In the State of Ohio: General Sworn Affidavit

Pete Napier of Clarksville, Ohio

V.

The Clinton County Sheriff's Office
1645 David's Drive Wilmington, Ohio 45177

THE AFFIDAVIT OF PETE NAPIER

My name is Pete Napier, and I testify under oath as to the following facts:

1. I am over the age of eighteen and competent to testify with personal knowledge about the following information and facts.
2. I am a resident of Clarksville, located in Clinton County, Ohio.
3. I hereby attest to the following facts and evidence regarding the following: **1)** The Clinton County Sheriff's Office (CCSO) and law enforcement officers Ralph D. Fizer Jr., Doug Eastes, Robert Gates, Elliott Sylvester, Brian Prickett, Thomas Couch, Terrance Meehan. **2)** The 2019 in-custody-death of my brother Marvin "Andy" Napier. **3)** The informant work that my brother was involved in with CCSO and Doug Eastes. **4)** The crimes, wrongful acts, constitutional right violations that were committed ALL UNDER THE COLOR OF LAW against my brother Andy Napier and myself by the officers involved.
4. It is a fact that on November 24th 2019, my brother Andy Napier died while in custody of the Clinton County Sheriff's Office deputies Elliott Sylvestor, Thomas Couch, Terrance Meehan, and under the watch and supervision of Sheriff Ralph D. Fizer Jr.

5. Deputy Elliott Sylvestor in a recorded interview told Clinton County Death Investigator Robert Gates that he may of "sqwooze" my brother too hard, that he went "limp, and that my limp brother was "dead-weighting him". **VIDEO EXHIBIT 1 & 2: 2019 Gates/Elliott Interview #1 & Video Interview #2.**
6. After my brother Andy Napier's death-in-custody his body was transported to the Montgomery County Coroner's Office (MCCO) as evidence for investigation and an autopsy. Doug Eastes and Robert Gates attended the autopsy and spoke about "tasers and pepper spray" with the doctor performing the autopsy Dr. Susan Brown.
7. In the recorded interview Doug Eastes tells my family that the Montgomery County Coroner's Office does their own investigation and brings their own investigator down. Doug told us that we would receive everything, but we never received an Investigative report from the Montgomery County Coroner Office's assigned Coroner Investigator.
8. In the video interview, Doug states they (MCCO) are going to document everything, completely everything" @ 3:45. In the video @ 4:35 Doug Eastes states, "You'll get photographs of everything". **SEE VIDEO EXHIBIT 3: 2019 Doug Eastes/Napier Family Video Interview**
9. In the video interview @ 7:22 Doug Eastes States, "the body is their evidence (MCCO's), they send their own investigator down. He's doing his investigation, he's got photos of the scene, we got photos of the scene, we got photos of him, they got photos of him and they are going to do the autopsy and take photos. Every step of the way that they are doing the autopsy. So that's going to be documented completely".
10. Doug Eastes and the Sheriff's office has NEVER provided me or my family members with any of the Montgomery County Investigative records or a complete collection of autopsy photos.
11. We have <u>never seen a single photograph</u> or taken by the Montgomery County Coroner's Office of Andy's blood-shot opened eyes that can clearly be seen in one of the on-scene-death-photos of my brother's eye taken in the ambulance. Doug Eastes told us

in the interview that the MCCO were going to document "COMPLETELY EVERYTHING". Yet my family has never received any MCCO autopsy photos of my brother's bloodshot eyes. **SEE EXHIBIT 4: On Scene Death Photo of Andy Napier's Blood shot Eye**

12. Doug Eastes in the interview video played it off like the Montgomery County Coroner's Office was going above and beyond in their investigation efforts. Myself, nor anyone in my family has ever received any type of blood flow analysis or photographic forensic work that would easily prove scientifically whether the officers' stories were true. My brother's body was transported and autopsied by a Regional Crime Lab (MCCO). A crime lab that our family expected a forensic analysis of the blood flow to be performed. We DID NOT get everything and according to that, MCCO DID NOT COMPLETELY DOCUMENT EVERYTHING as Doug Eastes stated they would in the interview video.
13. On 12/17/2019 in the phone call my sister Holly Derose made to Doug Eastes. She asked him when the body cam video on the in-custody-death of my brother would be released and if it was public record. Doug told her, during the investigation, that she would have to get an attorney to obtain the body cam video. Then my sister Holly Derose repeated exactly what Doug Eastes just instructed her to do. Doug then objected to his own instructions, telling her even with an attorney that it couldn't be released til after the investigation. Doug Eastes believes the body cam video exists so much so, not only did he talk about it in a phone call, he even wrote the body cam release in his police narrative. Doug gloated about his 20+ year law enforcement experience in the recorded interview I attended. It is hard not to imagine that a 20+ year veteran detective would not know for certain if body cam existed in his very own investigation within the first day, if not the first hour. Doug Eastes discussed the body cam and the release of the body cam nearly a month into his very own investigation. He talked about the video in the phone call and wrote about the video in his investigation report. **HEAR AUDIO EXHIBIT 5: 12/17/2019 Phone Call W/Doug Eastes and Holly Derose**

14. Colonel Brian Prickett has said in an email that the Clinton County Sheriff's does NOT have body cam video of the incident nor has the Sheriff's Office ever had body cam video. So one of two things have happened. **1) <u>If the body cam can not be produced, Doug Eastes is lying about the existence of the police body camera in the phone call and in his report, and the body cam DOES NOT EXIST</u>** or **2) <u>If Doug Eastes can produce the video he talks about and writes about in his report, then the Sheriff Office's Brian Prickett is lying about the existence of the body cam video.</u>** There are no other scenarios when considering, Doug says on-the-record that the body cam video exists, and his boss Colonel Brian Prickett in an email says it does not exist and has never existed. It cannot be both, the video cannot exist and also exist at the same time. If Doug Eastes is lying, he should be added to the "Brady List". If Brian Prickett is lying, then he should be added to the "Brady List" and removed from his position. **SEE EXHIBIT: 6: Brian Prickett Email Stated Body cam DOES NOT EXIST & SEE EXHIBIT 7: Doug Eastes written police narrative discussing the EXISTENCE of the body cam & HEAR AUDIO EXHIBIT 5: 12/17/2019 Phone Call w Doug Eastes and Holly Derose**
15. I was determined to be the Napier family point-of-contact by Doug Eastes as stated in the phone call with my sister Holly Derose. Yet I was not ever provided anything by Doug Eastes or the Sheriff's Office regarding my brother's death investigation.
16. In a recorded phone call with my niece's power of Attorney, Clinton County Sheriff Ralph D Fizer asked her POA, Darrell Petrey, if he was a "forensic expert". With that statement Sheriff Fizer emphasized on the importance and credibility of a forensic expert's opinion. **HEAR AUDIO EXHIBIT 13: Phone Call with Sheriff Fizer and Family Advocate Darrell Petrey**
17. After that phone call, in 2021, my family hired a forensic scientist by the name of Erich Speckin of 4n6.com. He is court appointed by judges and courts all throughout the world. **SEE EXHIBIT 8: 4n6.com's Erich Speckin's Resume**

18. In a phone call between Erich Speckin and my niece's POA Darrell Petrey. The expert scientist Erich Speckin, a creditable and renowned forensic expert, states the following in the phone call. **a) @ 0:15** Mr. speckin says, "His (Elliott Sylvestor's) story is not the case" **b) @ 2:23** Mr. Speckin says,"The guy (Elliott Sylvestor) is not telling the truth" **c) @ 4:40** Mr. Speckin referred to the involved officers' stories as, "Demonstrably false or clearly false". No one yet from the Clinton County Sheriff's department has EVER challenged the expert witnesses's testimony with facts and truth. Not the Sheriff, not the Colonel, not Elliott Sylvestor, not Doug Eastes or Robert Gates. **HEAR EXHIBIT 9: Phone Call Between Erich Speckin and family advocate Darrell Petrey**

19. The Clinton County Death Investigators Doug Eastes and Robert Gates came to the conclusion in their reports that my brother's bleeding head wounds occurred at a fall from the ramp. **SEE EXHIBIT 10: Roberts Gates Conclusion stating injuries happened at the ramp**. On the contrary, and according to the forensic expert witness Expert Erich Speckin of 4n6.com. He states the injuries, "either happened on impact (of Andy's head hitting the ground during a hard take-down) or shortly after impact when his face was near the ground, those are the only two scenarios". According to the scientist and his report the injuries and bleeding head wounds that occurred to my brother did NOT happen at the ramp where Doug Eastes and Robert Gates concluded. **SEE EXHIBIT 11: Forensic Scientist and Expert Witness Erich Speckin's Report**

20. In the fall of 2019, my brother Andy Napier approached me and asked me to drive him to Cowan Lake near the beach off State Route 350.

21. Once we arrived at the lake Andy told me he was there to meet with Clinton County Detective Doug Eastes. Andy informed me that he had to do informant work for Detective Doug Eastes in order to receive a lesser punishment for some drug charges he had obtained.

22. When at Cowan Lake Doug Eastes approached me and asked me to get into Doug's vehicle to discuss an issue regarding my brother Andy and the trouble he had gotten

into. I was NOT suspected of any crimes when Doug Eastes approached me.

23. Doug informed me that my brother agreed to do informant work for Doug. Doug said Andy needed my help to drive him around to do informant work since Andy did not have a driver's license. Doug spoke about Andy being in big trouble and needed to help or he'd receive a much stricter punishment and prison time. I told him I did not want to help. He insisted I help in order to help my brother, but I remained reluctant. I told him to take Andy to prison if my brother did wrong.

24. After Doug and I spoke about helping Andy, Doug informed me that he needed to search me. He told me to pull down my pants in the car so that he could search for drugs. I didn't want to and I felt like I was being violated since I did not commit a crime, nor was I suspected of a crime. Nor did Doug Eastes mention that I was suspected of a crime or drug use. But I did what Doug Eastes said, I didn't want to make him mad. I was nervous and knew he was a powerful law enforcement officer and detective. At the time, I was unsure if Doug's search was even legal considering the way he searched my genitals inside a car, without any probable cause or rightful reason, and with NO witnesses.

25. When Doug Eastes asked me to pull down my pants, he was looking at my genitals. Then he asked me to pick up my testicles so that he could look underneath them. I turned my head away, feeling disgusted and violated, and let him continue his search. He then advised me it was "ok" and told me I could then pull up my pants. Doug then reiterated before I exited the vehicle, saying in exact or similar words, "This is all for your brother Andy, it's for Andy, you're helping your brother".

26. My brother Andy did not properly perform his informant duties for Doug Eastes, so indictments were issued and a warrant was issued for Andy's arrest.

27. During the time Andy was "on the run" I was pulled over by CCSO deputy Elliott Sylvestor 4 times in a short time span. Each time Elliott Sylvestor had no reason to pull me over, in fact I was never cited a single time during any of those traffic stops. Elliott

Sylvestor was only interested in finding my brother Andy. He asked me about Andy's whereabouts each time he pulled me over. I told my dad Bill Rumpke about repeatedly being pulled over by the same deputy Elliott Sylvester and my dad Bill told me it was not right or lawful what Elliott Sylvester was doing.

28. A short time later on November 24th, 2019 Elliott Sylvester caught up with my brother Andy Napier, he received several large bleeding head wounds, bruises and abrasions on his face, and died in custody of deputy Elliott Sylvestor.

29. Within a month after my father's death in custody, Elliott Sylvestor began working with the Wilmington, Ohio Police Department and currently works there.

30. It is a fact that my brother Andy Napier was involved as an informant with the Clinton County Sheriff Office's Detective Doug Eastes just months before he died in the custody of the Clinton County Sheriff's Office. It is a fact that Doug Eastes was allowed by the Clinton County Sheriff's Office under the direct supervision of Ralph D Fizer Jr to investigate the death-in-custody of their very own informant, my brother Andy Napier. It is a clear and apparent conflict of interest and completely unethical for a Sheriff to allow a detective to investigate the in-custody-death of his very own informant.

31. It is a fact that the Clinton County Sheriff's Office took video interviews of the three officers involved (Sylvester, Couch, and Meehan) and even did a follow up interview video with Elliott Sylvestor. It is also a fact that the Clinton County Sheriff's Office DID NOT video interview or audio record ANY of my brother's friends who were with Andy that night and were the only eye witnesses who were on scene that were NON law enforcement. The only audio that has been recorded to my family's knowledge of the eye witnesses was recorded by our family's advocate Darrell Petrey. Attached is the eyewitness' recorded testimony that Mr. Petrey recorded, of the closest person that witnessed my brother's death, who was not law enforcement. **SEE AUDIO EXHIBIT 12: Eye-Witness Audio testimony of Roger Tucker**

FURTHER THE AFFIANT SAYETH NAUGHT,

Pete Napier _____

This instrument was signed before me on this 31 day of October, 2023 in Clinton County, Ohio

Notary _____

JOANN BARTRAM
Notary Public

NOTARIAL SEAL
STATE OF OHIO

JOANN BARTRAM
NOTARY PUBLIC, STATE OF OHIO
CLINTON COUNTY
My Comm. Expires March 09, 2028

Exhibits List:

1. ***EXHIBIT 1_2019 GatesElliott Interview #1***
2. ***EXHIBIT 2_2019 GatesElliott Interview #2***
3. ***EXHIBIT 3_2019 Doug EastesNapier Family Video Interview***
4. ***EXHIBIT 4_On Scene Death Photo of Andy Napier's Blood shot Eye***
5. ***EXHIBIT 5_Phone Call WDoug Eastes and Holly Derose 12_17_2019***
6. ***EXHIBIT 6 Brian Prickett Email No Body Cameras***
7. ***EXHIBIT 7_Doug Eastes written police narrative discussing the EXISTENCE of the body cam***
8. ***EXHIBIT 8_4n6.com's Erich Speckin's Resume***
9. ***EXHIBIT 9_Phone Call Between Erich Speckin and family advocate Darrell Petrey***
10. ***EXHIBIT 10_Roberts Gates Conclusion stating injuries happened at the ramp.***
11. ***EXHIBIT 11_Forensic Scientist and Expert Witness Erich Speckin's Report***
12. ***EXHIBIT 12_Eye Witness Audio testimony of Roger Tucker***
13. ***EXHIBIT 13_Phone Call with Sheriff Fizer and Family Advocate Darrell Petrey***
14. ***EXHIBIT 14_Crime Scene and Events Sketch***