

Attached Exhibits

#

Allen Reynolds Statement to police ... A

police incident report log ... B

B.C.I. evidence Submission sheet ... C

conviction of Jessica Gordon ... D.

interview of Jessica Gordon ... E

conviction of David palm ... f

convictions of David palm ... G

Statement given by Ronald Jones ... H

Affidavit of Dwayne Stoutamire ... I

Jury Note question to court ... J

05/31/12

(exhibit# A)

WARREN POLICE DEPARTMENT

000330

STATEMENT OF:

Date 2-19-07 Page No. 1

Allen L. Reynolds (330)399-9925 0945 HRS

I was At my home at 247 Ohio Ave when
a knock was at the door About 10:20
10:45 an they were banging ~~around~~ really
hard it was Dawnye in Freddd Brady
And I let them an and they were
really nervous so I said what
was ~~wrong~~ ^{wrong} they said nothing But
I seen Dwanye have Blood on his
pants But Freddd did it and Zigg-
said you no who ~~did it~~ we did it
to But Im not going to say

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any,
bear my initials, and I certify that the facts contained herein are true and correct.

ated this 19 day of Feb 2007

WITNESS: [Signature]

WITNESS: _____

[Signature: Allen Reynolds]
Signature of person giving voluntary statement.

05/31/82

000331

name But we did not
kill him. He just got shot
2 times and they asked for
a bag and I gave it to her

And they took off what they
had on in put them in the bag

O. Did they say where ~~the~~ subject went shot?
A: Ziggs said he got on 4:15 AM
And legs.

Q: Who do you think Ziggs shot?
A: Toney Peterman

}

}

}

09/01/16
TIME 5:34:51

INCIDENT REPORT

000258
SPLACANIC

Unit	Officer	Action	Time	Officer	Action	Time
4563	SGT	Arrive	22:56:14	MASSUCCI, ROBERT,		
4568	SGT	Arrive	22:56:24	RIGGINS, GARY, L,		
4636	K-9	Arrive	22:58:01	MACKEY, WAYNE, A,		
4567	SGT	Arrive	22:58:10	MASON, DANIEL, J.,		
4659	PSO	Dispatch	23:07:23	MILLER, JEFF,,		
4659	PSO	Arrive	23:10:45	MILLER, JEFF,,		
4567	SGT	Unit Avail		23:19:38	MASON, DANIEL, J.,	
4568	SGT	Unit Avail		23:21:16	RIGGINS, GARY, L,	
4626	PSO	Dispatch	23:31:22	NITES, EMANUEL, OFFIC		
4570	SGT	Dispatch	23:32:59	MERRITT, MICHAEL,,		
4633	PSO	Dispatch	23:32:59	KRAFCIK, MICHAEL, C,		
4659	PSO	Rrt No Clr		23:33:43	MILLER, JEFF,,	
4626	PSO	Arrive	23:34:42	NITES, EMANUEL, OFFIC		
4633	PSO	Arrive	23:38:17	KRAFCIK, MICHAEL, C,		
4570	SGT	Arrive	23:40:12	MERRITT, MICHAEL,,		
4558	SGT	Clear Call		23:42:44	GARGAS, MARTIN,,	
4563	SGT	Clear Call		23:42:44	MASSUCCI, ROBERT,,	
4570	SGT	Clear Call		23:42:44	MERRITT, MICHAEL,,	
4626	PSO	Clear Call		23:42:44	NITES, EMANUEL, OFFIC	
4633	PSO	Clear Call		23:42:44	KRAFCIK, MICHAEL, C,	
4636	K-9	Clear Call		23:42:44	MACKEY, WAYNE, A,	
4558	SGT	Arrive	23:43:18	GARGAS, MARTIN,,		
4563	SGT	Arrive	23:43:18	MASSUCCI, ROBERT,,		
4570	SGT	Arrive	23:43:18	MERRITT, MICHAEL,,		
4633	PSO	Arrive	23:43:18	KRAFCIK, MICHAEL, C,		
4636	K-9	Arrive	23:43:18	MACKEY, WAYNE, A,		
4626	PSO	Arrive	23:43:43	NITES, EMANUEL, OFFIC		
4636	K-9	Unit Avail		23:51:53	MACKEY, WAYNE, A,	
4558	SGT	Rpt Writng	0:39:03	GARGAS, MARTIN,,		
4563	SGT	Unit Avail		0:39:10	MASSUCCI, ROBERT,,	
4626	PSO	Rpt Writng	1:04:21	NITES, EMANUEL, OFFIC		
4558	SGT	Unit Avail		1:27:51	GARGAS, MARTIN,,	
4570	SGT	Rpt Writng	1:28:00	MERRITT, MICHAEL,,		
4633	PSO	Rpt Writng	1:28:00	KRAFCIK, MICHAEL, C,		
4626	PSO	Unit Avail		1:28:04	NITES, EMANUEL, OFFIC	
4570	SGT	Clear Call		5:34:39	MERRITT, MICHAEL,,	
4633	PSO	Clear Call		5:34:39	KRAFCIK, MICHAEL, C,	

DOCUMENTS:

Dispatch Narrative

Information on the units assigned to the call follows.

Unit#: 4636 Radio#: 636 Ofcr 1: 4636 Ofcr 2: 4636
DSP: 01/09/07 22:52 ARV: 01/09/07 22:58 CLR: 01/09/07 23:51

Unit#: 4563 Radio#: 563 Ofcr 1: 4563 Ofcr 2: 4563
DSP: 01/09/07 22:52 ARV: 01/09/07 22:56 CLR: 01/10/07 00:39

Unit#: 4558 Radio#: 558 Ofcr 1: 4558 Ofcr 2: 4558
DSP: 01/09/07 22:52 ARV: 01/09/07 22:53 CLR: 01/10/07 01:27

Unit#: 4568 Radio#: 568 Ofcr 1: 4568 Ofcr 2: 4568
DSP: : ARV: 01/09/07 22:56 CLR: 01/09/07 23:21

Unit#: 4567 Radio#: 567 Ofcr 1: 4567 Ofcr 2: 4567
DSP: : ARV: 01/09/07 22:58 CLR: 01/09/07 23:19

Unit#: 4659 Radio#: 000 Ofcr 1: 4659 Ofcr 2: 4659
DSP: 01/09/07 23:07 ARV: 01/09/07 23:10 CLR: 01/09/07 23:33

Unit#: 4626 Radio#: 000 Ofcr 1: 4626 Ofcr 2: 4626
DSP: 01/09/07 23:31 ARV: 01/09/07 23:34 CLR: 01/10/07 01:28

000029

Police Department
8/2007
4:51

AEGIS PUBLIC SAFETY SYSTEM
INCIDENT REPORT

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SPLACANIC

Unit#: 4570 Radio#: 000 Ofcr 1: 4570 Ofcr 2:
DSP: 01/09/07 23:32 ARV: 01/09/07 23:40 CLR: 01/10/07 05:34
Unit#: 4633 Radio#: 000 Ofcr 1: 4633 Ofcr 2:
DSP: 01/09/07 23:32 ARV: 01/09/07 23:38 CLR: 01/10/07 05:34
Information on the units assigned to the call follows.
Unit#: 4636 Radio#: 636 Ofcr 1: 4636 Ofcr 2: 4636
DSP: 01/09/07 22:52 ARV: 01/09/07 22:58 CLR: 01/09/07 23:42
Unit#: 4563 Radio#: 563 Ofcr 1: 4563 Ofcr 2: 4563
DSP: 01/09/07 22:52 ARV: 01/09/07 22:56 CLR: 01/09/07 23:42
Unit#: 4558 Radio#: 558 Ofcr 1: 4558 Ofcr 2: 4558
DSP: 01/09/07 22:52 ARV: 01/09/07 22:53 CLR: 01/09/07 23:42
Unit#: 4568 Radio#: 568 Ofcr 1: 4568 Ofcr 2: 4568
DSP: : ARV: 01/09/07 22:56 CLR: 01/09/07 23:21
Unit#: 4567 Radio#: 567 Ofcr 1: 4567 Ofcr 2: 4567
DSP: : ARV: 01/09/07 22:58 CLR: 01/09/07 23:19
Unit#: 4659 Radio#: 000 Ofcr 1: 4659 Ofcr 2: 4659
DSP: 01/09/07 23:07 ARV: 01/09/07 23:10 CLR: 01/09/07 23:33
Unit#: 4626 Radio#: 000 Ofcr 1: 4626 Ofcr 2: 4626
DSP: 01/09/07 23:31 ARV: 01/09/07 23:34 CLR: 01/09/07 23:42
Unit#: 4570 Radio#: 000 Ofcr 1: 4570 Ofcr 2: 4570
DSP: 01/09/07 23:32 ARV: 01/09/07 23:40 CLR: 01/09/07 23:42
Unit#: 4633 Radio#: 000 Ofcr 1: 4633 Ofcr 2: 4633
DSP: 01/09/07 23:32 ARV: 01/09/07 23:38 CLR: 01/09/07 23:42

ANTONIO PETERMAN GUNSHOT VIC - LYING IN BACK SEAT OF TAN 22:53:02
CADI- BY C BLDG 22:53:13
SUBJ SHOT GOLD CADI COVERED WITH SNOW//VICTIM IN THE CADI 22:53:16
SECOND CALLER 1290 ROBERTS NW B5// 22:53:36
MED STAR EN RT 22:54:21
USE CAUTION UNKN WHO HAS THE GUN// 22:54:35
DUV7981 22:55:00
KATHY URSU 394 5688// 22:55:54
4563 M IN BLK HOODIE TOOK OFF 22:57:57
4568 SLOW REST DOWN- SCENE C4 22:58:24
4567 ADV DIR SUSP FLED 22:58:37
274 66 3690//4563 22:59:04
4558 MEDSTAR ON SCENE 22:59:15
4567 IN AREA 22:59:45
4558 GET LOC ON LT ASAP 23:01:32
4558 MEDTAR ERT ST JOES 23:02:15
4636 T 4558 FOOTPRINTS GO AROUND THE BUILDING HERE 23:05:12
4558 WE HAVE ANOTHER UNIT TO FOLLOW THESE TRACKS 23:05:44
T 4659 OK 23:05:49
4636 GO TO THE BACK OF A BUILDING 23:05:55
4563 T 4636 DIDN'T GET INFO D BUILDING 23:06:37
4563 ONE POSSIBLY RAN INTO D BUILDING AND ONE WENT THE OPP 23:06:51
DIRECTION 23:06:55
4636 GOT NOTHING THEY GO INTO A BUIDLING AND THEN NOTHING 23:07:15
4527 T 4558 HOW MANY INTERVIEWS 23:08:05
4558 ZERO 23:08:08
4558 T 4563 YOU GOT ANY 23:08:21
4563 NEG,,THEY HEARD SOMETHING THEN LOOKED OUT,,AND NOBODY 23:08:42
KNOWS ANYTHING BUT THAT 23:08:47
4659 WHERE DO THEY NEED ME 23:11:28
4563 WE ARE ALL SPREAD OUT 23:11:48
4558 THOUGHT WE HAD MORE THEN WE DO,,CLEAR BUT STAY IN THE 23:11:59

000030

Warren Police Department
DATE 01/10/2007
TIME 5:34:51

AEGIS PUBLIC SAFETY SYSTEM
INCIDENT REPORT

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SPLACANIC

AREA	23:12:00
4558 ANY OF THOSE FOOTPRINTS GOOD ENOUGH TO BE	23:12:39
PHOTOGRAPHED	23:12:40
4563 WE ARE BEHIND C BUILDING	23:13:24
4558 NO DETAIL LEFT IN THE PRINTS,,SNOW IS COMING DOWN TO	23:16:10
HARD AND FAST	23:16:14
4567 CLEAR	23:19:35
4558 WE WERE ABLE TO RECOVER ONE 45 CA SPEAR CASING AT THE	23:20:05
SCENE	23:20:06
4568 CLEAR	23:21:11
4558 DO WE HAVE A UNIT AT THE HOSPITAL YET	23:22:25
T 4558 NO ONE HAS GONE OUT YET	23:22:30
4558 CHECK WITH THE LT,,MIGHT HAVE THE SE CAR HEAD OVER AND	23:22:51
START GETTING INFO	23:22:54
4527 BY PS,,HAVE SOMEONE GET INFO AND 4633 WILL GO ON AIR	23:23:56
AND ASK WHICH HOSPITAL	23:24:10
4563 HAVE ID GO OVER AIR WITH ME	23:24:23
4558 MED STAR SAID THEY WERE GOING TO ST JOE'S DID THEY	23:24:38
CHANGE THE MIND	23:24:43
4633 IN SERV	23:38:05
4633 IN SERVICE AND WILL STOP AT HOSPITAL FIRST	23:38:14
4563 CLEAR ENRT TO HQ TO DO LEVEL ONE	23:39:45
4570 ON SCENE	23:40:11
4633 OUT AT TMH	23:43:48
4636 CLEAR	23:51:49
4558 SEND A HOOK,,WILL BE TAKING THIS TO THE SUB STATION	23:55:11
MAYS ENRT WILL BE A COUPLE OF MINUTES	23:55:50
4558 MAYS ON SCENE,,I WILL BE CLEARING SHORTLY AND WILL	0:26:15
NEED A DISPATCH NARRATIVE	0:26:58
4558 CODE 6 HQ	0:34:44
4570 CLEAR ENRT TO SUB STATION	0:35:40
4626 CLEAR	0:39:14
4633 CLR TMH ON HQ W/EVIDENCE CLOTHING	1:04:25
4633 BACK OUT AT TMH	1:55:43
4633 CLEAR TMH ENRT TO NILES PD	2:13:05
4570 DTN9408	2:49:37
4570 OUT AT 118 N CHESTNUT IN NILES WITH NILES PD	3:15:37
4633 WILL BE FOLLOWING DXK 4126 FROM NILES TO OUR POLICE	3:33:45
DEPT	3:33:46
4570 ON STATION WITH SUSPECTS FOR INTERVIEWS	3:45:45
4633 RELEASED THOSE 3 SUBJ FRM INTERVIEW//PRINT CALL	5:34:31

CAD System Narrative

UNIT#: 4659 Re-Routed at 23:33:43 on 01/09/07 to 2007-00000995.

Incident Recalled From: 2007-00000991 OH0780733	23:43:00
Level 1 Sgt Massucci	
narrative 4558	
narrative 4626	
narrative4636	

NAMES:

Caller : STEWART,MANDY,,

000031



MARC DANN
ATTORNEY GENERAL
STATE OF OHIO

Evidence Submission Sheet

BCI-101 (Rev. 3-02)

NEW

ADD'L:

Submission #: 2

07-30996

us

**PLEASE REFER TO THIS BCI LAB
NUMBER WHEN MAKING INQUIRY.**

RECEIVED IN LABORATORY AT BCI&I Richfield

BCI & I
Bowling Green Office
1616 E. Wooster St. Suite 18
Bowling Green, OH 43402
Phone: (419) 353-5603

BCI & I
London Office
P.O. Box 365
London, OH 43140
Phone: (740) 845-2000

BCI & I
Cambridge Office
2130 East Wheeling Ave.
Cambridge, OH 43725
Phone: (740) 439-3555

BCI & I
Richfield Office
4055 Highlander Pkwy.
Richfield, OH 44286
Phone: (330) 659-4600

BCI & I
Boardman Office
904 Sahara Trail, Suite 2
Boardman, OH 44514
Phone: (330) 965-8275

Date:

03/28/2007

Time:

10:19 am

Day:

Wednesday

Agency Case Number: 2007-991

Offense: **Felonious Assault**

Date of Offense/Discovery:
01/09/2007

Location:
Warren Police Department Trumbull County

Subject(s): (First, MI, Last Name)

Race Sex DOB BCI #

Jami	L	Palm	C	F	7/30/72	
		Palm	C	F	1/1/55	
David	L	Palm II	C	M	2/2/74	
Michael		Mcclane	C	M	10/12/63	
Dwayne	A	Stoutamire	A	M	2/20/80	
Fred	J	Brady Jr	A	M	1/19/82	

1290 Roberts NW Warren

Victims(s): (First, MI, Last Name)

Race Sex DOB BCI #

Antonio	M	Peterman	A	M	1/24/85	
---------	---	----------	---	---	---------	--

BCI Agent:

Submitting Agency:

Warren Police Department

Submitting Officer:

Merritt, Michael

Case Investigator:

Krafcik, Mike

Telephone Number:

(330)841-2536

MAILING ADDRESS:

141 South Street, S.E.
Warren, OH 44483

Latent Prints



Chemistry



DNA



Biology



Trace



Firearms



Documents



Photo



GSR



Codis DNA



Codis Biology



Please List Individual Items:

Please Attach a Synopsis of the Case to Assist the Examiner

Item Number: 8

Packaging: Evidence bag containing

Item Description: - Speer .45 cal. bullets from residence of Dwayne Stoutamire

Item Number: 9

Packaging: Brown paper bag containing

Item Description: - clothing from Dwayne Stoutamire with suspected blood

Item Number: 10

Packaging: One manila envelope containing

Item Description: - standard from Antonio Peterman

Item Number: 11

Packaging: One manila envelope containing

Item Description: - standard from Dwayne Stoutamire

Item Number: 12

Packaging: Brown paper bag containing

Item Description: - sweatshirt from Dwayne Stoutamire with suspected blood

[Exhibit #c]

000115

Synopsis Attached?

Yes No

Is Subject in Custody?

X Yes No

Due Date:

Returned to: (Signature)

Should there be any change in the status of this case including trial dates,
please contact BCI immediately. Refer to the BCI Lab Number.

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO



STATE OF OHIO,)	CASE NUMBER 05-CR-579
)	
Plaintiff)	JUDGE PETER J. KONTOS
)	
-VS-)	FINDING ON GUILTY PLEA
)	TO AMENDED INDICTMENT
JESSICA GORDON,)	
)	
Defendant)	

After being fully informed by my counsel and by the Court of the charge against me, I am making a plea voluntarily with the understanding of the nature of the charge and the consequences, including the penalty of the plea, which can be from:

Count 1: Up to six (6) months in jail and/or

up to a \$1,000.00 fine,

in the appropriate penal institution. I understand that the Court upon acceptance of a plea of guilty may proceed with judgment and sentencing. I understand I have the right to a jury trial. I understand that at trial I have the right to confront and cross-examine the witnesses against me, and the right to have compulsory process for obtaining witnesses in my favor and to require the State to prove my guilt beyond a reasonable doubt at a trial at which I cannot be compelled to testify against myself. Upon conviction, I would have the further right of Appeal. However, I waive all those rights, including right to a trial by jury. I withdraw my former plea of "not guilty" and enter a plea of

"guilty" to the amended indictment charging me with the crime of
COUNT 1: THEFT (M1) (ORC 2913.02) (A) (3).

Furthermore, I am entering the plea of guilty after being fully informed by my counsel and by the Court of the elements of the charge. Those elements are:

Count 1: The Defendant did with purpose to deprive the owner, the State of Ohio, of property or services, shall knowingly obtain or exert control over either the property or services by deception, in Trumbull County, Ohio.

Furthermore, I have been informed by the Court and understand that I am (~~not~~) eligible for probation or (if applicable) that my plea of guilty may result in an additional sentence for a parole or probation violation and such sentence shall be consecutive. Furthermore, my counsel and I have fully discussed the facts and circumstances surrounding this case including the names of all witnesses. My attorney has investigated these facts and circumstances to the best of my knowledge and has discussed with me the making of or the necessity of pre-trial motions. I am, therefore, satisfied that I am now entering this plea with full understanding of my legal rights under the facts and circumstances as explained me by my attorney and the Court. I have further advised my counsel and this Court that I am (~~not~~) a citizen of the United States of America.

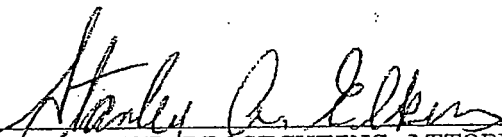
If you are not a citizen of the United States, you are hereby advised that conviction of the offense to which you are pleading guilty (or no contest, when applicable) may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

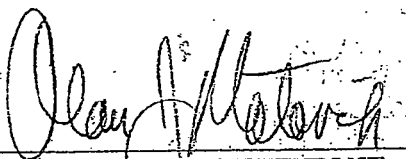
The underlying agreement upon which the plea is based is as follows:

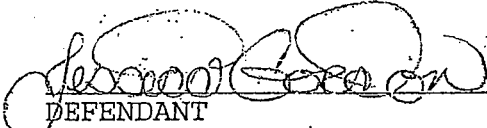
The Defendant to undergo a Pre-Sentence Investigation.

The State to nolle Count 2 at sentencing.

The Defendant is Ordered to pay \$831.60 in restitution.


ASSISTANT PROSECUTING ATTORNEY


ATTORNEY FOR DEFENDANT


DEFENDANT

(Exhibit # E)

Dwayne Stoutamire File #2259

C:\Documents and Settings\John Juhasz\My Documents\Criminal\Felony\Trumbull\WWMcKay\Stoutamire\gordon.state-2259.wpd

INTERVIEW W/JESSICA GORDON
APRIL 20, 2007

JOHN B. JUHASZ J

JESSICA GORDON G

J Today's date is April 20, 2007 and I am in the office with Jessica Gordon and this is concerning Dwayne Stoutamire's case. Jessica, I talked to you before we turned on the taperecorder and asked you if I could taperecord this so I wouldn't have to write notes, correct?

G Yes.

J I want to ask you some questions about Dwayne and about his case. Let's start first of all about how long you've known him?

G [inaudible]

J October of 06?

G [inaudible]

J All right. Let's actually start with January 9, of 07 with the Antonio Peterman shooting. Now, when I ask you if you have any personal knowledge, I don't want to know about things that Dwayne or anybody else told you. Were you there? Did you have any involvement before or did you see anything?

G No.

J You know nothing about that?

G No.

J Let's jump ahead then to February I believe it's the 19th. The Peterman shooting was January 9th incident involving you and Dwayne where the police came was February 19th I believe? As I review the police reports and the audiotapes of the police transmissions it seems the police were sent out the Palymra Road area. First of all, where you and Dwayne when the police came out? In other words, at somebody's house?

G We were in the car.

J Okay. In front of who's house?

G His friend's house.

J I am going to ask you to talk a little louder. Do you know the friend's

name or you do not?

G Red.

J Red?

G I don't know his real name.

J All right. Sorry about the interruption. We are back on the tape and you guys are at Red's house, could you tell me about, is that someplace you've been before or not?

G He goes there. I've been just to pick him up and stuff.

J Okay. Do you know Red's full name or you don't?

G No.

J No? All right. About what time of day or night is this, do you remember?

G In the middle of the night.

J In the middle of the night?

G [inaudible]

J And it appears that a neighbor called the police and said the two of you were fighting. Can you tell me from your recollection what happened with you and Dwayne out at the car?

G We was arguing we both were hitting on each other.

J I want you to hear me for a second because there is a difference when you are trying to paint a picture to a jury between fighting and arguing. Arguing implies to me that you're yelling and screaming at each other and maybe swearing at each other. Fighting implies that you may also be one or both of you may be swinging at the other one. Was there any physical contact?

G We was both fighting with each other. Arguing and fighting.

J Okay. So, are you hitting Dwayne?

G It was more arguing.

J Okay. Did Red or anybody from Red's house come outside when this was going on, that you saw?

G I don't know.

J Did you see any neighbors come out?

G No.

J As far as you can tell, it's just you and Dwayne?

G Um-huh.

J When the police come up, what's going on?

G We are in the car

J Still in the car, nobody's outside?

G Not when they first came up.

J Does anybody get out of the car?

G I got out of the car. And then he did, we both did.

J The prosecutor seems to be suggesting that the police are going to basically say when they pulled up, you got out of the car screaming "he's got a gun, he's got a gun? Did you say that or did you not?

G Not that I recall.

J Did you see Dwayne with a gun that night?

G [inaudible]

J All right, let's back up, did you see Dwayne with a gun at anytime during this argument or fight?

G Him with it? No, there was one in the car.

J Yeah.

G [inaudible]

J You didn't see it, but there was one in the car?

G Yes.

J Where was the gun? Because it makes a difference in terms of whether it's accessible to him or not.

G [inaudible]

J Is it stuffed down between the seat, under the seat?

G [inaudible]

J Under the seat?

G I'm not sure.

J Okay. But it's not like he had it and he was pistol-whipping you?

G No.

J Or pointing it at you or anything like that?

G No, no.

J Do you ever tell the police that night that Dwayne had struck you?

G I mean, they could tell.

J They could tell, okay. Did you ever tell the police that Dwayne had held you against your will?

G No.

J Because you understand, he's really charged with abduction?

G No, I told them that I got dropped off with him.

J Okay. When, what do you mean you got dropped off - -?

G My friend Jen dropped me off at his mom's house earlier in the evening when we were out together, riding around talking and everything. And then we stopped there.

J Okay. Stop, there being at Red's.

G Yeah.

J Okay. So Jen drops you and Dwayne off at Karen's house.

G No, she dropped me off with Dwayne at Karen's house. He was already at his mom's.

J Oh, okay.

G Me and my friend, Jen were - -.

J Okay. So Jen takes you over to Karen's house where Dwayne is? Then you and Dwayne go out riding around later by yourselves? Then you go over to Red's house and it's in the driveway at Red's house that you get in this fight?

G Yes.

J All right, got you. Now, do the police then take you away that night? Do they take you into custody, separate from Dwayne?

G Not at that time.

J What happens? How do you - - ?

G They, I went to the police station, they said that they had to get the police report down there.

J How did you go to the police station? Did you drive?

G No, they took me.

J They took you, All right. When you were in the police car going to the police station, did you tell them that Dwayne had bragged to you about shooting Antonio Peterson?

G Not that I remember. I was drunk.

J You were drunk? That's fine. That's what we need to know.

G Yeah, I was pretty out of it that night, you know. Honestly, I don't even remember much of it.

J You don't remember too much?

G Yeah.

J Okay, weel, that's fine. Let's talk about that because see what we have to do is, we have to track, whether it's a flattering one or not, we have to try to paint a realistic picture for a jury who doesn't know anything about this case, who is going to be asked to decide whether Dwayne's guilty or not. We have to paint a realistic picture, so if the answer is that I'm so drunk that I don't remember much, and then okay, that's the answer. Let's talk about what you would have consumed that night that you could remember. And here's why, not because I'm trying to throw down on you or anything, because when you tell a jury that you're under the influence and you don't remember a lot, if you say well, I had a glass of wine with dinner and I was just a little bit tipsy, that's one thing, but if you say, listen, I had a bottle of Mad Dog 20/20, I drank the whole damn thing myself and I dissolved a couple of Valium capsules in it. There's a big difference there, okay? So, it isn't that I'm trying to embarrass your or throw down you, but we have to be able to realistically tell them what the condition was. So - - .

G I drank a bottle of gin.

J When you say a bottle, how big a bottle?

G A fifth.

J A fifth?

G Yeah.

J By yourself?

G No, me and Jennie.

J Had you had that before you went over to Karen's house?

G Yes.

J Okay.

G I still was drinking when we were—.

J When you were at Karen's house?

G No, I wasn't, when I got dropped off at her house, I didn't even go in. Like he just came out.

J I see.

G I got into Jen's car and then his mom's car and we left. Jumped from one car to the next.

J All right. You said something about still drinking?

G Yeah, I was.

J Were you still drinking in Jen's car on the way over there, is that what you're saying?

G We were drinking, yeah. And with Dwayne.

J Okay, so you and Dwayne are also drinking?

G I was drinking.

J All right. What were you drinking when you were riding around with Dwayne?

G Gin.

J Gin, All right.

G Gin and juice.

J Gin and juice?

G Well, gin and [inaudible]

J Is this something you'd mix up yourself or do you buy it that way, mixed it up?

G yeah.

J Okay. So, excluding the punch for a second to try to get some idea of how

much alcohol you had, how much alcohol would you say you had? Did you have a bottle of gin? A half a bottle?

G [inaudible]

J Yeah.

G Probably, I don't know, me and her, we drank it, the whole bottle and probably half a bottle or [inaudible]

J So you probably had about half a bottle of gin?

G We split it, yeah.

J Did you have anything else? Any marijuana? Any crack cocaine? Any cocaine? Any pills?

G No, ah I had —I don't know— no, no.

J No? Did Dwayne have anything that night that you saw?

G Not that I know of.

J Okay. So you said that you were drinking in the car, it was just you, it wasn't Dwayne?

G No, he might have had a sip, I don't know. I don't - - .

J That you remember, okay.

G I don't remember.

J Would you be too trashed to remember he was trashed when he came out, when you got to Karen's house, he came out and you two got in the car, could you tell if he had already been drinking?

G No, he was cool.

J He was okay?

G Yes.

J How long would you say the two of you were riding around before you went over to Red's house?

G I have no idea. Ah, probably a couple hours.

J Couple of hours?

G Or an hour, I don't remember.

J All right. Were you, let me ask you, were you pissed at Dwayne when the

cops showed up?

G Yeah, I was mad at him.

J You were mad at him, okay. Really what I'm trying to find out is, these cops as I understand it are going to say that when they were taking you to the station to fill out this report, you're going, listen, he was involved in the Antonio Peterman's shooting, he told me that. I guess I need to know a couple of things for my own purpose is, first of all, did Dwayne ever tell you that?

G No, I heard it.

J You heard it, okay. So Dwayne never told you he was involved in the Antonio Peterman shooting. So if you, and you don't remember one way or the other whether you told the cops that or not that night?

G I have, no, no.

J But if you did - -

G It's probably because I was mad.

J Because you were mad and it had to be something that somebody else told you, not that Dwayne told you?

G Uh-hum.

J Okay. Anything else that you remember that you said to the police?

G No.

J No, okay.

G But I told them when they were doing the report, and they were like, here's all the charges against me and they were saying the abduction stuff and everything. I told them even then, like where do you get that from, because I got dropped off with him. Do you know what I mean?

J Uh-hum.

G And they just still—

J Abduction can be any time that somebody holds you against your will or makes you go from one place. For example, you're here in my office now, it's a Friday afternoon at 3:35, you came here voluntarily with Karen. Nobody put a gun to your head. You and I talked a few weeks ago at the pretrial and said we'd get together. But my point is this: even though you came here voluntarily, if I came over there and grabbed you and forced you and said, I want you to go into the conference room down the hall and you go, no, I don't want to. Or I want you to go into this bathroom right here, and you say, no, I don't want to. See, my point is that, just because Jen dropped you

off at Dwayne's, doesn't mean that he can't - -.

G I didn't want to leave [inaudible]

J You didn't want to leave where?

G Like I was in the car with him. Like we were fighting and he says he wanted me to go and I didn't want to. You know what I mean? Like it wasn't very [inaudible]

J He wanted you to go home?

G Yeah.

J Okay, and you didn't want to leave him?

G Yeah.

J That's what the argument was about?

G Um-hum.

J Okay. So it's hard to say he was holding you against your will when he was the one basically saying, get the hell out of here?

G Yeah.

J Where did you live in connection with Red? In other words.

G Probably I live on the eastside and we were on the westside.

J Okay. So when you're fighting about this, he basically, what, wants to drive you home? Or is he telling you to get the hell out of the car?

G He said he wouldn't take me home [inaudible] just get out - - - he just wanted me to get out of the car.

J Okay. Was he kind of pissed off at you being so drunk?

G No, I wasn't like, I mean, no we wasn't fighting about that. We were fighting, we had been fighting.

J I see, All right. And he's basically saying, you know, I don't want to have anything to do with you tonight, I just want to take you home. And you're fighting and said, I don't want to go home, I want to stay with you? That kind of thing?

G Um-hum.

J And do you tell that to the police?

G Yeah, I told them that we were arguing.

J Okay. Did you ever tell that to any prosecutor?

G I told that to him and the grand jury. Like I, when we had the grand jury, thing, I don't know where you guys get this kidnaping and stuff because I got dropped off with him, I wanted to stay with him. And they just—

J They just did what they did.

G Yeah.

J Okay. But in terms of what you told them, you told them that you got dropped off by Jen and you didn't want to leave Dwayne and all that kind of stuff?

G Um-hum.

J You had mentioned to me when we talked in the courthouse, Jessie you mentioned to me when we talked in the courthouse that you were going to get down to the Warren P.D. and get your statement because

G I didn't ever go get it.

J You didn't, okay, All right. The only statement you made is the one that you made the night, the morning, the early morning that the police took you in there and said you got to write a report about what happened.

G I didn't even write it. Like it was they typed it up.

J They typed it up and you just looked at it?

G Yes.

J You still sort of trashed then?

G Yeah.

J Okay.

G I - - -.

J Okay.

G I kept telling them I'll just come back and they wanted to me talk to some other guy and I was like, well, can I just come back in the afternoon or do something, and I just wanted to go home. They were like, no, you have to wait here.

J All right. Did you ever say to them that you didn't want to press any charges against Dwayne?

G I told them I didn't want to.

J You didn't want to press any charges?

G No.

J Okay. What was the - -.

G When they asked me, they were like, do I fear for my safety, or something like that. I was like, no. And then, the other—guy was like, you want to yeah because ah, something, and just like say yeah.

J Did you ever go to court and ask for any sort of a protection order against Dwayne?

G No. They asked me if I wanted it, and I told them I didn't want one, and so, I didn't think I need one.

J Okay.

G And then when we first went to court and someone asked me.

J All right. Anything else that you can remember that night?

G No.

J No?

G No.

J Okay. I'm going to end this statement.

C:\Documents and Settings\John Juhasz\My Documents\Criminal\Felony\Trumbull\WWMcKay\Stoutamire\gordon.state-2259.wpd

EXHIBIT

tabbies

F

STATE OF OHIO)
)
 TRUMBULL COUNTY)

IN THE COURT OF COMMON PLEAS
 CASE NO. 01-CR-806

STATE OF OHIO
 v Plaintiff

DAVID L. PALM

Defendant

JOURNAL ENTRY

VOL. _____
 PAGE _____
 FILED
 RECORDED
 APR 26 2 34 PM '02

MAINTAINED IN ORIGINAL
 COURT RECORDS
 IN THE COURT OF COMMON PLEAS
 TRUMBULL COUNTY, OHIO

On April 22, 2002, defendant's sentencing hearing was held pursuant to Ohio Revised Code Section 2929.19. Defense Attorney Robert Kokor and Prosecuting Attorney Christopher Becker were present as was defendant who was afforded all rights pursuant to Crim. R. 32. The Court has considered the record, oral statements, any victim impact statement and pre-sentence report prepared, as well as the principles and purposes of sentencing under Ohio Revised Code Section 2929.11 and has balanced the seriousness and recidivism factors in Ohio Revised Code Section 2929.12.

The Court finds that the defendant has been convicted of Breaking and Entering, a violation of Revised Code Section 2911.13(B) & (C), a felony of the 5th degree.

It is therefore ordered that the defendant be sentenced to 5 years of community control subject to the general supervision and control of the Adult Probation Department under any terms and conditions that they deem appropriate.

The Court further imposes specific sanctions and conditions as follows:

1. Payment of court costs and \$350.00 fine.

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(Exhibit 4)
 F

2. Thirty (30) days Trumbull County Jail with work release if eligible. To report on 4-26-02 @9:00 a.m. If defendant fails to show, court will impose six (6) month sentence.
3. Obtain/maintain employment.
4. Pay one-half of the restitution when determined.
5. No drugs/alcohol with random testing.
6. Obtain drug assessment.
7. \$10.00 Monthly probation supervision fee.

P. J. Kates

Judge

4-28-02

Date

VJX

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

Case # 02 CR 270

(Exhibit # 6)

STATE OF OHIO)

Plaintiff)

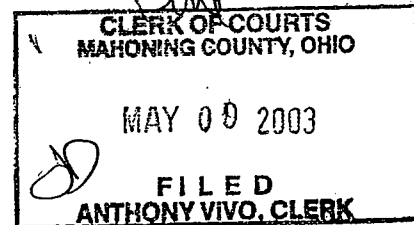
vs.)

DAVID L. PALM II)

Defendant)

JUDGE JAMES C. EVANS

JUDGMENT ENTRY OF SENTENCING



Defendant's sentencing hearing was held this date pursuant to Ohio Revised Code § 2929.19. Defense counsel, Attorney Terry Swauger, and Assistant Prosecutor Jay Macejko were present as was Defendant who was afforded all rights pursuant to Criminal Rule 32.

The Court considered the record, pre-sentence investigation, oral statements, as well as the principles and purposes of sentencing under Ohio Revised Code § 2929.11, and has balanced the seriousness and recidivism factors under Ohio Revised Code § 2929.12.

The Court finds that the Defendant pleaded guilty this date to Receiving Stolen Property, a violation of ORC § 2913.51, a Felony of the 4th degree.

WHEREFORE: The Court imposes three (3) years community control to be supervised by the Adult Parole Authority. Defendant shall submit to random drug/alcohol testing as requested by APA. Defendant shall complete his probation with Trumbull County NEOCAP.

Defendant was advised that if the community control sanction is violated, the maximum prison sentence allowed will be imposed.

IT IS SO ORDERED.

May 9, 2003

JAMES C. EVANS, JUDGE

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WARREN POLICE DEPARTMENT

000178

STATEMENT OF:

RONALD W. JONES

Date

2-15-07

Page No.

1

544-8749

I Ronald Jones do
State that one David Palm
did say that he loved one
Drug Dealer known as Tommy
out side the night he
was shot on Mike McKeloy
and Tom Schmit was with
him I do say of those
of my own Free will

(exhibit # 14)

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any,
and my initials, and I certify that the facts contained herein are true and correct.

dated this 15 day of Feb 2007

WITNESS: [Signature]

WITNESS: [Signature]

[Signature]
Signature of person giving voluntary statement.

(Exhibit # 1)

Affidavit of Duwayne Stoutamire

on the 9th day of January 2007, I state that from noon to about midnight I was at my mothers house. All through this day I was sitting at the computer chatting with people on the internet. At times I would get off the computer to use the fast-room or play with Tara's kids (Tara Talbert). Tara supplied a alibi for me.

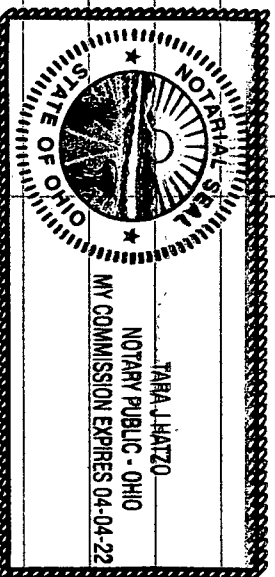
I state to the court that I did not leave the house until about 11:50 p.m., which I left to go chill with a female friend that I knew. I state to the court that I did not shoot Mr. Antonio Peterman nor At Any time was I over in the Stonegate Apartments the night of this shooting.

I do hereby swear under the penalty of perjury that all I have stated is True And correct.

Notary

Duane Stoutamire 6/28/21
Duane Stoutamire

Tara J. Talbert
6-28-2021



JURY QUESTION

PLEASE DO NOT DISPOSE OF QUESTIONS.
THEY WILL BE COLLECTED AFTER DELIBERATIONS.

FOREPERSON: PLEASE SIGN, DATE AND INDICATE TIME OF QUESTION.


SIGNATURE OF FOREPERSON

DATE:

5/11/07

TIME OF QUESTION:

4¹⁰ / ^{PM}

On the Count of aggravated
Robbery can the defendant be
found guilty without handling
the gun.

(EXHIBIT # 5)