

Judge upholds decision to suppress Fay statements

Written by Nancy Kline
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OTTAWA — Putnam County Common Pleas Judge Randall Basinger has denied a request to overturn his decision to suppress statements made by Michael Fay on May 10.

Judge Basinger rejected Putnam County Assistant Prosecutor Todd Schroeder's request to allow comments made by Fay on May 10 to be used as evidence. The judge previously allowed statements from Fay's May 9 interrogation to be used at trial. During the suppression hearing, Judge Basinger ruled the statements made on May 10 cannot be used as evidence in the trial.

On May 9, Fay was informed of his Miranda rights and signed a written waiver before talking to police, Basinger wrote.

On May 10, during another interview law enforcement had with Fay, he was asked if he still understood his rights. Fay said he did and the interview began. Basinger indicated in his ruling that a full reading of the rights to remain silent and to legal representation is required prior to each interview. It was indicated that less than 24 hours had passed since the Miranda rights had been initially stated to the defendant, who was a minor at the time.

Fay, now 18, is accused of killing brothers Blake, 17, and Blaine Romes, 14, on the morning of May 9. The three teens and their mothers shared a house trailer in Ottawa.

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Judge Basinger also ordered that any negotiated change of plea has to be done by Oct. 15. The trial date has been set for Nov. 11.