

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

CHARLES J. GOLDBLUM, :
Plaintiff :
v : No. GD98-006096
CLARENCE MILLER, :
Defendant :
/

PROCEEDINGS: Deposition of
CLARENCE MILLER

DATE: September 9, 2004
11:30 a.m. - 12:40

PLACE: SCI Laurel Highlands
5706 Glades Pike
P.O. Box 631
Somerset, PA 15501

BEFORE: Francine M. Weber
Court Reporter
Notary Public

APPEARANCES: LEE MARKOVITZ, ESQUIRE
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Pittsburgh, PA 15219
(412) 391-5252
Counsel for the Plaintiff

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ORIGINAL**

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E X H I B I T S

None presented

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P R O C E E D I N G S

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Thereupon,

CLARENCE MILLER,

the deponent herein, being first duly sworn, was examined and testified as follows:

EXAMINATION

BY BY MARKOVITZ:

Q Would you tell us your name.

A My name is Clarence Miller.

Q You have a nickname, don't you?

A Boomer.

Q That's right.

A They call me Boomer.

Q And we are here today at the State Correctional Institution at Laurel Highlands.

A Laurel Highlands, yes.

Q How long have you-when did you get moved from Pittsburgh?

A About two years ago.

Q Is this place better?

A I'm getting better medical care here.

Q And present, my name is Lee Markovitz, Clarence.

A Yes.

Q And I represent Charles Goldblum.

A Charlie Goldblum, yes.

1 Q And there is also a court reporter here. Would
2 you tell us your name please, ma'am.

3 THE REPORTER: Fran Weber.

4 BY MR. MARKOVITZ:

5 Q I just-we came here to ask you a few questions
6 today and you've been nice enough to agree and meet with
7 us.

8 A Go ahead. See the time the detective come
9 out, the private detective, I was under heavy medication.
10 And I couldn't see him. And let's get this thing over
11 with once and for all. I mean, I can't be going through
12 this shit too much more, so let's get it over with once
13 and for all. If there is any way-

14 Q I just want you to come clean about things and
15 just say, you know, just say what you believe to be the
16 truth.

17 A I come clean. I came clean with the Lord, I
18 shed my things with the Father, and I came clean with the
19 Lord. And I'll do what I got to do and say what I got to
20 say which is truthful.

21 Q Yes, sir.

22 A Now, I know what Vince, if Vince, would tell
23 me don't do it, I know that. I know what goes through
24 Vinnie's mind, unless I'm here. He don't want me to say
25 nothing to nobody. He told me, never, never, never talk

1 to nobody unless I'm here. And he ain't here. He's gone.

2 Q The last person that you felt really cared
3 about you?

4 A He did, he cared about me. He cared, him and
5 his brother, big brother, Ralph, they cared about me, all
6 the way through, he stuck with me, paid all expenses and
7 everything. Didn't ask for nothing.

8 Q Did they put money in your account from time to
9 time?

10 A Yes, Vince did.

11 Q That was very nice.

12 A He bought me a TV, bought me a radio, he did it
13 out of the kindness of his heart because he was a good
14 man. And I hope the Lord blesses him. I never thought he
15 would die that fast.

16 Q We never know how long we are going to be here,
17 do we?

18 A Yes. Seventy one.

19 Q Can I get you some Kleenex.

20 A Yes. Thank you. I'll be all right. I took my
21 medication. I'm on medication so you got to excuse what
22 I say at times.

23 Q What kind of medication are you on?

24 A I'm on Highlee, they got, the psych put me on
25 to keep me calmed down, so I only got two vessels of the

1 heart going. And they don't want me to get too active or
2 too shook up, so they put me on that. Now, Mike Fisher,
3 when he was down to see me, down in Western, I told him
4 the facts. I ain't-I can't-Vince told me, never tell
5 anybody what I told him, but I told him the facts.

6 Q Told who the facts?

7 A Mike Fisher, the Attorney General. That I was
8 just as guilty as Zeke was. I feel sorry for Zeke,
9 because you had to be there. Believe me, sir, I seen a
10 different Zeke Goldblum that night than what I ever saw.
11 Zeke was like a wild man. I never saw it before. And it
12 is a shame. And he had me convinced that things would be
13 all right. And I believed him.

14 Q Can I ask you a few questions?

15 A Go ahead, you ask what you want to ask.

16 Q Do you remember the arson, Zeke's Restaurant?

17 A Zeke's Restaurant, yes.

18 Q On Fifth Avenue?

19 A Yeah.

20 Q Do you remember it was burned down?

21 A Yeah, George Wilhelm burned that down.

22 Q How do you know that?

23 A Because Zeke and I were together when Zeke
24 told me if he burns the restaurant down, he would pay him
25 back some of the, some of the money that we owed him from

1 swindling him out of that land in North Carolina.

2 Q Who took part in that swindle?

3 A It was me, Jack Deedo, Zeke, and myself. What I
4 couldn't understand, and I never thought Zeke would do it,
5 why he hired someone to have me killed.

6 Q I think that, that was a police setup. Somebody
7 came to Zeke, he didn't go to somebody. I think that was,
8 I think that was Detective Freeman.

9 A I talked to Ron O'Shea who Zeke talked to down
10 in the County Jail, who came down to Western, and that's
11 how come Ron O'Shea got out of jail, because Zeke told him
12 he wanted a hit man.

13 Q Did you know that Ron O'Shea later said that
14 he had, that Zeke never told him that and that Ron Freeman
15 put him up to saying that?

16 A No. No-one told me that.

17 Q Ron O'Shea is deceased now as well, sir,

18 A Oh, is he?

19 Q Yes, he is.

20 A Everybody died. Everybody died. I'll die soon.

21 Q How did Zeke meet Mr. Wilhelm?

22 A I set him up with him.

23 Q When did you do that?

24 A I can't remember. A long time ago. It was
25 down at the place next to the Oyster House.

1 Q Why did you set him up with Zeke?

2 A Because we could make some money together. I
3 only made five thousand dollars out of the deal. It was
4 Ted Deedo who was with Ken Minelli, but that's water over
5 the bridge. Let's get Zeke out so he can have a good life
6 and live. He's what, fifty now?

7 Q More.

8 A How old is he?

9 Q I think he's about fifty five, something like
10 that.

11 A Fifty five. Wow. You get him out of jail and
12 you tell him that I said, don't do that no more, that's
13 wrong what we did. I was always wanting to talk to Zeke
14 but they would never let me talk to him. If him and I
15 could have talked together and he could explain things to
16 me, then it would have worked out a long difference than
17 what it did now.

18 Q And how would it have been different?

19 A Well, Zeke would have gave me-tell me what to
20 say and what to do. I relied on Zeke.

21 Q Did he tell you to pay Wilhelm back?

22 A He told Wilhelm he would pay him back. See
23 all along, all he got to do, all he got to do to Zeke is,
24 he told the truth about he knew about the arson. All he
25 got to do to end this whole thing and he'll get out on

1 commutation, is to tell the truth. Yes, he helped me
2 stab him, yes we threw him over the garage.

3 Q How did he help you stab him?

4 A He stabbed him first.

5 Q In the car?

6 A Yes, by coming over the back seat.

7 Q Zeke was sitting in the back seat?

8 A Yes, he was sitting right in back of him. Then
9 Wilhelm fell out and the shears fell out and Zeke said,
10 get him and I went and I stabbed him a couple times. I
11 never told that to the police. Only one person knew it,
12 and that was Vinnie. And Vinnie says, that was wrong what
13 I did, I should have never did it. But, he's going to do
14 everything he can to help me.

15 Q And by Vinnie you mean Vince Murovich?

16 A Vince Murovich, is Vinnie, yes, that's what I
17 called him, Vinnie.

18 Q I just want the record to reflect who Vinnie is.

19 A Yes, Vince Murovich, yes. Vincent C. Murovich,
20 Jr.-no, he ain't no junior. Ralph, too.

21 Q Ralph is Vincent's brother?

22 A His big brother, Ralph, yes, that's the one
23 that led our campaigns all the way through, for our
24 Senate race, our Prothonotary, and our Sheriff race.
25 Ralph led us all the way through the campaign. Then Ralph

1 was the one to buy the buildings, Ralph was an architect.

2 Q Whose idea was it to take this, to swindle
3 Wilhelm?

4 A Me.

5 Q And then what role did Zeke have in it?

6 A Zeke was supposed to be the head man. He
7 was supposed to be the attorney to handle the affair.

8 Q Well the deed was filled out very badly. Who
9 filled out the deed?

10 A Deedo filled out the deed.

11 Q Why would Deedo fill out the deed if Zeke
12 was the lawyer?

13 A Because Deedo worked in real estate and Deedo
14 filled it out.

15 Q So you had a lawyer in the scheme but the
16 lawyer didn't fill out the deed?

17 A No. He didn't fill it out.

18 Q What did he do then, what did Zeke do?

19 A He was the head man that was supposed to be
20 with Swika.

21 Q What was Zeke supposed to do to make this
22 swindle happen?

23 A He went down to North Carolina with us. He
24 went down and he acted as a lawyer. He was the lawyer,
25 which he was at the time.

1 Q Zeke went down to North Carolina with you?

2 A Yeah, with me and Deedo. That was before we
3 went to Carlisle Shark, the mountain man.

4 Q How many times did Zeke go down to North
5 Carolina?

6 A One time.

7 Q How long was that trip?

8 A Oh, I don't know how long it took us.

9 Q A couple days?

10 A No, no, no. I think we went down and came
11 right back.

12 Q Do you remember when that trip was?

13 A No, I don't. I don't remember dates.

14 Q So he went down, you are saying, and played
15 the lawyer, is that right?

16 A Yes.

17 Q Did you ever testify before that Zeke made this
18 trip with you to North Carolina?

19 A No, I never did. I don't think. I don't know.

20 Q You don't know?

21 A I might have, I might not have. It's in the
22 transcripts. Whatever I said back then, you know,
23 happened. My memory was good. My memory ain't good now.
24 I'm all on medicine. I went out this morning to the
25 hospital to get checked out because they are going to take

1 my eyes, I can hardly see, I'm going blind.

2 Q Are you able to understand me?

3 A A little bit, yes, I can understand you. But
4 you ain't the guy I saw, I remembered, there was another
5 Markovitz I remember. When Vinnie was running for office,
6 was that you?

7 Q No. You and I have never met, Mr. Miller,
8 this is our first time we've ever met.

9 A Who was the other Attorney Markovitz?

10 Q Zeke's attorney?

11 A No, no.

12 Q Oh, I don't know who it is.

13 A It was another Markovitz that I knew.

14 Q There was Harry?

15 A That's it.

16 Q He was a state representative at one time.

17 A Yes.

18 Q Republican.

19 A Okay.

20 Q From Squirrel Hill.

21 A Yeah, yeah, yeah, okay, okay. That's who I
22 thought you were. When I come in I looked and I said
23 wait a minute.

24 Q He would be older than me.

25 A I know he would. A lot older. Do you know

1 Paul Goltz?

2 Q Sure.

3 A I'm thinking of getting Paul. I got to talk
4 to him, I ain't talked to him yet. But I wanted an
5 attorney. I'm not going to bother with him, no, I ain't
6 getting no attorney. What happens, happens. What
7 happens, happens. I don't know why he's suing me, I
8 ain't got nothing but an old TV and a radio. I don't know
9 why he's suing me. And my little fifteen dollars a month
10 that I get from my idle pay here in the hospital. So he
11 can sue me, he ain't getting nothing.

12 Q We understand that.

13 A At least you are getting paid. Everybody is
14 making money and that's the name of the game. Make the
15 money, get the gill, that's what Zeke always told me.
16 you get the gill, he said don't forget it.

17 MR. MILLER: Come in.

18 GUARD: Okay, I just had to see Mr. Miller, it's
19 count time.

20 MR. MILLER: He's counting.

21 MR. MARKOVITZ: Counted you, okay.

22 MR. MILLER: He had to make sure I was here.
23 Thought I flew out the window. We have more counts here
24 than anybody. Have you seen Zeke lately?

25 MR. MARKOVITZ: I haven't seen Zeke since 1999.

1 Oh, actually, no, I saw him in 2000.

2 MR. MILLER: How is he doing?

3 MR. MARKOVITZ: He has his health problems as
4 well, very bad back, had surgery recently, getting old
5 like all of us.

6 MR. MILLER: Yes, well it's time we all get out.

7 MR. MARKOVITZ: You know how it is in
8 Pennsylvania. You know what the politicians say, life
9 means life, right?

10 MR. MILLER: Yes. Well, what do you want me to
11 do now, what do you-

12 BY MR. MARKOVITZ:

13 Q I want you to tell me what happened -

14 A Well I told you.

15 Q When you went up to the garage.

16 A We went up to the garage. Zeke went and reached
17 over and stabbed him.

18 Q Why?

19 A I don't know why. You ask Zeke that. Everybody
20 asks me why. Zeke can answer that. And what made Vince
21 mad was he wouldn't take the lie detector.

22 Q How did Wilhelm get over the wall?

23 A We threw him over, me and Zeke. Zeke knows
24 that.

25 Q Did you have his arms or his legs?

1 A I had his arms, Zeke was the one that had his
2 legs and when he was going down he grabbed him by the
3 britches and they went and come down because he had one of
4 them leisure suits on and no belt.

5 Q Why did Zeke grab him?

6 A I don't know. You got to ask Zeke that. I
7 can't answer for Mr. Zeke.

8 Q Why didn't Zeke have any blood on his clothes?

9 A He had them on it, he had his jump suit on,
10 he put them in the trunk of the car in a garbage bag.

11 Q So he put a jump suit on over his suit?

12 A Yes. Yes, he did.

13 Q What color was the jump suit?

14 A It was dark.

15 Q And when you guys had met at McDonalds?

16 A Zeke had his topcoat on. He took his topcoat
17 off in the car, in Wilhelm's car. That's when he come
18 out and started to do his-and Wilhelm looked at me and
19 said, help me, Clarence, help me. And I didn't do shit,
20 I didn't do nothing. And I didn't go to the police.
21 And Zeke should have went to the police if he was
22 innocent.

23 Q But it turns out that you stabbed him, right?

24 A Yeah, I stabbed him.

25 Q How many times did you stab him?

1 A I stabbed him three times.

2 Q Three times?

3 A Yes.

4 Q How many times did Zeke stab him?

5 A He kept stabbing him.

6 Q Who stabbed him first?

7 A Me. No, Zeke reached over and got him first,
8 then he got him. No, wait a minute, wait, you got me
9 confused.

10 Q Okay, take your time.

11 A You got me confused. I'm confused.

12 Q Don't hit yourself.

13 A Leave me see. Leave me see. If I'm remembering
14 right-

15 Q Picture yourself in the car. Wilhelm is
16 behind the wheel.

17 A If I remember right, Wilhelm was behind the
18 wheel. I'm sitting next to Wilhelm. Zeke got the grass
19 shears and a monkey wrench in the back of the car. First
20 he hit him on the head.

21 Q With what?

22 A With that wrench, but the handle flew off.

23 Then he-

24 Q Which part of his head did he hit with the
25 wrench?

1 A Right back here, (indicating).

2 Q You are pointing to the back of the head?

3 A Yes. I guess that's the part he hit him with.

4 Then he reached over and stucked him like this

5 (indicating). And-wait a minute, wait a minute, wait

6 a minute, wait a minute. No, no, no, no, no, no, no.

7 Back up a little bit.

8 Q Go ahead.

9 A Erase what I said.

10 Q All right.

11 A I hit him first. Then he got out of the
12 car. He got out of the car, went out on the driver's
13 side, laid down, and that's when Zeke got out of the back
14 seat and grabbed the grass shears off of me and started
15 to stick him. Then Zeke stopped, dropped them, and I
16 picked them up and I started to stab him. Then he got
17 near the wall and we said let's-I said let's throw him
18 over. I said that. Let's throw him over. And we threw
19 him over the wall, thought he would hit the street below,
20 but he didn't. That's the way it went down.

21 Q So first you stabbed him?

22 A Yeah, yeah, you got it right.

23 Q And then Zeke-then he fell out of the car and
24 Zeke stabbed him?

25 A Yeah, yeah, you got it right now.

1 Q Then you stabbed him some more?

2 A Yeah, and so did Zeke.

3 Q And then the knife went back to Zeke?

4 A Yes.

5 Q There was only one weapon, right?

6 A It was a pair of grass shears that we used to
7 tear signs down in the campaign, one bladed. And that's
8 what we used. I told Zeke where they was at, they was in
9 the back underneath the driver's seat.

10 Q When did you tell him that?

11 A When we were going down to McDonalds.

12 Q You told him when you were going down to
13 McDonalds that in Wilhelm's car there is a grass shears?

14 A In the back seat, yes.

15 Q How did you know you would end up in Wilhelm's
16 car?

17 A Because I know George. George was parked out
18 front and we said let's take your car. I said let's take
19 your car to the parking garage.

20 Q Did Zeke drive you down to that meeting?

21 A No. Goldblum picked me up at home. I mean,
22 Wilhelm, picked me up at home. Goldblum met us later. He
23 came in McDonalds.

24 Q So you saw him at McDonalds?

25 A Yes.

1 Q That was the first time that day that you saw
2 Zeke?

3 A No, I saw him that morning.

4 Q Where was he in the morning?

5 A I saw him outside the Coppers Building.

6 Q Okay, and what did you discuss in the morning?

7 A That's when we discussed what was going to
8 happen.

9 Q What specifically was discussed, what did he say
10 was going to happen or what did you say was going to
11 happen?

12 A Something about a Jewish curse, that he was
13 going to slap him around a little bit. And something
14 about he was going to shut the faggot up. Because Wilhelm
15 kept calling down there and bothering him, wanted his
16 money, thought he got his money from the arson. He said,
17 he raised his insurance because he owed his Internal
18 Revenue money and he didn't want, he didn't want his -my
19 mind is fading away. Hold on.

20 Q Take your time. You are standing at the Coppers
21 Building?

22 A He-he didn't want his mother and dad to know
23 that he was going in debt with the restaurant because he
24 borrowed, they went and gave him the money to open it up
25 and he didn't want them to know it. Yeah, that's what-

1 I think that's what it was. That's the way it was. My
2 mind is so confused, hey, man, I can't think. You should
3 have asked me this two years ago.

4 Q I tried to see you more than two years ago.

5 A You never tried to see me.

6 Q Yes. Do you remember an investigator named
7 Bria, Larry Bria?

8 A Larry, yes.

9 Q Well, I went down to SCI, Pittsburgh, Western
10 Penn, with him one day to see you. And we put-

11 A Oh, I was sick that day you come down.

12 Q You refused to visit.

13 A Yes, because I was over in sick call. And I
14 called Larry back at home, I had his card. And I told
15 him and he came when I had my heart attack, out to the
16 hospital, to see me. Did he tell you that?

17 Q No.

18 A Yes, he came out to the-

19 Q So you are standing in front of the Coppers
20 Building on the morning of the murder, right? You are
21 talking with Zeke?

22 A Yes.

23 Q He says I'm going to put a Jewish curse on him?

24 A Yeah, yeah.

25 Q And so you thought he was going to do what?

1 A I thought he was going to -oh, man, my mind
2 ain't-I thought he-I thought he was going to beat him up
3 but it didn't happen that way, we decided to stab him.

4 Q When did you decide that?

5 A That morning. It was-I told George, I said-
6 I told Zeke, I said, well the guy is going to cause you
7 more trouble, we better dispose of him. And Zeke said,
8 okay. That's the way it went down.

9 Q So you decided that morning to kill him?

10 A Yeah, that morning.

11 Q And yet you didn't-

12 A But, see, I didn't tell nobody.

13 Q Nobody brought a weapon either.

14 A Only Vinnie. Vinnie knew everything. And
15 Vinnie wouldn't-- and told me never, he was it he-
16 Vinnie told me. Vinnie says, what you tell me, they can't
17 make me indulge, or something like that, because that is a
18 lawyer-client privilege. Is he right about that?

19 Q Yes, sir.

20 A And he says tell me the truth, don't lie to me.
21 Of all people, he said, I don't care who you lie to, but
22 don't lie to me, let me know the facts. And I ran
23 everything down to Vinnie. And Vinnie says, well, leave
24 me see what I can do. Leave me see, I know Mark Freeman-
25 what's his name, Fineman, or the detective?

1 Q Freeman, Ron Freeman.

2 A That's him, yeah, red-headed guy, that his
3 eye used to twitch. He said, leave me talk to him.
4 And the District Attorney was there. And, wait a minute-

5 Q Dixon?

6 A Yeah, yeah. Pete Dixon, yeah. And we decided,
7 Vince decided to have, he decided to have a meeting in
8 Judge Zeigler's office. And we had a meeting in Judge
9 Zeigler's office, if I can recall. And there was
10 Freeman, Vinnie, and, what the hell is his name, that
11 detective, the red-headed guy.

12 Q Ron Freeman?

13 A Freeman, Freeman was there. And Pete Dixon.
14 And Judge Zeigler come out and said, have you guys talked
15 it over yet.

16 Q Was this before Zeke's trial or before your
17 trial?

18 A Yes, before Zeke's trial, long before Zeke's
19 trial, because Ronnie Freeman, see, he wanted me out on
20 bond.

21 Q Why?

22 A Because he was tired of getting me out on
23 court orders, taking me down to the Public Safety
24 Building and interviewing like that. So he asked Vinnie
25 to file for a bond petition. And Vinnie filed and they

1 made it a hundred thousand with no way I could make it.
2 So then Vinnie took it and got it lowered to fifty grand
3 and Vinnie made the bond. He put up the money to that
4 bondsman.

5 Q You are saying Vince Murovich put up your bail?

6 A Yeah, yeah. Yeah, he put my bail up for me.

7 Q I thought Freeman had gone to your church?

8 A Freeman called-well Vinnie guaranteed it, they
9 needed-he wanted a guarantee, the bondsman, so Vinnie
10 signed the note that he would guarantee it that I would
11 show for the trial. Then Freeman called up Pastor Ed and
12 Pastor Ed gave me five hundred dollars. Then Vinnie put
13 the rest to make the ten percent, I think it was two
14 thousand dollars.

15 Q Are you Catholic?

16 A Yes.

17 Q Do you see a priest here?

18 A Yes, every day.

19 Q Is it a nice priest?

20 A Good priest. I confessed my sins to him.

21 Q What is his name?

22 A I don't know, he comes in, I see the Deacon,
23 Deacon Follario.

24 Q Follario?

25 A Yes. The Deacon comes in on weekends, I mean

1 the priest comes in on weekends.

2 Q How often do you see the priest?

3 A Every Sunday.

4 Q You go to services here?

5 A Yes, every Sunday. I don't go, they come up
6 to the hospital. I ain't allowed to leave the-I'm not
7 allowed to leave the building.

8 Q Because of your health?

9 A Yes, I can't even go out when they go out to
10 the yard, I can't go unless there is a nurse goes with
11 me. Like when I go out to the hospital trips, to
12 Somerset, there is always a, there is always a nurse
13 goes with me, because they know in case something happens.

14 Q Sure.

15 A They know better than the hospital nurses.

16 Q Let's go back to the morning of the murder.

17 A Go ahead whatever you want to go back to.

18 Q You are standing outside the Coppers Building
19 talking with Zeke?

20 A Yes, we're talking to Zeke.

21 Q That's when you decide to kill Wilhelm?

22 A Yes.

23 Q You decide then to do it by stabbing him?

24 A Yes.

25 Q Was that decided in the morning?

1 A Yes.

2 Q So who brought a knife?

3 A The knife was already, I told Zeke about the
4 grass shears being there. There was no knife.

5 Q So Zeke didn't bring a weapon and you didn't
6 bring a weapon?

7 A No. They were in the back, I told him, we can
8 get a weapon out of Wilhelm's car.

9 Q When is the last time you had been in Wilhelm's
10 car?

11 A Every day. We would go around and put signs up
12 for politicians. Every day. I'm always in his car.

13 Q When Wilhelm-

14 A Pete Dixon used to call me into to his office
15 in the District Attorney's Office, before the trial, and
16 he used to read me some scriptures. He was religious then
17 before he got off the wagon. And I don't know why he
18 changed, why he got off the wagon. But I was shocked when
19 I heard when Vinnie told me that he lost his lawyer's
20 license. I was shocked.

21 Q You are saying that while you were charged with
22 murder, Pete Dixon would have you come into his office and
23 read scriptures to you?

24 A Yes, yes.

25 Q Without your lawyer present?

1 A Yes. I don't know. I don't know, Mr.
2 Markovitz. I'm trying to think. And the way I am-I can't
3 think. I can't think. All I know is, let Charlie
4 Goldblum go.

5 Q Let what?

6 A Let Charlie Goldblum go, let him die on the
7 street because I'm going to die here.

8 Q Well he's not going to die on the street, he's
9 going to die in prison.

10 A Well let him die-he ain't going to die in
11 prison.

12 Q Sure he is. As long as you say he murdered
13 George Wilhelm.

14 A Well, he did. He helped me. You don't want
15 me to lie, do you?

16 Q Well, I got to tell you the truth. Since you've
17 been honest with me, I'm going to be honest with you,
18 okay. This is what I think happened. I think that you
19 and Zeke did the arson, the two of you. I think that Zeke
20 prepared it and you just lit the match because he wanted
21 an alibi, so he went home and watched the Steelers game
22 and you lit the match.

23 A No, that ain't what happened.

24 Q And then I think he found out later that you and
25 Deedo were stealing from Wilhelm and Zeke was afraid that

1 if you got caught, because Wilhelm would have gone to the
2 FBI, Zeke was afraid that if you got caught stealing from
3 Wilhelm that you would tell the authorities that you had
4 set fire to his restaurant at his request.

5 A No, no, you are all wrong.

6 Q So then he tried to-the two of you tried to
7 resolve it by talking you into-trying to talk you into
8 paying Mr. Wilhelm back.

9 A No, he did not.

10 Q And you had two meetings on two consecutive
11 nights at that McDonalds downtown. And the first meeting
12 you didn't agree to pay him back. And met him again the
13 next night, you were meeting and Mr. Wilhelm was getting
14 angry, at some point he said I got to move my car before I
15 get a ticket so everybody piled into his car and you are
16 going up that parking garage and Wilhelm was real angry.
17 He was real angry. He started yelling at you and you got
18 angry too.

19 A That ain't what happened.

20 Q And that shear was on the front floor of the
21 seat.

22 A No, it wasn't.

23 Q And you picked it up.

24 A You are not putting words in my mouth, no, it
25 wasn't.

1 Q These are not your words, these are my words.

2 A Those are yours-that's your belief, that
3 ain't what happened.

4 Q Were you his lover?

5 A No. No, hell no. Hell no.

6 Q There is no shame in that.

7 A No, I wasn't. Hell, no, he had Carl Stein.
8 Was not related, wasn't his lover, hell no. No, but you
9 are wrong on that. That is-you are dead wrong. And you
10 are not going to, in my condition, you are not going to
11 put words in my mouth.

12 Q I'm not trying to put words in your mouth.

13 A Well, you are saying something that is not true.
14 Why didn't Zeke, number one, you are saying that it was a
15 setup with the police. Now, I don't believe it was a
16 setup. There is no way you can make me believe it was a
17 setup, because several occasions I heard this from several
18 other inmates that was in the county jail, that he was
19 going around the county jail when he was in there, looking
20 for a hit man. Now, I heard that from several people,
21 not only from O'Shea but from several people.

22 Q Who?

23 A Several inmates. I don't know their names,
24 just several inmates, you know, I was talking to-

25 Q You can't forgive him for that, can you?

1 A I forgive him, sure I forgive him.

2 Q You forgive him even though he tried to kill
3 you?

4 A I forgive him, yes, because God forgave me, I
5 forgive him. And he ought to ask for forgiveness. That's
6 what he needs to do. He needs to get down on his knees
7 and pray to God and that God forgives him for what he has
8 done. His poor mother and dad are going through hell
9 because he will not-he's got them believing in a lie and
10 he should tell them the down to earth-especially you,
11 you are his attorney, he should at least confide in you
12 like I confided in Vinnie. He should sit down and confide
13 in you, then you would know which way to go. You are
14 going the wrong pattern when you talked about that. That
15 there now is what I figured that would happen. That, sure
16 you are going to believe that, I don't blame you to
17 believe that, because you are working and you are getting
18 paid from the Wilhelm side, so you are going to believe
19 that. And I don't have no animosity and I don't-I'm not
20 mad. It's just that you got the story wrong. Get it
21 right, then you will know. Talk to Zeke yourself. Sit
22 down and let him talk to you.

23 Q I guess I just don't understand if the two of
24 you decided that morning to stab Mr. Wilhelm, why neither
25 one of you brought a knife with you to the meeting

1 at McDonalds.

2 A Because I told Zeke about that knife. It wasn't
3 a knife, it was a pair of grass shears about this
4 big (indicating), they were grass shears, trimmers.

5 Q And why do it in the middle of downtown
6 Pittsburgh, that's not really smart, is it?

7 A Well, no, it ain't very smart.

8 Q It doesn't seem like it was much planned?

9 A It wasn't planned, that's why we are here.
10 Oh, Vinnie, Vinnie, why did you die on me, when I need
11 you now. I never thought Vinnie would go and leave me
12 like that.

13 Q We all die.

14 A Yes.

15 Q When you die, you'll be free.

16 A Yeah, I'm free now. I have no-I sleep good
17 at night, I have no worries, because I made my peace
18 with the Lord, and I know when I die, I'm going to heaven,
19 I know that, because I made my peace and I hope Zeke makes
20 his peace with the Lord so he can have, rest in peace too.
21 All he is doing is putting his poor mother and father who
22 is at their retirement age right now, could enjoy
23 themselves, putting them through agony. And not only
24 that, he is putting the Wilhelms through agony by keeping
25 this thing going. I mean let's finish this thing once and

1 for all and get over with it. He's going to try to get
2 out of jail, naturally. But, hey, go about it, use
3 commutation, don't drag people into it. As far as I'm
4 concerned, it's finished. The truth is out, the truth is
5 known. You believe what you want to believe. I know what
6 happened, I was there. There was three people up there
7 that night, there was me, Zeke and God. And God knows
8 what happened. That's it, it was just three, me, Zeke and
9 God. And until Zeke realizes that, he's not going to have
10 no peace at all. And I hope and pray some day he does.
11 And I hope and pray that some day you can reach him and
12 get to him and tell him about that, because that's wrong.
13 I really do.

14 Q Why did you testify at his trial, what were you
15 getting out of that?

16 A That's when I was supposed to get ten to twenty.

17 Q Is that written down somewhere?

18 A That's where Vinnie made the mistake. Vinnie
19 was mad at himself. Vinnie shook Dixon's hand and
20 Ron Freeman's hand and said I'll give you-what happened
21 was, Freeman came to Vinnie and said I need Clarence and
22 so did Dixon. And Vinnie said, I ain't giving you him
23 unless you give me something. You give me something and
24 I'll give you him. And they say, well let's see if we can
25 come to an understanding. And that's when Zeigler come

1 out and this is what mad Vinnie mad when Zeigler denied
2 it. He come out and said, I will not accept-I will not
3 accept no more than ten to twenty. And that's when they
4 said, okay, Dixon even agreed on it.

5 Q You are saying that Judge Zeigler was a witness
6 to the deal?

7 A He was right there when the deal happened.

8 Q And yet the deal was not honored?

9 A It was not honored, no. Now, why, I don't know,
10 I do not know. Vinnie was there, he would tell you the
11 same thing. If you ever see Harry Stump, do you know
12 Harry Stump?

13 Q Yes.

14 A You ask Harry about it. Because Harry was the
15 co-defendant on it. And Harry tried the whole case for
16 me, Harry Stump.

17 Q He was the co-counsel?

18 A Yes.

19 Q He assisted Vince?

20 A Yes, he did most of the trial work.

21 Q Okay. At your trial?

22 A Huh?

23 Q At your murder trial?

24 A Yes. Yes, he did, Harry did most of the trial
25 work. And I don't know who would have my records now, the

1 file that Vinnie has. I don't know anything now. I
2 contacted a woman, I called the office down there, and he
3 has two--he had two people, associates, in there with him.
4 But I can't remember her name. And she just said she
5 would look into it. I didn't call Harry Stump yet because
6 Harry is not doing criminal work no more.

7 Q So you are saying that this deal was made in
8 Zeigler's office?

9 A Yeah, yeah.

10 Q And Zeigler was present?

11 A No, he wasn't. He was in his chambers. This
12 was made out there--

13 Q In the courtroom?

14 A Yeah.

15 Q And this was a deal between you?

16 A Me.

17 Q And Harry Stump was there?

18 A I think Harry was there if I'm not mistaken.

19 Q But Vince was there for sure?

20 A Oh, Vinnie was there, Vinnie was always there.

21 Q And Freeman was there?

22 A And Freeman, yes, and Dixon, that's right.

23 Q And they offered you to plead to third degree
24 murder?

25 A Accessory.

1 Q Accessory?

2 A Yes.

3 Q And you'd get a sentence of ten to twenty years?

4 A Yes.

5 Q And then it reneged?

6 A I guess something happened.

7 Q What happened?

8 A I don't know. Something happened.

9 Q How did you end up with life?

10 A That's what I'm saying, and it made Vince mad,
11 because he says you can't trust them. He said he told his
12 big brother, Ralph, he said, I should have had the son of
13 a 'B' sign a paper, I didn't think he would do that to me.
14 I don't know who he was referring to. But, he said I
15 didn't think they would do that. And that's why Vince was
16 so upset and was fighting so hard and didn't give up on
17 the case. I don't know. I do not know Mr. Markovitz.

18 Q If I come and see you again, will you see me
19 again?

20 A Yes.

21 Q I do want to thank you for taking the time to
22 see me.

23 A That's quite-and I want to thank you.

24 Q And I hope your health is good and stays as
25 good.

1 A And may God bless you.

2 Q God Bless you.

3 A And keep you. Don't you get upset and do what
4 you can for Charlie. Do I have to sign something?

5 Q No, sir.

6 A If you wanted me to sign something I would
7 sign it.

8 Q I appreciate that. There is no need for that.

9 A And I would like to, if you are going to-I
10 don't know why you are going to have a trial for this,
11 I'll just concede right now, you know, and say hey,
12 yeah. Yeah, yeah, yeah, yeah, whatever you want, so we
13 can stop this foolishness. I know you don't want to stop
14 it because you ain't making no money if you stop it.

15 Q I'm not making much money on this case. I work
16 for the family for free for many years. I've been on this
17 case for eight years.

18 A I know you have, he's got a nice family.

19 Q Yes, he does.

20 A He's got a beautiful mother and father. And
21 that's a shame that they got to go through this kind of
22 grief. I feel sorry for the poor rabbi and I pray for the
23 poor rabbi every day, because he is up in the years and he
24 can't be worried about Zeke, I mean he is retired. Let
25 the man go in retirement and live peacefully and let his

1 wife go into retirement and live peacefully. And let
2 Zeke, hey, if you-like Baretta says, we did the crime,
3 let's do the time. That's the way I feel. Pretty soon in
4 two years, if I live, I'll be seventy years old. I have
5 nothing to live for, nothing to look forward to. I mean I
6 could very easily say, lie, under oath, but I would be
7 lying to God, and say yes, I did everything, and that
8 would free Charlie, if that's what they want me to do, to
9 get him out. I'll do anything but other than, like I
10 said, that's a damn shame he's letting-excuse me for using
11 that language, I didn't mean that in front of a lady. I
12 mean, when you talk to Charlie, I don't know if you
13 talked-just like the attorney general said, he said when
14 he interviewed me, that he talked two hours with him and
15 he could see that he was a different personality. And I
16 know what Charlie-I seen his eyes up there that night. I
17 know what Charlie can do. You don't know Charlie like I
18 know Charlie. I know what he can do, what Zeke can do.
19 I just hope you can get him out on a commutation or
20 something. I hope I can do something to help get him out.
21 But, I'm not going to lie to get him out. All he's got to
22 do is be truthful with you. Of all people, you was with
23 him for eight years, why don't he be truthful with you at
24 least, tell you, because you are not going to indulge it.
25 And he can at least come to you and tell you, yes, this

1 happened, this happened. And you would feel a lot better
2 and you would know how to go, like I did it to Vinnie.
3 And Vinnie knew just exactly, he said, you are telling me
4 the truth, that's all it needs. That's why he had me take
5 the lie detector and that's why he stuck with me all these
6 years because he knew I was truthful.

7 Q How many times did you take a lie detector test?

8 A Twice.

9 Q You passed once and you failed once, right?

10 A Yes. They asked me the wrong questions on the
11 second one.

12 Q What did they ask you?

13 A I don't remember what they were. If you have
14 them, I might know. I don't remember. And I had a guy
15 which Vinnie gave me hell for, I had a guy down at
16 Western, one of them jailhouse lawyers, draw me up a post
17 conviction and not checking with Vinnie about it. And
18 this guy says, don't worry, we'll make it look like you
19 was nuts and everything and they won't-and all that stuff.
20 He said we'll send it in and we'll get you a new trial.
21 When Vinnie found out about that, he almost went berserk.
22 He said what are you doing something like that for. He
23 said, man, he said, you don't file nothing without
24 checking with me. Did you get a copy of that, that post
25 conviction?

1 Q Yes, I have seen it.

2 A Yes.

3 Q Says that you don't remember anything about what
4 happened?

5 A Yeah, I mean, that was, well the guy's name that
6 did that for me was-I'll tell you who it was, hold on,
7 the guy's name was, oh my God, his name was Ralph-
8 Ralph Walters, that's what his name was. He was supposed
9 to be-he lied to everybody in jail, they thought he was a
10 paralegal and he was nothing. He just had to type it, he
11 charged me five packs for that, typing that all up. Said
12 that will get you back into court. And I sent a copy to
13 Vinnie, oh, man, he went off, shewwww. He came down to
14 see me and he gave me the riot act. He said you never
15 said nothing like that. He said, I ought to-he was
16 really-he was upset at me. He was really upset. You
17 don't say nothing to nobody unless you tell them to come
18 to me. That's like the guy approached me about writing a
19 book. Did he approach Zeke too?

20 Q Which guy was that?

21 A A guy from Maryland or somewhere.

22 Q I don't know.

23 A He come down and wanted to interview me about
24 writing a book on this case. And I told him, I don't know
25 what you are talking about. He said, well, I'd like

1 to write a book on this case. I said, well, why don't you
2 call 281-7222 and talk to Attorney Vince Murovich. He
3 says, well I don't like talking to attorneys. I said,
4 well I don't like talking to you. That's before I was
5 sick. And when I was walking with my cane, I said, well I
6 don't like talking to you if you can't talk to my
7 attorney. But, when we meet again, I hope we meet under
8 better circumstances. You can meet any time you want.
9 I'll see you, Mr. Markovitz.

10 Q Thank you.

11 A And I hope I don't have to go through the
12 problem of going to court on this.

13 Q No.

14 A Because I can't stand it.

15 Q I understand.

16 A And I hope you all the luck in the world and I
17 hope God is with you on your way back to Pittsburgh and
18 you have a nice day and you too, ma'am. And remember one
19 thing, always walk with Jesus and he'll be with you.
20 Remember that.

21 MR. MARKOVITZ: That will conclude the
22 deposition.

23 (Whereupon, the deposition was concluded at
24 12:40).
25

CERTIFICATE

COMMONWEALTH OF PENNSYLVANIA ;

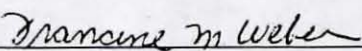
COUNTY OF ALLEGHENY ;

I, FRANCINE M. WEBER, Court Reporter - Notary Public, in and for the Commonwealth of Pennsylvania, do hereby certify that the witness, CLARENCE MILLER, was by me, first duly sworn to tell the truth, the whole truth, and nothing but the truth, and that the above deposition was recorded in stenotype by me and reduced to typewriting by me.

I FURTHER CERTIFY, that the said deposition constitutes a true record of the testimony given by said witness, that the foregoing deposition was taken at the time and place stated herein.

I FURTHER CERTIFY that I am not a relative, employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 10th day of September, 2004.


Francine M. Weber
Court Reporter - Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Francine M. Weber, Notary Public
Ebensburg Boro, Cambria County
My Commission Expires July 5, 2008
Member, Pennsylvania Association Of Notaries