

## FBI AGENTS DIDN'T GO FAR ENOUGH TO INVESTIGATE HICKS IN MURDER CASE

# FBI MURDER INVESTIGATION OBSTRUCTED BY SPOTTS?

Ex-detective says Spotts asked him to conduct an investigation that "cleared" instead of "convicting" Hicks in the murder of Sandra Varney, which he refused; and says Spotts didn't tell him to investigate how Hicks paid her as an "out of pocket" informant

By JULINDA MI'ADOLLA

Explosive claims from ex-detective Henry "Pete" McCurdy to the *East Cleveland Tattler* reveal that police chief Ralph Spotts asked him to conduct an investigation that cleared instead of convicting ex-detective Randy Hicks who was accused by a woman in a Carl Monday WOIO news report in 2009 of murdering the late Sandra "Little Bit" Varney.

Varney's body was found strangled on October 6, 2007 behind the Noble Motel. Her head was covered with plastic and her hands were bound with wire behind her back. Monday's source claimed that Varney told her she was waiting for Hicks to meet her at the motel on the night she was murdered.

Spotts told Monday that Hicks wasn't guilty of the crime, and made the same claim to former mayor Eric Jonathan Brewer after the reporter's eye-opening revelation.

Brewer ordered Spotts to contact the FBI to schedule a meeting with former Special Agent in Charge Frank Figgliuzzi to discuss the allegation and was told by the police chief that they didn't want to meet.

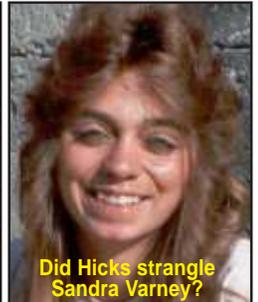


Dirty cop

Spotts is a cover-up artist who evidence will prove obstructs crime investigations



Murder suspect cop was assigned to DEA drug task force.



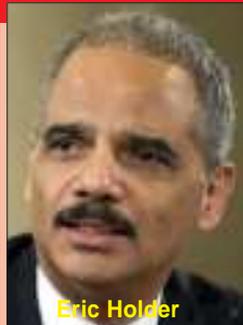
Did Hicks strangle Sandra Varney?

Leaving murder suspect cop Randy Hicks in the detective bureau to have access to the case file of a woman he was accused of strangling to death while the FBI and another detective were investigating him makes no sense. But that's exactly what mayor and safety director Gary Norton did under the advice of dirty cop and police chief Ralph Spotts. Hicks' continued presence in the detective bureau should have sent up a red flag to the female FBI agent investigating him, but sources said the slipshod investigation was dropped and Hicks cleared. How? Sandra "Little Bit" Varney was strangled to death and Carl Monday found a witness who said the murder victim told her Hicks was about to meet her at the Noble Motel the night she died. Is it a cover-up or incompetence?

## Obama's U.S. Attorney appointee must investigate East Cleveland cop misconduct, civil rights violations and training deficiencies



President Obama



Eric Holder



Steve Dettelbach



Sherrod Brown



Rob Portman



Marcia Fudge

President Barack Obama appointed Eric Holder as U.S. Attorney General, and then appointed Steve Dettelbach to work under him and lead the U.S. Attorney's office for the Northern District of Ohio. Dettelbach is responsible for overseeing the U.S. Attorney's office, the FBI and DEA, and for conducting investigations of police pattern and practice misconduct. Obama and Holder should be commended for launching an unprecedented 17 investigations of U.S. police departments for pattern and practice misconduct abuse and civil rights violations; and are East Cleveland's best bet to have bad cops investigated if he wins re-election. East Cleveland residents and voters, however, should contact U.S. Senator Sherrod Brown, U.S. Senator Rob Portman and U.S. Rep. Marcia Fudge to request that Dettelbach get bad cops investigated and good East Cleveland cops the training they need.

# Spotts has a history of obstructing criminal investigations

From page 1

Brewer, in a counterclaim filed against Norton with Shaker Heights Municipal Court, said he called Figgliuzzi in Spotts' presence and was immediately given an appointment. Spotts, he said, was caught in a lie. Brewer's counterclaim also said Spotts originally told him that Hicks didn't know Varney, but that he changed his tune when they met with Figgliuzzi and two other FBI agents.

Spotts confessed that Hicks had used her as an informant and was asked if he had started a "CI" or "confidential informants" file to establish the official relationship between Varney and the police department. He admitted that no file existed and was then asked by a special agent if Varney was an "out of pocket informant." Spotts said "yes."

Brewer was about a month away from his last day in office as mayor when he ordered Spotts to remove Hicks from the detective bureau and to launch two investigations. One to identify all of Hicks' informants and how he paid them. Another to identify the cases Hicks had used informants as sources because he was a patrol officer, not a detective, when Varney was murdered.

Spotts, acting on illegal orders from council president and mayor-elect Gary Norton, did not remove Hicks from the detective bureau. Instead of following Brewer's instructions, he told McCurdy to investigate Hicks for the murder that Brewer expected to be handled by the FBI.

McCurdy said he later learned that Spotts had ignored Brewer's instructions to have him obtain copies of all the cases Hicks had used informants to help him solve, and to learn how he was paying them. Brewer had heard persistent rumors that Hicks was robbing dope boys of their drugs and cash and using the loot he'd stolen to pay his snitches. Hicks, along with detectives James Naylor and Scott Gardner were caught stealing three big screen televisions from police evidence in 2012.

McCurdy said he investigated his co-worker, to the best of his ability, while Hicks remained in the detective bureau and had enough access, thanks to Spotts, to look over his shoulders. McCurdy said he couldn't gather any evidence that tied Hicks to Varney's murder.

Brewer had told friends that after Art McKoy's December 2008 arrest and indictment, he heard that Hicks used one of his snitches in the drug case, and was questioning if the barbershop owner was actually guilty of the charges that had been filed against him. Hicks' informant was the state's only "evidence" against McKoy. Spotts assured him the case was good.

When McKoy's attorneys, Rufus Sims and James Hardiman, who Brewer knew and respected, filed a March 2009 motion demanding that Cuyahoga County prosecutor William Mason disclose the informant's identity, and he refused. Brewer said he began to believe that allegations about Hicks' improper use of snitches were not wrong.

Friends said Brewer heard from a reliable source around July 2009, who had given him

information about a Elberon Road murder that he had published in the *Cleveland Challenger*, that Hicks was tied to Varney's strangulation death. By then he'd grown to distrust Spotts and quietly discussed the allegation with then law director Almata Johnson.

In early August 2009 Brewer scheduled a town hall meeting at the Helen S. Brown Center and invited then-NAACP executive director Stanley Miller, public defender Ron Tobik, assistant public defender Anthony Kellon (now deceased), city prosecutor Willa Hemmons, CSU law professor Cassandra Bledsoe and Johnson to encourage residents to come forth with allegations of police misconduct.

Spotts attended and made statements that so outraged the NAACP's Miller that he told Brewer the police chief sounded like a "rogue cop" and encouraged him to contact the U.S. Attorney's office to request a pattern and practice investigation for police corruption.

Brewer delayed the request because of an extremely busy work and campaign schedule, and because his father, Harold Pride Brewer, was hospitalized and dying. The elder Brewer had told his oldest child that he wanted to see him everyday. Brewer told his staff in late August that he was suspending his re-election campaign to honor his dying father's request.

By then Spotts was operating in full conspiracy with Norton to thwart the ex-mayor's re-election effort, orchestrating an endorsement of his campaign with union president Gardner, in exchange for his promotion to sergeant; and with members of the fire department who Brewer and ex-deputy safety director Kenneth Adams had stripped of all the extra money they were earning in overtime. Brewer had ordered a criminal investigation of firefighter Trammel Tucker, a Norton fraternity brother, who had been accused of embezzling \$40,000 from the firefighters union. Spotts had slowed the Tucker investigation at Norton's request.

Working with Norton to distribute stolen pictures that the council president had obtained from thief Pitassio Taylor, Spotts claimed he'd received copies from community policing officer David Terry and walked the mayor's stolen pictures around city hall showing them to employees and handing them out to smear the former mayor the same day his father died. Norton had already visited the homes of the city's absentee voters to show them Brewer's stolen pictures and to encourage them to switch their votes.

Brewer eventually followed up with a letter to Assistant U.S. Attorney Dean Valore in December 2009, three weeks before leaving office, but did not get a response. Sources said Norton did not want cops like Spotts, Hicks and Gardner investigated because they'd helped him distribute the ex-mayor's stolen property, and because he'd been named in a criminal



**GARY NORTON'S DRINKING BUDDIES.** Fired from a management training job, Norton had no management experience before becoming mayor. Gardner and Naylor still work after stealing big screen televisions. Cop Todd Carroscia was fired by Brewer for recklessly wrecking a \$30,000 new police vehicle as he sped to help a cop who didn't ask for it. Norton ignorantly rehired him after he filed a \$5 million lawsuit against the city for the dismissal. complaint by the outgoing mayor.

Immediately upon taking office, a police source said Norton and Spotts went to the media with a bogus claim that Brewer had "stolen" instead of purchasing the handgun he'd used as mayor in a scheme that would allow them to bury the investigation of themselves.

Spotts' obstructive habits were so ingrained that when Brewer ordered city employees to identify who had showed them his stolen property, the police chief contacted police commanders and ordered them to tell the cops they supervised to write that they saw the stolen property on television.

"Every single cop who submitted a statement had been instructed to lie and each and every single one of them lied," Brewer told friends.

Spotts' obstruction, and the willingness of law enforcement officers to lie, convinced Brewer that the city's police department was full of criminals masquerading as cops.

Sources said after Brewer left office he was contacted twice by a female FBI agent who wanted to know the identity of the source who'd given him the information about Hicks. Brewer contacted the source to get their permission and then gave the agent that person's contact information.

He didn't think the investigation should have focused only on whether or not Hicks murdered Varney, but on how he'd paid her and the cases he was working on: especially since he was not a detective when he was using Varney as an informant in 2007. Brewer was reminded by one of his cabinet members - after he and Spotts met with the FBI - that when he ordered the motel inspected after Varney's murder, the motel owner said Hicks was "gifted" free rooms to perform undercover assignments while a patrol officer. Brewer shared that information with the federal agent.

"Brewer believed that every single case that Hicks had used a confidential informant was contaminated and may have resulted in bad charges being filed by county prosecutor William Mason with the grand jury against innocent people," said government and media expert Jon Davis. "He was also convinced that Spotts left Hicks in the detective bureau to give him an opportunity to bury Sandra Varney's murder investigation."

Recall Gary Norton and ban red light camera petitions are available by contacting Victoria Deneau at 216-323-9254. Sign the petitions. Circulate the petitions. Don't forget to vote "NO" on Norton's pay raise this November. Go online and visit ... [www.peoplefirstpac.com](http://www.peoplefirstpac.com)