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BODY:

Commentary

Nathan Chesley wants the world to know that an innocent man is sitting on Ohio's death row.

He never got the chance to tell his story in court. He should, because this is what he would say:

Nathan was driving his truck in Connecticut when he heard the news that the state of Ohio had executed Dan Wilson.

It didn't bother Nathan that his foster brother had been executed in that June of 2009. He believed that Dan deserved to die for killing Bearnhardt and Cora Hartig. Nathan never forgot the day Dan told him that he had shot the elderly couple.

Nathan had always assumed Dan was on death row for killing the Hartigs. He was stunned when the news said Dan was executed for killing a woman, not the Hartigs. Wilson had locked Carol Lutz in a car trunk and set the vehicle on fire.

Nathan never knew that for 15 years, Tyrone Noling has been sitting on death row for the Hartig murders.

The Hartigs were found dead at their kitchen table in Atwater Township back in April 1990. Dan, then 20, had done odd jobs for the Hartigs, who were in their 80s. Dan had also done odd jobs for Frank Cebula. He paid Dan to shovel snow and mow the lawn when Dan was 14. Cebula was 81 when Dan beat him to death in Elyria.

After serving time with the Ohio Youth Commission, Dan ended up in a foster home a mile away from the Hartigs. Nathan was also placed in that home.

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A few weeks after the Hartigs were found dead, Dan was drunk and woke Nathan one night to help him fix his car, a powder-blue Dodge Omni. That night in the garage, Dan started talking about how 17-year-old Nathan wasn't a man yet and bragged about the stuff he had done in his life, like killing the Hartigs.

The next day when Dan was sober, Nathan asked for more details. Dan went crazy, threw him up against a wall and started choking him. Dan warned Nathan not to tell anyone.

Nathan told someone at high school and word spread to the principal. The principal of Southeast High School called the police and reported that a teen said his foster brother killed the Hartigs.

There's a police report to verify that call, but no one ever followed up on it.

Ever.

The police never interviewed Nathan. Prosecutors never interviewed Nathan. No one ever asked Nathan one question. Defense attorneys say they never saw the report.

Nathan, who is now 38, told me Dan kept two guns, a shotgun and a smaller gun. The .25-caliber gun that was used to kill the Hartigs was never found.

Chances are good that if Noling got a new trial, he'd be a free man. Three men who testified that Noling committed the murders have since recanted. No physical evidence connects Noling to the crime.

A cigarette butt found in the Hartigs' driveway ruled out Noling, but not Wilson. Since Wilson's DNA is on file with the state, it could easily be tested.

The problem is persuading prosecutors in Portage County to allow it.

"I wish they would have talked to me years ago," Nathan told me. "It would be a travesty if they kill this guy. He is innocent."

"Dan told me he did it," Nathan said. "It's that simple. I know it's not to the court, but they're going to execute an innocent man. I don't have a dog in the fight. I don't even know this guy Noling. I'd like to let him know that somebody out there knows he didn't do this. I'd like to give him hope."

Nathan can't figure out why no one will hear him.

Neither can I.

Join Regina Brett at 7 p.m. Wednesdays on WKSU FM/89.7 for "The Regina Brett Show." This week: A tour of famous writers' homes with author Anne Trubek. To reach Regina Brett: rbrett@plaind.com, 216-999-6328

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