

IN THE SUPREME COURT OF OHIO

STATE OF OHIO)	CASE NO. 2005-2264
)	
Plaintiff-Appellee,)	DEATH PENALTY CASE
)	
vs.)	On Appeal From The Lorain
)	County Court of Common
NICOLE DIAR)	Pleas Case Number
)	04CR065248
Defendant-Appellant.)	

APPELLEE'S OPPOSITION TO APPELLANT'S APPLICATION FOR REOPENING

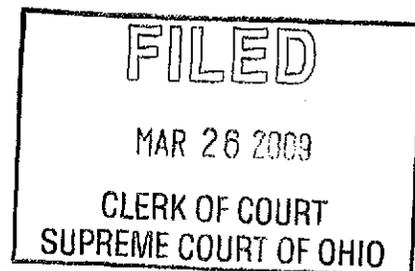
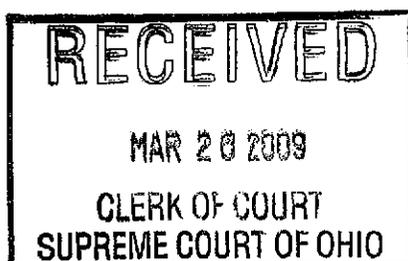
DENNIS P. WILL, #0038129
Lorain County Prosecuting Attorney

BILLIE JO BELCHER, #0072337
Assistant Prosecuting Attorney
Lorain County Prosecutor's Office
225 Court Street, 3rd Floor
Elyria, Ohio 44035
(440) 329-5389
(440) 328-2183 (fax)

COUNSEL FOR APPELLEE

WILLIAM S. LAZAROW, #0016590
400 S. Fifth Street, Suite 301
Columbus, Ohio 43215
(614) 228-9058
(614) 221-8601 (fax)

COUNSEL FOR APPELLANT



LAW & ARGUMENT

I. APPELLANT RECEIVED EFFECTIVE ASSISTANCE OF APPELLATE COUNSEL.

Appellant asserts that appellate counsel was ineffective for failing to raise an arguable sole additional assignment of error in the merit brief. Appellee will address the argument and its sole subpart.

The two-part test from Strickland v. Washington (1984), 466 U.S. 668, is the appropriate standard to assess a defense request for reopening under App.R. 26(B). State v. Reed (1996), 74 Ohio St.3d 535; State v. Gillard (1999), 85 Ohio St.3d 363; State v. Spivey (1998), 84 Ohio St.3d 24.

A claim of ineffective assistance of counsel requires a two- part analysis. “The first inquiry is whether counsel’s performance fell below an objective standard of reasonable representation involving a substantial violation of any defense counsel’s essential duties to appellant.” State v. Young (April 19, 1999), 5th Dist. No. 30-CA-85, citing, Lockhart v. Fretwell (1993), 506 U.S. 364; Strickland, 466 U.S. at 687, State v. Bradley (1989), 42 Ohio St.3d 136. Further, “[i]n determining whether counsel’s representation fell below an objective standard of reasonableness, judicial scrutiny of counsel’s performance must be highly deferential.” Id.

The United States Supreme Court held that “*** counsel assigned to prosecute an appeal from a criminal conviction does not have a constitutional duty to raise every non-frivolous issue requested by the defendant.” Jones v. Barnes (1983), 463 U.S. 745. The Court noted that experienced advocates should weed out the weaker arguments and focus on the strongest claims for appeal. Id.

Appellate counsel may discount the chance of success of weak issues and choose to spend time on stronger issues for appeal without being ineffective. Appellate counsel's refusal to raise weak arguments does not create a genuine issue of ineffective assistance. State v. Allen (1996), 77 Ohio St.3d 172.

In the instant case, appellate counsel's representation did not fall below objective standard of reasonable representation. Appellate counsel focused on fifteen (15) assignments of error in a one hundred eighty four (184) page brief. The mere fact that appellate counsel did not raise every assignment of error Appellant desired is not sufficient to support an allegation of ineffective assistance of counsel nor is it sufficient to support an allegation that representation fell below an objective standard of reasonable representation. Also, judicial scrutiny of counsel's performance must be highly deferential. This deference would support the fact that no ineffective assistance of counsel exists.

Appellant asserts that she received ineffective assistance of trial counsel because trial counsel failed to request the assistance of an independent pathologist, independent fire expert, independent criminalist, and independent fingerprint expert. Appellant's assertion is without merit.

Under the first prong of the Strickland test, trial counsel's performance did not fall below an objective standard of reasonable representation. Trial counsel's performance did not involve a substantial violation of any trial counsel's essential duties to Appellant. This Court is required to indulge in the presumption that trial counsel's action is, in fact, sound trial strategy. Here, Appellant takes issue with the fact that trial counsel did not request the assistance of an independent pathologist, independent fire expert, independent criminalist, and independent fingerprint expert.

There are countless ways for an attorney to provide effective assistance in a given case and great deference must be given to counsel's performance. State v. Slagle (August 10, 2000), 8th Dist. No. 76834, citing Strickland v. Washington (1984), 466 U.S. 668, 689. "Because of the difficulties inherent in making the evaluation, a court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance ***." Id. Debatable trial tactics and strategies do not constitute a denial of effective assistance of counsel. State v. Slagle (August 10, 2000), 8th Dist. No. 76834, citing State v. Clayton (1980), 62 Ohio St. 2d 45, 49, certiorari denied (1980), 449 U.S. 879. Within the purview of trial tactics is defense counsel's selection of witnesses to call at trial. State v. Slagle (August 10, 2000), 8th Dist. No. 76834, citing State v. Coulter (1992), 75 Ohio App. 3d 219, 230. Moreover, the fact that another attorney may have used a different strategy is not sufficient to establish ineffective assistance of counsel. State v. Rector, 7th Dist. No. 04 CA 810, 2005 Ohio 6944.

Despite Appellant's assertion to the contrary, trial counsel did consult with an independent pathologist as evidenced by trial counsel's discovery supplement filed August 19, 2005 listing William Zeus Bligh-Glover M.D. as a potential witness and providing a copy of Dr. Bligh-Glover's report. See attached supplement. When asked for challenges to the conclusions of the State's Experts, the report states that the Lorain County Coroner's Office did an excellent job and that homicide is the front running cause of Jacob's death.

Additionally, it appears that trial counsel consulted with a fire expert. In an attached affidavit executed by Assistant Prosecuting Attorney Anthony D. Cillo, APA Cillo avers that gas chromatograph readings derived from analysis of evidence collected at the fire scene were requested by and provided to trial counsel. These readings were specifically requested so that they could be submitted to Appellant's own fire expert for further analysis. It further must be

noted that Genevieve Bures and Ralph Dolence, who testified during Appellee's case in chief, had each provided independent expert analysis of the fire scene. Bures was hired by American Family Insurance to investigate the cause of the fire at 914 W. 10th Street, Lorain, Ohio. (Tr. 1739, 1740). Bures also contacted American Family and requested an electrical expert since Jacob initially appeared to have died in the fire. (Tr. 1740, 1741). American Family agreed and Bures contacted Ralph Dolence to conduct his independent electrical investigation of Appellant's home. (Tr. 1741, 1825).

Moreover, Appellant offers nothing but mere speculation that if trial counsel had consulted with additional experts that they would have offered opinions contradictory to the State's experts and that these experts with contradictory opinions would have been believed by the jury over the State's experts. This rampant speculation can hardly be said to serve as the basis for an allegation of ineffective assistance of trial counsel. In fact, trial counsel could very well have consulted with additional experts and opted not to present those experts at trial due to the nature of their findings as their findings. The strategic decision to cross examine the State's witnesses, as opposed to putting on defense witnesses who would potentially bolster the State's case, may hardly be called ineffective assistance of trial counsel.

Under the second prong of the Strickland test, Appellant has not demonstrated that she was prejudiced by counsel's ineffectiveness. Appellant has not demonstrated that the results of the proceeding would have been different, but for trial counsel's errors. Appellant has failed to demonstrate that trial counsel was ineffective as trial counsel made a tactical decision not to present evidence from additional experts, even assuming such experts would have testified favorably for Appellant. Such tactical decisions cannot form the basis for an ineffective assistance of counsel claim. Moreover, Appellant cannot show that had the testimony of these

hypothetical experts been presented to the jury, the jury would have believed these experts over the State's experts and acquitted her of the charges. Accordingly, Appellant has failed to meet both parts of the Strickland analysis in regards to her assertion that trial counsel was ineffective. As such, Appellant's sole proposed assignment of error is without merit.

Since Appellant's sole proposed assignment of error is without merit, Appellant's request for discovery and an evidentiary hearing must be denied as well. It is worth noting for purposes of this response that upon review of Morgan v. Eads, 104 Ohio St. 3d 142, 2004 Ohio 6110 that it is not clear that this Court's holding authorizes discovery in connection with App.R. 26 proceedings despite classifying these types of proceedings as collateral post-conviction type proceedings.

CONCLUSION

For the foregoing reasons, Appellant's application to reopen her direct appeal should be denied.

Respectfully submitted,

DENNIS P. WILL, #0038129
Prosecuting Attorney
Lorain County, Ohio

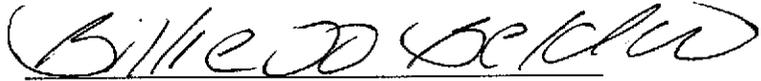
By:



BILLIE JO BELCHER, #0072337
Assistant Prosecuting Attorneys
225 Court Street, 3rd Floor
Elyria, Ohio 44035
(440) 329-5393

PROOF OF SERVICE

A copy of the foregoing Appellee's Response was sent by regular U.S. mail to William Lazarow, Esq., Attorney for Appellant, at 400 S. Fifth Street, Suite 301, Columbus, Ohio 43215, on this 24th day of March, 2009.



BILLIE JO BELCHER
Assistant Prosecuting Attorney

FILED
LORAIN COUNTY

ENTERED

2005 AUG 19 P 1:30

CLERK OF COMMON PLEAS
RON NABAKOWSKI

IN THE COURT OF COMMON PLEAS
OF LORAIN COUNTY, OHIO

STATE OF OHIO,

: CASE NO. 04CR065248

Plaintiff,

: JUDGE KOSMA GLAVAS

-VS-

: SUPPLEMENTAL RESPONSE TO
DISCOVERY

NICOLE A. DIAR,

:

Defendant.

.....

Now comes the Defendant, Nicole A. Diar, by and through her attorney, Jack W.

Bradley, and supplements her Response to Discovery with the following:

1. Witnesses
 - A. William Zeus Bligh-Glover, M.D.
3116 Woodbury Road
Shaker Heights, Ohio 44120
2. Scientific Evidence
 - A. Report by Dr. Bligh-Glover

Respectfully submitted,

JACK W. BRADLEY CO., L.P.A.

Jack Bradley, Atty
 JACK W. BRADLEY 0007899
 Attorney for Defendant
 520 Broadway, 3rd Floor
 Lorain, Ohio 44052
 PH: (440) 244-1811

RECEIVED
 AUG 18 2005
 CLERK OF COMMON PLEAS
 LORAIN COUNTY, OHIO

(99)

PROOF OF SERVICE

A copy of the foregoing Supplemental Response to Discovery was served on State of Ohio by mailing a copy of same to the Lorain County Prosecutor, 225 Court Street, Third Floor, Elyria, Ohio 44035, by regular U. S. Mail on this 19th day of August, 2005.


JACK W. BRADLEY
Attorney for Defendant

Report by William Bligh-Glover M.D. for Attorney Jack W. Bradley in the matter of State of Ohio v. Nicole Diar.

- I. Materials submitted for my review:
 - A. Autopsy report for Jacob Diar
 - B. Autopsy slides for Jacob Diar
 - C. Autopsy photographs for Jacob Diar
 - D. Death certificate for Jacob Diar
 - E. Fire Marshal's report
 - F. Bures Consultant's fire investigation report
 - G. Southeastern Research Laboratories report
 - H. Police report
 - I. Medical records for Jacob Diar
 - J. Medical records for Nicole Diar
 - K. Indictment of Nicole Diar

In preparing this report, I reviewed the above materials. I will comment on the autopsy report, slides, photographs, medical records and death certificate for Jacob Diar and the medical records and indictment of Nicole Diar. (A-D, I-K). I will not comment on the conclusion in the materials designated E-H, as they are not in my area of expertise.

- II. Questions to be answered:
 - A. Can a cause of death be determined for Jacob Diar?
 - B. Can it be determined that Jacob Diar died as a result of the fire?
 - C. What challenges can I find to the conclusions of the State's experts?

- III. Précis of the situation:

There was a house fire at 914 West 10th Street in Lorain Ohio, on 27th August, 2003. After the fire was extinguished, it was reported that the charred body of a boy was found on the bed in the first floor bedroom. An autopsy was performed by the Lorain County Coroner's Office and it was determined that the body was that of Jacob Diar, and he had died as a result of homicidal violence. The fire marshal ruled that the fire had been deliberately set.

- IV. Conclusions:

- A. Can a cause of death be determined for Jacob Diar?

The Lorain County Coroner ruled that the death was due to "homicidal violence of undetermined origin." While it is true that homicide is one of the top five causes of death for children in this age group, (1), so are accidents and some natural disease. There is no direct evidence that Jacob Diar died of homicidal violence. There is also no evidence that Jacob Diar had any natural disease that would lead to his death. It is true that homicidal violence can leave no marks upon a body. Particularly in asphyxial deaths the autopsy findings may be non-specific or even non-existent. (2). This is why smothering has been referred to as a "gentle homicide." The autopsy report reveals no signs of his being shot, beaten, or stabbed.

The autopsy does reveal extensive signs of post-mortem thermal injuries, including: full thickness burns involving 90% of the total body surface area, postmortem fractures of the right radius, right ulna, and the skull, and postmortem thermal induced epidural and subscalpular accumulations of blood. The photographs eloquently depict these injuries. It is true that these post-mortem thermal injuries are so extensive that if there were any cutaneous signs of trauma, they could not be identified at postmortem examination.

I received no post-mortem radiographs or post-mortem radiology reports. Ante mortem imaging studies performed on 16 July 2003 and 17 July 2003 do not mention any skeletal abnormalities but these studies were not intended to evaluate the skeletal system. Post-mortem radiographs can be helpful in identifying healing fractures of varying ages (3).

Jacob Diar had some form of stomach trouble in July of 2003. No cause was determined. This is not unusual in a child, and would also not be expected to lead to his death. Jacob was in his usual state of good health up until 27th August, 2003.

B. Can it be determined that Jacob Diar died as a result of the fire?

I believe, to a reasonable degree of medical certainty, Jacob Diar did not die as a result of the fire. There are several reasons for this conclusion. 1. The blood carbon monoxide level was 3%. This is in the normal range for a non-smoker. Individuals who die of smoke inhalation have much higher carbon monoxide saturations, sometimes over 90%. Carbon monoxide levels are not lethal until they are at least 40-50% in older individuals with heart disease, and children can survive much greater levels. (4) 2. Gross examination of the airways revealed no soot below the level of the vocal cords. 3. Microscopic examination of the airways revealed no soot below the level of the vocal cords. There is no soot above the vocal cords, but here is desquamation consistent with thermal injuries. Soot may passively diffuse into the upper airways, but will not go below the vocal cords unless the person is breathing. This, in combination with the low carboxyhemoglobin levels, lead me to conclude that Jacob Diar was not breathing at the time of the fire and was therefore dead before the fire. The Lorain County Coroner came to the same conclusion. If this were not the case, the coroner would be expected to rule such a death as being due to smoke inhalation.

There is a rare entity known as a flash fire, where the fireball consumes all the oxygen in an area and the victims die with very low carboxyhemoglobin levels.(5) This occurs in people exposed to napalm, for example, or when there are large quantities of volatile fuels present such as when a gasoline tanker explodes or where fumes might accumulate as in a refinery. The reports of this fire are not consistent with a flash fire. Spitz reports that Buddhist monks who set themselves alight as a protest had low carboxyhemoglobin levels (4). I believe if this were the case in this instance, there would

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not have been sparing of the skin on the left side of the body as described in page 5 of the autopsy report.

C. What challenges can I find to the conclusions of the State's experts?

In my opinion, the Lorain County Coroner's Office did an excellent job. I do not know if Jacob Diar died as a result of an accident, a homicidal assault, or from some natural cause. While homicide is the front-runner for the cause of his death, in the absence of evidence to that end I would be inclined to rule the cause and manner of death undetermined, undetermined.

V. References

1. Arias, E., Smith, B.L. (2003). Deaths: Preliminary Data for 2001. *National Vital Statistics Report* 51(5). Hyattsville, MD: National Center for Health Statistics
2. Spitz, W.U. (1993) Asphyxia in *The Medicolegal Investigation of Death* 3rd ed. Springfield, Ill. Charles C. Thomas.
3. Lonergan, G.J. Baker, A.M. Morey M.K. Boos S.C.(2003) From the Archives of the AFIP. Child abuse: radiologic-pathologic correlation. *Radiographics*. Jul-Aug;23(4):811-45
4. Spitz, W.U. (1993) Thermal Injuries in *The Medicolegal Investigation of Death* 3rd ed. Springfield, Ill. Charles C. Thomas.
5. Spitz, W.U. (1993) The Road Traffic Victim in *The Medicolegal Investigation of Death* 3rd ed. Springfield, Ill. Charles C. Thomas.

Respectfully submitted



William Bligh-Glover M.D.

7th April, 2005

WILLIAM ZEUS BLIGH-GLOVER M.D.

3116 Woodbury Road Shaker Heights, OH 44120
(216) 752-9223 wxb4@case.edu

LICENSURE

State of Ohio License to practice Medicine and Surgery. Number 35-07-1894

EDUCATION

Cuyahoga County Coroner's Office, Cleveland OH
Forensic Pathology Fellow 1999-2001

Institute of Pathology, University Hospitals of Cleveland, Cleveland, OH.
Resident in Anatomic and Clinical Pathology 1995-1999. Emphasis on transfusion medicine.

Case Western Reserve University School of Medicine, Cleveland, OH.
M.D. 1995. Emphasis on biomedical ethics, geriatrics and the neurosciences.

Bates College, Lewiston, ME
B.S. Biology 1990. Advanced course work in medieval history and physiological psychology.

HONORS

Best Contributions in Teaching Award, Case Western Reserve University, 2004; Scholar Collaborator for Teaching and Learning 2004-2005; First prize University Hospitals of Cleveland Psychiatry Research Day 1998; Hartford Foundation Scholar, 1991; College Club Inductee 1990; Purinton Scholar 1990; Daria Research Apprentice 1988-89

TEACHING EXPERIENCE

Chairman, Content Committee on Medical Education, Office of Student Services, Medical School, Case Western Reserve University, Cleveland OH. Standardized the tutoring and remediation efforts for the first and second year students in the School of Medicine. Established standards for recruitment of medical student, graduate student, and resident tutors, I have recruited a cadre of tutors in a variety of disciplines, and I have revised and standardized their pay structure. 2003-Present

Instructor, Department of Anatomy, Case Western Reserve University, Cleveland OH. Taught microscopic and gross anatomy to the first and second year medical students of Case Western Reserve University. Taught elective classes. Interviewed applicants for graduate school. 2000-present

Director, Golden Lion Education Associates, Cleveland, OH.
Designed and implemented programs for continuing legal education credit for local law firms. Designed and implemented programs for first responders in bioterrorism. 2003-present

Interviewer, School of Medicine Admissions Committee, Case Western Reserve University, Cleveland OH. Interviewed applicants for medical school 2003-present

Deputy Coroner and Forensic Pathologist, Cuyahoga County Coroner's Office, Cleveland, OH
Lecturer and autopsy prosecutor. 1999-2002

Bligh-Glover p. 2

Pathology House Officer, University Hospitals of Cleveland, Cleveland, OH.

Taught three committees in the pre-clinical years and directly taught sophomore, junior and senior medical students in the hospital laboratories. 1995-1999.

Teaching Coordinator, Dental School, Case Western Reserve University, Cleveland, OH

Recruited and supervised three physician-teachers teaching general pathology to second year dental students (75 students.) 1998-1999

MEDICAL AND SCIENTIFIC MANAGEMENT EXPERIENCE

Deputy Coroner and Forensic Pathologist, Lake County Coroner's Office, Painesville, OH.

Sole forensic pathologist in the Lake County Coroner's Office. This office has jurisdiction over approximately 1,800 deaths and autopsies over 100 cases per year. Accepted as an expert in Forensic Pathology by Cuyahoga, Crawford, and Geauga County Courts of Common Pleas. Have performed over 900 forensic autopsies 2002-present

Bioterrorism Consultant, Lake County Emergency Management Agency, Painesville, OH

Serves as the technical and educational advisor to the Lake County Emergency Management Agency. The EMA is the organization responsible for safeguarding Lake County from hazardous materials, bioterrorism, nuclear threats, and severe weather. Obtained, catalogued, and maintained a specialized library of materials for the emergency responders of Lake County. 2002-present

Deputy Coroner and Forensic Pathologist, Cuyahoga County Coroner's Office, Cleveland OH.

Served as Deputy Coroner for Cuyahoga County, in an office that has jurisdiction over approximately 17,000 deaths and performs 1,800 autopsies a year. Particular emphasis on violent deaths. 1999-2002

Pathology House Officer, University Hospitals of Cleveland, Cleveland, OH.

Served as Surgical Pathology, Autopsy, and Anatomic Pathology coordinator for 15 months. Made the duty schedule, coordinated the Morbidity and Mortality conference with the Department of Medicine, liaised with outside physicians to correct requisition deficiencies under CLIA'88 and was the interface between ancillary, resident, and senior staff to ensure the smooth running of the service. Revised the Anatomic Pathology Coordinator's notebook, and maintained the gross photographic archives. Performed 120 post-mortems, evaluated over 3,500 surgical specimens, 850 bone marrow biopsies, and 1,380 laboratory tests. Oversaw more than 1,800 transfusions, 2,880 blood donations and 140 therapeutic aphaeresis procedures. 1995-1999.

Prosector, Alzheimer's Disease Registry, Department of Neuropathology, Case Western

Reserve University, Cleveland, OH. Harvested brains for Alzheimer's brain bank 1996-1999

RESEARCH EXPERIENCE

Deputy Coroner and Forensic Pathologist, Cuyahoga County Coroner's Office, Cleveland OH.

Obtained hippocampi for metabolic studies of Alzheimer disease. Conducted research on tattoos attempting to correlate type of tattoo with cause and manner of death. Harvested post-mortem tissue for several research projects. 1999-2002

Bligh-Glover p. 3

Research Scientist, Division of Biological Psychiatry, University Hospitals, Cleveland, OH. Under the direction of Craig Stockmeier Ph.D. studied the distribution of the serotonin transporter in the dorsal raphe nucleus of suicides. Obtained human tissue for these studies from the Cuyahoga County Coroner's Office. This effort is part of a continuing, collaborative research enterprise looking for anatomic abnormalities in the brains of patients with depression, alcohol abuse, and schizophrenia. Our partners are in Jackson, MS and New Orleans, LA. Results have been published in *Science*, *The Journal of Neuroscience* and *Brain Research*. These studies funded by National Institutes of Mental Health and National Alliance for Research on Schizophrenia and Depression. 1996-2002

Research Assistant, Psychiatry Division, Brecksville V.A. Medical Center, Brecksville, OH. 1994-1996.

PERSONAL

Singer (t2). Collector of medical antiquities, Mutoscope cards, and cufflinks. Model railroader, B&O and Märklin enthusiast

References, writing samples, and portfolio available upon request.

PRESENTATIONS & PUBLICATIONS

Publications

Bligh-Glover WZ, Miller FP, Balraj EK. Two Cases of Suicidal Electrocutation *American Journal of Forensic Medicine and Pathology* September, 2004

Perry G, Nunomura A, Raina AK, Aliev G, Siedlak SL, Harris PL, Casadesus G, Petersen RB, Bligh-Glover W, Balraj E, Petot GJ, Smith MA. A Metabolic Basis for Alzheimer Disease *Neurochem Res.* October, 2003

Bligh-Glover WZ, Kolli TN, Kulnane LS, Dilley GE, Friedman L, Balraj EK, Rajkowska G, Stockmeier, CA Subregional Distribution of Serotonin Transporters in the Midbrain of Suicide Victims with Major Depression. *Brain Research*, May 2000.

Educational Presentations

Death Certification, Primary Care Track Grand Rounds, Case Western Reserve University School of Medicine, December, 2004

Dead Man Talking, An Introduction to the Coroner's Office Cleveland Museum of Natural History Explorer Series lecture, December, 2004

Strangulation with a Cutting Wire and One in a Million Shot, Case Presentation New England Academy of Forensic Sciences, August 2004

Forensic and Psychiatric Aspects of Body Modification, University Hospitals Psychiatry Residents, April 2004

Bligh-Glover p. 4

Forensic Aspects of Body Modification, Anatomy Department Seminar, Case Western Reserve University, February 2004

Introduction to the Coroner's Office, Wickliffe Public Library, October 2003

Introduction to the Coroner's Office, Lake County Rotary, July 2003

Forensic Aspects of Tattooing, New England Seminar in Forensic Sciences, August 2003

Alcoholic Neuropathology, University Hospitals Psychiatry Residents, March, 2003

Forensic Aspects of Body Modification, New England Seminar in Forensic Sciences, August 2002

Introduction to the Coroner's Office, Reminger and Reminger LLP, July 2002

Introduction to the Coroner's Office, Wooster College Chemistry Department, March 2002

An Introduction to Firearms, University Hospitals Pathology Residents, March 2002

Alcohol and Trauma, MetroHealth Medical Center Trauma Department, March 2002

Sharp Force Trauma, University Hospitals Pathology Residents, February 2002

Alcohol and Trauma, Hillcrest Hospital Trauma Department, November 2001

Unusual Projectiles, Cuyahoga County Coroner's Office September 2001

Pathology and Life, CWRU Prematriculation Students, August 2001

Burns and Explosions, University Hospitals Pathology Residents, June 2001

Forensic Aspects of Tattooing, University Hospitals Dermatology Residents, April 2001

Two Cases of Suicidal Electrocution, Cuyahoga County Coroner's Office, March 2001

Alcoholic Neuropathology, University Hospitals Psychiatry Residents, February 2001

Forensic Aspects of Tattooing, Cleveland Society of Histologists, December 2000

Forensic Aspects of Tattooing, Cuyahoga County Coroner's Office, December 2000

Blood Lipid Profiles & Risk of Coronary Artery Disease Cuyahoga County Coroner's Office, October 2000

Pathology and Life, CWRU Prematriculation Students, August 2000

Hanging, Cuyahoga County Coroner's Office, June 2000

Bligh-Glover p. 5

Research Presentations

Bligh-Glover WZ et al. Subregional Distribution of Serotonin Transporters in the Midbrain of Suicide Victims with Major Depression. Poster presented at the Society for Neuroscience, Los Angeles, CA 1998.

Bligh-Glover WZ, Jaskiw GE Withdrawal Supersensitivity to Apomorphine: A Comparison of Clozapine and Low Doses of Haloperidol, Poster presented at the Society for Neuroscience, San Diego, CA 1995.

Jaskiw GE, Bligh-Glover WZ, Ubogi D, Meltzer, HY 5HT-2 Receptor Antagonists Can Attenuate Submaximal Haloperidol-Induced Catalepsy In Rats, Poster presented at the International Congress on Schizophrenia Research, Hot Springs, VA April, 1995.

Bligh-Glover WZ, Lowy MT, Further Investigations in Pharmacological Regulation of Spectrin Proteolysis in the Hippocampus: Implications in Senile Dementia of the Alzheimer's Type, Poster presented at the American Geriatrics Society Annual Meeting, New Orleans, LA 1993.

Lowy MT, Bligh-Glover WZ, Pharmacological Regulation of Spectrin Proteolysis in the Hippocampus: Implications in Senile Dementia of the Alzheimer's Type," Poster presented at the American Geriatrics Society Annual Meeting, Washington D.C. 1992.

Departmental Materials

Coroner's Corner A monthly contribution to the Department of Pathology Newsletter 2002-2003

Educational Materials

Perinatal Anoxia A continuing education teaching case distributed by the College of American Pathologists', Northfield, IL, Neuropathology Committee in 1999.

Purulent Meningitis A continuing education teaching case distributed by the College of American Pathologists', Northfield, IL, Neuropathology Committee in 1999.

Alexander Disease A continuing education teaching case distributed by the College of American Pathologists', Northfield, IL, Neuropathology Committee in 1999.

Manuals and Reports

Transfusion Medicine, A Resident's Manual A handbook for resident physicians running the transfusion medicine service of University Hospitals of Cleveland. Cleveland, OH 1997

Alzheimer's Disease Registry Prosector's Manual A handbook for the Alzheimer's Disease Brain Bank. Case Western Reserve University, Cleveland, OH 1999

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Works in Progress

Saben the Woodfitter A Maine fisherman takes his last voyage and retires. With Pamela Bligh Glover, illustrator

The Highwayman An adaptation of Alfred Noyes' poem. With Pamela Bligh Glover, illustrator

One In A Million Shot A case report of a BB gun fatality and a literature review of non-powder firearms

Colchicine Poisoning A case report of a suicidal colchicine overdose and review of the literature, with Doug Rhode, Lake County Crime Laboratory Toxicologist

Cyanide Poisoning A case report of a suicidal cyanide dose and review of the literature, with Doug Rhode, Lake County Crime Laboratory Toxicologist

Specimen Retention Practices Among Ohio Coroners

COUNTY OF LORAIN)
) SS:
STATE OF OHIO)

AFFIDAVIT

I, Anthony D. Cillo, being first duly sworn, deposes and states the following:

1. I was one (1) of two (2) assistant prosecuting attorneys assigned to prosecute Nicole Diar in Lorain County Court of Common Pleas case number 04CR065248. This proceeding was a capital proceeding;
2. I am aware that Attorneys Jack W. Bradley and John Pyle were hired by Nicole Diar to represent her in the capital proceeding;
3. During the discovery process, attorneys for Nicole Diar requested that the State of Ohio produce the gas chromatograph readings derived from the analysis of evidence recovered from 914 W. 10th Street, Lorain, Ohio, the residence of Nicole Diar. This evidence was provided to Diar's trial counsel.
4. Trial counsel for Nicole Diar represented that the actual readings from the gas chromatograph machine were necessary for their expert to view to conduct an independent analysis as to the cause of the fire. Prior to this request, I had never had to obtain such evidence during the discovery process for any case I had ever tried. At the time, I had been practicing law for nearly twelve (12) years.
5. Based upon my recollection, after reviewing the requested gas chromatograph readings, trial counsel reported that their unnamed expert could not dispute the State's theory that an accelerant was used to set the fire at 914 W. 10th Street, Lorain, Ohio.

Further affiant saith naught.

Anthony D. Cillo
Affiant

Sworn to before me and subscribed in my presence on the 23 day of

March, 2009.

Linda J. Borthwick
Notary Public

LINDA J. BORTHWICK
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 4/27/2013