

**Pre-arrest and Post-arrest, Arraignment on Charges
Historical Synoptic**

Upon my arrest on the original indictment (charges) occurring on February 13, 2001 (residence: 8006 Beman Avenue, Cleveland, Ohio 44105), the arresting officers advised me that a warrant had been issued for my arrest for failure to appear at a previously scheduled February 8, 2001 preliminary hearing with regards to the Grand Jury's True Bill indictment handed down against me on January 25, 2001 (Secret Grand Jury Inquest).

Originally, upon my arrest, the officers refused to produce their warrant; nor would they tell me what I was being arrested for until I was already in their custody. My Miranda rights were not ever read to me when they arrested me.

Upon my receiving the above information from the officers, I advised them that I never knew about the hearing they claim that I missed. In fact, I further stated that I had never been served with the court papers of the hearing notice. The arresting officer then showed me a photocopy of the Criminal Summons to Appear; he also showed me a photocopy receipt from the post office stating that a court summons had been mailed to my post office box (Willow Postal Station, Cleveland 44127) some time in early February; and which had been sent back to the court, as the post office box was no longer active due to my failure to pay the rental fees.

I then asked the arresting officer why the Prosecutor had mailed a Criminal Summons when, by law, a Criminal Summons must be hand-delivered. The officer then advised me of his belief that, since the Court did not have my home address prior to the Summons issuance, they had sent my Criminal Summons to the only address which they had in their files. Thereafter, I noticed in the officer's information folder a copy of my arrest warrant; it contained my home address of 8006 Beman Avenue, Cleveland, Ohio 44105. (If the Court mailed my Criminal Summons, then why did my arrest warrant reflect my true address?)

Please also be advised that I originally purchased the post office box in question because my wife, at the time, was stealing and destroying my mail during the moving process; I had sought and obtained from the Court a Civil Protection Order against my wife. After my move to the west side of Cleveland, I stopped paying rent on my post office box in August; and as a consequence the post office box was thereafter closed. However, because of U.S. Postal Service protocol, all mail going to a closed or discontinued postal box requires that the mail be returned to the sender.

**Importance of the Accused's Right to a Preliminary Hearing after Grand Jury Finds
Probable Cause to Issue Charges:**

After any Grand Jury ends its inquest against its "target", the "target"- the Defendant - has a Constitutional right to challenge the sufficiency of the probable cause evidence which induced the Grand Jury to indict. A preliminary hearing for the above purpose is scheduled. At the hearing the Defendant can be represented by counsel; and exercise his compulsory right to call witnesses in his favor who can contradict the probable cause evidence produced by the State. The State has a duty to produce their witnesses and/or evidence it presented against the accused before the Grand Jury. The Defendant and State can present their defenses at this hearing, and the Preliminary Hearing Judge can then decide whether the State has produced enough "probable cause" to proceed with a criminal trial against the Defendant.

Based upon information given to me and my wife in September by County workers, we both "unofficially" were being investigated for said charges. However, when I spoke with Cleveland Police shortly thereafter, they denied the existence of such an investigation. I then contacted a lawyer (Michael Goldberg, Esq.) in October 2000. I was advised by counsel that he would speak to "his people" at the Prosecutor's Office to obtain more specific information regarding the "so-called" investigation against myself and my wife on said charges. Counsel also advised me that my wife and myself should immediately cease contact with police and County social workers, because they were not out to help us. Moreover, counsel advised me that the accusations against us were very serious; and that we should expect charges to be handed down against us any time within the next 90 days; if not, charges would more than likely not be issued at all (per Statute of Limitations after the Prosecutor learns of probable cause in taking the case to Grand Jury.). Counsel further advised me to call him immediately if I was arrested; and not to answer any questions in the event that I was arrested; that he would come down to the police station and provide his services as counsel. He told me to maintain a low profile and to remain in contact with him (after my arrest, I lost contact). Indictments came past the 90-day limitation; in fact, it took 129 days.

Based on evidence my family and I have obtained, after trial, against the Police and State, we believe that during the time of the initial accusations and charges (September 2000) County workers and Police were pressed for time; and needed to get the case to the Grand Jury quickly before the Statute of Limitations expired. Police reports reflect their haste in the time before they went to the Grand Jury. They soon learned that they lacked the probable cause evidence sufficient for a Grand Jury indictment against me; there was no evidence, no crime scene, no recorded statements from the alleged victims making the accusations; medical examinations revealed no evidence of a crime perpetrated on the alleged victims; the County workers' reports conflicted. Realizing these fatal flaws in advance, and that the deadline to get this case to the Grand Jury was fast approaching, the Prosecutor knew that he had to fill in the missing gaps of the case against me.

Incident Reports Made against Me by the Cleveland Police Detective in September 2000:

These reports were only used to assist the Prosecution in meeting the "deadline" required by law in getting the case before the Grand Jury. The three Cleveland police incident reports in question contained false and misleading information. They listed an address at which neither myself, my wife, nor the alleged victims had resided at for 15 months. In fact, the alleged victims had already been in foster homes in Toledo, Ohio, for 6 months at the time of the police report.. At trial the Prosecutor went so far as to change the dates of offense as listed in the Indictments (charges), and yet he was still unable to document the time line. The police never testified at trial, nor did anyone ever raise the issue of the false police reports. In its haste to have me quickly indicted, the Prosecution misled the Grand Jury to believe probable cause existed against me. In addition, the Prosecutor called hearsay witnesses to corroborate the false information listed on the police reports.

Had I been afforded a preliminary hearing, the State of Ohio would have been forced to produce, upon my Motion for Discovery, all witnesses and any evidence used to procure my indictment; which would have given me the opportunity to expose perjury and false evidence. My counsel would have then had the right, at the preliminary hearing, to move that the entire case be thrown out on grounds of insufficient evidence and witness misconduct.

The burning question is: if the Prosecutor and County workers were so sure I was guilty of the crime as charged, then why are they still trying to prevent me from Discovery of all so-called evidence and witnesses they used to have me indicted?

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