



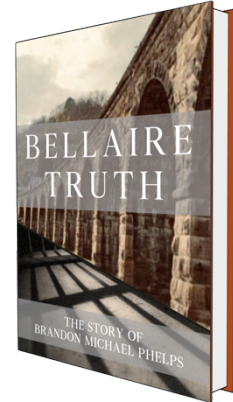
BELLAIRE TRUTH

CORRECTED COPY

March 15, 2021

VIA ELECTRONIC MAIL AND U.S. POST

Daniel P. Fry and Kevin J. Flanagan
Prosecutors, Belmont County
Courthouse Annex No. 1
147-A West Main Street
Saint Clairsville, OH 43950



Dear Mr Fry and Mr Flanagan,

I am the author of a book that focuses on the investigation, prosecution and incarceration (or release,) of the suspects and other stakeholders surrounding the 2012 murder of Lydia Ashworth in Bellaire, Ohio. My team and I are also preparing the content to be featured on an episode of a nationally televised series that is focused on the incarceration of the innocent. We have spent a year investigating this case and have personally interviewed dozens of people.

We came into this project with zero attachments and a fresh set of eyes. We were skeptical of everything at first, trusting the adage that everyone in prison claims their innocence. After researching the entire discovery file, we quickly found that the investigation of the case simply does not hold water.

One of the incarcerated two suspects is Brandon Michael Phelps, A699564. He is being held in Trumbull Correctional Institution on two counts: 1) Complicity to Involuntary Manslaughter in connection with the Lydia Ashworth murder, and 2) Aggravated Burglary in a completely unrelated case. Mr. Phelps was advised by his attorneys to take an Alford Plea, though, after a thorough analysis of his discovery file, **we cannot find a single piece of evidence that links him to either crime.** Despite that, Mr Phelps is serving two consecutive 10-year sentences. This is an egregious misapplication of justice that must be corrected.

Here are some glaring anomalies that are wholly inconsistent with the investigation of a capital murder/aggravated burglary case:

1. A search of Mr Phelps' home was never conducted.
2. Mr. Phelps had been held in the Belmont County Jail for six weeks when the second crime was reported.
3. We have evidence that Karissa Dutcher and her mother were pressured into providing false testimony by Mr Kovalyk, who was the Bellaire Chief of Police at the time, regarding the aggravated burglary charge on Mr Phelps. Karissa was Mr Phelps' girlfriend at the time. Interestingly, Karissa's mother was dating a man at the time, Pete Henry, who, together with Larry Posey, were contracted by Mrs Paul (the victim,) to tear down her garage during the time Mr Phelps was in Belmont County Jail. Mr Henry and Mr Posey allegedly took half the money for the job (\$800,) tore down half the garage, and never came back to finish the job. To our knowledge, Mr Henry and Mr Posey were never questioned.
4. Tyler Day was a was questioned as a suspect in the Ashworth case. He gave an entirely false accounting of his whereabouts at the time of the murder, and his alibi was never questioned. We



interviewed his alibi, twice. Both of her accounts were consistent, and she seems to be a credible witness, having cleaned up her life.

5. The rape kit from the Ashworth case came back negative at the end of July 2012, but the rape charge was allowed to persist both in the courts and in the media for two years without correction from either the County Prosecutor's Office or the Bellaire Police Department. This unduly and negatively impacted the ability for Mr Phelps to receive a fair trial in the county. Despite that, the change of venue request was denied by Judge Fregiato.
6. Chief Kovalyk was intimately involved in the case, though there were known conflicts of interest with the Phelps family.
7. Chief Kovalyk had a history of obstruction and was implicated in the destruction of evidence related to a death near an ATM that involved his son.

Here are some glaring anomalies regarding Mr Phelps' incarceration:

1. Mr Phelps' time in prison was uneventful until we started raising these questions about the investigation and prosecution. Since then, he's been beaten up multiple times. He has suffered broken ribs and broken jaw, the latter having caused an infection requiring the removal of a tooth.
2. Mr Phelps' has voluntarily spent months in the hole in order to ensure his safety.
3. On one occasion, Mr Phelps' attackers attempted to get his cell mate to help isolate him. That failed, because the cell mate happened to be a childhood friend of Mr Phelps. The two ended up in the hole together to ensure their own safety.
4. It appears someone has been keeping Claire, Mr Kovalyk's daughter, informed of the prison attacks on Mr Phelps. She has intimate knowledge of the attacks and has told Mr Phelps something to the effect of: "If he hadn't been asking so many questions, this wouldn't have happened."

Travis Mitchell, another suspect in the Ashworth case, was released after questioning. He fled Bellaire and landed in a San Diego County Jail after assaulting a police officer there. He is now out, but has disappeared, in violation of his parole. We interviewed him during his incarceration. In that interview:

1. He admitted to being at the Ashworth crime scene. This admission has been recorded.
2. He alleged that he worked with the Bellaire police to sell drugs while Mr Kovalyk was Chief of Police.

Mr Fry and Mr Flanagan, it is clearly obvious to the reader that not all is well in the investigation and prosecution of Mr Phelps. The Bellaire Truth Project, and the public, are interested in fair and impartial justice. If the public is made aware of what really happened in this case, it will not reflect well upon your office. **I implore you to do the right thing and secure Mr Phelps' release from prison, today.** I have spoken directly with Mr Richard Flanagan, Chief of Police for the City of Bellaire, on this matter and I've asked the same of him.

I welcome your comment on the incidents I've described above. 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. To date, I have called your office twice. You have not responded.

Thank You,

Scott McKenzie
Bellaire Truth Project



BELLAIRE TRUTH

Cc:

Ms. Annette Chambers-Smith, Director, ODRC
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
Dave Yost, Ohio Attorney General
David M. Lucas, Belmont County Sheriff
Deidre "Dee" Jean Phelps
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
LaShann Eppinger, Warden, Trumbull Correctional Institution
Mike DeWine, Governor of Ohio
Mary DeGenaro
Richard Flanagan, Chief, Bellaire Police Department
Ryan Allar, Belmont County Sheriff's Detective
Vince DiFabrizio, Mayor, Bellaire