



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CRIMINAL DIVISION



25th OCT 16 P 3: 29

Case No. CR-585428

STATE OF OHIO

Plaintiff,

vs.

John McNally, et al

Defendants.

CLERK OF COURTS
CUYAHOGA COUNTY

Judge Janet Burnside

**STATE'S NOTICE OF INTENTION TO
USE EVIDENCE IN THE FORM OF
RECORDINGS**

Now comes the State of Ohio by and through its attorney, Timothy J. McGinty, the Cuyahoga County Prosecutor, and does hereby respectfully provides the defendants with its Notice of Intent to Use Evidence of recordings in the Form of Recordings as agreed upon by the parties on September 15, 2014 and as ordered by this Court. The State will further submit to this Court an Additional Notice of Intention to Use Evidence in the Form of Documents in accordance with the defendants' request.

The State has agreed to partially lift the "counsel only" restriction placed on some of the evidence so that defense counsel may share such evidence/discovery with the defendants ONLY. This relaxation of the counsel only designation does not extend beyond the defendants themselves.

The State possesses approximately 700 hours of audio recordings made by more than one informant. There are not, nor does the State possess, 2,000 hours of recordings. The recordings are in the form of recorded phone calls and recorded person-to-person meetings. The following is a list of recordings the State may use as evidence during the trial of this matter as recorded by Confidential Human Source 1. It is important to note that these are not all of the recordings that the State has provided to the defense in discovery. To aid defense counsel in their understanding of the evidence, the State has provided the date and location of each recording below as follows:

RECORDED MEETINGS, CHS1

Date of Recording	Location of Recording
10/18/2005	Royal Oaks
10/21/2005	Bean Counter
10/26/2005	Bean Counter
11/2/2005	Mannerhorn
11/16/2005	Bean Counter
11/20/2005	Coconut Grove
12/9/2005	Newport Café
12/18/2005	Coconut Grove
1/12/2006	Coconut Grove
1/12/2006	Royal Oaks
2/10/2006	Anthony's on the River
2/28/2006	Restaurant Youngstown
3/3/2006	Law Office
6/4/2006	Coconut Grove
8/2/2006	4180 Lockwood Blvd, Boardman
8/3/2006	4180 Lockwood Blvd, Boardman
8/8/2006	Youngstown
9/9/2006	Yankee Kitchen, Vienna
9/21/2006	Anthony's on the River
9/27/2006	Anthony's on the River
9/27/2006	Bruno's, Poland

9/29/2006	Anthony's on the River
10/9/2006	CC Staples, Youngstown
10/24/2006	In car Warren, Restaurant Enzo's
11/1/2006	Anthony's on the River
12/15/2006	Tangiers
12/22/2006	Ohio Inn, Warren
1/26/2007	Car ride Youngstown (Courthouse to Squaw Creek)
1/31/2007	Royal Oaks
2/2/2007	Backyard Dogs
2/7/2007	Royal Oaks
2/18/2007	Backyard Dogs
2/22/2007	Royal Oaks
2/23/2007	Royal Oaks
3/5/2007	O'Charlie's, 5789 Mines Rd, Niles
4/3/2007	Bean Counter
4/4/2007	Moore's Tavern, 1105 South Ave
4/6/2007	Moore's Tavern, 1105 South Ave
4/10/2007	Paprika Café, Mahoning Courthouse
5/3/2007	O'Charlie's, 5789 Mines Rd, Niles
5/14/2007	Panera Bread, Austintown
5/21/2007	Panera Bread, Austintown
5/31/2007	Moore's Tavern, 1105 South Ave
7/11/2007	Moore's Tavern, 1105 South Ave

8/9/2007	Moore's Tavern, 1105 South Ave
9/12/2007	C. Staples, 320 Belmont Ave
9/13/2007	Moore's Tavern
9/14/2007	Panera, 5533 Mahoning Ave., Austintown
9/19/2007	Lemon Grass Asian Bistro, Columbus
9/26/2007	Muzzy's Restaurant, 3620 Starr Centre Dr., Canfield
10/1/2007	Charley, Staples BBQ, 372 W. Rayen, Youngstown
10/4/2007	Anthony's on the River
10/15/2007	Cedar Lounge & Restaurant, 131 W. Commerce St.
10/18/2007	Moore's Tavern, 1105 South Ave
10/24/2007	The Clermont, 684 S. High Street, Columbus, OH
11/3/2007	Budapest Inn, 3780 Mahoning Avenue, Youngstown
11/16/2007	Mahoning County Courthouse
11/21/2007	Mahoning County Courthouse
11/29/2007	Starbuck's Coffee, 1247 Boardman Poland Rd., Boardman
11/30/2007	Moore's Tavern
12/6/2007	Moore's Tavern
12/6/2007	Moore's Tavern
12/11/2007	Moore's Tavern, 1105 South Ave
1/3/2008	Gimmento, 120 E. Boardman St.

1/6/2008	Davidson's Restaurant, 3636 Canfield Road, Austintown .
1/15/2008	Mahoning County Courthouse, 120 Market St.
1/18/2008	Anthony's on the River, 15 Oakhill Dr.
1/23/2008	Mahoning County Courthouse
1/24/2008	Moore's Tavern
1/29/2008	Dickey's, 27 N. Meridian Rd., Youngstown
1/31/2008	Rosetta Stone Café, 110 W. Federal Plaza, Youngstown
2/8/2008	Moore's Tavern, 1105 South Ave
2/15/2008	Mahoning County Courthouse, CH's car, St. Staneland, 430 Williamson Ave
2/21/2008	Mahoning County Courthouse, CH's car, Board of Election, Burger King Midlothian
2/22/2008	Panera Bread, 5533 Mahoning Avenue, Austintown
2/26/2008	What's Cookin, 6007 South Ave., Boardman
2/28/2008	Rosetta Stone, Moore's Tavern - Antonini
2/29/2008	Royal Oaks Bar & Grill, 924 Oak St., Youngstown
3/1/2008	Backyard Dogs
3/6/2008	Arby's, Struthers
3/7/2008	Moore's Tavern, 1105 South Ave
3/10/2008	Shangri-La Sushi Grill & Buffet, 387 Boardman Poland Rd., Boardman
3/10/2008	Starbuck's, Boardman

3/13/2008	Rosetta Stone, Youngstown
3/27/2008	McDonald's, 570 Fifth Avenue, Youngstown
3/27/2008	Burger King, 15 W. Midlothian, Youngstown
3/28/2008	Tangier Bar & Pizza, 880 Poland Rd
4/2/2008	Yavorcik's Office
4/3/2008	Kravitz Deli, 3135 Belmont Avenue, Liberty
4/4/2008	Burger King, Midlothian
4/7/2008	Wendy's Old Fashioned Hamburger, 4101 Market Street, Youngstown
4/8/2008	Mahoning County Courthouse
4/9/2008	Outside/Front - Mahoning County Courthouse
4/9/2008	Rosetta Stone
4/11/2008	Moore's Tavern, 1105 South Ave
4/14/2008	Starkbuck's, Boardman
4/14/2008	Shangri-La Sushi Grill & Buffet, 387 Boardman Poland Rd., Boardman
4/18/2008	Tangier
4/22/2008	Cimmento, 120 E. Boardman
4/24/2008	CH's car
4/28/2008	CH's car; Mahoning County Courthouse Moore's Tavern to Courthouse
4/29/2008	Scarsella's
5/2/2008	Tangier Bar & Pizza
5/5/2008	Shangri-La Sushi Grill & Buffet, 387 Boardman Poland Rd., Boardman

5/6/2008	Shangri-La Sushi Grill & Buffet, 387 Boardman Poland Rd., Boardman
5/8/2008	No location provided
5/15/2008	Tangiers Bar & Pizza
5/16/2008	CH's car
5/19/2008	Tangiers
5/24/2008	No location provided
5/25/2008	Barnes & Noble, Boardman
5/29/2008	Burger King, 15 W. Midlothian
6/2/2008	CHS office
6/3/2008	Tangiers
6/5/2008	Moore's Tavern, 1105 South Ave
6/9/2008	Office/YMCA Restaurant
6/11/2008	Office
6/17/2008	YMCA
6/20/2008	Office/Cimmento
6/23/2008	Office
6/24/2008	Ohio Inn, Warren
6/26/2008	Wendy's, Market Street
7/1/2008	No location provided
7/2/2008	Office
7/10/2008	Office
7/21/2008	Cimento & Office
7/22/2008	Café Cimento

7/23/2008	No location provided
8/6/2008	Cimmento
8/7/2008	Cimmento
8/14/2008	Cimmento & Office
8/14/2008	Office
8/20/2008	Office
9/4/2008	Office
9/4/2008	Office
9/11/2008	Office
9/16/2008	Office
9/23/2008	Arby's, 704 Youngstown-Poland Rd., Struthers, OH
9/29/2008	Burger King, 15 W. Midlothian, Youngstown
9/30/2008	Office
10/7/2008	A car
10/7/2008	A car
10/8/2008	Office
10/9/2008	Office
10/9/2008	Lasa Fiesta, 914 E. Midlothian Ave., Youngstown
10/10/2008	Burger King, 15 W. Midlothian, Youngstown
10/13/2008	A car; Chinese Buffet, Boardman
10/21/2008	Office
10/25/2008	Scarsella' s, 4151 Market St., Youngstown
10/25/2008	A car and Steak Fry

10/28/2008	Office
10/29/2008	Burger King, 15 W. Midlothian, Youngstown
10/30/2008	Holiday, Inn, Boardman
10/30/2008	Office
11/3/2008	Office
11/3/2008	Office
11/3/2008	Longhorn, 953 Boardman-Poland Road, Boardman
11/4/2008	CH's car, various polling place, Youngstown
11/10/2008	McDonald's, 3034 Mahoning Avenue, Youngstown
11/11/2008	Luciano's Café
11/8/2008	A car driving around Austintown area & picking up signs
11/20/2008	Starbucks Coffee, 1247 Boardman Poland Road, Boardman
11/24/2008	Moche House, Boardman
11/24/2008	Shanghai River Chinese Restaurant, Boardman
12/12/2008	Mocha House, Boardman
1/9/2009	Chinese Restaurant, Niles
1/2/2009	Panera Bread, 5533 Mahoning Avenue, Austintown
1/14/2009	Mocha House, Boardman
1/21/2009	Burger King, 15 W. Midlothian, Youngstown
1/23/2009	Office / YMCA Restaurant

1/29/2009	C Staples, Youngstown
2/2/2009	Casa Ramirez, Mahoning Avenue
2/5/2009	YMCA Restaurant
2/5/2009	Office/Cimento
2/6/2009	Paprika Café
2/10/2009	Kravitz Deli
2/16/2009	Burger King, Midlothian
2/20/2009	Luciano's, Austintown
2/20/2009	Casa Ramirez
2/21/2009	Mocha House, Boardman
2/24/2009	Mahoning County Courthouse
2/26/2009	Office
3/5/2009	YMCA Restaurant
3/6/2009	Office
3/9/2009	End of the Tunnel
3/10/2009	Café Cimmento
3/13/2009	Office
3/14/2009	Coconut Grove
3/16/2009	Office
3/18/2009	Burger King, 15 W. Midlothian, Youngstown
3/18/2009	Burger King, 15 W. Midlothian, Youngstown
3/24/2009	Office
3/27/2009	CH's car
3/27/2009	CH's car

3/30/2009	Café Cimmento
4/2/2009	Office
4/2/2009	Arby's, 704 Youngstown-Poland Rd., Struthers, OH
4/10/2009	Luciano's Café, 1739 S. Raccoon Road, Austintown
4/15/2009	Casa Ramirez, 1578 Mahoning Avenue, Youngstown
5/12/2009	Imperial Garden, Lockwood Blvd, Boardman (Chinese Tippy)
5/14/2009	Office
6/2/2009	Office
6/5/2009	Office
6/5/2009	Office
6/9/2009	Office
6/30/2009	Office
7/1/2009	YMCA Restaurant, Youngstown
7/9/2009	Office
7/12/2009	Mocha House, 7141 Tiffany Blvd., Boardman
7/13/2009	Applebee's, 6691 South Avenue, Boardman
7/14/2009	Luciano's Café, 1739 S. Raccoon Road, Austintown
7/15/2009	Office
7/22/2009	Office
7/24/2009	Office

8/6/2009	Office
8/18/2009	Office
8/25/2009	Office
9/3/2009	Burger King, 15 W. Midlothian, Youngstown
9/4/2009	Burger King, 15 W. Midlothian, Youngstown
9/10/2009	Mocha House, 7141 Tiffany Blvd., Boardman
9/11/2009	Austintown
9/24/2009	Office
9/25/2009	Dunkin Donuts, 4812 Mahoning Avenue, Austintown
9/28/2009	Mocha House, 7141 Tiffany Blvd., Boardman
9/28/2009	CH's car / Mocha House Boardman to Downtown
9/29/2009	CH's car Downtown to Mocha House
10/15/2009	Office
10/16/2009	Mocha House, 7141 Tiffany Blvd., Boardman
10/29/2009	Office
12/23/2009	Office
1/5/2010	Café Cimmento
1/22/2010	Mocha House, Warren
1/22/2010	Mocha House, Boardman
2/4/2010	No location provided
2/19/2010	Office & A car

3/1/2010	Office
3/18/2010	Café Cimento
4/7/2010	Mocha House
4/18/2010	Mocha House
8/6/2010	Ruby Tuesday's, Austintown

In addition, the following telephone call recordings recorded by Confidential Human Source 1 may be used in evidence by the Government:

Date	Session Number	Date	Session Number
June 1, 2008	176	Sep. 22, 2008	1276
June 2, 2008	189	Sep. 29, 2008	1318
June 2, 2008	191	Sep. 30, 2008	1399
June 2, 2008	192	Sep. 30, 2008	1342
June 4, 2008	221	Sep. 30, 2008	1346
June 5, 2008	247	Sep. 30, 2008	1348
June 12, 2008	334	Sep. 30, 2008	1349
June 17, 2008	368	Oct. 3, 2008	1380
June 24, 2008	433	Oct. 3, 2008	1383
July 1, 2008	499	Oct. 6, 2008	1393
July 3, 2008	534	Oct. 6, 2008	1394
July 8, 2008	575	Oct. 6, 2008	1404
July 10, 2008	620	Oct. 6, 2008	1405
Aug. 6, 2008	901	Oct. 7, 2008	1411
Aug. 6, 2008	908	Oct. 7, 2008	1413

Aug. 18, 2008	954	Oct. 7, 2008	1420
Aug. 18, 2008	955	Oct. 7, 2008	1421
Aug. 18, 2008	956	Oct. 7, 2008	1422
Aug. 25, 2008	1008	Oct. 7, 2008	1425
Aug. 26, 2008	1020	Oct. 8, 2008	1445
Aug. 26, 2008	1022	Oct. 8, 2008	1447
Sep. 3, 2008	1079	Oct. 9, 2008	1471
Sep. 17, 2008	1242	Oct. 9, 2008	1472
Sep. 22, 2008	1275	Oct. 9, 2008	1482
Oct. 10, 2008	1507	Oct. 29, 2008	1843
Oct. 13, 2008	1535	Oct. 29, 2008	1844
Oct. 14, 2008	1570	Oct. 29, 2008	1845
Oct. 15, 2008	1577	Oct. 29, 2008	1846
Oct. 15, 2008	1582	Oct. 29, 2008	1852
Oct. 15, 2008	1583	Oct. 29, 2008	1864
Oct. 15, 2008	1584	Oct. 31, 2008	1882
Oct. 15, 2008	1585	Oct. 31, 2008	1883
Oct. 15, 2008	1592	Oct. 31, 2008	1886
Oct. 15, 2008	1593	Oct. 31, 2008	1891
Oct. 15, 2008	1597	Oct. 31, 2008	1911
Oct. 16, 2008	1617	Nov. 1, 2008	1914
Oct. 17, 2008	1636	Nov. 1, 2008	1920
Oct. 18, 2008	1660	Oct. 2, 2008	1926
Oct. 18, 2008	1661	Nov. 2, 2008	1927

Oct. 19, 2008	1665	Nov. 3, 2008	1937
Oct. 20, 2008	1678	Nov. 4, 2008	1938
Oct. 20, 2008	1686	Nov. 3, 2008	1981
Oct. 25, 2008	1714	Nov. 4, 2008	2037
Oct. 25, 2008	1715	Nov. 5, 2008	2085
Oct. 25, 2008	1717	Nov. 7, 2008	2117
Oct. 26, 2008	1733	Nov. 7, 2008	2121
Oct. 27, 2008	1738	Nov. 7, 2008	2124
Oct. 27, 2008	1740	Nov. 7, 2008	2125
Oct. 27, 2008	1747	Nov. 7, 2008	2128
Oct. 27, 2008	1748	Nov. 7, 2008	2135
Oct. 27, 2008	1751	Nov. 10, 2008	2176
Oct. 28, 2008	1769	Nov. 11, 2008	2183
Oct. 28, 2008	1772	Nov. 12, 2008	2203
Oct. 28, 2008	1792	Nov. 18, 2008	2236
Oct. 29, 2008	1842	Nov. 18, 2008	2237

Date	Session Number
Nov. 22, 2008	2295
Dec. 1, 2008	2358
Dec. 5, 2008	2413
Dec. 9, 2008	2429
Dec. 13, 2008	2484

Dec. 13, 2008	2485
Dec. 15, 2008	2488
Jan. 18, 2009	2741
Jan. 19, 2009	2746
Jan. 26, 2009	2815
Jan. 26, 2009	2838
Jan. 27, 2009	2855
Jan. 28, 2009	2858
Jan. 28, 2009	2859
Feb. 3, 2009	2915
Feb. 24, 2009	3105
Mar. 17, 2009	3329
Apr. 1, 2009	3573
Apr. 2, 2009	3596
Apr. 8, 2009	3657
Apr. 11, 2009	3685
Aug. 17, 2009	4503
Sep. 12, 2009	4761
Oct. 1, 2009	5012

In addition to the recordings made by Confidential Human Source 1, Confidential Human Source 3 also made recordings – both phone calls and in-person. The State hereby gives notice to the defense of its intent to use the following phone calls recorded by Confidential Human Source 3 regarding former attorney Richard Goldberg and others:

Date	Session Number
Mar. 22, 2007	46
Mar. 27, 2007	59
July 26, 2007	317
July 31, 2007	330
Aug. 19, 2007	390
Aug. 23, 2007	396
Sep. 4, 2007	407
Oct. 9, 2007	438
Jan. 5, 2008	798
Jan. 29, 2008	1096
Feb. 19, 2008	1362
Mar. 3, 2008	1497
Mar. 3, 2008	1500
Mar. 11, 2008	1580
Mar. 27, 2008	1767
Mar. 27, 2008	1768
Mar. 28, 2008	1770
Apr. 8, 2008	1968
May 2, 2008	2290
May 7, 2008	2359
May 13, 2008	2465
May 27, 2008	2653
June 24, 2008	3116

July 8, 2008	3388
Sep. 17, 2008	4602
Sep. 23, 2008	4698
Oct. 27, 2008	5080
Nov. 21, 2008	5522
Nov. 24, 2008	5560
Nov. 24, 2008	5562
Dec. 16, 2008	5797

In addition, Confidential Human Source 1 made a number of recordings in-person on the following dates with the following people:

Date and Location	Persons Present
July 7, 2007 at Anthony's on the River	Marty Yavorcik and others
August 4, 2007 at Anthony's on the River	Rick Goldberg, Businessman 2, and others
October 11, 2007 at Hanni Law Office	Rick Goldberg and Martin Yavorcik
December 17, 2008 at Café 422 in Warren	James Tsagaris

Respectfully submitted,
TIMOTHY J. MCGINTY
CUYAHOGA COUNTY PROSECUTOR

Dan Kasaris / CDS

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CERTIFICATE OF SERVICE

A copy of the foregoing State's Notice has been emailed this 16th day of October to the Attorneys who represent John McNally, Martin Yavorcik and Michael Sciortino.

Dan Kasaris /CDS

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