviewed the property room records and found no other evidence related to Bonnell's case. I specifically asked Det. Ward about a green cushion/pillow. He stated that the cushion/pillow had never made it to the Property Room, and that the coroner must have collected that item on scene.
76. On June 14, 2017, I spoke to Tina Stewart, a Scientific Examiner with the Cleveland Division of Police, detailed to the Medical Examiner's Office. Ms. Stewart provided me with copies of the Forensic Laboratory Report cards for the .25 Tanfoglio pistol (Lab #244381), the morgue pellets (Lab #244492), the .25 cartridge case (Lab #244815), and two .25 caliber shell casings (Lab #245065). These accounted for the remaining four items received by SIU (the fifth item, the .25 caliber Titan handgun, having been destroyed in 1992). The cards for the .25 Tanfoglio pistol, the morgue pellets, and the .25 cartridge case all contained handwriting showing that they had been signed out to trial prosecutor Rick Bombik on February 18, 1987 (which I believe to be a typo intended to reflect 1988). The card for the two .25 caliber shell casings showed that it was signed out to another individual, whose name was illegible to me, on February 23, 1988. There was no further indication of what happened to any of the items.
77. Ms. Stewart also left me a voicemail indicating that she had looked through the Forensic Lab for all of the evidence specified under the five different SIU / Forensic

Lab numbers in Bonnell's case. She stated that none of the evidence was in the Forensic Lab.

78. On June 15, 2017, I received a voicemail from Dr. Thomas Gilson. Dr. Gilson stated that he had looked through the Medical Examiner's Office file, and that he agreed with Curtiss Jones and with Dr. Nasir Butt that the Medical Examiner's Office did not have any evidence apart from the microscopic slides Mr. Jones had previously mentioned.

79. I believe that I have used reasonable diligence to determine whether biological material in Melvin Bonnell's case exists for testing at this point in time.

80. I am open to any additional avenues to search for biological material in the Melvin Bonnell case. I intend to supplement this affidavit and my report pursuant to R.C. 2953.75 with any additional information that I may learn in the future.

FURTHER AFFIANT SAYETH NAUGHT.


Christopher D. Schroeder
Affiant

6/15/2017
Date

Sworn to before me and subscribed in my presence this 15th day of June, 2017.


NOTARY PUBLIC

James E. Moss
Notary Public
State of Ohio
Statewide Jurisdiction
My Commission Has No Expiration Date

Exhibit 2

Recovered Property

FOUND	RECOVERED BY	REMARKS	VALUE	DELIVERED TO
79C		N. JOHNSON		RPP. 1993
1656	SANTOS	HOMICIDE		RPP. 1993
1500	RECEIVED	CH HOMICIDE		Amount 275
	ADJUNCT	NITA JOHNSON		X RPP. 1993
	RECEIVED	CH HOMICIDE		
1750	ADJUNCT	NITA JOHNSON		
		S/W HOMICIDE OF		
	MURPHY - QUALLEY	TONYA AMEY		
Rel 21	Moore & Adjunct	HOMICIDE OF NITA JOHNSON	82079791	X
"	" " "	" " "	" " "	"
"	" " "	" " "	" " "	X
"	" " "	" " "	" " "	X
2000	211111 & 111111	HOMICIDE OF JAMES BROWN		
"	" "	" "		
"	" "	" "		
11-28-87	" "	" "		
			TURNED OVER TO NITA JOHNSON TRACE EVIDENCE ON 11-28-87	
	Hayes & Zalar	Homicide of Robert Banner		To Morgue - Per Det. Svek
	Hayes & Zalar	Homicide of Robert Banner		To Morgue - Per Det. Svek
	McKibben & Goldstein	Homicide of Robert Banner		RPP. 1993
TA	DET SVEKRE	HOMICIDE OF NITA JOHNSON		Amount 275
	" "	" "		RPP. 1993
3121		" "		RPP. 1993
6 PD	DET(S) HICKS/KOVAC	FLA DET BEAVERS		
"	" " "	" " "		
"	" " "	" " "		
"	" " "	" " "		
	SHAFER, QUALLEY - MURPHY	S/W HOMICIDE OF WASSER FARHAT		RPP. 1993
	SIU - PRINZ	S/W HOMICIDE OF TERRY HARRIS		Doie Blunt
	" "	" "		Amount 275
	" "	" "		Rosa Lee Shields
HARRIS	2ALMA GORN STEIN	HOMICIDE OF HARRIS		
"	" "	" "		Amount 275
"	" "	" "		

* Found by Bombik 2-9-90 in his closet

DET ANTHONY ZALAR:

~~PR 1105~~
FEB 8, 1990
1345 hrs

COUNTY PROS. BOMBIK called for you and said that the Capital murder case re: defendant MELVIN BONNELL is going to have a hearing before Supreme Court. BOMBIK requests that you locate and bring to him MELVIN BONNELL's MAROON jacket sometime tomorrow. He definitely will need same by early Monday.

PROS BOMBIK can be reached at 443-7806.

J.F. Sgt

CA #
223 820

Sgt. FRANSEN,

THE LAST ENTRY IN PROP. BOOK SHOWS

THIS ITEM WENT TO MORGUE.

REQUEST DAY SHIFT collect

MORGUE & PROPERTY ROOM

TZ

#223168

1/28
82/1

Exhibit 3

B BUNNER, ROBERT

244492 AB

morgue pellet

12 8 87

Exhibit 4

ABC

244491	Morgue Pellet	Un Record	Sms	12-8-87	C
AB					
244492	Morgue Pellet	"	"	"	C
244493	Morgue Pellet	"	"	"	
244494	Morgue Pellet	"	"	"	C
244495	Morgue Pellet	"	"	"	C
244496	Morgue Pellet	"	"	"	
244497	Morgue Pellet	"	"	"	C

Dead body of Terry Hawkins

Dead Body of ROBERT BOWEN

Dead Body of DWAYNE PRINCE

Dead Body of GEORGE ADE

Dead Body - CARL RAY

Dead body - HENRY BARNETT

Dead Body - Jennifer Coyle

Dead Body - DONALD HUNT

Exhibit 5

RECORD OF PROPERTY

Date of Receipt	No. of Article	DESCRIPTION OF PROPERTY	OWNER'S NAME
MAR 31 1988	2198	25 CAL RAVEN AUTO #1324459	MARGARET WELLS
247289	2199	35 CAL TAURUS REV# 1350687	MENTOR P.D.
247290	2200	22 CAL RG REV # L494401	UNK
247292	2201	32 CAL I.J. REV# 66726	APPOINTMENT PRICE
247294	2202	38 CAL TAURUS REV# 1117375	BYRON AND THEOPH
247295	"	5 DISPOSABLE SPRINGES IN LAS BAR	MANNIS ORRANT-MARRIS (GAV)
	"	1 ADAMS APPLE OUNCE SCARF	THOMAS BOLLA
	"	9 DISPOSABLE NEEDLES WRAPPED IN	SKELLA BOLLA
	"	1 RITE AID VIDEO RENTAL CARD	JOHN BOLLA
	"	1 ERST DR. GAS CO. BILL	JAMES KARBA
244533	2203	1 THRESHAW SCIENTIFIC BAR SCALE	"
246096	2204	25 CAL T.T. AUTO #D99314	"
247331	2205	1 CO2 PAINT BALL GUN	"
	"	22 CAL BOLT AUTO #407135	MELVIN BONNELL
	"	30-30 WILLIAMS WINGMASTER RIFLE	JAIME NIEVES
	"	16 GA STEVENS S&W MOD MC NSN	KENNETH McADAMS
	"	4 SNOWB... 5...	"

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A- 98

Exhibit 6

CUYAHOGA COUNTY CORONER'S LABORATORY
TRACE EVIDENCE DEPT.
RECORD OF ITEMS SUBMITTED FROM OUTSIDE SOURCES

Dept. Cleveland Homicide Unit
In re: Robert BUNNEY Coroner's case #: 1996/2

ITEMS:

Pillow

Submitted by: Det. J. J. 2057 CPD Keriene
(Signature) (Department)
Received by: Jessie M. Jule 11-28-87 9:45
(Signature) (date) (hour)
Laboratory # 2237-87E-64 Examined by: _____
(Signature) (date)

Type of Examination:

Returned to: R. Smith - County Prosecutor
(Signature) (Department)
by: Linda M. Lake 2/25/78 1 P.M.
(Signature) (date) (hour)

TE-43

Front of
card

Back of
card

CUYAHOGA COUNTY CORONER'S LABORATORY
TRACE EVIDENCE DEPT.
RECORD OF ITEMS SUBMITTED FROM OUTSIDE SOURCES

Dept. Chardon Narcotics Unit
In re: Robert BUNNER Coroner's case #: 199612

ITEMS: JACKET

Submitted by: [Signature] 2057 CPD Homicide

Received by: [Signature] 11-28-87 (date) 11-28-87 (date) 11-28-87 (date)

Laboratory #: 2238-TE-647 Examined by: [Signature] (date)

Type of Examination: [Signature]
Returned to: [Signature] - County Prosecutor
by: Linda M. Luke 2/25/88 (date) 1/18/88 (date)

TE-43

Front of card

Back of card

Exhibit 7

Special Delivery Request

Send To:		Send Via:		Request Information:	
Name: <u>Attn: Evidence</u> Address: <u>Cuyahoga Co. Coroner's Office</u> <u>11001 Cedar Ave</u> City, ST, Zip: <u>Cleveland, OH 44106</u> Phone: <u>216-721-5610</u>		<input checked="" type="checkbox"/> UPS then... <input type="checkbox"/> AM <input checked="" type="checkbox"/> Saver <input type="checkbox"/> Saturday Signature Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> FedEx		Case #: <u>F08-20748</u> Database: <u>Forensics</u> Department: <input checked="" type="checkbox"/> Forensics <input type="checkbox"/> Other Request Date: <u>7/2/12</u> Requested By: <u>JH</u> Extension: <u>3280</u>	
Drawsite Code: _____ PAR <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Not <input type="checkbox"/>					

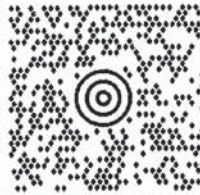
if this form with tracking #s).

SHIPPING DEPARTMENT
(513) 881-7800
DNA DIAGNOSTICS CENTER
ONE DDC WAY
FAIRFIELD OH 45014-2281

4 LBS

1 OF 1

SHIP TO:
EVIDENCE
(216) 721-5610
CUYAHOGA COUNTY CORONERS OFFICE
11001 CEDAR AVENUE
CLEVELAND OH 44106-3043



OH 441 9-40



UPS NEXT DAY AIR SAVER 1P
TRACKING #: 1Z X4X 255 13 5809 9286



BILLING: P/P

T-A-T: AB
CASE#/DATE: F08-20748

WS 15.0.16 Zebra S4MDT-27.0A 04/2012



Chain of Custody Forensic Services

DDC Case #: F08-20748 Agency Reference #: _____

Specimen Registration

DDC #	Specimen Description	DDC #	Specimen Description
<u>03</u>	<u>7 Autopsy Slides</u>		
	<u>↳ (1) autopsy slide</u>		
<u>03.A</u>	<u>swab from (1) autopsy slide</u>		
<u>03.A.1</u>	<u>DNA extract from swab from (1) autopsy slide</u>		

Chain of Custody Record

Submitted by: (print) Angie Fischer Date: 4 / 21 / 09 Time: —
Signature: _____ Title: Cuyahoga Co. Coroner
Method of Delivery: Fed Ex #797520618543

Received by: (print) Jessica York Date: 4 / 23 / 09 Time: 400pm
Signature: Jessica York Title: Forensic DNA Analyst

Released by: (print) Jessica York Date: 7 / 2 / 12 Time: 1130am
Signature: Jessica York Title: Forensic DNA Analyst
Method of Delivery: UPS Reference #: 1ZX4X2551358099286
to: Cuyahoga Co. Coroner's Office

For Evidence Received by Mail

I hereby certify that I received the specimens at DNA Diagnostics Center and that there is no evidence that the package has been opened.

Signature: Jessica York **A - 104** Date: 4 / 23 / 09 Time: 400pm
Package Taped?: ☒ Yes ☐ No Tape Intact?: ☒ Yes ☐ No Signs of Tampering?: ☐ Yes ☒ No

Agency Case #: _____

(Signature) _____

Contact #: _____

(Signature) Myranda M. Fischer

Reason for Release: Court-ordered testing

F08-20748 JLY

DDC Case #: F08-20748 Agency Reference #:

Specimen Registration

DDC #	Specimen Description	DDC #	Specimen Description
01	Red and tan jacket maroon	01.A.1, 01.D.1, 01.H.1, 01.I.1, 01.R.1, 01.T.1, 01.U.1	(7) sections removed from jacket for DNA and extracts were labeled:
01.W, 01.X, 01.Y, 01.Z	(4) swabs from maroon and tan jacket sleeves		01.A.1 01.D.1 01.H.1 01.I.1 01.R.1 01.T.1 01.U.1
01.W.1, 01.X.1, 01.Y.1, 01.Z.1	DNA extracts from swabs from maroon and tan jacket sleeves		

Chain of Custody Record

Submitted by: (print) Curtis Jones Date: 12 / 23 / 08 Time:
Signature: Title: Cuyahoga Cty. Coroners Office
Method of Delivery: Fed Ex # 8647 2623 8777
Received by: (print) Katie McHenry Date: 12 / 26 / 08 Time: 8:40am
Signature: Ky mlf Title: Forensic DNA Analyst
Released by: (print) Jessica York Date: 7 / 2 / 12 Time: 1130am
Signature: Jessica York Title: Forensic DNA Analyst
Method of Delivery: UPS Reference #: 17X4X2551358099286
To: Cuyahoga Co. Coroners Office

For Evidence Received by Mail

I hereby certify that I received the specimens at DNA Diagnostics Center and that there is no evidence that the package has been opened.

Signature: Ky mlf **A - 106** Date: 12 / 26 / 08 Time: 8:40am
Package Taped?: ☒ Yes ☐ No Tape Intact?: ☒ Yes ☐ No Signs of Tampering?: ☐ Yes ☒ No

DDC Case #: F08-20748 Agency Reference #:

Specimen Registration

DDC #	Specimen Description	DDC #	Specimen Description
02	Ref. Std for Melvin Bonnell (4 buccal swabs)		
02.A.1	DNA extract from (1) buccal swab from Melvin Bonnell		

Chain of Custody Record

Submitted by: (print) Julie A. Heinig Date: 2 / 5 / 09 Time:

Signature: Title: Forensic Lab. Assistant Dir.

Method of Delivery: Hand

Received by: (print) Jessica York Date: 2 / 6 / 09 Time: 845am

Signature: Jessica York Title: Forensic DNA Analyst

Released by: (print) Date: / / Time:

Signature: Title:

Method of Delivery: To: DDC Ref. Std Box #13012 J4 Reference #:

For Evidence Received by Mail

I hereby certify that I received the specimens at DNA Diagnostics Center and that there is no evidence that the package has been opened.

Signature: [Signature] **A - 108** Date: / / Time:

Package Taped?: ☐ Yes ☐ No Tape Intact?: ☐ Yes ☐ No Signs of Tampering?: ☐ Yes ☐ No

Exhibit 8

Re: Robert Bunner, CCCO Case #199612 evidence request

Curtiss Jones

Mon 1/30/2017 11:21 AM

1/30/17

Schroeder, Christopher <cschroeder@prosecutor.cuyahogacounty.us>;

Nasir Butt <nbutt@cuyahogacounty.us>;

The records for this case show that only one jacket and one pillow were ever submitted as evidence to the laboratory. The jacket and the pillow were released to Pros. Bombik during the original trial. This release occurred on 2/25/1988. The jacket, property of Melvin Bonnell, was re-submitted to the laboratory from the Clerk of Courts Office, Keith Hurley, on 12/9/2008. I rec'd this item at that time. The pillow was not re-submitted. The jacket was sent to DDC for further testing and returned to the CCMEO. We currently are in possession of the following items in regard to Robert Bunner:

One jacket, property of Melvin Bonnell.
7 Autopsy microslides
4 swabs "from maroon and tan jacket".
1 swab "from one autopsy microslide".

Curtiss Jones
Supervisor, Trace Evidence Department
Cuyahoga County Medical Examiner's Office
11001 Cedar Avenue
Cleveland, Ohio 44106
216 698 4614
cujones@cuyahogacounty.us

From: Schroeder, Christopher <cschroeder@prosecutor.cuyahogacounty.us>
Sent: Wednesday, January 18, 2017 4:23 PM
To: Curtiss Jones; Nasir Butt
Subject: Robert Bunner, CCCO Case #199612 evidence request

Dr. Butt + Mr. Jones,

The Prosecutor's Office is looking for two jackets and a pillow from the below-listed case:

Defendant's name: Melvin Bonnell
Victim's name: Robert Bunner
CCCO Case #: 199612

One of the jackets was sent to DNA Diagnostics for testing in 2008. Their chain of custody (attached) indicates that they sent the jacket to your office in 2012. Please let me know if you have these three items, or any items relating to the Bonnell case, in your possession. Thank you.

Christopher D. Schroeder
Managing Attorney, Capital Crimes Docket
Cuyahoga County Prosecutor's Office

A - 110

From: Anjanette Fischer
To: Curtiss Jones
Date: 2/2/2009 2:08 PM
Subject: 199612 Robert Bunner

I talked with Dr. Julie Heinig at DDC. She stated she will hold off on the tissue slides for now. She has e-mailed Matthew Meyer and informed him that she is not likely to get results from the tissue slides. They are attempting to get the suspect's standard, but have gotten nothing to date. She indicated that if the prosecutor's office wanted to "have a go" at getting a DNA profile from the tissue slides, she will contact our agency at that time.

Let me know if you have questions,

Anjie

Parentage Analyst
Parentage and Identification Department
Cuyahoga County Coroner's Office
11001 Cedar Ave.
Cleveland, OH 44106
(216) 698-4267

Confidential:

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From: Curtiss Jones
To: Matthew Meyer
Date: 1/15/2009 1:17 PM
Subject: Melvin Bonnell

There are no samples retained in either the DNA or the Trace Evidence Departments for 199612 Robert Bunner. So as far as a DNA standard for the victim, no luck there. The other option is to check with Histology to see if they have any tissue slides retained for this case. For that, you will need to contact Dr. Miller. If there are slides, they can be released to the TE Dept. and I can ship them to DDC. Any questions let me know.

Curtiss Jones
Supervisor
Trace Evidence Department
Cuyahoga County Coroner's Office
11001 Cedar Avenue
Cleveland, Ohio 44106
216 698 4614
cujones@cuyahogacounty.us

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From: Curtiss Jones
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Exhibit 9

DIVISION OF POLICE

CLEVELAND, OHIO

DEPARTMENTAL INFORMATION

DIST. BSI ZONE Technical Section

April 11, 2011

EXAMINED BY [Signature] RANK SGT4-11-2011

FROM Tina Stewart, Scientific Examiner TO Nathan Willson, Sergeant

SUBJECT Public Records Request

COPIES TO BSI, Unit Files

Sir:

Regarding request for evidence connected with Melvin Bonnell, the Forensic Unit received only the following items:

Lab#	Description
244381	.25 Tanfoglio pistol
244533	.25 Titan pistol
244492	Morgue pellet
244815	.25 cartridge case
245065	.25 auto cartridge cases

None of these items are in the possession of the Forensic Unit. All items were signed out and not returned. No records of any other items connected to this case could be found.

Respectfully,



Tina Stewart, Scientific Examiner

DIVISION OF POLICE
CLEVELAND, OHIO
DEPARTMENTAL INFORMATION

EXHIBIT

12

Property Unit

EXAMINED BY

RANK

DATE December 11 20 07

DATE 12 12 20 07

FROM PO Valerie T. Mone #2576

TO Debra Cavett, LT

SUBJECT PUBLIC RECORDS REQUEST - MELVIN BONNELL

COPIES TO Unit Files

Sir:

Regarding the request for evidence in the Aggravated Murder conviction of MELVIN BONNELL, the following is submitted:

After researching evidence log books for 1987 and 1988, I could locate only two (2) items entered into evidence.

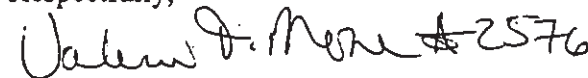
- 12/7/1987 Weapon - Excam 25cal SN# M-44846 Property # 87-6974
- 3/31/1988 Weapon - TT 25 cal SN# D-93314 Property # 88-2203

Records indicate:

1. #87-6974 was signed-out on 12/10/1987 by badge #2306 and never returned
2. #88-2203 was destroyed on 2/1/1992

Photocopies of pages from unit log books are attached indicating the above.

Respectfully,



PO Valerie T. Mone #2576

Baltitas

POLICE DEPARTMENT
CLEVELAND, OHIO

245065

LABORATORY NO. _____

FORENSIC LABORATORY REPORT

ARTICLE

Shell Casings (.25 auto)

PROPERTY OF

MELVIN BONNELL

SUBMITTED BY

Walsh #1682

DATE SUBMITTED

1 5 88

REMARKS:

c/w Dead Body of Robert E. Bonner

shell casings fired from lab #244381 VEK, TLL, BPE, JAY

perlet file

C of C71-22

perlet file

Amey John
2-23-88

q Palatas

POLICE DEPARTMENT
CLEVELAND, OHIO

244381

LABORATORY NO.

FORENSIC LABORATORY REPORT

ARTICLE 25cal Tanfoglio pistol

#M 44 846

PROPERTY OF Melvin Bonnell

SUBMITTED BY J. Kibben

DATE SUBMITTED 12-4-87

REMARKS: homicide

TSF and OF EP JAY-TL-BT

RR and Gunfileschecked

THIS WEAPON FIRED .25 ACP CASING LAB# 244815- JAY-VEK-TL-BPT

THIS WEAPON FIRED .25 ACP CASINGS LAB# 245065- JAY-VEK-TL-BPT

C of C 71-22

Ret. to P.R. 12-4-87

Rudolf J. Smith
2-18-87
2:55 p.m.

Baltitas

CLEVELAND, OHIO

LABORATORY NO.

FORENSIC LABORATORY REPORT

ARTICLE

25cal Casing

PROPERTY OF

Unknown

SUBMITTED BY

Hayes #106

DATE SUBMITTED

12 21 87

REMARKS:

c/w Melvin Bonnell

THIS .25 CAL. ACP CASE WAS FIRED BY .25 CAL. TANFOGLIO PISTOL
SER# M 44 846 LAB# 244381 - JAY-VEK-TLL-BPT

C of C71-22

Ruband Bonnell
2:55 p.m.
2-18-87

Baltitas

POLICE DEPARTMENT

CLEVELAND, OHIO

244492^{AB}

LABORATORY NO.

FORENSIC LABORATORY REPORT

ARTICLE

Morgue Pellet

PROPERTY OF

Unknown

SUBMITTED BY

JMS

DATE SUBMITTED

12 8 87

BONNER

REMARKS:

c/w Dead Body of ROBERT BUNNER

C of C 71-22

Morgue Pellet File

Comp. 244533 - 244381 N/M
SIMILAR

Richard J. Smith
2-18-87 2:55 p.m.

Yonkers

POLICE DEPARTMENT

CLEVELAND, OHIO

244533

LABORATORY NO.

FORENSIC LABORATORY REPORT

ARTICLE .25cal. Titan pistol

D93314

PROPERTY OF M Bunnel

SUBMITTED BY Det. Goldstein

DATE SUBMITTED 12/9/87

REMARKS: c/w homicide of Eugene bunnel

TSE andof JAY TLL BPT VEK

RR andgunsfiles checked

C of C71-22

1987 Book	Burney, Cheryl ^{Calvin - Michelle}	S-6495		Brown, Charlene	6700
	Brooks, M.A.	6514	12-3	BOSLEY JOHN	6904
	Brown, Antwood	6519		BRIGHT RALPH	6905
	Burton, Demetri	6522		BREWER ALLEN	6913
1-17	Brown, Antonio	6530		BEAVERS, HARVEY	6914
	Bradley, Jasper	6531		BRENT, ROBERT	6926
	Beneo, T. Senard	6533		BENTON, PEGGY	6927
	Bulgin, Donivan	6542		BROWN'S, SAMUEL	6933
	Byers, Rich	6559		BECHERER, JAMES	6937
	Brown, Aquanette	6566		BECK, DONALD KOU	6939
-18	Butler, Ron	6578	12-4	BROWN FREDDIE	6961
	Bryant, Alfred	6584		BRYANT BRENDA	6965
1-9	Brown, Antonio	S-6605		BLACKMAN TIM	6968
	Ballford, Chris	6614	12-7	BONNELL ROBERT + MELVIN	6974
-20	BROOKS, Lacey	6640		BURRIS SHARON	6977
	Barron, Dorothy	6640		BRADLEY JAMES	5-6985
23	Blalock, Eugene ^{EG703}	S-6649	12-9	BROWN A JULIA	7047
	Buffington, Larry	S-6654		BLACKWELL GEORGE	S-7046
24	Boyd, Donnie	6688		BLACK	
	Byars, Deb	6689	12-10	BRUTON WILLIAM	7063
	Benickle, Brenda	6689		BRADLEY PATRICIA	7064
	Bruno, Anabal	6690		BRADLEY DONITA S	7173
	Bennett, Michelle	6700		BURRIS SHARON	7082
	Bridges, Joe	6714		BARRET JOHN	7061
15	BANNER, Robert	6718		BOONE YUETTE	7085
27	Brown, Wayne	S-6730		BROCK VERONICA	7086
	Brooks, Larry	6732	12-11	BLACKWELL GEORGE	8002
-30	Burke, Ronald	S-6768		BENNETT VIRTNER	8005
1-1	BELL MIKE	6798		BROWN MAXINE	8024
	BENNETT WILLARD	6804		BROWN DIAN	8022
	BROWN LARRY	6809		BLACK ADAM ^{DEBBIE}	8025
	BEY, H. JAMES	6826	12-14	AGE 122 EUGENE	8034
	B+1 MOTOR FREIGHT	6830		BLANKENSHIP GARY	8048
2	BURNEY M. CALVIN ^{D. CALVIN}	6840		BRIDGES LLOYD	8037
		6841		AKA BOYLES	8042

1987 Book

280

RECORD OF PROPERTY

Date of Receipt	No. of Article	DESCRIPTION OF PROPERTY	OWNER'S NAME	By Whom Stolen or Whom Found
DEC 07 1987	6974	CARTS+CLIP 25 CAL. AUTO	MELVIN BONNELL	ROBERT BONNELL
2/14/38	6975	45 CAL. REV. EXGIM 108468	LALIESCIA HUAT	DONALD HUAT
3/3	6976	1 PAIR UNDERWEAR NEWPORT CIGARETTES	LEE WALKER	FLAM. ONDE
3/1	6977	SILK CLOTH w/ RED DOTS PICTURE	BERNIE REEVES	BEVERLY COOPER
	11	CLOTH BLOUSE + PURPLE SATIN	SHARON BARRIS INDEX UND. IN	AGU. BARRIS / BARRIS
3/5/87	5-6978	33.00 CASH	MARK L.M.U.	RAPE
3/5/87	11	2 SETS HANDCUFFS	" "	PATSY HARRIS
3/5/87	6979	3 CASSETTE TAPES, 6-38 CAL. ROUNDS 2 B.M. BELTS, 1 B.M. BELT, 2 B.M. CASHES, 2 B.M. BULB 1-HEMO STAT w/ COTTON BALL	JAMES MONTGOMERY	"
3/5/87	6980	BLK. POUCH w/ 45 CAL. CLIP TAMPON	PAUL GORDELL JR.	HONNY. FELASS
	5-6981	200.00 CASH	VALERIE REEF	S.D.L.
	11	MIS. PER. PAPERS PAPER SQUARES, GRINDER, TITLIE M/C	" "	"
	11	269.00 CASH	EDDIE E. EDWARDS	"
3/5/87	6982	HAND SCALE	LISA SIMAS	"

1987 Book

HELD IN EVIDENCE

280

By Whom Recovered	Date Delivered	TO WHOM	Value of Recovered	REMARKS
GOLDSTEIN	DEC 14 1987	COURT DE COMMON PLEA NOV 05 1988	OUT 12-10-87	12/15 12/4 IND
HICKS		COURT DE COMMON PLEA NOV 05 1988	OUT 10-20-88	DESTROYED
475			OUT 4-27-88	
400 1592			OUT 5-16-89	13 17 29 1/8 BO
124				OPEN 3-16-89 NO RECORD PER
BAUMILLER	DEC 05 1988	T A F		PROS. OFF. 5-16-90
" "	SEP 21 1989	DESTROYED	OUT 4-21-88	No Record At Sch. OK. TO
WISHNICK 752	SEP 20 1989	DESTROYED		DISPOSE PER. ANDERSON SCH.
DUNN 243	AUG 23 1989	DESTROYED		11/22 STREL
WELCH 1382	JAN 11 1988	COURT DE COMMON PLEA		1/2 BO
" "	JAN 11 1988	COURT DE COMMON PLEA		1/2 BO
" "	JAN 11 1988	COURT DE COMMON PLEA		12/4 STREL
" "	FEB 15 1989	DESTROYED		12/3 CITY Cap
SCHARF 1326				1/2 B.O.
RHODES 167	DEC 14 1987	COURT DE COMMON PLEA	6305	

	NOT KNOWN, WILLIAM			BOGEY'S BUDGET SALES	2246
3-24	BUTLER, WILLIAM	1974		BELL, DAVID	2254
	BRYANT, LOIS	2005	4-1	BARNETT, HENRY	2256
	BEASLEY, JOSEPH	2007		BRAZIERE, WILLIAM	2273
	BLITHEWOOD, STACY	2008		BURCH, ROY	2276
	BAILEY, DION	2022		BUTTRICK, ERNEST	2287
	BUTLER, CORNELL	2025		BRIDGES, LLOYD DWAYNE	2288
	BOYD, J.P. & GLEN	52043		BULGIN, DONOVAN	2289
3-25	BROOKS, NAUWARRE	52053		BARFIELD, JACK	2294
	BASS, JAMES	2056	4-4	BEY, JOHN	2306
	BLOUNT, ROBERT	52059		BRINKER, THELMA	2326
	BITTNER, ROBERT	2071	4-5	BOCARD, DEBORAH	2330
	BOYD, RONNIE	2065	4-6	BATES, JOHN	2331
3-28	BROUGHTON, III DAVID	2076		BURKS, GREGORY	2337
	BROOKS, NOUARRO	2081		BRYANT, KEVIN	2354
	BELL, LEE	2091		BART AUTO SALES	2366
	BROWN, ANN	52094		BIBB, S	2367
3-29	BURBANK, RALPH	2137		BLANKENSHIP, AUDREY	2369
	BRYANT, RONNELL	2149	4-7	BRAZILIA, WILLIAM	2380
	BAKER, DARLENE	2150		BEAMAN LEWIS.	52384
	BUTLER, ROBERT	2155		BAATZ PRISCILLA	2394
	BEAL, TAMMY	2166		BANWELL SUSAN	2400
	BUKALA, RONALD	2167		BUCHANAN CARLA	2402
3-30	BEARD, ROBERT	2174		BARKAR LORI	2405
	BUSSEY, DAVID A.	2179		BUSSEY CYNTHIA	2406
	BITTNER, ROBERT	2190		BIBB R.	2367
	BOYD, RONNIE	2192		BURTON, GREGORY	52414
	BONNELL, DARRELL	2195		BOLDING, ROBERT	52432
3-31	BOLLA, THOMAS	2202		BOBBITT, LUTNER	52433
	BOLLA, S NEILA	2202		BRANHAM, MELVIN	52435
	BOLLA, JOHN	2202		BANNIS, WILLIE	32438
	BONNELL, MELVIN	2203		BARRETT, CARL	2444
	BONNER, ROBERT EUGENE	2203	A-125 4-8	BUNCH, JAY	2448
	BARNES, CHARLES	2213		BURTON, GREGORY	2450
	BOZIC, TANYA	2216		BLACK, TERRENCE	2455

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95

RECORD OF PROPERTY

1988 BOOK

Date of Receipt	No. of Article	DESCRIPTION OF PROPERTY	OWNER'S NAME	By Whom Stolen or With Whom Found
MAR 31 1988 247259	2198	25 CAL RAVEN Auto #1324459 w/clip 4 CARTS	MARGARET WELLS MENTOR, OH	DEMETERUS JACKSON TRU. LAW RSP, FIREARM
247290	2199	35 CAL TAURUS REV #1350687 w/CARTS	APRIL 1988 BYRON, OH	CAW
247292	2200	22 CAL RG REV #4494401 w/CARTS	APRIL 1988 BYRON, OH	CAW
247294	2201	32 CAL T. J. REV #66726 W/CLIP & CARTS	APRIL 1988 BYRON, OH	SHARON HATFIELD AGC NOB
247295	2202	38 CAL TAURUS REV #117375	THOMAS BOLLA	JDL
	"	5 DISPOSABLE SPRINGES IN GAS BAR	SKILLA BOLLA	"
	"	1 ADAMS APPLE DYNGE SCALE PAPER TOWEL	JOHN BOLLA	"
	"	9 DISPOSABLE NEEDLES WRAPPED IN	JAMES KARBAN	"
	"	1 RITE AID VIDEO RENTAL CARD	"	"
	"	1 FIRST AT. GAS CO. BILL	"	"
	"	1 THRESHAW SCIENTIFIC GAS SCALE w/CLIP	"	"
247533	2203	25 CAL T.T. Auto #D93314	MELVIN BONNELL	HOMIODE ROBERT EUGENE BONNELL
246096	2204	1 CO2 PAINT BALL GUN w/clip	JAME NIQUEZ	AGC NOB FOR ASSET
247331	2205	22 CAL A&T Auto #407135 #V87813	KENNETH McADAMS	GUN GNF
	"	30-30 WILLIAMS WINKLESTER FIRE	"	"
	"	16 GA STENOVS S.G. MOD MC NSN	"	"

1988 Book

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Delivered	TO WHOM	Value of Recovered	REMARKS
58080551 4455 2275			4-12 CAP JUL STOLEN MENTOR PD JUL
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58006610 DIBBAMT 2299 58020773 WILLIAM 2302			
58080551 4455 2275			
58018147 ROSEN 2072 WILLIAM 5195			
58020240 58099655			

Recovered Property

51

WITH WHOM FOUND	RECOVERED BY	REMARKS	VALUE	DELIVERED TO	DATE
SAME	SVETKIC + CUNO	Item of Pam Stemple		Amment 275	12-28-87
"	"	"		Amment 275	12-28-87
3664 WEST 129	KUNZ - SHAFER	QW DENO BODY SUSP. VIOLENCE 87-084583		Phyllis Pennington	12-28-87
"	"	"		Phyllis Pennington	12-28-87
"	"	"		Amment 275	12-28-87
"	"	"		Phyllis Pennington	12-28-87
5339 EAST 51 #494	241/395 Barnfield 2517 SVERIC/KOVACIC/TOLLIVER	D.A./SUSP. HOMICIDE OF AUTUMNE HALL QW HOMICIDE OF PAMELA STEMPLE	SIM Lab	Amment 275	12-28-87
"	"	"		Amment 275	12-28-87
"	"	"		"	
"	"	"		"	
"	"	"		"	
"	"	"		"	
EUGENE FIELDS	"	"		"	
BERNARD HOLLOWAY	"	"		"	
EUGENE FIELDS	12	"		"	
J. GROOMS	SET. TOLLIVER CUBO 1705 KOVACIC 2407	POSS. HOMICIDE MARIA LNU	Taken to SIM LAB	Amment 275	12-28-87
J. GROOMS	"	"	By 218 12/12/87	Amment 275	12-28-87
Billy Stagle	Goldstein	QW HOMICIDE MARIANNA ROPE		RPP. 1993	12-16-87
Billy Stagle	"	"		"	"
Billy Stagle	"	"		"	"
Billy Stagle	"	"		RPP. 1993	12-16-87
Billy Stagle	"	"		"	"
EUGENE FIELDS	SVERIC/KOVACIC/TOLLIVER	QW DENO HOMICIDE OF PAMELA STEMPLE		Amment 275	12-28-87
SAME	FERRIS/ALLO	F.R. of DUNGEON - 7-11-88		Joseph M. Kurnit	12-17-87
QUENTINE ROMBERG	REESE/ADAMS	QW HOMICIDE NITA JOHNSON		RPP. 1993	2-22-88
ED. BIRMINGHAM	Hayes/ZALAN	QW HOMICIDE ROBERT BONNER		Yolen 2300	10/21/87
Same St Louis	Shaffer - Kutz	QW FEL AU 15 87-085 696 D.A./SUSP. VIO.		Amment 275	12-28-87
Phyllis Pennington	Barnfield-Zalan-King	R. PETERSON #37081584 QW HOMICIDE		Phyllis Pennington	12-28-87
5909 Bridge - Kitchen	Wald-Knowl/Hayes	ROBERT BONNER QW FEL/ASSET		Charles Lebow SIM 1-5-87	
Same	PER SPIRO + SIMMONS	QW SPIRO/SIMMONS		Amment 275	12-28-87
Steve Ayad	Det. Robert Monahan	QW FEL/ASSET 87-075301		RPP. 1993	2-22-88
Same	ZALAN	TEST FIRE QW		"	"
2609 WALTON AVE	87-055452 Hayes/ZALAN	QW HOMICIDE OF ELIANA DE FELICIANO		myan 1022	1-12-88
3664 WAY	KING/HAYES	QW VIO. DEATH. Rockland Prison		QW 1058	4-18-88

# 135 0695 32 Beretta auto # 599347	" "	" "	" "	Zed Born
BROKEN PIECES of NECKLACE	ANTOINETTE HALL	STANLEY		
MISC. NARCOTICS PAPA.	BERNARD HOLLOWAY	2539 EAST 51 #494		SUEROID
WELFARE CARD #011846740486	UNK	" "		
(3) VIALS w/ MISC. PILLS	BERNARD HOLLOWAY	" "		
PLASTIC BAG w/ (6) PINK PILLS	" "	" "		
(2) PILL VIALS w/ PILLS & LIQUID	" "	" "		
SYRINGES w/ RESIDUE	" "	" "		
U.S. POSTAL SERV. I.D. & ACCESS CARD SS CARD SS# 302-46-5445 IN A ENVELOPE	MARSHAL THOMAS	EUGENE FIELDS		
MENS BEIGE OLEL CASSINI SHIRT	LAVERN DAWKINS	BERNARD HOLLOWAY		
1 KNIFE	EUGENE FIELDS	EUGENE FIELDS		SGT. T CUDOR
1 ENVELOPE & 1 POST CARD	MICHAEL BRYANT	J. GROOMS		"
1 BLANK T & 2 PAPER PAPER	MICHAEL BRYANT	J. GROOMS		folo
2 PAIR OF SOCKS	MARIANNE DOPE	Billy single		"
1 SHIRT & 1 HOW CASE	Billy single	Billy single		"
1 PAIR SCISSORS	MARIANNE DOPE	Billy single		"
1 BLOOD SAMPLE	MARIANNE DOPE	Billy single		"
12 GA HARRINGTON & RICHARDSON SHOTGUN # I 13617 BLOOD ON GUN	Billy single	Billy single		"
9" KNIFE 4 3/4" BLADE #220	NASARUA BUNNETT	EUGENE FIELDS		SUERO FERN
1- PABLOCK (MILK) (MILK)	NITA JOHNSON	STANLEY		REES
25 CAL CASING.	MELVIN BONNELL	ED. BIRMINGHAM		NOYES,
1 BAG MISC BOWS CLOTHING	ANTHONY HANCO	same as LUCAS		SHALT
33 RG SERIAL #X004657	RICHARD PETERSON	Phyllis PENNINGTON		Samuel
2- .25 CAL. CASINGS	MELVIN BONNELL	5709 Bridge - Kitchen		WALSH.
1 38 CAL ARMINUS SER 0052777	DIANE RENFRO	same		PER. Sp
1 Personal check #150	JAMES D. OPPENHEIM	Steve AYAD		DET.
1- 22. CAL. R.G. Revolver	PATRICIA AUSTIN	same		2
SER # 232959 + STRAP	ROUPE			87
BN SHOULDER Holster	UWIA 129	2609 WALTER AVE		HAYK
scale letter shredded photos	RICHARD HARRINGTON	3664 WY		1/2
	PETERSON			

RECORD OF PROPERTY

No. of Article	DESCRIPTION OF PROPERTY	OWNER'S NAME	By Whom Stolen or With Whom Found
2198	25 CAL RAVEN AUTO # 1324459 w/CLIP 4 CARTR	MARGARET WELLS MENTOR P.D. UNK	DEM. TRAVIS JACKSON TRAV LAW RSP, FIREMEN
2199	35 CAL TAURUS REV # 1350687 w/CLIP	APOTINION PRICE BYRON, AND THE DOG MILKING OPERANT (MILKSTAN)	CEW SHARPER HATCHER SIMPSON HATCHER A.C. KEB
2200	22 CAL RG REV # L494401 w/CLIP	THOMAS BOLLA SKEILA BOLLA	JDL
2201	32 CAL I. J. REV # 46726 W/CLIP 2 CARTR	" JOHN BOLLA JAMES KARBAN	" " "
2202	38 CAL TAURUS REV # 1117375	"	"
"	5 DISPOSABLE SPRINGES IN GAS BAG	"	"
"	1 ADAMS APPLE DUNGE SCALPE PAPER TOWEL	"	"
"	9 DISPOSABLE NEEDLES WRAPPED IN	"	"
"	1 RITE AID VIDEO RENTAL CARD	"	"
"	1 EAST DA. GAS CO. BILL	"	"
"	1 HARSHAW SCIENTIFIC BAR SCALE w/CLIP	"	"
2203	25 CAL T.T. AUTO # D93314	MELVIN BONNELL	HARMONIDE ROBERT EUGENE BONNELL
2204	1 CO2 PAINT PAINT GUN w/CLIP	JAME NIGUES	AGG LOS FEL ASSET
2205	22 CAL BOLT AUTO # 407135 # V87813	KENPETH McADAMS	GUN CONF.
"	30-30 WILLIAMS WINCHESTER RIFLE	"	"
"	16 GA STEVENS S.G. MOD 712 NSN	"	"

88020
L KES 22
88018
ROSEN 20
WILLIAMS
88020240
880496
ESMANT

88080470
LT. GOLDSTEIN
88006
O'BRYEN
880207
Wise 2802

HELD IN EVIDENCE

[illegible]

Exhibit 10

CUYAHOGA COUNTY CORONER'S LABORATORY
TRACE EVIDENCE DEPT.
RECORD OF ITEMS SUBMITTED FROM OUTSIDE SOURCES

Dept. Cleveland Police Dept. Homicide Unit

In re: Robert Bruner Coroner's case #: 199612

ITEMS: Fluid blood of Melvin Bonnel

Submitted by: [Signature] 1084 CPD
(Signature) (Department)

Received by: [Signature] 12-4-87 @ 2:45 P.M.
(Signature) (date) (hour)

Laboratory # 2293-87E-658 Examined by: [Signature]
F74B #48 (Signature) (date)

Type of Examination: 87G-693

Returned to: [Signature] (Signature) (Department)

by: [Signature] (Signature) (date) (hour) . M.

TE-43

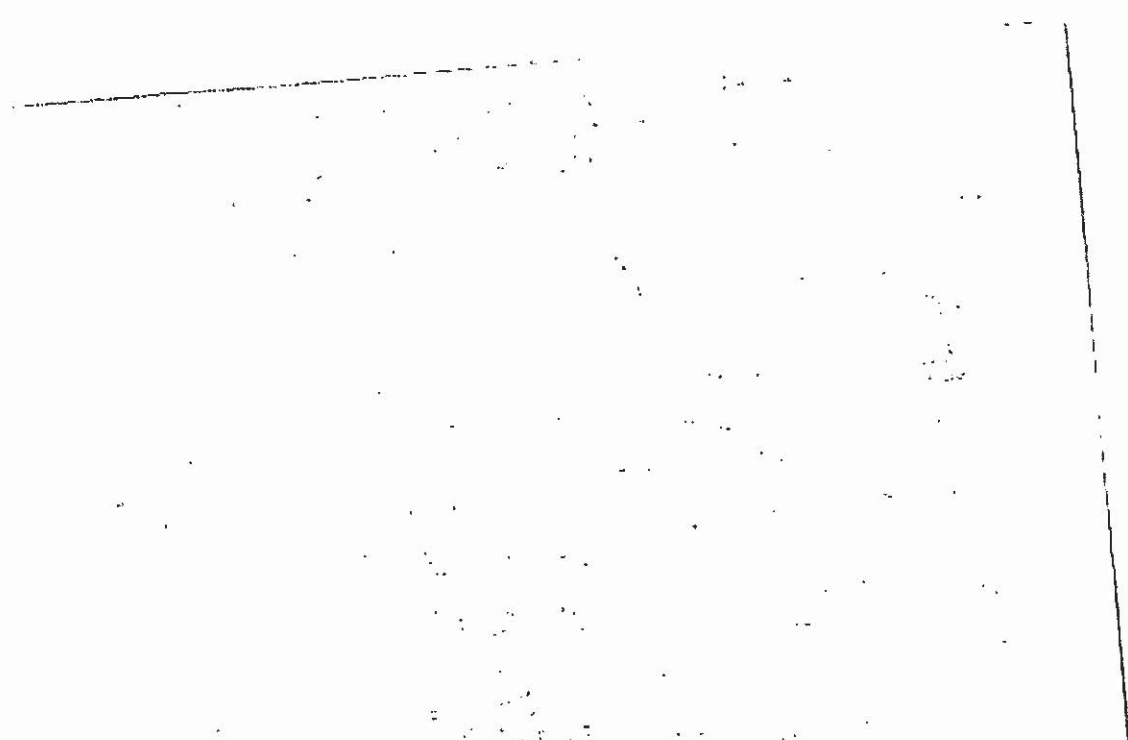


Exhibit 11

JANUARY 1988
S M T W T F S
1 2
3 4 5 6 7 8 9
10 11 12 13 14 15 16
17 18 19 20 21 22 23
24 25 26 27 28 29 30

FRIDAY
DECEMBER

4th

338th day
27 to come

hangar

99661
301/88
file 11-8-88

Re: 199611 JAMES BROWN M56189^{JD} 28 Nov 87

Submitted by: Det. Ferris, C.P.D. Homicide Unit

Received by: CME, T.E. 12-4-87 @ 2:45 pm

file
99665

2292-87E-65¹ fluid blood sample of Cecil Johnson Johnsons

87 RIB# 47

87G-692

Blood Group -

"B" ^{destroyed}

E432 EAP: B Eal: 1 P64: 1

99667

Re: 199612 Robert Bunner M56190 28 Nov 87

Submitted by: Det. Ferris, C.P.D. Homicide Unit

Received by: CME, T.E. 12-11-87 @ 2:45 pm

2293-87E-65⁸ fluid blood sample of Melvin Bunner

87 RIB# 48

87G-693 Blood Group

"A" ^{destroyed}

E433 EAP: BA Eal: 1 P64: 1

300

1000
6/7/88

199671

James Lincker

M56219^R

199671

FFP 12-15 destroyed

12-5-87 "O" ^{day}

2294-87G-694 Blood Group

Saturday 05 December

199681

George Kasarda

M56225^R

199681

FFP 12-15 destroyed

12-5-87 "O" ^{day}

2295-87E-695 Blood Group

199683

August R

M56239^R

199683

FFP 12-15 destroyed

12-5-87 "O" ^{day}

2296-87G-696

Re: 199683

639

05 Dec 87

8:20 AM

Hir Skip

199683

Hir Skip

"unfolding"

7 min / 12 min

2297-87E-118

87 PH-99

request from AIC -

hold clothing

(fabric imprint on pants)

Hir Skip

199689

199684

James Lane

and collect my hair

5/12/87

FFP 12-15 destroyed

2298-87E-697

12 min / 12 min

2299-87E-119

87 PH-1A-135

E.d.w.

11/8

Exhibit 12

FORENSIC REPORT

To: Ms. Kim Rigby
Public Defender
2500 East Broad Street, Suite 1400
Columbus, OH 43215

Date: 3/30/09

DDC Case No.: F08-20748

Subject: Melvin Bonnell

The following items were analyzed:

DDC Item No.	Description	Date Received
01	maroon and tan jacket	12/26/08
02	reference standard from Melvin Bonnell	2/6/09

Serology Results:

Item #	Description of stains on item #01 (maroon and tan jacket)	Presumptive results for blood	DNA analysis
01.A	front- left mid area	positive	performed DNA analysis (01.A.1)
01.C	front- left upper area	positive	NFT
01.D	front- left lower area	positive	performed DNA analysis (01.D.1)
01.E	front- left lower area	positive	NFT
01.H	left sleeve- near cuff	positive	performed DNA analysis (01.H.1)
01.I	left mid sleeve	positive	performed DNA analysis (01.I.1)
01.L	right sleeve near cuff	positive	NFT
01.O	back- right upper area	positive	NFT
01.P	left upper sleeve	positive	NFT
01.Q	back- right lower area	positive	NFT
01.R	back- right lower area	positive	performed DNA analysis (01.R.1)
01.T	right upper sleeve	positive	performed DNA analysis (01.T.1)
01.U	back- right waistband	positive	performed DNA analysis (01.U.1)
01.W	swab of left sleeve- outside of cuff	positive	performed DNA analysis (01.W.1)
01.X	swab of left sleeve-inside of cuff	positive	performed DNA analysis (01.X.1)
01.Y	swab of right sleeve-outside of cuff	positive	performed DNA analysis (01.Y.1)
01.Z	swab of right sleeve-inside of cuff	positive	performed DNA analysis (01.Z.1)

Item #	Description of stains on item #01 (maroon and tan jacket)	Presumptive results for blood	DNA analysis
01.A.f	inside- left sleeve	positive	NFT
01.A.j	inside- right sleeve	positive	NFT

NFT = no further testing

Deoxyribonucleic Acid (DNA) Results:

DNA extracts from items 01.A.1, 01.D.1, 01.H.1, 01.I.1, 01.R.1, 01.T.1, 01.U.1, 01.W.1, 01.X.1, 01.Y.1, 01.Z.1, and 02.A.1 (ref. std. from Melvin Bonnell) were characterized through Polymerase Chain Reaction (PCR) at the Short Tandem Repeat (STR) loci D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO, and Amelogenin.

DNA extraction and human quantification were performed on item 01.U.1 (stain from back, right, waistband of maroon and tan jacket). Further DNA amplification was not performed at this time.

DDC Item #	STR Genotypes													
	D3S1358	VWA	FGA	D8S1179	D21S11	D18S51	D5S818	D13S317	D7S820	D16S539	TH01	TPOX	CSF1PO	Amelo
01.A.1	15,*,17	16,17	*	12,15	*,*	NR	10,11	NR	NR	NR	6,7	8	NR	XY
01.D.1	15,17	16,17,18	19,21	12,15	*	NR	10,11	NR	NR	NR	6	NR	NR	X(Y)
01.H.1	15,17	16,(17)	19,21	12,15	28,32.2	NR	10,11	NR	NR	NR	6,7	NR	NR	XY
01.I.1	15,(17)	*,17	*	12,15	NR	NR	10,11	NR	NR	NR	*	NR	NR	XY
01.R.1	15,17	16,17	19,21	12,15	28,32.2	12,16	10,11	*,13	NR	11,12	6,7	8,11	*	XY
01.T.1	15,17	16,17	19,21	12,15	NR	NR	10,11	NR	NR	11,12	6,7	8,11	NR	XY
01.W.1	15,17	*	*	12,15	NR	NR	10,11	NR	NR	NR	*	NR	NR	XY
01.X.1	NR	18	NR	*,13	NR	NR	NR	NR	NR	NR	NR	NR	NR	XY
01.Y.1	15,17	16,*,*	NR	12,(13),(15)	28	NR	10,11	NR	NR	NR	NR	*	NR	XY
01.Z.1	15,17	16,18	NR	12,(13),[*]	*	NR	10,11,*	NR	NR	NR	NR	NR	NR	XY
02.A.1	17	18	20,23	12,13	28,30	11,16	11,12	11	9,11	9,14	6.9.3	8	10,13	XY

* signal below reporting standards

NR no signal detected

() signal less intense

[] signal less intense than ()

Conclusions:

The DNA profiles obtained from the following items are consistent with originating from a male donor. Melvin Bonnell (item 02.A.1) can be excluded as a contributor to these DNA profiles:

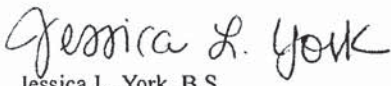
- 01.A.1 stain from front, left, middle area of maroon and tan jacket
- 01.D.1 stain from front, left, lower area of maroon and tan jacket
- 01.H.1 stain from left sleeve, near cuff, of maroon and tan jacket
- 01.I.1 stain from left mid sleeve of maroon and tan jacket
- 01.R.1 stain from back, right, lower area of maroon and tan jacket
- 01.T.1 stain from right upper sleeve of maroon and tan jacket
- 01.W.1 swab from outside left cuff of sleeve of maroon and tan jacket

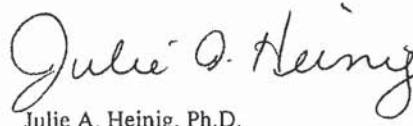
The mixed DNA profiles obtained from the following items are inconclusive for Melvin Bonnell (item 02.A.1):

- 01.X.1 swab from inside, left cuff of sleeve of maroon and tan jacket
- 01.Y.1 swab from outside right cuff of sleeve of maroon and tan jacket
- 01.Z.1 swab from inside right cuff of sleeve of maroon and tan jacket

Disposition of Evidence:

The item of evidence and reference standard are stored in the DDC Forensic Department.


Jessica L. York, B.S.
Forensic DNA Analyst


Julie A. Heinig, Ph.D.
Assistant Laboratory Director

SUPPLEMENTAL FORENSIC REPORT

To: Ms. Kim Rigby
Public Defender
2500 East Broad Street, Suite 1400
Columbus, OH 43215

Date: 6/29/09

DDC Case No.: F08-20748

Subject: Melvin Bonnell

The following item was analyzed:

DDC Item No.	Description	Date Received
03	Autopsy slide from Robert Bunner	4/23/09

Deoxyribonucleic Acid (DNA) Results:

DNA extract from item 03.A.1 (autopsy slide from Robert Bunner) was characterized through Polymerase Chain Reaction (PCR) at the Short Tandem Repeat (STR) loci D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, TH01, TPOX, CSF1PO, and Amelogenin.

Note: The DNA profiles obtained from items 01.A.1, 01.D.1, 01.H.1, 01.I.1, 01.R.1, and 01.T.1 (sections from maroon and tan jacket), items 01.W.1, 01.X.1, 01.Y.1, and 01.Z.1 (swabs from maroon and tan jacket sleeves), and item 02.A.1 (reference standard from Melvin Bonnell) were previously obtained and reported by DDC on 3/30/09.

DDC Item #	STR Genotypes													
	D3S1358	vWA	FGA	D8S1179	D21S11	D18S51	D5S818	D13S317	D7S820	D16S539	TH01	TPOX	CSF1PO	Amelo
01.A.1	15,*,17	16,17	*	12,15	*,*	NR	10,11	NR	NR	NR	6,7	8	NR	XY
01.D.1	15,17	16,17, 18	19, 21	12,15	*	NR	10,11	NR	NR	NR	6	NR	NR	X(Y)
01.H.1	15,17	16,(17)	19, 21	12,15	28,32.2	NR	10,11	NR	NR	NR	6,7	NR	NR	XY
01.I.1	15,(17)	*,17	*	12,15	NR	NR	10,11	NR	NR	NR	*	NR	NR	XY
01.R.1	15,17	16,17	19, 21	12,15	28,32.2	12,16	10,11	*,13	NR	11,12	6,7	8,11	*	XY
01.T.1	15,17	16,17	19, 21	12,15	NR	NR	10,11	NR	NR	11,12	6,7	8,11	NR	XY
01.W.1	15,17	*	*	12,15	NR	NR	10,11	NR	NR	NR	*	NR	NR	XY
01.X.1	NR	18	NR	*,13	NR	NR	NR	NR	NR	NR	NR	NR	NR	XY
01.Y.1	15,17	16,*,*	NR	12,(13),(15)	28	NR	10,11	NR	NR	NR	NR	*	NR	XY
01.Z.1	15,17	16,18	NR	12,(13),[*]	*	NR	10,11,*	NR	NR	NR	NR	NR	NR	XY
02.A.1	17	18	20,23	12,13	28,30	11,16	11,12	11	9,11	9,14	6,9,3	8	10,13	XY
03.A.1	15,17	16,17	NR	12,15	*	NR	10,11	NR	NR	NR	6,7	8	NR	XY

*signal less intense

NR no signal detected

() signal less intense

[] signal less intense than ()

Conclusions:

The DNA profile obtained from item 01.X.1 (swab from maroon and tan jacket sleeve) is inconclusive due to an insufficient amount of DNA.

The partial DNA profiles obtained from items 01.I.1 (section from maroon and tan jacket) and 01.W.1, 01.Y.1, and 01.Z.1 (swabs from maroon and tan jacket sleeves) are inconclusive for Robert Bunner (item 03.A.1) due to an insufficient amount of DNA.

The partial DNA profiles obtained from items 01.A.1, 01.D.1, and 01.H.1 (sections from maroon and tan jacket) are consistent with Robert Bunner (item 03.A.1), therefore, he cannot be excluded as a contributor to the DNA profiles from items 01.A.1, 01.D.1, and 01.H.1 (sections from maroon and tan jacket). An additional allele, below reporting standards, was detected in item 01.A.1 at the genetic locus D3S1358. An additional allele was also detected in item 01.D.1 at the genetic locus vWA.

The partial DNA profiles obtained from items 01.R.1 and 01.T.1 (sections from maroon and tan jacket) are consistent with Robert Bunner (item 03.A.1), therefore, he cannot be excluded as a contributor to the DNA profiles from items 01.R.1 and 01.T.1 (sections from maroon and tan jacket). The probability of selecting an unrelated individual at random from the population having a DNA profile matching the partial DNA profiles obtained from items 01.R.1 and 01.T.1 (sections from maroon and tan jacket) is approximately 1 in 239,000 individuals.

Disposition of Evidence:

The item of evidence and reference standard are stored in the DDC Forensic Department.

Jessica L. York

Jessica L. York, B.S.
Forensic DNA Analyst

Julie A. Heinig

Julie A. Heinig, Ph.D.
Assistant Laboratory Director

Exhibit 13



CERTIFICATION

April 18, 2011

Office of the Prosecuting Attorney
Cuyahoga County, Ohio
Justice Center Courts Tower
1200 Ontario Street
Cleveland, Ohio 44113

Attention: Ethan Hill

RE: MELVIN BONNELL

The medical records maintained at Lutheran Hospital indicate that the personal belongings of Melvin Bonnell were in police custody during his admission from November 28, 1987 through December 4, 1987. The personal belongings were signed for and released to a member of the Police Department on December 4, 1987.

Monica R.R.

Subscribed and sworn to before me, a Notary Public on the 18th day of April, 2011.

Maggie Altekruze

Maggie Altekruze
Notary Public, State of Ohio
My Commission Expires February 11, 2015

LUTHERAN MEDICAL CENTER
CLEVELAND, OHIO 44113

PATIENT BELONGINGS FORM

87-04327-9 96638

BONNELI, BEAHUT

OICU-8 S 37Y M STAFF

1128 SNS / LEHTINEN, DAVI

879-18821-PARVIN 96638 44109

DOE, SAM

44113

UNK

1128 EMR

S 86Y M

Valuables: PLACED IN ENVELOPE BY _____

ENVELOPE NO. _____

KEY NO. _____

KEY GIVEN TO PATIENT _____

KEY ATTACHED TO ADMISSION FORMS _____

Belongings to be Kept at Bedside:

LUGGAGE

PURSE, WALLET, MONEY

\$2.00

JEWELRY

MISCELLANEOUS

- 1 pair white pants 1 pair
socks, 1 pair black boots
- 1 black key ring & 3 keys

Police hold

The hospital assumes responsibility only for articles placed in a safety deposit box.

I take full responsibility for articles retained in my possession and any others brought to me while a patient at Lutheran Medical Center.

Articles left longer than 30 days after discharge will be disposed of by the hospital.

DATE 11/28/97

SIGNATURE OF PATIENT OR OTHER

STATE RELATIONSHIP

EXPLAINED RESPONSIBILITY FOR BELONGINGS RETAINED

SIGNATURE OF HOSPITAL EMPLOYEE

TRANSFER FROM _____ TO _____ DATE _____ TIME _____

PERSONAL BELONGINGS: TRANSFERRED WITH PATIENT YES NO
KEPT ON UNIT _____ SPECIFY _____ LOCATION _____

VALUABLES KEY: NO YES
TRANSFERRED WITH PATIENT YES NO
KEPT ON UNIT _____ SPECIFY _____ LOCATION _____

NURSE'S SIGNATURE _____

TRANSFER FROM _____ TO _____ DATE _____ TIME _____

PERSONAL BELONGINGS: TRANSFERRED WITH PATIENT YES NO
KEPT ON UNIT _____ SPECIFY _____ LOCATION _____

VALUABLES KEY: NO YES
TRANSFERRED WITH PATIENT YES NO
KEPT ON UNIT _____ SPECIFY _____ LOCATION _____

NURSE'S SIGNATURE _____

TRANSFER FROM _____ TO _____ DATE _____ TIME _____

PERSONAL BELONGINGS: TRANSFERRED WITH PATIENT YES NO
KEPT ON UNIT _____ SPECIFY _____ LOCATION _____

VALUABLES KEY: NO YES
TRANSFERRED WITH PATIENT YES NO
KEPT ON UNIT _____ SPECIFY _____ LOCATION _____

NURSE'S SIGNATURE _____

DISCHARGE DATE 12-4-87 TIME 12⁴⁰ P

I have in my possession the personal belongings brought into Lutheran Medical Center.

SIGNATURE Patricia L. L...
PATIENT/OTHER WITH RELATIONSHIP

M. Rodgers D.C.
HOSPITAL PERSONNEL

County Jail

Exhibit 14

OFFENSE/INCIDENT INFORMATION

HOMICIDE/ARREST/CONFINEMENT UCR CLASS: 01.111
REPORT STATUS: OPEN UCR DISPOSITION: CLEARED BY ARREST
REPORT DATE: 11/28/87 RELATED REPORTS: 00000000 00000000

LOCATION/DATE/TIME/INFORMATION

OFFENSE LOCATION	APT.	ZONE	BUSINESS NAME	CODE
5709 BRIDGE	AV UP/E	211	EAST APARTMENT	50100
INTERSECTING ST.				

CENSUS TRACT: 1034
DATES OF OCCURRENCE TIME OF DAY DAY(S) OF OCCURRENCE
11/28/87 0335 SAT
WEATHER CONDITIONS: CLOUDY UNIT: 211

INVESTIGATIVE INFORMATION

REPORTING OFFICER(S): MCKIBBEN, DET. 1597 GOLDSTEIN, DET. 683
INVESTIGATIVE DIVISION NOTIFIED: LT. TOROK DET. HAYES

INVESTIGATOR: CAR 253 CAR 8151

UPDATED COMPLAINANT/VICTIM INFORMATION

NAME	R/S/A	DOB		
BUNNER, ROBERT EUGENE	W M 23	06/07/64		
HOME ADDRESS	APT.			
5709 BRIDGE	AV UP/E			
CLEVELAND OH 00000	PHONE: 000-0000			
BUSINESS ADDRESS	APT.	OCCUPATION	WORK HOURS	
			0000 0000	
PHONE: 000-0000				

REMARKS

UPDATED INJURED COMPLAINANT

PERSON TAKEN TO TAKEN BY CONDITION
LUTHERAN HOSPITAL EMS# 3 T/CONFINED
THEN AT 0430HRS. PRONOUNCED DOA BY DR. MOYSENKO FROM GUN SHOT WOUNDS
TO THE CHEST AREA. SEE NARRATIVE FOR FURTHER INFO

SUPPLEMENT #01 NARRATIVE

SUPERVISOR SIGNATURE: _____, ON ____/____/____

INTAKE ENTRY BY: ANWTSSV

CALLING OFFICER: DET. MCKIBBEN, 1597 SIGNED: _____, ON ____/____/____
RPT REVIEW CODING BY: P39

ORIGINAL TITLE; DEAD BODY-SUSPECTED HOMICIDE
ARREST AND CONFINEMENT
TITLE NOW TO READ; HOMICIDE-ARREST-CONFINEMENT

CONFERRED WITH DR. ROBERT CHALLANER OF THE COUNTY CORONER'S
OFFICE AND LEARNED THAT HE PERFORMED AN AUTOPSY ON THE VICTIM. DR.
CHALLANER STATED THAT THE VICTIM SUSTAINED AN ENTRANCE GUNSHOT WOUND
OF THE CHEST AND ALSO A GUNSHOT WOUND OF THE GROIN, WITH ONE PELLET BE
ING RECOVERED. HE OFFICIALLY RULED THE DEATH OF ROBERT BUNNER A HOM-
ICIDE.

ARRESTED AND CONFINED; MELVIN BONNELL W/M/29/Y D.O.B. 9-23-58, RESID
ING AT 2605 MARVIN AVE. THIS SUBJECT IS OUR CPD
NUMBER 149685. PRESENTLY CONFINED IN THE INTEN-
SIVE CARE UNIT AT LUTHERAN HOSPITAL AS A VIC-
TIM OF AN AUTOMOBILE ACCIDENT FROM W. 39TH AND
LORAIN AVE.

CHANGE IN TITLE

CHANGE IN TITLE

CHANGE IN TITLE

ENTRY DATE 11/28/87 OFFENSE/INCIDENT REPORT PAGE 2
ENTRY TIME 0808 DEPARTMENTAL COPY DISTR PB08 9560
DISPOSITION: 2ND DISTRICT TAG NO:
OFFICER MARKING EVIDENCE: PTL. KUKULA 1642 ID MARK:
NGS. RED/GRY JACKET,GRN BLOODSTAINED CHAIR SEAT CUSHION/TAGGED,M,E/BK

CONFISCATED VEHICLE#001 INFORMATION
YR MAKE MODEL STYLE LICENSE NUMBER STKR VIN
80 CHEV MAL 4D 87 04 PC 327GSD
COLOR 1: COLOR 2: COLOR 3: CCN:
ADDITIONAL DESCRIPTION
MED.BLUE. VIU#37097 TOWED BY A & M TO LOT #2

** VEHICLE OWNER 001 INFORMATION
NAME:SMITH,DONALD ADDRESS:03223 RIVERSIDE AV
CITY:CLEVELAND STATE:OH ZIP:000000000 PHONE: 0000000 APT:
CLAIM NBR: INS.COMPANY: SOUNDX:5530
TEXT:

ARRESTED PERSON #001 INFORMATION
ARREST NUMBER: 00000000 DATE ARRESTED: 11/28/87
NAME R/S/A DOB HEIGHT WEIGHT ALIAS/NICKNAME NCIC
BONNELL,MELVIN W M 29 09/23/58 5 10 168 PEANUT C
ADDRESS: 2605 MARVIN AV
CLEVELAND OH PHONE: 000-0000 SOC-SEC NO: 000-00-0000
EYE COLOR: BLU HAIR COLOR: BRO
HAIR STYLE: LONG
WAVY
FACIAL HAIR: MUSTACHE
FACIAL ODITIES: UNK.
TEETH: UNK.
COMPLEXION: MEDIUM
SPEECH: UNK.
MISSING BODY PARTS: UNK.
TATTOO: ARM
PICTURES
SCAR/BIRTHMARK/MOLE:UNK.
GENERAL APPEARANCE: DIRTY/RAGGED
SUSPECT WORE: UNK.
R/L HANDED: UNK.
BUILD: MEDIUM
ADDITIONAL DESCRIPTION
WEARING: RED/GRY JACKET. SUSPECT IS UNKN RELATIONSHIP TO THE VICTIM.

SUSPECT WEAPON #001 INFORMATION
MAKE MODEL GAUGE SERIAL NUMBER VALUE
25
WEAPON TYPE: HANDGUN
WEAPON FEATURE: AUTOMATIC
ADDITIONAL DESCRIPTION
UNKN WHEREABOUTS OF WEAPON AT THIS TIME.

ORIGINAL NARRATIVE
SUPERVISOR SIGNATURE: _____,ON___/___/___
INTAKE ENTRY BY: AATNMMO
CALLING OFFICER: KUKULA 1642 SIGNED: _____,ON___/___/___
RPT REVIEW CODING BY: P81

//////////////////////A-149

////////

//////////////////////

////

////////

COMPLETE OFFENSE/INCIDENT TITLE IS:

//

DEAD BODY/SUSPECTED HOMICIDE/ARREST/CONFINEMENT

//

CSIR:

ON THE ABOVE DATE AT 0347HRS. MEMBERS OF Z/C 211 RECEIVED A RADIO ASSIGNMENT TO RESPOND TO W. 41 AND LORAIN AV. TO ASSIST Z/C 212 IN C/W A CHASE IN A MOTOR VEHICLE ACCIDENT. WE ARRIVED AT 0347HRS. AND OBSERVED THAT THE ABOVE SUSPECT'S VEHICLE HAD CRASHED INTO A BUILDING 3929 LORAIN AV. BODNAR FUNERAL HOME AND THAT A MALE WAS LYING UNCONSCIOUS ON THE GROUND BEING ATTENDED TO BY MEMBERS OF Z/C 212, OFFICERS MONTALVO #1246 AND JESIONOWSKI #2187. AT 0351HRS. RECEIVED A RADIO ASSIGNMENT FOR 5709 BRIDGE AV. UP FOR A MALE SHOT. BEFORE LEAVING LORAIN AV., OFFICER MONTALVO RELAYED THAT THEY HAD A GUN CHASING SUSPECT VEHICLE IN THE AREA OF W. 57 AND BRIDGE AV. UPON ARRIVAL ON BRIDGE AV. AT 0353HRS. ENTERED THE UPSTAIRS EAST APT. AND

OBSERVED EMS #3 ON SCENE ASSISTING THE VIC. WHO WAS LYING ON THE KITCHEN FLOOR WITH AN APPARENT GUN SHOT WOUND TO THE CHEST.

/

INTERVIEWED WITNESS #1 WHO STATED THAT AT APPROX. 0335HRS. TO 0345HRS. THERE HAD BEEN A KNOCK AT THE BACK DOOR ON THE SOUTH SIDE OF THE APT. AND THAT A MALE YELLED THRU THE DOOR THAT HIS NAME WAS CHARLIE AND THAT HE WANTED TO TALK TO THE VICTIM. WITNESS #1 AWAKENED THE VICTIM WHO HAD BEEN SLEEPING IN THE LIVING ROOM. THE VICTIM OPENED THE BACK DOOR WHILE STANDING IN THE KITCHEN AND WITNESS #1 STOOD BEHIND THE VICTIM. SUSPECT ENTERED THE KITCHEN AND ACCORDING TO THE WITNESS #1, SUSPECT YELLED "MOTHER FUCKER" AT THE VICTIM THRUST HIS HAND FORWARD TOWARDS THE THE VICTIM AND WITNESS #1 STATES THAT SHE HEARD ONE GUN SHOT. WITNESS #1 THEN RAN INTO THE BEDROOM, WHERE WITNESS #2 WAS SLEEPING AND TOLD HIM "GENE WAS SHOT." WITNESS #2 EXITED THE BEDROOM AND WITNESS #1 HID IN THE BEDROOM CLOSET AND HEARD TWO MORE SHOTS.

/

WITNESS #2 STATES THAT HE ENTERED THE KITCHEN AND SAW THE SUSPECT ON TOP OF THE VICTIM WHO WAS LYING ON THE KITCHEN FLOOR. SUSPECT WAS PULLING THE VICTIM'S HAIR AND PUNCHING THE VICTIM. WITNESS #2 STATES THAT HE PULLED THE SUSPECT OFF THE VICTIM AND OPENED THE BACK DOOR AND PUSHED THE SUSPECT OUT AND DOWN THE BACK STAIRS.

/

BOTH WITNESSES DESCRIBED THE SUSPECT AS A WHITE MALE IN HIS LATE 20'S OR 30'S ABOUT 5-9, BROWN LONG HAIR AND MUSTACHE AND WEARING A RED AND GRAY JACKET. MEMBERS OF ZONE CAR 211 THEN RADIO TO MEMBERS OF ZONE CAR 212 THAT THE SUSPECT DESCRIPTION FITTED THE MALE THAT THEY HAD APPREHENDED AT 3929 LORAIN AV.

/

MEMBERS OF ZONE CAR 211 THEN CONVEYED WITNESS #2 TO LUTHERAN HOSP. WHERE THE SUSPECT HAD BEEN CONVEYED BY EMS #4, ARRIVING AT 0415HRS.

/

WITNESS #2 OBSERVED THE SUSPECT FACE TO FACE AT THE HOSPITAL AND POSTIVELY IDENTIFIED THE SUSPECT AS THE MALE HE HAD SEEN ASSAULTING THE VICTIM AT 5709 BRIDGE AV. SUSPECT WAS PLACED UNDER ARREST BY OFFICERS KUKULA #1642, STANCZYK #1677, MONTALVO #1246 AND JESIONOWKI #2187.

/

ZONE CAR 212 REMAINED AT THE HOSPITAL AND WITNESS #2 WAS CONVEYED HOME, AT WHICH TIME WE RESPONDED TO 1977 W. 58 WHERE WITNESS #1 HAD STATED THAT THE VICTIM'S MOTHER LIVED.

/

SERVICE NO. 87080470
ENTRY DATE 11/28/87
ENTRY TIME 0808

CLEVELAND POLICE DEPARTMENT
OFFENSE/INCIDENT REPORT
DEPARTMENTAL COPY

SERVICE NO. 87080470
PAGE 4
DISTR PB08 B560

THE VICTIM'S FULL NAME AND DATE OF BIRTH WERE OBTAINED AND NOTIFICATION WAS MADE TO HIS MOTHER (PATRICIA ALEXANDER) AT 0424HRS. MEMBERS OF ZONE CAR 211 RETURNED TO BRIDGE AV. AND RELIEVED CAR 243 OFFICERS WALSH #1682 AND BROWN #302 WHO HAD SECURED THE CRIME SCENE.

/
CAR 277 DETECTIVE MATUSNY ON SCENE FOR PHOTOS
THE TWO 25/CALIBER CASINGS PHOTOGRAPHED AND THEN RECOVERED BY OFFICER WALSH #1682. ONE CASING HAD BEEN FOUND ON THE KITCHEN FLOOR AND THE OTHER ON THE BATHROOM FLOOR WHICH ADJACENT THE KITCHEN. THESE CASINGS WERE MARKED, TAGGED AND ENTERED AT THE 2ND DIST. BY OFFICER WALSH #1682.

/
HOMICIDE CAR 8151 ARRIVED ON SCENE AND RECOVERED ONE FLOOD STAINED CHAIR CUSHION FROM A CHAIR ON THE BACK PORCH OFF THE KITCHEN. CAR 8151 RESPONDED TO THE SUSPECT'S ADDRESS AND OBTAINED THE SUSPECT'S FULL NAME, DATE OF BIRTH AND MADE NOTIFICATION TO THE SUSPECT'S FATHER

/
SUSPECT'S VEHICLE WAS TOWED FOR PROCESSING BY CAR 212 VIU #37097 AND A RED AND GRAY JACKET WAS RECOVERED BY ZONE CAR 214 FROM SUSPECT'S

VEHICLE. MARKED, TAGGED AND ENTERED INTO THE 2ND DIST. PROPERTY BOOK BY OFFICER EVANS #252.

/

/

/

VICTIM WAS CONVEYED BY EMS #3 TO LUTHERAN HOSPITAL AND PRONOUNCED AT 0430HRS. BY DR. MOYSENKO
SUSPECT WAS CONVEYED TO LUTHERAN HOSPITAL BY EMS #4 WHERE HE WAS TREATED AND CONFINED BY DR. MOYSENKO FOR HEAD INJURIES AND THE PRISONER DETAIL WAS COMMENCED.

/

REFER TO ADDITIONAL REPORTS OH1 BY CAR 212, SUPPLEMENTS BY HOMICIDE 8151. CAR 253 ON SCENE.

/

RECORD CHECK OF ARREST MALE PER PAYTHRESS/CLERK: 1977 ESCAPED, CCW, KIDNAPPING, AGGRAVATED ROBBERY. 1981 AGGRAVATED ROBBERY, 1987 C OF C

/

SIU CHECK PER DET. ALLEN: CPD #149685, SAME RECORD AS ABOVE.

/

NOTE: VICTIM'S FULL NAME ROBERT EUGENE BANNER AKA GENE
REFER TO FOLLOWING SUPPLEMENT(S) 01 THRU 01 FOR ADDITIONAL DETAILS
END OF REPORT

87332 01826

Exhibit 15

SUPPLEMENTARY REPORT

**DEAD BODY SUSPECTED
HOMICIDE ARREST/CONFINEMENT
SUBJECT or CRIME**

CLEVELAND POLICE DEPARTMENT

DATE OF THIS REPORT NOV. 28, 1987

COMPLAINT NO.
87-080470

COMPANY OR OWNER		ADDRESS	PHONE	AGE	SEX	RACE	M-S
X-Copies							
VICTIM		ADDRESS	PHONE				
ROBERT EUGENE BUNNER		5709 BRIDGE AVE	NONE	23	M	W	S
ADDRESS OF OCCURRENCE		TYPE OF PLACE	ZONE				
5709 BRIDGE AVE UP		KITCHEN/HOME	212				
TIME OF OCCURRENCE		DATE OF OCCURRENCE	DAY OF WEEK				
Approx. 0235 Hrs.		NOVEMBER 28, 1987	SATURDAY				
SECURED BY	ADDRESS	PHONE	TIME	DAY	DATE		
DISCOVERED BY	ADDRESS	PHONE	TIME	DAY	DATE		

PAGE 1 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

On Saturday Nov. 28, 1987, while assigned to car 8151, in company with Det. Zalar, received a call from Police Radio of 5709 Bridge Ave. meet car 211 on a victim of a homicide. This assignment was received at 0345 Hrs.

Arrived at 5709 Bridge Ave met with the following officers, car 253 LT. TOROK, in charge of the district cars, 211. P.O.'S STANCZYK # 1677, KUKULA # 1642, investigating officers. car 212, P.O.'S JESIONOWSKI # 2187, MONTALVO # 1246. S.I.U. car 277, DET. MATUSZNY # 1569. Also car 214 P.O.'S WALSH # 1682 and BROWN # 1302, together investigated.

VICTIM

ROBERT EUGENE BUNNER, W-M-23, 6-7-64, SSN 270-70-8553 residing at 5709 Bridge Up. This male is our C.P.D. 172796. This male has a record with this department for the following; 6 T.O. 83-86, 5 C of C 83-87, R.S.P. 1983, D.C.I. 1984, D.C. 1985. This male was conveyed to Lutheran Hospital with a GSW to the chest. He was conveyed by E.M.S. #3. The victim was dressed in blue jockey type shorts only. Viewed the body at Lutheran Hospital, he had 1, GSW to the left side of the chest, there was a treatment laceration of the left side of the chest. Check of the victim at S.I.U. Det. ALLEN, reveals this male has a record with our department, attached is his face sheet. Check of the Record room reveals the above record on this male, PER PAYTHRESS. Checked the W&S Unit PER. RINALDI, No Wants.

NOTIFICATION

PATRICIA ALEXANDER, W-F-43, D.O.B. 2-3-44, this female is the mother of the victim, she resides at 1977 West 58 St. She was sent to Lutheran Hospital by car 211, at the hospital staff informed her that her son expired.

MORGUE

Victim was pronounced at Lutheran Hospital, by Dr. MOYSANKO at 0430 Hrs. He was received at the morgue by ATT. HOLSTEIN conveyed by C&A Ambulance Service, the victim was 73 inches 179 Lbs. This male had no property and his clothing was a pair of blue shorts.

DET. HAYES AND ZALAR

INVESTIGATING OFFICERS		PLATOON	CAR	APPROVED BY
Det. Hayes #106 A-153		3rd	8151	[Signature]
WEATHER	<input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN <input checked="" type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW	TEMP 44 °	WIND SE 11	<input type="checkbox"/> A. I. U. <input type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE <input type="checkbox"/> S. I. U. <input type="checkbox"/> NOT REQUESTED
ASSIGNMENT RECEIVED FROM:		TIME ASSIGNED		
<input checked="" type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> DET. BUREAU <input type="checkbox"/> OTHER		COMPLETED		

COFC 71-10

DEAD BODY SUSPECTED
HOMICIDE/ARREST/CONFINEMENT

SUPPLEMENTARY REPORT

CLEVELAND POLICE DEPARTMENT

COMPLAINT NO.

SUBJECT OF CRIME

DATE OF THIS REPORT NOV. 28, 1987

87-080470

COMPANY OR OWNER	ADDRESS	PHONE	AGE	SEX	RACE	M-S
VICTIM	ADDRESS	PHONE				
	ROBERT EUGENE BULLER	5709 BRIDGE AVE	NONE	23	M	W S
ADDRESS OF OCCURRENCE	TYPE OF PLACE	ZONE				
	5709 BRIDGE AVE.	KITCHEN/HOME	212			
TIME OF OCCURRENCE	DATE OF OCCURRENCE	DAY OF WEEK				
	APPROX. 0235 HRS.	NOVEMBER 28, 1987	SATURDAY			
SECURED BY	ADDRESS	PHONE	TIME	DAY	DATE	
DISCOVERED BY	ADDRESS	PHONE	TIME	DAY	DATE	

PAGE 2 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

SUSPECT
ARRESTED

MELVIN BONNELL AKA PEANUTS, W-M-29, D.O.B. 9-23-58, SSN 276-60-9750, C.P.D. 149685. This male is confined at EUTHERAN HOSPITAL. This to be explained in the Investigation of this report. Checked at the W&S Unit, not wanted PER. RINALDI, Check at S.I.U. DET. ALLAN, rap sheet is attached to this report. Record room reveals that this male was an Escapee in 1977, 2 Agg. Robberys in 1977 and 1981, CCW in 1977, Kidnapping on 1977. PER. PAYTHRESS. It should be noted at this point that this male was very intoxicated or under the influence of drugs while at the hospital, he could not talk, there came a time that he was able to mumble a name and address. This was the address of his father, he was interviewed later. This male was taken to I.C.U. and a detail was established. This male was injured in a auto accident this will be explained in the investigation of this report.

AUTO
TOWED

1980 Chev. 4 Dr. Light Blue in color, Ohio Lic. 325 GSD VIN. 1T19KA1494616, this vehicle is listed to one, RONALD SMITH, 3223 Riverside Ave. 351-0570, this male is a mail man assigned to the airport at Hopkins. He informed us that he last seen his vehicle at the driveway at his home at 1830 Hrs. He then drove to work in his girlfriends car he was not aware that his brother had his vehicle untill he was informed by us. He then told us that his brother has keys to his home and his keys were on a stand in the kitchen. This vehicle was involved in an accident at 3929 Lorain Ave. Towed from the scene assigned VIU # 37097. This vehicle is to be processed by S.I.U.

WEAPON USED

There was two casings recovered at 5709 Bridge in the apartment of the victim, they were taken by P.O. WALSH after they were photographed by DET. MATUSZAY. He entered them in the property book at the second district, they were signed for by members of 8151, conveyed to the homicide office and entered in the property book. The are described as .25 Cal. casings. The weapon was NOT recovered at this time.

DET. HAYES, ZALAR

COFC 71-10

INVESTIGATING OFFICERS	AT-106 A - 154	AT-106	CAR	APPROVED BY
	Third	8151		
WEATHER	<input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> RAIN <input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW	TEMP 44 6	WIND SE 11	<input type="checkbox"/> A. I. U. <input type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE
				<input type="checkbox"/> S. I. U. <input type="checkbox"/> NOT REQUESTED
ASSIGNMENT RECEIVED FROM:	TIME ASSIGNED COMPLETED			
<input checked="" type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> DET. BUR. <input type="checkbox"/> OTHER				

DEAD BODY SUSPECTED
HOMICIDE/ARREST/CONFINEMENT

SUPPLEMENTARY REPORT

CLEVELAND POLICE DEPARTMENT

COMPLAINT NO.

SUBJECT OF CRIME

DATE OF THIS REPORT NOV. 28, 1987

87-080470

COMPANY OR OWNER	ADDRESS	PHONE	AGE	SEX	RACE	M-S
VICTIM	ADDRESS	PHONE				
ROBERT EUGENE BUNNER	5709 BRIDGE AVE	NONE	23	M	W	S
ADDRESS OF OCCURRENCE	TYPE OF PLACE					
5709 BRIDGE AVE	KITCHEN/HOME					212
TIME OF OCCURRENCE	DATE OF OCCURRENCE					DAY OF WEEK
APPROX. 0235 Hrs.	NOVEMBER 28, 1987					SATURDAY
SECURED BY	ADDRESS	PHONE	TIME	DAY		DATE
DISCOVERED BY	ADDRESS	PHONE	TIME	DAY		DATE

PAGE 3 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

STOLEN

There was nothing stolen or reported stolen at this time.

EVIDENCE

Two (2) casings recovered at the scene, .25 Cal. These were entered into the homicide property book. These are to be compared with the weapon at the time of recovery. These were recovered by P.O. WALSH, he entered them in the property book at the second district, signed for by car 8151.

Photos taken by DET. MATUSZNY on car 277, a total of 12 was taken.

1980 Chev. Ohio Lic. 325 GSD, this was towed after the suspect wrecked the vehicle at 3929 Morain Ave.

1 Maroon and Gray ski jacket, this was recovered in the 1980 Chev. by members of car 212.

Green vinyl pillow recovered on the back porch of the victims home. This had blood on same it was conveyed to the morgue for testing.

WITNESSES

SHIRLEY HATCH W-F-31, D.O.B. 11-18-56, residing at 5709 Bridge Ave No Phone. This female informed us that at approx. 0230 Hrs. there was a knock at the door, she stated that she was in the bed with the victim, she got out of bed and started to the back door that is located in the kitchen, she was followed by the victim. He told her not to open the door without knowing who is there. He then ask through the door WHO IS THERE? There was a voice that replied CHARLES. He opened the door and a male came into the kitchen wearing a MAROON AND GRAY SKI JACKET. He then shot the victim two (2) times. She ran into a bed room that is located off the living room and woke up her brother, this male EDWARD BIRMINGHAM, came out of the bedroom and went to the aid of the victim. At the time they arrived back in the kitchen the suspect was on top of the victim, BIRMINGHAM pulled the suspect off the victim and pushed him out the door. HATCH went on to say that she had never seen the suspect prior to tonight.

DET. HAYES, ZALAR

COFC 71-10

INVESTIGATING OFFICERS	PLATOON	CAR	APPROVED BY
Det Ernest Hayes #106	Third	8151	
WEATHER <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN <input checked="" type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW	TEMP 44 °	WIND SE 11	<input type="checkbox"/> A. I. U. <input type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE <input type="checkbox"/> S. I. U. <input type="checkbox"/> NOT REQUESTED
SIGNMENT RECEIVED FROM: RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> DET. BUR. <input type="checkbox"/> OTHER	TIME ASSIGNED	COMPLETED	

CLEVELAND POLICE DEPARTMENT

COMPLAINT NO.

SUBJECT OF CRIME

DATE OF THIS REPORT NOV. 28, 1987 87-080470

COMPANY OR OWNER

ADDRESS

PHONE

AGE

SEX

RACE

M-S

VICTIM

ADDRESS

PHONE

23

M

W

S

ROBERT EUGENE BUNNER

5709 BRIDGE AVE.

NONE

ADDRESS OF OCCURRENCE

TYPE OF PLACE

ZONE

5709 BRIDGE AVE

KITCHEN/HOME

212

TIME OF OCCURRENCE

DATE OF OCCURRENCE

DAY OF WEEK

APPROX 0235 Hrs.

NOVEMBER 28, 1987

SATURDAY

SECURED BY

ADDRESS

PHONE

TIME

DAY

DATE

DISCOVERED BY

ADDRESS

PHONE

TIME

DAY

DATE

PAGE 4 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

WITNESSES

CONT

HATCH, During the interview with this female she was upset and intoxicated, we advised her that someone would be at her home later this morning to take a statement from her. She is the girlfriend of the victim.

EDWARD BIRMINGHAM W-M-32, D.O.B. 11-13-44, this male is staying at the home of HATCH, he is her brother, he claimed he was in his bed, he was woke up by SHIRLEY, she told him that ROBERT had been shot, he went to the kitchen and saw the suspect on ROBERT he was punching him he pulled this male off the victim and pushed him outside. He was ask about seeing a gun, he stated that he did not see one. This male was also intoxicated and a statement could not be taken at this time. He will be at the home later today.

INTERVIEW

ROY CLINGAN W-M-34 1977 West 58 St. This male is the boyfriend of the victims mother, he claimed that the victim was involved in drugs, he was arrested for 100 hits of ACID. The persons that supply him with the drugs felt that he was working for the narcotis people, and they wanted to get him for turning them in, he claimed that they were also arrested later for this deal. He can be reached at work on line 251-4010, or 281-0979. Most of these things that he told me he got second handed, he did not know this for fact.

SCENE

5709 Bridge Ave this is a 4 apartment dwelling located on the south side of the street, it is of cream colored ALM. siding. The apartment is the middle door of the three. The steps lead to the upstairs apartment and entry is gained to the living room, our attention was directed to the kitchen located on the southmost portion of the apartment, on the floor we noticed a small spot of blood, along with what appeared to be vomit. The victim had been removed prior to our arrival. Off the kitchen was a both room, examination of the door and frame of this there appeared to be a gouge that was fresh, there was wood splinters on the floor. This looked like it was done with a pellet.

CONF 71-10

DET. HAYES, ZALAR

INVESTIGATING OFFICERS

PLATOON
ThirdCAR
8181

APPROVED BY

EATHER

☐ CLEAR
☒ CLOUDY☐ RAIN
☐ SNOW

TEMP 44 ° WIND SE-11

☐ A. I. U.
☐ S. I. U.☐ REQUESTED
☐ NOT REQUESTED☐ ON SCENE

SIGNMENT RECEIVED FROM:

RADIO ☐ DISTRICT ☐ DET. BUN. ☐ OTHERTIME ASSIGNED
COMPLETED

SUBJECT OF CRIME

DATE OF THIS REPORT NOV. 28, 1987 87-080470

COMPANY OR OWNER	ADDRESS	PHONE	AGE	SEX	RACE	M-S
VICTIM	ADDRESS	PHONE				
ROBERT EUGENE BURNER	5709 BRIDGE AVE.	HOME	23	M	W	S
ADDRESS OF OCCURRENCE	TYPE OF PLACE	ZONE				
5709 BRIDGE AVE	KITCHEN/HOME	212				
TIME OF OCCURRENCE	DATE OF OCCURRENCE	DAY OF WEEK				
Approx. 0235 Hrs.	NOVEMBER 28, 1987	Saturday				
SECURED BY	ADDRESS	PHONE	TIME	DAY	DATE	
DISCOVERED BY	ADDRESS	PHONE	TIME	DAY	DATE	

PAGE 5 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

SCENE
CONT.

From the kitchen you exit onto a rear porch, this is along-side the upstairs apartments. There was heavy drops of blood on the floor and the banister. The inside door opens from the outside inside, the screen door opens from the inside out. The kitchen is 12 Ft. wide from the north to the south. 13 Ft. East to the west. The bath is located on the west wall. A spot of blood was found 3 Ft. 6 In. North of the south, 5 Ft. 9 In. West of the East. Vomit was found 3 Ft. North of the south wall, 6 Ft. West of the East. From Zone Car 212 it was learned that the victim had his head to the south and his feet to the north, he was on his back.

INVESTIGATION

Learned that car 212 was patrolling north bound on West 58 St. they observed a vehicle 1980 Chev. backing south bound on W. 58 St. towards them. This vehicle had no lights on at this time. They turned on the overhead lights to stop him, he then stopped the 1980 Chev. and started back north bound on W. 58 at Bridge he went east bound, and south on W. 57 St. He was at this time being persued by 212, at Lorain Ave. this vehicle went east bound, he lost control and struck a house at 3929 Lorain Ave. This is the BODNER FUNERAL HOME. 212 called for assistance from EMS and unit #4 conveyed him to Lutheran Hosp. At the time this event was going on a call came for a male shot at 5709 Bridge Ave. 211 and EMS #3 responded. It was the feeling that these events may be connected EDWARD BIRMINGHAM was conveyed to Lutheran Hosp. He saw the male from the auto accident and identified him as the man that shot ROBERT. He was then returned to 5709 Bridge where he was interviewed by members of 8151. 212 informed us that they checked the 1980 Chev. for a gun but was unable to locate it. Det. Zalar was in the treatment room at Lutheran he was able to understand a name and address from the victim this was 2605 Marvin Ave. At this address interviewed MARVIN BONNELL SR. D.O.B. 10-9-23 he gave a discription of his son and showed us a photo of him. This was the same person that was in the vehicle and at Lutheran Hosp. A cal was received from another son RON, he informed us that he did not know MELVIN had his vehicle. He was then informed of the inpounding of his vehicle.

DET. HAYES, ZALAR

INVESTIGATING OFFICERS	PLATOON	CAR	APPROVED BY
Det. Hayes #106 A-1572		8151	
WEATHER	A. I. U. REQUESTED ON SCENE		
<input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> RAIN <input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW	<input type="checkbox"/> S. I. U. NOT REQUESTED		
TEMP 44° WIND SE 11			
ASSIGNMENT RECEIVED FROM:	TIME ASSIGNED COMPLETED		
<input checked="" type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> DET. BUR. <input type="checkbox"/> OTHER			

EOFC 71-10

DEAD BODY SUSPECTED
HOMICIDE/ARREST/
CONFIDENTIAL

SUPPLEMENTARY REPORT

CLEVELAND POLICE DEPARTMENT

COMPLAINT NO.
87-080470

SUBJECT or CRIME

DATE OF THIS REPORT NOV. 28, 1987

COMPANY OR OWNER	ADDRESS	PHONE	AGE	SEX	RACE	M-S
VICTIM	ADDRESS	PHONE				
ROBERT EUGENE BUNNER	5709 BRIDGE AVE.	none	23	M	W	S
ADDRESS OF OCCURRENCE	TYPE OF PLACE	ZONE				
5709 BRIDGE	KITCHEN/HOME	212				
TIME OF OCCURRENCE	DATE OF OCCURRENCE	DAY OF WEEK				
APPROX. 0235 Hrs.	NOVEMBER 28, 1987	SATURDAY				
SECURED BY	ADDRESS	PHONE	TIME	DAY	DATE	
DISCOVERED BY	ADDRESS	PHONE	TIME	DAY	DATE	

PAGE 6 OF 6 PAGE REPORT.

ORIGINAL INVESTIGATION

FOLLOW-UP REPORT ☐

REQUESTS

Statements be taken from SHIRLEY HATCH
Statements be taken from EDWARD BIRMINGHAM.
Contact Coronor for cause of death, Make change RC-1.
Convey jacket and pillow to morgue for blood work.

DET. HAYES, ZALAR

COFC 71-10

INVESTIGATING OFFICERS	A - 158	APPROVED BY
WEATHER <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN <input checked="" type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW	TEMP 44 ° WIND SE 11	<input type="checkbox"/> A. I. U. <input type="checkbox"/> REQUESTED <input type="checkbox"/> ON SCENE
ASSIGNMENT RECEIVED FROM:		TIME ASSIGNED
<input checked="" type="checkbox"/> RADIO <input type="checkbox"/> DISTRICT <input type="checkbox"/> DET. BUR. <input type="checkbox"/> OTHER		COMPLETED

Exhibit 16

ADDITIONAL SUSPECTED VEHICLE/ARREST/CONFINEMENT		COMPLEMENTARY REPORT		CLEVELAND POLICE DEPARTMENT		COMPLAINT NO. 87-080470			
DATE OF THIS REPORT		NOV. 28, 1987							
DATE OF THIS REPORT		NOV. 28, 1987							
ANY OR OWNER		ADDRESS		PHONE		AGE	SEX	RACE	M-S
TIM ROBERT EUGENE BURNER		ADDRESS 5709 BRIDGE AVE		PHONE NONE		23	M	W	S
DRESS OF OCCURRENCE		TYPE OF PLACE		ZONE					
5709 BRIDGE AVE.		KITCHEN/HOME		212					
TIME OF OCCURRENCE		DATE OF OCCURRENCE		DAY OF WEEK					
APPROX. 0235 HRS.		NOVEMBER 28, 1987		SATURDAY					
CURED BY		ADDRESS		PHONE		TIME	DAY	DATE	
COVERED BY		ADDRESS		PHONE		TIME	DAY	DATE	

PAGE 2 OF 6 PAGE REPORT.

 ORIGINAL INVESTIGATION

 FOLLOW-UP REPORT ☐

SUSPECT
ARRESTED

MELVIN BONNELL AKA PEANUTS, W-M-29, D.O.B. 9-23-58, SSN 276-60-9750, C.P.D. 149685. This male is confined at EUTHERAN HOSPITAL. This to be explained in the Investigation section of this report. Checked at the W&S Unit, not wanted PER. RINALDI, Check at S.I.U. DET. ALLAN, rap sheet is attached to this report. Record room reveals that this male was an Escapee in 1977, 2 Agg. Robberys in 1977 and 1981, CCW in 1977, Kidnapping on 1977. PER. PAYTHRESS. It should be noted at this point that this male was very intoxicated or under the influence of drugs while at the hospital, he could not talk, there came a time that he was able to mumble a name and address. This was the address of his father, he was interviewed later. This male was taken to I.C.U. and a detail was established. This male was injured in a auto accident this will be explained in the investigation of this report.

AUTO
TOWED

1980 Chev. 4 Dr. Light Blue in color, Ohio Lic. 325 GSD VIN. 1T19KA1494616, this vehicle is listed to one, RONALD SMITH, 3223 Riverside Ave. 351-0570, this male is a mail man assigned to the airport at Hopkins. He informed us that he last seen his vehicle at the driveway at his home at 1830 Hrs. He then drove to work in his girlfriends car he was not aware that his brother had his vehicle untill he was informed by us. He then told us that his brother has keys to his home and his keys were on a stand in the kitchen. This vehicle was involved in an accident at 3929 Lorain Ave. Towed from the scene assigned VIU # 37097. This vehicle is to be processed by S.I.U.

WEAPON USED

There was two casings recovered at 5709 Bridge in the apartment of the victim, they were taken by P.O. WALSH after they were photographed by DET MATUSZNY. He entered them in the property book at the second district, they were signed for by members of 8151, conveyed to the homicide office and entered in the property book. The are described as .25 Cal. casings. The weapon was NOT recovered at this time.

HAYES, ZALAR

DATING OFFICERS		PLATOON		CAR		APPROVED BY	
106		Third		8151		[Signature]	
WEATHER		TEMP		WIND		ON SCENE	
CLEAR <input type="checkbox"/> RAIN <input type="checkbox"/> CLOUDY <input checked="" type="checkbox"/> SNOW <input type="checkbox"/>		44		SE 11		<input type="checkbox"/> ON SCENE	
SENT RECEIVED FROM:		TIME ASSIGNED		COMPLETED			
<input type="checkbox"/> DISTRICT <input type="checkbox"/> DET. BUR. <input type="checkbox"/> OTHER		[Signature]		[Signature]			

Exhibit 17

1-30-87 LOT #2 PROCESSED A 1980 Chevy
Chevelle - Ohio 325 GSD.
P# 57029 2 WPLFP
8 EXPOSURES
S# 62502 TRACE By Forensic Personnel
Homi MORAN, ORTIZ, CASWELL

LOT #2 1980 FORD MUSTANG -
~~STILL~~ PLATE KNZ 570
P# 57030 2 WPLFP
16 EXPOSURES
S# 62503 NO TRACE
MORAN, ORTIZ, CASWELL
LOT #2 1982 Buick Rivera - Ohio 491 POP
P# 57031 1 WPLFP
8 EXP
S# 62504 NO TRACE
Homi MORAN, ORTIZ, CASWELL

1-30-87 F&M PLATING Co. 4145 E 79th
NO LP
NO CS
NO TRACE
BRE/THEFT MORAN, ORTIZ, CASWELL

11-30-87 Charles Pesta 15732 Munn
LP# 57032 1 BPLP
12 C.S. Exposures
CS# 62505 No Trace A# 162
Agg/Burg. Theft Oliver, Hayes

7023	Cirele Body	13530 MILES	B&E Theft	11-27-87	181.5
7024	Earl Chavatin	3347 W. 63	Agg Burg & Theft	11/30/87	2171.10
7025	SANUKA MORRISON	7364 W. 110	GT MV	11-28-87	2326
7026	THOMAS SPRATT	4392 E 143	Agg Burg	11-29-87	1850
7027	DOROTHY PARKER	3031 E 97	Agg Burg	11-30-87	1082
7028	1984 Buick	LOT #2	Agg Burg	11-27-87	1010
7029	LOT #2 1980 Chevy	MAIO (3256SD)	Homi	11-30-87	2138
7030	LOT #2 1980 Ford	KNZ570	GT MV	11-30-87	2132
7031	LOT #2 1982 Buick	Ohio (491POP)	Homi	11-30-87	2138
7032	15732 Munn	Charles Pesta	Agg Burg	11-30-87	2486
7033	Rosemary Holmes	16109 Waloeu	Agg Burg	11-30-87	2552
7034	Robert Skerog	1245 W 110 #101	Agg Burg	11-30-87	1957
7035	EDD. Thomas	4111 E 148	Agg Burg	11-30-87	2552
7036 A	EDD. Thomas	4111 E 148	Agg Burg	11-30-87	1957
7036 B	EDD. Thomas	4111 E 148	Agg Burg	11-30-87	2552
7036	Phyllis SEPES	3386 W 148	Agg Burg	12-1-87	1929
7037	Olde Factory Restaurant	1385 E 36	B&E Theft	12-1-87	1031
7038	LOT #2 1979 OLDS	OHIO 661PVU	RATE	12-1-87	2138
7039	LOT #2 1983 Chevy	Govt NAF 584	Agg Burg	12-1-87	2132
7040	Elizabeth Elizabeth	11118 Clifton	Rape Agg. Burg.	12-1-87	2279
7041	Kids Zone Deli	8615 Dennison	B&E Theft	12-1-87	2171
7042	EUNICE HATCHER	10506 GRANDVIEW	Agg Burg & Theft	12-1-87	2279
7043	John Sheehan, Rich Serrano	3096 Cedar	GT MV/Rec.	12-1-87	2448
7044	Dennis Rowland	1741 E 432	Agg Burg	12-1-87	2552
7045	Thomas OBY	4326 Skyline	Agg Burg Theft	12-1-87	2486
7046	GLORIA Lange	3433 WEST 63	Agg. Burg. THEFT	12-1-87	2552
7047	Eddie MYERS	3865 Rocky River	Agg. Burg THEFT	12-1-87	2486
7048	MIKE BARNEY	3524 Broadview	Agg. Burg. THEFT	12-1-87	2486
7049	Luis Cumba	13000 A-163	GT. from M.V. City prop	12-2-87	2351
7050	Pizza King	4297 State Rd.	B&E Theft	12-2-87	1303
-	John W. Wabers	2404 West 7th	Agg. Burg	12-2-87	1213

475 TUFIL HADDAD Lot 2 GTMV ~~11-23-87~~ 241 484 (3)
2476 RAY FALOKAR 6361 Corn Col 11-23-87 Agg Rd 1277 (3)
477 Michael Pampton 4994 Scovel 11-26-87 Agg Bug 568 (3)
2478 Men Plate 070MAZ Lot 2 GTMV 11-23-87 1277 (3)
479 G. GOOD 58 2001 TAYN Injury to Police 11-20-87 1277 (3)
480 SAMY AYOUB 1201 W110 Fed Assault 11-20-87 854 (3)
481 ^{SEE A} ^{SEE 13502} ROBERT BUNNER 4153 CORAN DB-HOMICIDE 11-28-87 351P (6)
2482 SHARON BUREIS 1381 E188 Rape/N.S. 11-27-87 904 (6)
2483 DENISE KAVACH 881 E152 - ASSLT A.O. ON DUTY 11-26-87 904 (6)
1482-A SHARON BUREIS 1381 E188 Rape N.S. 11-27-87 904 (6)
2461-B NITA JOHNSON 2000 Clifton #12 D.B./Susp Nem 11-27-87 904 (6)
2484 JAMES BROWN 13421 EARLWOOD D.B. Susp Nem 11-28-87 904 (6)
2461-C NITA JOHNSON 2000 Clifton #17 DB Susp Nem 11-27-87 904 (6)
2485 MERRILL MAINES 286 E150 FEL ASSLT/CUTTING 11-28-87 904 (6)
2475A MICHAEL HARFORD 2872 Central GTMV 11/27/87 9:45 (3)
2486 ROBBIE MANCE 5208 Lakewood Dr City of Union 11/29/87 9:45 (3)
2487 VERDA BROST SCHOOL 4840 W. 192 B+E TA ARL 11-30-87 1010 (6)
2488 OMAR SIMMS 4541 WARRENSVILLE DRUGS 11-30-87 1010 (6)
489 JAMES DEAN 3586 W. 69 FEL ASS 11-30-87 1010 (6)
490 HAMMOUD SIBAZZ-EL 5707 DIBBLE AGG Bug 11-28-87 1810 (5)
491 RENIA HILL 3203 PROJECT AVE AGG Bug 11-29-87 1810 (5)
492 CIRCLE BODY 13530 MILES STEAL MV/VAL CARGO 11-27-87 1810 (5)
493 LEA A. MANSELL 1961 ~~13530~~ E117 Theft 11-27-87 1810 (5)
194 Earl Chevalier 3397 W. 63 Agg Burg+Theft 11/30/87 2174/1753 (1)
95 State of Ohio 14037 Puritas B+E (SHF) 11/30/87 2174/1753 (1)
496 ROBERT ECTOR 3621 E106 ELHIST 11-27-87 1916 (6)
497 SANDRA MORRISON 7364 Hinkley GTMID. 11-28-87 2328 (6)
498 CHANNA CHAPPELL 2410 E116 Kidnapping 11-30-87 1032 (6)
499 EDNA JOHNSON 16316 TAYLOR Agg Burg 11-7-87 2007 (6)
500 ROGA MCWINE 6820 BAYLESS Kidnapping 11-7-87 1916 (6)
501 JAMES WINN 9808 WAM Agg Burg 11-24-87 1516 (6)
502 ROBERT ~~BUNNER~~ LOT 2 1980 Chevy 325 GSD (Homi) 11-30-87 2139 (6)
503 REBECCA POURROY LOT 2 1980 FORD KN2570 (GTMV) 11-30-87 2139 (6)
504 ANITA JOHNSON LOT 2 1982 Buick 491 Pop (Homi) 11-30-87 1281 (6)

Exhibit 18

FORENSIC LABORATORY REPORT

ARTICLE 25cal Tanfoglio pistol #M 44 846

PROPERTY OF Melvin Bonnell

SUBMITTED BY J. Kibben

DATE SUBMITTED 12-4-87

REMARKS: homicide

TSE and OF EP JAY-TL-BT

RR and Gunfileschecked

THIS WEAPON FIRED .25 ACP CASING LAB# 244815- JAY-VEK-TL-BPT

THIS WEAPON FIRED .25 ACP CASINGS LAB# 245065- JAY-VEK-TL-BPT

C of C71-22 Ret. to P.R. 12-4-87

Richard J. Jambly
7-18-87
7:55 p.m.

7-16-87

Not of Lab

checked for evidence on 03-15-17 A-166

Baltitas

POLICE DEPARTMENT
CLEVELAND, OHIO

244492^{AB}

LABORATORY NO.

FORENSIC LABORATORY REPORT

ARTICLE Morgue Pellet

PROPERTY OF Unknown

SUBMITTED BY JMS

DATE SUBMITTED 12 8 87

BONNER

REMARKS: c/w Dead Body of ROBERT BUNNER

C of C71-22

Morgue Pellet File

Comp. 244533 - 244381 N/M
SIMILAR

Richard J. Smith
2-18-87 2:55 p.m.

checked for evidence 03-15-17

Not at Lab - TW #1069

POLICE DEPARTMENT

244815

Baltitas

CLEVELAND, OHIO

LABORATORY NO.

FORENSIC LABORATORY REPORT

ARTICLE

25cal Casing

PROPERTY OF

Unknown

SUBMITTED BY

Hayes #106

DATE SUBMITTED

12 21 87

REMARKS:

c/w Melvin Bonnell

THIS .25 CAL. ACP CASE WAS FIRED BY .25 CAL. TANFOGLIO PISTOL
SER# M 44 846 LAB# 244381 - JAY-VEK-TLL-BPT

C of C71-22

Richard Bonnell 7-18-87
7:55 PM

Checked for evidence at Lab 03-15-17
Not at Lab - TR #1619

Baltitas

POLICE DEPARTMENT

CLEVELAND, OHIO

245065

LABORATORY NO.

FORENSIC LABORATORY REPORT

ARTICLE Shell Casings (.25 auto)

PROPERTY OF MELVIN BONNELL

SUBMITTED BY Walsh #1682

DATE SUBMITTED 1 5 88

REMARKS: c/w Dead Body of Robert E. Bonner

shell casings fired from lab #244381 VEK, TLL, BPE, JAY

relet file

C of C71-22

RECEIVED

Amey J. J.
2-23-88

Checked for evidence at Lab on 03-15-17
Not at Lab - Q #1669

The Supreme Court of Ohio

FILED

DEC 12 2018

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

v.

Melvin Bonnell

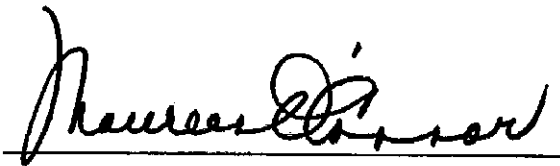
Case No. 2017-1360

RECONSIDERATION ENTRY

Cuyahoga County

It is ordered by the court that the motion for reconsideration in this case is denied.

(Cuyahoga County Court of Common Pleas; No. CR-87-223820-ZA)



Maureen O'Connor
Chief Justice

The Official Case Announcement can be found at <http://www.supremecourt.ohio.gov/ROD/docs/>