



# THE CRIMESCENE

NEWSLETTER OF THE LAKE COUNTY CRIME LABORATORY

## All In a Day's Work

BY ROBERT SBERNA

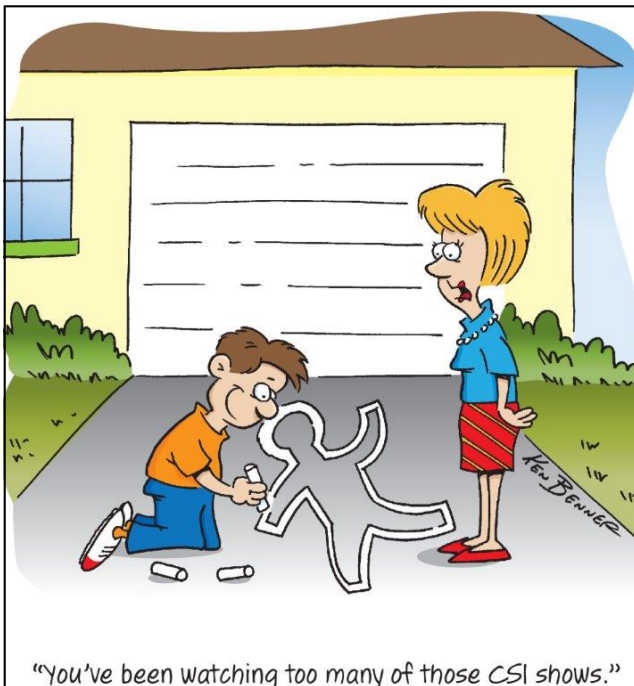
Partially eaten candy, traces of white powder, a bread crumb, and a shard of plastic from a car bumper. These items may seem like random debris to us, but to the forensic scientists of the Lake County Crime Laboratory,

each was a key piece of evidence that helped police solve a crime.

Working on more than 2500 cases per year, the Crime Laboratory's 12 scientists (CONTINUED ON PAGE 2)



The Crime Lab team.



## Harston: Tortured to Death

BY ROBERT SBERNA

Crime scenes, particularly where a deadly confrontation has occurred, are often messy and in disarray. The disorderly condition can complicate the work of investigators, who must determine if the scene's physical state is due to the confrontation or whether it predated the crime.

The crime scene investigators must then sort through the jumble of debris, litter, personal belongings and scattered furnishings to find biological and trace evidence that has high probative value—in other words, evidence that can be useful in proving or disproving a particular element of a criminal case.

In January 2000, scientists from the Lake County Crime Laboratory were (CONTINUED ON PAGE 5)

# All In a Day's Work

Continued from Page 1

apply their knowledge of drug chemistry, DNA, fingerprints, firearms, and other disciplines to analyze and interpret evidence taken from suspects or discovered at crime scenes.

While not nearly as flashy as their TV counterparts, the scientists' day-to-day work plays a vital role in assisting Lake County law enforcement agencies with solving crimes and the Lake County Prosecutor's Office in rendering justice to victims and their families. Here is a behind-the-scenes look at several recent Crime Laboratory cases:

## Break-in at Wickliffe business - DNA

Early in the morning of June 6, 2015, an employee of a Wickliffe plumbing business arrived at work and discovered that the office had been broken into. Two laptop computers, a wallet and several credit cards were missing. Wickliffe Police processed the crime scene, but were unable to find usable fingerprints or other evidence. Investigators hoped the office's CCTV video would yield clues. They reviewed the previous night's recording and saw a man wearing gloves and a hooded sweatshirt breaking a rear window to enter the building. Although a baseball cap partially obscured the suspect's face, police made a crucial observation: The man could be seen taking a bite from a piece of candy that he had taken from a desk. He then dropped the half-eaten candy on

the office floor. The officers recovered the candy and submitted it for DNA testing to the Crime Laboratory.

Three days later, Wickliffe Police had a suspect in custody. Courtland G. Burrington, 51, had been arrested in connection with an unrelated incident. During a search of his car, however, police found a sweatshirt that resembled the garment in the break-in video. Burrington denied involvement in the break-in and was released. But he left behind important evidence: Although Burrington had refused to volunteer a DNA sample, he drank from a cup while being interviewed by police. The cup was turned over to the Crime Laboratory, where DNA Analyst Karen Zavarella swabbed it and the half-eaten candy for the presence of DNA from suspected saliva left on the item.

Zavarella then determined that the DNA profiles from the candy and the cup were a match to Burrington, who later pleaded guilty to charges related to the break-in.

"This was a case in which all of the pieces of the puzzle fell nicely into place," noted Zavarella, who holds a doctorate in molecular biology. "The vigilance of the police in collecting the cup and also identifying the candy as potential DNA evidence demonstrates that law enforcement agencies are applying the training that the Crime Laboratory has provided. This, along with the officers' sharp investigative skills, led to the identification and conviction of a suspect. The teamwork between police and the Crime Laboratory in this case was exceedingly satisfying."

## Pot-laced bakery - Drug Chemistry

To the hungry landscaper, the lady's offer of banana nut bread seemed like a friendly gesture. But several hours later, he was lightheaded, concerned, and on his way to the hospital.

On a September afternoon in 2015, the landscaper, who was an off-duty police officer, was finishing a mowing job at a Mentor residence when the homeowner walked outside and offered him two slices of bread. She explained that she'd baked the bread the day before and had more than she and her husband could eat.

The landscaper ate a slice while driving to his next mowing job. Although he began to feel dizzy, he completed the job. He ate the remaining slice and drove home. At 7 p.m., he sensed that something was drastically wrong. His mouth was very dry, he was experiencing confusion, and he (CONTINUED ON NEXT PAGE)



Sweet piece of evidence.

## All In a Day's Work

had difficulty with his motor skills. When his symptoms continued, he was taken to TriPoint Medical Center. A urine drug screen tested positive for THC, the psychoactive ingredient in marijuana. The landscaper told doctors that he hadn't smoked or ingested marijuana. Later that night, he contacted Mentor Police with his suspicions that the banana nut bread had been laced with



Microscopic view of Marijuana laced banana bread.

pot. An officer collected the plastic bag that had contained the bread and turned it over to the Crime Laboratory.

"The bag contained only one tiny bread crumb," recalled Doug Rohde, the Crime Laboratory's Supervisor of Chemistry and Toxicology. "I carefully sliced open the bag to retrieve the crumb. We put it under the microscope and saw plant material."

Rohde then utilized gas chromatography-mass spectroscopy (GC-MS) to analyze the crumb. His testing confirmed the presence of THC. "The landscaper was quite relieved that we found proof that his suspicion was correct and the bread contained marijuana," said Rohde. "The Mentor Police got a search warrant for the baker's home and found more bread that contained marijuana. She claimed that she had made two loaves—one with marijuana for her husband, and one without marijuana. She gave the landscaper the wrong bread."

The baker was convicted of drug-related charges and ordered to pay the landscaper's medical bills.

### Lake National Bank Robbery - Fingerprint Analysis

The bank teller seemed more incredulous than fright-

ened when a woman slid her a robbery note with instructions that included "keep smiling" and "no dye or bait packs." The robber had approached the teller a moment earlier and asked about various types of loans. As the teller answered her questions, two other women, with hoods pulled tight over their heads, stepped behind the robber.

The teller read the note and then pushed it back to the robber. The note was again slid to the teller, who then asked, "Are you serious?" After the robber replied, "Yes," the teller gave her the money in her top drawer, about \$4000. The three women then fled the bank, driving away in a silver sedan.

The robbery, which had occurred November 22, 2014 at Lake National Bank in Mentor, had taken seven minutes. Mentor Police processed the crime scene and submitted three fingerprint lifts to the Crime Laboratory for analysis. Within days of the robbery, police had identified a suspect, Tania Harper, a 24-year-old Euclid woman. The day before the Mentor robbery, a car linked to Harper had been seen driving suspiciously near Fifth Third Bank in Willoughby. After learning of the Mentor robbery, Willoughby Police forwarded the car's license plate information to Mentor Police and other area law enforcement agencies. Shortly afterwards, Wickliffe Police spotted the vehicle and detained its driver and Harper, who was a passenger. When police questioned Harper, they observed star tattoos on her wrist that matched the tattoos reported by robbery witnesses. Harper, however, would not cooperate with detectives.

At the Crime Laboratory, Fingerprint and Firearms Examiner Becca Silverstein had determined that only one of the latent prints collected at the bank—a partial palm print—was of value. (CONTINUED ON PAGE 4)



Palm print lifted from bank counter.

# All In a Day's Work

Continued from Page 3

She ran the print through the federal AFIS (Automated Fingerprint Identification System) database. The search generated a potential match to Harper, which Silverstein then confirmed.

"The identification of the partial palm print was important because up to that point Tania Harper was not talking and was denying even being at the bank," said Silverstein. "The forensic fingerprint evidence was able to place her at the scene."

Harper pleaded guilty and was sentenced to 30 months in prison. Her accomplices received similar sentences.

## A Malfunctioning Gun - Firearms Analysis

A Painesville Police detective and a Lake County Narcotics Agency officer were working undercover in a city parking lot when they observed Maxie Howard approach a man and point a semi-automatic handgun at his chest. According to the officers, Howard pulled the trigger, but the gun didn't fire. The intended victim, a 28-year-old Painesville resident, ran away. Howard ejected the misfired round and fired again. The gun discharged, but the bullet missed the fleeing man. The officers then ordered Howard to drop the gun.

Howard, 26, of Painesville, quickly admitted to police that he had intended to kill the other man, although he would later claim he was pointing the gun in the air when he fired it. He also stated that he attempted to shoot the man as retaliation for a previous altercation.

As part of their criminal investigation, Painesville Police submitted the misfired round and Howard's gun to the Crime Laboratory. Senior Firearms and Fingerprint Examiner Ray Jorz was tasked with determining the gun's operability and whether Howard had, in fact, pulled the trigger when he first approached his intended victim. Jorz examined the misfired round and observed what appeared to be a 'light' firing pin impression and an ejector mark on the brass shell casing. He then tested the gun and discovered that the firearm had a defective trigger safety mechanism.

"It appeared that the malfunctioning safety did not completely block the firing pin from striking the cartridge," explained Jorz. "Instead, it allowed a 'light' contact between the firing pin and the cartridge case. Although there was enough contact to transfer 'tool mark' information from the firearm to the cartridge, there was not sufficient force to detonate the cartridge."

Noting that the tool mark on the ejected cartridge

Firing pin indentation on the misfired cartridge.



was indication that the gun's trigger had been pulled, Jorz theorized that Howard may have inadvertently attempted to fire the pistol with the safety in the 'on' position. Once he realized his mistake, he flipped off the safety and was able to fire a shot at his intended victim.

At trial, Howard was found guilty of attempted murder, felonious assault, and other counts. He received a 15-year sentence.

## Hit-and-Run - Trace Evidence

Joseph's neighbors in Madison Township often saw him walking to and from a nearby convenience store, sometimes three or four times a day. On February 22, 2013, Joseph took his final walk. At 11 p.m. that night, Joseph, 28, was struck and killed by a hit-and-run driver on Hubbard Road.

That night and the next day, Madison Township Police canvassed the scene for evidence. They found several pieces of white plastic that appeared to have come from an automobile. They submitted the plastic debris and Joseph's clothes to the Crime Laboratory in hopes that the paint from the debris and paint residue on the clothing could be traced to a particular make, model and year of car. With no witnesses to the incident, police reviewed surveillance video from Hubbard Road businesses. They also used social media to solicit citizen tips, and asked area law enforcement agencies to be on the lookout for a white car with a damaged front end. Police followed up on numerous leads, but were unable to identify a suspect.

The case broke on March 29, 2013, when Madison Township Police Chief Leonard Del Calzo spotted a white 1998 Honda Passport with damage to its front grill. Del Calzo learned that Johnny McKinney, 46, had been driving the vehicle on (CONTINUED ON PAGE 7)

## Harston: Tortured to Death

Continued from Page 1

called to a home in Painesville where 76-year-old John had been stabbed to death in his kitchen. While the premises showed signs of a violent struggle, John had been described by relatives as a hoarder whose floor space was typically covered by clutter.

“The place was very messy,” said Dave Green, a criminalist at the Crime Laboratory. “One of our challenges was deciding whether that was because the victim had been disorganized and untidy, or because the house had been ransacked by his attackers.”

Painesville Police had discovered John’s body after receiving a tip that several young males had been spotted carrying items from his house. They determined that John had been killed five days earlier after a visit by two neighborhood teens, Luis Colon and James Dion Harston Jr. The pair had visited John on the pretext of asking for any recyclable cans that he might have. They knew that John routinely saved empty cans for anyone who wanted to earn a few dollars at the recycling center.

But Colon and Harston, both 17, were after more than cans. Colon later told police that he and Harston had concocted a plan to steal John’s car. After they

choking him. He then threw the 5-foot-4, 140-pound John to the floor and kicked him in the mouth. As John screamed “Dion, Dion, Dion,” Harston repeatedly stabbed him in the neck with a paring knife. When the knife broke, Harston grabbed another from the kitchen counter and continued stabbing. That knife blade snapped and Harston used a third knife, which also broke, prompting him to tell Colon, “Damn, he’s got tough skin.” Finally, Harston found a haircutting kit in the living room and used the scissors to kill John.

The teens then rummaged through the house and left, with Harston taking \$6 in change and a package of new socks. In the days afterward, Harston boasted about the murder, and even took several friends to the crime scene to show them John’s body. Chairs and empty cans were found surrounding John’s body. Those friends would later return to loot John’s belongings.

After interviewing Colon and others who had knowledge of the crime, Painesville detectives arrested Harston and later charged him as an adult with aggravated murder. At the time he killed John, Harston had been under house arrest for a previous offense and was being monitored by an electronic ankle bracelet.

“The police quickly had their suspect in custody, so we weren’t as focused on helping to determine who committed the murder,” said Green. “Our job in this case was to gather evidence that was relevant to the crime and the stories of the witnesses.”

Because John’s house had been heavily pillaged, the crime scene processing took more time than usual. “Due to the clutter it required three days to process all of the evidence in the house,” said Green.

As the Crime Laboratory’s Linda Erdei collected blood evidence and Mitch Wisniewski searched for fingerprints, Green photographed the premises and bagged blood-stained items and trace evidence (tiny fragments of physical material such as hair, paint chips, and fibers from clothing or carpet).

While cluttered and chaotic crime scenes sometimes present investigative challenges, Green noted that those scenarios also present opportunities for forensic scientists to demonstrate their singular expertise and experience.

He explained that law enforcement agencies do a good job of securing and preserving crime scenes, but forensic scientists generally have an advantage when it comes to combing through taxing conditions and identifying probative evidence. (CONTINUED ON PAGE 6)



Macabre party scene.

were invited inside the house, one of the teens distracted John while the other searched unsuccessfully for his car keys. Colon then asked John for a snack. When John walked into the kitchen to get a box of crackers, the 220-pound Harston stepped behind him and began

## Harston: Tortured to Death

Continued from Page 5

Because forensic scientists not only collect evidence, but also conduct scientific analysis of it, they have an edge in determining the potential value of fingerprints, tool marks and other clues, said Green.

“At the Crime Laboratory, we see evidence from crime scenes every day,” he said. “Whether we are looking at shards of glass from a burglary, or blood stains and latent prints from a murder, or looking for bodily fluids on clothing worn during a sexual assault, we’re

examining evidence on a daily basis and looking at its scientific value. So when we’re at a crime scene, we can look at a doorknob with multiple fingerprints and know if we’re going to have terrible luck lifting the prints, or look at a partial shoeprint and tell if it will be useful.”

Erdei, who is now the director of the Crime Laboratory, was the DNA technical manager at the time of John’s murder. She examined dozens of bloodied items, including Harston’s clothing, his electronic ankle bracelet, and the knives and scissors found at the crime scene. Erdei’s analysis showed that John’s DNA matched DNA extracted from blood found on Harston’s socks and shoes.

Faced with the DNA evidence and the witness statements secured by Painesville Police, Harston pleaded guilty. At Harston’s sentencing in Lake County Common Pleas Court, Judge Martin O. Parks told him, “The act you committed against a retired senior citizen, with no conscience, amounted to something out of the Dark Ages. You tortured him to death. I think of how long he must have lived before you finally killed him.”

Harston, who had told a friend that he “didn’t feel anything” after the murder and that he could do it again, was sentenced to life imprisonment with parole eligibility after 50 years.

Erdei, who has worked on thousands of criminal cases in her 24-year forensic career, said the callousness of John’s murder was particularly disturbing.

“Often we see that people are very angry when they commit murder, but this seemed to be a killing for no reason, perhaps just to feel what it was like to kill someone,” she said. “This case was even sadder because the victim had befriended these teens. He used to save empty cans for them.”

Erdei also said she was surprised to learn that Harston had been under electronic monitoring when he murdered John. “He clearly had no respect for authority. He was hell-bent on doing whatever he pleased. This case is one example of why the Crime Laboratory’s work is so important. We thoroughly analyze evidence so that it can be used to identify and prosecute the right person for a violent crime such as this. As forensic scientists, we want to make sure the correct people are put on trial to be held accountable.”



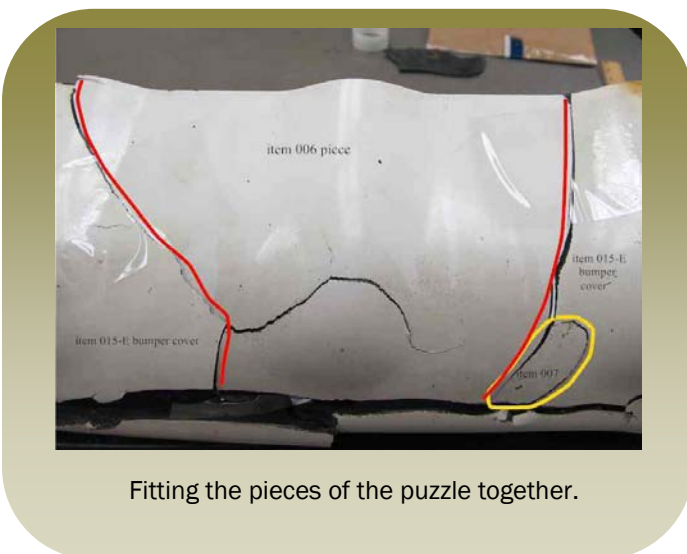
Examining Harston’s shoes for blood evidence.

# All In a Day's Work

Continued from Page 4

Hubbard Road the night that Joseph was hit. McKinney told Del Calzo that he knew he'd hit something, but thought it was a deer. The Honda was towed to the Crime Laboratory, where Trace Evidence Examiner Dave Green determined that its broken grill corresponded with the vehicle debris that had been collected at the scene.

Green then compared the top layer of paint from the debris with a paint sample from the Honda. "It was



Fitting the pieces of the puzzle together.

a positive match," he said, adding, "I not only matched the paint microscopically, but I matched it chemically as well."

McKinney pleaded guilty to several charges and served a nine-month sentence. While Green said the key evidence in the case was the auto debris from the scene, he also credited Del Calzo's efforts. "He drove around his township looking for a white vehicle with damage to the front end until he found the suspect's vehicle. This case was solved by great police work and great forensic evidence."

## The NyQuil® Defense - Toxicology

A Wickliffe Police officer found city resident Rhonda Scharf semi-conscious in the driver's seat of her car, which was running and in neutral. Noting that Scharf, 40, smelled of alcohol and was unresponsive, the officer had her transported to a hospital, where a blood test showed she had a .33 blood alcohol concentration (BAC). The legal limit in Ohio was .10 at the time. Scharf, who had been convicted of three previous OVIs, was charged

with driving under the influence of alcohol.

Scharf disputed the charge, claiming that her BAC was due to drinking two bottles of NyQuil® cough syrup and a partial bottle of Listerine®, both of which contain alcohol.

Scharf's blood test was submitted to the Crime Laboratory for interpretation. Doug Rohde, Supervisor of Toxicology and Drug Chemistry, calculated that Scharf would have had to drink at least six 10-ounce bottles of NyQuil® (or an equivalent of 14 beers or 10 glasses of wine) to reach a .33 BAC. However, he noted that because of certain ingredients in NyQuil®, a 'normal' individual could not consume even one bottle of NyQuil® without vomiting, much less six bottles.

"There were no challenges in doing the actual toxicology testing in this case—alcohol is relatively easy to detect and quantify in body fluids such as blood or urine," said Rohde. "But there is no way to determine the source of the alcohol through testing. Did it come from beer or vodka-and-tonic, or both? We can't tell. And it doesn't matter in terms of impairment. The alcohol molecules are floating around in the blood affecting the brain in the same fashion, regardless of source."

The issue in Scharf's case, said Rohde, was her account of ingesting cough syrup and mouthwash as the source of the alcohol. "Was this possible? My opinion was that it was highly improbable," he said. "To this day, I do not think the alcohol found in her blood was entirely due to the medicine/mouthwash she claimed to have ingested."

A jury found Scharf guilty of felony drunk driving. The former physical education teacher was sentenced to 120 days of jail time and her driver's license was suspended for three years.

## The PlayStation Case - Digital Evidence

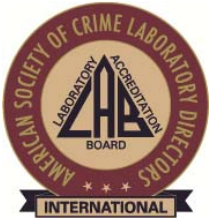
As a Digital Evidence Examiner at the Lake County Crime Laboratory, Jamie Walsh spends much of his workday extracting and analyzing data from cell phones and computer systems. Because digital devices have become a fixture in everyday life, their stored information often becomes vital evidence in criminal investigations.

Phones, laptop computers, flash drives, and GPS systems are the most common devices submitted to the Crime Laboratory for (CONTINUED ON PAGE 8)



# LAKE COUNTY CRIME LABORATORY

235 Fairgrounds Road • Painesville, OH 44077  
(440) 350-2793 • fax (440) 350-2731



An ASCLD/LAB-International Accredited Testing Laboratory since 2009  
An ASCLD/LAB-Legacy Accredited Testing Laboratory 2000-2009

## All In a Day's Work

Continued from Page 7

analysis. However, in February 2015, Walsh was faced with the challenge of extracting digital evidence from a PlayStation video game console.

Wickliffe Police suspected that two men had used the PlayStation's internet capability to target homes for burglaries. Michael Frydrych, of Willowick, and Bret Dixon, of Euclid, had been arrested for a series of burglaries in Lake and Cuyahoga Counties when investigators were tipped that Frydrych, who owned the PlayStation, had used the device to view online obituaries. One of the burglaries committed by the pair occurred when the elderly homeowner was attending her husband's funeral. Detectives learned that the men sold a ring and other items from that burglary to a Euclid pawn shop.

Walsh, a Certified Forensic Computer Examiner (CFCE), had to overcome encryption on the PlayStation's hard drive. "Gaming consoles present a number of problems because each system is a proprietary platform with a unique operating system," he explained. "We aren't able to use our forensic software on the consoles as we would with cell phones and computers."


His perseverance unearthed web searches for pawn shops, as well as Google Maps queries of area homes,

**The CRIMESCENE**

A quarterly publication of the Office of the Lake County Prosecuting Attorney, [www.LakeCountyProsecutor.org](http://www.LakeCountyProsecutor.org). For questions, comments, or to receive an electronic copy of this newsletter, please contact us at:

(440) 350-2793  
or  
[CrimeLabNews@lakecountyohio.gov](mailto:CrimeLabNews@lakecountyohio.gov)

© 2016



and Craigslist for-sale postings. Walsh didn't find any obituary searches, most likely due to the PlayStation's limited memory, he noted.

Frydrych, 33, and Dixon, 26, both pleaded guilty to theft and burglary charges, receiving prison sentences of 54 months and 66 months respectively.

Walsh said the PlayStation case is indicative of the evolving technology that confronts digital evidence examiners. "Because the PlayStation has internet connectivity, it can be used for multiple purposes. We're constantly seeing new smart phones and other high-tech devices that are more powerful and have increased capabilities. Digital Evidence is one of the fastest-changing disciplines in forensic science, so we work hard to keep up with the changes." 🐾