



BELLAIRE TRUTH

November 25, 2020

VIA ELECTRONIC MAIL AND U.S. POST

Ms. Annette Chambers-Smith
Director
Ohio Department of Rehabilitation and Correction
545 Fisher Road, Suite D
Columbus, OH 43228

Dear Ms. Chambers-Smith,

I am an author who is conducting research for a book I'm writing on the murder of Lydia Ashworth in Bellaire, Ohio, to include the investigation and prosecution of the case, as well as the incarceration of the convicted suspects and the lives of those suspects who were not convicted. I am also preparing my content to be featured on an episode of a nationally televised series that is focused on the incarceration of the innocent.

In September, at the request of Michael Kovalyk, retired Chief of Police for Bellaire, Ohio, I sent a detailed list of questions I had regarding this case, to which I have not received a response. For your reference, I have attached a copy of that letter. My apologies for not copying you on that letter; I should have.

Your prison system is holding the two convicted suspects from that case. One of those is Brandon Michael Phelps, A699564. He is being held at Trumbull Correctional Institution.

I am writing to you because, since my September letter to Kovalyk, Phelps has been the victim of two separate and violent attacks by high-level gang members, in which Phelps suffered contusions and broken ribs.

Phelps was also the intended victim of an apparent conspiracy to commit serious bodily injury, in which gang members offered \$300.00, to be conveyed in a CashApp or product, to Phelps' cellmate, Tanner David Meek, A722983. In exchange, Meek was to put Phelps in a prescribed location at a designated time, and the gang members would take care of the rest. Meek asked the solicitor why Phelps was being targeted, and the reported answer was "Phelps has made some enemies back in his hometown." Apparently, the solicitor was unaware that Phelps and Meek grew up together. Meek ultimately declined and informed Phelps of the plot. The two checked themselves in to administrative protective custody, where they have remained since November 2nd.

It is worth noting that, in his 8 ½ years of incarceration, Phelps has never had a run-in with a gang member, and neither Phelps nor Meek are affiliated with any gangs. Additionally, \$300.00 seems like an excessive amount of money in this case. In short, something strange seems to be afoot.

Mr. Reynaldo Fulton has been assigned as Case Manager for these incidents and I am told there is an effort underway to move Phelps and Meek to a different prison. I've cc'd Mr. Fulton on this letter.

The unusual activity has not been restricted to inside the prison system. Since my letter to Kovalyk, Phelps' family members, including his mother and brother, have been subjected to menacing glares, smiles, and waves from both Kovalyk and Lieutenant John J. Watson of the Bellaire Police Department. In one case, Kovalyk got out of his Sheriff's car in the middle of the street, put his hands on his hips, and stared directly at



Phelps' brother, who was at a stop sign in his car. Prior to my letter to Kovalyk, and since the arrest of Phelps which led to his incarceration, both Kovalyk and Watson would, without fail, avert their eyes when encountering a Phelps family member. I have three documented incidents of the unusual behavior. Please let me know if you're interested in the details; I'll be happy to provide.

As a bit of background for you: Phelps pled to an Alford Plea on one count of complicity to involuntary manslaughter and one count of aggravated burglary in an unrelated case. After reviewing all the evidence that has been made available to me, I have not found a single piece of it that implicates Phelps in either charge/case. In my opinion, 20-year-old Phelps was cajoled into the plea by his lawyers, because they knew that certain individuals within the judicial system had personal and familial animus toward him and that his case was not going to be defensible. Regarding the unrelated burglary charge, Phelps was being held in Belmont County Jail, and had been for six weeks, when burglary was reported. Two 10-year sentences are extremely excessive, in my opinion, given all the circumstances.

I welcome your comment on the incidents I've described above. I also welcome your comment on the other convicted suspect from the Lydia Ashworth case, who is also being held in the ODRC system: Devin Wayne Fuller, A698926. Both the murder case and the justice system events are adding up to be an interesting story. I'm available at the email address listed below. I'll be happy to arrange a phone call with you.

Thank You,

Scott McKenzie

Cc:

Aaron Miller, Chief Assistant Public Defender, Belmont County
Brian Carpenter, Belmont County Sheriff's Deputy
Caitlyn A. Nestleroth, Asst AG, Criminal Justice
Cheryl L. Waite, Judge
Chris Berhalter, Judge
Cindy Wright, Deputy Sheriff
Daniel P. Fry, Belmont County Prosecuting Attorney
Dave Yost, Ohio Attorney General
David M. Lucas, Belmont County Sheriff
Deidre "Dee" Jean Phelps
Devin Wayne Fuller
Donna Baroch
Frank Frigato, Judge
Frank Pierce, Attorney
Gene Donofrio, Judge

Helen Yonak, Monroe County Assistant Prosecutor
Jack Blakeslee, Attorney
James G. Zusack, Chief Deputy
John J. Watson, Lieutenant, Bellaire Police Department
John M. Solovan II, Judge, Belmont County Common Pleas Court
Joy Meek
Kevin J Flanagan, Chief Criminal Assistant, Northern Court
Michael Kovalyk
Mike DeWine, Governor of Ohio
Reynaldo Fulton, Case Manager
Richard Flanagan, Chief, Bellaire Police Department
Ryan Allar, Belmont County Sheriff's Detective
Travis Lee Mitchell, 20905617
Tyler Day
Vince DiFabrizio, Mayor, Bellaire
William Barr, U.S. Attorney General

September 7, 2020

VIA ELECTRONIC MAIL AND U.S. POST

Michael Kovalyk
201 Wagner Avenue
Bellaire, OH 43906

Dear Mr. Kovalyk,

Thank you for taking my phone call on the evening of August 31st, 2020. As I mentioned on that call, I'm a writer who is conducting my own research on the Lydia Ashworth murder that occurred in Bellaire, Ohio, in the early morning hours of June 30th, 2012. It's a very interesting case and will make for a captivating true crime novel, which is my end goal. Currently, I have no contracts with anyone regarding this story; I'm simply gathering background information on my own time and my own dime.

I appreciate you being amenable to the suggestion I made on the phone to you: that I'd send you a list of questions; that you'd run it by the Belmont County Prosecutor; and that you'd provide answers back to me. This letter to you is with respect to that agreement.

What follows is a list of questions I have developed based on discussions I've had with people related to the case who are either within or outside of law enforcement. Any help you, or others, can provide that helps me arrive at the truth will be much appreciated. In fact, I have created a website to collect inputs anyone who wants to provide information in a confidential manner, which can be found at www.bellairetruth.com.

1. It appears you identified four suspects (viz., Tyler Day, Travis Mitchell, Devin Fuller, and Brandon Phelps,) as suspects soon after the body was discovered. What specific evidence did you have to support this?
2. Why did you not recuse yourself from the investigation of the Lydia Ashworth murder case as it pertained to Brandon Phelps, given your intimate history with the Phelps Family and that you had identified Brandon as a suspect early on? Specifically:
 - a. Did your daughter, Claire, have a relationship with Brandon Phelps? If so, what was the nature and timeframe of that relationship?
 - b. Did you proposition Dee Phelps, Brandon Phelps' mother, numerous times, when she was in her 20s? If so, during what timeframes, and were those propositions accepted or rejected?
 - c. Did you single-out an 8-year-old Brandon Phelps from a group of children who were playing tag, by throwing his bicycle and verbally threatening him?
 - d. Did you have run-ins with Brandon Phelps' father, Craig Phelps?
 - e. Did you have run-ins with Brandon Phelps' grandfather, whom, I understand, was a Bellaire Police Lieutenant and interim chief?

3. I'm told that you hounded Dee Phelps' employer, Crystal Uchbar, on numerous occasions and at various locations, for information Dee Phelps may have provided to her about Brandon Phelps. Can you confirm this? Was she able to provide you with any valuable information?
4. Why was Travis Mitchell a suspect but not charged? It appears he has moved on to international crime and is currently being held in San Diego, CA.
5. Regarding Tyler Day as a suspect:
 - a. Why was Tyler Day not charged, especially given:
 - i. that he admitted to Kyle Corbett that he'd been involved in the robbery (but not the murder,)
 - ii. that he was witnessed by Kyle Corbett to have a pocket full of old currency that was similar to that stolen from Lydia Ashworth,
 - iii. that he contradicted himself in the interrogation performed by Sheriff's Detective Ryan Allar:
 1. he stated he and Ashley Grandstaff stayed at the Sun Video from 6:00pm until it closed at 9:00pm, but later in the same interview, he stated he left Sun Video and arrived at the Hobby Shop at 7:00pm, and
 2. he could not recall what he was doing or where he was between 2:00pm and 6:00pm on the eve of the murder.
 - b. Why was Ashley Grandstaff, Tyler Day's alibi, never interviewed? Ashley has told me:
 - i. she was never questioned by any law enforcement officials regarding her whereabouts from 2:00pm on 6/29/2012 to 3:30am on 6/30/2012.
 - ii. she picked up Tyler Day around 12:00-1:00pm on 6/29/2012 and that they went to Steubenville to get heroin. They returned to her house to do the heroin.
 - iii. she and Tyler Day went to Sun Video, arriving around 4:00-5:00pm. They both used the tanning facilities there. Sun Video didn't have the video they were looking for, so they left around 6:00pm and went to the Hobby Shop. They found their desired video there and went to her house to watch it.
 - iv. she took Tyler Day back home after watching the movie, which was around 10:00-11:00pm. She states that there is no chance that it was after midnight when she took him home to his mother's house.
 - c. Tyler Day stated in his interview that he did not have a key to his mother's house and that he had to knock to be let in. Why was Tyler Day's mother or other household residents never questioned about Tyler Day's arrival at home that evening?
6. Why did you go to Rich Gas Station to ask people where Tyler Day, Travis Mitchell, Brandon Phelps, and Devin Fuller were?
7. I've been told that Phelps' residence was never searched in relation to this crime. Did you search any of the suspect's homes for evidence?

8. Why were Devin Fuller and Brandon Phelps charged with rape, when, on 7/24/2012, the BCI&I report was received, which indicated that Lydia Ashworth was not raped?
 - a. It appears the rape charge remained in-place until one day prior to the Phelps trial. Can you confirm that, and explain why a rape charge, which was known to be false, remained for so long?
9. I understand there is an affidavit that was written by Claire Kovalyk, regarding Brandon Phelps. Do you know where that is?
10. Given the extremely small size of the town and the apparent rampant gossip about the case, why were the defendants not granted a change of venue to Columbus?
11. As part of a plea bargain, Phelps was charged with the burglary of Virginia Paul.
 - a. What evidence did you have to connect Phelps to that, given that the items were discovered missing in August of 2012, and Phelps has been incarcerated since July 5th, 2012?
 - b. What led you to contact Virginia Paul in the first place?
12. It is rumored that Karissa Dutcher wrote Brandon Phelps a letter telling him she was feeling threatened by you... that you were threatening her and her mother with jail if she did not testify against Phelps and/or Fuller. Is this true?
13. The following 8th amendment violations have been raised by Phelps. Can you comment on these?
 - a. Phelps was stuck in isolation not long after he went to jail for probation violation on July 5th, 2012.
 - b. Gene Beckett has been purported to have only let him shower once a week and he supposedly made the water very hot.
 - c. Phelps was fed diet trays for his meals, though he was not overweight.
 - d. Phelps was not allowed contact with his family (or anyone.)
 - e. Phelps' cell contained only a mat, which was on the floor.
 - f. Gene Beckett was caught on camera opening Phelps' mail and shredding it.
 - g. Every week, Phelps was being questioned by law enforcement and prison officials... even after he'd asked for a lawyer.
14. Did you have any other conflicts with the citizenry of Bellaire, Ohio?
15. In general, how would you characterize your term as Chief of Police for Bellaire?

Again, thank you for your help. I think this story will make interesting reading for anyone who is interested in true crime novels, and especially those who live in small towns.

Respectfully,



Scott McKenzie

Cc:
Aaron Miller, Chief Assistant Public Defender, Belmont County
Adam Plute
Ashley Grandstaff

Austin Boyd
Beau Palmer, #673485
Brandon Cassidy
Brian Carpenter, Belmont County Sheriff's Deputy

Caitlyn A. Nestleroth, Asst AG, Criminal Justice
Cheryl L. Waite, Judge
Chris Berhalter, Judge
Christopher Huff
Christy Smelko
Cindy Wright, Deputy Sheriff
Claire Kovalyk
Craig Hooper, #3485878
Craig Phelps
Crystal Boyd
Crystal Uchbar
Daniel P. Fry, Belmont County Prosecuting Attorney
Daniel Posey
Dave Yost, Ohio Attorney General
David M. Lucas, Belmont County Sheriff
Deidre "Dee" Jean Phelps
Devin Wayne Fuller
Diamond Bell
Donna Baroch
Eldon Church
Elgine McArdle, Attorney
Frank Frigato, Judge
Frank Pierce, Attorney
Gene Donofrio, Judge
Helen Yonak, Monroe County Assistant Prosecutor
Jack Blakeslee, Attorney
James G. Zusack, Chief Deputy
James Kempf
Jason Barry, #650832
Jerry L McHenry
John J. Watson, Lieutenant, Bellaire Police Department
John M. Solovan II, Judge, Belmont County Common Pleas Court
Joseph A Vavra
Josh Garloch
Justin LeMasters
Justin Stapp
Karissa Dutcher
Kathryn Tobiczky
Kelly Kovalyk
Kevin J Flanagan, Chief Criminal Assistant, Northern Court
Kyle Corbett
Kyle Durbin
Kyle Vinka
Laura A Zupko
Linda Henthorn
Lisa (Garloch) Heatherington
Lucille Dibacco
Marc Marn
Mark Doyle, Homeless Man
Marla Palenicek Krupnik
Martin Marn
Mary DeGenaro
Matthew G. Chapman
Matthew Sauer
Megan Kovalchik
Michael A. Wallace
Michael Fletcher
Michael Fuller
Michael K. Wallace
Michael Kovalyk, Jr
Michael P. Kovalyk
Mike DeWine, Governor of Ohio
Mike Longwell
Mike Yanak
Paul Scarsella
Ray Neff

Richard Flanagan, Chief, Bellaire Police Department
Rick Mitchell
Robert Kovalyk
Ronald Campbell
Ryan Allar, Belmont County Sheriff's Detective
Ryan J. Garloch
Samuel Robinson
Sean McMahon
Shawn W. Allar
Shirley Hepburn
Stacie Garloch
Sumir Quinn
Sylvia Eimer
Thomas Bell
Thomas Gessler
Tiana Shipe
Tiffany Fazio
Travis Lee Mitchell, 20905617
Trent Hess
Vince DiFabrizio, Mayor, Bellaire
William Barr, U.S. Attorney General
William Harris
William J Mooney