

STATE OF OHIO

COUNTY OF GUERNSEY

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AFFIDAVIT

ERNEST HAYES, being first duly sworn, deposes and states, as follows:

1. I was employed by the Cleveland Police Department for twenty-seven (27) years, I was assigned as a detective in the accident investigation unit from 1969 to 1984, and I was assigned to the homicide unit from 1984 until my retirement on February 5, 1989.

2. I have experience and training in the investigation of homicides, and I was personally involved in the investigation of hundreds of homicides in the City of Cleveland during the course of my assignment with the Cleveland Police Department homicide unit which included testimony in court.

3. On Saturday, September 24, 1988, my partner Mel Goldstein and I were the first homicide detectives arriving at the scene at Doan Creek, off Martin Luther King Boulevard, where the body of Anthony Klann was discovered.

4. I observed the body of Anthony Klann at Doan Creek and I observed the surrounding area looking for evidence.

5. There was a lack of blood anywhere in the surrounding area, and it appeared that the victim's body was almost totally drained of blood.

6. There was no evidence of a struggle in or around any of the surrounding area where Anthony Klann's body was found, and there was no mud or debris that I remember on the clothing of Anthony Klann.

Exhibit "B"

7. The area up and down the creek and around the bank from where Klann's body was found appeared undisturbed.

8. Having observed the severity of the wound to Anthony Klann's neck, I do not believe he could have run or walked more than a few feet after suffering that kind of injury.

9. The bank of Doan Creek in the general area where Klann was found was overgrown with bushes which would have obscured the view of the creek from the bank.

10. Based upon my training and experience and based on my observation of Anthony Klann's body and my investigation of the surrounding area in and around Doan Creek, it was my opinion at the time, and it is still my opinion that Anthony Klann was not murdered at Doan Creek, but he was murdered elsewhere and his body was dumped at Doan Creek.

11. To the best of my recollection, I included my opinion that Anthony Klann was murdered elsewhere and dumped at Doan Creek in my original Form 10 police report which was forwarded to the Cuyahoga County Prosecutor's Office.

12. I was never contacted by Joe D'Ambrosio's trial counsel to discuss this matter before trial.

13. I talked to attorneys Henry F. DeBaggis and Gary Levine about this matter on December 21, 2001.

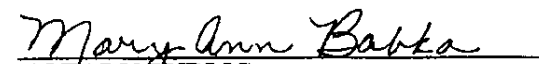
14. The above statement is true and accurate to my best recollection at this time.

FURTHER AFFIANT SAYETH NAUGHT.


ERNEST HAYES

Sworn to and subscribed before me this 26 day of Dec, 2001.




NOTARY PUBLIC
MARY ANN BABKA
Notary Public, State of Ohio
My Commission Expires June 2, 2003