

Monday, July 12, 2021

G.O.L.D. Unit Utilizes Genealogical Testing to Identify Rapist in Decades-Old Case

CLEVELAND – Cuyahoga County Prosecutor Michael C. O'Malley announced that the Cuyahoga County Prosecutor's Office's (CCPO) G.O.L.D. Unit (Genetic Operations Linking DNA) has identified the suspect, Bart Mercurio, 50, in a 1999 rape that occurred in Cleveland.

"I am extremely proud of the dedicated work by all involved that led to this arrest," said Prosecutor O'Malley. "Although time may have passed, justice will not. It has been a long 22 years for this victim, but we hope today's news will bring her some comfort in knowing this individual is finally behind bars."

"Though many years have passed, hope remained for this victim that the perpetrator would be brought to justice – his day of judicial reckoning is finally here," Attorney General Dave Yost said. "I look forward to many future successes brought forth from this continued partnership with BCI and the Cuyahoga County Prosecutor's Office."

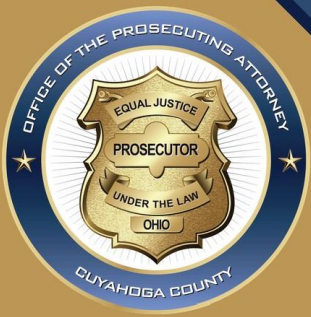
On May 6, 1999, the female victim, 33, left her house to go for a walk in Cleveland's Tremont neighborhood. When she returned home, Mercurio surprised her inside, grabbed her, and struck her multiple times to the point where she lost consciousness. He sexually assaulted her and fled the scene. The victim called the police and was transported to the hospital where a sexual assault kit was collected.

In 2013, the CCPO assembled the Sexual Assault Kit Task Force (SAKTF)* to address investigative leads that resulted from the testing of previously unsubmitted rape kits primarily between 1993 to 2011. The victim's rape kit was tested by the Ohio Bureau of Criminal Investigation (BCI) as part of the initiative. However, Mercurio's DNA did not produce any matches in the Combined DNA Index System (CODIS) – the FBI's national DNA database. Mercurio's DNA profile – unknown at the time – was then indicted as "John Doe #133" as a means to ensure that the statute of limitations did not run out. "John Doe #133" was charged with the following:

- **One count of Rape**
- **One count of Kidnapping**
- **One count of Aggravated Burglary**

In 2019 and 2020, the CCPO's SAKTF was awarded grants from the U.S. Department of Justice (USDJ). Part of that funding helped launch the office's G.O.L.D. Unit in October 2020. The G.O.L.D. Unit contracted with Gene By Gene for a pilot project that included genealogical searches for 20 DNA profiles connected to cold case sexual assaults. These 20 "Most Wanted" profiles were carefully selected after an extensive review process that considered serial offenders, stranger sexual assaults, and other relevant facts of each case.

The DNA profile for "John Doe #133" was submitted as part of the project. DNA analysts and investigative genetic genealogists were able to connect "John Doe #133's" DNA profile to that of Bart Mercurio.



Cuyahoga County Prosecutor's Office

Michael C. O'Malley

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Investigators then surreptitiously obtained Mercurio's DNA and sent it to BCI to be tested. The tests confirmed that the DNA in the victim's rape kit matched that of Mercurio. The original "John Doe #133" indictment was amended to reflect his name as the defendant and an arrest warrant was issued. On July 9, 2021, CCPO investigators, the Elyria Police Department, and the U.S. Marshals arrested him at his Elyria residence. Mercurio is currently incarcerated at the Cuyahoga County Jail. He will be arraigned on July 13.

***SAKTF / G.O.L.D. Unit History**

Since its inception, the Task Force has completed 7,292 investigations that have resulted in 872 defendants indicted, the highest number of any SAKTF in the country. The number of indictments includes 939 victims as several defendants are convicted or alleged serial offenders. Of those cases, the Task Force has secured over a 93% conviction rate with offenders' average prison sentence being approximately 10 years.

As the original 7,026 investigations neared completion, the CCPO contacted the Cleveland Division of Police (CPD) Sex Crimes Unit who indicated there was a need for further investigation on SAKs that have been tested by the Cuyahoga County Medical Examiner's Office (CCMEO) between 2012 and 2019. The G.O.L.D. Unit was formed to conduct follow-up investigations and review unknown DNA profiles to determine if they may be eligible for additional testing with new technology. The Unit's work also includes the "20 Most Wanted" cold case sexual assault project, potential genealogical testing of cold case sexually-motivated homicides, and continuing the Lawfully Owed DNA project.

The SAKTF / G.O.L.D. Unit is led by the CCPO and includes CPD, BCI, CCMEO, Case Western Reserve University, and the Cleveland Rape Crisis Center.