

COPS LIED TO GAIN ENTRANCE TO WOMAN'S HOME AND LIED WHEN THEY SAID EX-COP WAS ARMED AND DANGEROUS

Spotts authorized armed SWAT unit to search home and confront ex-cop who criticized him

Search warrant shows TV thief cop lied to Judge Will Dawson. Evidence shows he spent more time staking out ex-cop's home than investigating. Witnesses say he's refused to accept their statements. Texts show alleged "victim" apologized and now wants to tell truth.

By **CLYDE CLODHOPPER**

Suspicions are growing that police chief Ralph Spotts may have authorized a SWAT unit to help search a home where ex-detective Henry McCurdy lived in an act of retaliation because he criticized him in the *Tattler* for leaving ex-cop Randy Hicks in the detective bureau who had been accused of strangling Sandra Varney to death in October 2007.

A search warrant signed by Judge Will Dawson on August 22 was sought by detective Scott Gardner that authorized cops to enter the Chapman Avenue of Perrie Hart after McCurdy was accused by Nichelle Fluellen of striking her with a billy club and fracturing her skull.

Fluellen lives in Cleveland and drove to Hart's street in East Cleveland to confront daughter Khristen Hart for being involved with Veronica "Cookie" James.

Fluellen didn't like the fact that Cookie left her for Khristen and had sent threatening texts to Hart's daughter saying she'd be waiting for her to get home after she left work.

True to her texts, Fluellen positioned her car a few doors down from Hart's home for several hours while waiting for Khristen to arrive home that night at about 11:30 p.m. Fluellen had three

other women waiting in her car to confront Khristen.

An argument erupted which at first drew McCurdy outside to tell the women - which now included Khristen, Veronica and members of the Hart family - to go home, and not to do anything that would bring inexperienced East Cleveland cops to the street. He told them they didn't want the drama. But the women kept arguing so witnesses say McCurdy left.

A fight broke out. Fluellen's skull was fractured. She claimed to have been hit with a police-style billy club which drew attention to McCurdy.

To onlookers Fluellen was clearly the aggressor since she'd visited the street with three other women and waited for Khristen to arrive home from work. But as expected, East Cleveland cops arrived and arrested Khristen and Veronica based upon Fluellen's injuries. It didn't matter to them that the Harts and witnesses said they were defending themselves against an unwelcomed visitor who'd been sending threatening text messages throughout the day to Khristen's cell phone.

Despite the severity of her injuries, Fluellen ended up at the police department where she was joined by her father. She made a statement accusing McCurdy of smashing a billy club against her face. Perrie Hart, Khristen's mother, said she was shocked when cops brought Fluellen and her father to her home in search of McCurdy and to confront the family.

Hart said a cop she later learned was Gardner had stationed himself outside her home that night as if to place her and it under surveillance to see if McCurdy returned; and to take him into custody even though no warrant had been issued for his arrest.

The next day Gardner delivered a three-page affidavit to Dawson to obtain a search warrant so he could enter the Hart family home to search for handguns and rifles even though Fluellen claimed her injuries had come from a club.

The affidavit and search warrant contained language from Gardner that he had reason to

SELF-HATING NEGROES DO MORE HARM TO BLACK PEOPLE THAN THE WORST RACISTS



Civil rights leaders and marchers sacrificed their lives and the safety of their families to fight racist, crooked cops who violated the constitutional rights of African Americans. They fought to get African Americans elected to mayors, judges and councilmembers, and appointed to positions as police chiefs and law directors hoping they would end civil rights abuses and phony arrests, indictments and prosecutions of innocent African Americans. Despite every elected office but one being held by an African American in East Cleveland, a city with a 96 percent black population, and blacks controlling the police department and prosecutor's office, Negroes like police chief Ralph Spotts and law director Ron Riley are conspiring with county prosecutor Bill Mason to treat African Americans worse than cops who wear badges to hide their KKK "don't give a shit about the civil rights of African Americans" mindset like detective Scott Gardner.

believe people living in the home were "under disability." This meant they were felons or under indictment and thus unable to bear arms. It was also a lie.

A search of documents on file with the Cuyahoga County Court of Common Pleas don't show any charges or convictions against any member of the Hart family, including McCurdy.

To gain entrance to the home without the consent of the owner, Dawson would have had to waive Hart's rights to object to it being entered

Flip it over

YOUNG BLACK PEOPLE SHOULD STOP THE BULLSHIT THAT DRAWS POLICE ATTENTION



Emotions ran out of control when Nichelle Fluellen sat for several hours and waited for Khristen Hart to return home to confront her about being involved in a relationship with pregnant ex-girlfriend Veronica James.

McCurdy, family feared Spotts, SWAT had targeted him for assassination

without her approval. He didn't give police that authority. She had to say yes or else they couldn't enter.

McCurdy had left home and didn't return the night Fluellen was injured. Police sources had confided in him that Gardner was trying to track him down, and to make him look dangerous.

They'd told him Gardner was spreading the word that McCurdy was "armed and dangerous" even though the detective had not begun to conduct a thorough investigation.

Hart's daughter and Veronica were already in jail, and a confession had been made that McCurdy had nothing to do with Fluellen's injuries.

McCurdy and Perrie Hart wondered why Gardner was focusing so much attention on him instead of gathering witness statements to determine what happened before jumping to flawed conclusions about his ex-colleague.

McCurdy says Gardner used lies and deception to create a fearful image of him in the minds of the judge and other cops, and to escalate the false expectation of a confrontation.

Spotts authorized Gardner to call out a SWAT unit to search the home of the former employee who'd been criticizing his mismanagement of the city's police department, and pointing to the deteriorating standards that were being set by cops with "bottom of the barrel" law enforcement skills under the chief's supervision. McCurdy saw the SWAT decision as a set-up between Spotts and Gardner. His thoughts immediately went to an assassination attempt.

"We didn't send SWAT out to execute a warrant for people who committed murder when I worked there," McCurdy shared with the *Tattler*. "I was supposed to have been accused of assault. They knew me. It wasn't that serious."

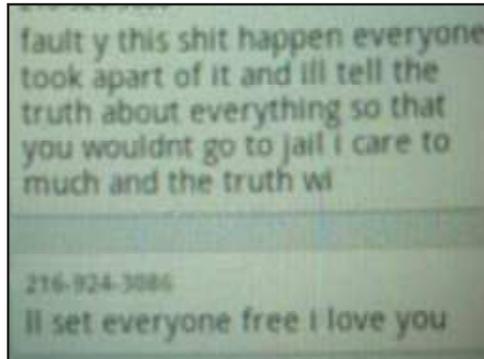
Gardner arrived with SWAT at the Hart home and showed her 19-year-old daughter the search warrant. She told him her mother would be home within 30 minutes, but was told by another cop that they weren't going to wait and that they'd kick down the door and shoot the family's two dogs.

Gardner and SWAT stormed through the family home, opening drawers, closets, upset pillows and tore through closets. Their personal lives were laid bare.

Hart said Gardner and the other cops were rude. They also didn't find any weapons or the billy club. Her home was left a mess.

Hart was terrified by the Gestapo-like tactics being used by East Cleveland cops. She saw Gardner sitting outside her home that night and saw him again when she left for work the next morning as he followed her in an unmarked car and pulled up alongside her own vehicle to look in. Gardner was searching for McCurdy even though no warrant for his arrest would be issued for another five days.

While Gardner was busy stalking Hart and McCurdy, witnesses had visited the police station to meet with him to deliver statements that countered Fluellen's claim that the ex-cop struck



Nichelle Fluellen sent several text messages to Veronica "Cookie" James saying she wished had done things differently and now wants to tell the truth about what really happened.

her. Gardner failed to contact them.

Fluellen had also begun sending text messages to Veronica that expressed her regret for what she had done and an offer to tell the truth.

The evidence was available if Gardner had bothered to investigate, but if council gets his overtime records and worksheets they'll see the documents reflect his spending time demonizing and defaming McCurdy, and unnecessarily costing East Cleveland taxpayers money to jail and prosecute residents who might not be guilty of anything.

Bonds for Kristen and McCurdy were \$25,000. That's \$5000 out of the McCurdy-Hart family savings and now costs for an attorney to deal with a fucked up investigation from an incompetent cop who stole a television from police evidence that belonged to a drug suspect.

Gardner was suspended twice by ex-mayor Eric Brewer for insubordination. Once for three days and a second time for one day.

Gardner should have been fired after detective Kyle Cunningham reported him, Randy Hicks and Jim Naylor for stealing big screen televisions out of police evidence, but the civil service cop gave Norton a \$200 campaign donation and obstructed a criminal investigation of him that had been ordered by Brewer to learn how the incoming mayor received stolen pictures from his personal computer.

Gardner confessed to Brewer in a disciplinary hearing that Spotts secretly told him to squash the investigation and not to talk to Sheriff Bob Reid's deputies. Gardner also secured the police union's endorsement for Norton, all of which earned him a promotion to sergeant six months after he took office. He has absolutely no outside professional training as a detective and was passed over by Brewer for sergeant because he wasn't qualified. Under Norton and Spotts Gardner's obstruction of the Norton investigation earned him the mayor's protection.

McCurdy had complained to Spotts about Gardner looking up adult and prostitute ads on *Backpage.com*, and searching through porn sites when the two worked together.

Brewer sent council a complaint earlier this year that Gardner engaged in theft in office when

NO THOROUGH INVESTIGATION OF RANDY HICKS FOR SANDRA VARNEY'S MURDER



There's no way an FBI investigation of ex-detective Randy Hicks' alleged involvement in the brutal October 2007 strangulation murder of Sandra Varney can have any credibility when Spotts allowed him to remain in the detective bureau while both the federal agency and ex-detective Henry McCurdy were investigating him. Hicks had access to evidence in Varney's case file during both the FBI and McCurdy's investigation. If there's any question that he may have tampered with evidence to mislead investigators, his theft of a drug suspect's big screen television serves as evidence of his potential for corruption. In 2009 WOIO's Carl Monday found a woman who accused Hicks of strangling Varney, and who claimed she was waiting for him to arrive at the Nobel Motel the night she was murdered. The motel's owner/manager said Hicks was often "gifted" with free rooms for undercover investigations. Hicks, however, was just a basic patrol officer and not a detective authorized to conduct investigations in 2007. Spotts at first lied to ex-mayor Eric Brewer and said Hicks didn't know Varney. When his former boss ordered Spotts to join him in a meeting with former FBI Special Agent in Charge Frank Figliuzzi, the ex-mayor was shocked to hear the lying police chief's confession that Hicks used her as an "out of pocket" informant.

he used a city computer to send him an email from his *Facebook* account while on duty. Norton and Spotts have failed to hold the incompetent criminal cop accountable, leaving him free to play detective and to violate the civil rights of black people.

While Gardner was conducting a personal manhunt for McCurdy, the former cop met with the sheriff and spoke to the FBI about turning himself in to them. The sheriff found no warrant so took no action. The FBI said it was outside their jurisdiction.

McCurdy, however, said the FBI agent he spoke to agreed that he had a right to be concerned about Spotts' and Gardner's actions, and scheduled a meeting to discuss a variety of concerns with him that the federal agency's officials had been reading in the *Tattler*.

Feeling more comfortable after alerting outside law enforcement agencies, McCurdy turned himself in and was released on bond. But he and Hart now don't feel safe after Gardner's malicious attempts to persecute them. They want out of East Cleveland ... forever.

The question now is will East Cleveland send the results of Gardner's incomplete investigation to Cuyahoga County Prosecutor William Mason so he can send it to the Grand Jury, or will law director Ron Riley demand a full investigation?

McCurdy says he expects to be indicted because this county's grand jury, as the late attorney Stan Tolliver was found of saying, will indict a "ham sandwich."