ANNUAL REPORT

OFFICE OF THE ATTORNEY GENERAL

2022 CAPITAL CRIMES
STATE AND FEDERAL CASES



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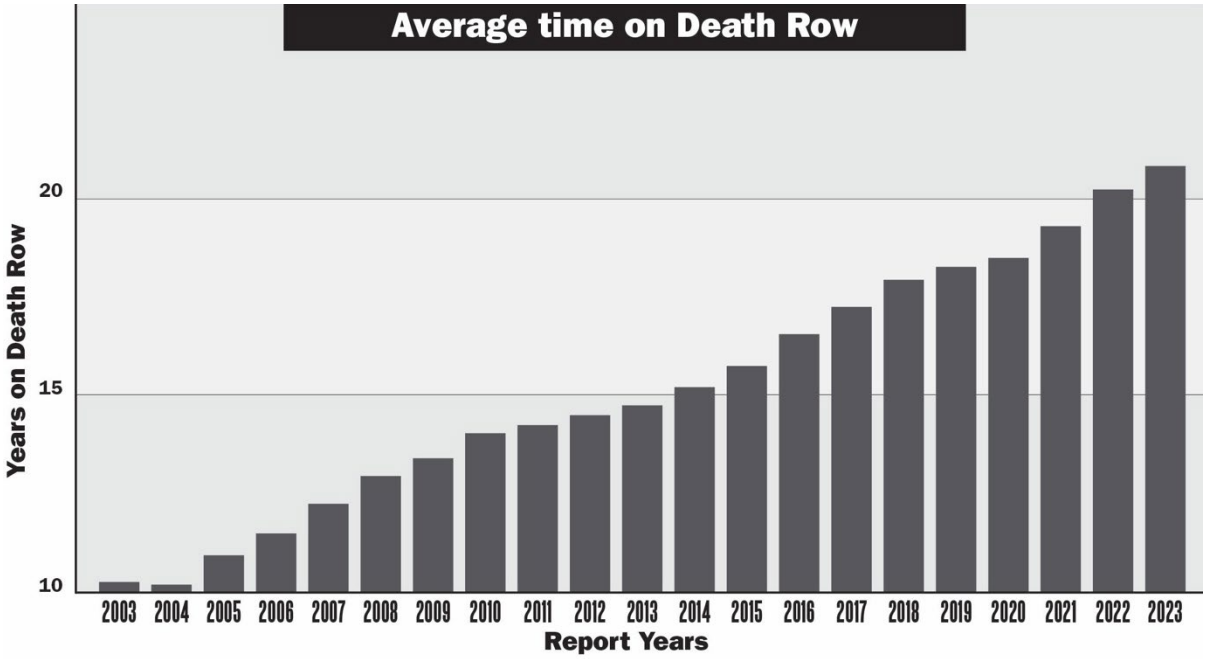
Executive Summary

As it always has, this annual Capital Crimes report presents the most current information about the operation of Ohio's capital punishment system: its history and operation, details about who is on death row and why, and the status of their cases if they are under appeal.

But the facts and trends illuminated in this report are an indictment of Ohio's broken capital-punishment system. It is a system that is not fairly, equally or promptly enforced, and because of that it invites distrust and disrespect for the rule of law.

Two questions demand answers: Why does Ohio devote enormous resources in time, money and litigation to a capital-punishment system that results in no executions? And why have Ohio's elected leaders done nothing about it?

At present, an inmate on Ohio's Death Row spends an average of nearly 21 years on death row — mostly as a result of multiple avenues for appeal — before an execution date is set. And currently, because of the unavailability of execution drugs under the current protocol, no death row inmate faces imminent execution. This means that an inmate is more likely to die of suicide or natural causes than as a result of execution.



This broken system is also enormously expensive. While the precise cost of Ohio's death-penalty system has not been determined, the Ohio Legislative Service Commission notes that:

"A mix of quantitative and qualitative studies of other states have found that the cost of a case in which a death penalty has been sought and imposed is higher, perhaps significantly so, than a murder case in which life imprisonment has been imposed. These studies generally support the following conclusions:

- In some states, capital cases exceed the cost of life imprisonment cases in the range of up to between $1 million and $3 million per case.

• The total amount expended in a capital case is between two and a half and five times as much as a noncapital case."

If these estimates apply to Ohio, then the extra cost of imposing the death penalty on the 128 inmates currently on Death Row might range between $128 million to $384 million.

That's a stunning amount of money to spend on a program that doesn't achieve its purpose.

This system satisfies nobody. Those who oppose the death penalty want it abolished altogether, not ticking away like a time bomb that might or might not explode. Those who support the death penalty want it to be fair, timely and effective. Neither side is getting what it wants while the state goes on pointlessly burning though enormous taxpayer resources.

If we were starting from scratch to design a system for the ultimate punishment — whether that punishment is execution, or instead, life in prison without parole — neither death-penalty opponents nor death-penalty supporters would create anything like Ohio's current system, which produces churn, waste, and endless lawsuits and nothing else.

Ohio's residents and their elected leaders should make one of two decisions: Either overhaul the capital punishment system to make it effective, or end it.

From the time that Ohio's death penalty law was enacted in 1981 until Dec. 31, 2022, 336 people have received a death sentence. Five of these people received two death sentences, resulting in a total of 341 death sentences.

But of those, only 56 sentences — just one of every six — have been carried out. Nearly the same number of inmates have had their sentences commuted (21) or died of natural causes or suicide before the sentence could be imposed (38). Nine have been removed because they are intellectually disabled and therefore constitutionally ineligible for the death penalty. Three have been removed because they suffered from serious mental illness. Thirty-nine additional mental illness petitions were filed in 2022.

As of Dec. 31, 2022, 83 death sentences have been removed by judicial action resulting in resentencing or release. Most were removed because of legal errors, such as ineffective assistance of counsel, *Brady* violations, juror errors, or appellate court determinations that the aggravating circumstances of the crime did not outweigh the mitigating factors beyond a reasonable doubt. (Note: Rather than show a flaw in Ohio's capital punishment system, these removals show the appellate process working as it should to prevent an injustice.)

Just one death row inmate, Dale Johnston, a pre-DNA case, was removed from death row for reasons that can be fairly attributed to his actual innocence of the double homicide for which he was convicted.

There currently are 128 people (with 130 death sentences) on death row. Their sentences have been delayed because Ohio currently lacks a means of lethal injection (the only method of execution permitted under state law), or because inmates are taking advantage of multiple avenues for appeal (detailed later in this report).

These delays are aggravated by judges who fail to move cases in a timely way. For example, at the end of 2022, there were 19 death penalty cases that had been pending for more than 10 years in federal district court. Thirteen federal cases have seen no activity for two years. There were eight cases pending in state courts that have seen no activity in the past two years. There were nine death penalty cases in which state and federal reviews have been completed but the prosecution has not yet filed a motion with the Ohio Supreme Court to set a date for the sentence to be carried out. (See tables at the end of this summary).

In short, Ohio imposes death sentences on perpetrators of brutal and revolting murders, then spends years debating, reviewing, appealing and failing to act on those decisions.

The following numbers illustrate the glacial pace of capital cases:

- Average age of person on death row (as of April 1, 2023) = 54.82 years
- Average age at sentencing (taking most current resentencing) = 33.95 years
- Average days on death row (as of April 1, 2023) = 7,592.30 days (20.78 years)
- Average time on death row of person executed (as of the date of the last execution in 2018) = 6,280 days (17.19 years)

The horrific crimes detailed later in this report make abundantly clear why juries chose the ultimate punishment. These sentences were not imposed lightly or easily. Good and decent men and women serving on Ohio's juries carefully considered the evidence, the aggravating circumstances and the mitigating factors. Then they made the most agonizing and morally harrowing decision anyone can make — to end the life of another human being.

These jurors have every reason to wonder why the legal system subjected them to such a grim and difficult duty when only one in six of these decisions leads to an execution. It is likely that some of these jurors passed away before the death row inmates they helped to sentence.

And if judges and juries have deemed a capital sentence to be the just punishment for a murder, is justice served if that sentence is never carried out? Consider, also, the families of the victims, for whom closure is impossible as long as these cases drag on. It is likely that members of victims' families have passed away, too, without seeing justice done.

Of course, the current system has evolved in response to serious criticisms of the way capital punishment has operated in the past. Critics point out that the judicial system has made errors and wrongly put people on death row. Innocent people have been condemned by racist juries, and defendants have been more or less likely to receive the death penalty based on racial factors, geography and quality of legal representation. People have been wrongly convicted based on faulty eyewitness testimony and occasional prosecutorial misdeeds.

Another factor creating suspicion of capital punishment are claims about "exonerations."

In popular parlance, to say someone was exonerated means that the person was ultimately found innocent of the crime with which he or she was charged. But it is important to remember that this word can be used in misleading ways.

For example, an "exonerated" list prepared by the California Wrongful Convictions Project at U.C. Berkeley included any case in which the conviction was reversed and the accused was subsequently acquitted in a retrial or the charges were dismissed. In other words, these were cases in which a prosecutor decided that the remaining evidence was insufficient and dismissed the case, or a jury decided the evidence was insufficient and returned an acquittal. These outcomes tell us nothing about defendant's actual guilt or innocence. To state it plainly, guilty people sometimes beat the rap. In fact, our system of justice is based on the idea that it is better for a guilty person to sometimes go unpunished than to erroneously convict someone who is innocent.

Naturally, the idea that the state might execute an innocent person is horrifying.

But in Ohio, there are no known instances in which a person has been executed for murder and later found to be innocent.

Also, the acceptance and accelerating use of DNA evidence in murder cases since the late 1990s has brought scientific certainty to determinations of guilt and innocence.

In short, much of the concern about capital punishment is based on the miscarriages of the past that have been eliminated by judicial safeguards and improvements in scientific investigative tools.

But even if Ohio's system is trustworthy in its sentencing decisions, it is not effective in carrying them out.

What is lacking is the political will to make a decision: Either make capital punishment an effective tool for justice or eliminate it altogether.

Until that decision is made, this system is a testament to government impotence. At a time when faith in society's institutions is at an all-time low, the failure of the capital-punishment system could be Exhibit A.

Ohio's elected leaders should fix this.

Cases Pending in District Court for 10 Years or More (19)

As of 12/31/22, a total of 19 cases have been pending in the Federal District Court on the initial habeas petitions for at least 10 years.

1.	Rojas, Martin	(Hamilton)	Habeas Petition filed 10/04/96
2.	Cook, Derrick	(Hamilton)	Habeas Petition filed 04/23/97
3.	Waddy, Warren	(Franklin)	Habeas Petition filed 02/26/98
4.	Ballew, Tyrone	(Hamilton)	Habeas Petition filed 11/18/98
5.	Williams, Clifford[1]	(Butler)	Habeas Petition filed 06/11/99
6.	Robb, Jason	(Franklin)	Habeas Petition filed 06/03/02
7.	Sanders, Carlos	(Hamilton)	Habeas Petition filed 04/22/03
8.	Twyford, Raymond	(Jefferson)	Habeas Petition filed 10/06/03

[1] On April 14, 2022, the district court denied Clifford Williams' petition for a writ of habeas corpus, but because Williams filed a motion to alter or amend that judgment on May 12, 2022, the matter remains pending in the district court.

9.	Myers, David	(Greene)	Habeas Petition filed 05/21/04
10.	Monroe, Jonathon	(Franklin)	Habeas Petition filed 03/27/07
11.	Turner, Michael	(Franklin)	Habeas Petition filed 06/15/07
12.	Conway, James (1)	(Franklin)	Habeas Petition filed 10/02/07
13.	Elmore, Phillip	(Licking)	Habeas Petition filed 05/01/08
14.	Conway, James (2)	(Franklin)	Habeas Petition filed 06/01/08
15.	Gapen, Larry	(Montgomery)	Habeas Petition filed 03/10/09
16.	McKnight, Gregory	(Vinton)	Habeas Petition filed 10/14/09
17.	Skatzes, George	(Montgomery)	Habeas Petition filed 04/05/10
18.	Bethel, Robert	(Franklin)	Habeas Petition filed 08/25/10
19.	Were, James	(Hamilton)	Habeas Petition filed 01/21/11

Cases Pending in District Court in Which There Has Been No Meaningful Activity in the Past 2 Years (13)

As of 12/31/22, a total of 13 cases have been pending in District Court and have had no meaningful activity in the past 2 years.

Ballew, Tyrone: (Hamilton) (No meaningful activity since March 2017 – *case stayed*) On Novemeber 18, 1998, Ballew filed a petition for a writ of habeas corpus in the district court. On September 27, 2001, the district court denied Ballew's motion for an evidentiary hearing and granted Ballew's motion to expand the record. On October 1, 2004, the case was reassigned from Judge Smith to Judge Watson. On June 14, 2013 and August 8, 2014, Ballew filed amended petitions to add claims challenging the constitutionality of lethal injection. On July 16, 2015, the Warden filed a motion to dismiss the lethal injection grounds, which the court denied on March 18, 2016. On March 24, 2017, the district court stayed the habeas case so Ballew could pursue a successive petition for postconviction relief, which he filed with the trial court on June 9, 2017, and which remains pending (*see next section*).

Conway, James (2): (Franklin) (No meaningful activity since August 2020) On June 1, 2008, Conway filed a petition for a writ of habeas corpus in the district court, which he amended on February 19, 2013, to include claims challenging the constitutionality of lethal injection. The magistrate judge denied Conway's August 22, 2016 motion to amend his petition because the amendment would create a "mixed" petition. On May 3, 2017, the magistrate judge denied Conway's December 14, 2017 motion to deem claims he had pending in state court deemed exhausted for purpose of his habeas petition. On April 3, 2020, Conway renewed his motion to amend his habeas petition. On July 16, 2020, the magistrate judge partially granted Conway's motion to amend his petition, and Conway objected on July 24, 2020. On August 4, 2020, the magistrate judge issued a supplemental report, and Conway again objected on August 14, 2020. The Warden responded to Conway's objections on August 3, 2020 and August 14, 2020. (Note: On February 16, 2023, Conway filed in the district court a motion to stay his case to again return to state court; the Warden opposed the motion on March 1, 2023.)

Gapen, Larry: (Montgomery) (No meaningful activity since November 2013 – *case stayed*) On March 10, 2009, Gapen filed a habeas petition in the district court, which he amended on July 14, 2009. On October 31, 2011, the district court permitted limited depositions of the trial jurors. Following those depositions, on November 12, 2013, the district court stayed the case to allow Gapen to return to state court to persue a motion for leave to file a motion for new trial. (Note: The state court litigation remains pending. The trial court denied Gapen's motion for leave to file

a motion for new trial on April 29, 2020, and the Second District Court of Appeals affirmed that denial on September 17, 2021. On October 29, 2021, Gapen appealed to the Ohio Supreme Court, and the State responded on November 29, 2021. On February 15, 2022, the Ohio Supreme Court accepted Gapen's appeal as to one claim and stayed the case pending a decision in *State v. Bethel*, but dismissed the appeal on April 26, 2022 as being improvidently accepted. The U.S. Supreme Court denied Gapen's petition for a writ of certiorari on January 9, 2023. Meanwhile, Gapen filed in the trial court another motion for leave to file a motion for new trial on January 6, 2023, which the State opposed on February 20, 2023.)

Monroe, Jonathon: (Franklin) (No meaningful activity since November 2020 – *case stayed*) On March 27, 2007, Monroe filed a petition for a writ of habeas corpus, which he amended on April 1, 2016. On November 2, 2020, over the Warden's objections, the district court stayed the habeas case to permit Monroe to litigate claims in state court. Meanwhile, on December 29, 2017, Monroe filed in the trial court a successive petition for postconviction relief. That litigation remains pending, with the trial court permitting discovery in 2021, and ordering the parties to submit a deposition schedule in October 2022.

Myers, David: (Greene) (No meaningful activity since February 2020) On May 21, 2004, Myers filed a petition of for a writ of habeas corpus. On February 11, 2020, the district court granted Myers' March 29, 2019 motion to conduct new DNA testing on 22 items of evidence, and ordered the parties to determine the location and status of the evidence, as well as propose laboratories to conduct the testing. On July 21, 2020, the district court issued a revised testing order. On June 28, 2022, Myers filed a status report updating the court on the progress of the DNA testing.

Neyland, Calvin: (Wood) (No meaningful activity since September 2019) On February 23, 2017, Neyland filed a petition for a writ of habeas corpus. On January 8, 2018, the district court granted Neyland's motion to subpoena his recorded prison telephone calls. On September 30, 2019, over the Warden's objections, the district court granted Neyland's January 16, 2019 motion to supplement the record with current mental health records for *in camera* inspection by the court. On December 14, 2022, the district court entered an order that Neyland's mental health records would not be disclosed to counsel.

Robb, Jason: (Franklin (transferred from Scioto)) (No meaningful activity since March 2019) On June 3, 2002, Robb filed a petition for a writ of habeas corpus in the district court. On September 16, 2004, the district court partially granted Robb's motion for discovery. On July 16, 2012, the district court permitted Robb to amend his petition to add claims challenging the constitutionality of lethal injection, which he then amended several times. The Warden filed an amended return of writ on March 21, 2017. On June 19, 2017, Robb filed a reply addressing issues of procedural default, which he supplemented on March 26, 2021. Meanwhile, on September 12, 2017, the district court denied Robb's January 11, 2017 motion to amend his petition to include a claim based upon *Hurst v. Florida*, and on March 18, 2019, denied Robb's latest motion to amend his lethal injection claims. During 2019, briefing was conducted regarding the manner in which discovery documents would be filed in this case and the other Lucasville-riot cases.

Rojas, Martin: (Hamilton) (No meaningful activity since September 2018) On October 4, 1996, Rojas filed a petition for a writ of habeas corpus in the district court. On May 5, 2004, Rojas filed a supplemental memorandum in support of his habeas petition. On August 09, 2004, Rojas filed a motion for an evidentiary hearing. On May 20, 2011, Rojas and the Warden filed

supplemental briefs. On June 28, 2011, the Warden opposed Rojas' request for an evidentiary hearing. On September 14, 2015, the district court set another briefing schedule. Rojas and the Warden filed additional briefs on January 4, 2016. The Warden filed an additional brief on February 26, 2016 and Rojas filed an additional brief on March 25, 2016. On July 11, 2017, the district court appointed new attorneys to represent Rojas. On November 9, 2017, Rojas filed, *pro se*, a motion to dismiss all appeals, which the district court denied on September 4, 2018 following a status conference with counsel.

Sheppard, Bobby: (Hamilton) (No meaningful activity since February 2018 – successive habeas petition) On September 13, 2011, the 6th Circuit affirmed the district court's denial of Sheppard's June 20, 2000 initial petition for a writ of habeas corpus. On July 5, 2013, the district court denied Sheppard's March 9, 2012 successive habeas petition challenging the constitutionality of lethal injection; the 6th Circuit remanded the case to the district court for further proceedings on December 17, 2013. Meanwhile, in 2012 and 2015, Sheppard filed motions to reopen his habeas case, which the court denied on January 14, 2013 and February 1, 2016. On February 21, 2017, the district court transferred to the 6th Circuit Sheppard's motion to amend his petition to add claims based upon *Hurst v. Florida*. Following remand from the 6th Circuit, the magistrate judge again recommended transfer of the successive petition on September 15, 2017, October 16, 2017, and January 17, 2018. Sheppard objected on January 31, 2018, and the Warden responded on February 14, 2018.

Skatzes, George: (Montgomery (transferred from Scioto)) (No meaningful activity since June 2017) On April 5, 2010, Skatzes filed a petition for a writ of habeas corpus. The Warden filed a return of writ on August 30, 2010. Between 2012 and 2014, the parties conducted extensive discovery. On May 23, 2016, the court denied Skatzes' September 30, 2014 and October 30, 2014 motions to expand the record. On June 1, 2017, the magistrate judge partially granted Skatzes' 2016 re-filed motions to expand the record, and Skatzes objected on June 15, 2017. Meanwhile, on June 6, 2017, reference of the case to a magistrate judge was vacated.

Turner, Michael: (Franklin) (No meaningful activity since January 2018) On June 15, 2007, Turner filed a petition for a writ of habeas corpus in district court. On April 22, 2011, the magistrate judge recommended the denial of the writ, which the district court found moot on March 21, 2013 because Turner was granted leave to amend his petition. On May 30, 2013, over the Warden's objections, Turner amended his petition to raise claims challenging the constitutionality of lethal injection. Following several amendments, on December 08, 2017 and December 27, 2017, the magistrate judge recommended the dismissal of the lethal injection claims. Turner objected on January 24, 2018, and the Warden responded on January 25, 2018.

Waddy, Warren: (Franklin) (No meaningful activity since April 2015) On February 26, 1998, Waddy filed a petition for a writ of habeas corpus in the district court. On April 6, 2012, the district court permitted Waddy to amend his petition to raise claims challenging the constitutionality of lethal injection, which he filed on April 11, 2012. Waddy again amended his habeas petition on January 8, 2013 to raise intellectual disability claims. The Warden filed an amended return of writ on May 31, 2013, and Waddy filed an amended traverse on December 9, 2013. On April 15, 2015, the district court denied Waddy's March 12, 2014 discovery request. On June 6, 2017, reference of the case to a magistrate judge was vacated.

Wogenstahl, Jeffrey: (Hamilton) (No meaningful activity since September 2018 – successive habeas petition – *case stayed*) On September 4, 2018, the 6th Circuit authorized Wogenstahl to file a successive habeas petition. The habeas case is stayed pending the completion of the state court litigation. (*see next section*) (Note: On June 10, 2019, Wogenstahl filed a third habeas petition on a jurisdictional issue, but on May 12, 2020, the 6th Circuit denied permission to proceed, and the U.S. Supreme Court denied Wogenstahl's October 6, 2020 petition for a writ of certiorari on January 11, 2021).

Cases Pending in State Court in Which There Has Been No Meaningful Activity in the Past 2 Years (8)

As of 12/31/22, a total of 8 cases have been pending in the State trial courts and have had no meaningful activity in the past 2 years.

Ballew, Tyrone: (Hamilton) (Successive postconviction petition filed on June 9, 2017) (No meaningful activity since March 2019) On March 24, 2017, the federal district court stayed Ballew's habeas case pending the completion of state court proceedings. On June 9, 2017, Ballew filed with the trial court a successive petition for postconviction relief, which he amended on 02/08/18; the State responded to the petition on July 12, 2018. On November 19, 2018, Ballew filed a motion for partial summary judgment and motion for discovery. The State opposed Ballew's motions on March 14, 2019. Ballew filed proposed findings of facts and conclusions of law on March 18, 2019. On October 4, 2022, the trial court issued a scheduling order for briefing. (Note: The trial court amended the briefing schedule on February 15, 2023).

Bays, Richard: (Greene) (Successive *Atkins* postconviction petition filed on May 16, 2013) (No meaningful activity since July 2019) On May 16, 2013, while his habeas petition was pending in district court, Bays filed a motion in the trial court to withdraw his 2007 voluntary dismissal of his *Atkins* petition and asked the court to allow him to relitigate his previously dismissed *Atkins* claims. On January 14, 2014, Bays filed motions for an evidentiary hearing and for relief from judgment in the trial court, which the trial court denied on May 5, 2014. On June 04, 2014, Bays appealed to the Second District Court of Appeals. On May 15, 2015, the Second District Court of Appeals affirmed the trial court's refusal to allow re-litigation of the dismissed claims, but remanded the case back to the trial court for consideration of the claims as an entirely new *Atkins* petition. The Ohio Supreme Court denied Bays' appeal on August 31, 2016. On September 29, 2016, the State renewed the motion to dismiss the *Atkins* petition, which remains stayed despite resolution of Bays' motion for DNA testing. On July 3, 2019, the trial court denied Bays' April 22, 2019 *pro se* motion to vacate court costs. On February 2, 2022, the State filed a motion for a status conference, which was held on March 24, 2022. Meanwhile, on March 21, 2022, Bays requested more DNA testing, which the State opposed on March 28, 2022; ultimately two items were sent for additional testing. The *Atkins* petition remains stayed pending the DNA testing.

Goff, James: (Clinton) (Petition for postconviction relief filed on December 20, 2016) (No meaningful activity since December 2016) On April 6, 2010, the 6th Circuit granted Goff habeas relief conditioned upon the state courts reopening Goff's direct appeal. Upon reopening his direct appeal, on March 19, 2012, the 12th District Court of Appeals again affirmed Goff's conviction, but remanded the case back to the trial court for resentencing because the trial court failed to inform Goff of his right to allocution. On August 4, 2015, the trial court again sentenced Goff to death; the state court of appeals affirmed his death sentence on November 22, 2016; and the Ohio Supreme Court affirmed on September 20, 2018. Meanwhile, on December 20, 2016, Goff filed with the trial court a petition for postconviction relief and a motion for discovery.

Jackson, Kareem: (Franklin) (Pending in the trial court on motion for leave to file a motion for new trial filed on January 24, 2020) (No meaningful activity since February 24, 2020) On January 24, 2020 Jackson filed in the trial court a motion for leave to file a motion for new trial. The State opposed the motion on February 7, 2020, and Jackson filed a reply on February 24, 2020.

Osie, Gregory: (Butler) (Pending in the trial court on remand of the postconviction relief petition filed on April 8, 2011) (No meaningful activity since April 2018) On April 8, 2011, Osie filed a petition for postconviction relief in the trial court. On October 3, 2014, the trial court dismissed Osie's postconviction petition. On August 24, 2015, the 12th District Court of Appeals affirmed the denial of postconviction relief, in part, remanding to the trial court for an evidentiary hearing the issue of Osie's alleged neurological impairment. On August 31, 2016, the Ohio Supreme Court denied the parties' cross-appeals. On October 31, 2017, Osie filed in the trial court motions for discovery and funding for experts. On January 25, 2018, the trial court granted Osie's request for funding for experts, and on April 13, 2018, granted Osie's discovery request. An evidentiary hearing remains pending after being rescheduled multiple times. But, on December 27, 2021 the trial court stayed the proceedings pending investigation into Osie's serious mental illness claim, and granted funds for psychological experts. On June 6, 2022 and December 27, 2022, the trial court granted Osie addition funds for experts.

Tench, James: (Medina) (Petition for postconviction relief filed on November 30, 2017) (No meaningful activity since December 2019 – case stayed) On September 14, 2017, Tench filed a motion conduct discovery prior to filing his petition for postconviction relief, which the trial court denied on November 9, 2017. Tench filed his postconviction petition on November 30, 2017, which he amended on May 29, 2018. On December 8, 2017, Tench renewed his discovery request. On September 25, 2018, the State opposed the petition and the discovery request, and Tench filed a reply on December 2, 2019. On July 14, 2020, Tench filed a motion for a ruling on his outstanding motions and a notice of supplemental authority. Tench filed another notice of supplemental authority on March 17, 2021. On December 13, 2021, the trial court granted Tench's December 9, 2021 motion for a limited stay of the postconviction proceedings so newly assigned attorneys could become familiar with the case. On November 30, 2022, the trial court granted Tench's October 14, 2022 motion again seeking new counsel because assigned attorneys had a conflict of interest. (Note: The trial court held a status conference on February 1, 2023.)

Wilks, Jr., Willie Gene: (Mahoning) (Petition for postconviction relief filed on July 17, 2015) (No meaningful activity since December 2018) On July 17, 2015, Wilks filed a petition for postconviction relief which he amended on January 21, 2016, May 4, 2016, and October 25, 2016. Also on October 25, 2016, Wilks filed a motion for discovery, which the State opposed on January 26, 2017. The State filed a motion for summary judgment on December 11, 2017, to which Wilks responded on November 14, 2018. Also on November 14, 2018, Wilks renewed his motion for discovery and requested leave to amend his petition; the State opposed the motions on December 4, 2018. On February 24, 2020 and July 14, 2020, Wilks filed supplemental authority in the trial court. On December 20, 2021, Wilks' new attorneys filed a motion to stay the case for a year so they could become familiar with the record. On January 6, 2022, the State opposed the stay because the matter was ripe for a decision on the discovery motions and the State's motion for summary judgment.

Wogenstahl, Jeffrey: (**Hamilton) (Successive petittion for postconviction relief filed on April 26, 2017) (No meaningful activity since April 2018)** On April 26, 2017, Wogenstahl filed in the trial court a successive petitition for postconviction relief. The State moved to dismiss the successive petition on April 12, 2018. Wogenstahl filed amended postconviction petitions on May 21, 2019, July 27, 2021, and June 24, 2022. Also on June 24, 2022, Wogenstahl filed a motion for leave to file a motoin for new trial. (Note: With permission from the Sixth Circuit, Wogenstahl filed a successive habeas petition in September 2018 which is stayed pending the exhaustion of his claims in state court.)

Cases Where a Motion to Set an Execution Date Could be Filed (9)

As of 12/31/22, a total of 9 cases have gone through state and federal review and could have a motion to set an execution date filed with the Ohio Supreme Court.

1. Allen, David (Cuyahoga)
2. Apanovitch, Anthony (Cuyahoga)
3. Brinkley, Grady (Lucas)
4. Chinn, Davel (Montgomery)
5. Hughbanks, Gary (Hamilton)
6. Jalowiec, Stanley (Lorain)
7. Moore, Lee (Hamilton)
8. Scott, Michael Dean (Stark)
9. Williams, Robert (Lucas)

History of Ohio's Death Penalty

Historical Background

Capital punishment has been a part of Ohio's criminal justice system since the early 1800s. In 1972, the U.S. Supreme Court held that all existing state capital-punishment laws were unconstitutional. As a result, the Ohio General Assembly revised Ohio's death penalty statute in 1974. However, the U.S. Supreme Court found Ohio's death penalty statute unconstitutional in 1978. The General Assembly again adopted a new death penalty statute (Ohio Revised Code Section (ORC) 2929.04) which has remained in effect, with some modification, since October 19, 1981.

Procedural Changes to Death Penalty Appeals

ORC Sections 2929.05 and 2953.02, which became effective on September 21, 1995, eliminated one level of direct appeal by moving capital cases directly to the Ohio Supreme Court for all offenses committed on or after January 1, 1995. The new legislation also streamlined postconviction death penalty appeals by setting new timelines for filing postconviction petitions. ORC Section 2953.21 established the rules by which death row inmates may seek postconviction relief. Except under certain circumstances, death row inmates were required to file postconviction petitions in the trial court within 180 days after the date the trial record was received by the Ohio Supreme Court on direct appeal.

In 2004, the General Assembly revised the process for resentencing defendants whose death sentences had been vacated on appeal. This Bill was passed in response to the Ohio Supreme Court's decision in *State v. Shawn Williams*, 103 Ohio St.3d 112 (2004). In *Williams*, the Court held that Ohio's resentencing statute applies only prospectively, meaning that any individual who was sentenced to death prior to October 16, 1996, could not be resentenced to death if his or her death sentence was vacated on appeal. House Bill 184 ensured that the possible sentences upon resentencing are the same sentences that were in effect at the time the inmate was convicted and sentenced to death in the first instance.

In 2015, the legislature amended the postconviction relief statute to allow death row inmates 365 days from the date the trial record is received by the Ohio Supreme Court on direct appeal in which to file their petition.

In 2017, the legislature again made changes to the postconviction relief statute. Under the current law, inmates have been afforded greater access to discovery at the trial court stage of their postconviction relief actions. The 2017 amendments also eliminated page limitations on capital postconviction relief briefing.

Legislation Eliminates Electrocution

Former ORC 2949.22 allowed death row inmates the option of choosing execution by electrocution or lethal injection. On November 21, 2001, ORC 2949.22 was amended to remove electrocution as a possible method of execution, leaving only lethal injection in Ohio.

National Ban on Execution of Individuals with Intellectual Disabilities

On June 20, 2002, the U.S. Supreme Court banned the execution of individuals with intellectual disabilities. The Court left to the states the task of determining which individuals are intellectually disabled, as well as the methods for enforcing the constitutional restriction against execution of offenders with intellectual disabilities. The Ohio Supreme Court established the standards for determining intellectual disability in *State v. Lott,* 97 Ohio St.3d 303 (2002). More information is provided in the "*Intellectual Disability Claims*" section later in this report.

DNA Testing Offered to Death Sentenced Inmates

On July 30, 2003, Governor Taft approved Senate Bill 11, which established a mechanism and procedure for the DNA testing of inmates under a sentence of death. Under the Bill (codified at ORC 109.573, 2953.21, 2953.23 and 2953.71-2953.83), a death row inmate could request DNA testing by filing an application in the trial court that issued the death sentence. If the inmate met the criteria outlined in the law, the trial court was required to order a DNA test. If the results of the testing established, by clear and convincing evidence, that the inmate was innocent of the capital specification that formed the basis of the inmate's death sentence, then the inmate could file a postconviction petition in the trial court and request that the sentence be vacated. In October 2005, the law expired and was not renewed.

On July 11, 2006, Governor Taft approved Senate Bill 262, which enacted a permanent measure allowing inmates to apply for state-paid, postconviction DNA analysis of crime-scene evidence. More information is provided in the "*DNA Testing*" section of this report.

Ohio's Execution Procedures Modified in Response to Unavailability of Execution Drugs

In December of 2009, Ohio became the first state to carry out a court-ordered execution by administering a lethal dose of a single drug, thiopental sodium. However, a practical obstacle soon emerged; anti-death penalty advocates pressured pharmaceutical companies to refuse to supply the drugs used to carry out death sentences. As a result, Ohio was required to modify its procedures as thiopental sodium and other drugs became unavailable. Ohio's current protocol provides for the use of either a single dose of thiopental sodium or pentobarbital, or a three-drug combination consisting of midazolam, used to render the prisoner unconscious; one of three possible paralytic drugs, to prevent involuntary movement; and potassium chloride, to stop the heart.

Ohio's execution procedures continue to be the subject of lawsuits brought in federal court by death row inmates.

Ohio's Death Penalty Statute

In Ohio, a criminal defendant may not be subjected to capital punishment if he or she is indicted solely for Aggravated Murder. Rather, the defendant must be indicted for Aggravated Murder and at least one statutorily defined Aggravating Circumstance.

The Capital Indictment – ORC 2903.01, 2929.04

For a criminal defendant to be subjected to a Capital Trial (see below), the defendant must have been at least eighteen years of age at the time of the commission of the offense and must be indicted on a capital charge. A capital indictment must allege that the defendant committed Aggravated Murder and that one or more statutorily defined aggravating circumstance was applicable to the offense. If the defendant was not at least eighteen years of age at the time of the commission of the offense, or if the defendant is not charged with Aggravated Murder and at least one statutorily defined Aggravating Circumstance, the defendant cannot be subjected to capital punishment.

Aggravated Murder – Defined in ORC 2903.01

Ohio defines Aggravated Murder as:

1. Purposely, and with prior calculation and design, causing the death of another or the unlawful termination of another's pregnancy;
2. Purposely causing the death of another or the unlawful termination of another's pregnancy, while committing, attempting to commit, or fleeing after committing or attempting to commit, kidnapping, rape, arson, robbery, burglary, or escape;
3. Purposely causing the death of anyone under the age of thirteen;
4. Purposely causing the death of another while under detention; or
5. Purposely causing the death of a law enforcement officer when the offender knows or has reason to know he/she is a law enforcement offender, and the officer was engaged in his/her duties or it was the defendant's specific intention to kill a law enforcement officer.

Aggravating Circumstances – Specified in ORC 2929.04(A)(1)–(A)(10)

The following are Aggravating Circumstances in Ohio:

1. Assassination of President, Vice President, Governor or Lieutenant Governor;
2. Committed for hire;
3. Committed for the purpose of escaping detection, apprehension, trial or punishment of another crime;
4. While in detention or at large from breaking detention;
5. Prior to the current offense, the offender was convicted of a purposeful killing or attempt to kill, or the offense was part of a course of conduct involving the purposeful killing or attempt to kill two or more persons;

6. The victim was a law enforcement officer, whom the offender knew or had reasonable cause to know was a law enforcement officer. The law enforcement officer was either engaged in work duties or the offender's specific purpose was to kill a law enforcement officer;
7. The offense was committed, while the offender was committing, attempting to commit, or fleeing after committing or attempting to commit, kidnapping, rape, aggravated arson, aggravated robbery, or aggravated burglary and the offender was the principal offender in the aggravated murder, or if not the principal offender, the aggravated murder was committed by prior calculation and design;
8. Killing of a potential witness in a criminal case to prevent their testimony;
9. Killing of a person less than 13 years of age with prior calculation or design; or
10. The offense was committed while the offender was committing, attempting to commit, or fleeing immediately after committing, or attempting to commit terrorism.

Notification of Capital Indictment to the Ohio Supreme Court – ORC 2929.021

Whenever an indictment charges the defendant with capital murder, the clerk of the court in which the indictment is filed must provide notification to the Ohio Supreme Court. Notice must be filed within 15 days of the filing of the indictment and must contain the following information: the name of the defendant, the docket number, the name of the court in which the case will be heard, and the date the indictment was filed.

If the defendant pleads guilty or no contest to any of the charges in the indictment, or if any of the charges are dismissed, the clerk must provide the Ohio Supreme Court with the following information: the name of the defendant, the docket number, and the sentence imposed on the defendant.

The Capital Trial – ORC 2929.03

In capital cases, the trial is divided into two phases: the guilt phase and the sentencing or mitigation phase. The criminal defendant has a right to a trial by jury during both phases of the trial. However, if the defendant waives the right to a trial by jury, a three-judge panel decides guilt and sentence. Pursuant to ORC 2929.03, the three-judge panel is required to examine witnesses and to hear any other evidence properly presented by the prosecution in order to make a Criminal Rule 11 determination as to whether the evidence presented established the capital elements beyond a reasonable doubt.

If the defendant does not waive his right to a trial by jury, the court must ensure that each of the jurors sitting on the case is death-qualified. A juror cannot be death-qualified if the juror's views would "prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and oath."

Guilt Phase

For the death penalty to be considered as a sentencing option, the state must first prove beyond a reasonable doubt (during the guilt phase) the elements of aggravated murder and one or more of the aggravating circumstances set forth in ORC 2929.04(A)(1)–(A)(10). As in all criminal trials, if the criminal defendant is tried by a jury, the verdict of guilt must be unanimous. Similarly, if the defendant waives his right to a trial by jury, the appointed three-judge panel must have a unanimous verdict of guilt. If the fact-finder determines that the State failed to prove any element beyond a reasonable doubt, the defendant is entitled to an acquittal on that count or aggravating circumstance. If the fact-finder is unable to reach a unanimous verdict, the jury is declared "hung" and the case is considered a mistrial.

Penalty Phase/Mitigation Hearing/Sentencing – ORC 2929.03 and 2929.04

The defendant cannot be sentenced to death unless the jury or three-judge panel unanimously finds that the State proved one or more aggravating circumstances beyond a reasonable doubt and that the aggravating circumstance(s) outweighs any mitigating factors beyond a reasonable doubt.

Pursuant to ORC 2929.04(B)(1)–(B)(7), the following mitigating factors must be considered and weighed[2] against any aggravating circumstance:

1. The nature and circumstances of the offense,
2. The history, character, and background of the offender and any of the following factors that where specifically asserted by the defendant during the mitigation phase:
    - The victim of the offense induced or facilitated it;
    - It is unlikely that the offense would have been committed but for the offender's duress, coercion, or strong provocation;
    - The offender at the time of committing the offense, because of mental disease or defect, lacked substantial capacity to appreciate the criminality of his conduct;
    - Youth of the offender;
    - Lack of a significant criminal history;
    - Offender was not the principal offender in the murder; and/or
    - Any other relevant factors.

[2] Pursuant to Ohio case law, the individual jurors can assign as much or as little weight to the factors raised by the defendant in mitigation as the juror determines is proper.

If the jury (or three-judge panel) unanimously finds that any aggravating circumstance outweighs the mitigating factors, then the jury (or three-judge panel) must recommend a sentence of death. ORC 2929.03(D)(2). If the aggravating circumstance does not outweigh the mitigating factors beyond a reasonable doubt, then death is not an option and only one of the following life options may be imposed pursuant to ORC 2929.03(D)(2)(a):[3]

1. Life imprisonment without parole,
2. Life imprisonment with parole eligibility after 30 years, or
3. Life imprisonment with parole eligibility after 25 years.

If the jury recommends a sentence of death, the trial court reviews the evidence, pursuant to ORC 2929.03(D)(3). Unless the trial court also finds the aggravating circumstance outweighs the mitigating factors beyond a reasonable doubt, the trial court must impose one of the life sentence options, notwithstanding the jury's sentence recommendation of death.

Death Penalty Review Process

In Ohio, there are four distinct types of judicial review and one type of executive review. These are **direct appeal** in state court, a petition for **postconviction relief** in state court, a **"*Murnahan*" appeal** in state court, a petition for **habeas corpus relief** in federal court, and a **clemency review** by the Governor of the State of Ohio.

Direct Appeal in State Court

The first opportunity available for an Ohio death row inmate to challenge his or her conviction and sentence is to initiate a "direct appeal" in one of the state appellate courts. Normally, a "direct appeal" alleges the conviction and/or sentence should be overturned based on alleged errors that appear in the trial record.

- For capital murders committed prior to January 1, 1995, an inmate must appeal first to a state court of appeals before proceeding to the Ohio Supreme Court.
- Pursuant to an amendment to the Ohio Constitution in November 1994 (Senate Bill 4, codified at ORC 2929.05 and ORC 2953.02), an inmate who commits a capital murder on or after January 1, 1995, must appeal directly from the trial court to the Ohio Supreme Court, skipping the state court of appeals.

After the Ohio Supreme Court's direct appeal decision, the inmate may ask the U.S. Supreme Court for review.

Postconviction Petition in State Court

Pursuant to ORC 2953.21, a death row inmate may also petition the trial court to overturn the conviction and death sentence based on alleged legal errors that occurred *outside* the trial record. Under amendments to ORC 2953.21 passed in 2015, a death row inmate must file for postconviction review within 365 days from the date the trial record is received by the Ohio Supreme Court as part of the direct appeal. As a result of this change in the law, capital cases

[3] Prior to the amendment to ORC 2929.03(D)(2), and for all capital offenses committed prior to July 1, 1996, life options were 20 and 30 years to life.

often proceed on a "dual track" in state appellate review. In other words, at the same time the trial court is reviewing the postconviction petition to determine whether there are any off-the-record errors, the Ohio Supreme Court is reviewing the direct appeal for any on-the-record errors.

Typically, if the trial court does not find that any off-the-record errors occurred, the inmate will appeal the trial court's decision to a state court of appeals and then to the Ohio Supreme Court. These appeals are generally referred to as the "postconviction appeal." Just as in a direct appeal, a death row inmate can ask the U.S. Supreme Court to review the Ohio Supreme Court's postconviction appeal decision.

"*Murnahan*" Appeal in State Court

All criminal defendants are constitutionally entitled to competent counsel, and accordingly, many capital inmates may seek relief alleging ineffective assistance of their trial attorneys or the attorney who handled the appeal of their sentence. When the claim of legal incompetence is made against the attorney who defended the inmate at trial, the appeal may be raised as part of the direct appeal or postconviction action. However, death row inmates may also seek relief by claiming that the attorneys who represented them on direct appeal failed to represent them effectively. This type of proceeding is commonly referred to as a "Motion to Reopen Direct Appeal" or a "*Murnahan*" appeal, named after *State v. Murnahan*, 63 Ohio St.3d 60 (1992), the case that led to the creation of Ohio Appellate Rule 26(B) and Ohio Supreme Court Practice Rule 11.06. In all cases arising after the streamlining of Ohio's appellate procedure in 1994, this "*Murnahan*" appeal is taken to the Ohio Supreme Court. A death row inmate can also ask the U.S. Supreme Court to review the Ohio Supreme Court's "*Murnahan*" appeal decision.

Habeas Corpus in Federal Court: District Court Level

Within one year after the completion of all state court appeals, a death row inmate may file a petition for a writ of habeas corpus in the U.S. District Court. A habeas action requests the federal courts to release the prisoner because of a significant constitutional violation. The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) substantially amended the habeas corpus statute codified at 28 U.S.C. 2241, *et seq*. Pursuant to 28 U.S.C. 2261–2266 (Chapter 154), the inmate has one year after completing state court direct review to commence a habeas corpus action in the district court.

To prevail in a federal habeas corpus action, the inmate must demonstrate that the conviction or death sentence was obtained as a result of a violation of the inmate's federal constitutional rights. In other words, the district court in a federal habeas corpus action cannot review alleged errors of state law, only alleged violations of federal constitutional rights.

Even though a federal habeas corpus action is brought against the State, the warden of the prison where the inmate is held is the named party on behalf of the State. The Ohio Attorney General represents the Warden and defends the action.

Habeas Corpus in Federal Court: Court of Appeals Level

If the district court denies the death row inmate's request for a writ of habeas corpus, the inmate can appeal the decision to the U.S. Court of Appeals for the Sixth Circuit, which hears all federal appeals from the district courts in Ohio, Michigan, Kentucky, and Tennessee. Likewise, if the

district court grants the death row inmate's petition for a writ of habeas corpus, the Attorney General can appeal the decision to the Sixth Circuit Court of Appeals. A death row inmate is not automatically entitled to appeal the denial of his habeas petition; in order to do so, the inmate must obtain a certificate of appealability either from the district court or the Sixth Circuit Court of Appeals. Only claims which receive a certificate of appealability may be raised by an inmate on appeal.

Habeas Corpus in Federal Court: U.S. Supreme Court Level

A final decision by the Sixth Circuit Court of Appeals is appealable through a petition for a *writ of certiorari* to the U.S. Supreme Court. This review of the federal appeals process is the death row inmate's fourth opportunity for appeal to the nation's highest court.

Second Round of Federal Review

Upon completion of the habeas corpus appeal, a death row inmate may attempt to seek a second round of federal review. However, 28 U.S.C. 2244 (Chapter 153), which governs second habeas corpus petitions, strictly governs what constitutes appropriate legal grounds for a second round of federal review. As a result of this federal provision, death row inmates must receive permission from the Sixth Circuit Court of Appeals prior to filing a second habeas corpus petition in the district court.

If the death row inmate receives permission to file a second habeas petition in the district court and the district court denies the petition, the inmate can appeal to the Sixth Circuit Court of Appeals and ultimately to the U.S. Supreme Court.

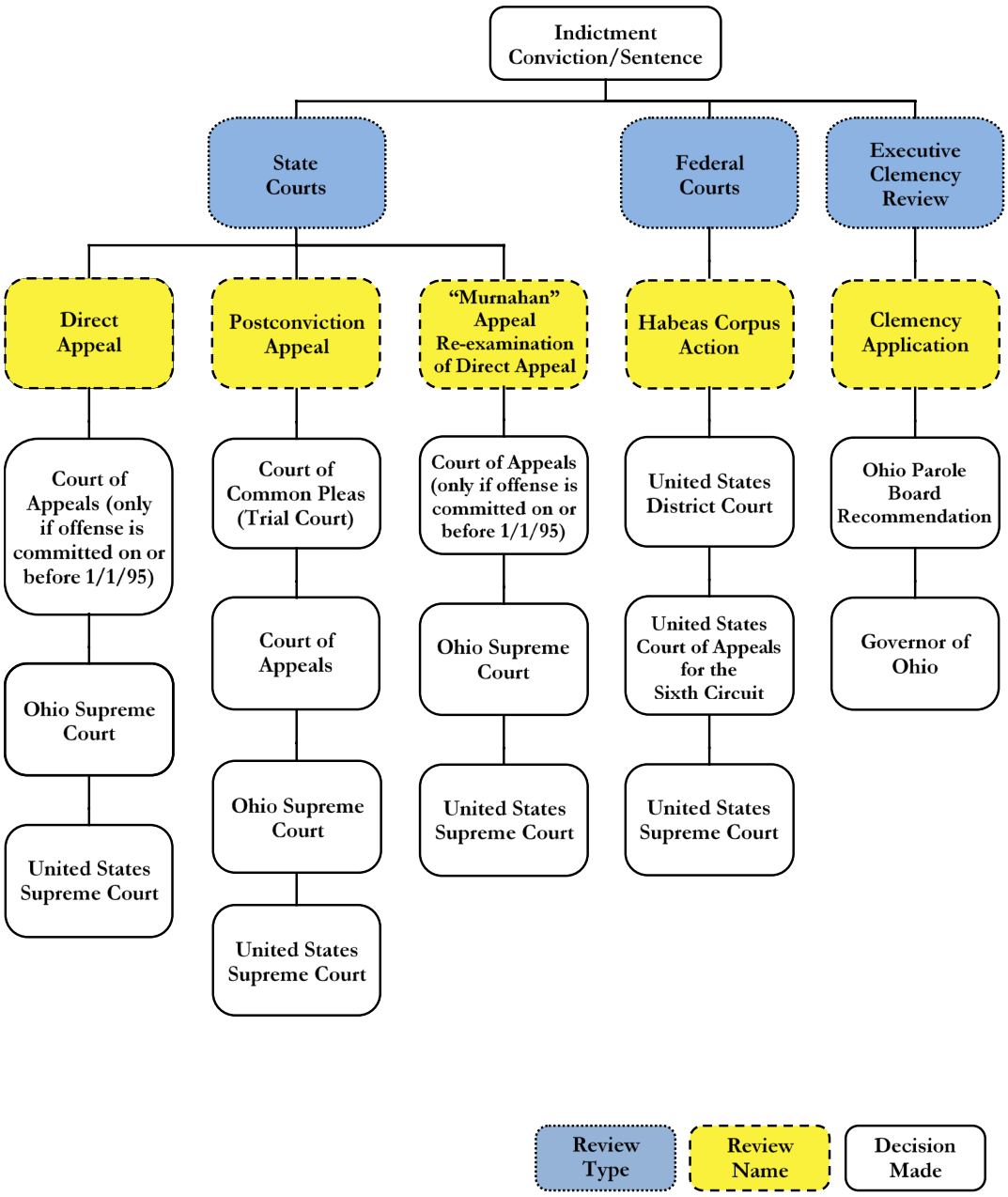
Executive Clemency Review

The Governor of Ohio has the power, pursuant to Article III, Section 11, of the Ohio Constitution, to grant reprieves, commutations, and pardons for all criminals (except in cases of treason and impeachment) for any reason that he or she deems "proper," provided that he or she follows the procedures set forth in the Ohio Revised Code. Typically, death row inmates will submit a request for clemency to the Governor once they have exhausted their state and federal appeals.

After a death row inmate completes both state and federal review, the State is poised to request an execution date from the Ohio Supreme Court. Once the Ohio Supreme Court sets an execution date, clemency proceedings are commenced. The Ohio Parole Board assists the Governor in his clemency role.

The clemency process begins with a written request by the death row inmate. The State then submits a written response summarizing the offense for which the inmate received the death penalty. The Parole Board interviews the inmate and then holds a clemency hearing. The Parole Board considers all materials provided in support of and against clemency, including any statements provided by the family of the inmate or victims, and submits a written report and recommendation to the Governor. The Governor may then use this report to assist him or her in making the decision of whether to grant the death row inmate clemency.

Flowchart: Overview of Ohio's Death Penalty Appellate Process



Intellectual Disability Claims

National Ban on Execution of Individuals with Intellectual Disabilities

On June 20, 2002, the U.S. Supreme Court banned the execution of individuals with intellectual disabilities in *Atkins v. Virginia*, 536 U.S. 304 (2002). Specifically, the Court held that, "in light of evolving standards of decency," it is a violation of the Eighth Amendment protection against cruel and unusual punishment to execute criminals with intellectual disabilities. The Court reasoned that the deficiencies of criminals with intellectual disabilities do not warrant an exemption from criminal sanctions, but rather diminish personal culpability. The Court left to the states the task of determining which offenders indeed are intellectually disabled, as well as the methods for enforcing the constitutional restriction against the execution of criminals with intellectual disabilities.

Ohio's Procedures for Assessing Intellectual Disability Claims

Ohio's procedure for determining intellectual disabilities was established in *State v. Lott*, 97 Ohio St.3d 303 (2002). Lott filed a motion in the Ohio Supreme Court seeking to vacate his death sentence pursuant to the U.S. Supreme Court's decision in *Atkins*. In ruling on Lott's motion, the Ohio Supreme Court determined that the appropriate vehicle for raising claims of intellectual disability was through postconviction relief. Thus, capitally sentenced defendants in Ohio who contended they were intellectually disabled filed petitions with the trial court to raise this issue. A number of these claims are still being litigated.

The Ohio Supreme Court further held that a trial court considering an *Atkins* claim must conduct its own *de novo* review of the evidence in determining whether the defendant is intellectually disabled. With respect to determining which individuals are intellectually disabled, the Court stated that definitions provided by the American Association of Mental Retardation (AAMR)[4] and the American Psychiatric Association (APA) established the standard for evaluating intellectual disabilities. The AAMR and APA required: (1) significantly sub-average intellectual functioning; (2) significant limitations in two or more adaptive skills, such as communication, self-care and self-direction; and (3) onset before the age of 18.

With respect to IQ testing, the Ohio Supreme Court noted that IQ testing is one factor to consider and held that there is a rebuttable presumption that the defendant is not intellectually disabled if their IQ is above 70.

In assessing the standards for intellectual disability, the Ohio Supreme Court instructed trial courts to rely on mental health evaluations conducted on the defendant and to consider expert testimony. The Court further ordered that the decision as to whether the defendant is intellectually disabled must be made by the trial court rather than the jury and that inmates alleging intellectual disability bear the burden of establishing it by a preponderance of the evidence.

[4] Now known as the American Association on Intellectual and Developmental Disabilities (AAIDD).

In 2019, the Ohio Supreme Court revisited the assessment standards for intellectual disability in *State v. Ford*, 2019-Ohio-4539. Under *Ford*, there is no longer a rebuttable presumption that the defendant is not intellectually disabled if their IQ is above 70. Rather, a court determining whether a defendant is intellectually disabled must consider three core elements: "(1) intellectual-functioning deficits (indicated by an IQ score approximately two standard deviations below the mean—*i.e.*, a score of roughly 70 or lower when adjusted for the standard error of measurement), (2) significant adaptive deficits in any of the three adaptive-skill sets (conceptual, social, and practical), and (3) the onset of these deficits while the defendant was a minor." *Id.* at ¶100.

Intellectual Disability Claims Pending in State Court in 2022 (13)[5]

Bays, Richard: (Greene) Bays was convicted and sentenced to death for the 1993 aggravated murder of 76-year-old wheelchair-bound Charles Weaver in Weaver's Xenia home. On May 16, 2013, while his habeas petition was pending in district court, Bays filed a motion in the trial court to withdraw his 2007 voluntary dismissal of his *Atkins* petition and asked the court to allow him to relitigate his previously dismissed *Atkins* claims. On January 14, 2014, Bays filed motions for an evidentiary hearing and for relief from judgment in the trial court, which the trial court denied on May 5, 2014. On June 04, 2014, Bays appealed to the Second District Court of Appeals. On May 15, 2015, the Second District Court of Appeals affirmed the trial court's refusal to allow re-litigation of the dismissed claims, but remanded the case back to the trial court for consideration of the claims as an entirely new *Atkins* petition. The Ohio Supreme Court denied Bays' appeal on August 31, 2016. On September 29, 2016, the State renewed the motion to dismiss the *Atkins* petition, which remains stayed despite resolution of Bays' motion for DNA testing. On February 2, 2022, the State filed a motion for a status conference, which was held on March 24, 2022. Meanwhile, on March 21, 2022, Bays requested more DNA testing, which the State opposed on March 28, 2022; ultimately two items were sent for additional testing. The *Atkins* petition remains stayed pending the DNA testing.

Carter, Cedric: (Hamilton) Carter was convicted and sentenced to death for the 1992 aggravated murder of 56-year-old Frances Messinger at a United Dairy Farmer's convenience store (UDF) in Cincinnati. On July 7, 2021, Carter filed a successive petition for postconviction relief wherein he alleged, among other things, that he is intellectually disabled under *Atkins*. Carter amended his successive postconviction petition on January 7, 2022. On August 15, 2022, the State moved to dismiss the petition, and Carter responded on November 15, 2022. On November 21, 2022, the parties filed a joint motion for a status conference. Carter's execution is currently set for August 27, 2025.

[5] This list only includes cases with intellectual disability claims which were raised in State court following conviction, most often in the form of a petition for postconviction relief or a motion for relief from judgment. For cases indicted after *State v. Lott*, 97 Ohio St.3d 303 (2002), *Atkins* claims should be raised at the time of trial.

Elmore, Phillip: (Licking) Elmore was convicted and sentenced to death for the 2002 aggravated murder of 47-year-old Pamela Annarino, his ex-girlfriend and former Licking County deputy sheriff, in her Newark home. On May 9, 2019, Elmore filed a successive postconviction *Atkins* petition in the trial court, to which the State responded on May 16, 2019, July 30, 2019, and October 21, 2019. On February 21, 2020, the trial court granted Elmore an evidentiary hearing on his *Atkins* petition. On September 21, 2020, the trial court ordered Elmore to cooperate with the State's expert. On February 19, 2021, Elmore filed in the trial court a motion for leave to file a motion for new trial. The State opposed the motion on March 18, 2021, and Elmore replied on March 29, 2021. On September 13, 2022, the trial court held a status conference.

Fitzpatrick, Stanley: (Hamilton) Fitzpatrick was convicted and sentenced to death for the 2001 aggravated murders of his live-in girlfriend, 42-year-old Doreatha Hayes, and her daughter, 12-year-old Shenay Hayes, in their Lincoln Heights home. On May 5, 2020, Fitzpatrick filed in the trial court a successive postconviction *Atkins* petition, which he amended on November 20, 2020. On July 16, 2021, Fitzpatrick further amended his postconviction petition to include a claim alleging he was seriously mentally ill, and thus, ineligible for the death penalty. (*See Serious Mental Illness Section below*) The State filed a motion to dismiss Fitzpatrick's amended successive postconviction petition on November 30, 2021. Fitzpatrick opposed the State's motion on February 15, 2022. On February 28, 2022, the trial court heard oral arguments on, and on March 2, 2022, partially dismissed Fitzpatrick's petition. The trial court ordered an evidentiary hearing on the remaining claims. On May 31, 2022, the State filed a motion to appoint an expert to examine Fitzpatrick; Fitzpatrick opposed the motion on June 13, 2022. On June 24, 2022, the court granted Fitzpatrick's June 22, 2022 motion to appoint an expert, and granted the State's motion to appoint an expert on June 27, 2022. On July 25, 2022, Fitzpatrick appealed the grant of a State's expert; the court of appeals dismissed the appeal on December 9, 2022, for lack of jurisdiction due to there being no final appealable order. Fitzpatrick's execution is currently set for April 16, 2026.

Ford, Shawn: (Summit) (On remand from the Ohio Supreme Court on the *Atkins* issue). Ford was convicted and sentenced to death for the 2013 aggravated murder of Margaret "Peg" Schobert in her New Franklin home. On November 7, 2019, the Ohio Supreme Court affirmed Ford's conviction, but vacated his sentence and remanded the case back to the trial court for a new *Atkins* hearing consistent with the new test for intellectual disability as outlined in the opinion. On May 17, 2021, Ford and the State filed briefs in the trial court regarding law of the case. On August 18, 2021, the trial court granted Ford permission to file a motion for expert assistance under seal. On July 26, 2022, the trial court held a status conference. On December 1, 2022, the parties filed a joint motion for an extension of time to produce expert reports. (Note: On January 27, 2023, the trial court granted the motion for an extension of time.) (Note: Case is pending resentencing.)

Hill, Danny Lee: (Trumbull) Hill was convicted and sentenced to death for the aggravated murder of 12-year-old Raymond Fife in a wooded field in Warren. On July 8, 2022, Hill filed in the trial court a motion for relief from the judgment finding he was not intellectually disabled. On July 12, 2022, the State opposed Hill's motion for relief. On November 10, 2022, the trial court held a hearing, and on November 21, 2022, found attorneys from the Federal Public Defenders Office could represent Hill for the purpose of filing a brief addressing how Hill satisfied the requirements for reconsideration of his *Atkins* claims. Hill's execution is currently set for July 22, 2026.

Jackson, Andre: (Cuyahoga) Jackson was convicted and sentenced to death for the 1987 aggravated murder of 75-year-old Emily Zak in a laundromat in Euclid. On May 9, 2003, Jackson filed in the trial court a successive postconviction *Atkins* petition. On August 19, 2003, the trial court ordered Jackson be evaluated by the Cuyahoga County Psychiatric Clinic, which was done on October 20, 2003. On March 19, 2007, the State filed a motion for summary judgment, which was denied on January 7, 2009. Numerous status conferences were held during 2016. On February 21, 2017 through February 22, 2017, the trial court held Jackson's *Atkins* hearing, and the parties filed post-hearing briefs on April 3, 2017. On April 19, 2019, the trial court found Jackson to be intellectually disabled and vacated his death sentence. On May 13, 2019, the State appealed and filed its merit brief on September 16, 2019, to which Jackson responded on November 13, 2019, and the State replied on November 25, 2019. On October 15, 2020, the 8th District Court of Appeals reversed and remanded the case to the trial court to evaluate the intellectual disability issue in light of the new standard announced in *State v. Ford*. On remand, a conference was held on April 20, 2021. On June 21, 2021, Jackson and the State filed proposed findings of fact and conclusions of law. On August 4, 2022, the trial court found Jackson ineligible for a death sentence due to intellectual disability. On December 23, 2022, the trial court resentenced Jackson to life imprisonment with parole eligibility after 20 years.

Lott, Gregory: (Cuyahoga) Lott was convicted and sentenced to death for the 1986 aggravated murder of 82-year-old John McGrath in his East Cleveland home. On January 31, 2020, Lott filed in the trial court a motion for relief from judgment on the issue of intellectual disability in light of the new standard announced in *State v. Ford*. The State opposed the motion on December 21, 2020, and Lott replied on January 13, 2021. Meanwhile, on February 20, 2020, the State filed a motion for Lott to submit to a psychological evaluation by the State's expert, which Lott opposed on March 13, 2020. Several status conferences were held in 2022, and on July 27, 2022, the trial court ordered Lott undergo a psychological evaluation. Lott's execution is currently set for February 15, 2024.

Martin, David: (Trumbull) Martin was convicted and sentenced to death for the 2012 aggravated murder of 21-year-old Jeremy Cole in a home in Warren. On March 29, 2022, Martin filed in the trial court a successive postconviction petition alleging his execution is barred due to intellectual disability. On September 29, 2022, the State moved to dismiss the petition, to which Martin responded on November 1, 2022.

Mundt, Frederick: (Noble) Mundt was convicted and sentenced to death for the 2004 aggravated murder of 7-year-old Brittany Hendrickson, his girlfriend's daughter. On March 9, 2020, Mundt filed a motion for relief from judgment, asserting that based upon new expert reports and the new standard announced in *State v. Ford*, the trial court should revisit its November 2004 decision finding Mundt was not intellectually disabled. The State moved to dismiss Mundt's motion and a motion to determine counsel appointment on July 9, 2020; Mundt responded on July 20, 2020; the State replied on August 7, 2020 and supplemented on October 16, 2020. On November 30, 2021, the trial court denied Mundt's December 29, 2020 motion to strike the State's motion to determine counsel. Meanwhile, on April 23, 2021, the trial judge recused herself and asked for the Ohio Supreme Court to appoint a visiting judge. On January 14, 2022, Mundt voluntarily dismissed his motion for relief from judgment.

Waddy, Warren: (Franklin) Waddy was convicted and sentenced to death for the 1986 aggravated murder of 22-year-old Paula Mason in her Columbus apartment. On November 3, 2020, Waddy filed a motion relief from judgment, asserting that based upon new expert reports and the new standard announced in *State v. Ford*, the trial court should revisit its 2009 decision finding Waddy was not intellectually disabled. The State filed a response in opposition on December 10, 2020, and Waddy filed a reply on January 13, 2021.

Wesson, Hersie: (Summit) Wesson was convicted and sentenced to death for the 2008 aggravated murder of 81-year-old Emil Varhola in his Akron home. On March 5, 2020, the district court denied Wesson's habeas petition, in part. On March 23, 2020, the district court ordered the case remanded to the state courts for an evidentiary hearing on Wesson's *Atkins* claims, but on May 12, 2020, the district court dismissed all habeas claims, finding Wesson could bring a successive petition on his *Atkins* claims when he was completed with his new state court proceedings. Meanwhile, on April 2, 2020, Wesson filed a motion in the trial court for relief from judgment as to the *Atkins* claims based upon the new standard announced in *State v. Ford*; on April 7, 2020, the State did not oppose the trial court granting an evidentiary hearing. On July 14, 2021, the State requested Wesson be returned to Summit County for purposes of being evaluated by the State's expert; on July 9, 2021, Wesson objected to the move, but agreed to be evaluated. A video deposition of an expert was conducted on October 7, 2022, and an evidentiary hearing was held on October 11, 2022 and October 12, 2022, after which the trial court issued a briefing schedule for the filing of post-hearing briefs.

Williams, Andre: (Trumbull) Williams was convicted and sentenced to death for the 1988 aggravated murder of 65-year-old George Melnick in his Warren home. On June 9, 2003, Williams filed an *Atkins* successive postconviction petition. On October 19, 2004, the trial court granted the State's motion for summary judgment and dismissed Williams' *Atkins* petition. On February 10, 2006, the Eleventh District Court of Appeals reversed the trial court's decision and remanded the case back to the trial court for further proceedings. On September 11, 2007, following remand, the trial court again denied Williams' *Atkins* petition, and the court of appeals affirmed the decision on June 27, 2008. The Ohio Supreme Court declined jurisdiction on December 31, 2008. On September 28, 2012, the district court denied Williams' *Atkins* successive habeas petition. On July 7, 2015, the Sixth Circuit granted a conditional writ of habeas corpus barring Williams' execution unless the state courts re-evaluate his *Atkins* petition. On December 18, 2015, the Eleventh District Court of Appeals vacated its earlier *Atkins* ruling and remanded the issue back to the trial court for further proceedings. The trial court held a hearing on November 14, 2016, which was then continued. The trial court held hearings over several days in 2016 and 2017; both sides filed post-hearing briefs on July 14, 2017. On April 11, 2019, the trial court again denied Williams' *Atkins* petition; on January 29, 2021, the Eleventh District Court of Appeals reversed the trial court's decision and remanded the case for further proceedings; on July 6, 2021, the Ohio Supreme Court denied the State's appeal. On December 29, 2022, the trial court again denied Williams' *Atkins* petition on remand. (Note: On January 25, 2023, Williams appealed the denial of his *Atkins* petition.)

Ban on Executing the Seriously Mentally Ill

House Bill 136

On January 9, 2021, Governor DeWine approved House Bill 136, barring the execution of persons with certain serious mental illnesses. Codified as R.C. 2929.025 which became effective on April 12, 2021, Ohio may not execute a person if: a) the person has been diagnosed with schizophrenia, schizoaffective disorder, bipolar disorder, or delusional disorder ("diagnosis prong"), and b) at the time of the offense, the mental illness "significantly impaired the person's capacity to exercise rational judgment in relation to the person's conduct" with respect to either conforming their conduct to the requirements of the law or appreciating the nature, consequences, or wrongfulness of the person's conduct ("impairment prong"). R.C. 2929.025(A)(1).

A person with a serious mental illness, as defined above, who was already sentenced to death, may be eligible for postconviction relief under R.C. 2953.21(A)(1)(a)(iv) and resentenced to life without the possibility of parole under R.C. 2929.06(A), provided they filed within 365 days of April 12, 2021. The act of filing such a postconviction relief petition constituted a waiver of any right to be sentenced under the law that existed at the time of the commission of the offense, and constituted consent to be sentenced to life without the possibility of parole.

The death row inmate has the burden of proving the diagnosis and impairment prongs by the preponderance of the evidence. R.C. 2929.025(D). Unlike in a typical postconviction relief petition, the death row inmate does not need to show a constitutional error or prejudice.

Postconviction Relief Petitions Based Upon Serious Mental Illness (SMI) Pending in State Court in 2022 (40)[6]

Ahmed, Nawaz: (Belmont) Ahmed was convicted and sentenced to death for the 1999 aggravated murders of his estranged wife, 39-year-old Dr. Lubaina Bhatti, her father, 78-year-old Abdul Majid Bhatti, her sister, 35-year-old Ruhie Ahmed, and her niece, 2-year-old Nasira Ahmed, in Dr. Bhatti's St. Clairsville home. On April 12, 2022, Ahmed, through counsel, filed in the trial court a successive petition for postconviction relief alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. The trial court held hearings on May 27, 2022 and September 18, 2022, wherein Ahmed stated counsel did not have his consent to file the serious mental illness petition. Based on Ahmed's statements, the trial court dismissed petition on September 22, 2022. Both Ahmed, acting *pro se*, and counsel, filed notices of appeal. As to the *pro se* appeal, the court of appeals appointed different counsel to represent Ahmed on November 09, 2022. On January 25, 2023 the court of appeals dismissed the appeal filed by the counsel who had appeared in the trial court as duplicative except as far as counsel's appeal dealt with the trial court denying to pay court appointed attorney fees. In both appeals, as well as in the trial court, Ahmed continues to file *pro se* pleadings. (Note: Between 2015 and 2022, Ahmed filed unsuccessful *pro se* motions and appeals to the state courts, the U.S. District Court, 6th Circuit, and the U.S. Supreme Court.)

[6] This list only includes cases with serious mental illness claims which were raised in State court following conviction in the form of a petition for postconviction relief. Under the terms of the statute, convicted defendants had to raise their claims in postconviction no later than April 12, 2022.

Awkal, Abdul: (Cuyahoga) Awkal was convicted and sentenced to death for the 1992 aggravated murders of his estranged wife, 22-year-old Latife Awkal, and his brother-in-law, 24-year-old Mahmoud Abdul-Aziz, at the Cuyahoga County Domestic Relations Court. On April 6, 2022, Awkal filed in the trial court a successive postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On April 26, 2022, the trial court granted Awkal's motion for funds for a psychological evaluation. On October 3, 2022, Awkal amended his petition. The same day, Awkal's counsel requested a competency evaluation, which the trial court granted on October 26, 2022. (Note: On February 17, 2023, Awkal filed, *pro se*, a motion to stay the SMI action, a request for different counsel, and the ability to add additional claims.)

Belton, Anthony: (Lucas) Belton was convicted and sentenced to death for the 2008 aggravated murder of 34-year-old Matthew Dugan at a BP gas station in Toledo, where Mr. Dugan was employed. On April 11, 2022, Belton filed in the trial court a successive postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On September 14, 2022, the trial court issued an amended scheduling order for briefing on the serious mental illness petition.

Carter, Sean: (Trumbull) Carter was convicted and sentenced to death for the 1997 aggravated murder of his 68-year-old adoptive grandmother, Veader Prince, at her home in Farmington Township. On April 11, 2022, Carter filed in the trial court a successive postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty, which he amended on July 13, 2022. (Note: The State's response is currently due by April 28, 2023.) Carter's execution is currently set for January 22, 2025.

Cassano, August: (Richland) Cassano was convicted and sentenced to death for the aggravated murder of his cellmate, 22-year-old Walter Hardy, at Mansfield Correctional Institution. On April 8, 2022, Cassano filed in the trial court a successive petition of postconviction relief alleging he was seriously mentally ill, and thus, ineligible for the death penalty. Cassano filed a motion to dismiss his serious mental illness petition on July 8, 2022. (Note: On July 1, 2022, the Sixth Circuit's mandate granting a conditional writ of habeas corpus was filed. As a result, the trial court reactivated the case and the case is proceeding with pretrial motions.)

Cepec, Steven: (Medina) Cepec was convicted and sentenced to death for the 2010 aggravated murder of 72-year-old Frank Munz in his Chatham Township home. On April 11, 2022, Cepec filed in the trial court a second-in-time postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty, which he withdrew on 07/07/22. (Note: On January 13, 2023, the trial court ordered Cepec receive a new penalty phase trial. The State appealed on January 20, 2023, and Cepec cross-appealed on February 8, 2023.)

Cunningham, Jeronique: (Allen) Cunningham was convicted and sentenced to death for the 2002 aggravated murders of 3-year-old Jala Grant and 17-year-old Leneshia Williams at a home in Lima during a robbery. On April 11, 2022, Cunningham filed in the trial court a successive postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On April 13, 2022, Cunningham filed motion for funds to employ an expert. On May 10, 2022, the State opposed his funding request and moved to dismiss the petition. Cunningham filed a reply on June 21, 2022.

Davis, Roland: (Licking) Davis was convicted and sentenced to death for the 2000 aggravated murder of 86-year-old Elizabeth Sheeler in her Newark apartment. On April 7, 2022, Davis filed in the trial court a successive postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. Davis voluntarily dismissed his serious mental illness successive postconviction petition on September 26, 2022.

Drain, Joel (nka Victoria Drain): (Warren) Drain was convicted and sentenced to death for the 2019 aggravated murder of fellow inmate Christopher Richardson in the Warren Correctional Institution. While Drain's initial petition for postconviction relief was pending, on April 7, 2022, Drain filed a second postconviction petition alleging that ineligibility for the death penalty due to serious mental illness. On June 9, 2022, Drain contacted the trial court and indicated a desire to dismiss and waive all postconviction appeals. (Note: On January 20, 2023, the trial court issued a briefing schedule after first noting Drain had withdrawn the desire to waive postconviction appeals.)

Dunlap, Timothy: (Hamilton) Dunlap was convicted and sentenced to death for the 1991 aggravated murder of his girlfriend, Belinda Bolanos at a river park in Cincinnati. While he had a successive postconviction relief petition pending, on April 7, 2022, Dunlap filed in the trial court another successive postconviction petition to allege that he was seriously mentally ill, and thus, ineligible for the death penalty. He amended this petition on October 4, 2022. On December 5, 2022, the State filed an amended motion to appoint expert and authorize funds, to which Dunlap responded on December 19, 2022.

Fitzpatrick, Stanley: (Hamilton) Fitzpatrick was convicted and sentenced to death for the 2001 aggravated murders of his live-in girlfriend, 42-year-old Doreatha Hayes, her daughter, 12-year-old Shenay Hayes, and their neighbor, 64-year-old Elton Rose, in Fitzpatrick's Lincoln Heights home. On May 5, 2020, Fitzpatrick filed a successive postconviction *Atkins* petition in the trial court, which he amended on November 20, 2020. On July 16, 2021, Fitzpatrick further amended his postconviction petition to include claims alleging he was seriously mentally ill, and thus, ineligible for the death penalty. The State filed a motion to dismiss Fitzpatrick's amended successive postconviction petition on November 30, 2021. Fitzpatrick opposed the State's motion on February 15, 2022. On February 28, 2022, the trial court heard oral arguments on, and on March 2, 2022, partially dismissed Fitzpatrick's petition. The trial court ordered an evidentiary hearing on the remaining claims. On May 31, 2022, the State filed a motion to appoint an expert to examine Fitzpatrick; Fitzpatrick opposed the motion on June 13, 2022. On June 24, 2022, the court granted Fitzpatrick's June 22, 2022 motion to appoint an expert, and granted the State's motion to appoint an expert on June 27, 2022. On July 25, 2022, Fitzpatrick appealed the grant of a State's expert; the court of appeals dismissed the appeal on December 9, 2022, for lack of jurisdiction due to there being no final appealable order. Fitzpatrick's execution is currently set for April 16, 2026.

Franklin, Antonio: (Montgomery) Franklin was convicted and sentenced to death for the 1997 aggravated murders of his grandmother, Ophelia Franklin, his grandfather, Ivory Franklin, Sr., and his uncle, Anthony Franklin, in their Dayton home. On April 12, 2022, Franklin filed in the trial court a successive postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On August 18, 2022 the trial court granted Franklin's April 15, 2022 motion for funding for an expert. Meanwhile, on April 22, 2022, the State filed an answer to Franklin's petition. On October 11, 2022, Franklin filed a motion for a scheduling order. (Note: On January 6, 2023, the trial court set a scheduling order, per Franklin's request, but on January 26, 2023, Franklin requested an extension of time. On January 31, 2023, the State opposed Franklin's motion for an extension of time.) Franklin's execution is currently set for February 11, 2026.

Garret, Kristopher: (Franklin) Garret was convicted and sentenced to death for the 2018 aggravated murders of his ex-girlfriend, 34-year-old Nicole Duckson, and their 4-year-old daughter, Kristina Duckson, in the backyard of Nicole's Columbus home. On April 7, 2022, Garret filed in the trial court a postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On April 19, 2022, the court adopted the parties' agreed briefing schedule.

Hale, Delano: (Cuyahoga) Hale was convicted and sentenced to death for the 2004 aggravated murder of 46-year-old music producer Douglas Green at a motel in Euclid. On April 8, 2022, Hale filed in the trial court a postconviction relief petition, alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On April 18, 2022, the State filed a motion for a court ordered evaluation of Hale. On October 25, 2022, the trial court granted Hale's October 5, 2022 motion to voluntarily withdraw his serious mental illness petition.

Henderson, Jerome: (Hamilton) Henderson was convicted and sentenced to death for the 1985 aggravated murder of 26-year-old Mary Acoff in her Cincinnati apartment. On April 12, 2022, Henderson filed in the trial court a petition for postconviction relief alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On August 12, 2022, Henderson's attorney filed a memorandum alleging Henderson was incompetent and needed a competency evaluation, but on September 8, 2022 and November 16, 2022, Henderson, *pro se*, objected to the filing of the serious mental illness petition. On October 20, 2022, the State responded to serious mental illness petition. On November 17, 2022, the trial court noted Henderson expressed his disagreement with proceeding with the serious mental illness petition and appointed an expert to evaluate Henderson's competency. (Note: On January 31, 2023, the trial court ordered Henderson's prison records be released to his counsel.) Henderson's execution is currently set for September 14, 2023.

Johnson, Marvin Gaye: (Guernsey) Johnson was convicted and sentenced to death for the 2003 aggravated murder of 13-year-old Daniel Bailey at his mother's home in Cambridge. On April 7, 2022, Johnson filed in the trial court a petition for postconviction relief alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. The State responded on June 22, 2022, and Johnson replied on July 12, 2022. On December 9, 2022, Johnson filed an amended SMI postconviction relief petition. (Note: The State responded to the amended petition on February 7, 2023 and February 17, 2023; Johnson relied on February 23, 2023.)

Jones, Phillip: (Summit) Jones was convicted and sentenced to death for the 2007 aggravated murder of Susan Marie Christian-Yates in Mount Peace Cemetery in Akron. On April 6, 2022, Jones filed in the trial court a successive postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On April 18, 2022, the State filed a motion for an extension of time to respond to the petition, to which Jones responded the next day. (Note: On February 15, 2023, the State filed a motion for discovery, including seeking an evaluation by a State's expert.)

Kirkland, Anthony: (Hamilton) Kirkland was convicted and sentenced to death for the 2006 aggravated murders of 14-year-old Casonya Crawford and 13-year-old Esme Kenney in Hamilton County. On April 7, 2022, Kirkland filed in the trial court a postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On September 28, 2022, Kirkland amended his SMI petition. On November 22, 2022, the State filed a motion to appoint an expert. (Note: On January 6, 2023, Kirkland responded to the State's motion for an expert.)

Lang, Edward Lee: (Stark) Lang was convicted and sentenced to death for the 2006 aggravated murders of Jaron Burditte and Marnell Cheek. On April 11, 2022, Lang filed in the trial court a postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On April 20, 2022, the State filed a motion to dismiss the petition. Lang opposed the motion on May 23, 2022. On September 23, 2022, the trial court denied the State's motion to dismiss. On October 7, 2022, Lang filed an amended petition. On December 6, 2022, the trial court appointed experts, and permitted testimony via video.

Lawson, Arron: (Lawrence) Lawson was convicted and sentenced to death for the 2017 aggravated murders of 24-year-old Stacey Hoston, her 8-year-old son, Devin Holston, her mother, 43-year-old Tammy McGuire, and her stepfather, 50-year-old Donald McGuire, in the Holston's home. On April 12, 2022, Lawson filed in the trial court a second postconviction relief petition which alleged that he was seriously mentally ill, and thus, ineligible for the death penalty. (Lawson's initial postconviction relief petition filed on November 25, 2020 remains pending.) On May 9, 2022, the trial court granted Lawson's April 18, 2022 motion for a court appointed expert to pursue his serious mental illness claims.

Madison, Michael: (Cuyahoga) Madison was convicted and sentenced to death for the aggravated murders of 28-year-old Shetisha Sheekey, 38-year-old Angela Deskins, and 18-year old Shirekkda Terry in his East Cleveland apartment between October 2012 and July 2013. On April 11, 2022, Madison filed in the trial court a postconviction relief petition alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On April 19, 2022, the State requested an extension of time to file a response and a motion requesting a court ordered evaluation of Madison. On July 15, 2022, Madison filed an unopposed motion to stay the proceedings. On July 26, 2022, a status conference was held, at which time the court granted Madison's motion to stay and granted the State's motion to have Madison undergo an evaluation by a court-appointed examiner.

Mammone, James: (Stark) Mammone was convicted and sentenced to death for the 2009 aggravated murders of his 5-year-old daughter, Macy Mammone, his 3-year-old son, James Mammone, and his ex-mother-in-law, 57-year-old Margaret Eakin. Mammone murdered the children in his vehicle and then went to Ms. Eakin's home where he murdered her. On March 30, 2022, Mammone filed a petition for postconviction relief in the trial court alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On April 11, 2022, the State

filed a motion to dismiss the petition. On August 12, 2022, the trial court denied the State's April 11, 2022 motion to dismiss. On November 1, 2022, the State filed a motion seeking an independent mental examination, which Mammone opposed on November 14, 2022. Mammone filed supplemental authority concerning his opposition on December 12, 2022. (Note: On January 25, 2023, the trial court granted the State's motion for an independent mental examination.)

Maxwell, Charles: (Cuyahoga) Maxwell was convicted and sentenced to death for the 2005 aggravated murder of his ex-girlfriend, 36-year-old Nichole McCorkle, at her Cleveland residence. On April 11, 2022, Maxwell filed a successive petition for postconviction relief in the trial court, alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On April 21, 2022, the State filed a motion to compel a mental evaluation of Maxwell and requested an extension of time to file a response. On October 25, 2022, Maxwell filed an amended petition, and on December 29, 2022, he opposed the State's motion for additional mental examination.

McKelton, Calvin: (Butler) McKelton was convicted and sentenced to death for the 2009 aggravated murder of 27-year-old Germaine Lamar Evans, who had previously witnessed him murder his ex-girlfriend, Margaret Allen. On April 11, 2022, McKelton filed in the trial court a successive petition for postconviction relief alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On October 6, 2022 and December 12, 2022, the trial court granted McKelton extensions of time to amend his SMI petition.

Montgomery, Caron: (Franklin) Montgomery was convicted and sentenced to death for the 2010 aggravated murders of his ex-girlfriend, Tia Hendricks, their 2-year-old son, Tyron Hendricks, and her 10-year-old daughter, Tahlia Hendricks. On April 11, 2022, Montgomery filed in the trial court a petition for postconviction relief alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. Due to the fact that his case is pending resentencing based upon an earlier postconviction relief petition, Montgomery also filed a motion to preclude the death penalty because of serious mental illness on April 11, 2022. On October 17, 2022, the trial court granted Montgomery's motion for funds to pay experts. On November 1, 2022, the trial court granted the State an extension of time to respond to the SMI petition and motion.

Moreland, Samuel: (Montgomery) Moreland was convicted and sentenced to death for the 1985 aggravated murders of his girlfriend, 46-year-old Glenna Green, her daughter, 26-year-old Lana Green, and her grandchildren: 7-year-old Daytrin Talbot, 6-year-old Datwan Talbot, and 6-year-old Violana Green, in her Dayton home. On April 11, 2022, Moreland filed in the trial court a petition for postconviction relief alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. The same day, Moreland also filed a motion to stay the case due to his incompetence, and a motion to preclude his execution due to incompetency. On April 28, 2022, the State responded to the postconviction petition, and opposed the stay request on May 3, 2022. On June 24, 2022, the trial court ordered a competency examination, based in part on Moreland's counsel's representation that it was unclear if Moreland wanted to proceed on the serious mental illness claim or if he was incompetent to make such a waiver. On October 11, 2022, Moreland filed an amended serious mental illness postconviction petition; the State filed an answer on October 31, 2022. Moreland's execution is currently set for July 30, 2025.

Mundt, Frederick: (Noble) Mundt was convicted and sentenced to death for the 2004 aggravated murder of his girlfriend's daughter, 7-year-old Brittany Hendrickson. On April 7, 2022, Mundt filed a petition for postconviction relief alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On October 31, 2022, the State filed a motion for the appointment of an expert to evaluate Mundt, to which he opposed on November 7, 2022; the State replied the same day; and Mundt filed a sur-reply on November 10, 2022. On December 16, 2022, the trial court granted the State's motion. (Note: On February 1, 2023, the trial court issued a more detailed order granting the State's motion. On February 21, 2023, Mundt filed a notice of appeal.)

Neyland, Calvin: (Wood) Neyland was convicted and sentenced to death for the 2007 aggravated murders of his boss, 44-year-old Douglas Smith, and 58-year-old retired trooper Thomas Lazer. On April 11, 2022, Neyland filed in the trial court a successive petition for postconviction relief alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. The state filed a response on June 16, 2022; Neyland replied on August 22, 2022; and the State filed a sur-reply on August 29, 2022. Meanwhile, status hearings were held on May 23, 2022 and August 1, 2022. (Note: On January 3, 2023, the State filed a motion for summary judgement for lack of a real party in interest.)

Obermiller, Denny: (Cuyahoga) Obermiller was convicted and sentenced to death for the 2010 aggravated murders of his 61-year-old grandmother, Candace Schneider, and his 60-year-old grandfather, Donald Schneider, in their Maple Heights home. On April 7, 2022, Obermiller filed in the trial court a successive petition for postconviction relief alleging that he was seriously mentally ill, and thus, ineligible for the death penalty. On April 25, 2022, the trial court granted the State's April 14, 2022 motion for an extension of time and to order Obermiller to undergo a psychiatric evaluation for serious mental illness.

Perez, Kerry: (Clark) Perez was convicted and sentenced to death for the 2004 aggravated murder of 43-year-old Ronald Johnson during attempted robbery of a bar in Clark County. On April 5, 2022, Perez filed in the trial court a second petition for postconviction relief alleging that he is seriously mentally ill, and thus, ineligible for the death penalty (Perez's initial postconviction relief petition filed in 2007 remains pending).

Sapp, William: (Clark) Sapp was convicted and sentenced to death for the 1992 aggravated murders of 11-year-old Martha Leach and 12-year-old Phree Morrow near downtown Springfield. On April 8, 2022, Sapp filed in the trial court a successive petition for postconviction relief alleging that he is seriously mentally ill, and thus, ineligible for the death penalty. He amended his petition on December 2, 2022.

Sheppard, Bobby: (Hamilton) Sheppard was convicted and sentenced to death for the 1994 aggravated murder of 56-year-old Dennis Willhide in the drive-thru he owned in Cincinnati. On April 6, 2022, Sheppard filed in the trial court a successive petition for postconviction relief alleging that he is seriously mentally ill, and thus, ineligible for the death penalty. Sheppard amended his petition on September 30, 2022. On November 3, 2022, the State filed a motion to appoint an expert to evaluate Sheppard for serious mental illness, and on November 22, 2022, filed a motion naming a specific expert. On December 12, 2022, and again on January 3, 2023, the trial court granted Sheppard extensions of time to respond to the State's motions.

Short, Duane: (Montgomery) Short was convicted and sentenced to death for the 2004 aggravated murders of his estranged wife, 31-year-old Rhonda Michelle Short, and her friend, 32-year-old Donnie Ray Sweeny at Rhonda's Huber Heights home. On April 11, 2022, Short filed in the trial court a successive petition for postconviction relief alleging that he is seriously mentally ill, and thus, ineligible for the death penalty. The State responded on April 29, 2022. Short amended his successive petition on October 7, 2022; the State responded on October 25, 2022; and Short replied on November 2, 2022. On November 04, 2022, the State filed a motion requesting the appointment of a forensic expert and to have Short evaluated; Short responded on November 14, 2022.

Smith, Kenneth: (Butler) Smith was convicted and sentenced to death for the 1995 aggravated murders of 58-year-old Lewis Ray and 54-year-old Ruth Ray in their Hamilton home. On April 7, 2022, Smith filed in the trial court a successive petition for postconviction relief alleging that he is seriously mentally ill, and thus, ineligible for the death penalty. Smith amended his petition on October 4, 2022. On December 14, 2022, Smith filed an unopposed motion for voluntary recusal of the trial judge. (Note: On January 31, 2023, Smith filed a motion for an extension of time to file a second amendment to his serious mental illness petition.)

Sneed, David: (Stark) Sneed was convicted and sentenced to death for the 1984 aggravated murder of 26-year-old Herbert Rowan in Canton. On July 14, 2021, Sneed filed in the trial court a motion for relief from judgment based upon his serious mental illness; the State opposed on August 03, 2021; Sneed replied on August 27, 2021. On January 31, 2022, Sneed made an oral motion to convert his motion for relief into a successive postconviction petition based upon serious mental illness, and a hearing was held wherein the court found Sneed was seriously mentally ill pursuant to R.C. 2929.025. On February 3, 2022, the trial court resentenced Sneed to life without the possibility of parole.

Thompson, Ashford: (Summit) Thompson was convicted and sentenced to death for the 2008 aggravated murder of 33-year-old Joshua Miktarian, a police officer for the City of Twinsburg. On April 8, 2022, Thompson filed in the trial court a second petition for postconviction relief alleging that he is seriously mentally ill, and thus, ineligible for the death penalty. (Thompson's initial postconviction relief petition remains pending.) On June 1, 2022, the State filed a response to the petition and a motion to have Thompson evaluated by a State's expert. On June 10, 2022, Thompson opposed the State's motion, and the State replied on June 17, 2022. (Note: On February 17, 2023, the trial court granted the State's motion for an expert to evaluate Thompson.)

Trimble, James: (Portage) Trimble was convicted and sentenced to death for the 2005 aggravated murders of Renee Bauer, his live-in girlfriend, and her 7-year-old son, Dakota Bauer, and 23-year-old college student Sarah Positano, while he held her hostage inside her Kent State University apartment. On April 1, 2022, Trimble filed in the trial court a successive petition for postconviction relief alleging that he is seriously mentally ill, and thus, ineligible for the death penalty; he filed a corrected petition on April 6, 2022. Trimble's execution is currently set for March 12, 2026.

Turner, Michael: (Franklin) Turner was convicted and sentenced to death for the 2001 aggravated murders of his estranged wife, 43-year-old Jennifer Lyles Tuner and her boyfriend, 32-year-old Ronald Seggerman. On April 8, 2022, Turner filed in the trial court a successive petition for postconviction relief alleging that he is seriously mentally ill, and thus, ineligible for the death penalty. Turner amended his petition on October 4, 2022. (Note: On February 1, 2023, the trial court ordered Turner be evaluated for serious mental illness.)

Williams, Clifford: (Butler) Williams was convicted and sentenced to death for the 1990 aggravated murder of 39-year-old Wayman Hamilton, a cab driver in downtown Hamilton. On April 6, 2022, Williams filed in the trial court a successive petition for postconviction relief alleging that he is seriously mentally ill, and thus, ineligible for the death penalty.

Worley, James: (Fulton) Worley was convicted and sentenced to death for the 2016 aggravated murder of 20-year-old Sierah Jougin in Fulton County. On January 28, 2020, Worley filed in the trial court a petition for postconviction relief. On January 4, 2022 and July 1, 2022, Worley filed amended petitions for postconviction relief alleging, among other things, that he is seriously mentally ill, and thus, ineligible for the death penalty. The State filed motions to dismiss the petition on May 19, 2022 and October 7, 2022; Worley responded on November 14, 2022.

DNA Testing

DNA Overview

Deoxyribonucleic Acid (DNA) molecules contain genetic information that can be extracted from various cells in the human body, such as blood (white blood cells), skin, tissue, sperm, scrapings, bone, hair, or cells from vaginal and oral swabs. DNA evidence can be a valuable tool in criminal cases because: 1) all cells in the human body (except red blood cells) contain DNA; 2) a person's DNA structure is identical throughout the person's body; 3) a person's DNA structure is constant from conception through death; and 4) no two people (except identical twins) have the same DNA structure.

DNA evidence first appeared in a U.S. courtroom in 1986. Today, every U.S. jurisdiction admits some type of DNA evidence, and DNA testing is widely accepted as scientifically reliable. As DNA evidence was unavailable at the time many of Ohio's death row inmates were tried and convicted, the state and federal courts, the Ohio legislature, and the Ohio Attorney General's Office have worked together to provide DNA testing to eligible death row inmates.

Legislative Overview

Capital Justice Initiative

In November 2000, the Ohio Attorney General's Office unveiled the Capital Justice Initiative, a voluntary program that established a protocol under which qualifying death row inmates may obtain a DNA test from the State.

Pursuant to the Initiative, a death row inmate is eligible for DNA testing if the inmate meets the following five requirements:

- A conclusive DNA test has not been previously conducted;
- DNA testing was not available at the time of the inmate's trial;
- Biological material was in fact collected from the scene or victim at the time of the murder and the biological material is of sufficient quantity and quality for testing;
- The results of the test must be outcome determinative. That is, a test result would exonerate the inmate; and
- The whereabouts of the sample of biological material can be verified from the time that it was first collected until the time when it is to be used in the DNA test.

Senate Bill 11

On July 30, 2003, Governor Taft approved Senate Bill 11, which codified the Capital Justice Initiative. Pursuant to the Bill, a death row inmate could request DNA testing by filing an application for DNA testing in the trial court that issued the death sentence. The trial court would then determine whether to accept the application for DNA testing using the five criteria outlined in the Capital Justice Initiative.

If the results of the testing established actual innocence by clear and convincing evidence, the death row inmate could file a postconviction petition in the trial court that imposed the death sentence and request that the sentence be vacated. Inmates under sentence of death at the time the bill became effective on October 29, 2003 had one year to file an application for DNA testing in the trial court.

Senate Bill 262

Senate Bill 11 expired in October 2005 (when enacted in October 2003, it had a one-year sunset provision, but lawmakers renewed it for an additional year in 2004). On July 11, 2006, Ohio permanently reinstated the law by allowing certain inmates to apply for state-funded DNA analysis of evidence that could affirm their guilt or prove their innocence. Inmates must demonstrate:

- No prior definitive DNA test was conducted pursuant to the conviction;
- The inmate pleaded not guilty at trial or is granted approval from the prosecutor in cases where pleas of guilty or no contest were entered at the time of conviction;
- Sufficient biological material is available;
- The outcome of the DNA analysis is capable of determining whether the inmate is guilty or not guilty; and
- From the date of application, at least one year must be remaining on the inmate's sentence.

Requests for DNA Testing Made to State Courts

The following death row inmates have made postconviction requests for DNA testing to state courts:

Adams, Stanley: (Trumbull) Adams was convicted and sentenced to death for the 1999 aggravated murders of 43-year-old Esther Cook and her 12-year-old daughter, Ashley Cook in their Warren home. On October 28, 2004, Adams filed an application for DNA testing on "any and all evidence that was and was not tested." DNA testing, performed prior to trial, revealed that Adams was the source of semen from oral, vaginal, and anal swabs taken from Ashley. Adams was also the source of semen found on the bed sheet where Ashley's body was found. On December 29, 2004, the trial court denied Adams' application for DNA testing, noting that Adams offered no explanation as to how further DNA testing would change the previous DNA results.

Allen, David Wayne: (Cuyahoga) Allen was convicted and sentenced to death for the 1991 aggravated murder of 84-year-old Chloie English in her Belford home. On September 23, 2004, Allen filed an application for DNA testing in the trial court on two items. First, he requested DNA testing on a bloodstain found on the sleeve of the jacket he was wearing when he was arrested. Scientists analyzed this stain prior to trial and determined that it was type "O" human blood. Both Allen and Ms. English shared blood type O; however, subsequent DNA testing excluded both as the source. Second, Allen requested DNA testing on a pair of bloodstained gloves located near Ms. English's body. No DNA was obtained from the gloves. On August 29, 2010, Allen filed a motion for leave to file a motion for a new trial based on the results. On

April 27, 2011, the trial court granted Allen's motion for additional DNA testing, which was completed on July 29, 2011. On November 28, 2011, Allen filed a supplemental motion for new trial. On March 16, 2012, the State filed notice of additional DNA testing conducted by the State on cigarette butts which showed Allen was at the crime scene.

Bays, Richard: (Greene) Bays was convicted and sentenced to death for the 1993 aggravated murder of 76-year-old wheelchair-bound Charles Weaver in Weaver's Xenia home. On September 22, 2016, Bays filed a motion in the trial court requesting DNA testing on the evidence in his case. On March 21, 2018, the trial court ordered BCI conduct DNA testing on hairs, any biological evidence on Mr. Weaver's clothing, Mr. Weaver's fingernail clippings, and various other physical evidence. Those results were reported in March 2019. On February 2, 2022, the State filed a motion for a status conference, which was held on March 24, 2022. Meanwhile, on March 21, 2022, Bays filed a motion for additional DNA testing, which the State opposed on March 28, 2022, and Bays replied on March 30, 2022. Ultimately a hair from the victim's hand and a paper towel were sent for additional testing.

Bonnell, Melvin: (Cuyahoga) Bonnell was convicted and sentenced to death for the 1986 aggravated murder of 23-year-old Robert Bunner in Cleveland. On October 29, 2004, Bonnell filed an application in the trial court requesting DNA testing on several items, including a hair on a green pillow that was recovered from the crime scene and blood recovered from three locations: the crime scene, Bonnell's hands, and Bonnell's vehicle. The trial court denied Bonnell's request for DNA testing. On February 6, 2008, Bonnell filed another application for DNA testing in the trial court, requesting testing on a jacket Bonnell was wearing when arrested. On July 28, 2008, Bonnell and the State filed in the trial court a joint motion to conduct DNA testing on a jacket which was granted on July 30, 2008. On July 6, 2009, the State filed a notice of DNA results. The results indicated that Mr. Bunner was the source of the blood found on Bonnell's jacket. In 2008, Bonnell also sought DNA testing on various other items, but on August 14, 2017, the trial court denied that request. On October 10, 2018, the Ohio Supreme Court affirmed the denial, finding the requested testing would not be outcome-determinative. On May 28, 2019, the U.S. Supreme Court denied Bonnell's petition for a writ of certiorari. Meanwhile, on January 11, 2018, Bonnell filed a motion for leave to file a motion for new trial based on issues surrounding his DNA request. The trial court denied his motion on January 25, 2019. The court of appeals affirmed the denial on December 26, 2019. The Ohio Supreme Court declined to hear the appeal on June 17, 2020. Bonnell filed a petition for a writ of certiorari with the U.S. Supreme Court on January 14, 2021, and the U.S. Supreme Court denied certiorari on March 29, 2021. On August 17, 2021, Bonnell filed in the district court a successive habeas petition based upon his DNA request. On April 22, 2022, the Warden filed a motion to transfer the successive petition to the Sixth Circuit for authorization to proceed; Bonnell opposed the motion on May 20, 2022. Also on May 20, 2022, Bonnell filed in the district court a motion for leave to conduct discovery.

Durr, Darryl: (Cuyahoga) Durr was convicted and sentenced to death for the 1988 aggravated murder of 16-year-old Angel O'Nan Vincent in Elyria. On August 6, 2009, Durr filed an application for DNA testing in the trial court. On September 1, 2009, Durr and the State filed an agreed order for DNA testing. Testing of oral, rectal, and vaginal slides from the victim failed to yield a sufficient quantity of DNA to develop a profile for comparison purposes. On October 6, 2009, the trial court denied Durr's request for further DNA testing. (Note: On April 20, 2010, Durr was executed.)

Gillard, John Grant: (Stark) Gillard was convicted and sentenced to death for the 1985 aggravated murders of 22-year-old Denise Maxwell and 26-year-old Leroy Ensign in Northwest Canton. On September 25, 2007 the trial court granted Gillard's application for DNA testing. On November 13, 2009, the trial court ordered the State to coordinate the transfer of items to be tested to BCI's crime laboratory. On December 9, 2010, DNA testing was completed. In 2016, Gillard requested additional DNA testing on various items of clothing. The DNA testing is stayed pending the acquisition of new DNA standards from two individuals yet to be located. (Note: On November 22, 2022, Gillard died of natural causes.)

Jones, Elwood: (Hamilton) Jones was convicted and sentenced to death for the 1994 aggravated murder of 67-year-old Rhoda Nathan in Blue Ash. On November 18, 2010, Jones filed an application for DNA testing in the trial court. On August 5, 2011, the trial court denied the State's motion to dismiss the application. On February 17, 2012, the trial court granted Jones' request to test Ms. Nathan's teeth, her fingernail clippings and scrapings, her pendant, and a piece of blood-stained curtain. The results indicated either no DNA profile could be found or that there was an insufficient profile to conduct a comparison. On April 8, 2014, the trial court granted Jones' request to conduct additional DNA testing on bedding, stains, and hairs located at the crime scene. The results of this later testing indicated either no DNA found or inconclusive results due to insufficient amounts of DNA. On December 20, 2022, the trial court granted Jones a new trial. (Note: On January 3, 2023, the State filed with the court of appeals a motion for leave to file an appeal. On January 13, 2023, Jones posted bond and was released pending retrial.)

McNeill, Freddie: (Lorain) McNeill was convicted and sentenced to death for the 1994 aggravated murder of 30-year-old Blake Fulton in Lorain. On July 7, 2022, McNeill filed a motion for postconviction DNA testing, but voluntarily withdrew the motion on August 25, 2022.

Mason, Maurice: (Marion) Mason was convicted and sentenced to death for the 1993 aggravated murder of 19-year-old Robin Dennis near Pole Land Road. On October 16, 2014, Mason filed an application in the trial court for DNA testing on all biological materials found at the crime scene, including blood stains, tennis shoes, and any touch-DNA from a wooden board containing nails. The State opposed Mason's application on December 1, 2014. On January 9, 2015, the trial court ordered the parties to consult regarding what items would be tested. On January 20, 2016, the trial court ordered DNA testing be conducted on various items of clothing and other recovered physical evidence. On May 3, 2019, the trial court denied any further funding for DNA testing in light of the resolution reached in the case. (Note: On April 29, 2019, the trial court resentenced Mason to life with parole eligibility after 23 years, plus an additional 3 to 5-year sentence.)

Moreland, Samuel: (Montgomery) Moreland was convicted and sentenced for the 1985 aggravated murders of his girlfriend, 46-year-old Glenna Green, her daughter, 23-year-old Lana Green, and her grandchildren, 7-year-old Daytrin Talbott, 6-year-old Datwan Talbott, and 6-year-old Violana Green, in their Dayton home. Moreland was also convicted of attempted murder for shooting and pistol-whipping Glenna's other three grandchildren, who were also in the house. On July 13, 2012, Moreland filed an application for DNA testing in the trial court. On June 27, 2013, the State filed a notice of DNA results. The results indicated that Lana could not be excluded as one of the contributors of a mixture of DNA on a cutting from the tested $20.00 bill. The results also excluded "alternate suspect" Eugene Hagans and the five victims as contributors of genetic material located on a second cutting from the $20.00 bill. The results also

indicated that the blood found on Hagan's jacket was consistent with his own blood. On July 10, 2014, the trial court granted Moreland's request for additional DNA testing to be conducted on spent, misfired, and live .22 caliber shell casings as well as blood-stained sweat pants. On December 4, 2017, the trial court ordered the items be transferred to the lab in order that the testing be conducted. On February 25, 2019, the items were ordered transferred from the DNA Diagnostics Center to BCI for the ordered DNA testing to be completed. On November 16, 2020, the State filed a notice of DNA results. The results indicated blood was consistent with Glenna on a spent shell casing and the interior of a tin, and there were either mixtures of DNA which were insufficient for comparison or no DNA was found on other casings and the pair of sweat pants.

Noling, Tyrone: (Portage) Noling was convicted and sentenced to death for the 1990 aggravated murders of Bearnhardt and Cora Hartig, an 81-year-old couple, in their home in Atwater Township. On September 25, 2008, Noling filed an application for DNA testing in the trial court. On March 11, 2009, the trial court denied Noling's application. On March 28, 2011, the trial court again denied DNA testing. On May 2, 2013, the Ohio Supreme Court remanded the case back to the trial court to consider if prior DNA testing precluded a second application for DNA testing. On October 8, 2013, Noling amended his application for DNA testing. On December 19, 2013, the State agreed to conduct DNA testing at BCI on a cigarette butt, and the results were filed with the trial court on March 11, 2014. On December 30, 2013, Noling moved to have a private lab conduct DNA testing on shell casings and ring boxes, but the trial court ordered BCI to determine the quality and quantity of biological material on the items. On June 27, 2014, the trial court dismissed Noling's amended application for DNA testing because the evidence was unsuitable for testing due to contamination. On August 11, 2014, Noling filed an appeal in the Ohio Supreme Court on the same denial of DNA testing. On December 21, 2016, the Ohio Supreme Court converted Noling's appeal into an appeal of right, and ordered briefing be conducted. On March 6, 2018, the Ohio Supreme Court affirmed the trial court's decision, except Court determined Noling was entitled to the DNA profile that BCI had created for comparison. On March 16, 2018, the State provided Noling the created DNA profile.

Pickens, Mark: (Hamilton) Pickens was convicted and sentenced for the 2009 aggravated murders of 19-year-old Noelle Washington, 9-month-old Anthony Jones III, and 3-year-old Sha'Railyn Wright. On November 14, 2022, Pickens filed in the trial court a motion for leave to file a motion for new trial based on newly discovered evidence and a successive petition for postconviction relief. On December 12, 2022, Pickens requested permission to test for DNA, at his expense, the physical evidence. (Note: On January 26, 2023, noting no objection from the State, the trial court granted Pickens' motion for access to the physical exhibits for independent testing.)

Federal Court Ordered DNA Testing

To date, the federal district courts have ordered DNA testing for the following inmates:

Benner, Glenn: (Summit) Benner was convicted and sentenced for the 1986 aggravated murders of 21-year-old Trina Bowser and 26-year-old Cynthia Sedgwick near the Blossom Music Center. Benner was identified as the contributor of the semen found in both the vaginal and anal samples taken from Ms. Bowser. There was no genetic material to test for DNA with respect to the kidnapping, rape, and aggravated murder of Ms. Sedgwick. (Note: On February 7, 2006, Benner was executed.)

Broom, Romell: (Cuyahoga) Broom was convicted and sentenced for the 1985 aggravated murder of 14-year-old Tryna Middleton in Cleveland. At trial, Broom claimed that Tryna was a stranger to him and that he had no contact with her. However, semen samples removed from Tryna's oral cavities were found to match Broom through blood typing. The federal district court ordered DNA testing as part of discovery. The results confirmed Broom as the contributor of the semen sample. (Note: on December 28, 2020, Broom died of natural causes.)

Coleman, Timothy: (Clark) Coleman was convicted and sentenced for the 1996 aggravated murder of 33-year-old Melinda Stevens in Springfield. During Coleman's successive postconviction proceedings, Ms. Stevens' rape kit was tested, but the sample was insufficient to yield conclusive results. Upon Coleman's request, the federal district court ordered DNA testing on a beer bottle found in the alley where Ms. Stevens' body was located, as well as testing of Ms. Stevens' rape kit, underwear, and shorts. Coleman's DNA request alleged that a specific individual committed the murder. The results excluded both Coleman and the individual Coleman alleged committed the murder as contributors of the genetic material recovered from Ms. Stevens, and there was insufficient genetic material on the beer bottle to make any determination.

Cowans, Jesse: (Clermont) Cowans was convicted and sentenced for the 1996 aggravated murder of 69-year-old Clara Swart, who was found murdered in her kitchen in Amelia. Ms. Swart's body was found hanging from the refrigerator door by an electrical cord. The bloodstains collected from the kitchen floor and Ms. Swart's nightclothes were not tested prior to trial to determine if they originated from Ms. Swart. The federal district court ordered DNA testing. The results revealed that Ms. Swart was the contributor of the bloodstains from the kitchen floor and nightclothes. (Note: On September 6, 2011, Jesse Cowans died of natural causes.)

Hartman, Brett: (Summit) Hartman was convicted and sentenced for the 1997 aggravated murder of 46-year-old Winda Snipes in Akron. At trial, Hartman claimed he had vaginal intercourse with Ms. Snipes, but he denied that he had anally raped or killed her. Pre-trial testing had identified Hartman as the source of the semen found in Ms. Snipes' vaginal cavity. In 2003, Hartman requested, and the district court permitted, DNA testing of the semen located in Ms. Snipes' anal cavity. The 2003 testing likewise identified Hartman as the source. On July 11, 2011, Hartman filed suit under 42 USC 1983 for additional DNA testing. On November 2, 2011, the district court dismissed Hartman's complaint. On October 1, 2012, the 6th Circuit Court of Appeals affirmed the district court's dismissal. (Note: On November 13, 2012, Hartman was executed.)

Henderson, Jerome: (Hamilton) Henderson was convicted and sentenced to death for the aggravated murder of 26-year-old Mary Acoff in Cincinnati. Blood and semen were found on Henderson's coat, and semen was found in Ms. Acoff's vagina. At Henderson's request, the district court ordered DNA testing on the vaginal swabs taken from Ms. Acoff. At the State's request, the district court ordered DNA testing on the blood and semen found on Henderson's coat. In 2003, the results revealed that: 1) Ms. Acoff's boyfriend was the source of the semen found in her vagina; 2) Henderson was the source of the semen found on his coat; and 3) Ms. Acoff was the source of the blood found on Henderson's coat.

McGuire, Dennis: (Preble) McGuire was convicted and sentenced to death for the 1989 aggravated murder of 22-year-old Joy Stewart near Bantas Creek. Semen was found in Ms. Stewart's rectum, but there was insufficient quantity for DNA testing. Scientific advances allowed for DNA testing with smaller quantities of sample material. At McGuire's request, the federal district court ordered DNA testing to be conducted on the rectal swabs. The results indicated that McGuire was the source of the semen found in Ms. Stewart's rectum. (Note: On January 16, 2014, McGuire was executed.)

Myers, David: (Greene) Myers was convicted and sentenced to death for the 1988 aggravated murder of 18-year-old Amanda Maher in Xenia. A pubic hair found on Ms. Maher, which was DNA tested using the technology available at the time of trial, was consistent with Myers. On March 29, 2019, Myers requested the district court grant him permission to conduct new DNA testing on 22 items of evidence. On February 11, 2020, the district court granted Myers' request to conduct DNA testing of the requested items, and ordered the parties to determine the location and status of the evidence, as well as propose laboratories to conduct the testing. On July 21, 2020, the district court issued a revised testing order. Consistent with that order, the parties subsequently sent designated items of evidence to the testing laboratory identified by Myers. Greene County authorities continue to look for additional items of evidence Myers has requested to be tested. On June 28, 2022, Myers filed a status report updating the federal court on the progress of the DNA testing.

Wogenstahl, Jeffrey: (Hamilton) Wogenstahl was convicted and sentenced to death for the aggravated murder of 10-year-old Amber Garrett in Harrison. At trial, the State presented DNA test results that a speck of blood found in Wogenstahl's car "could have originated" from Amber. At Wogenstahl's request, the federal district court ordered that DNA testing be conducted on the blood. In 2001, the results indicated that Amber's blood was in Wogenstahl's car.

State Conducted DNA Testing

In addition to the cases already listed, the State of Ohio has conducted DNA testing in the following cases, either at the request of the inmate or on its own accord.

Apanovitch, Anthony: (Cuyahoga) Apanovitch was convicted and sentenced for the 1984 aggravated murder of 33-year-old Mary Ann Flynn in her Cleveland home. The State advocated for DNA testing of available evidence as the best means by which to determine the truth of Apanovitch's claims of innocence. Despite Apanovitch's persistent opposition to DNA testing, and while his appeal was pending before the Sixth Circuit Court of Appeals, the Cuyahoga County Prosecutor's Office proceeded with DNA testing on the rape kit retained by the Cuyahoga County Coroner. Test results obtained in 2006 identified Apanovitch as the contributor of the sperm found inside Ms. Flynn's mouth. On March 21, 2012, Apanovitch filed a successive petition for postconviction relief challenging the DNA results. Following an evidentiary hearing, on February 12, 2015, the trial court ordered a new trial, and the 8th District Court of Appeals affirmed the decision on May 5, 2016. The State appealed to the Ohio Supreme Court on May 5, 2016, and filed a brief on June 20, 2016, to which Apanovitch responded on July 20, 2016. Meanwhile, on May 16, 2016, Apanovitch was granted bond and released from custody pending re-trial. On November 28, 2018, the Ohio Supreme Court vacated the trial court's grant of a new trial and remanded the case back to the trial court for further proceedings. Apanovitch was re-incarcerated. On December 3, 2018, the trial court

dismissed Apanovitch's successive postconviction petition. Following briefing, on July 23, 2019, the trial court denied Apanovitch's motion for a new trial, and he appealed on August 21, 2019. On August 27, 2020, the 8th District affirmed the trial court's denial of relief. On September 8, 2020, Apanovitch filed a motion for reconsideration or for *en banc* review. On September 28, 2020, the court of appeals denied Apanovitch's motion for reconsideration, and denied the motion for *en banc* review on April 16, 2021. On November 9, 2021, the Ohio Supreme Court declined to hear Apanovitch's appeal.

Campbell, Jerome: (Hamilton) Campbell was convicted and sentenced to death for the 1989 aggravated murder of 78-year-old Henry Turner in his Cincinnati apartment. After exhausting all available state and federal appeals in April 2002, Campbell requested DNA testing on blood found on a pair of Campbell's "Pony" gym shoes. The shoes, taken by police at the time of Campbell's arrest (several days after the murder), had been tested prior to trial. The results of that test were inconclusive and were admitted at Campbell's 1989 trial. Campbell requested testing on the shoes, at the conclusion of his appeals, for use in clemency proceedings.

Since Campbell was the first request under the new initiative, the Ohio Attorney General agreed to complete DNA testing on the shoes, despite finding that Campbell's request did not meet the five criteria of the Initiative. Specifically, the request did not meet the requirement that testing exonerate Campbell for two reasons. First, the result would not undermine the jury's verdicts because no evidence or argument was presented by the State at trial to establish that the blood on Campbell's shoes belonged to the Mr. Turner. Second, the origin of the blood on the shoes—that it was Campbell's—was in fact presented by the defense and was not contested by the State. Nonetheless, DNA testing was conducted to timely resolve potential last-minute issues, which revealed that Campbell was the source of blood on his shoes. (Note: On June 24, 2003, Governor Taft commuted Campbell's sentence to life without parole.)

Davis, Roland: (Licking) Davis was convicted and sentenced to death for the 2000 aggravated murder of 86-year-old Elizabeth Sheeler in her Newark apartment. In 2004, Davis was connected to the crime through a match in the FBI's DNA database. On July 20, 2006, Davis filed an application for additional DNA testing with his amended postconviction petition. On November 14, 2007, the trial court denied Davis' application for DNA testing. The State, recognizing that Davis would continue to claim his deceased brother, Randy, was the actual killer, tested the DNA from the crime scene against Randy's DNA, which was on file from the autopsy of his body following his death. In January 2009, the State notified the trial court that the testing excluded Randy as the source of the DNA left at the crime scene.

Johnson, Marvin Gaye: (Guernsey) Johnson was convicted and sentenced to death for the 2003 aggravated murder of 13-year-old Daniel Bailey at his mother's home in Cambridge. Johnson also raped and robbed his ex-girlfriend, Tina Bailey, Daniel's mother. DNA testing conducted at the time of trial indicated that blood on Johnson's t-shirt was consistent with Daniel's blood. In 2016, BCI had an initiative to test previously untested rape kits. Through that initiative, the rape kit of Tina Bailey taken in Johnson's case was tested. Results were consistent with Johnson having been the individual that raped Tina. These results were sent to the Attorney General's Office, the prosecutor's office, and Johnson's federal habeas attorneys. The federal district court permitted Johnson to hire an expert to review the results. Johnson's expert submitted a report to the court on January 24, 2017.

Spirko, John: (Van Wert) Spirko was convicted and sentenced to death for the 1982 aggravated murder of 48-year-old Betty Jane Mottinger in the village of Elgin. On October 28, 2004, and November 16, 2004, Spirko filed applications for DNA testing in the trial court. On March 10, 2005, the trial court denied Spirko's applications, concluding the DNA testing could not exonerate Spirko. On October 31, 2005, Spirko requested testing from the Ohio Attorney General to determine the presence of any other DNA contributors besides him on items collected from the murder scene. While the Attorney General was considering the request, Spirko brought a lawsuit in federal court alleging a constitutional right to DNA testing. The Attorney General agreed to provide testing to the extent that materials were available. Spirko subsequently withdrew his lawsuit. (Note: On January 9, 2008, Governor Strickland commuted Spirko's sentence to life in prison without the possibility of parole.)

Steffen, David: (Hamilton) Steffen was convicted and sentenced to death for the 1982 aggravated murder of 19-year-old Karen Range in her parents' Cincinnati home. Steffen insisted that he did not rape Ms. Range, although he killed her and thought about raping her. The Ohio Attorney General advocated for DNA testing of available evidence as the best means by which to determine the truth of Steffen's assertion. Despite Steffen's persistent opposition to DNA testing, the Attorney General proceeded with DNA testing on Ms. Range's rape kit, which was retained by the Hamilton County Coroner. On February 3, 2006, the trial court and Steffen's counsel were informed that the results excluded Steffen as a contributor of the genetic material recovered from Ms. Range. (Note: On March 31, 2016, Steffen was resentenced to life imprisonment without the possibility of parole.)

Overview of All Death Sentences

Since 1981, Ohio has issued a total of 341 death sentences. Below is the breakdown of how many resulted in an execution, a commutation, remain pending, or have been removed.

Executions (56)

As of 12/31/22, a total of 56 death row inmates have been executed under Ohio's current law. The following is each inmate's name and date of execution.

1. Berry, Wilford (02/19/99)
2. Scott, Jay[7] (06/14/01)
3. Byrd, John (02/19/02)
4. Coleman, Alton[8] (04/26/02)
5. Buell, Robert (09/25/02)
6. Fox, Richard (02/12/03)
7. Brewer, David (04/29/03)
8. Martin, Ernest (06/18/03)
9. Williams, Lewis (01/14/04)
10. Roe, John Glenn (02/03/04)
11. Wickline, William (03/30/04)
12. Zuern, William (03/30/04)
13. Vrabel, Stephen (07/14/04)
14. Mink, Scott (07/20/04)
15. Dennis, Adremy (10/13/04)
16. Smith, William (03/08/05)
17. Ashworth, Herman (09/27/05)
18. Williams, Willie (10/25/05)
19. Hicks, John (11/29/05)
20. Benner, Glenn (02/07/06)
21. Clark, Joseph (05/02/06)
22. Barton, Rocky (07/12/06)
23. Ferguson, Darrell (08/08/06)
24. Lundgren, Jeffrey (10/24/06)
25. Filiaggi, James (04/24/07)
26. Newton, Christopher (05/24/07)
27. Cooey, Richard (10/14/08)
28. Bryant-Bey, Gregory (11/19/08)
29. Wilson, Daniel (06/03/09)
30. Fautenberry, John (07/14/09)
31. Keene, Marvallous (07/21/09)
32. Getsy, Jason (08/18/09)
33. Biros, Kenneth (12/08/09)
34. Smith, Vernon (01/07/10)
35. Brown, Mark (02/04/10)
36. Reynolds, Lawrence (03/16/10)
37. Durr, Darryl (04/20/10)
38. Beuke, Michael (05/13/10)
39. Garner, William (07/13/10)
40. Davie, Roderick (08/10/10)
41. Benge, Michael (10/06/10)
42. Spisak, Jr., Frank (02/17/11)
43. Baston, Johnnie (03/10/11)
44. Carter, Clarence (04/12/11)
45. Bedford, Daniel (05/17/11)
46. Brooks, Reginald (11/15/11)
47. Wiles, Mark (04/18/12)
48. Palmer, Donald (09/20/12)
49. Hartman, Brett (11/13/12)
50. Treesh, Frederick (03/06/13)
51. Smith, Steven T. (05/01/13)
52. Mitts, Jr., Harry (09/25/13)
53. McGuire, Dennis (01/16/14)
54. Phillips, Ronald (07/26/17)
55. Otte, Gary (09/13/17)
56. Van Hook, Robert (07/18/18)

[7] Jay Scott received two death sentences. Although one was vacated, his other death sentence was unaffected.

[8] Alton Coleman received two death sentences. Although one was vacated, his other death sentence was unaffected.

Commutations (21)

As of 12/31/22, a total of 21 death row inmates have received a commutation of his or her death sentence to a sentence less than the death penalty.

1. Brown, Debra (Commuted 01/10/91 by Governor Celeste)
2. Grant, Rosalie (Commuted 01/10/91 by Governor Celeste)
3. Green, Elizabeth (Commuted 01/10/91 by Governor Celeste)
4. Jenkins, Leonard (Commuted 01/10/91 by Governor Celeste)
5. Jester, Willie Lee (Commuted 01/10/91 by Governor Celeste)
6. Lampkin, Beatrice (Commuted 01/10/91 by Governor Celeste)
7. Maurer, Donald Lee (Commuted 01/10/91 by Governor Celeste)
8. Seiber, Lee (Commuted 01/10/91 by Governor Celeste)
9. Campbell, Jerome (Commuted 06/26/03 by Governor Taft)
10. Spirko, John (Commuted 01/09/08 by Governor Strickland)
11. Hill, Jeffrey (Commuted 02/12/09 by Governor Strickland)
12. Nields, Richard (Commuted 06/04/10 by Governor Strickland)
13. Keith, Kevin A. (Commuted 09/02/10 by Governor Strickland)
14. Cornwell, Sidney (Commuted 11/15/10 by Governor Strickland)
15. Hawkins, Shawn (Commuted 06/08/11 by Governor Kasich)
16. Murphy, Joseph (Commuted 09/26/11 by Governor Kasich)
17. Eley, John (Commuted 07/10/12 by Governor Kasich)
18. Post, Ronald (Commuted 12/17/12 by Governor Kasich)
19. Tyler, Arthur (Commuted 04/30/14 by Governor Kasich)
20. Montgomery, William (Commuted 03/26/18 by Governor Kasich)
21. Tibbetts, Raymond (Commuted 07/20/18 by Governor Kasich)

Deceased Prior to Execution (38)

As of 12/31/22, a total of 38 death row inmates have died prior to imposition of the death penalty. This includes inmates who died of natural causes or committed suicide.

1. Coffman, Terry
2. Mize, John
3. Carter, Lincoln
4. Davis, Raymond
5. Myers, Kevin
6. Kidwell, Steven
7. Simko, Jr., John
8. Dougherty, John
9. Gerish, John
10. Allard, Jerry
11. Reynolds, Gordon
12. Hessler, Jerry F.
13. Holloway, Allen
14. Taylor, Michael
15. Jordan, James
16. Hooks, Danny
17. Bradley, William J.
18. Koliser, Martin
19. Clemons, Gerald
20. Taylor, James R.
21. Edwards, Edward
22. Cowans, Jesse
23. Sowell, Billy
24. Craig, Donald L.[9]
25. Lewis, Donald
26. Slagle, Billy
27. Lawson, Jerry
28. Leonard, Patrick
29. Campbell, Alva
30. Dean, Jason
31. Spivey, Warren
32. Frazier, James P.
33. Broom, Romell
34. Sowell, Anthony
35. Scudder, Kevin
36. Webb, Michael
37. Lynch, Ralph
38. Gillard, John Grant

Ineligible for Death Sentence Based on Intellectual Disability (9)

As of 12/31/22, a total of 9 death row inmates have been found ineligible for the death penalty due to intellectual disability (aka "*Atkins*") claims.

1. Bies, Michael
2. Evans, Derrick
3. Greer, Paul
4. Gumm, Darryl
5. Smith, Raymond A.
6. Thomas, William A.
7. White, Clifton
8. Yarbrough, Kevin
9. Jackson, Andre

Ineligible for Death Sentence Based on Serious Mental Illness (3)

As of 12/31/22, a total of 3 death row inmates have been found ineligible for the death penalty due to serious mental illness at the time of the commission of the aggravated murder.

1. Braden, David
2. Ketterer, Donald
3. Sneed, David

[9] Donald Craig received two death sentences.

Pending Resentencing (4)

As of 12/31/22, a total of 4 death sentences have been vacated and remanded to the trial court for resentencing,[10] which could result in the re-imposition of the death penalty.[11]

1. Ford, Shawn
2. Jackson, Nathaniel[12]
3. Jones, Odraye
4. Montgomery, Caron

Pending Retrial (3)

As of 12/31/22, a total of 3 convictions and death sentences has been vacated by the state courts and a new trial ordered which could result in the re-imposition of the death penalty.[13]

1. Bates, Glen
2. Brinkman, George
3. Cassano, August

Other Death Sentences Removed Based on Judicial Action (83)

As of 12/31/22, a total of 83 death sentences have been removed as a result of some form of judicial action beyond the cases already mentioned.[14] For more information, please see the "Case History Sheets" sections which follow.

[10] This statistic does not include Steven Cepec because the trial court did not order the new penalty phase trial until January 13, 2023, and the State filed a timely appeal on January 20, 2023.

[11] This statistic does not include cases pending resentencing where the death penalty cannot, as a matter of law, be re-imposed. Those cases are included in "Other Death Sentences Removed Based on Judicial Action."

[12] Nathaniel Jackson's resentencing is stayed in the trial court pending the Warden's appeal of the grant of habeas relief which ordered the resentencing.

[13] This statistic does not include Elwood Jones because the State filed an appeal from the trial court's order for a new trial. Should the State lose the appeal, and the order for a new trial stand, his case will be reflected in this statistic in later editions of the Report.

[14] This statistic does not include cases "Pending Resentencing" or "Pending Retrial" due to the fact that the death penalty could be re-imposed following resentencing or retrial.

Active Death Sentences (130)

As of 12/31/22, a total of 130 death sentences remained active,[15] including those currently pending in state and federal court.[16] In 2022, no individuals received a death sentence and were added to death row.

Cases with Execution Scheduled Dates (31)

As of 12/31/22, a total of 31 death row inmates had scheduled execution dates.[17]

1.	O'Neal, James	(Hamilton)	(Scheduled for 08/16/23)
2.	Henderson, Jerome	(Hamilton)	(Scheduled for 09/14/23)
3.	Bonnell, Melvin	(Cuyahoga)	(Scheduled for 10/18/23)
4.	Lamar, Keith	(Lawrence)	(Scheduled for 11/16/23)
5.	Jones, Elwood	(Hamilton)	(Scheduled for 12/06/23)[18]
6.	Group, Scott	(Mahoning)	(Scheduled for 01/10/24)
7.	Lott, Gregory	(Cuyahoga)	(Scheduled for 02/15/24)
8.	Stojetz, John	(Madison)	(Scheduled for 03/14/24)
9.	Dixon, Archie	(Lucas)	(Scheduled for 04/17/24)
10.	Hoffner, Timothy	(Lucas)	(Scheduled for 06/18/24)
11.	Stumpf, John David	(Guernsey)	(Scheduled for 08/13/24)
12.	Landrum, Lawrence	(Ross)	(Scheduled for 10/15/24)
13.	Henness, Warren	(Franklin)	(Scheduled for 12/17/24)
14.	Carter, Sean	(Trumbull)	(Scheduled for 01/22/25)
15.	Adams, Stanley	(Trumbull)	(Scheduled for 02/19/25)
16.	Drummond, John	(Mahoning)	(Scheduled for 04/16/25)
17.	Hanna, James	(Warren)	(Scheduled for 05/14/25)
18.	Hutton, Percy	(Cuyahoga)	(Scheduled for 06/18/25)
19.	Moreland, Samuel	(Montgomery)	(Scheduled for 07/30/25)
20.	Carter, Cedric	(Hamilton)	(Scheduled for 08/27/25)
21.	Coley, Douglas	(Lucas)	(Scheduled for 09/24/25)
22.	Coleman, Timothy	(Clark)	(Scheduled for 10/30/25)
23.	Jackson, Kareem	(Franklin)	(Scheduled for 12/10/25)
24.	Bryan, Quisi	(Cuyahoga)	(Scheduled for 01/07/26)

[15] Number reflects two death sentences for James Conway and George Brinkman.

[16] Statistic includes those cases that are pending retrial or resentencing by order of a state or federal court because they remain eligible for re-imposition of a death sentence. Should they be resentenced to something less than a death sentence, the case will be removed from this statistic.

[17] This list includes only cases that have been reviewed in both state and federal court. Cases in which execution dates are issued following sentencing or after direct appeal are not included because those dates are ordinarily stayed pending postconviction and federal review.

[18] Despite having an execution date set, the trial court ordered that Elwood Jones should receive a new trial. The State has appealed the grant of a new trial, and Jones has been granted bond while awaiting the new trial. As of the preparation of this Report, Jones' execution date has not been vacated.

25. Franklin, Antonio	(Montgomery)	(Scheduled for 02/11/26)
26. Trimble, James	(Portage)	(Scheduled for 03/12/26)
27. Fitzpatrick, Stanley	(Hamilton)	(Scheduled for 04/16/26)
28. Lorraine, Charles	(Trumbull)	(Scheduled for 05/13/26)
29. Hand, Gerald	(Delaware)	(Scheduled for 06/17/26)
30. Jackson, Cleveland	(Allen)	(Scheduled for 07/15/26)
31. Hill, Danny Lee	(Trumbull)	(Scheduled for 07/22/26)

Cases with Motions to Set an Execution Date Pending (0)

As of 12/31/22, there were no cases which were pending on a motion in the Ohio Supreme Court to set an execution date.

Demographics

Executed Inmates (56)

The following demographics are limited to the 56 death row inmates who have been executed under Ohio's current law.

Age

- Average Age at Execution: 45.92

Race

- 19 African-Americans (33.93%)
- 37 Caucasian (66.07%)

Sex

- 55 Males (100%)
- 0 Females (0%)

Time on Death Row

- Average Years: 17.19 (Average in days: 6280)

Victims of Executed Inmates (89)

The following demographics are limited to the victims of the 56 death row inmates who have been executed under Ohio's current law.

Adulthood

- 69 Adults (77.53%)
- 20 Children (22.47%)

Race

- 25 African-Americans (28.09%)
- 60 Caucasian (67.42%)
- 4 Other (4.49%)

Sex

- 44 Males (49.44%)
- 45 Females (50.56%)

Capital Sentences Issued in the State of Ohio Since 1981

From 1981 until December 31, 2022, 336 individuals have received a death sentence in Ohio. These 336 individuals received a total of 341 death sentences because the following individuals received two death sentences each: George Brinkman, Donald Craig (died while incarcerated), Alton Coleman (executed), James Conway, and Jay Scott (executed).

The following chart details the name, county of origin, and date of issue (and any resentencing) of every capital sentence in Ohio since 1981.

2022 (0)

Name	County	Sentence
N/A	N/A	N/A

2021 (0)

Name	County	Sentence
N/A	N/A	N/A

2020 (1)

Name	County	Sentence
Drain, Joel	Warren	05/19/20

2019 (7)

Name	County	Sentence
Nicholson, Matthew	Cuyahoga	11/19/19
Brinkman, George (2)	Stark	10/17/19
Garrett, Kristofer	Franklin	09/16/19
Knuff, Thomas	Cuyahoga	08/28/19
McAlpin, Joseph	Cuyahoga	06/05/19
Lawson, Arron	Lawrence	03/04/19
Brinkman, George (1)	Cuyahoga	01/18/19

2018 (4)

Name	County	Sentence
Hundley, Lance	Mahoning	06/06/18
Grate, Shawn	Ashland	06/01/18
Worley, James	Fulton	04/18/18
Whitaker, Christopher	Cuyahoga	03/27/18

2017 (1)

Name	County	Sentence
Froman, Terry	Warren	06/22/17

2016 (4)

Name	County	Sentence
Graham, Damantae	Portage	11/15/16
Bates, Glen	Hamilton	10/27/16
Madison, Michael	Cuyahoga	06/08/16
Tench, James	Medina	05/05/16

2015 (1)

Name	County	Sentence
Ford, Jr., Shawn	Summit	06/30/15

2014 (3)

Name	County	Sentence
Myers, Austin	Warren	10/16/14
Martin, David	Trumbull	09/24/14
Wilks, Jr., Willie Gene	Mahoning	05/19/14

2013 (4)

Name	County	Sentence
Clinton, Curtis	Erie	11/14/13
Cepec, Steven	Medina	04/25/13
Beasley, Richard	Summit	04/04/13
Spaulding, Dawud	Summit	02/15/13

2012 (3)

Name	County	Sentence
Thomas, Joseph	Lake	10/25/12
Montgomery, Caron	Franklin	05/22/12
Belton, Anthony	Lucas	04/19/12

2011 (3)

Name	County	Sentence
Sowell, Anthony	Cuyahoga	08/31/11
Edwards, Edward	Geauga	03/21/11
Obermiller, Denny	Cuyahoga	03/10/11

2010 (7)

Name	County	Sentence
McKelton, Calvin S.	Butler	11/04/10
Pickens, Mark	Hamilton	07/13/10
Thompson, Ashford L.	Summit	06/23/10
Osie, Gregory	Butler	05/12/10
Jackson, Jeremiah J.	Cuyahoga	04/20/10
Kirkland, Anthony[19]	Hamilton	03/31/10
Mammone III, James	Stark	01/26/10

2009 (1)

Name	County	Sentence
Wesson, Hersie	Summit	03/13/09

2008 (3)

Name	County	Sentence
Neyland, Calvin	Wood	11/14/08
Adams, Bennie	Mahoning	10/30/08
Jones, Phillip	Summit	01/30/08

2007 (4)

Name	County	Sentence
Hunter, Lamont	Hamilton	09/20/07
Powell, Wayne	Lucas	09/13/07
Lang, Edward Lee	Stark	07/26/07
Maxwell, Charles	Cuyahoga	03/21/07

2006 (4)

Name	County	Sentence
Craig, Donald Lavell (2)	Summit	08/16/06
Fry, Jr., Clarence	Summit	07/11/06
Dean, Jason B.[20]	Clark	06/02/06
Short, Duane Allen	Montgomery	05/30/06

2005 (7)

Name	County	Sentence
Perez, Kerry D.	Clark	12/09/05
Trimble, James E.	Portage	11/21/05
Diar, Nicole	Lorain	11/03/05
Hale, Delano P.	Cuyahoga	07/18/05
Davis, Roland T.	Licking	07/15/05
Frazier, James P.	Lucas	06/15/05
Brown, Vernon	Cuyahoga	03/08/05

2004 (5)

Name	County	Sentence
Mundt, Frederick	Noble	12/16/04
Craig, Donald Lavell (1)	Summit	08/06/04
Johnson, Marvin Gaye	Guernsey	06/04/04
Drummond, John E.	Mahoning	03/12/04
Ketterer, Donald	Butler	02/04/04

[19] Anthony Kirkland was resentenced to death for his crimes on August 28, 2018.

[20] Jason Dean was retried, reconvicted, and resentenced to death for his crimes on September 30, 2011.

2003 (12)

Name	County	Sentence
Elmore, Phillip L.	Licking	11/19/03
Koliser, Martin	Mahoning	11/07/03
Hancock, Timothy	Warren	10/24/03
Barton, Rocky	Warren	10/10/03
Conway, James T. (2)	Franklin	10/08/03
Ferguson, Darrell	Montgomery	09/19/03
Bethel Jr., Robert	Franklin	08/26/03
Roberts, Donna Marie[21]	Trumbull	06/24/03
Hand, Gerald	Delaware	06/16/03
Conway, James T. (1)	Franklin	02/27/03
Newton, Christopher J.	Richland	02/10/03
Turner, Michael R.	Franklin	01/03/03

2002 (8)

Name	County	Sentence
Jackson, Nathaniel E.[22]	Trumbull	12/10/02
Monroe, Jonathon D.	Franklin	11/07/02
McKnight, Gregory	Vinton	11/01/02
Brinkley, Grady	Lucas	10/02/02
Jackson, Cleveland R.	Allen	08/05/02
Cunningham, Jeronique	Allen	06/25/02
Fitzpatrick, Stanley	Hamilton	02/15/02
Foust, Kelly	Cuyahoga	01/11/02

2001 (5)

Name	County	Sentence
Adams, Stanley T.	Trumbull	10/10/01
Gapen, Larry James	Montgomery	07/03/01
Mink, Scott A.	Montgomery	06/29/01
Leonard, Patrick T.	Hamilton	06/28/01
Ahmed, Nawaz	Belmont	02/02/01

2000 (4)

Name	County	Sentence
Bryan, Quisi	Cuyahoga	12/06/00
Yarbrough, Terrell	Jefferson	09/28/00
Jordan, James	Lucas	08/29/00
Scott, Michael Dean	Stark	04/10/00

1999 (11)

Name	County	Sentence
Tenace, Troy M.	Lucas	11/04/99
Sapp, William K.	Clark	10/21/99
Lynch, Ralph	Hamilton	10/13/99
Williams, Jr., Robert	Lucas	09/03/99
Braden, David	Franklin	06/14/99
Cassano, August	Richland	05/26/99
Group, Scott	Mahoning	05/06/99
Williams, Shawn	Lucas	05/05/99
Taylor, James R.	Greene	04/06/99
Lomax, Tazwell	Sandusky	03/25/99
Smith, Steven T.	Richland	03/25/99

1998 (16)

Name	County	Sentence
Hanna, James G.	Warren	11/30/98
Issa, Ahmad Fawzi	Hamilton	10/16/98
Tibbetts, Raymond	Hamilton	08/27/98
Franklin, Antonio S.	Montgomery	08/25/98
Hughbanks, Gary	Hamilton	07/06/98
Murphy, Ulysses	Franklin	06/26/98
Jones, Odraye	Ashtabula	06/09/98
Coley, Douglas	Lucas	06/08/98
Johnson, Rayshawn[23]	Hamilton	06/01/98
Hartman, Brett	Summit	05/27/98
Campbell, Alva[24]	Franklin	04/09/98
Carter, Sean	Trumbull	04/01/98
Green, Joseph	Lucas	03/11/98
Jackson, Kareem	Franklin	03/06/98
Stallings, Michael	Summit	02/27/98
Herring, Willie	Mahoning	02/23/98

[21] Donna Roberts was resentenced to death for her crimes on October 29, 2007, and again on June 10, 2014.

[22] Nathaniel Jackson was resentenced to death for his crimes on August 14, 2012.

[23] Rayshawn Johnson was resentenced to death for his crimes on January 10, 2012, but his death sentence was again vacated on December 1, 2015.

[24] Alva Campbell was resentenced to death for his crimes on April 25, 2001.

1997 (10)

Name	County	Sentence
Nields, Richard	Hamilton	12/22/97
Fears, Angelo	Hamilton	12/10/97
Lindsey, Carl	Brown	09/16/97
Ashworth, Herman	Licking	06/16/97
Cornwell, Sidney	Mahoning	05/23/97
Stojetz, John	Madison	04/18/97
Cowans, Jesse	Clermont	04/16/97
Coleman, Timothy	Clark	03/03/97
Yarbrough, Kevin	Shelby	02/03/97
Jones, Elwood	Hamilton	01/09/97

1996 (17)

Name	County	Sentence
Madrigal, Jamie	Lucas	11/25/96
Hessler, Jerry F.	Franklin	11/07/96
Raglin, Walter	Hamilton	11/06/96
Clemons, Gerald	Hamilton	11/01/96
White, Clifton	Summit	10/31/96
Getsy, Jason	Trumbull	09/12/96
Gross, Tony	Muskingum	09/04/96
White, Maxwell	Ashland	07/10/96
Green, Kenneth	Cuyahoga	04/11/96
Jalowiec, Stanley	Lorain	04/11/96
Myers, David	Greene	03/14/96
Sanders, Carlos	Hamilton	03/05/96
Brown, Mark A.	Mahoning	02/28/96
Noling, Tyrone L.	Portage	02/23/96
Smith, Kenneth W.	Butler	02/09/96
Skatzes, George	Montgomery	01/30/96
Smith, Raymond A.	Lorain	01/05/96

1995 (18)

Name	County	Sentence
Bays, Richard	Greene	12/15/95
O'Neal, James Derrick	Hamilton	12/11/95
Thomas, William A.	Lucas	12/04/95
Were, James[25]	Hamilton	11/27/95
Dixon, Archie	Lucas	11/22/95
Vrabel, Stephen	Mahoning	10/17/95
Kidwell, Steven	Cuyahoga	09/15/95
Lamar, Keith	Lawrence	08/21/95
Goff, James[26]	Clinton	08/18/95
Filiaggi, James	Lorain	08/01/95
Hoffner, Timothy	Lucas	06/01/95
Sheppard, Bobby	Hamilton	05/30/95
McNeill, Freddie	Lorain	05/12/95
Reynolds, Gordon	Columbiana	04/28/95
Robb, Jason	Franklin	04/17/95
Treesh, Frederick	Lake	03/02/95
Baston, Johnnie	Lucas	02/24/95
Dennis, Adremy	Summit	01/03/95

1994 (13)

Name	County	Sentence
Goodwin, Michael	Cuyahoga	12/29/94
McGuire, Dennis	Preble	12/23/94
Moore, Lee	Hamilton	12/14/94
Brock, Daniel	Shelby	12/12/94
Dixon, Tyson	Cuyahoga	11/23/94
Mitts, Jr., Harry D.	Cuyahoga	11/21/94
Mason, Maurice	Marion	07/07/94
Reynolds, Lawrence	Summit	06/09/94
Flemming, Derrick	Cuyahoga	06/06/94
Keith, Kevin A.	Crawford	06/01/94
Keenan, Thomas M.	Cuyahoga	05/13/94
Smith, Vernon	Lucas	03/22/94
Henness, Warren	Franklin	01/24/94

[25] James Were was resentenced to death for his crimes on June 6, 2003.

[26] James Goff was resentenced to death for his crimes on August 4, 2015.

1993 (13)

Name	County	Sentence
Bryant-Bey, Gregory L.	Lucas	12/22/93
Keene, Marvallous	Montgomery	12/15/93
Dougherty, John	Hancock	12/10/93
Phillips, Ronald	Summit	09/15/93
Williams, Willie	Summit	08/12/93
Benge, Michael	Butler	06/15/93
Taylor, Michael	Cuyahoga	05/28/93
Twyford III, Raymond	Jefferson	04/07/93
Myers, Kevin	Licking	03/16/93
Wogenstahl, Jeffrey	Hamilton	03/15/93
Allard, Jerry	Knox	02/22/93
Brooks, Antonio	Summit	02/17/93
Dunlap, Timothy	Hamilton	02/01/93

1992 (16)

Name	County	Sentence
Awkal, Abdul	Cuyahoga	12/14/92
Gumm, Darryl	Hamilton	11/25/92
Garner, William	Hamilton	11/05/92
Bies, Michael	Hamilton	10/30/92
Otte, Gary	Cuyahoga	10/06/92
Fautenberry, John	Hamilton	09/16/92
Haight, Carl	Franklin	08/21/92
Carter, Cedric	Hamilton	07/30/92
Ballew, Tyrone	Hamilton	07/01/92
Gerish, John	Mahoning	06/23/92
Hill, Jeffrey	Hamilton	06/19/92
Davis, Wiley	Cuyahoga	06/01/92
Soke, Theodore	Cuyahoga	05/15/92
Wilson, Daniel E.	Lorain	05/08/92
Davie, Roderick	Trumbull	03/25/92
Pless, Carroll Dean	Cuyahoga	02/04/92

1991 (13)

Name	County	Sentence
Hill, Genesis	Hamilton	12/11/91
Loza, Jose	Butler	11/12/91
Walker, Anthony	Cuyahoga	11/02/91
Biros, Kenneth	Trumbull	10/29/91
Simko, Jr., John	Lorain	09/17/91
Frazier, Richard	Cuyahoga	08/29/91
Mack, Clarence	Cuyahoga	08/01/91
Webb, Michael D.	Clermont	07/16/91
Allen, David W.	Cuyahoga	07/15/91
Kinley, Juan	Clark	05/02/91
Johnson, Michael J.	Summit	03/28/91
Williams, Clifford	Butler	02/22/91
Joseph, Richard	Allen	02/08/91

1990 (9)

Name	County	Sentence
Scudder, Kevin	Franklin	12/26/90
Woodard, Eugene	Cuyahoga	11/28/90
Burke, Mark	Franklin	11/09/90
Lundgren, Jeffrey D.	Lake	09/26/90
Cook, Derrick	Hamilton	09/05/90
Berry, Wilford	Cuyahoga	08/13/90
Fox, Richard	Wood	06/27/90
Lewis, Donald	Cuyahoga	02/28/90
Hawkins, Shawn L.	Hamilton	01/26/90

1989 (10)

Name	County	Sentence
Spivey, Warren	Mahoning	11/20/89
Taylor, Rayvon	Cuyahoga	11/14/89
Palmer, Donald L.	Belmont	11/08/89
Chinn, Davel[27]	Montgomery	09/01/89
Carter, Clarence	Hamilton	08/01/89
Campbell, Jerome	Hamilton	05/18/89
Lampkin, Beatrice	Hamilton	04/26/89
Williams, Andre	Trumbull	03/15/89
D'Ambrosio, Joe	Cuyahoga	02/23/89
Franklin, George	Hamilton	01/04/89

[27] Davel Chinn was resentenced to death for his crimes on December 6, 1994, and again on September 25, 1996.

1988 (14)

Name	County	Sentence
Durr, Darryl	Cuyahoga	12/19/88
Hudson, David	Jefferson	11/30/88
Hill, Dorian	Cuyahoga	11/29/88
Mills, James Ethan	Hamilton	09/13/88
Green, Elizabeth	Hamilton	07/11/88
Davis, Raymond	Lorain	06/03/88
Bonnell, Melvin	Cuyahoga	05/25/88
Lawson, Jerry	Clermont	05/13/88
Rojas, Martin J.	Hamilton	05/05/88
Jackson, Andre	Cuyahoga	04/21/88
Slagle, Billy	Cuyahoga	04/14/88
Smith, William H.	Hamilton	04/14/88
Henderson, Charles	Clark	03/17/88
Combs, Ronald	Hamilton	03/01/88

1987 (13)

Name	County	Sentence
Watson, Kevin	Butler	11/12/87
Evans, Derrick	Cuyahoga	10/16/87
Waddy, Warren	Franklin	10/02/87
Frazier, Wayne	Cuyahoga	09/22/87
Jells, Reginald	Cuyahoga	09/18/87
Murphy, Joseph D.	Marion	09/03/87
Heinish, Wayne	Cuyahoga	08/25/87
Lott, Gregory	Cuyahoga	07/29/87
Eley, John	Mahoning	07/14/87
Huertas, Ediberto	Lorain	03/24/87
Powell, Tony	Hamilton	01/27/87
Richey, Kenneth	Putnam	01/26/87
Johnson, Gary V.	Cuyahoga	01/02/87

1986 (19)

Name	County	Sentence
Cooey, Richard	Summit	12/09/86
Lorraine, Charles	Trumbull	12/09/86
Claytor, Justin	Cuyahoga	12/02/86
Montgomery, William	Lucas	11/07/86
Scott, Jay (2)	Cuyahoga	10/24/86
Fort, Glen	Cuyahoga	10/20/86
Sneed, David	Stark	08/07/86
Seiber, Lee	Franklin	07/17/86
Benner, Glenn	Summit	05/14/86
Moreland, Samuel	Montgomery	05/05/86
Tolliver, Charles	Cuyahoga	04/21/86
Lawrence, Jeffrey	Cuyahoga	04/17/86
Landrum, Lawrence	Ross	04/02/86
Hill, Danny Lee	Trumbull	02/28/86
Hicks, John R.	Hamilton	02/21/86
Wiles, Mark W.	Portage	02/12/86
Hutton, Percy	Cuyahoga	02/07/86
Tyler, Arthur	Cuyahoga	01/16/86
Morales, Alfred	Cuyahoga	01/08/86

1985 (24)

Name	County	Sentence
Roe, John Glenn	Franklin	12/23/85
Glenn, Donald	Guernsey	11/21/85
Dickerson, Frederick	Lucas	11/07/85
Jamison, Derrick	Hamilton	10/18/85
Brewer, David M.	Greene	10/16/85
Broom, Romell	Cuyahoga	10/16/85
Mize, John	Hamilton	09/30/85
Wickline, William D.	Franklin	09/24/85
Van Hook, Robert	Hamilton	08/08/85
Henderson, Jerome	Hamilton	08/05/85
Greer, Paul	Summit	07/11/85
Malcolm, Kent	Cuyahoga	07/08/85
Coleman, Alton (2)	Hamilton	06/27/85
DePew, Rhett	Butler	06/25/85
Gillard, John Grant	Stark	06/19/85
Brown, Debra	Hamilton	06/11/85
Poindexter, Dewaine	Hamilton	06/10/85
Bradley, William J.	Scioto	06/03/85
Zuranski, Joseph	Cuyahoga	05/20/85
Coleman, Alton (1)	Hamilton	05/06/85
Post, Ronald	Lorain	03/13/85
Denson, Dwight	Hamilton	03/03/85
Hooks, Danny	Montgomery	02/11/85
Apanovitch, Anthony	Cuyahoga	01/08/85

1984 (18)

Name	County	Sentence
Clark, Joseph Lewis	Lucas	11/28/84
Bedford, Daniel	Hamilton	11/09/84
Holloway, Allen	Hamilton	11/05/84
Hamblin, David	Cuyahoga	10/29/84
Coffman, Terry	Clinton	10/26/84
Zuern, William G.	Hamilton	10/18/84
Stumpf, John David	Guernsey	09/27/84
Spirko, John	Van Wert	09/10/84
Williams, Donald	Cuyahoga	08/03/84
Jester, Willie Lee	Cuyahoga	07/13/84
Brooks, Reginald	Cuyahoga	06/11/84
Davis, Von Clark[28]	Butler	06/11/84
Esparza, Gregory	Lucas	05/22/84
Buell, Robert	Wayne	04/11/84
Scott, Jay (1)	Cuyahoga	04/03/84
Johnston, Dale	Hocking	03/23/84
Barnes, Sterling	Lucas	02/09/84
Carter, Lincoln	Hamilton	02/06/84

1983 (13)

Name	County	Sentence
Sowell, Billy	Hamilton	11/03/83
Williams, Lewis	Cuyahoga	11/03/83
Grant, Rosalie	Mahoning	11/01/83
Beuke, Michael	Hamilton	10/25/83
Young, Sharon Faye	Hamilton	09/30/83
Byrd, John	Hamilton	08/19/83
Spisak, Jr., Frank	Cuyahoga	08/10/83
Martin, Ernest	Cuyahoga	07/08/83
Thompson, Jeffrey	Licking	07/01/83
Mapes, David	Cuyahoga	06/15/83
Steffen, David	Hamilton	05/25/83
Maurer, Donald Lee	Stark	04/04/83
Penix, Billy	Clark	03/15/83

1982 (3)

Name	County	Sentence
Rogers, Billy	Lucas	10/29/82
Glenn, John	Portage	09/03/82
Jenkins, Leonard	Cuyahoga	04/16/82

[28] Von Clark Davis was resentenced to death for his crimes on August 10, 1989, and again on September 21, 2009.

Breakdown of Ohio Capital Sentences Since 1981

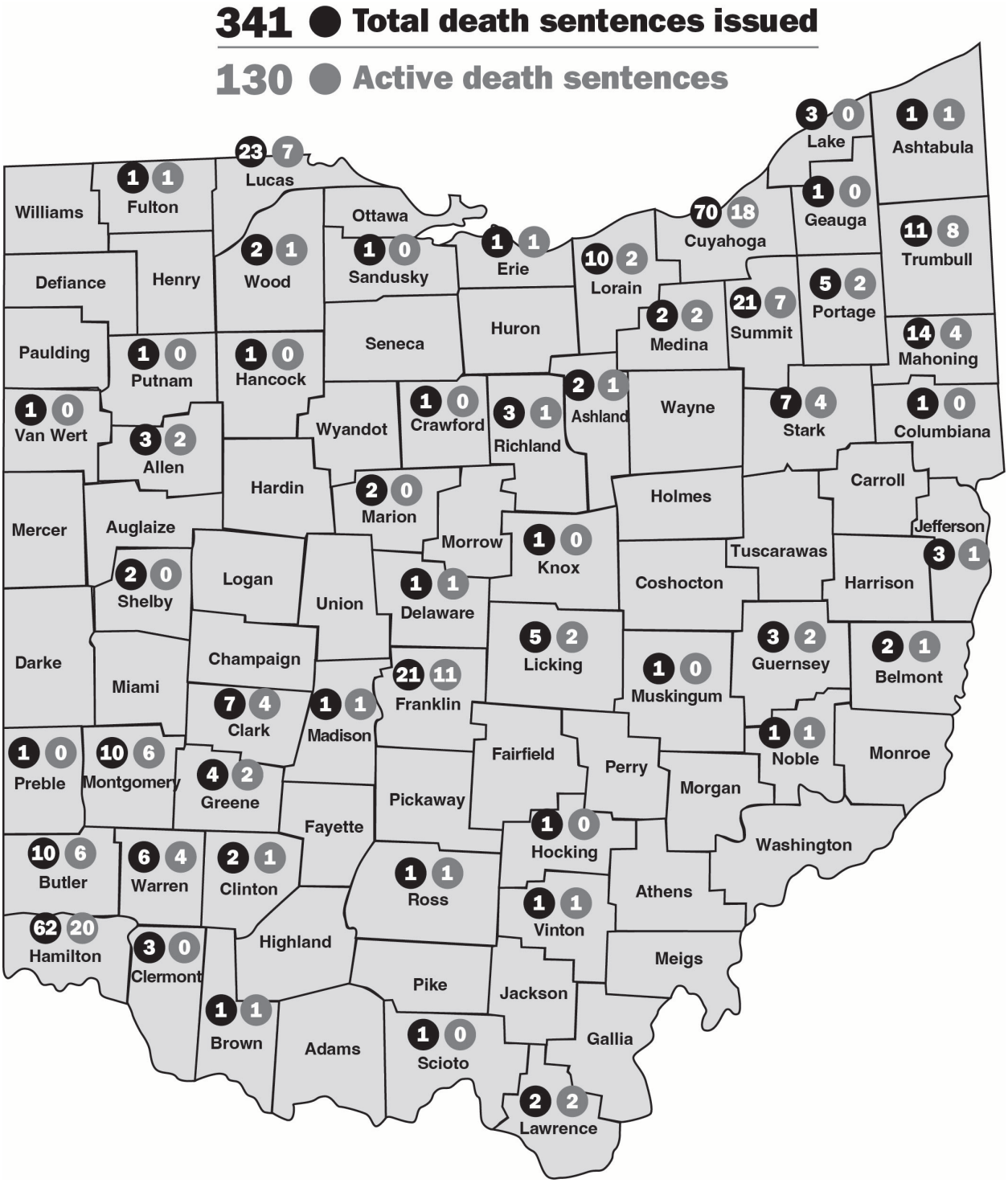


Chart: Breakdown of Ohio Capital Sentences Since 1981[29]

County	Total	Active	County	Total	Active
Adams	0	0	**Licking**	5	2
Allen	3	2	**Logan**	0	0
Ashland	2	1	**Lorain**	10	2
Ashtabula	1	1	**Lucas**	23	7
Athens	0	0	**Madison**	1	1
Auglaize	0	0	**Mahoning**	14	4
Belmont	2	1	**Marion**	2	0
Brown	1	1	**Medina**	2	2
Butler	10	6	**Meigs**	0	0
Carroll	0	0	**Mercer**	0	0
Champaign	0	0	**Miami**	0	0
Clark	7	4	**Monroe**	0	0
Clermont	3	0	**Montgomery**	10	6
Clinton	2	1	**Morgan**	0	0
Columbiana	1	0	**Morrow**	0	0
Coshocton	0	0	**Muskingum**	1	0
Crawford	1	0	**Noble**	1	1
Cuyahoga	70	18	**Ottawa**	0	0
Darke	0	0	**Paulding**	0	0
Defiance	0	0	**Perry**	0	0
Delaware	1	1	**Pickaway**	0	0
Erie	1	1	**Pike**	0	0
Fairfield	0	0	**Portage**	5	2
Fayette	0	0	**Preble**	1	0
Franklin	21	11	**Putnam**	1	0
Fulton	1	1	**Richland**	3	1
Gallia	0	0	**Ross**	1	1
Geauga	1	0	**Sandusky**	1	0
Greene	4	2	**Scioto**	1	0
Guernsey	3	2	**Seneca**	0	0
Hamilton	62	20	**Shelby**	2	0
Hancock	1	0	**Stark**	7	4
Hardin	0	0	**Summit**	21	7
Harrison	0	0	**Trumbull**	11	8
Henry	0	0	**Tuscarawas**	0	0
Highland	0	0	**Union**	0	0
Hocking	1	0	**Van Wert**	1	0
Holmes	0	0	**Vinton**	1	1
Huron	0	0	**Warren**	6	4
Jackson	0	0	**Washington**	0	0
Jefferson	3	1	**Wayne**	0	0
Knox	1	0	**Williams**	0	0
Lake	3	0	**Wood**	2	1
Lawrence	2	2	**Wyandot**	0	0

[29] "Active cases" include cases pending resentencing or pending new trial because a capital sentence could be re-imposed. Should a sentence other than a capital sentence be issued, the case will be removed from the active listing.

Chart: Breakdown of Jury and Bench Trials for Ohio Capital Convictions Since 1981

County	Jury	Bench	County	Jury	Bench
Adams	0	0	**Licking**	3	2
Allen	3	0	**Logan**	0	0
Ashland	2	0	**Lorain**	7	3
Ashtabula	1	0	**Lucas**	17	6
Athens	0	0	**Madison**	1	0
Auglaize	0	0	**Mahoning**	12	2
Belmont	2	0	**Marion**	2	0
Brown	1	0	**Medina**	2	0
Butler	7	3	**Meigs**	0	0
Carroll	0	0	**Mercer**	0	0
Champaign	0	0	**Miami**	0	0
Clark	6	1	**Monroe**	0	0
Clermont	3	0	**Montgomery**	6	4
Clinton	2	0	**Morgan**	0	0
Columbiana	1	0	**Morrow**	0	0
Coshocton	0	0	**Muskingum**	1	0
Crawford	1	0	**Noble**	1	0
Cuyahoga	58	12	**Ottawa**	0	0
Darke	0	0	**Paulding**	0	0
Defiance	0	0	**Perry**	0	0
Delaware	1	0	**Pickaway**	0	0
Erie	1	0	**Pike**	0	0
Fairfield	0	0	**Portage**	4	1
Fayette	0	0	**Preble**	1	0
Franklin	18	3	**Putnam**	0	1
Fulton	1	0	**Richland**	2	1
Gallia	0	0	**Ross**	1	0
Geauga	0	1	**Sandusky**	0	1
Greene	2	2	**Scioto**	1	0
Guernsey	1	2	**Seneca**	0	0
Hamilton	53	9	**Shelby**	1	1
Hancock	1	0	**Stark**	6	1
Hardin	0	0	**Summit**	18	3
Harrison	0	0	**Trumbull**	10	1
Henry	0	0	**Tuscarawas**	0	0
Highland	0	0	**Union**	0	0
Hocking	0	1	**Van Wert**	1	0
Holmes	0	0	**Vinton**	1	0
Huron	0	0	**Warren**	5	1
Jackson	0	0	**Washington**	0	0
Jefferson	3	0	**Wayne**	0	0
Knox	1	0	**Williams**	0	0
Lake	3	0	**Wood**	1	1
Lawrence	1	1	**Wyandot**	0	0

Case History Sheets

The following case history sheets provide information on every case that has resulted in a death sentence in Ohio since 1981. Every effort has been made to obtain accurate information.

Active Cases Still on Death Row

Adams, Stanley T.

Summary of Crime: On 10/11/99, Adams murdered 43-year-old Esther Cook and her 12-year-old daughter, Ashley Cook, in their Warren home. Ms. Cook had previously allowed Adams to live with her and Ashley. Adams beat Ms. Cook to death, breaking her nose and ribs and causing severe trauma to her head, neck, chest, and abdomen. Adams raped Ashley, punched her multiple times in the mouth, hit her in the head, and strangled her with an electrical cord. DNA testing proved that the semen, found next to Ashley's nude body, belonged to Adams. (By the time of his trial for the Cooks' murders, Adams had been convicted and sentenced to 25 years to life for the 08/06/99 rape and murder of 40-year-old Roslyn Taylor of Poland Township.) (Adams was sentenced to death for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/16/00
Sentence.....10/10/01

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/17/04
U.S. Supreme Court Review.....05/16/05

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/06/03
Trial Court Decision.....03/26/03
Court of Appeals Decision.....01/31/05
Supreme Court Decision 06/29/05
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gaughan)
Prisoner's Petition 05/19/06
Warden's Return of Writ.....07/18/06
Prisoner's Traverse.....02/28/07
Evidentiary Hearing .....
Decision 04/24/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/22/07
Prisoner's Brief 08/06/08
Warden's Brief 08/05/08
Oral Argument.....10/07/15
Decision 06/13/16

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....10/26/16
Brief in Opposition 12/14/16
Decision or Certiorari Denial 01/17/17

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 11/17/04, the Ohio Supreme Court affirmed Adams' conviction and death sentence on direct appeal. On 04/24/07, the district court denied Adams' petition for a writ of habeas corpus. On 02/13/09, the 6th Circuit stayed the case for factual development of Adams' lethal injection claims. On 09/08/09, the district court denied the Warden's motion to dismiss the lethal injection claims, and on 07/19/11, the 6th Circuit denied the Warden's interlocutory appeal. On 08/02/13, the district court concluded discovery and transferred the case back to the 6th Circuit. Following additional briefing, the 6th Circuit temporarily stayed the case pending the decision of the U.S. Supreme Court in Glossip v. Gross. On 03/15/16, the 6th Circuit affirmed the denial of habeas relief. On 03/30/16, the Warden requested the 6th Circuit clarify the opinion regarding the lethal injection claims which the Court did by issuing an amended opinion on 06/13/16. The U.S. Supreme Court denied Adams' petition for writ of certiorari on 01/17/17. On 04/21/17, the Ohio Supreme Court set Adams' execution date for 04/16/20. Adams received a reprieve on 09/01/17 until 02/16/22; and on 09/10/21 until 02/19/25.

Ahmed, Nawaz

Summary of Crime: On 09/11/99, Ahmed murdered his estranged wife, 39-year-old Dr. Lubaina Bhatti, her father, 78-year-old Abdul Majid Bhatti, her sister, 35-year-old Ruhie Ahmed, and her niece, 2-year-old Nasira Ahmed, in Dr. Bhatti's home in St. Clairsville. Dr. Bhatti and Ahmed were going through a bitter divorce and child custody battle. Ahmed bludgeoned each of the victims' heads and slashed their throats. DNA testing found Ahmed's blood at the crime scene. Ahmed was arrested in New York City as he waited to board a flight to his native country of Pakistan. (Ahmed received the death penalty for all four victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/07/99
Sentence.....02/02/01

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/25/04
U.S. Supreme Court Review.....03/28/05

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/03/02
Trial Court Decision.....03/08/05
Court of Appeals Decision.....12/28/06
Supreme Court Decision 05/16/07
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/02/05

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Watson)
Prisoner's Petition 05/14/08
Warden's Return of Writ.....01/20/11
Prisoner's Traverse.....04/22/11
Evidentiary Hearing .....
Decision 09/21/20

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/26/20
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the dismissal of Ahmed's serious mental illness petition.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the 6th Circuit on the district court's denial of habeas relief.

NOTES

On 08/25/04, the Ohio Supreme Court affirmed Ahmed's conviction and death sentence on direct appeal. On 05/14/08, Ahmed filed a petition for a writ of habeas corpus in the district court. On 07/09/14, the court ordered to clerk of courts to not accept any *pro se* pleadings filed by Ahmed. Despite this order, Ahmed continued to file various motions *pro se* which were stricken because he is represented by counsel. On 09/04/19, Ahmed filed amended objections to the magistrate's report and recommendation. On 09/21/20, the district court overruled Ahmed's objections, denied his habeas petition, and denied him a certificate of appealability. On 10/18/20, Ahmed filed a motion to alter or amend the judgment which the court denied on 05/07/21. Meanwhile, on 10/26/20 and 06/04/21, Ahmed filed notices of appeal to the 6th Circuit. On 04/12/22, Ahmed, through counsel, filed in the trial court a successive postconviction relief petition alleging that he is ineligible for the death penalty due to serious mental illness. The trial court held hearings on 05/27/22 and 09/18/22, wherein Ahmed stated counsel did not have his consent to file the serious mental illness petition. Based on Ahmed's statements, the trial court dismissed petition on 09/22/22. Both Ahmed, *pro se*, and counsel filed notices of appeal. As to the *pro se* appeal, the court of appeals appointed different counsel to represent Ahmed on 11/09/22. On 01/25/23 the court of appeals dismissed the appeal filed by the counsel who had appeared in the trial court, except as far as counsel's appeal dealt with the trial court denying to pay court appointed attorney fees. In both appeals, as well as in the trial court, Ahmed continues to file *pro se* pleadings. (Note: Between 2015 and 2022, Ahmed filed unsuccessful *pro se* motions and appeals to the state courts, the U.S. District Court, 6th Circuit, and the U.S. Supreme Court.)

Days From Death Sentence to 12/31/22: 8,002 **Inmate Number: A404-511**

Allen, David W.

Summary of Crime: On or about 01/24/91, Allen murdered 84-year-old Chloie English in her Bedford home. Ms. English had met Allen when she came to visit him and other prisoners as part of her church ministry program. After his release from prison, Allen beat Ms. English, strangled her, slit her wrists, and stabbed her 16 times. Allen also stole her money, credit cards, and checkbook.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/22/91
Sentence.....07/15/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/09/93
Supreme Court Decision 09/06/95
U.S. Supreme Court Review.....03/18/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....04/11/97
Court of Appeals Decision.....06/04/98
Supreme Court Decision 10/07/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....03/29/96
Supreme Court Decision 12/18/96

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Matia)
Prisoner's Petition 05/05/99
Warden's Return of Writ.....01/10/00
Prisoner's Traverse.....05/12/00
Evidentiary Hearing .....
Decision 10/03/02

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/11/02
Prisoner's Brief 04/15/19
Warden's Brief 06/06/19
Oral Argument.....10/15/19
Decision 03/24/20

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....08/10/20
Brief in Opposition 08/20/20
Decision or Certiorari Denial 10/05/20

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 09/06/95, the Ohio Supreme Court affirmed Allen's conviction and death sentence on direct appeal. On 10/03/02, the district court denied Allen's petition for a writ of habeas corpus. On 04/24/06, the 6th Circuit granted Allen's motion to hold briefing in abeyance pending the completion of DNA testing in the trial court. On 06/16/07, and 03/16/12, the State issued DNA test results. On 06/16/10 and 11/28/11, Allen filed motions for a new trial, which the trial court denied on 08/14/15. The court of appeals affirmed on 09/29/16, and the Ohio Supreme Court denied his appeal on 09/27/17. On 12/05/18, the 6th Circuit denied Allen's 11/29/17 motion to remand his case back to the district court so he could amend his habeas petition. Allen filed his merit brief on 04/15/19, to which the Warden responded on 06/06/19. Oral arguments were held on 10/15/19. On 03/24/20, the 6th Circuit affirmed the district court's denial of habeas relief. On 08/10/20, Allen filed a petition for a writ of certiorari with the U.S. Supreme Court, which was denied on 10/05/20. On 03/11/21, the district court granted Allen's motion for the appointment of counsel for purposes of clemency proceedings.

Apanovitch, Anthony

Summary of Crime: On 08/23/84, Apanovitch murdered 33-year-old Mary Ann Flynn in her Cleveland home. Ms. Flynn had hired Apanovitch to paint her house. Apanovitch tied up Ms. Flynn, raped her, brutally beat her, and stabbed her in the neck with wood from the window sill in her bedroom. DNA testing, conducted in 2006, identified Apanovitch as the source of the sperm found inside Ms. Flynn's mouth.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/02/84
Sentence.....01/08/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/28/86
Supreme Court Decision 10/07/87
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/02/88
Trial Court Decision.....05/11/89
Court of Appeals Decision.....01/31/91
Supreme Court Decision 07/24/91
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Adams)
Prisoner's Petition 11/01/91
Warden's Return of Writ.....02/28/92
Prisoner's Traverse.....
Evidentiary Hearing 02/26/09
Decision 08/14/09

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/30/09
Prisoner's Brief 08/04/10
Warden's Brief 10/13/10
Oral Argument.....02/28/11
Decision 06/08/11

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/08/11
Brief in Opposition 02/09/12
Decision or Certiorari Denial 03/19/12

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Apanovitch's successive habeas petition.

NOTES

On 10/07/87, the Ohio Supreme Court affirmed Apanovitch's conviction and death sentence on direct appeal. On 07/28/93, the district court denied Apanovitch's petition for a writ of habeas corpus. On 10/19/06, the 6th Circuit remanded the case to the district court for further proceedings related to DNA testing. On 05/09/07, the district court granted the Warden's motion for DNA testing. On 08/14/09, following an evidentiary hearing, the district court again denied habeas relief; the 6th Circuit affirmed on 06/08/11. On 03/21/12, Apanovitch filed a successive postconviction petition in the trial court. Following an evidentiary hearing, the trial court ordered a new trial on 02/12/15, and the court of appeals affirmed on 05/05/16. On 05/16/16, Apanovitch was granted bond and released from custody pending re-trial. On 11/29/18, the Ohio Supreme Court vacated the grant of a new trial and remanded the case back to the trial court for further proceedings. Apanovitch was then re-incarcerated. On 12/03/18, the trial court dismissed Apanovitch's postconviction petition. Following briefing, the trial court denied Apanovitch's motion for new trial on 07/23/19. Apanovitch appealed on 08/21/19; on 08/27/20, the court of appeals affirmed the trial court's denial of relief. On 09/08/20, Apanovitch filed a motion for reconsideration or for *en banc* review. On 09/28/20, the court of appeals denied Apanovitch's motion for reconsideration, and denied the motion for *en banc* review on 04/16/21. On 11/09/21, the Ohio Supreme Court declined to hear Apanovitch's appeal. On 10/28/22, Apanovitch filed in the district court a successive habeas petition. On 11/04/22, the Warden filed a motion to transfer the successive petition to the 6th Circuit for authorization to proceed; Apanovitch responded on 12/14/22; and on 12/21/22, the Warden replied. (Note: On 02/17/23, the district court transferred the successive petition to the 6th Circuit.)

Days From Death Sentence to 12/31/22: 13,871 **Inmate Number: A182-824**

Awkal, Abdul

Summary of Crime: On 01/07/92, Awkal murdered his estranged wife, 22-year-old Latife Awkal, and his brother-in-law, 24-year-old Mahmoud Abdul-Aziz, at the Cuyahoga County Domestic Relations Court. Awkal was angry at Mrs. Awkal and Mr. Abdul-Aziz because Mrs. Awkal had filed for divorce and custody of their 16-month-old daughter. Awkal chased Mrs. Awkal and Mr. Abdul-Aziz into a room in the courthouse and shot them both at close range. Awkal was arrested in the courthouse, and he later confessed to police. (Awkal received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/09/92
Sentence.....12/23/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/13/95
Supreme Court Decision 08/14/96
U.S. Supreme Court Review.....01/21/97

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....09/02/97
Court of Appeals Decision.....11/25/98
Supreme Court Decision 04/07/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Nugent)
Prisoner's Petition 03/24/00
Warden's Return of Writ.....05/18/00
Prisoner's Traverse.....06/30/00
Evidentiary Hearing .....
Decision 11/14/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/29/01
Prisoner's Brief 01/26/04
Warden's Brief 01/20/04
Oral Argument.....12/02/09
Decision 07/23/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....10/20/10
Brief in Opposition 12/20/10
Decision or Certiorari Denial 01/18/11

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Awkal's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/14/96, the Ohio Supreme Court affirmed Awkal's conviction and death sentence on direct appeal. On 11/14/01, the district court denied Awkal's petition for a writ of habeas corpus. On 07/23/10, the 6th Circuit, *en banc*, affirmed the district court's denial of Awkal's habeas petition. The Ohio Supreme Court scheduled Awkal's execution for 06/06/12. On 04/09/12 and 05/30/12, Awkal filed motions alleging he was incompetent to be executed. On 06/05/12, Governor Kasich granted Awkal a reprieve to 06/20/12. On 06/15/12, following a hearing, the trial court found Awkal incompetent to be executed. On 06/18/12, the Ohio Supreme Court stayed Awkal's execution. On 08/30/12, the court of appeals dismissed the State's appeal, and on 12/24/14, the Ohio Supreme Court denied the State's appeal. On 01/04/22, Awkal filed in trial court a motion for the appointment of postconviction counsel to pursue a postconviction claim of serious mental illness under Ohio's new SMI statute; on 01/14/22, the State opposed the motion, and the trial court denied the motion on 01/19/22 for noncompliance with the statute. On 02/08/22, Awkal's motion for reconsideration was granted after complying with the statute. On 04/06/22, Awkal filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness, which he amended on 10/03/22. Meanwhile, on 04/26/22, the trial court granted funds for a psychological evaluation of Awkal. Also on 10/03/22, Awkal's counsel requested a competency evaluation, which the trial court granted on 10/26/22. (Note: On 02/17/23, Awkal filed *pro se* a motion to stay the SMI action, a request for different counsel, and the ability to add additional claims.)

Days From Death Sentence to 12/31/22: 10,965 **Inmate Number: A267-328**

Ballew, Tyrone

Summary of Crime: On 03/17/90, Ballew murdered 56-year-old Donald Hill in a vacant lot on Kerper Avenue. Mr. Hill owed Ballew money for cocaine. Ballew and his four accomplices, Patrick Coffey, Ulric "Shorty" Robinson, Michael "Bounce" Johnson, and Jerry Baskin, kidnapped Mr. Hill from his house, beat him, and drove him to a vacant lot. Ballew then shot Mr. Hill three times in the back.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/11/90
Sentence.....07/01/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/02/95
Supreme Court Decision 08/07/96
U.S. Supreme Court Review.....01/06/97

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/21/96
Trial Court Decision.....03/17/97
Court of Appeals Decision.....03/06/98
Supreme Court Decision 06/17/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....10/21/99
Supreme Court Decision 06/21/00

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Watson)
Prisoner's Petition 11/18/98
Warden's Return of Writ.....06/30/99
Prisoner's Traverse.....07/21/99
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Ballew's successive petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Ballew's petition for a writ of habeas corpus which is stayed pending the completion of state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/07/96, the Ohio Supreme Court affirmed Ballew's conviction and death sentence on direct appeal. On 11/18/98, Ballew filed a petition for a writ of habeas corpus in the district court. On 09/27/01, the district court denied Ballew's motion for an evidentiary hearing and granted Ballew's motion to expand the record. On 10/01/04, the case was reassigned to Judge Watson. On 06/14/13 and 08/08/14, Ballew filed amended petitions to add claims challenging the constitutionality of lethal injection. On 07/16/15, the Warden filed a motion to dismiss the lethal injection grounds, which the court denied on 03/18/16. On 03/24/17, the district court stayed the habeas case pending the completion of state court proceedings. On 06/09/17, Ballew filed with the trial court a successive petition for postconviction relief, which he amended on 02/08/18, and the State responded on 07/12/18. On 11/19/18, Ballew filed a motion for partial summary judgment and motion for discovery. The State opposed Ballew's motions on 03/14/19. Ballew filed proposed findings of facts and conclusions of law on 03/18/19. On 10/04/22, the trial court filed a scheduling order for briefing on the successive postconviction relief petition. (Note: On 02/15/23, the trial court issued an amended scheduling order.)

Bates, Glen

Summary of Crime: On 03/29/15, Bates and his girlfriend Andrea Bradley, murdered their 26-month-old daughter, Glenara Bates. When Bradley brought the unresponsive toddler to the hospital, doctors discovered Glenara's malnourished 13-pound body was covered with innumerable injuries including open wounds, cuts, scars, bruises, a fractured rib, open sores and scabs, her teeth had been knocked out, and there were human bite marks that punctured her skin and left scars. Glenara's half-sister testified that she witnessed Bates swing Glenara by her legs and hit her head into the wall the day before she was pronounced dead at the hospital. Glenara died as a result of Battered Child Syndrome with acute and chronic intracranial hemorrhages, and starvation. (Bradley was also charged in the murder, but will not face the death penalty due to her intellectual disability.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....04/08/15
Sentence.....

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/27/20
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 03/07/18
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court for a new trial; Pending in the trial court on Bates' petition for postconviction relief based upon his first trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 10/27/16, Bates was convicted and sentenced to death. On 12/05/16, Bates filed in the Ohio Supreme Court a notice of appeal for his direct appeal. Bates filed his merit brief on 09/25/17, which he amended on 02/12/18. The State filed a response on 03/01/18, and Bates filed a reply brief on 04/16/18. On 03/07/18, Bates filed a petition for postconviction relief in the trial court, which he amended on 12/14/18. Meanwhile, on 06/26/18, Bates requested discovery, and the State responded on 10/19/18. Oral arguments were heard on 02/19/19. On 02/27/20, the Ohio Supreme Court overturned Bates' conviction and sentence on a biased juror claim, and remanded the case for a new trial. During 2020, 2021, and 2022, Bates filed numerous pretrial motions in relation to his pending new trial, including motions to suppress and a motion for change of venue. On 12/14/22, the trial court denied Bates' motion to suppress.

Bays, Richard

Summary of Crime: On 11/15/93, Bays murdered 76-year-old wheelchair-bound Charles Weaver in Weaver's Xenia home. After smoking crack cocaine, Bays went to Mr. Weaver's house to borrow money. When Mr. Weaver told Bays that he did not have any money, Bays beat him with a battery charger and a portable tape recorder and then stabbed him several times with a kitchen knife. Bays then took Mr. Weaver's wallet containing $25.00 cash and $9.00 worth of food stamps. Bays confessed to Xenia police and discussed the crime with another inmate while in the county jail.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/14/94
Sentence.....12/15/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....01/30/98
Supreme Court Decision 10/13/99
U.S. Supreme Court Review.....04/24/00

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/29/96
Trial Court Decision.....12/12/02
Court of Appeals Decision.....06/20/03
Supreme Court Decision 10/15/03
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rose)
Prisoner's Petition 11/06/08
Warden's Return of Writ.....07/09/09
Prisoner's Traverse.....11/07/11
Evidentiary Hearing 01/20/11
Decision 12/29/17

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 01/28/18
Prisoner's Brief 10/29/18
Warden's Brief 12/20/18
Oral Argument.....03/20/19
Decision 03/30/20

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....08/27/20
Brief in Opposition 10/20/20
Decision or Certiorari Denial 11/23/20

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Bays' successive *Atkins* postconviction relief petition and motion for additional DNA testing.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/13/99, the Ohio Supreme Court affirmed Bays' conviction and death sentence on direct appeal. On 11/06/08, Bays filed a petition for a writ of habeas corpus in the district court. On 01/03/14, the district court denied Bays' motion to add claims that he is intellectually disabled. On 12/29/17, the district court denied Bays' amended habeas petition. On 08/28/18 and 05/21/19, the 6th Circuit denied Bays an expanded certificate of appealability. Following briefing and oral argument, the 6th Circuit affirmed the denial of habeas relief on 03/30/20. On 11/23/20, the Supreme Court denied Bays' 08/27/20 petition for a writ of certiorari. Meanwhile, on 05/05/14, the trial court denied Bays' motion to relitigate his previously voluntarily dismissed *Atkins* claims. On 05/15/15, the court of appeals affirmed, but remanded the case to the trial court for consideration of the claims as an entirely new *Atkins* petition. On 09/29/16, the State renewed the motion to dismiss the *Atkins* petition, which remains stayed despite resolution of Bays' 09/22/16 motion for DNA testing. On 03/21/18, the trial court ordered DNA testing of several pieces of evidence, and the results were reported in March 2019. On 07/03/19, the trial court denied Bays' 04/22/19 *pro se* motion to vacate court costs. On 02/02/22, the State filed a motion for a status conference, which was held on 03/24/22. Meanwhile on 03/21/22, Bays filed a motion for additional DNA testing, which the State opposed on 03/28/22, and Bays replied on 03/30/22. Ultimately, two items were sent for additional testing.

Days From Death Sentence to 12/31/22: 9,878 **Inmate Number: A325-266**

Beasley, Richard

Summary of Crime: In August 2011 Beasley and his co-defendant, Brogan Rafferty, murdered Ralph Geiger (age 56 from Akron, Ohio) by shooting him in the back of the head, and then buried him in a shallow grave. In October and November of 2011, Beasley, who had assumed Mr. Geiger's identity, and Rafferty used an advertisement on Craigslist for a fictitious farmhand job to lure David Pauley (age 51 from Norfolk, Virginia), Timothy Kern (age 47 from Massillon, Ohio) and Scott Davis (age 49 from South Carolina) to remote locations in Noble and Summit Counties. Beasley and Rafferty shot, killed and buried Mr. Pauley and Mr. Kern in shallow graves. The pair also attempted to murder Mr. Davis, but he was able to escape with a gunshot wound to his elbow. (Beasley received the death penalty for all three slain men.) (Rafferty received life without the possibility of parole for his participation in the crimes.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....01/20/12
Sentence.....04/04/13

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/16/18
U.S. Supreme Court Review.....01/07/19

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 02/11/14
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/07/18

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court for resentencing on the non-capital counts; Pending in the trial court on Beasley's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 01/16/18, the Ohio Supreme Court affirmed Beasley's conviction and death sentence, but remanded the case to the trial court for a new sentencing hearing on his non-capital counts. On 01/07/19, the U.S. Supreme Court denied Beasley's petition for a writ of certiorari. On 11/17/18, the Ohio Supreme Court denied Beasley's 08/07/18 application to reopen his direct appeal. Meanwhile, on 02/11/14, Beasley filed his petition for postconviction relief which he amended on 03/05/14; the State opposed it on 08/29/14. On 01/07/20, Beasley filed a motion to supplement his postconviction petition, to which the State responded on 01/16/20. On 09/23/00, a resentencing hearing was held via video conferencing on Beasley's non-capital offenses. (Note: On 01/18/23, the trial court issued an entry detailing the sentence for Beasley's non-capital offenses and scheduled a status conference to discuss the status of the postconviction relief petition.)

Belton, Anthony

Summary of Crime: On 08/13/08, Belton murdered 34-year-old Matthew Dugan. Belton shot Mr. Dugan in the head during a robbery of the Toledo BP gas station where Mr. Dugan was employed. The murder was captured on the station's video surveillance system. Belton pled no contest to the charges against him, including the aggravated murder charge.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/25/08
Sentence.....04/19/12

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 04/20/16
U.S. Supreme Court Review.....06/26/17

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 02/15/13
Trial Court Decision.....06/29/20
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/27/17

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the denial of Belton's postconviction petition; Pending in the trial court on Belton's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 04/20/16, the Ohio Supreme Court affirmed Belton's conviction and death sentence on direct appeal. Meanwhile, on 02/15/13, Belton filed in the trial court a petition for postconviction relief, which he amended on 02/25/13, 04/29/13, and 07/29/13. Also on 02/25/13, Belton requested discovery and an evidentiary hearing. On 02/07/18, the State moved to dismiss the postconviction petition; Belton responded on 05/22/18. On 06/29/20, the trial court denied Belton's petition for postconviction relief. On 07/29/20, Belton appealed; he filed his merit brief on 12/07/20; the State responded on 02/26/21; Belton replied on 03/08/21. On 06/30/21, the parties waived oral argument. On 11/22/21, the court granted Belton's 10/14/21 motion to stay the case pending the outcome of *State v. Blanton* pending in the Ohio Supreme Court. On 11/16/22, the State filed a notice with the court of appeals that the Ohio Supreme Court had decided *Blanton*. On 12/09/22, the court denied Belton's 11/17/22 motion to remand, but granted supplemental briefing regarding *Blanton*. (Note: On 01/30/23, the court of appeals affirmed the denial of Belton's postconviction petition.) On 03/14/22, the trial court denied Belton's 03/04/22 motion to file for funding *ex parte*. On 04/11/22, Belton filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 09/14/22, the trial court issued an amended scheduling order for briefing on the serious mental illness petition.

Bethel, Jr., Robert

Summary of Crime: On 06/26/96, Bethel and his accomplice, fellow gang member Jeremy Chavis, murdered 18-year-old James Reynolds and Reynolds' 14-year-old girlfriend, Shannon Hawks, in a field in Franklin County. Bethel, a Crips gang member, suspected Mr. Reynolds was to testify against Tyrone Green, a fellow Crip, in connection with a prior murder. Bethel and Chavis lured Mr. Reynolds and Ms. Hawks to the field by telling them that they were going to shoot off guns for fun. When the group arrived at the field, Bethel and Chavis shot Ms. Hawks four times and Mr. Reynolds 10 times. Bethel later confessed the murders to his girlfriend. Chavis was also convicted of the two aggravated murders and sentenced to 30 years to life on each count. (Bethel received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/16/00
Sentence.....08/26/03

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/04/06
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 02/28/05
Trial Court Decision.....08/31/07
Court of Appeals Decision.....06/05/08
Supreme Court Decision 08/26/09
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/29/07

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Barrett)
Prisoner's Petition 08/25/10
Warden's Return of Writ.....07/02/13
Prisoner's Traverse.....11/21/13
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the U.S. Supreme Court on the Bethel's petition for certiorari from the denial of his successive postconviction petition; Pending in the trial court on Bethel's *pro se* successive postconviction petition.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Bethel's petition for a writ of habeas corpus.

NOTES

On 10/04/06, the Ohio Supreme Court affirmed Bethel's conviction and death sentence on direct appeal. On 08/25/10, Bethel filed a petition for a writ of habeas corpus in the district court which he amended on 03/06/13 and 06/12/20. Meanwhile, on 04/15/19, the trial court denied Bethel's 09/10/18 motion for new trial/successive postconviction petition; the court of appeals affirmed on 04/07/20. On 09/01/20, the Ohio Supreme Court accepted Bethel's appeal, and affirmed the denial of relief on 03/22/22; the court denied reconsideration on 05/24/22. (Note: On 02/21/23, the U.S. Supreme Court denied Bethel's 10/21/22, petition for a writ of certiorari.) Meanwhile, on 01/26/21, Bethel filed *pro se* in the trial court a successive postconviction petition and a motion for leave to file a motion for new trial; the State opposed on 04/06/21. On 05/26/21, the trial court stayed the case pending the decision in the Ohio Supreme Court. Meanwhile, in the district court, Bethel filed a *pro se* motion to stay federal proceedings, which the court denied on 09/27/21. On 08/15/22, the court denied Bethel's 06/10/22 motion to stay the habeas case. Meanwhile, on 06/23/22, Bethel filed an amended habeas petition; on 08/19/22, the Warden filed an amended return of writ; Bethel filed an amended traverse on 10/21/22. On 12/12/22, Bethel filed a *pro se* motion of waiver of amended habeas petition claim.

Days From Death Sentence to 12/31/22: 7,067 **Inmate Number: A455-970**

Bonnell, Melvin

Summary of Crime: On 11/28/87, Bonnell murdered 23-year-old Robert Bunner in his Bridge Avenue apartment in Cleveland. Bonnell entered the apartment without permission, shot Mr. Bunner twice at close range and repeatedly struck him in the face after he had fallen to the floor. The murder was witnessed by Mr. Bunner's two roommates. The results of DNA testing in 2009 indicated that Mr. Bunner was the source of the blood found on Bonnell's jacket.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/30/87
Sentence.....05/25/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/05/89
Supreme Court Decision 07/24/91
U.S. Supreme Court Review.....02/24/92

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/16/95
Trial Court Decision.....10/16/95
Court of Appeals Decision.....09/08/98
Supreme Court Decision 01/20/99
U.S. Supreme Court Review.....10/04/99

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....05/06/94
Supreme Court Decision 12/20/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Katz)
Prisoner's Petition 03/01/00
Warden's Return of Writ.....01/29/01
Prisoner's Traverse.....03/30/01
Evidentiary Hearing .....
Decision 02/04/04

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/02/04
Prisoner's Brief 03/06/06
Warden's Brief 03/06/06
Oral Argument.....11/02/06
Decision 01/08/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....08/29/07
Brief in Opposition 11/05/07
Decision or Certiorari Denial 12/03/07

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Bonnell's successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/24/91, the Ohio Supreme Court affirmed Bonnell's conviction and death sentence on direct appeal. On 01/08/07, the 6th Circuit affirmed the 02/04/04 denial of habeas relief. On 07/30/08, the trial court granted a motion for DNA testing; results were filed on 07/06/09. The court denied the balance of Bonnell's motion for testing on 08/14/17; the Ohio Supreme Court affirmed on 10/10/18. Meanwhile, on 01/20/15, the trial court issued a corrected sentencing entry; the court of appeals affirmed on 11/05/15; and the Ohio Supreme Court denied appeal on 03/15/17. On 01/25/19, the trial court denied Bonnell's 01/11/18 motion for new trial; the court of appeals affirmed on 12/26/19; and the Ohio Supreme Court declined to hear the appeal on 06/17/20. On 03/29/21, the U.S. Supreme Court denied Bonnell's 01/14/21 petition for writ of certiorari. Meanwhile, on 08/25/17, the district court transferred Bonnell's 04/12/17 successive habeas petition to the 6th Circuit, which denied leave to proceed on 12/04/18. On 08/17/21, Bonnell filed in the district court another successive habeas petition. On 04/22/22, the Warden filed a motion to transfer the petition to the 6th Circuit for authorization to proceed; Bonnell opposed the motion on 05/20/22. Bonnell also filed in the district court a motion for leave to conduct discovery on 05/20/22. Meanwhile, on 04/14/15, the Ohio Supreme Court set Bonnell's execution date for 10/18/17. Bonnell received reprieves on 02/10/17 until 04/11/18; on 09/01/17 until 02/12/20; on 12/20/19 until 03/18/21; and on 09/04/20 until 10/18/23.

Days From Death Sentence to 12/31/22: 12,638 **Inmate Number: A204-019**

Brinkley, Grady

Summary of Crime: On 01/07/00, Brinkley murdered his former girlfriend, 18-year-old Shantae Smith, in her Toledo apartment. While in county jail for the robbery of a local diner, Brinkley learned that Ms. Smith was dating someone else. Brinkley beat Ms. Smith, attempted to strangle her, and then cut her throat, killing her. Brinkley stole Ms. Smith's ATM card and winter coat, and fled to Chicago. The FBI arrested Brinkley at his mother's residence in Chicago.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment....10/24/00
- Sentence....10/02/02

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....04/13/05
- U.S. Supreme Court Review....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court....09/08/03
- Trial Court Decision....02/10/04
- Court of Appeals Decision....10/22/04
- Supreme Court Decision....06/29/05
- U.S. Supreme Court Review....12/05/05

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....10/05/05

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Adams)
- Prisoner's Petition....11/22/06
- Warden's Return of Writ....01/22/07
- Prisoner's Traverse....04/23/07
- Evidentiary Hearing....
- Decision....12/05/11

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal....01/04/12
- Prisoner's Brief....09/15/14
- Warden's Brief....11/17/14
- Oral Argument....01/13/16
- Decision....07/25/16

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition....02/13/17
- Brief in Opposition....04/12/17
- Decision or Certiorari Denial....05/15/17

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 04/13/05, the Ohio Supreme Court affirmed Brinkley's conviction and death sentence on direct appeal. On 11/22/06, Brinkley filed a petition for a writ of habeas corpus, which the district court denied on 12/05/11. On 08/30/12, Brinkley filed a motion in the 6th Circuit to remand his case back to the district court in light of the U.S. Supreme Court case of Martinez v. Ryan, which was denied on 02/25/14. On 07/25/16, the 6th Circuit affirmed the denial of habeas relief, and denied *en banc* review on 09/16/16. On 05/15/17, the U.S. Supreme Court denied Brinkley's 02/13/17 petition for a writ of certiorari.

Brinkman, Jr., George (1)

Summary of Crime: On 06/10/17, Brinkman murdered 45-year-old Suzanne Taylor and her daughters, 21-year-old Taylor Pifer and 18-year-old Kylie Pifer, in their North Royalton home. Brinkman forced Suzanne and her daughters to lie on the bed next to one another at knifepoint, and ordered Kylie to tie up Suzanne and Taylor with zip ties. Brinkman stabbed Suzanne several times with the knife and cut her throat. He then smothered Taylor to death with a pillow and strangled Kylie to death with a phone charging cord. Brinkman later confessed to all three murders. (Brickman received the death penalty for all 3 victims.) (Note: Brinkman also received the death penalty from Stark County for the aggravated murders of Rogell and Roberta John.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....06/27/17
Sentence.....

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/21/21
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 11/17/20
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court for a new trial; Pending in the trial court on Brinkman's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 01/18/19, Brinkman was convicted and sentenced to death. On 07/21/21, the Ohio Supreme Court vacated Brinkman's conviction due to trial court error in accepting his guilty plea, and remanded case to trial court for a new trial. On 02/22/22, the U.S. Supreme Court denied the State's 10/19/21 petition for a writ of certiorari. Meanwhile, on 07/31/19, Brinkman filed in the trial court a motion for discovery in anticipation of his petition for postconviction relief, and filed his postconviction petition on 11/17/20. On 11/03/21, the trial judge voluntarily recused himself and the case was reassigned on 12/06/21. While the State's petition for certiorari was pending, Brinkman and the State filed various pretrial motions and responses in furtherance of the ordered new trial. On 11/02/22, Brinkman again waived his right to a jury trial. On 12/14/22, the trial court denied Brinkman's 11/07/22 motion to dismiss capital components of the indictment. A three-judge panel conducted hearings on 11/09/22 and 11/10/22, at which time Brinkman again pleaded guilty to the indictment; the trial court found Brinkman guilty on 11/14/22 (journalized on 11/16/22). (Note: The mitigation phase of the trial to the three-judge panel is currently scheduled to begin on 05/15/23.)

Brinkman, Jr., George (2)

Summary of Crime: On 06/11/17, George Brinkman murdered Rogell and Roberta John in their Lake Township home. Brinkman had been dog-sitting for the Johns while they were on vacation. When they returned home, an argument over the care of the dog ensued. Brinkman, armed with Rogell's gun which Brinkman had earlier retrieved and loaded, ordered the Johns to a bedroom. He then shot Rogell to death before severely beating Roberta and shooting her in the head. Brinkman then stole money before fleeing. Brinkman confessed to these two murders. (Brinkman received the death penalty for both victims.) (Note: Brinkman also received the death penalty from Cuyahoga County for the aggravated murders of Suzanne Taylor, Taylor Pifer, and Kylie Pifer.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/14/18
Sentence.....10/17/19

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/28/22
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/08/21
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the Ohio Supreme Court on Brinkman's application to reopen the direct appeal; Pending in the trial court on Brinkman's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 07/28/22, the Ohio Supreme Court affirmed Brinkman's conviction and sentence on direct appeal, but remanded to the trial court for correction to the sentence on non-capital offenses. On 09/27/22, the Ohio Supreme Court denied Brinkman's 08/08/22 motion for reconsideration. On 12/27/22, Brinkman filed an application to reopen his direct appeal. (Note: On 01/26/23, the State opposed the application to reopen the direct appeal.) Meanwhile, on 03/08/21, Brinkman filed in the trial court a petition for postconviction relief. On 09/12/22, the trial court corrected the sentence on the non-capital offenses, per the remand order. On 09/27/22, Brinkman filed a motion to be heard *ex parte* on appropriation of funds relating to expert witnesses and to be permitted to file under seal; the State opposed on 10/04/22; Brinkman replied on 10/07/22. On 11/09/22, the trial court filed a judgment entry allowing Brinkman to be heard *ex parte* and to file his funding request under seal. (Note: On 01/13/23, Brinkman filed his *ex parte* motion under seal; and on 02/22/23, the trial court denied the *ex parte* motion.)

Bryan, Quisi

Summary of Crime: On 06/25/00, Bryan murdered a police officer, 32-year-old Wayne Leon, at a gas station in Cleveland. Officer Leon had stopped Bryan's car for a traffic violation. When Officer Leon used his radio to check on Bryan's fictitious license plate, Bryan shot Officer Leon in the face. Kenneth Niedhammer witnessed the shooting and followed Bryan's car. Bryan stopped his vehicle on two occasions and shot at Mr. Niedhammer. Bryan testified at trial that he shot Officer Leon to prevent him from discovering Bryan's parole violation for an attempted robbery conviction. (Bryan was also convicted of the attempted murder of Mr. Niedhammer.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....07/05/00
- Sentence.....12/06/00

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 03/17/04
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 12/28/01
- Trial Court Decision.....05/11/09
- Court of Appeals Decision.....05/24/10
- Supreme Court Decision 12/15/10
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 10/27/04

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Carr)
- Prisoner's Petition 08/15/11
- Warden's Return of Writ.....04/20/12
- Prisoner's Traverse.....08/03/12
- Evidentiary Hearing .....
- Decision 07/16/15

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 07/20/15
- Prisoner's Brief 01/13/16
- Warden's Brief 10/13/15
- Oral Argument.....08/02/16
- Decision 12/15/16

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....06/21/17
- Brief in Opposition 08/11/17
- Decision or Certiorari Denial 10/02/17

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/17/04, the Ohio Supreme Court affirmed Bryan's conviction and sentence on direct appeal. On 11/18/05, the trial court denied Bryan's postconviction petition. On 05/11/09, following remand, the trial court again denied Bryan's petition for postconviction relief, which was affirmed by the court of appeals on 05/24/10. On 08/15/11, Bryan filed a petition for a writ of habeas corpus. On 07/16/15, the district court granted Bryan's habeas petition. On 07/20/15, the Warden appealed to the 6th Circuit which reversed the grant of habeas relief on 12/15/16. On 10/02/17, the U.S. Supreme Court denied Bryan's 06/21/17 petition for a writ of certiorari. Meanwhile, on 04/17/17, the trial court denied Bryan's 01/11/17 motion for a new mitigation hearing based upon *Hurst v. Florida*, and the court of appeals affirmed on 03/29/18. On 06/12/18, the district court transferred to the 6th Circuit Bryan's 03/14/18 successive habeas petition; on 02/19/19, the 6th Circuit denied the successive petition and Bryan's motion to remand. The U.S. Supreme Court denied certiorari on 10/07/19. Meanwhile, on 12/12/17, the Ohio Supreme Court set Bryan's execution date for 10/26/22. Bryan received a reprieve on 06/24/22 until 01/07/26.

Carter, Cedric

Summary of Crime: On 04/06/92, Carter murdered 56-year-old Frances Messinger at a United Dairy Farmer's convenience store (UDF) in Cincinnati. Ms. Messinger was working alone as a clerk at the UDF on the night she was murdered. Carter and his accomplice, Kenny Hill, entered the store while accomplice, Virgil Sims, waited outside in the "get-away car." While robbing the UDF, Carter shot Ms. Messinger once in the forehead. After Hill surrendered himself, Carter confessed to the police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/14/92
Sentence.....07/30/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/03/93
Supreme Court Decision 07/26/95
U.S. Supreme Court Review.....12/04/95

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/05/96
Trial Court Decision.....08/26/96
Court of Appeals Decision.....11/14/97
Supreme Court Decision 03/11/98
U.S. Supreme Court Review.....10/05/98

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....04/09/01
Supreme Court Decision 11/14/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rose)
Prisoner's Petition 11/12/98
Warden's Return of Writ.....12/22/98
Prisoner's Traverse.....
Evidentiary Hearing 10/20/05
Decision 08/10/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/26/13
Prisoner's Brief 05/28/14
Warden's Brief 07/30/14
Oral Argument.....04/20/16
Decision 07/13/16

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....10/11/16
Brief in Opposition 11/18/16
Decision or Certiorari Denial 01/09/17

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Carter's successive petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/26/95, the Ohio Supreme Court affirmed Carter's conviction and death sentence on direct appeal. On 08/10/06, the district court denied Carter's petition for a writ of habeas corpus. On 09/06/12, the 6th Circuit reversed the district court's finding that two grounds were procedurally defaulted, affirmed the district court's decision as to all other grounds, and remanded the case back to the district court for a merits analysis of the two reversed grounds. On 06/10/13, the district court denied the remanded issues on the merits. On 07/13/16, the 6th Circuit affirmed the denial of habeas relief. On 07/07/21, Carter filed in the trial court a successive petition for postconviction relief wherein he alleged, among other things, that he is intellectually disabled, which he amended on 01/07/22. On 8/15/22, the State filed a motion to dismiss the successive postconviction petition; Carter responded on 11/15/22. On 11/21/22, the parties filed a joint motion for a status conference. Meanwhile, on 09/22/17, the Ohio Supreme Court set Carter's execution date for 08/24/22. Carter received a reprieve on 02/18/22 until 08/27/25.

Carter, Sean

Summary of Crime: On 09/14/97, Carter murdered his 68-year-old adoptive grandmother, Veader Prince, at her home in Farmington Township. Upon his release from jail for theft, Ms. Prince refused to allow Carter to live with her. Carter raped, beat and stabbed Ms. Prince 18 times and also stole her money. DNA testing proved that the sperm, recovered from Ms. Prince's rectum, belonged to Carter.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/25/97
Sentence.....04/01/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/13/00
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 04/13/99
Trial Court Decision.....08/30/99
Court of Appeals Decision.....12/18/00
Supreme Court Decision 05/02/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/19/03

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Pearson)
Prisoner's Petition 05/01/02
Warden's Return of Writ.....09/16/03
Prisoner's Traverse.....07/12/04
Evidentiary Hearing .....
Decision 09/30/15

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/06/16
Prisoner's Brief 09/29/17
Warden's Brief 11/28/17
Oral Argument.....07/24/18
Decision 08/20/18

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....04/01/19
Brief in Opposition 05/31/19
Decision or Certiorari Denial 10/11/19

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Carter's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 09/13/00, the Ohio Supreme Court affirmed Carter's conviction and death sentence on direct appeal. On 05/01/02, Carter filed a petition for a writ of habeas corpus in the district court. On 09/29/08, the district court dismissed the case without prejudice and tolled the statute of limitations because Carter was incompetent to proceed. On 05/26/11, the 6th Circuit held that the district court erred in dismissing the case and tolling the statute of limitations, but ruled the claims of ineffective assistance of counsel should be stayed until Carter was competent to assist counsel. On 01/08/13, the U.S. Supreme Court reversed the decision that the case could be indefinitely stayed and remanded the case for further proceedings. On 09/30/15, the district court denied Carter's habeas petition, and the 6th Circuit affirmed on 08/20/18 and denied *en banc* review on 10/31/18. On 10/11/19, the U.S. Supreme Court denied Carter's 04/01/19 petition for a writ of certiorari. On 04/11/22, Carter filed in the trial court a successive petition for postconviction relief due to serious mental illness, which he amended on 07/13/22. (Note: The State's response is currently due by 04/28/23.) Meanwhile, on 09/23/20, the Ohio Supreme Court set Carter's execution date for 01/22/25.

Cassano, August

Summary of Crime: On 10/21/97, Cassano murdered his cellmate, 22-year-old Walter Hardy, at Mansfield Correctional Institution. Cassano stabbed Mr. Hardy 75 times with a shank (prisoner-made knife). Cassano was serving a life sentence at the time for an aggravated murder he committed in 1976. Cassano had also previously stabbed another cellmate in 1992.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/04/98
Sentence.....

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/07/02
U.S. Supreme Court Review.....03/03/03

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/06/09
Trial Court Decision.....06/18/12
Court of Appeals Decision.....04/11/13
Supreme Court Decision 06/24/15
U.S. Supreme Court Review.....02/29/16

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/31/04

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Adams)
Prisoner's Petition 03/02/04
Warden's Return of Writ.....04/30/04
Prisoner's Traverse.....06/15/04
Evidentiary Hearing .....
Decision 07/18/18

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/15/18
Prisoner's Brief 11/09/20
Warden's Brief 01/08/21
Oral Argument.....04/28/21
Decision 06/17/21

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/01/21
Brief in Opposition 12/08/21
Decision or Certiorari Denial 06/21/22

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court for a new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 08/07/02, the Ohio Supreme Court affirmed Cassano's conviction and death sentence on direct appeal. On 03/02/04, Cassano filed a petition for a writ of habeas corpus in the district court. On 04/03/17, Cassano filed an amended habeas petition. In both 2007 and 2012 Cassano sought to withdraw his state and federal appeals; both times Cassano later withdrew his requests. On 07/18/18, the district court denied habeas relief. On 06/17/21, the 6th Circuit reversed the district court and conditionally granted Cassano's petition for a writ of habeas corpus on the issue of self-representation rights at Cassano's trial; the court denied the Warden's 06/25/21 petition for *en banc* review on 08/26/21.On 6/21/22, the U.S. Supreme Court denied the Warden's 11/01/21 petition for a writ of certiorari. On 07/01/22, the 6th Circuit's mandate issued. Meanwhile, on 04/08/22, Cassano filed in the trial court a successive petition of postconviction relief alleging he was seriously mentally ill, but he filed a motion to dismiss that petition on 07/08/22. In response to the mandate from the 6th Circuit, on 07/12/22, the trial court reactivated Cassano's case. Thereafter, trial counsel was appointed, and pretrial motions filed. (Note: Currently, Cassano's retrial is set for 05/23/23.)

Cepec, Steven

Summary of Crime: On 06/03/10, Cepec murdered 72-year-old Frank Munz in his Chatham Township home. Cepec had been on parole for prior aggravated burglaries from multiple counties. As a condition of his parole, Cepec was to undergo drug treatment. Cepec left the treatment facility without permission the day after he arrived. Cepec entered Mr. Munz's home armed with duct tape and a realistic looking pellet gun. Cepec bound Mr. Munz with the duct tape and then beat him in the head with the claw end of a hammer. He then strangled Mr. Munz with an electrical cord from a lamp found in the home. Unknown to Cepec, Mr. Munz's adult nephew was hiding in the home and called authorities. Cepec fled the garage when officers arrived, but later admitted to killing Mr. Munz.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/23/10
Sentence.....04/25/13

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/13/16
U.S. Supreme Court Review.....06/05/17

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/15/14
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 04/25/18

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Cepec's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/13/16, the Ohio Supreme Court affirmed Cepec's conviction and death sentence on direct appeal. On 04/25/18, the Ohio Supreme Court denied Cepec's application to reopen his direct appeal. Meanwhile, on 07/15/14, Cepec filed a petition for postconviction relief in the trial court, which he amended on 12/22/14. The State opposed his petition on 03/16/15. On 01/12/17, Cepec again amended his postconviction petition; the State responded on 05/02/18. On 03/27/19, the trial court dismissed Cepec's petition, but on 08/19/19, the court of appeals dismissed Cepec's appeal based upon a lack of jurisdiction because the trial court failed to address all of his claims. On 02/23/21, the trial court denied several of Cepec's postconviction claims, but ordered an evidentiary hearing on some of his allegations of ineffective assistance of counsel. On 01/13/22, Cepec filed a motion for funds for an expert to explore the issue of serious mental illness. On 03/07/22, the trial court held the evidentiary hearing Cepec's postconviction claims. On 04/11/22, Cepec filed a second-in-time postconviction petition alleging he was seriously mentally ill, which he withdrew on 07/07/22. On 10/17/22, the trial court found Cepec received ineffective assistance of counsel at mitigation, but did not issue findings of fact and conclusions of law. (Note: On 01/13/23, the trial court ordered, consistent with its 10/17/22 entry, that Cepec should receive a new penalty phase trial. On 01/20/23, the State appealed, and on 02/08/23, Cepec filed a cross-appeal.)

Days From Death Sentence to 12/31/22: 3,537 **Inmate Number: A679-701**

Chinn, Davel

Summary of Crime: On 01/30/89, Chinn murdered 21-year-old Brian Jones on Germantown Pike in Jefferson Township. Chinn, and his juvenile accomplice, Marvin Washington, robbed Mr. Jones and his friend, Gary Welborn, in downtown Dayton. Mr. Welborn escaped, but Chinn and Washington were able to kidnap Mr. Jones, driving off with him and his car. A short time later, Chinn ordered Mr. Jones out of the car and shot him in the chest and arm.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/03/89
Sentence.....09/25/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/15/97
Supreme Court Decision 06/02/99
U.S. Supreme Court Review.....01/18/00

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/14/97
Trial Court Decision.....09/07/00
Court of Appeals Decision.....07/13/01
Supreme Court Decision 11/07/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Morrison)
Prisoner's Petition 11/04/02
Warden's Return of Writ.....04/02/04
Prisoner's Traverse.....07/01/04
Evidentiary Hearing .....
Decision 05/29/20

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/16/20
Prisoner's Brief 05/12/21
Warden's Brief 07/12/21
Oral Argument.....10/27/21
Decision 02/04/22

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....07/05/22
Brief in Opposition 08/03/22
Decision or Certiorari Denial 11/17/22

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/02/99, after being resentenced to death on 12/04/94 and 09/25/96, the Ohio Supreme Court affirmed Chinn's conviction and death sentence on direct appeal. On 11/04/02, Chinn filed a petition for a writ of habeas corpus in the district court. On 10/14/11 and 06/28/13, the magistrate judge recommended Chinn's petition be denied, to which Chinn objected on 02/24/12 and 09/10/13. On 07/01/19, Chinn's habeas case was transferred to Judge Morrison. On 05/29/20, the district court overruled Chinn's various objections to the magistrate judge's rulings, and denied habeas relief. On 08/18/20, the district court denied Chinn's 06/26/20 motion to amend the judgment. On 09/16/20, Chinn filed his notice of appeal. On 02/11/21, the 6th Circuit denied Chinn's 01/08/21 motion to expand the certificate of appealability. Chinn filed his merit brief on 05/12/21; the Warden responded on 07/12/21; and Chinn replied on 08/02/21. The 6th Circuit heard oral arguments on 10/27/21.On 02/04/22, the 6th Circuit affirmed the denial of habeas relief. On 07/05/22, Chinn filed with the U.S. Supreme Court a petition for a writ of certiorari. On 08/03/22, the Warden filed a brief in opposition, and Chinn filed a reply on 08/17/22. On 11/07/22, the U.S. Supreme Court denied Chinn's writ of certiorari.

Clinton, Curtis

Summary of Crime: On 09/08/12, Curtis Clinton murdered 23-year-old Heather Jackson, 3-year-old Celina Jackson, and 18-month-old Wayne Jackson, Jr., in their Sandusky home. Heather was found naked between a mattress and a bed frame. The children were found, clothed, in a utility room closet. All three were strangled. Clinton raped both Heather and Celina. The murders occurred seven months after Clinton was released from prison after serving 13 years for involuntary manslaughter in the 1997 killing of 18-year-old Misty Keckler who had also been found naked and strangled to death. (Clinton received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/19/12
Sentence.....11/14/13

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/08/18
U.S. Supreme Court Review.....10/01/18

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/25/14
Trial Court Decision.....10/26/21
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/07/18

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the denial of Clinton's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 02/08/18, the Ohio Supreme Court affirmed Clinton's conviction and death sentence on direct appeal. On 11/07/18, the Ohio Supreme Court denied Clinton's application to reopen his direct appeal. Meanwhile, on 11/25/14, Clinton filed a petition for postconviction relief which he amended on 03/25/15, 06/26/15, and 06/23/20. On 03/30/15 and 09/17/20, the State moved for summary judgment. On 05/29/15, the trial court denied Clinton's requests for discovery, funds to hire experts, and testing. On 06/18/18, Clinton again requested discovery; and on 06/20/18, the State filed a notice of compliance with discovery. On 06/07/21, Clinton and the State filed proposed findings of facts and conclusions of law. On 10/13/21, Clinton filed a motion for a stay of proceedings, which the trial court denied on 10/15/21. On 10/26/21, the trial court denied Clinton's postconviction petition. On 11/29/21, Clinton appealed. On 01/26/22, the court of appeals granted Clinton's 12/16/21 motion for stay of proceedings pending the Ohio Supreme Court's decision in *State v. Blanton* On 11/10/22, Clinton filed notice that the Ohio Supreme Court had decided *Blanton*, and filed an unopposed motion for a briefing schedule on 12/12/22. (Note: On 02/02/23, the court of appeals issued a briefing schedule; on 02/23/23, Clinton filed a motion to remand the case to the trial court for findings on several claims, which the State opposed on 02/24/23, and Clinton replied the same day.)

Days From Death Sentence to 12/31/22: 3,334 **Inmate Number: A650-400**

Coleman, Timothy

Summary of Crime: On 01/02/96, Coleman murdered Melinda Stevens in an alley behind Riddles' Ribs in Springfield. Ms. Stevens worked as a confidential informant for the Springfield Police, whose controlled purchases of drugs led to Coleman's indictment for aggravated trafficking of cocaine. While Coleman was out on bond awaiting trial, he shot Ms. Stevens twice in the back of the head to prevent her from testifying against him.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/18/96
Sentence.....03/03/97

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/08/97
Supreme Court Decision 03/31/99
U.S. Supreme Court Review.....10/18/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/03/97
Trial Court Decision.....06/01/01
Court of Appeals Decision.....10/07/02
Supreme Court Decision 03/12/03
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Sargus)
Prisoner's Petition 08/22/03
Warden's Return of Writ.....02/23/10
Prisoner's Traverse.....08/24/10
Evidentiary Hearing .....
Decision 03/30/15

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/27/15
Prisoner's Brief 02/07/19
Warden's Brief 04/04/19
Oral Argument.....01/29/20
Decision 09/04/20

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....03/18/21
Brief in Opposition 04/29/21
Decision or Certiorari Denial 06/07/21

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 03/31/99, the Ohio Supreme Court affirmed Coleman's conviction and death sentence on direct appeal. On 08/22/03, Coleman filed a petition for a writ of habeas corpus in the district court. On 09/26/06, the district court partially granted Coleman's motion for discovery and granted Coleman's motion to appoint an expert for DNA testing. On 12/20/06, the district court granted Coleman's motion to expand DNA testing. On 11/30/12 and 07/05/13, the magistrate judge recommended denial of relief and granted a certificate of appealability as to two grounds. In 2014, Coleman complained about his representation. Following an *ex parte* hearing, the court appointed new attorneys for Coleman. On 03/30/15, the district court denied Coleman's habeas petition. On 09/04/20, the 6th Circuit denied Coleman's appeal, and on 10/21/20, the 6th Circuit denied his motion for *en banc* review. On 03/18/21, Coleman filed in the U.S. Supreme Court a petition for a writ of certiorari, to which the Warden responded on 04/29/21, and Coleman filed a reply brief on 05/12/21. On 06/07/21, the U.S. Supreme Court denied Coleman's petition for a writ of certiorari. On 08/31/21, the Ohio Supreme Court set Coleman's execution date for 10/30/25.

Coley, Douglas

Summary of Crime: On 01/03/97, Coley and an accomplice, Joseph Green, murdered 21-year-old Samar El-Okdi in an alley behind West Grove Place in Toledo. Coley and Green abducted Ms. El-Okdi, shot her in the head at close range, and stole her car. Coley was also convicted for the attempted murder, robbery, and kidnapping of David Moore for a separate car-jacking incident that occurred days before the murder of Ms. El-Okdi. (Green also initially received a death sentence for the aggravated murder of Ms. El-Odki, but was later resentenced to life without parole.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/10/97
Sentence.....06/08/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/03/01
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/04/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Wells)
Prisoner's Petition 01/02/03
Warden's Return of Writ.....02/28/03
Prisoner's Traverse.....05/27/03
Evidentiary Hearing .....
Decision 04/05/10

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/16/10
Prisoner's Brief 10/25/11
Warden's Brief 02/10/12
Oral Argument.....10/03/12
Decision 02/08/13

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/25/13
Brief in Opposition 09/27/13
Decision or Certiorari Denial 11/04/13

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the denial of Coley's motion for leave to file a motion for new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/03/01, the Ohio Supreme Court affirmed Coley's conviction and death sentence on direct appeal. Coley did not file a petition for postconviction relief. On 04/05/10, the district court denied Coley's 01/02/03 habeas petition; the 6th Circuit affirmed on 02/08/13. On 10/25/17, Coley filed a motion for relief in the district court, which the court transferred to the 6th Circuit as a successive petition on 11/29/17; the 6th Circuit denied the motion on 04/22/19. On 12/11/18, the trial court denied Coley's 04/20/18 motion for a new trial; the court of appeals affirmed on 12/13/19; and the Ohio Supreme Court denied his appeal on 05/12/20. On 05/12/21, the Ohio Supreme Court denied Coley's 03/04/21 motion for relief. Meanwhile, on 06/02/20, Coley filed an application for leave to file a successive habeas petition, which the 6th Circuit denied on 07/29/20. On 10/04/22, the trial court denied Coley's *pro se* 04/28/22 motion for leave to file a motion for new trial and his 06/13/22 *pro se* motion for recusal of the trial judge. Coley filed a notice of appeal on 10/25/20 Coley appealed. On 12/07/22, Coley filed his merit brief on 12/7/22. (Note: On 01/23/23, the State filed a brief in response, and on 02/15/23, Coley replied.) Meanwhile, on 05/04/15, the Ohio Supreme Court set Coley's execution date for 03/14/18. Coley received reprieves on 05/01/17 until 09/18/19; on 09/01/17 until 08/12/20; on 04/14/20 until 07/20/22; and on 02/18/22 until 09/24/25.

Conway, James T. (1)

Summary of Crime: On 01/19/02, Conway murdered 25-year-old Jason Gervais and attempted to murder Mandel Williams in the parking lot of Dockside Dolls, a strip club in Columbus. Mr. Gervais was an innocent bystander in a fight between Mr. Williams' friends and Conway's friends. After Conway's brother claimed that he had been stabbed by Mr. Williams, Conway retrieved a gun from the trunk of his car, ran toward Mr. Williams and opened fire. Conway shot Mr. Williams, but Mr. Williams survived. Conway also shot Mr. Gervais four times, once in the back, causing his death. After police arrested Conway several weeks later for an unrelated shooting, he confided in a fellow cellmate that he was unremorseful for shooting Mr. Gervais.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/05/02
Sentence.....02/27/03

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/08/06
U.S. Supreme Court Review.....10/02/06

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 04/12/04
Trial Court Decision.....12/28/04
Court of Appeals Decision.....12/01/05
Supreme Court Decision 05/10/06
U.S. Supreme Court Review.....10/10/06

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/23/06

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 10/02/07
Warden's Return of Writ.....01/13/22
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Conway's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/08/06, the Ohio Supreme Court affirmed Conway's conviction and death sentence on direct appeal. On 10/02/07, Conway filed a petition for a writ of habeas corpus in district court. On 07/26/17, the Ohio Supreme Court denied Conway's 07/14/16 successive application to reopen his direct appeal. On 01/16/17, the trial court dismissed Conway's 07/14/16 successive postconviction petition; the court of appeals affirmed on 02/07/19. On 08/13/19, the district court lifted the 03/01/16 stay. On 12/16/19, Conway filed a motion to amend his habeas petition, which the district court denied without prejudice on 09/29/20. Conway renewed his motion to amend on 01/27/21, which the district court granted in part on 09/24/21. Conway filed his third amended habeas petition the same day. On 01/13/22, the Warden filed a return of writ. On 08/03/22, Conway filed a motion to again stay his case so he could return to state court; the Warden opposed on 08/23/22; and Conway replied on 09/06/22.

Conway, James T. (2)

Summary of Crime: In September 2001, Conway murdered 20-year-old Andrew Dotson in Prairie Township. Conway feared Mr. Dotson would inform police about Conway's involvement in an earlier shooting, so Conway told two friends, Mike Arthurs and Shawn Nightingale, to kill Mr. Dotson. Arthurs and Nightingale could not go through with the murder and brought Mr. Dotson back to Conway. Conway then took Mr. Dotson to a cornfield and stabbed him twice in the chest with a pickax. While later incarcerated, Conway tried to hire a fellow inmate to kill Arthurs. At the time of his trial, Conway was serving a death sentence for an unrelated 2002 murder. (Arthurs and Nightingale also received prison time for their involvement in the murder of Mr. Dotson.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/07/02
Sentence.....10/08/03

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/21/06
U.S. Supreme Court Review.....11/27/06

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/23/04
Trial Court Decision.....05/02/05
Court of Appeals Decision.....11/28/06
Supreme Court Decision 06/20/07
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/29/06

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Black)
Prisoner's Petition 06/01/08
Warden's Return of Writ.....10/03/08
Prisoner's Traverse.....01/14/09
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Conway's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/21/06, the Ohio Supreme Court affirmed Conway's conviction and death sentence on direct appeal. On 06/01/08, Conway filed a petition for a writ of habeas corpus in the district court. On 04/10/12, the trial court denied Conway's successive postconviction petition; the court of appeals affirmed on 08/29/13. On 06/13/17, the trial court denied Conway's 03/19/13 third postconviction petition; the court of appeals affirmed on 06/06/19. Meanwhile, on 02/19/13, Conway amended his habeas petition to include claims challenging the constitutionality of lethal injection. On 12/05/16, the district court denied Conway's 08/22/16 motion to amend his petition because the amendment would create a "mixed" petition. On 04/03/20, Conway renewed his motion to amend his habeas petition; on 07/16/20, the magistrate judge partially granted the motion; Conway objected on 07/24/20. On 08/04/20, the magistrate judge issued a supplemental report; on 08/14/20, Conway objected and the Warden responded to those objections. (Note: On 02/16/23, Conway filed in the district court a motion to stay his case to again return to state court; the Warden opposed on 03/01/23.)

Cook, Derrick

Summary of Crime: On 10/28/89, Cook murdered 68-year-old Frank Shorter in an abandoned building on Seitz Street in Cincinnati. Mr. Shorter was the manager of Sullivan's Clothing Store in Lockland, Ohio. Cook stole clothing and money from Sullivan's. He then kidnapped Mr. Shorter, taking him to an abandoned building where he robbed him and shot him in the head at point-blank range. Cook later telephoned the police and Mr. Shorter's wife asking for reward money in exchange for the murder weapon.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/21/90
Sentence.....09/05/90

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/08/92
Supreme Court Decision 12/18/92
U.S. Supreme Court Review.....01/10/94

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/11/94
Trial Court Decision.....01/10/95
Court of Appeals Decision.....12/29/95
Supreme Court Decision 05/29/96
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....07/10/95
Supreme Court Decision 02/14/96

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Watson)
Prisoner's Petition 04/23/97
Warden's Return of Writ.....12/15/97
Prisoner's Traverse.....10/22/99
Evidentiary Hearing 05/05/08
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Cook's petition for a writ of habeas corpus.

NOTES

On 12/18/92, the Ohio Supreme Court affirmed Cook's conviction and death sentence on direct appeal. On 04/23/97, Cook filed a petition for a writ of habeas corpus in the district court. On 10/01/04, the case was transferred to Judge Watson. On 05/05/08, the district court held an evidentiary hearing. On 12/22/11, the district court stayed the case to allow Cook to exhaust his claims in state court. On 02/04/14, the trial court denied Cook's 02/06/12 successive petition for postconviction relief; the court of appeals affirmed on 11/05/14. On 12/15/16 and 06/28/17, Cook filed amended habeas petitions. The Warden filed amended returns of writ on 04/17/17 and 07/20/17. On 10/26/17, Cook filed a motion for partial summary judgment, which was granted, in part, on 09/06/18. On 07/11/19, the district court denied Cook's 01/23/19 motion to reconsider the court's 09/24/02 denial of his motion for summary judgment. On 12/03/20, per court order, the Warden electronically refiled Cook's original habeas petition and the Warden's original return of writ because they had been filed before electronic filing was possible. On 03/10/21, the district court denied Cook's 06/29/20 motion to again amend his habeas petition, and his motion for reconsideration. On 08/09/22, Cook filed a motion to limit his *Brady* claims to the grounds he presented in his second state postconviction petition; the Warden opposed the motion as unnecessary under the law on 08/24/22.

Days From Death Sentence to 12/31/22: 11,805 **Inmate Number: A228-913**

Cunningham, Jeronique

Summary of Crime: On 01/03/02, Cunningham and his half-brother, Cleveland Jackson, murdered 3-year-old Jala Grant and 17-year-old Leneshia Williams at a home in Lima. Jala, Leneshia, and six other people were at the house of a man whom Cunningham and Jackson planned to rob of his crack cocaine and money. After stealing drugs, money, and jewelry, Cunningham and Jackson opened fire on everyone in the house, fatally shooting Jala twice in the head as her father held her in his arms and fatally shooting Leneshia in the back of the head. (Cunningham and Jackson were also convicted for the attempted murders of the survivors each of whom suffered gunshot injuries. Jackson also received a death sentence.) (Cunningham received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/10/02
Sentence.....06/25/02

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/29/04
U.S. Supreme Court Review.....10/03/05

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/01/03
Trial Court Decision.....02/11/04
Court of Appeals Decision.....11/08/04
Supreme Court Decision 03/16/05
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/29/07

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gaughan)
Prisoner's Petition 10/02/06
Warden's Return of Writ.....12/15/06
Prisoner's Traverse.....01/25/08
Evidentiary Hearing .....
Decision 12/07/10

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 12/31/10
Prisoner's Brief 06/06/12
Warden's Brief 10/12/12
Oral Argument.....06/19/13
Decision 01/10/22

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/16/22
Brief in Opposition 08/17/22
Decision or Certiorari Denial 11/14/22

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Cunningham's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on remand from the 6th Circuit. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/29/04, the Ohio Supreme Court affirmed Cunningham's conviction and death sentence on direct appeal. On 12/07/10, the district court denied Cunnigham's 10/02/06 habeas petition. On 06/24/14, the 6th Circuit remanded the case on a juror misconduct claim. On 10/20/14, the district court stayed the case to allow Cunningham to litigate claims in state court. On 09/09/15, the trial court denied Cunningham's 12/18/14 successive postconviction petition and motion for a new trial. On 07/26/18, Cunningham filed an amended habeas petition, which the district court denied on 12/18/19; on 04/06/20 the court denied his 01/13/20 motion to alter or amend the judgment. Cunningham appealed on 04/20/20; the 6th Circuit consolidated his appeals on 07/28/20. On 01/10/22, the 6th Circuit reversed and remanded the case for an evidentiary hearing. On 11/14/22, the U.S. Supreme Court denied the Warden's 06/16/22 petition for a writ of certiorari. On 12/16/22, the parties filed a proposed scheduling order. (Note: A telephone status conference was held on 01/10/23. On 02/07/23, Cunningham filed motions for discovery and for funds for an investigator, both of which the Warden opposed on 03/01/23.) Meanwhile, on 04/11/22, Cunningham filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. Cunningham filed motions for funds for experts on 04/13/22. On 05/10/22, the State opposed his funding request and his successive petition; Cunningham replied on 06/21/22.

Days From Death Sentence to 12/31/22: 7,494 **Inmate Number: A428-323**

Davis, Roland T.

Summary of Crime: In July of 2000, Davis murdered 86-year-old Elizabeth Sheeler in her apartment in Newark, Ohio. Davis, a cab driver, had driven Ms. Sheeler around town numerous times in his cab and knew she kept large sums of money in her bedroom. Davis stabbed Ms. Sheeler seven times in the throat and upper chest and stole money from her house. Davis was arrested for Ms. Sheeler's murder in April 2004, after his DNA was linked to the crime scene through the FBI's DNA database. At the time, Davis was incarcerated in Florida.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/17/04
Sentence.....07/15/05

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/03/08
U.S. Supreme Court Review.....10/06/08

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/23/06
Trial Court Decision.....11/14/07
Court of Appeals Decision.....12/23/08
Supreme Court Decision 06/17/09
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/10/08

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Morrison)
Prisoner's Petition 06/15/10
Warden's Return of Writ.....01/15/16
Prisoner's Traverse.....06/17/16
Evidentiary Hearing .....
Decision 11/02/22

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/22/22
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the 6th Circuit on the denial of Davis' petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 01/03/08, the Ohio Supreme Court affirmed Davis' conviction and death sentence on direct appeal. Meanwhile, on 11/14/07, the trial court denied Davis' postconviction petition; the court of appeals affirmed on 12/23/08. On 11/21/07, Davis filed a motion for a new trial, which was ultimately denied by the trial court, and affirmed by the court of appeals on 01/04/12. Meanwhile, on 06/15/10, Davis filed a habeas petition, which he amended on 07/05/12. On 09/29/15, the district court partially granted the Warden's motion to dismiss defaulted claims. On 06/19/19, Davis' habeas case was reassigned to Judge Morrison. On 11/02/22, the district court denied habeas relief and denied a certificate of appealability. On 11/22/22, Davis filed a notice of appeal to 6th Circuit, and on 11/28/22, he filed a notice of intent to file an application for certificate of appealability. Meanwhile, on 04/07/22, Davis filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 09/26/22, Davis voluntarily dismissed his serious mental illness postconviction relief petition.

Davis, Von Clark

Summary of Crime: On 12/12/83, Davis murdered his former girlfriend, 27-year-old Suzette Butler, outside the American Legion Post 520 in Hamilton. Davis shot Ms. Butler in the head at close range and continued to shoot her after she fell to the ground. At the time, Davis was on parole after serving prison time for murdering his wife.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/06/84
Sentence.....09/21/09

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/22/11
Supreme Court Decision 04/22/14
U.S. Supreme Court Review.....03/02/15

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/21/11
Trial Court Decision.....11/26/12
Court of Appeals Decision.....09/09/13
Supreme Court Decision 08/26/15
U.S. Supreme Court Review.....01/25/16

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
Prisoner's Petition 08/25/16
Warden's Return of Writ.....05/10/17
Prisoner's Traverse.....12/18/17
Evidentiary Hearing .....
Decision 03/29/21

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/28/21
Prisoner's Brief 08/04/22
Warden's Brief 09/28/22
Oral Argument.....12/13/22
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the 6th Circuit on the denial of Davis' petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 02/19/92, the Ohio Supreme Court affirmed Davis' conviction and death sentence on direct appeal. On 01/29/07, the 6th Circuit vacated Davis' death sentence. Between 09/08/09 and 09/10/09, a three-judge panel conducted a new penalty phase trial, and again sentenced Davis to death on 09/21/09. On 02/22/11, the court of appeals affirmed Davis' death sentence, as did the Ohio Supreme Court on 04/22/14. Meanwhile, on 11/26/12, the trial court denied Davis' petition for postconviction relief. Davis filed his petition for a writ of habeas corpus on 08/25/16, and the Warden filed a return of writ on 05/10/17. On 03/29/21, the district court denied Davis' habeas petition. On 04/28/21, Davis filed an appeal to the 6th Circuit. On 08/16/21, Davis filed a motion in the 6th Circuit to expand the certificate of appealability, which the 6th Circuit granted, in part, on 02/14/22. On 08/04/22, Davis filed his brief; the Warden filed a brief on 09/28/22; Davis replied on 10/19/22. The court heard arguments via video on 12/13/22. (Note: Dates reflect the 2009 resentencing.)

Dixon, Archie

Summary of Crime: On 09/22/93, Dixon and his accomplice, Timothy Hoffner, murdered their roommate, 22-year-old Christopher Hammer at a park in Toledo. Dixon and Hoffner planned to kill Mr. Hammer to assume his identity. Dixon and Hoffner repeatedly beat Mr. Hammer, tied him up, took him into the woods, and buried him alive. Dixon and Hoffner stole $11 in cash from Mr. Hammer's wallet, his driver's license, his Social Security card, his birth certificate, and his car. Dixon and Hoffner confessed to police, and Hoffner showed police where they buried Mr. Hammer alive. (Hoffner also received a death sentence.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/16/93
Sentence.....11/22/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/17/00
Supreme Court Decision 04/14/04
U.S. Supreme Court Review.....01/10/05

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/21/96
Trial Court Decision.....12/17/97
Court of Appeals Decision.....11/17/00
Supreme Court Decision 11/19/03
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gwin)
Prisoner's Petition 12/23/05
Warden's Return of Writ.....02/21/06
Prisoner's Traverse.....06/19/06
Evidentiary Hearing 10/26/07
Decision 07/23/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/20/08
Prisoner's Brief 06/15/09
Warden's Brief 08/19/09
Oral Argument.....08/05/10
Decision 12/09/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/20/11
Brief in Opposition 07/21/11
Decision or Certiorari Denial 11/07/11

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 04/14/04, the Ohio Supreme Court affirmed Dixon's conviction and death sentence on direct appeal. On 12/23/05, Dixon filed a petition for a writ of habeas corpus in the district court, which was denied on 07/23/08. On 12/09/10, the 6th Circuit reversed the district court and granted Dixon habeas relief. On 11/07/11, the U.S. Supreme Court reversed the decision of the 6th Circuit and remanded the case for further proceedings. In an opinion dated 09/10/13 and then amended on 12/12/13, the 6th Circuit affirmed the denial of habeas relief. On 10/06/14, the U.S. Supreme Court denied Dixon's petition for a writ of certiorari. On 06/08/15, the Ohio Supreme Court set Dixon's execution date for 03/20/19. Dixon received reprieves on 09/01/17 until 06/23/21; and on 12/18/20 until 04/17/24.

Drain, Joel

Summary of Crime: On 04/13/19, Drain, an inmate serving a life sentence for aggravated murder at the Warren Correctional Institution, murdered inmate Christopher Richardson. Drain admitted to initially intending to murder another inmate, but then decided to kill Mr. Richardson instead. Drain hit Mr. Richardson with a fan multiple times, attempted to put a pencil in his eye, and attempted to strangle him with a cord. Mr. Richardson died as a result of his injuries. Drain confessed to the murder, and pled no contest to the indictment. (Drain is now known as "Victoria M. Drain" after obtaining a legal name change.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/19/19
Sentence.....05/19/20

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/19/22
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/18/21
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Drain's postconviction relief petition and second postconviction relief petition based on serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 10/19/22, the Ohio Supreme Court affirmed Drain's conviction and death sentence on direct appeal. On 12/27/22, the Ohio Supreme Court denied Drain's 10/31/22 motion for reconsideration. Meanwhile, 08/18/21, Drain filed in the trial court his postconviction relief petition. On 04/07/22, Drain filed a second postconviction petition alleging that Drain is ineligible for the death penalty due to serious mental illness. On 06/09/22, Drain contacted the trial court and indicated a desire to dismiss and waive all postconviction appeals. (Note: On 01/20/23, the trial court issued a briefing schedule after first noting Drain had withdrawn the desire to waive postconviction appeals.)

Drummond, John E.

Summary of Crime: On 03/24/03, Drummond murdered 3-month-old Jiyen Dent, Jr., at his home in Youngstown. Drummond incorrectly believed Jiyen's father was involved in the 1998 murder of one of Drummond's fellow gang members. Drummond and an accomplice, Wayne Gilliam, drove to the Dent household. Drummond exited the car and fired 11 shots from an AK47 assault rifle into the house, fatally wounding Jiyen in the head. Drummond later confessed to his cell mate that he was the shooter. Gilliam was also sentenced to 54 years in prison for his involvement in the aggravated murder.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/03/03
Sentence.....03/12/04

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/18/06
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/28/05
Trial Court Decision.....09/07/05
Court of Appeals Decision.....12/20/06
Supreme Court Decision 05/16/07
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 04/18/07

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Lioi)
Prisoner's Petition 10/12/07
Warden's Return of Writ.....07/07/08
Prisoner's Traverse.....09/22/08
Evidentiary Hearing 07/19/10
Decision 12/31/10

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 01/06/11
Prisoner's Brief 09/26/11
Warden's Brief 07/25/11
Oral Argument.....04/23/13
Decision 08/14/15

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....02/09/16
Brief in Opposition 04/12/16
Decision or Certiorari Denial 05/16/16

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/18/06, the Ohio Supreme Court affirmed Drummond's conviction and death sentence on direct appeal. On 10/12/07, Drummond filed a petition for a writ of habeas corpus in the district court. On 07/19/10 through 07/20/10, the district court held an evidentiary hearing. On 12/31/10, the district court granted Drummond habeas relief, and the 6th Circuit affirmed on 08/26/13. On 04/28/14, the U.S. Supreme Court granted the Warden's petition for a writ of certiorari, vacated the decision of the 6th Circuit, and remanded the case for further consideration. On 08/14/15, the 6th Circuit denied habeas relief, and the U.S. Supreme Court denied Drummond's petition for a writ of certiorari on 05/16/16. Meanwhile, on 08/30/16, the Ohio Supreme Court set Drummond's execution date for 09/17/20. Drummond received reprieves on 09/01/17 until 04/21/22; and on 09/10/21 until 04/16/25.

Dunlap, Timothy

Summary of Crime: On 10/06/91, Dunlap murdered his girlfriend, Belinda Bolanos, at a river park in Cincinnati. Dunlap took Ms. Bolanos to the park where he told her he had a surprise for her. After blindfolding her, he shot her in the neck and head with a crossbow. He then stole her car, credit card and checks. Next, Dunlap drove to Soda Springs, Idaho, where he robbed a bank, shooting and killing the bank teller, Tonya Crane. Dunlap later confessed to murdering both Ms. Bolanos and Ms. Crane. (On 04/19/92, Dunlap was convicted and sentenced to death in Idaho for Ms. Crane's murder, and is currently incarcerated on death row in that state.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....11/06/91
Sentence.....02/01/93

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....07/27/94
Supreme Court Decision 08/23/95
U.S. Supreme Court Review.....01/22/96

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 08/02/96
Trial Court Decision.....01/13/97
Court of Appeals Decision.....06/26/98
Supreme Court Decision 11/04/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....11/15/99
Supreme Court Decision 07/12/00

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Watson)
Prisoner's Petition 07/21/99
Warden's Return of Writ.....01/02/01
Prisoner's Traverse.....04/12/01
Evidentiary Hearing .....
Decision 09/27/21

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/13/22
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Dunlap's successive petition for postconviction relief and his successive postconviction petition due to serious mental illness

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Dunlap's motion to alter or amend judgment. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/23/95, the Ohio Supreme Court affirmed Dunlap's conviction and death sentence on direct appeal. On 07/21/99, Dunlap filed in the district court a habeas petition. On 02/14/12, the district court stayed the case to allow Dunlap to return to state court. On 10/14/14, the trial court denied Dunlap's 04/06/12 successive postconviction petition. On 03/20/19, the district court denied Dunlap's 03/13/18 motions to again stay his case and to amend his habeas petition. On 09/27/21, the district court denied Dunlap's habeas petition. On 08/16/22, the district court denied Dunlap's 10/25/21 motion to alter or amend the judgment. On 09/13/22, Dunlap appealed to the 6th Circuit. (Note: On 02/09/23, Dunlap filed a motion to expand the certificate of appealability; the Warden opposed on 02/15/23.) Meanwhile, on 09/04/18, Dunlap filed in the trial court a successive postconviction petition; on 09/26/19, the State filed a motion to dismiss; Dunlap responded on 10/28/19. Dunlap filed proposed findings of fact and conclusions of law on 01/03/20, and the State filed a proposed entry dismissing the successive petition on 02/05/20. On 04/07/22, Dunlap filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness, which he amended on 10/04/22. On 12/05/22, the State filed an amended motion to appoint expert and authorize funds; Dunlap filed his response on 12/19/22.

Days From Death Sentence to 12/31/22: 10,925 **Incarcerated in Idaho**

Elmore, Phillip L.

Summary of Crime: On 06/01/02, Elmore murdered his ex-girlfriend and former Licking County deputy sheriff, 47-year-old Pamela Annarino, at her Newark home. While Ms. Annarino was at her son's wedding, Elmore broke into her home and waited for her. When Ms. Annarino returned home, Elmore strangled her and beat her with a lead pipe. Elmore then stole Ms. Annarino's purse and fled in her car. In an interview with Newark police, Elmore confessed. DNA testing later revealed that bloodstains found on Elmore's shorts were consistent with Ms. Annarino's DNA.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/13/02
Sentence.....11/19/03

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/13/06
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/26/04
Trial Court Decision.....11/09/04
Court of Appeals Decision.....11/03/05
Supreme Court Decision 11/29/06
U.S. Supreme Court Review.....06/18/07

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/27/10

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Sargus)
Prisoner's Petition 05/01/08
Warden's Return of Writ.....07/14/10
Prisoner's Traverse.....10/29/10
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Elmore's successive postconviction *Atkins* petition and motion for new trial

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Elmore's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/13/06, the Ohio Supreme Court affirmed Elmore's conviction and death sentence on direct appeal. On 05/01/08, Elmore filed a habeas petition, which he amended on 03/15/10, 09/25/12, 12/30/16, 12/29/17, and 03/18/18. The Warden filed an amended return of writ on 04/18/18. Elmore filed a motion to again amend his habeas petition on 03/25/19. On 11/05/19, the district court denied Elmore's motions to transport for testing and to further stay his case. On 06/22/20, the district court permitted Elmore to amend three claims; Elmore filed his amended petition on 07/13/20. On 08/12/20, the Warden filed an amended return of writ, and Elmore filed his amended traverse on 09/14/20. On 04/21/21, the district court denied Elmore's 10/30/20 renewed motion for an evidentiary hearing. Meanwhile, on 08/27/13, following an evidentiary hearing, the trial court denied Elmore's 07/25/12 motion for a new trial; the court of appeals affirmed on 08/22/14. On 05/09/19, Elmore filed a successive postconviction *Atkins* petition in the trial court; the State responded on 05/16/19, 07/30/19, and 10/21/19. On 02/21/20, the trial court granted Elmore an evidentiary hearing on his *Atkins* petition, and on 09/21/20 ordered Elmore to cooperate with the State's expert. On 02/19/21, Elmore filed in the trial court a motion for leave to file a motion for new trial; the State responded on 03/18/21; and Elmore replied on 03/29/21. On 09/13/22, the trial court held a status conference. .

Days From Death Sentence to 12/31/22: 6,982 **Inmate Number: A458-539**

Fitzpatrick, Stanley

Summary of Crime: On 06/07/01, Fitzpatrick murdered his live-in girlfriend, 42-year-old Doreatha Hayes, and her daughter, 12-year-old Shenay Hayes, in their Lincoln Heights home. Fitzpatrick was angry because Shenay had caught him smoking crack cocaine and she told Ms. Hayes. Fitzpatrick used a hatchet to chop Ms. Hayes' arms, hand and face 13 times. Fitzpatrick stabbed Shenay four times with a knife, choked her and beat her in the head with an ax handle, fracturing her skull. On 6/9/01, Fitzpatrick lured their neighbor, 64-year-old Elton Rose, into the house and beat him to death by striking him multiple times in the head. When police responded to a silent 911 call, Fitzpatrick fired three shots at the officer and then fled the scene in the officer's cruiser. Fitzpatrick confessed the crimes to his cousin. Fitzpatrick later pled guilty to the charges. (Fitzpatrick received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/19/01
Sentence.....02/15/02

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/07/04
U.S. Supreme Court Review.....06/20/05

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/22/02
Trial Court Decision.....09/29/03
Court of Appeals Decision.....10/22/04
Supreme Court Decision 04/13/05
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/16/05

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
Prisoner's Petition 06/09/06
Warden's Return of Writ.....09/01/06
Prisoner's Traverse.....11/06/06
Evidentiary Hearing 10/29/07
Decision 11/05/09

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 12/04/09
Prisoner's Brief 11/09/11
Warden's Brief 03/12/12
Oral Argument.....05/01/13
Decision 07/19/13

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/15/14
Brief in Opposition 03/27/14
Decision or Certiorari Denial 04/28/14

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Fitzpatrick's successive postconviction *Atkins* and serious mental illness petition.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/07/04, the Ohio Supreme Court affirmed Fitzpatrick's conviction and death sentence on direct appeal. On 11/05/09, the district court denied Fitzpatrick's petition for a writ of habeas corpus, and the 6th Circuit affirmed on 07/19/13. On 05/05/20, Fitzpatrick filed a successive postconviction *Atkins* petition in the trial court, which he amended on 11/20/20. Fitzpatrick again amended his petition on 07/16/21, to allege that he is ineligible for the death penalty due to serious mental illness. On 11/30/21, the State filed a motion to dismiss Fitzpatrick's amended successive postconviction petition; on 02/15/22, Fitzpatrick opposed. The trial court heard oral arguments on 02/28/22, and on 03/02/22, partially dismissed Fitzpatrick's petition. The trial court ordered an evidentiary hearing on the remaining claims. On 05/31/22, the State filed a motion to appoint an expert to examine Fitzpatrick; Fitzpatrick opposed on 06/13/22. On 06/24/22, the court granted Fitzpatrick's 06/22/22 motion to appoint an expert, and granted the State's motion to appoint an expert on 06/27/22. On 07/25/22, Fitzpatrick appealed the grant of a State's expert; the court of appeals dismissed the appeal on 12/09/22, for lack of jurisdiction due to there being no final appealable order. Meanwhile, on 05/04/15, the Ohio Supreme Court set Fitzpatrick's execution date for 05/30/18. Fitzpatrick received reprieves on 09/01/17 until 10/14/20; on 06/05/20 until 02/15/23; and on 07/01/22 until 04/16/26.

Days From Death Sentence to 12/31/22: 7,624 **Inmate Number: A419-722**

Ford, Jr., Shawn

Summary of Crime: On 04/02/13, Shawn Ford, along with his juvenile accomplice Jamal Vaughn, murdered 59-year-old Margaret "Peg" Schobert and 56-year-old Jeffrey Schobert. Ford and Vaughn broke into the Schoberts' New Franklin home where Ford bludgeoned Mr. Schobert to death with a sledgehammer. Using Mr. Schobert's cell phone, Ford lured Mrs. Schobert home from the hospital where the Schoberts' daughter, Chelsea, was recovering after Ford stabbed her in the neck. When Mrs. Schobert returned home, Ford beat her to death with the sledgehammer. Ford murdered the Schoberts because they prevented him from seeing Chelsea. (Vaughn received a sentence of 25 years to life for his role in the murders.) (Ford received the death penalty only for the aggravated murder of Mrs. Schobert.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....04/19/13
Sentence.....

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/07/19
U.S. Supreme Court Review.....06/15/20

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 03/08/17
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on resentencing following a new hearing to determine if Ford is intellectually disabled; Pending in the trial court on Ford's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 10/22/14, the jury recommended Ford receive a sentence of death. On 06/19/15 and 06/22/15, at Ford's request, the trial court conducted an *Atkins* hearing. After finding Ford was not intellectually disabled, the trial court convicted and sentenced him to death on 06/30/15. On 11/07/19, the Ohio Supreme Court affirmed Ford's convictions, but vacated his death sentence and remanded the case to the trial court for a new *Atkins* hearing consistent with the updated test for intellectual disability as outlined in the opinion. On 06/15/20, the U.S. Supreme Court denied the State's petition for a writ of certiorari on the *Atkins* issue. Meanwhile, on 03/08/17, Ford filed a petition for postconviction relief in the trial court. On 05/17/21, Ford and the State filed briefs in the trial court regarding law of the case. On 08/18/21, the trial court granted Ford permission to file a motion for expert assistance under seal. On 07/26/22, the trial court held a status conference. On 12/01/22, the parties filed a joint motion for an extension of time to produce expert reports. (Note: On 01/27/23, the trial court granted the motion for an extension of time.)

Franklin, Antonio S.

Summary of Crime: On 04/18/97, Franklin murdered his grandmother, Ophelia Franklin, his grandfather, Ivory Franklin, Sr., and his uncle, Anthony Franklin, in their Dayton home. Franklin beat his uncle and grandmother with a baseball bat, shot his grandmother in the forehead, beat his grandfather in the head with another object, and set the house on fire. Franklin fled to Tennessee where he was arrested on unrelated charges. While in the Tennessee jail, he confessed to killing his relatives. (Franklin received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/13/97
Sentence.....08/25/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/16/02
U.S. Supreme Court Review.....06/02/03

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/09/99
Trial Court Decision.....08/23/01
Court of Appeals Decision.....05/17/02
Supreme Court Decision 01/29/03
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/19/03

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Merz)
Prisoner's Petition 06/01/04
Warden's Return of Writ.....10/17/05
Prisoner's Traverse.....03/30/06
Evidentiary Hearing 06/05/07
Decision 03/09/09

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/08/09
Prisoner's Brief 01/25/11
Warden's Brief 05/10/11
Oral Argument.....11/16/11
Decision 09/19/12

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/18/12
Brief in Opposition 03/01/13
Decision or Certiorari Denial 04/01/13

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Franklin's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/16/02, the Ohio Supreme Court affirmed Franklin's conviction and death sentence on direct appeal. On 03/09/09, the district court denied Franklin's petition for a writ of habeas corpus, and the 6th Circuit affirmed on 09/19/12. With approval of the district court, in October 2013, Franklin filed both a counseled and a *pro se* motion for relief from judgment; both were denied on 08/25/15 and 08/26/15, respectively. The 6th Circuit dismissed the appeal on the counseled appeal on 10/07/16, and the *pro se* appeal on 12/19/16. The U.S. Supreme Court denied certiorari on the counseled appeal on 05/30/17 and the *pro se* appeal on 10/30/17. Since 2015, Franklin has filed numerous *pro se* pleadings in both state and federal court, including to the U.S. Supreme Court. Again in 2020, Franklin filed *pro se* actions in both the district court and the 6th Circuit seeking to remove his court appointed attorneys. The 6th Circuit dismissed Franklin's appeal on 03/30/21, and on 11/22/21, the U.S. Supreme Court denied his petition for a writ of certiorari. On 04/12/22, Franklin filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 08/18/22, the trial court granted Franklin's 04/15/22 motion for funding for an expert. Meanwhile, on 04/22/22, the State filed an answer to Franklin's petition. On 10/11/22, Franklin filed a motion for a scheduling order. (Note: On 01/06/23, the trial court set a scheduling order. On 01/26/23, Franklin filed a motion for an extension of time, which the State opposed on 01/31/23.) Meanwhile, on 03/14/18, the Ohio Supreme Court set Franklin's execution date for 01/12/23. Franklin received a reprieve on 06/30/22 until 02/11/26.

Days From Death Sentence to 12/31/22: 8,894 **Inmate Number: A363-374**

Froman, Terry

Summary of Crime: On September 12, 2014, Froman murdered his ex-girlfriend, 34-year-old Kimberly Thomas, in his SUV on Interstate 75 in Warren County, Ohio. In the early morning hours, Froman went to Thomas' residence in Mayfield, Kentucky and kidnapped Ms. Thomas after fatally shooting her 17-year-old son, Michael "Eli" Mohney, in the back of the head. Froman drove Ms. Thomas into Ohio, and the Ohio State Highway Patrol attempted to stop his SUV on Interstate 75 in Warren County. As the troopers exited their vehicles, Froman fired his gun, killing Ms. Thomas, and intentionally wounding himself. In addition to the gunshot wounds, one of which was to the back of the head, Froman broke Ms. Thomas' jaw, knocked out a tooth, punctured a hole in her lip, and inflicted multiple cuts and bruises to her body. Froman has been indicted in Kentucky for murdering Eli.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....10/20/14
- Sentence.....06/22/17

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 09/24/20
- U.S. Supreme Court Review.....06/28/21

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 10/11/18
- Trial Court Decision.....11/04/20
- Court of Appeals Decision.....08/08/22
- Supreme Court Decision 12/27/22
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 05/11/21

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Barrett)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 09/24/20, the Ohio Supreme Court affirmed Froman's conviction and death sentence on direct appeal. On 10/01/20, the Ohio Supreme Court denied Froman's motion for reconsideration. The U.S. Supreme Court denied Froman's 04/22/21 petition for a writ of certiorari on 06/28/21. Meanwhile, on 02/19/21, Froman filed an application to reopen his direct appeal, which the Ohio Supreme Court denied on 05/11/21. Meanwhile, on 10/11/18, Froman filed in the trial court a petition for postconviction relief, which he amended on 09/16/19. On 11/04/20, the trial court denied Froman's postconviction petition. On 08/08/22, the court of appeals affirmed the trial court's denial of postconviction relief. On 12/27/22, the Ohio Supreme Court declined jurisdiction. (Note: On 01/27/23, Froman filed in the district court a notice of intent to file a petition for a writ of habeas corpus.)

Fry, Jr., Clarence

Summary of Crime: On 07/31/05, Fry murdered his former girlfriend, 41-year-old Tamela Hardison, in her daughter's Akron apartment. Fry stabbed Ms. Hardison four times with a butcher knife, in front of her grandchildren, to stop her from testifying against him in a domestic violence case.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/30/05
Sentence.....07/11/06

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/23/10
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/11/07
Trial Court Decision.....11/21/17
Court of Appeals Decision.....03/20/19
Supreme Court Decision 08/06/19
U.S. Supreme Court Review.....01/13/20

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/26/13

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Barker)
Prisoner's Petition 08/06/20
Warden's Return of Writ.....09/28/20
Prisoner's Traverse.....08/11/21
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Fry's motion for leave to file a motion for new trial and motion for relief from judgment.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Fry's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/23/10, the Ohio Supreme Court affirmed Fry's conviction and death sentence on direct appeal. Meanwhile, on 05/11/07, Fry filed a postconviction petition in the trial court, which was denied on 08/29/11. On 06/13/12, the court of appeals remanded the case to the trial court for further proceedings. The trial court held hearings on 07/14/16 and 12/07/16, and again denied Fry's postconviction petition on 11/21/17, which was affirmed by the court of appeals on 03/20/19. On 08/06/20, Fry filed a habeas petition in the district court; on 09/28/20, the Warden filed a return of writ; Fry filed his traverse on 08/11/21; and the Warden filed a sur-reply on 09/30/21. On 12/07/21, the district court denied Fry's 09/24/21 motion for discovery. On 02/17/22, the district court denied Fry's 01/05/22 renewed motion for discovery. On 06/03/22, Fry filed a motion for an evidentiary hearing; the Warden opposed on 06/13/22; Fry replied on 07/11/22. On 10/18/22, the district court denied Fry's 08/26/22 motion to stay his habeas case pending resolution of state court proceedings. On 12/20/22, Fry filed a motion for leave to file an amended habeas petition; on 12/27/22, the Warden opposed. Meanwhile, on 08/02/22 and 12/20/22, Fry filed in the trial court motions for new trial without first seeking leave. The State opposed the motions on 12/28/22. (Note: On 01/02/23, Fry filed a reply to the State's opposition wherein he sought leave to file his motions for new trial. The State filed a response on 01/12/23. On 01/13/23, the trial court denied Fry's motions for new trial, but permitted Fry to file a proper motion under the rule. The same day, Fry filed a motion for leave to file a motion for new trial, and on 01/17/23, Fry filed a motion for relief from judgment as to the denial of his prior postconviction relief petition. The State opposed the motion for leave on 01/20/23, and opposed the motion for relief from judgment on 01/26/23. Fry replied on 01/27/23 and 02/03/23, respectively.)

Days From Death Sentence to 12/31/22: 6,017 **Inmate Number: A510-923**

Gapen, Larry James

Summary of Crime: On 09/18/00, Gapen murdered his ex-wife, 37-year-old Martha Madewell, her boyfriend, 40-year-old Nathan Marshall, and her daughter, 13-year-old Jesica Young, in Ms. Madewell's Dayton home. Gapen, distraught over the recent dissolution of his marriage to Ms. Madewell, entered the house and bludgeoned each victim with a maul (long-handled hammer with a wedge-shaped head used to split logs). Gapen hacked Ms. Madewell 10 times in the face and head. He hacked Mr. Marshall 18 times in the face, head, neck, chest and abdomen and Jesica 32 times in the face, head, neck and chest. Gapen then left the house with Ms. Madewell's 7-year-old son and 8-year-old daughter. Gapen confessed to police. DNA testing proved that the semen found on Ms. Madewell's leg and abdomen belonged to Gapen. (Gapen received the death penalty for only for Jesica's murder.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/18/00
Sentence.....07/03/01

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/15/04
U.S. Supreme Court Review.....10/03/05

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court.....10/04/02
Trial Court Decision.....08/30/06
Court of Appeals Decision.....08/24/07
Supreme Court Decision 03/12/08
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/03/09

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rice)
Prisoner's Petition 03/10/09
Warden's Return of Writ.....12/10/09
Prisoner's Traverse.....10/08/10
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in U.S. Supreme Court on the denial of Gapen's motion for leave to file a delayed motion for a new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Gapen's habeas petition, which is stayed pending completion of state court action. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/15/04, the Ohio Supreme Court affirmed Gapen's conviction and death sentence on direct appeal. On 03/10/09, Gapen filed a habeas petition in the district court which he amended on 07/14/09. On 10/31/11, the district court permitted limited depositions of the trial jurors. On 11/12/13, the district court stayed the case to allow Gapen to return to state court. On 04/29/20, the trial court denied Gapen's 10/16/13 motion for leave to file a motion for new trial; the court of appeals affirmed. After originally accepting Gapen's appeal, on 04/26/22, the Ohio Supreme Court dismissed the appeal as improvidently accepted. Gapen filed a petition for a writ of certiorari in the U.S. Supreme Court on 09/20/22, and the State responded on 11/14/22. (Note: On 01/09/23, the U.S. Supreme Court denied Gapen's petition for a writ of certiorari. Meanwhile, Gapen filed in the trial court another motion for leave to file a motion for new trial on 01/06/23, which the State opposed on 02/20/23.)

Days From Death Sentence to 12/31/22: 7,851 **Inmate Number: A413-724**

Garrett, Kristofer

Summary of Crime: On the morning of 01/05/18, Garrett murdered his ex-girlfriend, 34-year-old Nicole Duckson, and their 4-year-old daughter, Kristina Duckson, in the backyard of Nicole's Columbus home. Garrett had stabbed Nicole more than 40 times with a hunting knife because he was angry with her about an email she sent indicating he was behind on his child support. Garrett then stabbed Kristina more than 30 times because she had witnessed Garrett murder her mother. (Garrett received the death penalty only for Kristina's murder.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/12/18
Sentence.....09/16/19

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/30/22
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/14/21
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Garrett's petition for postconviction relief and his petition based upon serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 11/30/22, the Ohio Supreme Court affirmed Garrett's conviction and death sentence on direct appeal. On 12/23/22, the Ohio Supreme Court denied Garrett's 12/12/22 motion for reconsideration. On 05/14/21, Garrett filed a petition for postconviction relief in the trial court. On 07/12/21, the trial court stayed the case pending the completion of Garrett's direct appeal. On 04/07/22, Garrett filed a second postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 04/19/22, the court adopted the parties' agreed briefing schedule.

Goff, James

Summary of Crime: On 09/15/94, Goff murdered 88-year-old Myrtle Rutledge in her home in Wilmington. Goff, who was employed as a delivery person for Butler Home Furnishings, had been to Ms. Rutledge's home earlier that day to deliver some furniture. Later that night, Goff returned to Ms. Rutledge's house to rob her. After finding Ms. Rutledge awake in her bedroom, he beat and stabbed her several times. He then left with her money and car.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....01/24/95
Sentence.....08/04/15

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....11/22/16
Supreme Court Decision 09/20/18
U.S. Supreme Court Review.....06/17/19

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....04/26/00
Court of Appeals Decision.....03/05/01
Supreme Court Decision 09/05/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Graham)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Goff's 2016 petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 06/17/98, the Ohio Supreme Court affirmed Goff's conviction and death sentence on direct appeal. On 12/01/06, the district court denied Goff's petition for a writ of habeas corpus, but on 04/06/10, the 6th Circuit reversed and granted Goff's habeas petition for the state courts to reopen Goff's direct appeal. Upon reopening his direct appeal, on 03/19/12, the 12th District Court of Appeals again affirmed Goff's conviction, but remanded the case back to the trial court for resentencing because the trial court failed to inform Goff of his right to allocution. On 08/04/15, the trial court again sentenced Goff to death. On 11/22/16, the 12th District Court of Appeals affirmed Goff's death sentence, the Ohio Supreme Court affirmed on 09/20/18, and the U.S. Supreme Court denied certiorari on 06/17/19. Meanwhile, on 12/20/16, Goff filed with the trial court a petition for postconviction relief and a motion for discovery. (Note: Dates reflect the 2015 resentencing.)

Grate, Shawn

Summary of Crime: Between 08/16/16 and 09/13/16, Grate kidnapped and murdered 29-year-old Elizabeth Griffin and 43-year-old Stacy Hicks (aka Stacey Stanley) in an Ashland County home. Grate admitted to strangling the women to death. Ms. Griffin was found bound in an upstairs bedroom closet under dirty clothes, and Ms. Hicks was found bound in the basement also covered in clothing. Grate confessed to both murders and that he had also videotaped himself raping Ms. Hicks. Grate was also convicted of kidnapping and raping another woman, "Jane Doe," who managed to escape from the same house where the bodies of Ms. Griffin and Ms. Hicks were found. (Grate received the death penalty for both victims.) (Grate was convicted of the murders of Rebekah Leicy and Candace Cunningham in Richland County, as well as Dana Lowrey in Marion County, but did not receive the death penalty for those victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....09/22/16
Sentence.....06/01/18

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/10/20
U.S. Supreme Court Review.....10/04/21

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 02/06/20
Trial Court Decision.....07/19/22
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the denial of Grate's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/10/20, the Ohio Supreme Court affirmed Grate's conviction and death sentence on direct appeal. On 12/30/20, the Ohio Supreme Court denied Grate's motion for reconsideration. On 10/04/21, the U.S. Supreme Court denied Grate's 05/10/21 petition for a writ of certiorari. Meanwhile, on 06/08/21, the Ohio Supreme Court denied Grate's application to reopen his direct appeal. On 02/06/20, Grate filed a petition for postconviction relief in the trial court, which he amended on 04/29/21. On 07/22/21, Grate filed an unopposed motion for funding for an expert psychologist and a new scheduling order. Grate again amended his postconviction petition on 01/21/22. On 3/28/22, the State filed a motion for summary judgment, which Grate opposed on 06/27/22. On 06/27/22, the State filed proposed findings of fact and conclusions on law. On 07/19/22, the trial court denied Grate's postconviction petition. On 08/19/22, Grate appealed, and filed a corrected notice of appeal on 10/28/22. (Note: On 01/17/23, Grate filed his merit brief; the State filed its brief on 02/03/23; and Grate filed his reply on 02/22/23.)

Group, Scott

Summary of Crime: On 01/18/97, Group murdered 56-year-old Robert Lozier at the Downtown Bar in Youngstown. Mr. Lozier and his wife, Sandra Lozier, owned the bar. Group, who was a delivery man for Ohio Wine Imports Company, made weekly deliveries to the bar. On the day of the murder, Group went to the bar to review some invoices. He forced Mr. and Mrs. Lozier into the restroom at gunpoint, shot them in the head, and stole between $1,200 and $1,300 cash from the bar. Mrs. Lozier was able to call 911 and testified against Group at trial. DNA testing conducted prior to trial revealed that Mr. Lozier's blood was on Group's shoe when he was arrested.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....01/31/97
Sentence.....05/06/99

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/30/02
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 03/20/00
Trial Court Decision.....12/31/09
Court of Appeals Decision.....12/08/11
Supreme Court Decision 05/08/13
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/15/16

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Zouhary)
Prisoner's Petition 05/07/14
Warden's Return of Writ.....08/19/14
Prisoner's Traverse.....11/14/14
Evidentiary Hearing .....
Decision 01/20/16

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 06/27/16
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision 05/25/17

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....03/19/18
Brief in Opposition 05/22/18
Decision or Certiorari Denial 06/25/18

STATUS

STATUS IN STATE COURTS AS OF 12/31/22
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22
No capital proceeding pending.

NOTES

On 12/30/02, the Ohio Supreme Court affirmed Group's conviction and death sentence on direct appeal. On 12/31/09, the trial court denied Group's 03/20/00 postconviction petition; the court of appeals affirmed on 12/18/11. On 06/15/16 the Ohio Supreme Court denied Group's 06/03/15 delayed application to reopen his direct appeal. On 01/20/16, the district court denied Group's 05/07/14 habeas petition, and refused to certify any claims for appeal. On 05/27/16, the court denied Group's motions to amend his petition and to amend the judgment. On 05/25/17, the 6th Circuit denied Group's motions for a certificate of appealability and to allow his federally appointed attorneys to raise new claims in state court. On 06/25/18, the U.S. Supreme Court denied Group's petition for a writ of certiorari. On 08/10/18, the trial court denied Group's 03/29/18 motion for leave to file a motion for new trial; the court of appeals affirmed on 09/18/19; and the Ohio Supreme Court declined his appeal on 01/21/20. The U.S. Supreme Court denied Group's petition for a writ of certiorari on 10/05/20. Meanwhile, on 05/09/19, the Ohio Supreme Court set Group's execution date for 01/10/24.

Hale, Delano P.

Summary of Crime: On 06/21/04, Hale murdered 46-year-old Douglas Green at a motel in Euclid. Mr. Green, who was a music producer, came to Hale's motel room to audition him. Hale shot Mr. Green four times in the head, stole his credit cards and car. Hale used Mr. Green's credit card to buy cleaning products and garbage bags to clean up the crime scene. He then dragged Mr. Green's body into an adjoining storage room, threw the gun into the hotel garbage, and disposed of Mr. Green's clothes. Mr. Green was found naked and wrapped in plastic trash bags by hotel workers two days later. Hale was arrested a week later in Mr. Green's car.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/28/04
Sentence.....07/18/05

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/15/08
U.S. Supreme Court Review.....04/06/09

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/06/07
Trial Court Decision.....09/24/15
Court of Appeals Decision.....09/15/16
Supreme Court Decision 10/11/17
U.S. Supreme Court Review.....03/05/18

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Lioi)
Prisoner's Petition 10/10/18
Warden's Return of Writ.....02/08/19
Prisoner's Traverse.....03/13/20
Evidentiary Hearing .....
Decision 03/31/21

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/25/22
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the denial of Hale's motion for leave to file a motion for new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the 6th Circuit on the denial of Hale's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/15/08, the Ohio Supreme Court affirmed Hale's conviction and death sentence on direct appeal. On 09/24/15, the trial court denied Hale's 03/06/07 petition for postconviction relief; the court of appeals affirmed on 09/15/16. On 03/31/21, the district court denied Hale's habeas petition. On 03/01/22, the district court denied Hale's 04/28/21 motion to alter or amend the judgment. On 03/25/22, Hale filed his notice of appeal to the 6th Circuit. On 11/09/22, the 6th Circuit denied Hale's 08/02/22 motion to stay his pending state court litigation. On 12/16/22, Hale filed a motion seeking an expansion of his certificate of appealability. (Note: On 02/17/23, the Warden opposed Hale's motion to expand the certificate of appealability.) Meanwhile, on 04/08/22, Hale filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 04/18/22, the State filed a motion to have Hale undergo an evaluation. On 10/25/22, the trial court granted Hale's 10/05/22 motion to voluntarily withdraw his SMI petition. Meanwhile, on 08/01/22, Hale filed in the trial court a motion for leave to file a delayed motion for a new trial; the State opposed on 08/29/22; and Hale replied on 09/12/22. On 10/25/22, the trial court denied Hale leave to file a motion for new trial, and Hale filed a notice of appeal on 11/23/22.

Days From Death Sentence to 12/31/22: 6,375 **Inmate Number: A490-551**

Hand, Gerald

Summary of Crime: On 01/15/02, Hand murdered his 58-year-old wife, Jill Hand, and longtime friend, 55-year-old Walter Welch, at Hand's home in Delaware County. Hand, who was in debt, hired Mr. Welch to kill Jill so that Hand could collect the insurance proceeds from a policy he had purchased in Jill's name. Hand fatally shot Jill and Mr. Welch. He then tried to make it appear that Mr. Welch killed Jill, and Hand, in return, killed Mr. Welch in an act of self-defense. DNA testing matched bloodstains found on Hand's clothes to Mr. Welch's DNA profile. At Hand's trial, the State presented evidence that Hand was involved in the 1976 and 1979 murders of two of his former wives. (Hand received the death penalty for the murders of both Jill and Mr. Welch.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/09/02
Sentence.....06/16/03

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/18/06
U.S. Supreme Court Review.....10/10/06

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/27/04
Trial Court Decision.....05/27/05
Court of Appeals Decision.....04/21/06
Supreme Court Decision 08/23/06
U.S. Supreme Court Review.....02/20/07

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/02/06

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Beckwith)
Prisoner's Petition 08/22/07
Warden's Return of Writ.....03/03/08
Prisoner's Traverse.....05/16/08
Evidentiary Hearing 02/11/10
Decision 02/18/14

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/20/14
Prisoner's Brief 04/22/16
Warden's Brief 06/10/16
Oral Argument.....01/26/17
Decision 09/08/17

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/12/18
Brief in Opposition 03/16/18
Decision or Certiorari Denial 04/23/18

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 01/18/06, the Ohio Supreme Court affirmed Hand's conviction and death sentence on direct appeal. On 08/22/07, Hand filed a habeas petition in the district court. On 05/29/13, the district court denied Hand habeas relief. On 07/26/13, Hand filed a motion to alter or amend the judgment, which the court denied on 11/18/13. On 02/18/14, the district court again denied Hand's habeas petition, and the 6th Circuit affirmed on 09/08/17. On 04/23/18, the U.S. Supreme Court denied certiorari. On 09/17/19, the district court denied Hand's 08/30/18 motion for his attorneys to appear in state court proceedings; the 6th Cir affirmed on 09/03/20. Meanwhile, on 03/10/20, the district court denied Hand's 06/04/19 motion to set aside the district court's judgment. Meanwhile, on 06/27/18, the Ohio Supreme Court set Hand's execution date for 05/17/23. Hand received a reprieve on 11/10/22 until 06/17/26.

Hanna, James G.

Summary of Crime: On 08/22/97, Hanna attacked his 43-year-old cellmate, Peter Copas, at the Lebanon Correctional Institution. Hanna thrust a sharpened paintbrush into Mr. Copas' eye and hit him in the head with a padlock placed in a sock. Mr. Copas died as a result of his injuries on 9/10/97.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/26/98
Sentence.....11/30/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/22/02
U.S. Supreme Court Review.....11/18/02

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/22/99
Trial Court Decision.....03/22/01
Court of Appeals Decision.....12/31/01
Supreme Court Decision 07/03/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rose)
Prisoner's Petition 11/18/03
Warden's Return of Writ.....01/20/04
Prisoner's Traverse.....07/08/04
Evidentiary Hearing 03/20/07
Decision 02/26/09

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/20/09
Prisoner's Brief 01/04/11
Warden's Brief 05/13/11
Oral Argument.....01/19/12
Decision 09/11/12

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....04/18/13
Brief in Opposition 07/18/13
Decision or Certiorari Denial 10/07/13

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 05/22/02, the Ohio Supreme Court affirmed Hanna's conviction and death sentence on direct appeal. On 02/26/09, the district court denied Hanna's petition for a writ of habeas corpus, and the 6th Circuit affirmed on 09/11/12. On 10/07/13, the U.S. Supreme Court denied Hanna's petition for a writ of certiorari. On 09/13/19, the district court transferred Hanna's 08/05/19 successive habeas petition to the 6th Circuit. On 10/02/19, Hanna filed a motion to remand his successive petition to the district court, to which the Warden opposed on 10/03/19. On 02/11/21, the 6th Circuit denied Hanna's successive petition and motion to amend. On 10/04/21, the U.S. Supreme Court denied Hanna's 07/01/21 petition for a writ of certiorari. Meanwhile, on 02/19/15, the Ohio Supreme Court set Hanna's execution date for 01/12/17. Hanna received reprieves on 10/19/15 until 02/13/19; on 09/01/17 until 12/11/19; on 10/30/19 until 07/16/20; on 04/14/20 until 05/18/22; and on 09/10/21 until 05/14/25.

Henderson, Jerome

Summary of Crime: On 03/03/85, Henderson murdered 26-year-old Mary Acoff in her Cincinnati apartment. Henderson broke into Ms. Acoff's apartment, attempted to rape her, stabbed and beat her multiple times in the head, chest and neck, and slashed her throat at least 13 times. Ms. Acoff's nude body was found by her 10-year-old daughter, when she returned home. DNA testing, conducted during federal appeals in 2003, identified Ms. Acoff as the source of blood, and Henderson as the source of semen, found on Henderson's coat.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/18/85
Sentence.....08/05/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....01/14/87
Supreme Court Decision 09/28/88
U.S. Supreme Court Review.....03/06/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/15/89
Trial Court Decision.....01/03/91
Court of Appeals Decision.....04/08/91
Supreme Court Decision 07/24/91
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....03/12/93
Supreme Court Decision 10/27/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Barrett)
Prisoner's Petition 02/14/94
Warden's Return of Writ.....06/10/94
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision 07/10/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 07/17/03
Prisoner's Brief 05/26/04
Warden's Brief 05/26/04
Oral Argument.....12/01/05
Decision 06/09/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/16/06
Brief in Opposition 11/24/06
Decision or Certiorari Denial 01/08/07

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Henderson's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 09/28/88, the Ohio Supreme Court affirmed Henderson's conviction and death sentence on direct appeal. On 07/10/03, the district court granted Henderson habeas relief and ordered Henderson be resentenced. On 06/09/06, the 6th Circuit reversed. On 10/23/06, the Ohio Supreme Court set Henderson's execution date for 12/05/06. On 12/01/06, the 6th Circuit stayed his execution in the lethal injection litigation; the stay was lifted on 05/25/17 when the 6th Circuit dismissed Henderson's appeal as moot. On 02/27/18, the district court denied Henderson's 04/21/17 *pro se* motion for relief; on 12/10/18, the 6th Circuit denied his appeal as frivolous. On 02/26/19, the district court denied several *pro se* pleadings. On 04/12/22, Henderson, through counsel, filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 08/12/22, Henderson's attorney filed a memorandum alleging Henderson was incompetent and needed an SMI evaluation, but on 09/08/22 and 11/16/22, Henderson, *pro se*, objected to the filing of the SMI petition. On 10/20/22, the State responded to the SMI petition. On 11/17/22, the trial court appointed a competency expert. (Note: On 01/31/23, the trial court ordered Henderson's prison records be released to his counsel.) Meanwhile, on 10/10/18, the Ohio Supreme Court set Henderson's new execution date for 09/14/23.

Henness, Warren

Summary of Crime: On 03/20/92, Henness murdered 51-year-old Richard Myers in Columbus. Henness knew Mr. Myers because Mr. Myers was helping him seek drug counseling and treatment for Henness' wife. On the day of the murder, Mr. Myers picked Henness up in his car. Henness shot Mr. Myers five times in the head and stole his car, credit cards and checks. He sold the car and forged the checks and used the money to buy drugs.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/03/92
Sentence.....01/24/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/06/96
Supreme Court Decision 06/18/97
U.S. Supreme Court Review.....11/10/97

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/19/96
Trial Court Decision.....03/05/97
Court of Appeals Decision.....09/23/99
Supreme Court Decision 01/19/00
U.S. Supreme Court Review.....06/12/00

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Barrett)
Prisoner's Petition 01/16/01
Warden's Return of Writ.....04/16/01
Prisoner's Traverse.....12/27/04
Evidentiary Hearing 01/23/06
Decision 10/31/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/29/07
Prisoner's Brief 11/04/09
Warden's Brief 04/30/10
Oral Argument.....12/08/10
Decision 07/06/11

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/30/12
Brief in Opposition 03/20/12
Decision or Certiorari Denial 04/23/12

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/18/97, the Ohio Supreme Court affirmed Henness' conviction and death sentence on direct appeal. On 10/31/07, the district court denied Henness' petition for a writ of habeas corpus, and the 6th Circuit affirmed on 07/06/11. On 08/06/13, the district court denied Henness' 03/19/13 motion for relief from judgment, and the 6th Circuit affirmed on 09/08/14. On 12/11/14, Henness filed a successive habeas petition challenging the constitutionality of lethal injection. On 01/11/17, Henness moved to amend his petition to add claims based upon *Hurst v. Florida*; on 04/25/18, the district court denied amendment and dismissed Henness' successive petition. Meanwhile, on 11/28/12, the Ohio Supreme Court set Henness' execution date for 01/07/15. Henness received reprieves on 09/05/14 until 07/15/15; on 01/30/15 until 06/22/16; on 10/19/15 until 02/13/18; on 05/01/17 until 03/14/18; on 09/01/17 until 02/13/19; on 01/25/19 until 09/12/19; on 07/31/19 until 05/14/20; on 01/31/20 until 01/12/22; and on 09/10/21 until 12/17/24.

Days From Death Sentence to 12/31/22: 10,568 **Inmate Number: A287-375**

Hill, Danny Lee

Summary of Crime: On 09/10/85, Hill and an accomplice, Tim Combs, murdered 12-year-old Raymond Fife in a wooded field in Warren. Raymond was riding his bicycle through the field when Hill and Combs abducted him. Hill and Combs raped Raymond, bit his penis, choked him and burnt his face with lighter fluid. Hill later inquired with police about a $5,000 reward and told them facts that were not disclosed to the public, which eventually lead to his confession.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/17/85
Sentence.....02/28/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/27/89
Supreme Court Decision 08/12/92
U.S. Supreme Court Review.....03/29/93

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/21/93
Trial Court Decision.....07/18/94
Court of Appeals Decision.....06/19/95
Supreme Court Decision 11/15/95
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/22/00
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Adams)
Prisoner's Petition 11/27/96
Warden's Return of Writ.....01/24/97
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision 09/29/99

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/29/99
Prisoner's Brief 01/12/15
Warden's Brief 05/29/15
Oral Argument.....11/30/16
Decision 02/02/18

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....07/06/18
Brief in Opposition 08/29/18
Decision or Certiorari Denial 01/07/19

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Hill's motion for relief from judgment on his *Atkins* claim.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the 6th Circuit on Hill's successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/12/92, the Ohio Supreme Court affirmed Hill's conviction and death sentence on direct appeal. On 09/29/99, the district court denied Hill's habeas petition. On 02/15/06, the trial court denied Hill's *Atkins* postconviction petition. On 10/01/09, the district court reopened the habeas case, and again denied relief on 06/25/14. On 02/02/18, the 6th Circuit reversed on an *Atkins* issue and granted habeas relief. On 01/07/19, the U.S. Supreme Court granted certiorari, reversed the 6th Circuit, and remanded the case. On remand, the 6th Circuit again granted relief on 05/20/20. On 08/20/21, the 6th Circuit, sitting *en banc*, denied Hill's habeas petition, and the U.S. Supreme Court denied certiorari on 06/30/22. On 07/08/22, Hill filed in the trial court a motion for relief from the judgment finding he was not intellectually disabled; the State opposed on 07/12/22. On 11/10/22, the trial court held a hearing, and on 11/21/22, found Federal Public Defenders Office could represent Hill for the purpose of filing a brief regarding if he satisfied the requirements for reconsideration. Meanwhile, on 06/12/20, Hill filed a successive habeas petition; which the district court transferred to the 6th Circuit on 08/14/20; the Warden opposed on 09/02/20; and Hill replied on 09/09/20. On 08/30/22, the district court determined Hill's successive petition did not need authorization and remanded the case to the district court for further proceedings. On 09/27/22, the Warden requested an *en banc* rehearing. On 10/04/22, an amicus brief was filed on behalf of the victim's mother, Miriam Fife. (Note: On 02/10/23, Hill responded to the Warden's motion for *en banc* review.) On 09/21/22, the Ohio Supreme Court set Hill's execution date for 07/22/26.

Days From Death Sentence to 12/31/22: 13,455 **Inmate Number: A189-528**

Hoffner, Timothy

Summary of Crime: On 09/22/93, Hoffner and his accomplice, Archie Dixon, murdered their roommate, 22-year-old Christopher Hammer in a park in Toledo. Hoffner and Dixon planned to kill Mr. Hammer to assume his identity. Hoffner and Dixon repeatedly beat Mr. Hammer, tied him up, took him into the woods and buried him alive. Hoffner and Dixon stole $11 in cash from Mr. Hammer's wallet, his driver's license, his Social Security card, his birth certificate and his car. Hoffner and Dixon confessed to police, and Hoffner showed police where they buried Mr. Hammer alive. (Dixon also received a death sentence.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/16/93
Sentence.....06/01/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/23/01
Supreme Court Decision 07/14/04
U.S. Supreme Court Review.....01/10/05

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 04/28/97
Trial Court Decision.....04/17/01
Court of Appeals Decision.....09/30/02
Supreme Court Decision 09/01/04
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....08/24/06
Supreme Court Decision 02/14/07

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gwin)
Prisoner's Petition 01/06/06
Warden's Return of Writ.....03/28/06
Prisoner's Traverse.....05/30/06
Evidentiary Hearing .....
Decision 07/23/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/18/08
Prisoner's Brief 05/15/09
Warden's Brief 07/15/09
Oral Argument.....11/18/09
Decision 09/23/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....02/24/11
Brief in Opposition 03/08/11
Decision or Certiorari Denial 04/18/11

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/14/04, the Ohio Supreme Court affirmed Hoffner's conviction and death sentence on direct appeal. On 07/23/08, the district court denied Hoffner's petition for a writ of habeas corpus, and the 6th Circuit affirmed on 09/23/10. On 02/24/11, Hoffner filed a petition for a writ of certiorari with the U.S. Supreme Court, which was denied on 04/18/11. On 06/08/15, the Ohio Supreme Court set Hoffner's execution date for 05/29/19. On 01/06/16, the district court appointed the Federal Public Defender's Office of Eastern Tennessee to represent Hoffner in state clemency proceedings. On 09/26/16, the district court denied Hoffner's motion for permission for his new attorneys to conduct new state court litigation. On 01/10/17, Hoffner filed a motion for relief from judgment which the district court transferred to the 6th Circuit as a successive petition on 01/24/17. On 04/20/17, the 6th Circuit denied Hoffner's 03/10/17 motion to remand and denied his successive petition. Hoffner received reprieves on 09/01/17 until 08/11/21; and on 04/09/21 until 06/18/24.

Hughbanks, Gary

Summary of Crime: On 05/13/87, Hughbanks murdered 55-year-old William Leeman and his wife, 53-year-old Juanita Leeman, at their home in Springfield Township. Hughbanks broke into their home to rob them and was still in the house when Mr. and Mrs. Leeman returned home. Hughbanks stabbed Mr. Leeman with a hunting knife about 17 times, repeatedly stabbed Mrs. Leeman and cut both of their throats. The crime was unsolved for 10 years. In 1997, Hughbanks admitted the murders to his family, who told police and turned over the murder weapon. Hughbanks later confessed to police in Tucson, Arizona. (Hughbanks received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/17/97
Sentence.....07/06/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/03/99
Supreme Court Decision 08/20/03
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/24/00
Trial Court Decision.....05/08/01
Court of Appeals Decision.....01/17/03
Supreme Court Decision 11/19/03
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....09/07/00
Supreme Court Decision 01/14/04

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Merz)
Prisoner's Petition 02/12/07
Warden's Return of Writ.....04/13/07
Prisoner's Traverse.....06/26/09
Evidentiary Hearing .....
Decision 09/07/18

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/05/18
Prisoner's Brief 01/27/20
Warden's Brief 04/30/20
Oral Argument.....10/22/20
Decision 06/21/21

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/12/21
Brief in Opposition 01/11/22
Decision or Certiorari Denial 02/22/22

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/20/03, the Ohio Supreme Court affirmed Hughbanks' conviction and death sentence on direct appeal. On 12/09/03, the trial court denied Hughbanks' successive postconviction *Atkins* petition. On 12/03/04, the court of appeals remanded the case to the trial court for an evidentiary hearing, after which the trial court again denied the *Atkins* petition; the court of appeals affirmed on 09/03/08. Meanwhile, on 02/12/07, Hughbanks filed a petition for a writ of habeas corpus in the district court. On 09/07/18, the district court denied habeas relief and denied a certificate of appealability. On 08/25/19, the 6th Circuit granted Hughbanks a certificate of appealability, and on 06/21/21, the 6th Circuit affirmed the denial of habeas relief. On 07/19/21, Hughbanks filed a petition for a rehearing before the original panel, which was denied in 08/13/21. Hughbanks filed a petition for a writ of certiorari with the U.S. Supreme Court on 11/12/21. On 01/11/22, the Warden responded; on 01/19/22, Hughbanks replied; and on 02/22/22, the U.S. Supreme Court denied certiorari.

Hundley, Lance

Summary of Crime: On 11/06/15, Hundley murdered 41-year-old Erika Huff in her Youngstown home by beating and strangling her. Ms. Huff, who had a child with Hundley's brother, had permitted Hundley to stay with her prior to her murder. Because Ms. Huff suffered from multiple sclerosis and was confined to a wheelchair, she wore a medic alert necklace. During her murder, Ms. Huff's alert necklace was pressed which contacted paramedics and her mother, Denise Johnson. When paramedics responded Hundley told them Ms. Huff's alert was pressed accidentally. But when Ms. Johnson arrived, Hundley attacked her with a hammer and stabbed her with a knife. Hundley placed Ms. Johnson with Ms. Huff's lifeless body in a bedroom, set the room on fire, and then changed his clothes. Police rescued Ms. Johnson from the burning bedroom, and located Hundley in the house where he claimed he too was a victim. Police recovered the bag of Hundley's clothing containing Ms. Johnson's blood, and Hundley's DNA was found under Ms. Huff's fingernails.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/12/15
Sentence.....06/06/18

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/22/20
U.S. Supreme Court Review.....02/22/21

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/29/21
Trial Court Decision.....02/02/22
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial.....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the denial of Hundley's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 07/22/20, the Ohio Supreme Court affirmed Hundley's conviction and death sentence on direct appeal. On 02/22/21, the U.S. Supreme Court denied Hundley's 12/16/20 petition for a writ of certiorari. Hundley filed a *pro se* motion for the appointment of new counsel for purposes of postconviction relief. Hundley's attorneys filed a petition for postconviction relief with the trial court on 09/29/21. On 01/24/22, the State filed a motion for judgment on the pleadings. On 02/02/22, the trial court denied Hundley's postconviction relief petition. On 05/09/22, Hundley appealed. (Note: On 01/13/23, Hundley filed his brief; and on 02/02/23, the State responded.)

Days From Death Sentence to 12/31/22: 1,669 **Inmate Number: A751-708**

Hunter, Lamont

Summary of Crime: On 01/19/06, Hunter shook, raped with a sharp object, and beat 3-year-old Trustin Blue in Cincinnati. Trustin died the following day from his injuries. Hunter, who had a previous court order to have no contact with Trustin because of abuse, was the boyfriend of Trustin's mother and was babysitting him in their house while she was at work.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....02/01/06
Sentence.....09/20/07

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/20/11
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 06/25/08
Trial Court Decision.....07/16/09
Court of Appeals Decision.....06/27/12
Supreme Court Decision 07/09/14
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/05/12

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Watson)
Prisoner's Petition 07/01/15
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Hunter's for leave to file a motion for a new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Hunter's petition for a writ of habeas corpus, which is stayed pending state court litigation. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/20/11, the Ohio Supreme Court affirmed Hunter's conviction and death sentence on direct appeal. Meanwhile, on 07/16/09, the trial court denied Hunter's 06/25/08 postconviction petition; the court of appeals affirmed on 06/27/12. On 07/01/15, Hunter filed a petition for a writ of habeas corpus, which he amended on 01/13/16 and 07/25/17. On 10/06/16, Hunter filed a motion for discovery, which the court partially granted on 09/28/17. Meanwhile, on 04/04/17, the court partially granted the Warden's 03/09/17 motion to dismiss. On 10/16/19, Hunter requested the district court reconsider the motion to dismiss, which the Warden opposed on 10/30/19, and the court partially granted on 07/15/20. On 11/22/19, the district court granted Hunter's motion to expand the record. On 09/29/20 and 03/02/21, over the Warden's objections, the district court granted Hunter additional discovery. On 11/02/21, the district court denied the Warden's 08/24/21 motion for reconsideration. On 07/27/22, the district court granted Hunter's 06/03/22 motion to amend his petition. On 08/16/22, the district court granted Hunter's 06/03/22 motion to stay the proceedings pending the completion of state court litigation. On 11/14/22, Hunter filed in the trial court a motion for leave to file a delayed motion for a new trial. (Note: On 02/24/23, the trial court granted Hunter's motion for leave to file a motion for new trial.)

Hutton, Percy

Summary of Crime: On 09/16/85, Hutton murdered 24-year-old Derek "Ricky" Mitchell in Cleveland. Hutton kidnapped Mr. Mitchell and his friend, Samuel Simmons Jr., at gunpoint while accusing Mr. Mitchell of stealing tires and a sewing machine from him. After recovering the sewing machine, Hutton shot Mr. Simmons twice in the head. Hutton then drove Mr. Simmons to the hospital. Mr. Simmons survived his injuries. Mr. Mitchell was never seen alive again. His body was located two weeks later. He had been shot to death.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/16/85
Sentence.....02/07/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/01/91
Supreme Court Decision 11/05/03
U.S. Supreme Court Review.....04/26/04

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/17/96
Trial Court Decision.....06/10/97
Court of Appeals Decision.....07/15/04
Supreme Court Decision 12/15/04
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....03/20/00
Supreme Court Decision 11/05/03

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Boyko)
Prisoner's Petition 12/15/05
Warden's Return of Writ.....09/26/11
Prisoner's Traverse.....10/18/11
Evidentiary Hearing .....
Decision 06/07/13

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/20/13
Prisoner's Brief 10/20/15
Warden's Brief 12/23/15
Oral Argument.....03/16/16
Decision 10/12/16

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....03/10/17
Brief in Opposition 05/01/17
Decision or Certiorari Denial 06/19/17

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 11/05/03, the Ohio Supreme Court affirmed Hutton's conviction and death sentence on direct appeal. On 06/07/13, the district court denied Hutton's 12/15/05 habeas petition; on 10/12/16, the 6th Circuit reversed and granted habeas relief. On 06/19/17, the U.S. Supreme Court reversed the 6th Circuit, and on 11/22/17, the 6th Circuit denied habeas relief; the U.S. Supreme Court denied Hutton's petition for a writ of certiorari on 10/01/18. Meanwhile, on 06/23/16, the district court transferred to the 6th Circuit as a successive petition Hutton's 03/10/16 motion for relief from judgment. The 6th Circuit denied authorization to proceed on 12/04/17. On 01/23/20, Hutton filed in the trial court a successive postconviction petition and a motion for leave to file a motion for new trial; the court denied both on 03/16/22. Hutton appealed on 04/12/22; he filed his brief on 06/08/22, and the State responded on 08/25/22. On 12/15/22, the court of appeals affirmed the denial of relief. (Note: On 01/27/23, Hutton filed a notice of appeal to the Ohio Supreme Court.) On 05/04/20, the 6th Circuit denied Hutton's 02/05/20 application to file a successive habeas petition. Meanwhile, on 09/22/17, the Ohio Supreme Court set Hutton's execution date for 06/22/22. Hutton received a reprieve on 02/18/22 until 06/18/25.

Jackson, Cleveland R.

Summary of Crime: On 01/03/02, Jackson and his half-brother, Jeronique Cunningham, murdered 3-year-old Jala Grant and 17-year-old Leneshia Williams at a home in Lima. Jala, Leneshia, and six other people were at the house of a man whom Cunningham and Jackson planned to rob of his crack cocaine and money. After stealing drugs, money, and jewelry, Cunningham and Jackson opened fire on everyone in the house, fatally shooting Jala twice in the head as her father held her in his arms, and fatally shooting Leneshia in the back of the head. (Cunningham and Jackson were also convicted for the attempted murders of the survivors each of whom suffered gunshot injuries. Cunningham also received a death sentence.) (After resentencing, Jackson received a death sentence only for Leneshia's murder and life without parole for Jala's murder.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/10/02
Sentence.....08/05/02

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/23/05
U.S. Supreme Court Review.....06/26/06

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/13/03
Trial Court Decision.....12/19/03
Court of Appeals Decision.....10/04/04
Supreme Court Decision 12/28/05
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/02/06

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Nugent)
Prisoner's Petition 06/26/07
Warden's Return of Writ.....09/26/07
Prisoner's Traverse.....12/10/07
Evidentiary Hearing .....
Decision 05/01/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/23/08
Prisoner's Brief 07/19/10
Warden's Brief 10/29/10
Oral Argument.....04/20/11
Decision 07/24/12

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/06/12
Brief in Opposition 01/18/13
Decision or Certiorari Denial 02/19/13

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 11/23/05, the Ohio Supreme Court affirmed Jackson's conviction and death sentence for the aggravated murder of Leneshia Williams on direct appeal, but vacated his death sentence on the aggravated murder of Jala Grant based on errors during voir dire. On 05/01/08, the district court denied Jackson's habeas petition; the 6th Circuit affirmed on 07/24/12. On 09/26/19, the trial court dismissed Jackson's 09/04/19 successive postconviction petition; the court of appeals affirmed on 08/10/20. Meanwhile, on 04/04/19, the trial court denied Jackson's challenge to Ohio's execution protocol; the court of appeals affirmed on 02/13/20. Jackson appealed to the Ohio Supreme Court on 06/01/20, and on 10/13/20, the Ohio Supreme Court accepted one proposition of law for review. Jackson filed his merit brief on 12/21/20; the State filed its brief on 01/19/21; and Jackson filed a reply on 02/08/21. On 10/19/21, the Ohio Supreme Court affirmed the court of appeals' ruling denying relief. On 10/29/21, Jackson filed a motion for reconsideration, which the court denied on 12/28/21. Meanwhile, on 08/13/13, the Ohio Supreme Court set Jackson's execution date for 11/17/15. Jackson received reprieves on 09/05/14 until 07/20/16; on 10/19/15 until 09/13/18; on 07/20/18 until 05/29/19; on 03/07/19 until 11/13/19; on 09/30/19 until 01/13/21; on 09/04/20 until 06/15/23; and on 11/10/22 until 07/15/26.

Days From Death Sentence to 12/31/22: 7,453 **Inmate Number: A429-404**

Jackson, Jeremiah J.

Summary of Crime: In the early morning of 06/18/09, Jackson murdered 38-year-old Tracy L. Pickryl by shooting her during an aggravated robbery of the Soap Opera Laundry store in Cleveland. Jackson waited until customers left the store before entering, brandishing a firearm and demanding money from Ms. Pickryl and her co-worker, 27-year-old Christy Diaz. When Ms. Pickryl hesitated to comply with Jackson's demands, he shot her in the head. He then aimed the gun at Ms. Diaz and demanded she retrieve the store's money. Despite her compliance, Jackson also attempted to shoot Ms. Diaz. The aggravated robbery was part of a crime spree in June 2009 that included robberies in Cuyahoga, Erie, and Lorain counties. (Jackson's accomplices during the crime spree, Maurice Harrison, James Dixon, and Katrina Dickerson, were also convicted of various charges and received prison sentences.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/23/09
Sentence.....04/07/10

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/02/14
U.S. Supreme Court Review.....11/02/15

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 02/18/11
Trial Court Decision.....01/19/16
Court of Appeals Decision.....05/04/17
Supreme Court Decision 01/31/18
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/29/16

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Helmick)
Prisoner's Petition 01/31/19
Warden's Return of Writ.....04/01/19
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Jackson's successive petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Jackson's petition for a writ of habeas corpus, which is stayed pending completion of state court proceedings.

NOTES

On 09/02/14, the Ohio Supreme Court affirmed Jackson's conviction and death sentence on direct appeal. Meanwhile, on 02/18/11, Jackson filed a petition for postconviction relief in the trial court; the trial court denied relief on 01/19/16; the court of appeals affirmed on 05/04/17; and the Ohio Supreme Court declined review on 01/31/18. On 11/16/18, Jackson filed in the trial court a motion to file under seal and *ex parte* a motion regarding experts, which was granted on 12/11/18. On 01/31/19, Jackson filed with the district court a petition for writ of habeas corpus, which he amended on 02/26/20. Meanwhile, the Warden filed a return of writ on 04/01/19 and an amended return of writ on 04/27/20. On 03/30/21, the district court granted Jackson's 06/26/20 motion to stay the habeas case so he could return to state court. On 07/24/20, Jackson filed in the trial court a successive petition for postconviction relief; the State opposed on 09/30/20; and Jackson replied on 01/11/21. (Note: On 02/21/23, a status conference was held in the trial court.)

Jackson, Kareem

Summary of Crime: On 03/25/97, Jackson murdered Antorio Hunter and Terrance Walker at a Lupo Court Apartment. Jackson and Mr. Walker were acquaintances. Jackson and his accomplices, "Little Bee," Michael Patterson, Derrick Boone and Malaika Williamson, went to the apartment to rob the men. After robbing them of $40, some marijuana and a cellular phone, Jackson shot Mr. Hunter and Mr. Walker in the head because they knew his name. (Jackson received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/07/97
Sentence.....03/06/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/15/01
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 04/19/99
Trial Court Decision.....06/18/01
Court of Appeals Decision.....06/27/02
Supreme Court Decision 10/30/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 10/23/03
Warden's Return of Writ.....01/31/05
Prisoner's Traverse.....06/17/05
Evidentiary Hearing .....
Decision 09/28/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/26/07
Prisoner's Brief 02/06/09
Warden's Brief 06/10/09
Oral Argument.....01/19/10
Decision 06/01/12

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....10/19/12
Brief in Opposition 12/20/12
Decision or Certiorari Denial 01/22/13

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Jackson's motion for leave to file a motion for a new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Jackson's successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/15/01, the Ohio Supreme Court affirmed Jackson's conviction and death sentence on direct appeal. On 09/28/07, the district court denied Jackson habeas relief, but granted relief on 12/16/10, following remand from the 6th Circuit. On 06/01/12, the 6th Circuit affirmed the district court's earlier denial of habeas relief. On 09/21/18, the trial court denied Jackson's 11/14/16 successive postconviction petition; the court of appeals affirmed on 12/05/19. On 01/24/20, Jackson filed in the trial court a motion for leave to file a motion for a new trial; the State opposed on 02/07/20; Jackson filed a reply on 02/24/20. On 08/04/20, Jackson filed a successive habeas petition, asserting *Brady* violations, which the district court transferred to the 6th Circuit on 02/02/21. On 09/02/21, the 6th Circuit granted Jackson permission to proceed on his successive habeas petition. On 04/22/22, the Warden filed a return of writ; Jackson filed a traverse on 06/21/22; and the Warden filed a sur-reply on 08/03/22. On 08/26/22, Jackson filed a motion requesting an evidentiary hearing; the Warden opposed on 09/15/22; and Jackson replied on 09/28/22. Meanwhile, on 08/30/22, Jackson filed a motion to supplement the record; the Warden opposed on 09/16/22; and Jackson replied on 09/28/22. Meanwhile, on 11/08/13, the Ohio Supreme Court set Jackson's execution date for 01/21/16. Jackson received reprieves on 09/05/14 until 09/21/16; on 10/19/15 until 07/10/19; on 03/07/19 until 01/16/20; on 10/30/19 until 09/16/20; and on 06/05/20 until 09/15/22; and on 05/13/22 until 12/10/25.

Days From Death Sentence to 12/31/22: 9,066 **Inmate Number: A354-156**

Jackson, Nathaniel E.

Summary of Crime: On 12/11/01, Jackson and his girlfriend, Donna Roberts, murdered Roberts' former husband, 57-year-old Robert Fingerhut, at the home Roberts shared with Mr. Fingerhut in Howland Township. Roberts let Jackson into her home to wait for Mr. Fingerhut. When Mr. Fingerhut returned home from work, Jackson shot him twice in the back and once in the head, then stole his car. DNA testing on bloodstains found in Mr. Fingerhut's car matched the profiles of Jackson and Mr. Fingerhut. Jackson admitted the shooting to police, but claimed it was committed in self-defense. (Donna Roberts also received a death sentence for the murder of Robert Fingerhut.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment....12/28/01
- Sentence....08/14/12

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....08/24/16
- U.S. Supreme Court Review....04/17/17

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court....06/28/13
- Trial Court Decision....09/27/13
- Court of Appeals Decision....12/31/14
- Supreme Court Decision....02/22/17
- U.S. Supreme Court Review....10/02/17

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....11/01/17

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gwin)
- Prisoner's Petition....03/02/18
- Warden's Return of Writ....10/01/18
- Prisoner's Traverse....03/31/20
- Evidentiary Hearing....
- Decision....02/23/21

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal....03/02/21
- Prisoner's Brief....
- Warden's Brief....02/01/23
- Oral Argument....
- Decision....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition....
- Brief in Opposition....
- Decision or Certiorari Denial....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending resentencing in trial court, which is stayed pending the completion of the Warden's appeal at the 6th Circuit on the habeas case.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the 6th Circuit on the Warden's appeal of the grant of habeas relief. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/02/06, the Ohio Supreme Court affirmed Jackson's conviction and death sentence on direct appeal. On 10/18/10, the state court of appeals ordered a new sentencing hearing. On 08/14/12, the trial court again sentenced Jackson to death. On 11/20/17, the district court reactivated the habeas case, which had been stayed since 04/18/08. Jackson filed his amended habeas petition on 03/02/18; the Warden filed a return of writ on 10/01/18. On 02/23/21, the district court granted habeas relief on a sentencing issue. On 02/26/21, the district court returned the case to the trial court for purposes of resentencing, but the trial court stayed the case on 05/12/21 until the Warden's appeal to the 6th Circuit is completed. The Warden filed a notice of appeal on 03/02/21, and Jackson filed a notice of cross appeal on 03/17/21. On 05/06/21, the 6th Circuit stayed the district court judgment pending completion of the appeal. On 05/13/22, the Court granted in part Jackson's 06/01/21 request for an expanded certificate of appealability. (Note: The Warden filed the initial brief on 02/01/23.) (Note: Dates reflect the 2012 resentencing.)

Jalowiec, Stanley

Summary of Crime: On 01/19/94, Jalowiec and an accomplice, Raymond Smith, murdered 30-year-old Ronald Lally in a Cleveland cemetery. Mr. Lally was a police informant who was scheduled to testify against Raymond and Danny Smith in a drug trafficking trial. On the morning of the trial, Jalowiec and Smith shot Mr. Lally in the head, cut his throat, stomped on him and ran him over with a car. The defendants bragged about the murder to their friends. (Raymond Smith also received a death sentence.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/08/95
Sentence.....04/11/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/15/98
Supreme Court Decision 04/04/01
U.S. Supreme Court Review.....10/09/01

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/17/97
Trial Court Decision.....04/12/01
Court of Appeals Decision.....03/06/02
Supreme Court Decision 07/03/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....08/18/99
Supreme Court Decision 08/08/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Nugent)
Prisoner's Petition 07/02/03
Warden's Return of Writ.....09/02/03
Prisoner's Traverse.....12/15/03
Evidentiary Hearing .....
Decision 02/01/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/28/08
Prisoner's Brief 10/02/09
Warden's Brief 01/15/10
Oral Argument.....06/09/10
Decision 11/23/11

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....04/03/12
Brief in Opposition 06/21/12
Decision or Certiorari Denial 10/01/12

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 04/04/01, the Ohio Supreme Court affirmed Jalowiec's conviction and death sentence on direct appeal. On 02/01/08, the district court denied Jalowiec's petition for a writ of habeas corpus, which was affirmed by the 6th Circuit in an amended opinion on 11/23/11. Meanwhile, on 05/28/08, Jalowiec, *pro se*, filed a successive postconviction petition and a motion for a new trial in the trial court, which he amended on 06/28/12. On 05/20/13, the Ohio Supreme Court granted the State's motion for recusal of the trial judge and appointed a visiting judge. On 01/29/14, the trial court denied Jalowiec's motion for a new trial which was affirmed by the court of appeals on 12/09/15. On 06/07/17, the trial court denied Jalowiec's 01/12/17 motion for leave to file a motion for new mitigation hearing based upon *Hurst v. Florida*; on 06/03/19, the court of appeals reversed. On 07/26/19, the trial court permitted Jalowiec leave to file his motion, but then denied it on the merits; the court of appeals affirmed on 08/25/20; the Ohio Supreme Court declined review on 12/29/20; the U.S. Supreme Court denied Jalowiec's 05/27/21 petition for a writ of certiorari on 10/04/21. Meanwhile, on 09/06/18, the 6th Circuit rejected Jalowiec's 05/21/18 application to file a successive habeas petition.

Johnson, Marvin Gaye

Summary of Crime: On 08/15/03, Johnson raped and robbed his ex-girlfriend, Tina Bailey, and murdered her 13-year-old son, Daniel Bailey, at Ms. Bailey's home in Cambridge. Johnson and Ms. Bailey had dated for a number of years until Ms. Bailey ended the relationship on 07/03/03. In the early morning hours of 08/15/03, Johnson entered Ms. Bailey's home, beat Daniel to death and hid his body in the basement. When Ms. Bailey arrived home from work at 8:00 a.m., Johnson raped her at knife-point, then drove her to the bank where he forced her to withdraw $1,000. He then ordered her to drive to the local Elk's club where he got out of the car. Johnson was arrested later that morning in a park in Zanesville. DNA testing revealed that blood on a t-shirt Johnson was wearing on that day was consistent with that of Daniel.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/25/03
Sentence.....06/04/04

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/13/06
U.S. Supreme Court Review.....10/01/07

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/20/05
Trial Court Decision.....12/19/05
Court of Appeals Decision.....04/10/07
Supreme Court Decision 10/24/07
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/25/07

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Morrison)
Prisoner's Petition 09/28/08
Warden's Return of Writ.....02/29/16
Prisoner's Traverse.....09/17/18
Evidentiary Hearing .....
Decision 12/28/21

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 06/21/22
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Johnson's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the 6th Circuit on the denial of Johnson's habeas petition.

NOTES

On 12/13/06, the Ohio Supreme Court affirmed Johnson's conviction and death sentence on direct appeal. On 09/28/08, Johnson filed a petition for a writ of habeas corpus. On 07/06/15, the district court lifted the 2012 stay issued to litigate claims in state court and reinstated Johnson's habeas case. On 12/03/15, Johnson filed an amended habeas petition. In 2016, DNA testing was conducted and Johnson was granted funds to have an expert review the results. Johnson's expert submitted a report to the court on 01/24/17. On 09/17/18, Johnson filed his traverse. On 06/20/19, Johnson's case was reassigned to Judge Morrison. On 12/28/21, the district court denied Johnson's habeas corpus petition, and on 05/24/22, denied Johnson's 01/25/22 motion to alter or amend the judgment. Johnson filed a notice of appeal to the 6th Circuit on 06/21/22. On 06/29/22 and 12/05/22, Johnson filed notices that he intended to request an expansion of his certificate of appealability. Meanwhile, on 11/18/21, the trial court granted Johnson's motions to appoint counsel and funds to pursue a postconviction petition based upon serious mental illness. On 04/07/22, Johnson filed in the trial court a postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness; the State responded on 06/22/22; Johnson replied on 07/12/22. On 12/09/22, Johnson amended his serious mental illness petition. (Note: On 02/07/23 and 02/17/23, the State responded to the amended petition; Johnson replied on 02/23/23.)

Days From Death Sentence to 12/31/22: 6,784 **Inmate Number: A469-784**

Jones, Elwood

Summary of Crime: On 09/03/94, Jones murdered 67-year-old Rhoda Nathan in the Embassy Suites Hotel in Blue Ash. Jones was an employee at the hotel and Ms. Nathan was a guest. Jones entered Ms. Nathan's hotel room with the master key. He beat her over the head and stole her money and a pendant necklace.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/27/95
Sentence.....01/09/97

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/28/98
Supreme Court Decision 12/27/00
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 04/03/99
Trial Court Decision.....10/25/99
Court of Appeals Decision.....12/29/00
Supreme Court Decision 05/02/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....04/09/99
Supreme Court Decision 04/25/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rose)
Prisoner's Petition 11/26/01
Warden's Return of Writ.....01/07/02
Prisoner's Traverse.....09/07/06
Evidentiary Hearing 09/24/07
Decision 02/19/10

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/18/10
Prisoner's Brief 04/01/11
Warden's Brief 08/18/11
Oral Argument.....04/18/12
Decision 10/01/12

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....04/05/13
Brief in Opposition 06/10/13
Decision or Certiorari Denial 10/07/13

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the State's appeal of the trial court's grant of a new trial for Jones.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 12/27/00, the Ohio Supreme Court affirmed Jones' conviction and death sentence on direct appeal. On 02/19/10, the district court denied Jones' 11/26/01 petition for a writ of habeas corpus, and the 6th Circuit affirmed on 10/01/12. Meanwhile, on 11/18/10, Jones filed an application for DNA testing in the trial court, which was partially granted on 02/17/12. On 12/11/13, the parties stipulated to the DNA test results. On 04/08/14, the trial court granted Jones' motion for additional DNA testing, and the results were issued in a report dated 10/14/14. On 03/25/15, the district court transferred Jones' 05/27/14 successive habeas petition to the 6th Circuit which denied it on 09/17/15. Meanwhile, on 03/16/16 and 12/06/16, at Jones' request, the trial court ordered fingerprint analysis be conducted. On 02/25/19, Jones filed a motion for leave to file a motion for new trial. Over the State's opposition, on 11/29/19, the trial court granted Jones a hearing on the merits of his motion for new trial, which was held on 08/03/22. On 12/20/22, the trial court granted Jones' motion and ordered Jones receive a new trial. (Note: On 01/03/23, the State filed in the court of appeals a motion for leave to file an appeal; Jones opposed on 01/31/23. Meanwhile, on 01/13/23, Jones was granted bond and released from custody pending retrial.) Meanwhile, on 06/08/15, the Ohio Supreme Court set Jones' execution date for 01/09/19. Jones received reprieves on 09/01/17 until 04/21/21; and on 12/18/20 until 12/06/23.

Jones, Odraye

Summary of Crime: On 11/17/97, Jones murdered Ashtabula Police Officer William D. Glover, Jr., in Ashtabula. Officer Glover was shot while responding to a dispatcher's call that Jones, who had outstanding felony warrants, had been spotted in Ashtabula. Jones fled on foot as Officer Glover approached him and a pursuit commenced. Soon thereafter, Jones pulled a gun from his pocket and fired several shots at Officer Glover. When Officer Glover fell to the ground, Jones ran over to him and kicked him in the chest. (Jones is now known as Malik Allah-U-Akbar.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/26/97
Sentence.....06/09/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 04/18/01
U.S. Supreme Court Review.....10/29/01

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/05/99
Trial Court Decision.....10/26/00
Court of Appeals Decision.....04/29/02
Supreme Court Decision 09/11/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/26/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Katz)
Prisoner's Petition 10/10/03
Warden's Return of Writ.....12/08/03
Prisoner's Traverse.....05/03/04
Evidentiary Hearing .....
Decision 05/21/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 06/11/07
Prisoner's Brief 04/13/18
Warden's Brief 06/18/18
Oral Argument.....10/20/20
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Jones' *pro se* successive postconviction petition.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 04/18/01, the Ohio Supreme Court affirmed Jones' conviction and death sentence on direct appeal. On 05/21/07, the district court denied Jones' habeas petition. On 8/22/22, the 6th Court granted habeas relief on ineffective assistance of counsel at mitigation, and ordered Jones receive a new penalty phase trial. On 10/07/22, the 6th Circuit denied the Warden's 09/01/22 motion for *en banc* rehearing. Meanwhile, on 02/26/21, the trial court denied Jones' various *pro se* postconviction petitions and motions. On 05/17/21, the court of appeals denied Jones' 04/02/21 *pro se* appeal. On 12/02/22, the trial court issued an order limiting the discussion of the matter to the media by both parties, and an order setting a date for resentencing proceedings consistent with the opinion of the 6th Circuit. (Note: Since 2010, Jones has filed numerous *pro se* motions in both state and federal court.) (Note: On 01/06/23, the trial court ordered Jones to be transported from the prison to the Ashtabula County Jail. On 01/23/23, Jones' counsel filed a motion to determine Jones' competence to represent himself and to stand trial. On 02/01/23, the trial court ordered Jones to undergo a forensic examination. On 02/17/23, the trial court denied the State's motion to vacate the 1998 sentence, ordered the case to proceed to the new mitigation phase trial within the 180-day time limit set by the federal courts, and ordered that any continuance must be accompanied by an extension of the limit by the federal courts. The new mitigation phase trial is currently set for 04/03/23.)

Jones, Phillip

Summary of Crime: On 04/23/07, Phillip Jones raped and strangled 33-year-old Susan Marie Christian-Yates in Mount Peace Cemetery in Akron. Ms. Christian-Yates' body was found in front of a gravestone with a plastic cross over her right eye. Jones had given an identical cross to his wife in 2006.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....05/08/07
Sentence.....01/30/08

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/06/12
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 03/23/09
Trial Court Decision.....11/30/15
Court of Appeals Decision.....01/30/19
Supreme Court Decision 06/26/19
U.S. Supreme Court Review.....11/25/19

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/03/15

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Oliver)
Prisoner's Petition 06/24/20
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Jones' successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Jones' petition for a writ of habeas corpus.

NOTES

On 12/06/12, the Ohio Supreme Court affirmed Jones' conviction and death sentence on direct appeal. Meanwhile, on 10/25/10, the trial court denied Jones' postconviction petition. On 11/23/11, the court of appeals reversed, in part, and remanded the case for an evidentiary hearing on Jones' claim of ineffective assistance of counsel at mitigation. The trial court held the evidentiary hearing on 11/18/13, and again dismissed Jones' postconviction petition on 11/30/15; on 01/30/19, the court of appeals affirmed. On 06/24/20, Jones filed with the district court a petition for a writ of habeas corpus. On 09/03/21, the district court denied Jones' 10/09/20 motion for discovery. On 10/29/21, Jones filed his amended habeas petition. On 03/26/22, the Court denied Jones' 02/03/22 motion to stay his case so he could return to state court to exhaust claims. On 04/08/22, Jones filed an amended habeas petition. On 04/29/22, Jones filed another motion for a stay pending resolution of state court proceedings; the Warden opposed on 05/06/22. (Note: On 02/10/23, the district court denied Jones' motion for a stay, and issued a briefing schedule on 02/14/23.) Meanwhile, on 04/06/22, Jones filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 04/18/22, the State filed a motion for an extension of time to respond to the petition, to which Jones responded on 04/19/22. (Note: On 02/15/23, the State filed a motion for discovery, including seeking an evaluation by a State's expert.)

Kinley, Juan

Summary of Crime: On 01/10/89, Kinley murdered his ex-girlfriend, 31-year-old Thelma Miller, and her 12-year-old son, David Miller, at a house where Ms. Miller worked as a housekeeper. Kinley had previously physically abused and threatened to kill Ms. Miller for dating other men. Kinley beat Ms. Miller and David to death by repeatedly hacking them in their heads and bodies with a machete. Kinley admitted the murders to his friend. (Kinley received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....03/13/89
Sentence.....05/02/91

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....06/25/93
Supreme Court Decision 07/19/95
U.S. Supreme Court Review.....03/25/96

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....05/21/01
Court of Appeals Decision.....04/12/02
Supreme Court Decision 09/11/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Watson)
Prisoner's Petition 04/11/03
Warden's Return of Writ.....06/29/07
Prisoner's Traverse.....09/17/07
Evidentiary Hearing .....
Decision 10/02/14

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/28/14
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on remand from the 6th Circuit. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/19/95, the Ohio Supreme Court affirmed Kinley's conviction and death sentence on direct appeal. On 04/11/03, Kinley filed a petition for a writ of habeas corpus, which the district court denied on 10/02/14. On 10/28/14, Kinley filed a notice of appeal with the 6th Circuit. On 02/18/15, over the Warden's objection, the 6th Circuit stayed the case pending completion of state court proceedings. On 01/27/16, the trial court denied Kinley's 05/20/15 successive postconviction petition; the court of appeals affirmed on 07/24/18; and on 02/06/19, the Ohio Supreme Court denied Kinley's appeal. On 08/15/19, over the Warden's objection, the 6th Circuit remanded the case to the district court for further proceedings as to two claims. On 12/15/20, the district court denied without prejudice Kinley's motion to decide the remanded claims, and ordered Kinley to file a motion for relief from judgment, which he filed on 01/29/21. On 07/12/21, the district court conditionally denied Kinley's motion for relief from judgment. Over the Warden's objection, on 02/18/22, the 6th Circuit granted Kinley's 07/26/21 motion and clarified the remand order. Meanwhile, on 05/04/22, the district court issued an order for Kinley to show cause as to why the court should not proceed on the order from the 6th Circuit. On 05/18/22, Kinley responded to the show cause order. (Note: On 02/15/23, Kinley filed a motion to stay his habeas case to return to state court; the Warden opposed on 03/02/23.)

Days From Death Sentence to 12/31/22: 11,566 **Inmate Number: A239-789**

Kirkland, Anthony

Summary of Crime: On 05/04/06, Kirkland attacked, beat, attempted to rape, robbed, and murdered 14-year-old Casonya Crawford by strangling her. Kirkland then burned Casonya's body, which authorities recovered in a secluded area with no clothing except one sock. On 03/07/09, Kirkland attacked, beat, attempted to rape, robbed, and murdered 13-year-old Esme Kenney by strangling her. Kirkland then partially burned Esme's body, which authorities recovered in a secluded area with no clothing except shoes and socks. (Kirkland was also convicted of the two separate murders of 45-year-old Mary Jo Newton and 25-year-old Kimya Rolison. Kirkland also burned their bodies.) (Kirkland received the death penalty for both Casonya and Esme.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/17/09
Sentence.....08/28/18

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/18/20
U.S. Supreme Court Review.....05/17/21

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/05/11
Trial Court Decision.....07/19/12
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/16/21

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the denial of his initial postconviction petition; Pending in the trial court on his second postconviction petition and his petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 05/13/14, the Ohio Supreme Court affirmed Kirkland's conviction and death sentence on direct appeal. On 07/19/12, the trial court denied Kirkland's postconviction petition. Following briefing, on 04/16/13, the court of appeals stayed the case. On 05/04/16, the Ohio Supreme Court granted Kirkland's motion for relief and remanded the case for a new penalty phase trial. On 08/28/18, Kirkland was again sentenced to death. On 08/18/20, the Ohio Supreme Court again affirmed Kirkland's death sentence. Meanwhile, on 01/24/18, the court of appeals denied the State's motion to dismiss the postconviction appeal which had been stayed in 2013. On 10/23/19, Kirkland filed in the trial court a supplemental postconviction petition based upon the resentencing, which he amended on 12/14/21. On 04/07/22, Kirkland filed another postconviction petition in the trial court alleging that he is ineligible for the death penalty due to serious mental illness, which he amended on 09/28/22. On 11/22/22, the State filed a motion to appoint an expert. (Note: On 01/06/23, Kirkland opposed the State's motion to appoint an expert.) (Note: Dates reflect the 2018 resentencing.)

Knuff, Thomas

Summary of Crime: On 05/11/17, Knuff murdered 49-year-old Regina Capobianco and 65-year-old John Mann during an argument inside Mr. Mann's Parma Heights home. Knuff, having been recently released from prison, moved into Mr. Mann's home where Ms. Capobianco, Knuff's former pen-pal, was also residing. During the argument, Knuff stabbed Mr. Mann 15 times, and stabbed Ms. Capobianco 6 times. Knuff then rolled their bodies in blankets, dragged them to a back bedroom, and covered them with garbage bags. He spent several days cleaning the crime scene—scrubbing down the walls and cutting out the living room carpeting. While in jail on other charges, Knuff sent a letter to a friend asking the friend to burn down the house to destroy the evidence, focusing the accelerant in the back bedroom where the bodies were later located. (Knuff received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....07/20/17
Sentence.....08/28/19

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 08/24/21
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the Ohio Supreme Court on Knuff's direct appeal; Pending in the trial court on Knuff's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 08/28/19, Knuff was convicted and sentenced to death. On 09/30/19, Knuff filed a notice of appeal for his direct appeal in the Ohio Supreme Court. On 02/19/21, the Ohio Supreme Court granted the parties' 02/16/21 joint motion to extend the time for briefing due to a serious illness suffered by one of Knuff's defense attorneys. On 04/12/21, Knuff filed his merit brief; the State responded on 08/30/21; and Knuff replied on 10/12/21. On 11/09/22, the Ohio Supreme Court denied Knuff's 09/16/22 motion for leave to file a supplemental brief. Meanwhile, on 01/29/20, Knuff filed a motion in the trial court for discovery prior to the filing of his petition for postconviction relief. On 08/24/21, Knuff filed a petition for postconviction relief. On 09/01/21, Knuff and the State filed a joint motion for a stay of proceedings until the Ohio Supreme Court issues an opinion on Knuff's pending direct appeal. On 03/01/22, Knuff filed a motion for access to the Cuyahoga County medical examiner's files, and State filed a response on 03/28/22.

Days From Death Sentence to 12/31/22: 1,221 **Inmate Number: A770-333**

Lamar, Keith

Summary of Crime: During the riot at the Southern Ohio Correctional Facility, Lamar murdered five prison inmates, Darrell Depina, Bruce Vitale, William Svette, Dennis Weaver and Albert Staiano, whom Lamar believed were informants. When prison inmates held prison guards and other inmates hostage, Lamar formed a group of prison inmates, called the "Death Squad," to kill "snitches." Between 04/11/93 and 04/21/93, on five separate occasions, Lamar and his followers beat, strangled and stabbed each victim to death. At the time, Lamar was serving a sentence for a 1989 murder conviction. (Lamar received the death sentence for the aggravated murders of Mr. Depina, Mr. Vitale, Mr. Svette, and Mr. Weaver.) (The case was tried in Lawrence County following a change of venue from Scioto County.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/29/94
Sentence.....08/21/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/13/98
Supreme Court Decision 05/15/02
U.S. Supreme Court Review.....12/02/02

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/13/97
Trial Court Decision.....06/19/98
Court of Appeals Decision.....03/17/00
Supreme Court Decision 07/19/00
U.S. Supreme Court Review.....12/11/00

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rose)
Prisoner's Petition 08/16/04
Warden's Return of Writ.....11/12/04
Prisoner's Traverse.....04/22/10
Evidentiary Hearing 07/09/07
Decision 01/13/11

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/08/11
Prisoner's Brief 12/31/12
Warden's Brief 04/03/13
Oral Argument.....12/02/14
Decision 08/18/15

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....02/17/16
Brief in Opposition 03/22/16
Decision or Certiorari Denial 04/25/16

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 05/15/02, the Ohio Supreme Court affirmed Lamar's conviction and death sentence on direct appeal. On 08/16/04, Lamar filed a petition for a writ of habeas corpus in the district court. On 01/13/11, the district court denied Lamar's habeas petition, and the 6th Circuit affirmed on 08/18/15. On 05/20/16, the district court permitted Lamar's attorneys to withdraw and appointed the Federal Public Defender's Office from Tennessee to represent him. On 12/29/16, the magistrate judge allowed federally appointed counsel to represent Lamar in state court on a claim based upon *Hurst v. Florida*. On 03/15/17, the Ohio Supreme Court denied Lamar's 01/04/17 motion for relief based upon *Hurst*, and on 10/16/17, the U.S. Supreme Court denied certiorari. On 12/19/18, the Ohio Supreme Court denied Lamar's 10/18/18 motion for relief alleging the death penalty was imposed in a racially discriminatory manner. On 12/19/18, the Ohio Supreme Court set Lamar's execution date for 11/16/23.

Landrum, Lawrence

Summary of Crime: On 09/19/85, Landrum murdered 84-year-old Harold White at his home in Chillicothe. Mr. White had previously shown Landrum his apartment, believing that Landrum wanted to rent it. Mr. White arrived home and caught Landrum and his juvenile accomplice, Grant Swackhammer, stealing money and nerve pills from his apartment. Landrum ordered Swackhammer to hit Mr. White on the head with a large railroad bolt, then Landrum attacked Mr. White and slit his throat with a kitchen knife. Landrum later bragged to several of his friends about the murder, offered to show them Mr. White's body, and threatened to slit their throats if they told police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/27/85
Sentence.....04/02/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....01/12/89
Supreme Court Decision 08/15/90
U.S. Supreme Court Review.....02/25/91

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/28/96
Trial Court Decision.....12/30/97
Court of Appeals Decision.....01/11/99
Supreme Court Decision 05/12/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....04/07/99
Supreme Court Decision 12/22/99

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rose)
Prisoner's Petition 06/26/96
Warden's Return of Writ.....07/26/96
Prisoner's Traverse.....10/15/97
Evidentiary Hearing 09/04/03
Decision 04/17/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/31/06
Prisoner's Brief 03/24/08
Warden's Brief 03/05/08
Oral Argument.....04/21/09
Decision 11/04/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....04/13/11
Brief in Opposition 06/07/11
Decision or Certiorari Denial 10/03/11

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/15/90, the Ohio Supreme Court affirmed Landrum's conviction and death sentence on direct appeal. On 04/17/06, the district court granted Landrum's petition for a writ of habeas corpus, vacating his conviction and death sentence, but on 11/04/10, the 6th Circuit reversed. On 12/04/12, the district court reopened Landrum's habeas case, but again denied habeas relief; the 6th Circuit affirmed on 02/12/16. On 02/13/17, the 6th Circuit dismissed Landrum's 10/03/12 successive habeas petition. On 06/14/17, the trial court denied Landrum's 01/12/17 motion for a new mitigation hearing based upon *Hurst v. Florida*; the court of appeals affirmed on 03/30/18, and the Ohio Supreme Court denied review on 08/15/18. On 01/14/19, the U.S. Supreme Court denied Landrum's petition for a writ of certiorari. Meanwhile, on 03/15/17, the Ohio Supreme Court denied Landrum's 01/12/17 motion for relief based upon *Hurst*, and the U.S. Supreme Court denied certiorari on 10/02/17. Meanwhile, on 10/20/16, the Ohio Supreme Court set Landrum's execution for 02/12/20. Landrum received reprieves on 09/01/17 until 12/09/21; and on 04/09/21 until 10/15/24.

Lang, Edward Lee

Summary of Crime: On 10/22/06, Lang and his accomplice, Antonio Walker, murdered local drug dealer, Jaron Burditte and his friend Marnell Cheek. Lang contacted Mr. Burditte by cell phone to set up a drug deal while Lang and Walker planned to rob Mr. Burditte at gunpoint. When Mr. Burditte arrived at the agreed upon location, Lang entered the vehicle alone and almost instantaneously shot Mr. Burditte and Ms. Cheek in the head with a 9mm pistol. (Lang received the death penalty only for the murder of Ms. Cheek.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....12/11/06
Sentence.....07/26/07

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/31/11
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 05/15/08
Trial Court Decision.....06/15/09
Court of Appeals Decision.....08/23/10
Supreme Court Decision 03/21/12
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/05/12

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Zouhary)
Prisoner's Petition 09/04/13
Warden's Return of Writ.....11/01/13
Prisoner's Traverse.....04/02/14
Evidentiary Hearing .....
Decision 03/27/15

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/24/15
Prisoner's Brief 04/11/17
Warden's Brief 06/12/17
Oral Argument.....03/06/18
Decision 05/11/18

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....09/26/18
Brief in Opposition 12/03/18
Decision or Certiorari Denial 01/07/19

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Lang's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/31/11, the Ohio Supreme Court affirmed Lang's conviction and death sentence on direct appeal. Meanwhile, on 06/15/09, the trial court denied Lang's postconviction petition; the court of appeals affirmed on 08/23/10. On 09/05/12, the Ohio Supreme Court denied Lang's 01/27/12 application to reopen his direct appeal. On 09/04/13, Lang filed a petition for a writ of habeas corpus, which was denied by the district court on 03/27/15. On 05/11/18, the 6th Circuit affirmed the denial of habeas relief. On 01/07/19, the U.S. Supreme Court denied Lang's petition for a writ of certiorari. On 04/11/22, Lang filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 04/20/22, the State filed a motion to dismiss; Lang responded on 05/23/22. On 09/23/22, the trial court denied the State's motion to dismiss. On 10/07/22, Lang filed an amended petition. On 12/06/22, the trial court appointed experts, and permitted testimony via video.

Lawson, Arron

Summary of Crime: On 10/11/17, Lawson murdered 24-year-old Stacey Holston, Stacey's 8-year old son, Devin Holston, Stacey's 43-year-old mother, Tammy McGuire, and Stacey's 50-year-old stepfather, Donald McGuire, and attempted to murder Stacey's husband, Todd Holston, in the Holstons' home. On the morning of the murders, Lawson entered the home via a window he previously opened, and waited for Todd to go to work and Devin to go to school. Lawson then shot Stacey three times with a shotgun, and raped her. Lawson, pretending to be Devin's father, called the school to have Devin ride the bus home, and waited, killing Devin when he arrived home. Tammy and Donald went to check on Stacey after Todd had not been able to reach her during the day. Lawson shot and killed Tammy and Donald when they entered. Upon arrival, Todd entered the house, and Lawson stabbed him several times, and then fled in the McGuires' truck. Todd survived and identified Lawson as his attacker. After a two-day manhunt, Lawson surrendered and confessed. (Lawson received the death penalty for all four murders.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/18/17
Sentence.....03/04/19

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/07/21
U.S. Supreme Court Review.....03/21/22

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/25/20
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/29/22

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Lawson's petition for postconviction relief and his postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 10/07/21, the Ohio Supreme Court affirmed Lawson's conviction and death sentence on direct appeal. The U.S. Supreme Court denied Lawson's petition for writ of certiorari 03/21/22. On 03/29/22, the Ohio Supreme Court denied Lawson's application to reopen his direct appeal. Meanwhile, on 11/25/20, Lawson filed in the trial court a petition for postconviction relief. On 12/22/20, the trial court granted the parties' joint motion to stay briefing on the petition until Lawson files his anticipated amendment. The trial court granted multiple extensions in 2021 and 2022. On April 12, 2022, Lawson filed a postconviction petition alleging he is ineligible for the death penalty due to serious mental illness. On 05/09/22, the court granted Lawson's 04/18/22 motion for a court appointed expert to pursue his serious mental illness claims.

Days From Death Sentence to 12/31/22: 1,398 **Inmate Number: A756-426**

Lindsey, Carl

Summary of Crime: On 02/10/97, at the request of co-defendant Joy Hoop, Lindsey murdered Joy's, husband 36-year-old Donald Ray Hoop, in a parking lot outside a Mt. Orab bar. Lindsey shot Mr. Hoop in the face while Mr. Hoop sat in his car. After Mr. Hoop got out of his car, Lindsey shot him again in the forehead and stole $1,257.00 from his wallet. (Joy Hoop was convicted of conspiracy to commit and complicity in the commission of the aggravated murder of her husband and was sentenced to 25 years to life.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/14/97
Sentence.....09/16/97

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/19/00
U.S. Supreme Court Review.....10/02/00

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/21/98
Trial Court Decision.....01/15/02
Court of Appeals Decision.....03/24/03
Supreme Court Decision 07/02/03
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Morrison)
Prisoner's Petition 10/10/03
Warden's Return of Writ.....11/10/03
Prisoner's Traverse.....02/02/04
Evidentiary Hearing .....
Decision 12/30/20

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/19/21
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision 02/13/23

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the denial of Lindsey's successive petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the 6th Circuit on the denial of Lindsey's habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 01/19/00, the Ohio Supreme Court affirmed Lindsey's conviction and death sentence on direct appeal. On 10/10/03, Lindsey filed a petition for a writ of habeas corpus in the district court. On 06/19/19, Lindsey's habeas case was reassigned to Judge Morrison. On 12/30/20, the district court denied Lindsey's habeas petition and denied a certificate of appealability. On 07/20/21, the district court denied Lindsey's 01/27/21 motion to alter or amend the judgment. On 08/19/21, Lindsey appealed to the 6th Circuit, and filed a motion for a certificate of appealability on 11/29/21. On 09/08/22, the court denied Lindsey's motion, and he requested *en banc* review. On 12/01/22, the 6th Circuit issued an amended order denying a certificate of appealability. (Note: On 02/13/23, the 6th Circuit denied Lindsey's renewed motion for *en banc* review.) Meanwhile, on 07/14/20, Lindsey filed in the trial court a successive petition for postconviction relief; on 03/23/21, the State filed a motion to dismiss; Lindsey responded on 08/03/21 and filed a motion for discovery and an evidentiary hearing. On 07/18/22, the trial court dismissed the petition. Lindsey appealed on 08/16/22, and filed his brief on 11/10/22. On 12/15/22, the court of appeals granted the state an extension to file the response brief.

Lorraine, Charles

Summary of Crime: On 05/06/86, Lorraine murdered 77-year-old Raymond Montgomery and 80-year-old Doris Montgomery in their home. The Montgomerys had hired Lorraine to perform tasks around their house. Lorraine stabbed Mr. Montgomery five times with a butcher knife and stabbed Mrs. Montgomery, who was bed-ridden, nine times. Lorraine stole their money and when he spent all of the money that day, he returned to the Montgomerys' house to steal again. (Lorraine received a death sentence for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/09/86
Sentence.....12/09/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/13/90
Supreme Court Decision 06/16/93
U.S. Supreme Court Review.....01/10/94

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/30/94
Trial Court Decision.....01/05/95
Court of Appeals Decision.....02/26/96
Supreme Court Decision 09/18/96
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dowd)
Prisoner's Petition 04/24/97
Warden's Return of Writ.....06/13/97
Prisoner's Traverse.....07/21/97
Evidentiary Hearing .....
Decision 03/30/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/27/01
Prisoner's Brief 10/26/01
Warden's Brief 10/29/01
Oral Argument.....05/02/02
Decision 05/23/02

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/14/02
Brief in Opposition 12/20/02
Decision or Certiorari Denial 03/31/03

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/16/93, the Ohio Supreme Court affirmed Lorraine's conviction and death sentence on direct appeal. On 05/23/02, the 6th Circuit reversed the district court's grant of habeas relief. On 10/01/03, the trial court denied Lorraine's 06/09/03 *Atkins* petition; the court of appeals reversed and remanded on 05/23/05. On 03/01/10, the trial court again denied Lorraine's *Atkins* postconviction petition. Meanwhile, on 03/01/11, the Ohio Supreme Court set Lorraine's execution for 01/18/12. On 01/11/12, the district court presiding over Lorraine's lethal injection suit stayed his execution. On 03/15/17, the Ohio Supreme Court denied Lorraine's 01/12/17 motion for relief based upon *Hurst v. Florida*. On 03/02/17, the trial court denied Lorraine's 01/11/17 motion for a new mitigation hearing based upon *Hurst*, which was affirmed by the court of appeals on 08/20/18; on 01/23/19, the Ohio Supreme Court denied Lorraine's appeal. The U.S. Supreme Court denied certiorari on 06/17/19. Meanwhile, on 03/09/18, the district court lifted the stay on Lorraine's execution. On 06/15/18, the Ohio Supreme Court set Lorraine's new execution date for 03/15/23. Lorraine received a reprieve on 11/10/22 until 05/13/26.

Lott, Gregory

Summary of Crime: Lott murdered 82-year-old John McGrath at his East Cleveland home. On 07/13/86, Lott broke into Mr. McGrath's home, doused him with flammable lamp oil, set him on fire, ransacked his home and then stole Mr. McGrath's car. Mr. McGrath died in the hospital on 07/23/86.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/08/86
Sentence.....07/29/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/27/89
Supreme Court Decision 06/06/90
U.S. Supreme Court Review.....12/10/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/06/91
Trial Court Decision.....09/28/93
Court of Appeals Decision.....11/03/94
Supreme Court Decision 03/15/95
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....04/15/94
Supreme Court Decision 09/07/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gwin)
Prisoner's Petition 05/04/04
Warden's Return of Writ.....06/24/04
Prisoner's Traverse.....07/29/04
Evidentiary Hearing 06/05/07
Decision 09/28/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/26/07
Prisoner's Brief 05/05/08
Warden's Brief 05/05/08
Oral Argument.....06/11/08
Decision 08/08/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/27/09
Brief in Opposition 03/27/09
Decision or Certiorari Denial 04/27/09

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Lott's motion for relief from judgment on his *Atkins* claims.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/06/90, the Ohio Supreme Court affirmed Lott's conviction and death sentence on direct appeal. On 09/28/07, the district court denied Lott's successive petition for a writ of habeas corpus, which was affirmed by the 6th Circuit on 08/08/08. Meanwhile, on 08/08/08, the 6th Circuit denied Lott's successive petition. On 04/01/13, the district court allowed Lott's attorneys to withdraw and appointed attorneys from the Federal Public Defenders Office of Eastern Tennessee to represent him. On 01/31/20, Lott filed in the trial court a motion for relief from judgment on the issue of intellectual disability; the State opposed on 12/21/20; Lott replied on 01/13/21. Meanwhile, on 02/20/20, the State filed a motion for Lott to submit to a psychological evaluation by the State's expert, which Lott opposed on 03/13/20. Several status conferences were held in 2022, and on 07/27/22, the trial court ordered Lott undergo a psychological evaluation. Meanwhile, on 08/17/12, the Ohio Supreme Court set Lott's execution date for 03/19/14. Lott received reprieves on 02/07/14 until 11/19/14; on 09/05/14 until 05/14/15; on 01/30/15 until 04/20/16; on 10/19/15 until 08/14/19; on 03/07/19 until 03/12/20; on 01/31/20 until 05/27/21; and on 12/18/20 until 02/15/24.

Loza, Jose

Summary of Crime: On 01/16/91, Loza murdered his girlfriend's mother, 46-year-old Georgia Davis, his girlfriend's brother, 25-year-old Gary Mullins, and his girlfriend's sisters, 20-year-old Cheryl Senteno and 17-year-old Jerri Jackson, who was six months pregnant at the time, in their Middletown home. Ms. Davis had threatened to have Loza arrested if he tried to leave Ohio with her daughter (his girlfriend), who was a minor. Loza shot each of the victims in the head at close range while they slept in the house. Loza confessed to police and told them the order in which he shot the victims. (Loza received the death penalty for Mr. Mullins, Ms. Senteno, and Ms. Jackson.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment....03/13/91
- Sentence....11/12/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision....04/19/93
- Supreme Court Decision....11/30/94
- U.S. Supreme Court Review....05/15/95

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court....11/27/95
- Trial Court Decision....09/24/96
- Court of Appeals Decision....10/13/97
- Supreme Court Decision....01/28/98
- U.S. Supreme Court Review....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Sargus)
- Prisoner's Petition....10/04/02
- Warden's Return of Writ....12/04/02
- Prisoner's Traverse....
- Evidentiary Hearing....
- Decision....03/31/10

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal....05/03/11
- Prisoner's Brief....01/12/12
- Warden's Brief....05/29/12
- Oral Argument....12/05/12
- Decision....09/02/14

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition....03/23/15
- Brief in Opposition....05/26/15
- Decision or Certiorari Denial....06/29/15

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 11/30/94, the Ohio Supreme Court affirmed Loza's conviction and death sentence on direct appeal. On 04/17/98, Loza filed a petition for a writ of habeas corpus in the district court, which he amended on 10/04/02. On 02/27/06, the district court ordered the parties to supplement the record. On 03/31/10, the district court denied Loza's motion for an evidentiary hearing and dismissed his habeas petition. On 04/28/10, Loza filed a motion to alter and amend judgment, which the district court denied on 03/29/11. On 09/02/14, the 6th Circuit affirmed the denial of habeas relief. On 06/29/15, the U.S. Supreme Court denied Loza's petition for a writ of certiorari. On 11/10/15, the Ohio Supreme Court denied the State's motion to set an execution date.

Mack, Clarence

Summary of Crime: On 01/21/91, Mack murdered 59-year-old Peter Sanelli in a parking lot on Prospect Avenue in Cleveland. Mr. Sanelli was in his car when Mack and two accomplices, Thomas Sowell and Reginald Germany, carjacked Mr. Sanelli. Mack shot through the car window at Mr. Sanelli three times, killing him, and then pulled Mr. Sanelli's body out of the car and left him in the parking lot. Mack admitted to shooting Mr. Sanelli because Mr. Sanelli tried to lock his car door.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/05/91
Sentence.....08/01/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/02/93
Supreme Court Decision 08/30/95
U.S. Supreme Court Review.....01/22/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/02/96
Trial Court Decision.....09/10/96
Court of Appeals Decision.....10/26/00
Supreme Court Decision 03/07/01
U.S. Supreme Court Review.....10/01/01

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....05/19/03
Supreme Court Decision 04/14/04

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
Prisoner's Petition 12/15/04
Warden's Return of Writ.....02/14/05
Prisoner's Traverse.....05/16/05
Evidentiary Hearing 06/28/10
Decision 09/30/21

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/10/22
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the 6th Circuit on Mack's appeal from the denial of his petition for a writ of habeas corpus.

NOTES

On 08/30/95, the Ohio Supreme Court affirmed Mack's conviction and death sentence on direct appeal. On 12/15/04, Mack filed a petition for a writ of habeas corpus in the district court. Following a 6-day evidentiary hearing, the district court stayed the case on 11/23/11 to allow Mack to exhaust claims in state court. On 12/21/11, Mack filed a successive petition for postconviction relief in the trial court, which was denied on 03/19/14 following an evidentiary hearing; the court of appeals affirmed on 06/04/15. On 02/22/17, the Ohio Supreme Court remanded the case to the court of appeals for further proceedings. On 01/25/18, the court of appeals again affirmed the trial court's denial of relief, and the Ohio Supreme Court denied Mack's appeal on 06/06/18. Mack filed an amended habeas petition on 04/19/19, the Warden filed a return of writ on 08/05/19, and Mack filed his traverse on 01/02/20. On 09/30/21, the district court denied Mack's amended habeas petition; and on 02/23/22, the court denied his 10/27/21 motion to alter or amend the judgement. On 03/10/22, Mack filed a notice of appeal the 6th Circuit. On 11/03/22, the court of appeals granted an expansion of the certificate of appealability. On 12/12/22, the court of appeals granted Mack an extension of time to file his brief.

Madison, Michael

Summary of Crime: Between October 2012 and July 2013, Michael Madison murdered three women: 28-year-old Shetisha Sheeley, 38-year-old Angela Deskins, and 18-year-old Shirellda Terry. Madison lured each victim to his apartment in East Cleveland, strangled them to death, and wrapped their bodies in multiple layers of garbage bags before disposing of them near his apartment. Madison later confessed to killing Ms. Sheeley and to moving Ms. Terry's body out of his apartment. (Madison received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/28/13
Sentence.....06/08/16

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/21/20
U.S. Supreme Court Review.....05/03/21

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/09/18
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/02/21

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Madison's petition for postconviction relief and his postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/21/20, the Ohio Supreme Court affirmed Madison's conviction and death sentence on direct appeal, despite vacating two kidnapping convictions and the corresponding death specifications. On 09/29/20, the Ohio Supreme Court denied Madison's motion for reconsideration, and on 03/02/21, the Ohio Supreme Court denied Madison's 12/21/20 application to reopen his direct appeal. On 05/03/21, the U.S. Supreme Court denied Madison's 02/22/21 certiorari petition. Meanwhile, on 11/27/17, Madison requested discovery in the trial court for the purposes of his petition for postconviction relief. On 01/17/18, the trial court granted Madison's discovery request. Madison filed his postconviction petition on 07/09/18. In 2019, 2020, and 2021, multiple revised scheduling orders were issued. On 04/11/22, Madison filed a postconviction petition in the trial court alleging that he is ineligible for the death penalty due to serious mental illness. On 04/19/22, the State requested an extension of time to file a response and a motion requesting a court ordered evaluation of Madison. On 07/15/22, Madison filed an unopposed motion to stay the proceedings. On 07/26/22, a status conference was held, at which time the court granted the stay and granted the State's motion to have Madison undergo an evaluation by a court-appointed examiner.

Mammone III, James

Summary of Crime: On 06/08/09, Mammone murdered his two children, 5-year-old Macy Mammone and 3-year-old James Mammone IV, by stabbing the children as they were strapped in the car seats of Mammone's vehicle. Mammone then went to the home of his ex-wife's parents, where he murdered his ex-mother-in-law, 57-year-old Margaret J. Eakin, by shooting and brutally beating her. Mammone proceeded to his ex-wife's home and forcefully entered with the intent of breaking both her ankles and rendering her barren using an axe handle with several protruding nails in one end. After learning his ex-wife was not alone, Mammone left the home and set fire to her companion's truck with the use of an accelerant. Mammone then drove around with his deceased children in his vehicle before being apprehended hours later. (Mammone received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/17/09
Sentence.....02/16/10

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/14/14
U.S. Supreme Court Review.....01/12/15

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/27/11
Trial Court Decision.....12/14/11
Court of Appeals Decision.....08/06/12
Supreme Court Decision 01/28/15
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/10/16

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Carr)
Prisoner's Petition 02/10/17
Warden's Return of Writ.....01/30/18
Prisoner's Traverse.....07/02/18
Evidentiary Hearing .....
Decision 10/09/19

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 01/16/20
Prisoner's Brief 10/01/21
Warden's Brief 11/30/21
Oral Argument.....07/19/22
Decision 09/21/22

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....02/16/23
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Mammone's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the U.S. Supreme Court on Mammone's petition for writ of certiorari. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 05/14/14, the Ohio Supreme Court affirmed Mammone's conviction and death sentence on direct appeal. On 02/10/17, Mammone filed a petition for a writ of habeas corpus. On 10/09/19, the district court denied Mammone's motion for discovery and his habeas petition. On 01/16/20, Mammone appealed to the 6th Circuit. On 04/05/21, the 6th Circuit granted Mammone's 07/29/20 application to expand the certificate of appealability to include an additional claim. On 09/21/22, the court affirmed the denial of habeas relief. (Note: Mammone filed a petition for a writ of certiorari on 02/16/23.) Meanwhile, on 03/30/22, Mammone filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 08/12/22, the trial court denied the State's 04/11/22 motion to dismiss. On 11/01/22, the State filed a motion seeking an independent mental examination; Mammone opposed on 11/14/22. Mammone filed supplemental authority concerning his opposition on 12/12/22. (Note: On 01/25/23, the trial court granted the State's motion for an independent mental examination.)

Days From Death Sentence to 12/31/22: 4,701 **Inmate Number: A581-111**

Martin, David

Summary of Crime: On 09/27/12, Martin murdered 21-year-old Jeremy Cole and attempted to murder 30-year-old Melissa Putnam in Putnam's Warren, Ohio home. Martin stole Mr. Cole's cell phone, restrained him, and then shot him between the eyes at close range. Then in another room, Martin shot Ms. Putnam, but somehow she was able to shield her head; the bullet passed through her hand and lodged in the back of her head. Martin confessed to committing these crimes.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....10/24/12
Sentence.....09/24/14

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/13/17
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 03/22/16
Trial Court Decision.....01/19/17
Court of Appeals Decision.....08/13/18
Supreme Court Decision 12/26/18
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Boyko)
Prisoner's Petition 05/12/20
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Martin's successive *Atkins* postconviction petition.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Martin's petition for a writ of habeas corpus, which is stayed pending exhaustion of claims in state court.

NOTES

On 09/13/17, the Ohio Supreme Court affirmed Martin's conviction and death sentence on direct appeal. On 01/19/17, the trial court denied Martin's 03/22/16 postconviction relief petition; the court of appeals affirmed on 08/13/18; and the Ohio Supreme Court denied review on 12/26/18. On 05/12/20, Martin filed with the district court a petition for a writ of habeas corpus. On 10/05/21, the Court granted the parties' 09/24/21 joint motion for a time extension. On 10/31/21, Martin filed an amended habeas petition. On 12/28/21, the Court granted Martin's 12/17/21 motion to stay proceedings while he exhausted his intellectual disability claims in state court. On 03/29/22, Martin filed in the trial court a successive postconviction petition alleging his execution is barred due to intellectual disability. The State filed a motion to dismiss the petition on 09/29/22, and Martin responded on 11/01/22.

Maxwell, Charles

Summary of Crime: On 11/27/05, Maxwell murdered his ex-girlfriend, 36-year-old Nichole McCorkle, in Cleveland. Four days before the murder Ms. McCorkle had testified before the grand jury that Maxwell had beat her, resulting in hospitalization. Initially Maxwell argued with, and then shot at, Ms. McCorkle's sister who was trying to protect Ms. McCorkle, but she was able to escape unharmed. In retaliation for the testimony, Maxwell then shot Ms. McCorkle twice as their 3-year-old daughter watched.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/04/06
Sentence.....03/21/07

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/20/14
U.S. Supreme Court Review.....02/23/15

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/11/08
Trial Court Decision.....09/04/18
Court of Appeals Decision.....05/21/20
Supreme Court Decision 10/27/20
U.S. Supreme Court Review.....04/05/21

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/24/16

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Lioi)
Prisoner's Petition 10/27/21
Warden's Return of Writ.....11/28/22
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Maxwell's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Maxwell's petition for a writ of habeas corpus.

NOTES

On 03/20/14, the Ohio Supreme Court affirmed Maxwell's conviction and death sentence on direct appeal. On 09/08/16, the trial court denied Maxwell's 08/11/08 postconviction petition, and issued findings of facts and conclusions of law on 09/04/18. On 05/21/20, the court of appeals affirmed; on 10/27/20, the Ohio Supreme Court declined review; and on 04/05/21, the U.S. Supreme Court denied certiorari. On 10/27/21, Maxwell filed in the district court a petition for a writ of habeas corpus. On 05/25/22, Maxwell filed a motion to stay the federal habeas proceedings pending litigation in state court; the Warden opposed on 05/25/22; and the court denied the motion to stay on 10/28/22. On 11/28/22, the Warden filed a return of writ. (Note: On 01/18/23, Maxwell requested an extension of time to file his traverse, which the court granted on 01/19/23). Meanwhile, on 04/11/22, Maxwell filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 04/21/22, the State filed a motion to compel a mental evaluation of Maxwell and requested an extension of time to file a response. On 10/25/22, Maxwell filed an amended petition, and on 12/29/22, he opposed the State's motion for additional mental examination.

McAlpin, Joseph

Summary of Crime: On 04/14/17, McAlpin murdered 50-year-old Michael Kuznik and his wife, 46-year-old Trina Tomola-Kuznik. McAlpin entered the Kuzniks' Cleveland-area used car dealership, Mr. Cars II, where he shot Michael twice in the head before shooting Trina in the back of the head as she attempted to run away; he also killed the couple's dog. McAlpin then stole money from Michael's back pockets, ransacked the business, rendezvoused with his accomplices, Jerome Diggs and Andrew Keener, stole two used cars from the lot, and drove away. (McAlpin received the death penalty for killing both Michael and Trina.) (Keener pleaded guilty to involuntary manslaughter; charges against Diggs were dismissed.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....11/20/17
Sentence.....06/05/19

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 11/04/20
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/17/23

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the court of appeals on the denial of McAlpin's motion for a new trial; Pending in the trial court on his petition for postconviction relief and 3rd motion for new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 05/12/22, the Ohio Supreme Court affirmed McAlpin's conviction and death sentence on direct appeal. On 05/23/22, McAlpin filed a motion for reconsideration, which the court denied on 07/19/22. On 10/17/22, McAlpin filed an application to reopen the direct appeal. (Note: On 01/17/23, the Ohio Supreme Court denied the application). Meanwhile, on 06/05/19 and 05/25/21, the trial court denied McAlpin's two *pro se* motions for a new trial. The court of appeals denied McAlpin's *pro se* appeal as to his first motion for new trial on 07/21/21. On 09/08/21, McAlpin filed a *pro se* delayed appeal as to his second motion for new trial; on 12/06/21, the court of appeals stayed the case pending completion of McAlpin's direct appeal, and reactivated the case on 08/21/22. (Note: On 02/22/23, the court of appeals issued a briefing schedule.) Meanwhile, on 02/18/20, McAlpin filed a third *pro se* motion for a new trial, which he supplemented on 04/27/20 and 01/22/21. On 11/04/20, McAlpin filed in the trial court a petition for postconviction relief, which he amended on 08/02/21. On 10/29/21, McAlpin renewed his motion for discovery. On 04/26/22, the state filed a motion to temporarily stay the postconviction proceedings and issue a briefing schedule.

Days From Death Sentence to 12/31/22: 1,305 **Inmate Number: A762-464**

McKelton, Calvin S.

Summary of Crime: On 02/27/09, McKelton murdered 27-year-old Germaine Lamar Evans. In 2008, McKelton and Mr. Evans were at the home of Attorney Margaret "Missy" Allen in Fairfield. McKelton and Ms. Allen, who were in an on-again/off-again relationship, had an argument and McKelton strangled Ms. Allen. Mr. Evans was present at the time and drove with McKelton to Cincinnati, where they dumped Ms. Allen's body. Police learned Mr. Evans may have witnessed the Allen homicide and attempted to contact him. Within days of these attempts, McKelton fatally shot Mr. Evans in the back of the head to prevent him from testifying as a witness against McKelton in Ms. Allen's homicide. (McKelton only received a death sentence for Mr. Evans' murder.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/01/10
Sentence.....11/04/10

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/13/16
U.S. Supreme Court Review.....04/17/17

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/28/11
Trial Court Decision.....01/30/15
Court of Appeals Decision.....10/12/15
Supreme Court Decision 01/25/17
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/20/17

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 12/18/18
Warden's Return of Writ.....11/20/19
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on McKelton's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on McKelton's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 09/13/16, the Ohio Supreme Court affirmed McKelton's conviction and death sentence on direct appeal. Meanwhile, on 01/30/15, the trial court denied McKelton's postconviction petition, which was affirmed by the court of appeals on 10/12/15. On 10/16/15, the trial court denied McKelton's 10/14/15 successive postconviction petition; the court of appeals affirmed on 05/31/16. On 12/18/18, McKelton filed a petition for a writ of habeas corpus in district court. On 11/20/19, the Warden filed a return of writ. During 2020 and 2021, the district court granted several extensions of time for McKelton to file a motion for discovery. On 02/23/22, McKelton filed an unopposed motion to amend and correct his petition for habeas corpus. On 03/09/22, McKelton filed a motion to stay his habeas case pending state court litigation; the Warden opposed on 03/30/22; and the court denied the motion on 06/23/22. On 08/22/22. McKelton filed a motion for discovery; the Warden opposed on 10/21/22. Meanwhile, on 04/11/22, McKelton filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 10/06/22 and 12/12/22, the trial court granted McKelton extensions of time to amend his serious mental illness petition.

McKnight, Gregory

Summary of Crime: On 11/03/00, McKnight murdered 20-year-old Emily Murray near his trailer home in Ray. Ms. Murray worked with McKnight at a restaurant near Kenyon College, where she was a student. McKnight kidnapped Ms. Murray, shot her in the head, and wrapped her body inside a roll of carpet. McKnight was also convicted and received a life sentence for murdering his friend, 20-year-old Gregory Julious, whose skeletal remains were found in several locations around the trailer.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/11/01
Sentence.....11/01/02

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/30/05
U.S. Supreme Court Review.....06/26/06

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/09/04
Trial Court Decision.....02/28/06
Court of Appeals Decision.....05/19/08
Supreme Court Decision 10/15/08
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/07/06

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
Prisoner's Petition 10/14/09
Warden's Return of Writ.....03/01/10
Prisoner's Traverse.....08/05/10
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on remand regarding McKnight's motion for leave to file a motion for new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on McKnight's petition for a writ of habeas corpus.

NOTES

On 11/30/05, the Ohio Supreme Court affirmed McKnight's conviction and death sentence on direct appeal. On 10/14/09, McKnight filed a petition for a writ of habeas corpus in the district court. On 07/13/18, the court denied McKnight's motion to amend his petition, and on 11/28/18, the court denied his motions for a stay, for discovery, and for federally appointed counsel to represent him in new state court litigation. On 04/11/19, the district court denied McKnight's 09/18/18 renewed motion for an evidentiary hearing. On 09/14/20, the magistrate judge recommended McKnight's habeas petition be denied. McKnight objected on 10/04/21. On 01/28/22 the Warden responded to McKnight's objections. Meanwhile, on 02/27/20, the trial court denied McKnight's 04/01/19 motion for leave to file a motion for new trial. On 08/03/21, the court of appeals reversed and ordered the trial court to conduct an evidentiary hearing on the motion for leave to file a motion for new trial. On 09/17/21, the State appealed to the Ohio Supreme Court; on 10/18/21, McKnight responded and cross-appealed; the State responded to the cross-appeal on 11/16/21. On 03/15/22, the Ohio Supreme Court declined to hear both the appeal and the cross-appeal.

McNeill, Freddie

Summary of Crime: On 05/13/94, McNeill murdered 30-year-old Blake Fulton in Lorain. Mr. Fulton and an associate attempted to purchase drugs from McNeill. McNeill demanded money without producing the drugs. When Mr. Fulton refused to comply, McNeill shot him in the head.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/24/94
Sentence.....05/12/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/10/97
Supreme Court Decision 10/28/98
U.S. Supreme Court Review.....05/24/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....02/08/01
Court of Appeals Decision.....08/22/01
Supreme Court Decision 12/05/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....08/05/97
Supreme Court Decision 10/28/98

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Polster)
Prisoner's Petition 12/04/02
Warden's Return of Writ.....02/03/03
Prisoner's Traverse.....07/01/03
Evidentiary Hearing .....
Decision 08/26/19

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/04/19
Prisoner's Brief 10/16/20
Warden's Brief 12/15/20
Oral Argument.....05/20/21
Decision 08/20/21

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/17/21
Brief in Opposition 02/11/22
Decision or Certiorari Denial 03/21/22

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 10/28/98, the Ohio Supreme Court affirmed McNeill's conviction and death sentence on direct appeal. On 12/04/02, McNeill filed a petition for a writ of habeas corpus in the district court. On 07/30/12, the district court stayed the case pending completion of state court proceedings. On 09/23/12, McNeill filed a motion for a new trial in the trial court, which was denied on 03/23/15; the court of appeals affirmed on 08/24/16. On 08/25/17, the district court reactivated McNeill's habeas case. On 07/09/18, over the Warden's objections, the district court permitted McNeill to amend his habeas petition and to expand the record. McNeill filed his amended petition on 09/06/18, the Warden filed an amended return of writ on 11/13/18, and McNeill filed his amended traverse on 02/01/19. On 08/26/19, the district court denied McNeill's habeas petition. On 09/04/19, McNeill filed a notice of appeal to the 6th Circuit. On 05/19/20, the court construed McNeill's 02/21/20 motion to remand as an application for permission to file a successive petition, which it denied. On 08/20/21, the 6th Circuit affirmed the denial of habeas relief. On 09/22/21, the 6th Circuit denied McNeill's 09/03/21 petition for *en banc* rehearing. On 12/17/21, McNeill filed a petition for a writ of certiorari in the U.S. Supreme Court; the Warden responded on 02/11/22; and McNeill replied on 02/22/22. On 03/21/22, the Supreme Court denied McNeill's certiorari petition. On 07/07/22, McNeill filed a motion in the trial court seeking postconviction DNA testing, but he voluntarily withdrew the motion on 08/25/22.

Monroe, Jonathon D.

Summary of Crime: On 04/17/96, Monroe murdered 31-year-old Travinna Simmons and 33-year-old Deccarla Quincy in Quincy's Columbus apartment. Monroe and an accomplice, Shannon Boyd, believed that Ms. Simmons and Ms. Quincy had access to large amounts of drugs and money. Monroe forced Boyd to bind the women. Monroe then stabbed and shot each of the women in the head. At the time of his trial, Monroe was already serving a life sentence for an unrelated 1999 murder conviction. (Monroe received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....04/11/01
Sentence.....11/07/02

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/25/05
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 09/26/03
Trial Court Decision.....06/01/04
Court of Appeals Decision.....09/30/05
Supreme Court Decision 03/29/06
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/10/06

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Morrison)
Prisoner's Petition 03/27/07
Warden's Return of Writ.....12/11/11
Prisoner's Traverse.....05/18/12
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Monroe's successive petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Monroe's petition for a writ of habeas corpus, which is stayed pending state court litigation. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 05/25/05, the Ohio Supreme Court affirmed Monroe's conviction and death sentence on direct appeal. On 06/17/10, Monroe filed a successive petition for postconviction relief, which the trial court denied on 03/22/13. Meanwhile, on 03/27/07, Monroe filed a petition for a writ of habeas corpus in the district court, which he amended on 04/01/16. On 09/30/16, the district court denied Monroe's motion to reconsider defaulted claims. On 06/20/19, Monroe's habeas case was reassigned to Judge Morrison. On 11/02/20, the district court overruled the Warden's objections and granted Monroe's motion to stay his habeas case to permit him to litigate claims in state court. On 08/25/22, the court ordered the parties to submit a written status report, which was filed on 09/20/22; on 10/03/22, the court ordered the parties to file another status report by 06/01/23. Meanwhile, on 12/29/17, Monroe filed a successive postconviction petition in the trial court, which the State moved to dismiss on 04/06/18. On 09/29/18, Monroe responded and sought discovery; the State opposed on 12/05/18; Monroe replied on 01/10/19. On 02/07/21, the trial court dismissed Monroe's ineffective assistance of counsel claims, but granted him an evidentiary hearing on the *Brady* claims contained in his successive postconviction relief petition. On 10/14/22, the trial court ordered the parties to attempt to agree on a schedule for depositions, and to submit such agreement to the court. On 11/17/22, the trial court scheduled a status conference in May 2023.

Days From Death Sentence to 12/31/22: 7,359 **Inmate Number: A383-816**

Montgomery, Caron E.

Summary of Crime: On 11/25/10, Montgomery murdered his former girlfriend, Tia Hendricks; their 2-year-old son, Tyron Hendricks; and her 10-year-old daughter, Tahlia Hendricks by slitting their throats in their Columbus apartment. Montgomery was found in the apartment by police who had responded to Tia's 911 call. Montgomery pleaded guilty to the charges and specifications contained in the indictment. (Montgomery received a death sentence for the aggravated murders of Tahlia and Tyron.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....12/07/10
Sentence.....

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/24/16
U.S. Supreme Court Review.....05/01/17

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 04/09/13
Trial Court Decision.....12/02/13
Court of Appeals Decision.....12/30/14
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/27/17

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending resentencing in the trial court; Pending in the trial court on Montgomery's postconviction petition and motion to exclude the death penalty due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 08/24/16, the Ohio Supreme Court affirmed Montgomery's conviction and death sentence on direct appeal. Meanwhile, on 12/02/13, the trial court denied, without an evidentiary hearing, Montgomery's 04/09/13 petition for postconviction relief. On 12/30/14, the court of appeals remanded the case back to the trial court for the purpose of conducting an evidentiary hearing. The Ohio Supreme Court denied the State's appeal on 12/28/16. Between 08/21/17 and 09/05/17, the trial court held the ordered evidentiary hearing, and on 12/31/18, ordered Montgomery to receive a new mitigation phase trial. On 01/17/19, the State appealed; and on 01/31/19, Montgomery cross-appealed. On 12/08/20, the court of appeals affirmed the trial court's decision and remanded the case for a new mitigation phase trial. On 04/11/22, Montgomery filed a postconviction petition in the trial court alleging that he is ineligible for the death penalty due to serious mental illness and a motion to exclude the death penalty due to his serious mental illness. On 10/17/22, the trial court granted Montgomery's 09/15/22 request for funds to pay experts. On 11/01/22, the court granted the State an extension of time to file a response to the postconviction petition.

Moore, Lee

Summary of Crime: On 01/14/94, Moore murdered 53-year-old Melvin Olinger in Cincinnati. Mr. Olinger was a Chicago businessman, visiting Ohio to see his parents and to attend a friend's funeral. Moore and an accomplice abducted Mr. Olinger at gunpoint, forced him into the trunk of his car and drove to a factory area. Moore ordered Mr. Olinger out of the trunk, robbed him of his wallet and shot him in the head at close range. Moore later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/27/94
Sentence.....12/14/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....06/26/96
Supreme Court Decision 02/04/98
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....11/20/96
Court of Appeals Decision.....09/18/98
Supreme Court Decision 01/20/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....03/20/01
Supreme Court Decision 12/19/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
Prisoner's Petition 01/18/00
Warden's Return of Writ.....07/17/00
Prisoner's Traverse.....11/12/02
Evidentiary Hearing .....
Decision 01/18/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/11/08
Prisoner's Brief 02/19/10
Warden's Brief 11/16/09
Oral Argument.....04/20/11
Decision 02/26/13

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....09/20/13
Brief in Opposition 10/24/13
Decision or Certiorari Denial 12/02/13

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 02/04/98, the Ohio Supreme Court affirmed Moore's conviction and death sentence on direct appeal. On 01/18/08, the district court granted Moore's petition for a writ of habeas corpus. On 02/26/13, the 6th Circuit reversed and denied Moore habeas relief. On 12/02/13, the U.S. Supreme Court denied Moore's petition for a writ of certiorari. On 03/09/15, the district court dismissed Moore's 01/15/14 motion for relief from judgment, and on 02/15/17, the 6th Circuit affirmed. On 01/08/18, the U.S. Supreme Court denied Moore's petition for a writ of certiorari. On 01/12/18, Moore filed in the Ohio Supreme Court, a motion for relief based upon *Hurst v. Florida* which was denied on 03/14/18; the U.S. Supreme Court denied certiorari on 10/01/18.

Moreland, Samuel

Summary of Crime: On 11/01/85, Moreland murdered his girlfriend, 46-year-old Glenna Green, her daughter, 23-year-old Lana Green, and her grandchildren, 7-year-old Daytrin Talbott, 6-year-old Datwan Talbott and 6-year-old Violana Green, in their Dayton home. Angry because Glenna would not give him money to buy beer, Moreland shot Glenna, Lana and Violana in their heads and pistol-whipped Daytrin and Datwan to death. Moreland was also convicted of attempted murder for shooting and pistol-whipping Glenna's other three grandchildren who were also in the house. (Moreland received the death penalty for all five slain victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/08/85
Sentence.....05/05/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/16/88
Supreme Court Decision 04/04/90
U.S. Supreme Court Review.....10/01/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/30/91
Trial Court Decision.....12/22/03
Court of Appeals Decision.....10/08/04
Supreme Court Decision 03/02/05
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rose)
Prisoner's Petition 09/30/05
Warden's Return of Writ.....01/09/06
Prisoner's Traverse.....04/17/06
Evidentiary Hearing 10/03/07
Decision 04/10/09

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/05/09
Prisoner's Brief 06/23/11
Warden's Brief 09/22/11
Oral Argument.....04/18/12
Decision 11/15/12

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....05/17/13
Brief in Opposition 07/22/13
Decision or Certiorari Denial 10/07/13

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Moreland's successive postconviction petition due to serious mental illness and motion to preclude execution due to incompetency.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 04/04/90, the Ohio Supreme Court affirmed Moreland's conviction and death sentence on direct appeal. On 04/10/09, the district court denied Moreland's petition for a writ of habeas corpus. On 07/13/12, Moreland filed a motion in the trial court for DNA testing. On 06/27/13, the State filed notice of DNA results. On 07/10/14, the trial court granted Moreland's 02/17/14 motion for additional DNA testing. On 11/16/20, the State filed a notice of DNA results. On 08/18/21, the Ohio Supreme Court set Moreland's execution date for 07/30/25. On 04/11/22, Moreland filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness, a motion to stay the case due to his incompetence, and a motion to preclude his execution due to incompetency. On 04/28/22, the State responded to the postconviction petition, and opposed the stay request on 05/03/22. On 06/24/22, the trial court ordered a competency examination, based in part on Moreland's counsel's representation that it was unclear if Moreland wanted to proceed on the SMI claim or if he was incompetent to make such a waiver. On 10/11/22, Moreland filed an amended SMI postconviction petition; the State filed an answer on 10/31/22.

Mundt, Frederick

Summary of Crime: On 03/09/04, Mundt murdered his girlfriend's daughter, 7-year-old Brittany Hendrickson, in a well in Noble County. Brittany had been living with Mundt in his home in Lebanon for the past five years, along with her mother and siblings. When Mundt was babysitting Brittany, he raped Brittany, beat her about the head, face and body with rocks and concrete and drowned her in a covered well. DNA testing identified Mundt as the source of semen found in Brittany's vagina and panties. Mundt confessed his involvement to his psychologist and mitigation specialist before trial.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/22/04
Sentence.....12/16/04

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/03/07
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/02/06
Trial Court Decision.....08/23/13
Court of Appeals Decision.....06/30/16
Supreme Court Decision 06/21/17
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/09/08

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Barrett)
Prisoner's Petition 06/21/18
Warden's Return of Writ.....08/14/18
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Mundt's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Mundt's petition for a writ of habeas corpus.

NOTES

On 10/03/07, the Ohio Supreme Court affirmed Mundt's conviction and death sentence on direct appeal. On 10/04/10, the trial court granted Mundt's motion for brain scans, but denied his postconviction petition on 08/23/13. On 06/21/18, Mundt filed a petition for a writ of habeas corpus. On 09/16/19, and 06/29/22, the district court denied Mundt's 08/14/18 and 04/12/22 motions to stay his case to go back to state court. On 10/20/22, the court issued a show cause order; the Warden responded on 10/20/22, and Mundt responded on 11/03/22. Meanwhile, on 03/09/20, Mundt filed in the trial court a motion for relief from judgment based upon his alleged intellectual disability, which he voluntarily dismissed on 01/14/22. On 04/05/22, Mundt filed in the trial court a postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 10/31/22, the State filed a motion for the appointment of an expert; Mundt opposed on 11/07/22; the State replied the same day; and Mundt filed a sur-reply on 11/10/22. On 12/16/22, the court granted the State's motion. (Note: On 02/01/23, the trial court issued a more detailed order granting the State's motion; Mundt filed a notice of appeal on 02/21/23.)

Myers, Austin

Summary of Crime: On 01/28/14, Myers and co-defendant Timothy Mosley murdered 18-year-old Justin Back, a childhood friend of Myers, in his Wayne Township home. Myers and Mosley conspired to rob and murder Mr. Back, purchasing wire, ammonia, latex gloves, and septic tank enzymes. The pair went to Mr. Back's home where Mosley unsuccessfully attempted to strangle Mr. Back; he instead repeatedly stabbed him to death while Myers restrained him. After stealing multiple items from the house, including a handgun, the pair cleaned the crime scene and placed Mr. Back's body in the trunk of Mosley's car. They disposed of Mr. Back's body in a neighboring county after shooting him with the stolen handgun and pouring the septic tank enzymes on him to further decomposition. (Mosley entered a plea and received a life sentence without the possibility of parole.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....02/24/14
Sentence.....10/16/14

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/17/18
U.S. Supreme Court Review.....01/07/19

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 11/10/16
Trial Court Decision.....06/27/19
Court of Appeals Decision.....03/08/21
Supreme Court Decision 08/17/21
U.S. Supreme Court Review.....01/18/22

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/23/19

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on remand on Myers' petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 05/17/18, the Ohio Supreme Court affirmed Myers' conviction and death sentence on direct appeal. On 06/27/19, the trial court dismissed Myers' 11/10/16 postconviction relief petition without a hearing or discovery. On 03/08/21, the court of appeals affirmed, in part, but remanded the case to the trial court for further proceedings. On 04/13/21, the Ohio Supreme Court stayed the trial court proceedings; and on 08/17/21, the Ohio Supreme Court denied Myers' appeal. On 11/10/21, Myers filed in the U.S. Supreme Court a petition for writ of certiorari; the State responded on 12/14/21. On 01/18/22, the U.S. Supreme Court denied Myers' certiorari petition. On 11/30/22, Myers the filed in the trial court a motion for funding for experts, which the trial court denied on 12/28/22. (Note: On 01/05/23, Myers filed a motion to reconsider; the state responded on 01/12/23; and on 01/25/23, Myers filed a notice of appeal).

Myers, David

Summary of Crime: On 08/04/88, Myers murdered 18-year-old Amanda Maher on a segment of railroad tracks in Xenia. Ms. Maher had met Myers at a bar, and Myers agreed to take her home. Myers robbed Ms. Maher, sexually assaulted her, and drove a railroad spike through her head. While awaiting trial, Myers bragged to a fellow jail inmate about how he murdered Ms. Maher.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....02/04/93
- Sentence.....03/14/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....02/12/99
- Supreme Court Decision 12/13/02
- U.S. Supreme Court Review.....06/02/03

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 09/17/99
- Trial Court Decision.....03/16/00
- Court of Appeals Decision.....08/17/01
- Supreme Court Decision 01/29/03
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....12/01/03
- Supreme Court Decision 06/30/04

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
- Prisoner's Petition 05/21/04
- Warden's Return of Writ.....11/30/15
- Prisoner's Traverse.....03/24/16
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Myers' petition for a writ of habeas corpus.

NOTES

On 12/13/02, the Ohio Supreme Court affirmed Myers' conviction and death sentence on direct appeal. On 05/21/04, Myers filed a petition for a writ of habeas corpus in the district court. On 08/31/15, Myers filed an amended petition; the Warden responded on 11/30/15. On 03/24/16, Myers filed his reply. On 05/26/16, Myers filed in the Ohio Supreme Court a motion for relief based on *Hurst v. Florida*, which the court denied on 11/09/16. On 09/12/17, the district court denied Myers' motion to amend his habeas petition to include claims based upon *Hurst*. Meanwhile, on 03/08/17, Myers renewed his request to amend his lethal injection claims which the district court denied on 09/12/17. On 03/29/19, Myers requested the district court grant him permission to conduct new DNA testing on 22 items of evidence. On 02/11/20, the district court granted Myers' request to conduct DNA testing of the requested items, and ordered the parties to determine the location and status of the evidence, as well as propose laboratories to conduct the testing. On 07/21/20, the court issued a revised testing order. On 06/28/22, Myers filed a status report updating the court on the progress of the DNA testing.

Neyland, Calvin

Summary of Crime: On 08/08/07, Neyland shot and killed his boss, 44-year-old Douglas Smith, multiple times in the head and chest in Perrysburg. Mr. Smith had just fired Neyland. Neyland proceeded to the parking lot where he then shot and killed former trooper, 58-year-old Thomas Lazer, who had been dispatched to the scene. (Neyland received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....08/29/07
Sentence.....11/14/08

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/08/14
U.S. Supreme Court Review.....03/09/15

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 04/16/10
Trial Court Decision.....03/01/12
Court of Appeals Decision.....07/12/13
Supreme Court Decision 06/24/15
U.S. Supreme Court Review.....11/30/15

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/24/16

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Adams)
Prisoner's Petition 02/23/17
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Neyland's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Neyland's petition for a writ of habeas corpus.

NOTES

On 05/08/14, the Ohio Supreme Court affirmed Neyland's conviction and death sentence on direct appeal. On 03/01/12, the trial court denied Neyland's 04/16/10 postconviction petition; the court of appeals affirmed on 07/12/13. On 02/23/17, Neyland filed a petition for a writ of habeas corpus. On 01/08/18, the district court granted Neyland's motion to subpoena his recorded prison telephone calls. On 09/30/19, over the Warden's objections, the district court granted Neyland's 01/16/19 motion to supplement the record with current mental health records for in camera inspection by the court. On 12/14/22, the district court entered an order that Neyland's private mental health record would not be disclosed to counsel. On 04/11/22, Neyland filed in the trial court a successive postconviction relief petition alleging that he is ineligible for the death penalty due to serious mental illness and a motion to determine his competency to pursue postconviction relief. The state filed a response on 06/16/22; Neyland replied on 08/22/22; and the State filed a sur-reply on 08/29/22. Meanwhile, status hearings were held on 05/23/22 and 08/01/22. (Note: On 01/03/23, the State filed a motion for summary judgement for lack of a real party in interest.)

Days From Death Sentence to 12/31/22: 5,160 **Inmate Number: A595-111**

Nicholson, Matthew

Summary of Crime: On 09/05/18, Nicholson murdered 17-year-old Manuel Lopez and 19-year-old Giselle Lopez, the children of his girlfriend, America Polanco, in the yard of their Garfield Heights home. Nicholson, who had a history of domestic violence, attacked Polanco in their bedroom and choked her. When Manuel came to the bedroom door to ask what was going on, Nicholson attacked him as well. Nicholson then retrieved the handgun he kept under the mattress, followed Manuel and Giselle outside, and shot both of them repeatedly in the back as they attempted to run away. Nicholson shot Manuel eight times and Giselle five times. (Nicholson received the death penalty for both victims).

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....10/30/18
Sentence.....11/19/19

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 07/30/21
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the Ohio Supreme Court on Nicholson's direct appeal; Pending in the trial court on Nicholson's petition for postconviction relief, which is stayed pending resolution of the direct appeal.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 11/19/19, Nicholson was convicted and sentenced to death. On 12/27/19, Nicholson filed a notice of appeal in the Ohio Supreme Court for his direct appeal. On 08/18/20, Nicholson moved to unseal the record; the Ohio Supreme Court denied his request on 09/02/20. On 03/15/21, Nicholson filed his merit brief; the State filed a response on 08/02/21; and Nicholson replied on 09/16/21. On 09/20/21, the Ohio Supreme Court granted Nicholson's 09/03/21 motion to supplement the record. (Note: Oral arguments were heard on 01/11/23). Meanwhile, on 07/30/21, Nicholson filed in the trial court his postconviction relief petition. On 08/13/21, the trial court adopted the parties' scheduling order, and stayed the case pending the resolution of the direct appeal.

Noling, Tyrone L.

Summary of Crime: On 04/05/90, Noling murdered an 81-year-old couple, Bearnhardt and Cora Hartig, at their home in Atwater Township. The Hartigs were the target of a plan between Noling and his accomplice, Gary St. Clair, to rob elderly people. When Mrs. Hartig opened the door, Noling and St. Clair pushed their way into the house and robbed them. During the robbery, Noling shot Mr. and Mrs. Hartig multiple times at close range. (Noling received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/18/95
Sentence.....02/23/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....07/02/99
Supreme Court Decision 12/20/02
U.S. Supreme Court Review.....06/02/03

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/23/97
Trial Court Decision.....04/09/98
Court of Appeals Decision.....09/22/03
Supreme Court Decision 01/21/04
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Nugent)
Prisoner's Petition 12/15/04
Warden's Return of Writ.....02/14/05
Prisoner's Traverse.....08/29/05
Evidentiary Hearing .....
Decision 01/03/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/29/08
Prisoner's Brief 08/31/09
Warden's Brief 10/29/09
Oral Argument.....03/09/11
Decision 06/29/11

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/10/11
Brief in Opposition 01/17/12
Decision or Certiorari Denial 02/25/13

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Noling's motion for leave to file a motion for a new trial on remand; Pending in the court of appeals on Noling's appeal from order to hold a hearing which is stayed.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 12/20/02, the Ohio Supreme Court affirmed Noling's conviction and death sentence on direct appeal. On 12/15/04, Noling filed a petition for a writ of habeas corpus in the district court, which was denied on 01/31/08, and affirmed by the 6th Circuit on 06/29/11. On 03/02/11, the trial court denied Noling's second motion for a new trial, but on 03/31/14, the court of appeals remanded the case for further proceedings. Meanwhile, on 12/19/13, the State agreed to conduct some DNA testing and provided the DNA profile created by BCI on 3/16/18. On 02/07/19, the trial court granted Noling's motion for funds for a forensic document examiner. On 05/14/19, 09/05/19, and 07/09/21 the trial court denied Noling's motions for access to the State's files; Noling appealed. On 03/14/22, the court of appeals reversed and remanded for further proceedings. On remand, the trial court scheduled a hearing on the matter of the nondestructive nature of the proposed testing of the documents. Noling filed a motion for reconsideration on 10/05/22; he appealed the decision to hold a hearing on 10/14/22; the State filed a motion to dismiss for lack of jurisdiction on the same day. On 12/15/22, the court of appeals remanded the matter to the trial court for a response from the State and ruling on the pending motion for reconsideration. (Note: On 01/10/23, the State filed a response in the trial court on the motion for reconsideration.)

Days From Death Sentence to 12/31/22: 9,808 **Inmate Number: A222-599**

Obermiller, Denny

Summary of Crime: On 08/11/10, Denny Obermiller murdered his grandmother, Candace Schneider, age 61, and her husband, 60-year-old Donald Schneider, in their Maple Heights home. The couple was found in separate rooms in the house, handcuffed and strangled. Obermiller raped Mrs. Schneider and strangled her with an electrical cord. The Schneiders suspected Obermiller had stolen from them while they were on vacation, and they had reported their suspicions to police prior to the murders. (Obermiller received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/17/10
Sentence.....03/10/11

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 04/20/16
U.S. Supreme Court Review.....01/23/17

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/28/12
Trial Court Decision.....01/29/14
Court of Appeals Decision.....04/04/19
Supreme Court Decision 08/20/19
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/13/17

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Adams)
Prisoner's Petition 08/20/20
Warden's Return of Writ.....04/21/22
Prisoner's Traverse.....12/16/22
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Obermiller's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Obermiller's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 04/20/16, the Ohio Supreme Court affirmed Obermiller's conviction and death sentence on direct appeal. Meanwhile, on 02/12/13, the trial court denied Obermiller's postconviction relief petition. On 04/24/13, the court of appeals remanded the case to the trial court because the trial court did not address all of the claims; the trial court again dismissed the petition on 01/29/14. On 05/29/14, Obermiller appealed to the court of appeals, but on 05/30/14, that court dismissed the appeal as untimely. On 10/05/16, the Ohio Supreme Court remanded the case to the court of appeals on the timeliness issue. On remand, the court of appeals found the appeal timely and affirmed the trial court's denial of relief. On 08/20/20, Obermiller filed with the district court a petition for a writ of habeas corpus, which he amended on 12/29/21. The Warden filed a return of writ on 04/21/22. On 09/13/22, the district court denied Obermiller's 04/11/22 motion to stay his case pending the completion of serious mental illness claims in state court. On 12/16/22, Obermiller filed a traverse. Meanwhile, on 04/07/22, Obermiller filed a postconviction petition in the trial court alleging that he is ineligible for the death penalty due to serious mental illness. On 04/25/22, the trial court granted the State's 04/14/22 motion for an extension of time to respond and to order Obermiller to undergo an psychiatric evaluation for serious mental illness

O'Neal, James Derrick

Summary of Crime: On 12/11/93, O'Neal murdered his estranged wife, 31-year-old Carol Ann O'Neal, at her home in Cincinnati. Ms. O'Neal had filed for a protection order against O'Neal, who had brutally beaten her before moving out of their home. O'Neal kicked in the front door and chased Ms. O'Neal upstairs. When Ms. O'Neal closed a bedroom door to keep O'Neal out, O'Neal shot through the door, entered the room and shot Ms. O'Neal, who had fallen to the floor. O'Neal confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment....12/16/93
Sentence....12/11/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision....12/12/97
Supreme Court Decision....01/05/00
U.S. Supreme Court Review....05/21/01

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court....07/02/97
Trial Court Decision....02/17/98
Court of Appeals Decision....03/26/99
Supreme Court Decision....03/08/00
U.S. Supreme Court Review....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision....07/09/98
Supreme Court Decision....03/08/00

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Watson)
Prisoner's Petition....05/21/02
Warden's Return of Writ....06/29/07
Prisoner's Traverse....10/11/07
Evidentiary Hearing....07/18/08
Decision....03/31/11

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal....04/29/11
Prisoner's Brief....08/13/12
Warden's Brief....11/21/12
Oral Argument....06/11/13
Decision....12/23/13

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition....05/05/14
Brief in Opposition....07/09/14
Decision or Certiorari Denial....10/06/14

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 01/05/00, the Ohio Supreme Court affirmed O'Neal's conviction and death sentence on direct appeal. On 05/21/02, O'Neal filed a petition for a writ of habeas corpus in the district court. On 05/02/07, the Ohio Supreme Court dismissed O'Neal's *Atkins* successive postconviction appeal. On 03/31/11, the district court denied O'Neal's habeas petition. On 08/26/13, and in an amended opinion issued on 12/23/13, the 6th Circuit affirmed the district court's denial of habeas relief. On 10/06/14, the U.S. Supreme Court denied O'Neal's petition for a writ of certiorari. On 04/04/19, the trial court denied O'Neal's challenge to the execution protocol; the court of appeals affirmed on 02/13/20. O'Neal appealed to the Ohio Supreme Court on 06/01/20, and on 10/13/20, the Ohio Supreme Court accepted one proposition of law for review. O'Neal filed his merit brief on 12/18/20; the State filed its brief on 01/19/21; and O'Neal filed a reply on 02/08/21. On 10/19/21, the Ohio Supreme Court affirmed the court of appeals' ruling denying relief. On 10/29/21, O'Neal filed a motion for reconsideration, which the court denied on 12/28/21. Meanwhile, on 06/08/15, the Ohio Supreme Court set O'Neal's execution date for 10/10/18. O'Neal received reprieves on 09/01/17 until 02/18/21; and on 09/04/20 until 08/16/23.

Osie, Gregory

Summary of Crime: In the early morning of 02/14/09, Osie murdered 53-year-old David Williams in Liberty Township. Osie entered Mr. Williams' home and attempted to persuade Mr. Williams not to testify in a criminal proceeding against him or his girlfriend. When Osie's attempted coercion did not work, Osie became enraged and assaulted, and eventually killed, Mr. Williams. Osie stabbed Mr. Williams with a knife several times in addition to slashing Mr. Williams' throat before Mr. Williams succumbed. Osie then informed his girlfriend that her troubles were over and that the voice of the witness against her had been silenced.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....02/20/09
Sentence.....05/12/10

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/10/14
U.S. Supreme Court Review.....03/23/15

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 04/08/11
Trial Court Decision.....10/03/14
Court of Appeals Decision.....08/24/15
Supreme Court Decision 08/31/16
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/24/16

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending on remand in the trial court on 1 issue in Osie's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/10/14, the Ohio Supreme Court affirmed Osie's conviction and death sentence on direct appeal. Meanwhile, on 04/08/11, Osie filed a petition for postconviction relief in the trial court. On 05/26/11, the trial judge voluntarily recused himself from the case. On 10/03/14, the trial court dismissed Osie's postconviction petition. On 08/24/15, the court of appeals affirmed the denial of postconviction relief, in part, remanding to the trial court for an evidentiary hearing the issue of Osie's alleged neurological impairment. On 08/31/16, the Ohio Supreme Court denied the parties' cross-appeals. On 10/31/17, Osie filed in the trial court motions for discovery and funding for experts. On 01/25/18, the trial court granted Osie's request for funding for experts, and on 04/13/18, granted Osie's discovery request. (Note: An evidentiary hearing remains pending after being rescheduled multiple times.) On 12/27/21, the trial court stayed the proceedings pending investigation into Osie's serious mental illness claim, and granted funds for psychological experts. On 04/25/22, Osie filed a motion for additional expert funding, which the court granted on 06/06/22. On 10/18/22, Osie filed a motion seeking additional funding for a substance abuse expert, which was granted on 12/27/22.

Perez, Kerry D.

Summary of Crime: On 03/06/03, Perez murdered 43-year-old Ronald Johnson during an attempted robbery of the Do Drop Inn Bar in Clark County. Perez shot Mr. Johnson in the back. Perez and an accomplice pulled a series of liquor establishment robberies, one of which involved the attempted murder of another individual on 06/22/02.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/24/03
Sentence.....12/09/05

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/02/09
U.S. Supreme Court Review.....06/28/10

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/12/07
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Perez's petition for postconviction relief and his second postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/02/09, the Ohio Supreme Court affirmed Perez's convictions and death sentence on direct appeal. On 06/28/10, the U.S. Supreme Court denied Perez's petition for a writ of certiorari. Meanwhile, on 01/12/07, Perez filed a petition for postconviction relief in the trial court. On 06/15/07, the State filed its answer. On 06/15/07, the State filed a motion for discovery to which Perez filed his opposition on 06/22/07. On 05/13/09, Perez filed a motion to amend his postconviction relief petition. On 05/20/09, the State filed a motion for a status conference. On 04/05/22, Perez filed in the trial court a second postconviction petition that alleged he is ineligible for the death penalty due to serious mental illness. On 07/26/22, the Court granted Perez's motion seeking funds for a psychologist to investigate his serious mental illness claims. On 09/27/22, the trial court issued a scheduling order. On 12/09/22 and 12/19/22, Perez filed sealed motions related to his request for funds for a psychological examination.

Pickens, Mark

Summary of Crime: On or around 06/02/09, Pickens murdered 19-year-old Noelle Washington to prevent her from pursuing charges against Pickens for a rape that occurred days prior. The murder occurred at Ms. Washington's apartment in Cincinnati at a time when Ms. Washington was with her 9-month-old child, Anthony Jones III, and was babysitting 3-year-old Sha'Railyn Wright. Pickens shot and killed Ms. Washington as well as both children. (Pickens received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/04/09
Sentence.....07/13/10

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/16/14
U.S. Supreme Court Review.....12/07/15

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/17/11
Trial Court Decision.....04/12/17
Court of Appeals Decision.....12/14/18
Supreme Court Decision 06/12/19
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/27/16

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Sargus)
Prisoner's Petition 06/11/20
Warden's Return of Writ.....04/25/22
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Pickens' motion for leave to file a motion for new trial and his successive postconviction petition.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Pickens' petition for a writ of habeas corpus, which is stayed pending completion of state court proceedings.

NOTES

On 12/16/14, the Ohio Supreme Court affirmed Pickens' conviction and death sentence on direct appeal. Meanwhile, on 12/05/12, the trial court dismissed Pickens' postconviction relief petition; on 08/05/16, the court of appeals reversed and remanded the case because the trial court issued findings of facts and conclusions of law using the proposed findings supplied to the court *ex parte* by the State. On 04/12/17, the trial court again denied Pickens' postconviction petition; the court of appeals affirmed on 12/14/18. On 05/27/20, the Ohio Supreme Court denied Pickens' 03/10/20 motion for relief based upon a claim of a biased juror. On 06/11/20, Pickens filed in the district court a petition for a writ of habeas corpus, which he amended on 09/23/21. The Warden filed a return of writ on 04/25/22. On 07/18/22, the district court granted Pickens' 05/31/22 motion to stay the federal proceedings while he presented claims in state court. On 11/14/22, Pickens filed in the trial court a motion for leave to file a motion for new trial based on newly discovered evidence and a successive petition for postconviction relief. On 12/12/22, Pickens filed a motion for DNA testing of evidence. (Note: On 01/06/23, an agreed scheduling order was issued. On 01/26/23, noting no objection from the State, DNA testing was permitted as Pickens requested.)

Powell, Wayne

Summary of Crime: On 11/11/06, Powell murdered his ex-girlfriend, 33-year-old Mary McCollum, her mother 52-year-old Rose McCollum, her son 4-year-old Jamal McCollum-Myers, and her niece 2-year-old Sanaa Thomas in Toledo. The night before, Powell and Mary had been arguing. Powell then set fire to the McCollum house leaving the victims to burn to death. (Powell received the death penalty for all four victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....11/22/06
Sentence.....09/13/07

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/13/12
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 06/30/08
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/19/13

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Powell's postconviction petition.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/13/12, the Ohio Supreme Court affirmed Powell's conviction and death sentence on direct appeal. On 06/30/08, Powell filed a postconviction petition in the trial court, which he amended on 10/04/10 and 11/14/16. Meanwhile, on 10/13/16, Powell filed a motion for discovery, funding of experts, and an evidentiary hearing. On 08/16/18, the trial court denied Powell's 01/12/17 motion for new trial based upon *Hurst v. Florida*, and denied Powell's motion for funding of experts; the trial court ordered additional briefing as to other discovery requests. On 10/18/19, the court of appeals denied Powell's consolidated appeal to the denial of funding and the motion for new trial. On 12/03/20, Powell filed supplemental exhibits to his postconviction petition; the State objected on 12/14/20; and Powell replied on 12/21/20. On 01/06/22, the trial court permitted Powell's attorneys to withdraw, and appointed new counsel on 01/26/22. On 04/06/22, Powell filed motions through his attorneys and *pro se* regarding refusal to amend his petition to include a serious mental illness claim, which the court granted on 04/18/22. A status hearing was held on 07/19/22. (Note: On 02/14/23, Powell filed a motion for funds for experts; on 02/15/23, Powell filed *pro se* a motion to again replace counsel, which the trial court redirected to counsel on 02/17/23.)

Raglin, Walter

Summary of Crime: On 12/29/95, Raglin murdered 41-year-old Michael Bany in a Cincinnati parking lot. Mr. Bany was the target of a plan between Raglin and his accomplice, Darnell Lowery, to rob a vulnerable victim. When Mr. Bany, carrying musical equipment, tried to unlock his car door, Raglin approached Mr. Bany and demanded money. Mr. Bany handed Raglin $60, but as Mr. Bany turned to face Raglin, Raglin shot him in the neck. Raglin later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/04/96
Sentence.....11/06/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/30/98
U.S. Supreme Court Review.....03/01/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 02/02/98
Trial Court Decision.....04/17/98
Court of Appeals Decision.....06/25/99
Supreme Court Decision 10/27/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/03/99

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Barrett)
Prisoner's Petition 09/13/00
Warden's Return of Writ.....11/01/00
Prisoner's Traverse.....02/22/01
Evidentiary Hearing .....
Decision 03/22/18

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/19/19
Prisoner's Brief 12/08/20
Warden's Brief 02/05/21
Oral Argument.....07/21/21
Decision 06/01/22

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/21/22
Brief in Opposition 01/17/23
Decision or Certiorari Denial 02/21/23

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Raglin's motion for new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the U.S. Supreme Court on Raglin's petition for writ of certiorari based on the denial of habeas relief. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 09/30/98, the Ohio Supreme Court affirmed Raglin's conviction and death sentence on direct appeal. On 02/02/06 and 06/29/06, the magistrate judge recommended dismissing Raglin's habeas petition. On 04/17/12, Raglin filed an amended petition adding claims challenging lethal injection. On 09/29/13, the district court permitted Raglin to proceed on his lethal injection claims, but denied relief on the rest his habeas petition. On 03/22/18, the district court dismissed all remaining claims and denied habeas relief. On 04/18/18, Raglin filed a motion to alter or amend judgment which the district court granted on 03/22/19. On 04/16/19, Raglin filed another motion to alter or amend, and on 04/19/19 he filed a 60(b) motion; the district court denied both on 06/03/20. On 06/01/22, the 6th Circuit affirmed the denial of habeas relief. On 06/30/22, the 6th Circuit denied Raglin's 06/08/22 petition for *en banc* rehearing. On 11/21/22, Raglin filed a petition for writ of certiorari in the United States Supreme Court. (Note: On 01/17/23, the Warden filed a brief in opposition; Raglin replied on 01/26/23; and the U.S. Supreme Court denied the petition on 02/21/23.) Meanwhile, on 09/03/21, Raglin filed in the trial court a motion for leave to file a motion for new trial. On 03/15/22, the State filed a memorandum in opposition to Raglin's motion for leave. Raglin filed a reply on 08/03/22. (Note: On 02/06/23, the trial court granted Raglin leave to file the motion for new trial, which he then filed on 02/08/23.)

Robb, Jason

Summary of Crime: During the riot at the Southern Ohio Correctional Facility, Robb murdered 40-year-old prison guard Robert Vallandingham and prison inmate 31-year-old David Sommers. Robb, the leader of the prison's Aryan Brotherhood, along with other prison inmates, held prison guards and inmates hostage. On 04/15/93, Robb, Carlos Sanders (the leader of the prison's Muslim group) and inmate James Were ordered inmates to strangle Mr. Vallandingham to death. On 04/21/93, Robb arranged for inmates to stab, choke and beat Mr. Sommers to death. At the time, Robb was serving a sentence for voluntary manslaughter. (Sanders, Were and George Skatzes also received death sentences arising from the riot.) (Robb received the death penalty for both victims.) (The case was tried in Franklin County following a change of venue from Scioto County.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/05/94
Sentence.....04/17/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/30/98
Supreme Court Decision 03/01/00
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/23/96
Trial Court Decision.....02/14/00
Court of Appeals Decision.....02/27/01
Supreme Court Decision 06/06/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 06/03/02
Warden's Return of Writ.....11/17/03
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Robb's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/01/00, the Ohio Supreme Court affirmed Robb's conviction and death sentence on direct appeal. On 06/03/02, Robb filed a petition for a writ of habeas corpus in the district court. On 09/16/04, the district court partially granted Robb's motion for discovery. On 07/16/12, the district court permitted Robb to amend his petition to add claims challenging the constitutionality of lethal injection, which he then amended several times. The Warden filed an amended return of writ on 03/21/17. On 06/19/17, Robb filed a reply addressing issues of procedural default which he supplemented on 03/26/21. Meanwhile, on 09/12/17, the district court denied Robb's 01/11/17 motion to amend his petition to include a claim based upon *Hurst v. Florida*, and on 03/18/19, denied Robb's latest motion to amend his lethal injection claims. During 2019, briefing was conducted regarding the manner in which discovery documents would be filed in this case and the other Lucasville-riot cases.

Roberts, Donna Marie

Summary of Crime: On 12/11/01, Roberts and her boyfriend, Nathaniel Jackson, murdered her former husband, 57-year-old Robert Fingerhut, at the home Roberts and Mr. Fingerhut shared in Howland Township. Roberts gave Jackson entry into her home where he shot Mr. Fingerhut twice in the back and once in the head. Roberts and Jackson had planned the murder for months prior to Jackson's release from prison. (Jackson also received a death sentence for the murder of Mr. Fingerhut.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/28/01
Sentence.....06/10/14

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/30/17
U.S. Supreme Court Review.....02/20/18

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/20/08
Trial Court Decision.....11/20/19
Court of Appeals Decision.....08/24/20
Supreme Court Decision 12/29/20
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Polster)
Prisoner's Petition 12/20/21
Warden's Return of Writ.....02/18/22
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Roberts' petition for a writ of habeas corpus.

NOTES

On 08/02/06, the Ohio Supreme Court affirmed Roberts' conviction on direct appeal, but vacated her death sentence, and remanded to the trial court for resentencing. On 10/29/07, the trial court again sentenced Roberts to death. On 10/22/13, the Ohio Supreme Court again vacated Roberts' death sentence and ordered a new sentencing determination based only upon the information contained in the record. In a 06/10/14 corrected entry, the trial court again sentenced Roberts to death, which the Ohio Supreme Court affirmed on 05/30/17. The U.S. Supreme Court denied Roberts' petition for a writ of certiorari on 02/20/18. Meanwhile, on 08/19/15, Roberts amended her 2008 postconviction petition. On 11/20/19, the trial court denied Roberts' postconviction petition; the court of appeals affirmed on 08/24/20; and the Ohio Supreme Court declined jurisdiction on 12/29/20. On 12/20/21, Roberts filed in the district court a petition for a writ of habeas corpus. The Warden filed a return of writ on 02/18/22. Roberts then filed several unopposed motions for an extension of time to file a traverse, most recently on 12/21/22. The Court granted the most recent motion on 12/22/22. (Note: Dates reflect the 2014 resentencing).

Rojas, Martin J.

Summary of Crime: On 05/14/87, Rojas murdered his fellow church member, 28-year-old Rebecca Scott, in her Cincinnati apartment. Ms. Scott had devoted herself to weaning Rojas from drugs and alcohol, but she rejected his advances to be his girlfriend. Rojas hid outside Ms. Scott's apartment, dragged her by the hair inside the apartment when she arrived home and stabbed her twice in the back. After stabbing her in the back, Rojas raped Ms. Scott twice, stabbed her in the chest, stole $25 from her purse and left her to bleed to death after unsuccessfully trying to set the house on fire. Rojas confessed to police detectives from Denver, Colorado, police from Cheviot, Ohio, and a minister from the church he and Ms. Scott attended.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/23/87
Sentence.....05/05/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....07/11/90
Supreme Court Decision 07/01/92
U.S. Supreme Court Review.....01/11/93

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/22/93
Trial Court Decision.....01/10/95
Court of Appeals Decision.....12/29/95
Supreme Court Decision 05/29/96
U.S. Supreme Court Review.....10/21/96

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 10/04/96
Warden's Return of Writ.....12/06/96
Prisoner's Traverse.....04/14/97
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Rojas' petition for a writ of habeas corpus.

NOTES

On 07/01/92, the Ohio Supreme Court affirmed Rojas' conviction and death sentence on direct appeal. On 10/04/96, Rojas filed a petition for a writ of habeas corpus in the district court. On 10/28/03, the district court held a status conference. On 05/05/04, Rojas filed a supplemental memorandum in support of his habeas petition. On 08/09/04, Rojas filed a motion for an evidentiary hearing. On 05/20/11, Rojas and the Warden filed supplemental briefs. On 06/28/11, the Warden opposed Rojas' request for an evidentiary hearing. On 07/11/14, the Warden electronically re-filed the appendix to the return of writ. On 09/14/15, the district court set a briefing schedule. Rojas and the Warden filed additional briefs on 01/04/16. The Warden filed an additional brief on 02/26/16 and Rojas filed an additional brief on 04/25/16. On 07/11/17, the district court appointed new attorneys to represent Rojas. On 11/09/17, Rojas filed, *pro se*, a motion to dismiss all appeals, which was denied on 09/04/18 following a status conference with counsel.

Sanders, Carlos

Summary of Crime: During the riot at the Southern Ohio Correctional Facility, Sanders murdered prison guard, 40-year-old Robert Vallandingham. Sanders was the leader of the Muslims at the prison, who along with other prison inmates, held prison guards and inmates hostage. On 04/15/93, Sanders, Jason Robb (the leader of the prison's Aryan Brotherhood), and inmate James Were, ordered inmates to strangle Mr. Vallandingham to death. At the time, Sanders was serving a sentence for aggravated robbery. (Robb, Were and George Skatzes also received death sentences arising from the riot.) (This case was tried in Hamilton County following a change of venue from Scioto County.) (Sanders is also known as Siddique Abdullah Hasan).

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/29/94
Sentence.....03/05/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/01/98
Supreme Court Decision 07/18/01
U.S. Supreme Court Review.....04/29/02

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/23/97
Trial Court Decision.....02/03/98
Court of Appeals Decision.....03/26/99
Supreme Court Decision 01/29/03
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/04/99
Supreme Court Decision 01/30/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
Prisoner's Petition 04/22/03
Warden's Return of Writ.....07/01/03
Prisoner's Traverse.....01/08/04
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Sanders' petition for a writ of habeas corpus.

NOTES

On 07/18/01, the Ohio Supreme Court affirmed Sanders' conviction and death sentence on direct appeal. On 04/22/03, Sanders filed a petition for a writ of habeas corpus in the district court. On 08/14/06 and 12/29/10, the magistrate judge recommended denial of Sanders' habeas petition; Sanders objected on 04/04/11. On 11/17/11, the district court permitted Sanders to conduct limited discovery. On 02/15/18, at the same time he denied several claims and additional discovery, the magistrate judge denied Sanders' 08/03/17 motion to amend his petition. On 03/25/20, the district court partially granted Sanders' 11/27/19 motion for reconsideration, and two claims were recommitted to the magistrate judge for reconsideration. On 04/28/21, the court denied and dismissed the petition with prejudice, except for four claims; on 08/10/21, the court denied the Warden's objections. On 11/01/21, the district court approved a schedule for conducting discovery and an evidentiary hearing. Several depositions were conducted in December 2021. On 05/04/22, the parties' filed a joint motion to approve the amended schedule for discovery, which was granted on 05/05/22. Both parties submitted their briefs on 08/08/22; Sanders filed a revised brief on 08/09/22. The Warden responded on 08/19/22, and Sanders replied on 8/22/22.

Sapp, William K.

Summary of Crime: On 08/22/92, Sapp murdered 11-year-old Martha Leach and 12-year-old Phree Morrow near downtown Springfield. Sapp raped Martha and Phree and then beat them to death. Sapp was connected to the rapes and murders through DNA testing in 1996. Between 1993 and 1995, Sapp murdered 31-year-old Belinda Anderson and buried her body in a garage floor. Sapp was also convicted for the 1993 attempted murder of Hazel Pearson. Sapp confessed to the crimes against Martha, Phree, Ms. Anderson and Ms. Pearson. At the time of his trial in 1997, Sapp was serving a prison sentence for assaulting and attempting to rape another Springfield woman in 1993. (Sapp received a death sentence for the aggravated murders of Martha, Phree and Ms. Anderson.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/07/97
Sentence.....10/21/99

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/13/02
Supreme Court Decision 12/29/04
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/04/01
Trial Court Decision.....03/25/15
Court of Appeals Decision.....04/21/17
Supreme Court Decision 11/01/17
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Morrison)
Prisoner's Petition 10/31/18
Warden's Return of Writ.....05/22/19
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Sapp's successive postconviction petition due to serious mentally illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Sapp's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/29/04, the Ohio Supreme Court affirmed Sapp's conviction and death sentence on direct appeal. Meanwhile, on 01/10/02, the trial court denied Sapp's postconviction petition. On 08/05/02, the court of appeals remanded the case to the trial court for findings of facts and conclusions of law. On 03/25/15, the trial court again denied Sapp's postconviction petition; the court of appeals affirmed on 04/21/17. On 10/31/18, Sapp filed his petition for a writ of habeas corpus in the district court, and the Warden filed a return of writ on 05/22/19. On 06/19/19, Sapp's habeas case was reassigned to Judge Morrison. During 2020, the district court granted Sapp's motions to expand the record. On 08/17/21, Sapp notified the district court that he received more than 40,000 pages of discovery from the county prosecutor's office. On 07/08/22, the Warden filed a motion for reconsideration regarding discovery; Sapp responded on 07/29/22; and the Warden replied on 08/10/22. On 09/16/22, the court stayed the scheduling order pending the resolution of the motion for reconsideration. (Note: On 02/07/23, the court denied the Warden's motion for reconsideration. On 02/21/23, the Warden filed an appeal to the district judge.) Meanwhile, on 04/08/22, Sapp filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness, which he amended on 12/02/22.

Days From Death Sentence to 12/31/22: 8,472 **Inmate Number: A337-278**

Scott, Michael Dean

Summary of Crime: On 09/12/99, Scott murdered 21-year-old Ryan Stoffer in Jackson Township. Mr. Stoffer was teaching Scott and his girlfriend how to drive a stick-shift, thinking that the couple wanted to buy his car. Scott shot Mr. Stoffer six times in the back of the head, dumped his body in the woods and stole his car. Earlier, on 08/24/99, Scott murdered 19-year-old Dallas Green, by shooting him when Scott thought that Mr. Green had insulted him. Scott confessed to both murders. (Scott received a death sentence for the murder of Mr. Stoffer.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/24/99
Sentence.....04/10/00

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/14/04
U.S. Supreme Court Review.....06/14/04

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/26/01
Trial Court Decision.....12/21/04
Court of Appeals Decision.....01/23/06
Supreme Court Decision 06/21/06
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/14/04

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Adams)
Prisoner's Petition 06/11/07
Warden's Return of Writ.....08/03/07
Prisoner's Traverse.....09/24/07
Evidentiary Hearing .....
Decision 11/18/11

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 12/08/11
Prisoner's Brief 01/25/13
Warden's Brief 03/29/13
Oral Argument.....06/26/14
Decision 07/28/14

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/30/14
Brief in Opposition 02/18/15
Decision or Certiorari Denial 03/23/15

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 01/14/04, the Ohio Supreme Court affirmed Scott's conviction and death sentence on direct appeal. On 06/11/07, Scott filed a petition for a writ of habeas corpus in the district court. On 07/21/09, the district court granted Scott's motion for a certified question to the Ohio Supreme Court and stayed proceedings. On 10/14/09, the Ohio Supreme Court accepted the question, and answered it on 12/02/10. On 08/16/11, Scott filed a motion to amend his habeas petition. On 11/18/11, the district court denied the motion to amend and denied Scott's petition for a writ of habeas corpus, which was affirmed by the 6th Circuit on 07/28/14. On 03/23/15, the U.S. Supreme Court denied Scott's petition for a writ of certiorari.

Sheppard, Bobby

Summary of Crime: On 08/19/94, Sheppard murdered 56-year-old Dennis Willhide in Cincinnati. Mr. Willhide owned a drive-thru beverage store that Sheppard and his accomplice, Antwan Little, planned to rob. Sheppard forced Mr. Willhide, face-down, on the floor, while Little removed money from the cash register. After Little ran out of the store, Sheppard shot Mr. Willhide in the back of the head. Sheppard admitted to his friend and police that he shot Mr. Willhide so that he could not identify Sheppard.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/26/94
Sentence.....05/30/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....06/11/97
Supreme Court Decision 12/30/98
U.S. Supreme Court Review.....06/21/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/28/97
Trial Court Decision.....06/10/98
Court of Appeals Decision.....03/26/99
Supreme Court Decision 08/04/99
U.S. Supreme Court Review.....02/22/00

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....10/02/00
Supreme Court Decision 04/11/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Black)
Prisoner's Petition 06/20/00
Warden's Return of Writ.....09/18/00
Prisoner's Traverse.....
Evidentiary Hearing 06/24/02
Decision 03/04/09

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/23/09
Prisoner's Brief 07/26/10
Warden's Brief 10/25/10
Oral Argument.....03/09/11
Decision 09/13/11

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....04/13/12
Brief in Opposition 05/11/12
Decision or Certiorari Denial 06/11/12

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Sheppard's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Sheppard's successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/30/98, the Ohio Supreme Court affirmed Sheppard's conviction and death sentence on direct appeal. On 09/13/11, the 6th Circuit affirmed the district court's denial of Sheppard's petition for a writ of habeas corpus. On 02/21/17, the district court transferred to the 6th Circuit Sheppard's motion to amend his petition to add claims based upon *Hurst v. Florida*. Following remand from the 6th Circuit, the magistrate judge again recommended transfer of the successive petition on 09/15/17, 10/16/17, and 01/17/18. Sheppard objected on 01/31/18, and the Warden responded on 02/14/18. Meanwhile, on 11/09/16, the Ohio Supreme Court denied Sheppard's 05/13/16 motion for relief based upon *Hurst*. On 04/06/22, Sheppard filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness, which he amended on 09/30/22. On 11/03/22, the State filed a motion seeking to appoint an expert to evaluate Sheppard for serious mental illness, and filed on 11/22/22, a motion naming a particular expert. On 12/05/22, and 12/22/22, Sheppard filed motions for extensions of time to respond to the State's motions, which the trial court granted on 12/12/22 and 01/03/23.

Short, Duane Allen

Summary of Crime: On 07/22/04, Short murdered his estranged wife, 31-year-old Rhonda Michelle Short, and her friend, 32-year-old Donnie Ray Sweeney, at Rhonda's residence in Huber Heights. Short shot Mr. Sweeney with a sawed-off shotgun in the yard, then went inside the house and shot Rhonda. (Short received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/20/04
Sentence.....05/30/06

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/28/11
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/11/07
Trial Court Decision.....12/06/16
Court of Appeals Decision.....06/22/18
Supreme Court Decision 11/21/18
U.S. Supreme Court Review.....05/13/19

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/13/13

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge McFarland)
Prisoner's Petition 11/20/19
Warden's Return of Writ.....02/17/23
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Short's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Short's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/28/11, the Ohio Supreme Court affirmed Short's conviction and death sentence on direct appeal. On 08/29/13, Short, *pro se*, moved to waive all present and future appeals, but withdrew that motion on 09/27/13. On 12/06/16, the trial court denied Short's postconviction petition; the court of appeals affirmed on 06/22/18. Meanwhile, on 01/10/17, Short filed a motion in the trial court for leave to file a new mitigation hearing based upon *Hurst v. Florida*, which the trial court ultimately denied on 12/30/19; the court of appeals affirmed on 10/23/20. Meanwhile, on 11/20/19, Short filed in the district court a petition for a writ of habeas corpus. On 01/10/20, the district court stayed the habeas case pending completion of state court proceedings. On 12/13/21, the district court granted Short's motion for extended time to file his amended habeas petition. On 04/12/22, Short filed a motion to stay the habeas case pending his litigation in state court on his serious mental illness petition; the Warden opposed on 04/13/22; and the court denied the motion on 06/29/22. On 07/05/22, the case was reassigned from Judge Black to Judge McFarland. On 07/29/22, Short filed his amended habeas petition. (Note: On 02/17/23, the Warden filed the return of writ.) Meanwhile, on 04/11/22, Short filed in the trial court a successive postconviction petition alleging that he is ineligible for the death penalty due to serious mental illness. On 04/29/22, the State responded. Short amended his petition on 10/07/22; the State responded on 10/25/22; and Short replied on 11/02/22. On 11/04/22, the State filed a motion requesting the appointment of a forensic expert and to have Short evaluated, and Short responded on 11/14/22.

Days From Death Sentence to 12/31/22: 6,059 **Inmate Number: A525-858**

Skatzes, George

Summary of Crime: During the riot at the Southern Ohio Correctional Facility, Skatzes and other inmates murdered 40-year-old prison guard Robert Vallandingham, and two inmates, 31-year-old David Sommers and 41-year-old Earl Elder. Skatzes, a member of the Aryan Brotherhood, along with other prison inmates, held prison guards and inmates hostage. On 04/15/93, Muslim inmates strangled Mr. Vallandingham to death. Skatzes directed another inmate to stab Mr. Elder numerous times. On 04/21/93, Skatzes beat Mr. Sommers to death. Skatzes received a death sentence for the aggravated murders of Mr. Sommers and Mr. Elder. At the time, Skatzes was serving a life sentence for a 1983 aggravated murder. (Jason Robb, Carlos Sanders, and James Were also received death sentences for their involvement in the riot.) (The case was tried in Montgomery County following a change of venue from Scioto County.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/29/94
Sentence.....01/30/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....01/31/03
Supreme Court Decision 12/08/04
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/06/03
Trial Court Decision.....07/13/07
Court of Appeals Decision.....10/10/08
Supreme Court Decision 04/08/09
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....09/30/03
Supreme Court Decision 04/06/04

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Black)
Prisoner's Petition 04/05/10
Warden's Return of Writ.....08/30/10
Prisoner's Traverse.....01/07/11
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Skatzes' petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/08/04, the Ohio Supreme Court affirmed Skatzes' conviction and death sentence on direct appeal. On 04/08/09, the Ohio Supreme Court dismissed Skatzes' postconviction appeal. On 04/05/10, Skatzes filed a petition for a writ of habeas corpus, to which the Warden responded on 08/30/10. Between 2012 and 2014, the parties conducted extensive discovery. On 05/23/16, the court denied Skatzes' 09/30/14 and 10/30/14 motions to expand the record. On 06/01/17, the magistrate judge granted, in part, Skatzes' 2016 re-filed motions to expand the record, and Skatzes objected on 06/15/17. Meanwhile, on 06/06/17, reference of the case to a magistrate judge was vacated. Meanwhile, on 01/11/17, Skatzes filed a successive postconviction petition based upon *Hurst v. Florida*, which the trial court denied on 10/19/18; the court of appeals affirmed on 09/06/19; and the Ohio Supreme Court declined review on 01/21/20.

Days From Death Sentence to 12/31/22: 9,832 **Inmate Number: A173-501**

Smith, Kenneth W.

Summary of Crime: On 05/12/95, Smith murdered 58-year-old Lewis Ray and 54-year-old Ruth Ray in their Hamilton home. Mr. Ray had previously lent Smith $2,500, which Smith had not repaid. Smith struck Mr. Ray in the face with a hammer, slit his throat and signaled to his brother, Randy Smith, to choke Mrs. Ray to death. Then Smith and his brother stole jewelry and money from the house. Smith confessed to police after bragging to his friend about the murder and showing him the stolen jewelry. (Smith received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/16/95
Sentence.....02/09/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/19/96
Supreme Court Decision 10/15/97
U.S. Supreme Court Review.....05/18/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/14/96
Trial Court Decision.....11/03/97
Court of Appeals Decision.....08/31/98
Supreme Court Decision 01/20/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rice)
Prisoner's Petition 10/04/99
Warden's Return of Writ.....11/15/99
Prisoner's Traverse.....01/10/00
Evidentiary Hearing .....
Decision 08/15/05

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/08/05
Prisoner's Brief 05/20/08
Warden's Brief 05/20/08
Oral Argument.....03/10/09
Decision 06/05/09

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....09/02/09
Brief in Opposition 10/30/09
Decision or Certiorari Denial 11/30/09

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Smith's successive postconviction petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/15/97, the Ohio Supreme Court affirmed Smith's conviction and death sentence on direct appeal. On 08/15/05, the district court denied Smith's petition for a writ of habeas corpus, and the 6th Circuit affirmed on 06/05/09. On 02/08/11, the Ohio Supreme Court set Smith's execution for 07/19/11. On 07/08/11, the district court presiding over Smith's lethal injection suit stayed his execution. On 03/09/12, Smith filed a successive habeas petition challenging the constitutionality of lethal injection, which the district court ultimately transferred to the 6th Circuit for authorization to proceed on 07/17/17. On 11/07/17, rather than filing a corrective petition, Smith filed a motion for a briefing schedule. On 07/25/19, the 6th Circuit vacated the 03/29/18 the denial of a briefing schedule. Smith filed his brief on 08/27/19; the Warden responded on 09/25/19; and Smith replied on 10/11/19. On 05/26/20, the 6th Circuit denied Smith permission to proceed on his successive habeas petition. Meanwhile, on 03/09/18, the district court dissolved the stay of Smith's execution. On 04/07/22, Smith filed in the trial court a successive postconviction petition alleging he is ineligible for the death penalty due to serious mental illness, which he amended on 10/04/22. On 12/14/22, Smith filed an unopposed motion for voluntary recusal of the trial judge. (Note: On 01/31/23, Smith filed a motion for an extension of time to file a second amendment to his serious mental illness petition.)

Days From Death Sentence to 12/31/22: 9,822 **Inmate Number: A326-630**

Spaulding, Dawud

Summary of Crime: On 12/15/11, Dawud Spaulding murdered his estranged girlfriend and mother of two of his children, 28-year-old Erica Singleton and her new boyfriend, 31-year-old Ernest Thomas at Mr. Thomas' Akron home. Looking for Ms. Singleton, Spaulding went to Mr. Thomas' house where he encountered Mr. Thomas' nephew, 24-year-old Patrick Griffin, and shot him in the back, severing his spine and leaving him paralyzed. Several hours later, Spaulding returned to the home and shot Ms. Singleton and Mr. Thomas in the back of their heads. Ms. Singleton had a protection order against Spaulding at the time of her murder. (Spaulding received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/07/12
Sentence.....02/20/13

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/15/16
U.S. Supreme Court Review.....06/05/17

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/23/13
Trial Court Decision.....01/10/17
Court of Appeals Decision.....09/12/18
Supreme Court Decision 05/15/19
U.S. Supreme Court Review.....10/21/19

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/14/18

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Pearson)
Prisoner's Petition 05/14/20
Warden's Return of Writ.....04/30/21
Prisoner's Traverse.....08/26/21
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Spaulding's motion for leave to file a motion for new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Spaulding's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/15/16, the Ohio Supreme Court confirmed Spaulding's conviction and death sentence on direct appeal. The U.S. Supreme Court denied certiorari on 06/05/17. On 02/14/18, the Ohio Supreme Court denied Spaulding's application to reopen his direct appeal. On 01/10/17, the trial court denied Spaulding's 07/31/15 amended postconviction petition, and the court of appeals affirmed on 09/12/18. On 05/14/20, Spaulding filed with the district court a petition for a writ of habeas corpus, which he amended on 08/06/20, 11/02/20, and 05/20/21. Meanwhile, on 04/30/21, the Warden filed a return of writ; Spaulding filed his traverse on 08/26/21; and the Warden filed a sur-reply on 10/25/21. Also on 10/25/21, Spaulding filed a motion to expand the record, which the Warden opposed on 11/04/21. On 06/08/22, Spaulding filed another amended habeas petition. On 06/13/22, Spaulding filed an unopposed motion to stay the proceedings pending exhaustion of state court remedies, which the court granted on 08/17/22. On 12/01/22, Spaulding filed in the trial court a motion for leave to file a motion for new trial. On 12/06/22, the State filed an unopposed extension of time to respond to Spaulding's motion.

Stojetz, John

Summary of Crime: On 04/25/96, Stojetz murdered 17-year-old Damico Watkins at Madison Correctional Institution. Mr. Watkins was a black juvenile inmate, and Stojetz was an adult inmate and head of the Aryan Brotherhood whose members refused to be housed in the same cells as black inmates. Stojetz and five other adult inmates, all followers of the Aryan Brotherhood, attacked Mr. Watkins and repeatedly stabbed him with shanks (homemade knives). When Mr. Watkins escaped his attackers and pled for his life, Stojetz cornered him and stabbed him to death.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment....10/10/96
- Sentence....04/18/97

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....02/17/99
- U.S. Supreme Court Review....11/08/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court....03/04/98
- Trial Court Decision....09/14/00
- Court of Appeals Decision....01/10/02
- Supreme Court Decision....05/15/02
- U.S. Supreme Court Review....10/07/02

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....08/18/99

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Frost)
- Prisoner's Petition....04/01/04
- Warden's Return of Writ....12/15/04
- Prisoner's Traverse....10/20/08
- Evidentiary Hearing....
- Decision....09/24/14

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal....02/10/15
- Prisoner's Brief....11/30/15
- Warden's Brief....04/11/16
- Oral Argument....10/10/17
- Decision....06/05/18

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition....11/14/18
- Brief in Opposition....01/18/19
- Decision or Certiorari Denial....02/25/19

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 02/17/99, the Ohio Supreme Court affirmed Stojetz's conviction and death sentence on direct appeal. On 01/06/09, Stojetz filed a petition for postconviction relief which was denied on 05/20/09, and was affirmed by the court of appeals on 06/07/10. On 01/23/13, the Ohio Supreme Court denied Stojetz's appeal. Meanwhile, on 04/01/04, Stojetz filed a petition for a writ of habeas corpus in the district court, which was dismissed on 09/24/14. On 10/22/14, Stojetz filed a motion to alter or amend the judgment which the district court denied on 01/13/15. On 06/05/18, the 6th Circuit affirmed the denial of habeas relief. On 02/25/19, the U.S. Supreme Court denied Stojetz's petition for a writ of certiorari. On 03/27/21, Stojetz filed a motion with the district court to appoint counsel for the purposes of state clemency proceedings. Meanwhile, on 05/24/19, the Ohio Supreme Court set Stojetz's execution date for 03/14/24.

Stumpf, John David

Summary of Crime: On 05/13/84, Stumpf murdered 54-year-old Mary Jane Stout and attempted to murder Norman Stout in their home adjacent to I-70 and County Road 44. The Stouts had invited Stumpf and his accomplice, Clyde Wesley, into their home to use the telephone. While Wesley ransacked the house, Stumpf shot Mr. Stout twice in the head, seriously wounding him. Stumpf then turned to Mrs. Stout, who had witnessed her husband's shooting, and fatally shot her four times.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/14/84
Sentence.....09/27/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/22/86
Supreme Court Decision 08/19/87
U.S. Supreme Court Review.....02/22/88

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/11/88
Trial Court Decision.....11/27/89
Court of Appeals Decision.....07/23/90
Supreme Court Decision 12/26/90
U.S. Supreme Court Review.....11/12/91

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Smith)
Prisoner's Petition 11/16/95
Warden's Return of Writ.....10/08/96
Prisoner's Traverse.....10/02/00
Evidentiary Hearing .....
Decision 02/07/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/30/01
Prisoner's Brief 06/17/02
Warden's Brief 06/05/02
Oral Argument.....12/11/02
Decision 04/28/04

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/08/04
Brief in Opposition 12/10/04
Decision or Certiorari Denial 06/13/05

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/19/87, the Ohio Supreme Court affirmed Stumpf's conviction and death sentence on direct appeal. On 02/07/01, the district court denied Stumpf's petition for a writ of habeas corpus. On 04/28/04, the 6th Circuit reversed the district court's decision, vacated Stumpf's conviction and death sentence based on an involuntary guilty plea and inconsistent prosecution theories, and remanded to the state court for retrial. On 06/13/05, the U.S. Supreme Court reversed the 6th Circuit's decision and remanded the case for further consideration of Stumpf's inconsistent prosecution theory claim. On 08/11/11, the 6th Circuit again reversed the decision of the district court and granted the writ. On 07/03/13, the 6th Circuit, sitting *en banc*, affirmed the district court's denial of habeas relief. The U.S. Supreme Court denied Stumpf's petition for a writ of certiorari on 01/13/14. On 05/04/15, the Ohio Supreme Court set Stumpf's execution date for 01/03/18. Stumpf received reprieves on 05/01/17 until 11/14/18; on 09/01/17 until 04/16/20; on 01/31/20 until 09/15/21; on 04/09/21 until 08/13/24; and on 04/09/21 until 08/13/24.

Tench, James

Summary of Crime: On 11/12/13, Tench murdered his 55-year-old mother, Mary Tench, to prevent her from telling the police Tench had been forging her checks and fraudulently using her credit cards. Tench kidnapped Mary from the Medina home they shared, using tape, a tarp and gloves he had previously purchased. Mary's body was later discovered with duct tape around her neck inside her SUV which had been abandoned in a field near her home. Her purse was located in a nearby retention pond. Evidence showed Tench ran Mary over with her SUV, and that she was alive for at least 20 minutes following her attack. After killing his mother, Tench used her credit card to purchase shampoo and body wash. (Note: Tench was serving prison time for an unrelated robbery at the time of his conviction on this case.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/14/14
Sentence.....05/05/16

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/26/18
U.S. Supreme Court Review.....10/07/19

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/30/17
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/20/19

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Tench's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 12/26/18, the Ohio Supreme Court dismissed Tench's aggravated robbery charge and the corresponding death specifications, but affirmed his conviction and death sentence in all other respects. On 08/20/19, the Ohio Supreme Court denied Tench's application to reopen his direct appeal. On 10/07/19, the U.S. Supreme Court denied Tench's petition for a writ of certiorari. Meanwhile, on 11/09/17, the trial court denied Tench's 09/14/17 motion to conduct discovery prior to filing his petition for postconviction relief. Tench filed his postconviction petition on 11/30/17, which he amended on 05/29/18. On 12/08/17, Tench renewed his discovery request. On 09/25/18, the State opposed the petition and the discovery request; Tench responded on 12/02/19. On 07/14/20, Tench filed a motion for a ruling on his outstanding motions and a notice of supplemental authority. Tench filed another notice of supplemental authority on 03/17/21. On 12/13/21, the trial court granted Tench's 12/09/21 motion for a limited stay of the postconviction proceedings so newly assigned attorneys could become familiar with the case. On 11/30/22, the trial court granted Tench's 10/14/22 motion again seeking new counsel because assigned attorneys had a conflict of interest. (Note: On 02/01/23, a status conference was held.)

Thompson, Ashford L.

Summary of Crime: On 07/13/08, Thompson murdered 33-year-old Joshua Miktarian, a police officer for the City of Twinsburg. Officer Miktarian made a traffic stop of Thompson's vehicle and a struggle ensued. Thompson pulled a gun from his pocket and fired five to six shots at Officer Miktarian. Four of those bullets struck Officer Miktarian in the head. Thompson was later apprehended and admitted to shooting Officer Miktarian.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/21/08
Sentence.....06/23/10

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/29/14
U.S. Supreme Court Review.....10/05/15

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/18/11
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/04/16

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Thompson's petition for postconviction relief and successive petition based on serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/29/14, the Ohio Supreme Court affirmed Thompson's conviction and death sentence on direct appeal. On 10/18/11, Thompson filed a petition for postconviction relief in the trial court, which he amended on 02/02/15. On 05/08/15, the State filed a motion to dismiss, to which Thompson responded on 07/24/15. On 01/10/17, Thompson moved to amend his postconviction petition to add a claim based upon *Hurst v. Florida*, and the State moved to dismiss on 01/12/17. The trial court stayed the postconviction action pending the resolution of a claim under *Hurst* in *State v. Shawn Ford* in the Ohio Supreme Court. On 02/12/20, the State filed in the trial court a notice that the Ohio Supreme Court had issued a ruling in *Ford*. On 02/13/20, Thompson filed a motion for a decision on his pending motions; the State responded on 02/24/20; Thompson replied on 02/27/20. On 04/08/22, Thompson filed in the trial court a petition for postconviction relief alleging that he in ineligible for the death penalty due to serious mental illness. The State filed a response and filed a motion for a State's expert to examine Thompson on 06/01/22. Thompson opposed on 06/10/22, and the State replied on 06/17/22. (Note: On 02/17/23, the trial court granted the State's motion for an expert to examine Thompson.)

Trimble, James E.

Summary of Crime: On 01/21/05, Trimble murdered his live-in girlfriend, Renee Bauer, and her 7-year-old son, Dakota Bauer, after she threatened to leave him. Trimble fired 13 rounds from his assault rifle into Renee with several others passing through her body and striking her son, Dakota. The next morning, Trimble shot and killed 23-year-old Sarah Positano, a college student from Ontario, Canada, while he held her hostage inside her Kent State University apartment. (Trimble received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/03/05
Sentence.....11/21/05

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/30/09
U.S. Supreme Court Review.....11/30/09

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/29/07
Trial Court Decision.....10/03/07
Court of Appeals Decision.....12/08/08
Supreme Court Decision 08/26/09
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gwin)
Prisoner's Petition 12/08/10
Warden's Return of Writ.....03/02/11
Prisoner's Traverse.....06/30/11
Evidentiary Hearing .....
Decision 03/20/13

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/02/13
Prisoner's Brief 03/27/14
Warden's Brief 01/24/14
Oral Argument.....12/02/14
Decision 10/22/15

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....04/01/16
Brief in Opposition 06/06/16
Decision or Certiorari Denial 10/03/16

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Trimble's successive postconviction petition based on serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/30/09, the Ohio Supreme Court affirmed Trimble's conviction and death sentence on direct appeal. Meanwhile, on 10/03/07, the trial court dismissed Trimble's petition for postconviction relief; the court of appeals affirmed on 12/08/08. On 03/20/13, the district court granted Trimble habeas relief on the issue of juror bias; the 6th Circuit reversed on 10/22/15. Meanwhile, on 09/03/13, Trimble filed a motion for leave to file a motion for a new trial; the trial court denied it on 10/08/13 and again on 05/01/15, following remand from the court of appeals. On 03/28/16, the court of appeals ordered the trial court to allow leave to file the motion for a new trial; Trimble filed it on 04/14/16; the trial court denied the motion on the merits on 08/02/17; the court of appeals affirmed on 08/27/18. Meanwhile, on 11/21/16, Trimble filed a successive postconviction petition in the trial court based upon *Hurst v. Florida*, which the trial court denied on 01/15/19. On 01/07/22, Trimble filed a delayed appeal based upon the denial of his *Hurst* postconviction petition. The State filed a brief on 03/25/22. The Court of Appeals affirmed the decision of the trial court on 06/06/22; the Ohio Supreme Court declined to accept Trimble's appeal on 10/11/22. On 04/01/22, Trimble filed a successive petition for postconviction relief alleging he is ineligible for the death penalty due to serious mental illness; he filed a corrected petition on 04/06/22. Meanwhile, on 02/23/22, the Ohio Supreme Court set Trimble's execution date for 03/12/26.

Days From Death Sentence to 12/31/22: 6,249 **Inmate Number: A494-014**

Turner, Michael R.

Summary of Crime: On 06/12/01, Turner murdered his estranged wife, 43-year-old Jennifer Lyles Turner and her boyfriend, 32-year-old Ronald Seggerman, at her apartment in Reynoldsburg. A neighbor witnessed Turner stab Mr. Seggerman at least four times outside the apartment. Turner then entered the apartment and stabbed Jennifer 11 times as she was dialing 911. Turner killed Jennifer following a long period of abuse and several domestic disputes. Turner admitted the murders to another inmate while in county jail. (Turner received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/22/01
Sentence.....01/03/03

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/11/05
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/20/03
Trial Court Decision.....09/22/04
Court of Appeals Decision.....02/21/06
Supreme Court Decision 08/02/06
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/21/07

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Black)
Prisoner's Petition 06/15/07
Warden's Return of Writ.....11/01/07
Prisoner's Traverse.....02/08/08
Evidentiary Hearing 02/01/10
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Turner's successive postconviction relief petition due to serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Turner's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 05/11/05, the Ohio Supreme Court affirmed Turner's conviction and death sentence on direct appeal. On 06/15/07, Turner filed a petition for a writ of habeas corpus in district court. On 04/22/11, the magistrate judge recommended the denial of the writ, which the district court found moot on 03/21/13 because Turner was granted leave to amend his petition. On 05/30/13, over the Warden's objections, Turner amended his petition to raise claims challenging the constitutionality of lethal injection. Following several amendments, on 12/08/17 and 12/27/17, the magistrate judge recommended the dismissal of the lethal injection claims. Turner objected on 01/24/18, and the Warden responded on 01/25/18. On 04/08/22, Turner filed in the trial court a successive petition for postconviction relief alleging he is ineligible for the death penalty due to serious mental illness. Turner filed an amended petition on 10/04/22. (Note: On 02/01/23, the trial court ordered Turner be evaluated for serious mental illness.)

Twyford III, Raymond

Summary of Crime: On 09/22/92, Twyford and his accomplice, Daniel Eikelberry, murdered 37-year-old Richard Franks. The daughter of Twyford's girlfriend had told Twyford that she was raped by Mr. Franks, who Twyford then planned to kill. Twyford and Eikelberry lured Mr. Franks to a remote location on the pretense that they were going deer hunting. Twyford shot Mr. Franks in the back, then Twyford and Eikelberry repeatedly shot Mr. Franks in the head, cut his hands off and stole his wallet. Twyford confessed to police and told police where they had dumped Mr. Franks' severed hands in Yellow Creek.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/08/92
Sentence.....04/07/93

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/06/95
Supreme Court Decision 03/05/02
U.S. Supreme Court Review.....10/07/02

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....11/16/98
Court of Appeals Decision.....03/19/01
Supreme Court Decision 05/01/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....09/25/98
Supreme Court Decision 03/06/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 10/06/03
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Twyford's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/05/02, the Ohio Supreme Court affirmed Twyford's conviction and death sentence on direct appeal. On 10/06/03, Twyford filed a petition for a writ of habeas corpus in the district court. On 09/27/17, the district court granted, in part, the Warden's motion to dismiss defaulted claims. On 03/28/19, Twyford filed a motion for transport for neurological testing and the Warden opposed; the district court granted the motion on 03/19/20, but stayed the transport. On 03/25/20, the Warden appealed the transport order to the 6th Circuit. On 08/26/21, following briefing and oral arguments, the 6th Circuit affirmed the district court's decision to allow testing. On 01/14/22, the U.S. Supreme Court granted the Warden's petition for a writ of certiorari. On 02/25/22, the Warden filed his brief; Twyford filed his brief on 03/28/22; and the Warden replied on 04/05/22. Oral arguments were held on 04/26/22. On 06/21/22, the Supreme Court reversed the decision of the 6th Circuit granting discovery, and remanded the case for further proceedings. On 08/15/22, the 6th Circuit remanded the case back to the district court. On 12/16/22, the district court adopted the parties' joint scheduling order.

Waddy, Warren

Summary of Crime: On 07/18/86, Waddy murdered 22-year-old Paula Mason in her Columbus apartment. Waddy broke into Ms. Mason's home, tied up her hands and feet, beat her and strangled her to death with a jump rope. Waddy then stole her credit cards and car. (Waddy was also convicted for the rapes and aggravated burglaries of three other women in Columbus.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/09/86
Sentence.....10/02/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/02/89
Supreme Court Decision 04/15/92
U.S. Supreme Court Review.....10/13/92

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/05/95
Trial Court Decision.....06/10/96
Court of Appeals Decision.....06/10/97
Supreme Court Decision 10/15/97
U.S. Supreme Court Review.....03/09/98

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Black)
Prisoner's Petition 02/26/98
Warden's Return of Writ.....09/01/98
Prisoner's Traverse.....11/16/99
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Waddy's motion for relief from judgment on his *Atkins* claim.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Waddy's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 04/15/92, the Ohio Supreme Court affirmed Waddy's conviction and death sentence on direct appeal. On 02/26/98, Waddy filed a petition for a writ of habeas corpus in the district court. On 04/06/12, the district court permitted Waddy to amend his petition to raise claims challenging the constitutionality of lethal injection, which he filed on 04/11/12. Waddy again amended his habeas petition on 01/08/13 to raise intellectual disability claims. The Warden filed an amended return of writ on 05/31/13. On 04/15/15, the district court denied Waddy's 03/12/14 discovery request. On 06/06/17, reference of the case to a magistrate judge was vacated. Meanwhile, on 05/30/03, Waddy filed an *Atkins* successive postconviction petition in the trial court, which the trial court denied on 11/25/09 after holding an evidentiary hearing; the court of appeals affirmed on 06/28/11. On 03/13/15, the trial court denied Waddy's motion for leave to file a motion for new trial, the court of appeals affirmed on 07/11/16, and the Ohio Supreme Court denied his appeal on 07/05/17. On 02/26/18, the U.S. Supreme Court denied Waddy's petition for a writ of certiorari. On 11/03/20, Waddy filed a motion relief from judgment, asserting that based upon new expert reports and the new standard announced in *State v. Ford*, the trial court should revisit its 2009 decision finding Waddy was not intellectually disabled; the State responded on 12/10/20; and Waddy replied on 01/13/21.

Were, James

Summary of Crime: During the riot at the Southern Ohio Correctional Facility, Were murdered Robert Vallandingham, a prison guard. Were was an inmate, who along with other prison inmates, held prison guards and inmates hostage. On 04/15/93, Were, Jason Robb, who was the leader of the prison's Aryan Brotherhood, and Carlos Sanders, who was the leader of the prison's Muslim group, ordered inmates to strangle Mr. Vallandingham to death with a cord and baseball bat. (Robb and Sanders also received a death sentence for the aggravated murder of Mr. Vallandingham.) (The case was tried in Hamilton County following a change of venue from Scioto County.) (James Were is now known as Namir Mateen.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/29/94
Sentence.....06/06/03

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/04/05
Supreme Court Decision 06/17/08
U.S. Supreme Court Review.....11/17/08

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/30/05
Trial Court Decision.....07/07/08
Court of Appeals Decision.....09/02/09
Supreme Court Decision 01/27/10
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....06/20/07
Supreme Court Decision 10/16/08

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Watson)
Prisoner's Petition 01/21/11
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Were's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 02/06/02, the Ohio Supreme Court reversed Were's conviction and death sentenced and ordered a new trial. Following retrial, on 06/17/08, the Ohio Supreme Court affirmed Were's conviction and death sentence on direct appeal. On 07/07/08, the trial court denied Were's postconviction petition; the court of appeals affirmed on 09/02/09. Meanwhile, on 02/13/08, the district court granted Were's motion to intervene in Jason Robb's habeas case for the limited purpose of discovery. On 01/21/11, Were filed a habeas petition. Were filed with the trial court a successive postconviction petition on 12/22/15. On 12/29/16 and 01/12/17, the trial court denied Were's successive postconviction petition; the court of appeals affirmed on 06/27/18. Meanwhile, on 11/07/18, the Ohio Supreme Court denied Were's 09/20/18 application to reopen his direct appeal on a tangential *Atkins* issue; the U.S. Supreme Court denied certiorari on 05/13/19. Meanwhile, on 01/04/19, the district court reactivated the habeas case. On 10/14/21, the Warden filed in the district court the supplemental state court record. On 11/23/21, the district court amended the scheduling order for further briefing. On 05/26/22, Were filed a motion requesting the proceedings be stayed pending the exhaustion of state court remedies; the Warden opposed on 06/16/22. Were filed a notice of additional authority on 07/18/22, and the Warden opposed it on 07/18/22. Were filed another notice of additional authority on 08/25/22, which the Warden opposed on the same day. (Note: Dates reflect resentencing.)

Days From Death Sentence to 12/31/22: 7,148 **Inmate Number: A173-245**

Wesson, Hersie R.

Summary of Crime: On 02/25/08, Wesson murdered 81-year-old Emil Varhola and attempted to murder 77-year-old Mary Varhola in their Akron home. Wesson went to the Varhola home to steal a gun so he could shoot his girlfriend who had just broken up with him. Wesson stabbed Mr. Varhola five times. Wesson stabbed Mrs. Varhola multiple times; she survived by pretending to be dead.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/10/08
Sentence.....03/13/09

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/23/13
U.S. Supreme Court Review.....05/19/14

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 02/17/10
Trial Court Decision.....03/02/11
Court of Appeals Decision.....09/28/12
Supreme Court Decision 09/24/14
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/08/14

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Polster)
Prisoner's Petition 09/24/15
Warden's Return of Writ.....05/24/19
Prisoner's Traverse.....09/23/19
Evidentiary Hearing .....
Decision 05/12/20

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 06/11/20
Prisoner's Brief 05/14/21
Warden's Brief 06/15/21
Oral Argument.....10/05/21
Decision 11/09/21

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Wesson's motion for relief from judgment as to his *Atkins* claims.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/23/13, the Ohio Supreme Court vacated one of two aggravated murder counts, but affirmed Wesson's conviction on the second count and affirmed his death sentence. Meanwhile, on 03/02/11, the trial court denied Wesson's postconviction petition. On 09/24/15, Wesson filed a petition for a writ of habeas corpus in the district court. On 12/11/15, Wesson filed in the trial court a successive postconviction *Atkins* petition; the trial court denied it on 10/14/16; the court of appeals affirmed on 03/07/18. On 01/09/19, Wesson filed an amended habeas petition. On 03/05/20, the district court denied Wesson's habeas petition in part, and on 03/23/20, ordered the case remanded to the state courts for an evidentiary hearing on his *Atkins* claims, but on 05/12/20, the district court dismissed all habeas claims finding Wesson could bring a habeas petition on his *Atkins* claims when completed with state court proceedings. Wesson appealed to the 6th Circuit. Following briefing and argument, the 6th Circuit affirmed the denial of habeas relief on 11/09/21. Meanwhile, on 04/02/20, Wesson filed a motion in the trial court for relief from judgment as to the *Atkins* claims; on 04/07/20, the State did not oppose the trial court granting an evidentiary hearing. On 07/14/21, the State requested Wesson be returned to Summit County for purposes of being evaluated by the State's expert; on 07/09/21, Wesson objected to the move, but agreed to be evaluated. A video deposition of an expert was conducted on 10/07/22, and an evidentiary hearing was held on 10/11/22 and 10/12/22, after which the trial court issued a briefing schedule for the filing of post-hearing briefs.

Whitaker, Christopher

Summary of Crime: On 01/26/17, Whitaker kidnapped, raped and murdered 14-year-old Alianna DeFreeze. Video surveillance showed Whitaker approaching Alianna and then leading her across a field towards the house in which her body was located three days later. Police located Alianna's mostly nude body in a room of the house, but her clothing and a condom wrapper were found in another room. DNA evidence found inside her body matched Whitaker, and Alianna's DNA was found on tools and other items seized from the home, including a drill, screwdriver, knives, a hammer, and a nut driver. Whitaker confessed to murdering Alianna; however, he claimed he blacked out, and had no recollection of inflicting the fatal injuries.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/13/17
Sentence.....03/27/18

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/18/22
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/04/19
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Whitaker's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 08/18/22, the Ohio Supreme Court affirmed Whitaker's conviction and death sentence on direct appeal. On 10/25/22, the Ohio Supreme Court denied Whitaker's 08/29/22 motion for reconsideration. (Note: On 01/24/23, the United States Supreme Court granted Whitaker an extension of time to 03/24/23 to file his petition for a writ of certiorari.) Meanwhile, on 11/04/19, Whitaker filed with the trial court his petition for postconviction relief. On 11/30/20, the trial court granted Whitaker's 11/24/20 motion for funds to employ experts. On 11/03/21, the trial court granted the parties' joint motion for a scheduling order. On 02/14/22, Whitaker amended his postconviction petition. On 10/11/22, Whitaker refiled redacted petitions. On 10/14/22, the State opposed Whitaker's petition.

Wilks, Jr., Willie Gene

Summary of Crime: On 05/21/13, Wilks murdered 20-year-old Orora Wilkins on a porch of a Youngstown, Ohio home. Wilks was dating Ms. Wilkins' mother. Earlier in the day, Wilks had argued with Ms. Wilkins' brother, William, over the telephone. Wilks then arrived at the home of Mr. Wilkins' girlfriend where Mr. Wilkins, Ms. Wilkins, and Alex Morales were visiting. Wilks shot Ms. Wilkins in the head with an AK-47 and shot Mr. Morales in the back as he was attempting to flee with a 5-month-old child in his arms; the child was unharmed. Wilks then shot at, but missed, Mr. Wilkins who was looking out an upstairs bedroom window. Wilks fled the area and was later apprehended.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/23/13
Sentence.....05/19/14

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 04/24/18
U.S. Supreme Court Review.....12/10/18

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/17/15
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Wilks' petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 04/24/18, the Ohio Supreme Court affirmed Wilks' conviction and death sentence on direct appeal; the U.S. Supreme Court denied Wilks' 10/11/18 petition for a writ of certiorari on 12/10/18. Meanwhile, on 07/17/15, Wilks filed a petition for postconviction relief, which he amended on 01/21/16, 05/04/16, and 10/25/16. On 10/25/16, Wilks filed a motion for discovery, which the State opposed on 01/26/17. The State filed a motion for summary judgment on 12/11/17, to which Wilks responded on 11/14/18. Also on 11/14/18, Wilks renewed his motion for discovery and requested leave to amend his petition. The State opposed the discovery motion on 12/04/18. On 02/24/20 and 07/14/20, Wilks filed notice of supplemental authorities in the trial court. On 12/20/21, Wilks filed a motion for a stay of proceedings so his new attorneys could become familiar with the record. The State opposed the motion for stay on 01/06/22 because the case was ripe for a decision on the pending motions for discovery and summary judgment.

Williams, Andre

Summary of Crime: On 08/15/88, Williams and an accomplice, Christopher Daniel, murdered 65-year-old George Melnick and attempted to murder Katherine Melnick in their Warren home. After forcing their way into the house, Williams and Daniel beat the Melnicks with a brick, an ax handle and a lamp, killing Mr. Melnick and severely injuring Mrs. Melnick. Williams also attempted to rape Mrs. Melnick. Williams and Daniel bragged to several friends about beating and robbing the elderly couple, and Williams even demonstrated what he had done.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/28/88
Sentence.....03/15/89

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/27/95
Supreme Court Decision 02/21/96
U.S. Supreme Court Review.....10/07/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/23/96
Trial Court Decision.....07/29/97
Court of Appeals Decision.....10/19/98
Supreme Court Decision 03/03/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....03/29/10
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Nugent)
Prisoner's Petition 03/01/00
Warden's Return of Writ.....04/21/00
Prisoner's Traverse.....06/27/00
Evidentiary Hearing .....
Decision 03/28/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/25/03
Prisoner's Brief 02/03/14
Warden's Brief 03/26/14
Oral Argument.....01/21/15
Decision 07/07/15

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 02/21/96, the Ohio Supreme Court affirmed Williams' conviction and death sentence on direct appeal. On 03/28/03, the district court denied Williams' petition for a writ of habeas corpus. On 06/27/03, the 6th Circuit stayed the case pending completion of state court proceedings on Williams' *Atkins* petition. Thereafter, on 09/28/09, the 6th Circuit granted Williams' motion for leave to file a successive habeas petition to assert his *Atkins* claims, which he did on 10/13/09. On 09/28/12, the district court denied Williams' successive habeas petition. On 07/19/13, the 6th Circuit consolidated Williams' appeals. On 07/07/15, the 6th Circuit granted a conditional writ of habeas corpus barring Williams' execution unless the state courts re-evaluate his *Atkins* petition. On 12/18/15, the 11th District Court of Appeals vacated its earlier *Atkins* ruling and remanded the issue to the trial court for further proceedings. The trial court held hearings over several days in 2016 and 2017; both sides filed post-hearing briefs on 07/14/17. The trial court again denied Williams' *Atkins* petition on 04/11/19. On 01/29/21, the court of appeals reversed the trial court's decision and remanded the case for further proceedings. On 12/29/22, the trial court again denied Williams' *Atkins* petition on remand. (Note: On 01/25/23, Williams appealed the denial of his *Atkins* petition.)

Williams, Clifford

Summary of Crime: On 08/03/90, Williams murdered 39-year-old Wayman Hamilton in downtown Hamilton. Mr. Hamilton was a cab driver who had picked up Williams. Williams shot Mr. Hamilton in the forehead and stole his money. Three days later, Williams robbed and shot another man who had picked up Williams while he was hitchhiking, but the man survived.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/19/90
Sentence.....02/22/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/02/92
Supreme Court Decision 08/16/95
U.S. Supreme Court Review.....03/04/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....07/14/97
Court of Appeals Decision.....06/22/98
Supreme Court Decision 10/07/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Watson)
Prisoner's Petition 06/11/99
Warden's Return of Writ.....09/29/00
Prisoner's Traverse.....10/31/00
Evidentiary Hearing .....
Decision 04/14/22

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Williams' postconviction petition alleging serious mental illness.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Williams' motion to alter or amend the denial of his petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/16/95, the Ohio Supreme Court affirmed Williams' conviction and death sentence on direct appeal. On 06/11/99, Williams filed a petition for a writ of habeas corpus in the district court. On 10/01/04, Williams' case was reassigned to Judge Watson. On 02/04/08, the district court granted Williams' motion to amend his habeas petition. On 08/20/08, the Warden filed an amended return of writ and a motion to dismiss procedurally defaulted claims. On 12/07/12, the district court partially granted the Warden's motion to dismiss defaulted claims. On 01/21/13, Williams filed a motion to reconsider the procedural default decision pertaining to one sub-claim, which was denied by the district court on 09/16/13. On 03/01/21, the Warden refiled the state court record electronically. The district court denied Williams' habeas petition on 04/14/22. On 05/12/22, Williams filed a motion to alter the judgement; the Warden opposed on 05/25/22; and Williams filed a reply on 10/25/22. Meanwhile, on 02/27/17, the trial court denied Williams' 01/11/17 motion for a new mitigation hearing based upon *Hurst v. Florida*; the court of appeals affirmed on 04/09/18; the Ohio Supreme Court denied review on 08/15/18; and on 01/22/19, the U.S. Supreme Court denied certiorari. On 04/06/22, Williams filed in the trial court a successive postconviction petition alleging he is ineligible to be executed due to serious mental illness.

Williams, Jr., Robert

Summary of Crime: On 02/18/99, Williams murdered 88-year-old Velma MacDowell in her Toledo apartment. Ms. MacDowell lived in the same apartment building as Williams' friend's mother. Williams broke into Ms. MacDowell's home, stuffed a rag in her mouth, raped her, beat her in the face, strangled her to death with a pair of her pantyhose and stole $300 from her purse. Williams confessed to police. DNA testing proved that the semen found in Ms. MacDowell belonged to Williams.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/02/99
Sentence.....09/03/99

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/27/03
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/15/00
Trial Court Decision.....04/12/04
Court of Appeals Decision.....06/30/05
Supreme Court Decision 12/14/05
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
Prisoner's Petition 12/14/06
Warden's Return of Writ.....02/12/07
Prisoner's Traverse.....04/30/07
Evidentiary Hearing .....
Decision 09/30/13

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/24/13
Prisoner's Brief 12/01/14
Warden's Brief 04/03/15
Oral Argument.....09/26/16
Decision 01/20/17

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/19/17
Brief in Opposition 08/21/17
Decision or Certiorari Denial 10/02/17

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/27/03, the Ohio Supreme Court affirmed Williams' conviction and death sentence on direct appeal. On 12/14/06, Williams filed a petition for a writ of habeas corpus in the district court, which was denied on 09/30/13. The 6th Circuit Court of Appeals affirmed the denial of habeas relief on 01/20/17. On 10/02/17, the U.S. Supreme Court denied certiorari.

Wogenstahl, Jeffrey

Summary of Crime: On 11/24/91, Wogenstahl murdered 10-year-old Amber Garrett of Harrison, Ohio. Amber was the daughter of Wogenstahl's friend. Wogenstahl kidnapped Amber as she slept in her bed, stabbed her 11 times in the chest and neck, beat her with a car jack handle, and dumped her body in a heavily wooded area in West Harrison, Indiana. Wogenstahl admitted to a fellow inmate that he had kidnapped Amber to rape her. DNA testing, conducted during federal appeals in 2001, identified Amber as the source of blood in Wogenstahl's car.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/01/92
Sentence.....03/15/93

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/30/94
Supreme Court Decision 03/06/96
U.S. Supreme Court Review.....10/07/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....02/24/97
Court of Appeals Decision.....06/12/98
Supreme Court Decision 10/07/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....05/19/98
Supreme Court Decision 11/10/98

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rose)
Prisoner's Petition 10/07/99
Warden's Return of Writ.....12/17/99
Prisoner's Traverse.....02/11/00
Evidentiary Hearing 12/05/05
Decision 09/12/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/12/07
Prisoner's Brief 07/27/09
Warden's Brief 11/24/09
Oral Argument.....08/03/10
Decision 02/02/12

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....07/10/12
Brief in Opposition 08/10/12
Decision or Certiorari Denial 10/01/12

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Wogenstahl's successive postconviction petition and motion for leave to file a motion for new trial.

STATUS IN FEDERAL COURTS AS OF 12/31/22

Pending in the district court on Wogenstahl's successive habeas petition, which is stayed. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/06/96, the Ohio Supreme Court affirmed Wogenstahl's conviction and death sentence on direct appeal. After staying his execution and reopening his direct appeal, on 07/25/17, the Ohio Supreme Court again affirmed his conviction and death sentence. Meanwhile, on 04/26/17, Wogenstahl filed a successive postconviction petition, which he amended on 05/21/19 and 07/27/21; the State moved to dismiss it on 04/12/18. On 06/24/22, Wogenstahl amended his postconviction petition again and filed a motion for leave to file a motion for new trial. (Note: On 01/19/23, Wogenstahl filed a delayed application to reopen his direct appeal in the court of appeals.) Meanwhile, on 01/25/13, the Ohio Supreme Court set Wogenstahl's execution date for 05/14/15. He received reprieves on 09/05/14 until 01/21/16; on 01/30/15 until 11/16/16; on 10/19/15 until 09/13/17; and on 02/10/17 until 04/17/19. On 10/24/18, the Ohio Supreme Court stayed his execution. Meanwhile, on 09/04/18, the 6th Circuit authorized Wogenstahl to file a successive habeas petition, which is stayed pending the completion of the state court litigation. On 06/10/19, Wogenstahl filed a third habeas petition on a jurisdictional issue; the 6th Circuit denied permission to proceed on 05/12/20. (Note: On 01/05/23, Wogenstahl filed in the district court a motion for relief from the judgment which ordered his 2017 successive petition to be transferred to the Sixth Circuit for approval. The Warden opposed the motion on 01/13/23.)

Days From Death Sentence to 12/31/22: 10,883 **Inmate Number: A269-357**

Worley, James

Summary of Crime: On 07/19/16, Worley kidnapped and murdered 20-year old Sierah Joughin while she was out riding her bicycle in rural Fulton County. On the side of the road, investigators found blood matching Joughin's DNA on cornstalks, items belonging to Worley, and tire tracks in the cornfield which matched Worley's truck. Ms. Joughin's body was found buried in a cornfield gagged with a modified dog toy, bound with rope, handcuffed, and dressed in clothing similar to items found in Worley's barn. Ms. Joughin's DNA was also located on several other items located in Worley's barn which housed a mattress and additional restraints.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....08/16/16
Sentence.....04/18/18

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/01/21
U.S. Supreme Court Review.....01/10/22

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 01/28/20
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/14/21

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/22

Pending in the trial court on Worley's petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 12/31/22

No capital proceeding pending.

NOTES

On 07/01/21, the Ohio Supreme Court affirmed Worley's conviction and death sentence on direct appeal. On 12/14/21, the Ohio Supreme Court denied Worley's 10/13/21 application to reopen his direct appeal. On 01/10/22, the U.S. Supreme Court denied Worley's petition for a writ of certiorari. Meanwhile, on 01/28/20, Worley filed in the trial court a petition for postconviction relief. On 02/03/21, the trial judge recused himself, and the Ohio Supreme Court appointed a visiting judge. On 01/04/22 and 07/01/22, Worley filed amended petitions for postconviction relief alleging, among other things, that he is ineligible for the death penalty due to serious mental illness. The State filed motions to dismiss the petition on 05/19/22 and 10/07/22; Worley responded on 11/14/22.

Executed

Ashworth, Herman

Summary of Crime: On 09/10/96, Ashworth murdered 40-year-old Daniel Baker outside the Wagon Wheel bar in Newark. After having a few drinks at the Wagon Wheel and Legend Bars with Mr. Baker, Ashworth beat Mr. Baker with a board and kicked him several times. He then stole Mr. Baker's wallet. Ashworth later confessed and pled guilty to the charges.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....09/20/96
Sentence.....06/16/97

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/24/99
U.S. Supreme Court Review.....10/04/99

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 03/16/98
Trial Court Decision.....04/20/99
Court of Appeals Decision.....11/08/99
Supreme Court Decision 03/01/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Sargus)
Prisoner's Petition 11/14/00
Warden's Return of Writ.....08/17/01
Prisoner's Traverse.....10/17/01
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/27/05
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/27/05
No capital proceeding pending.

NOTES

On 09/27/05, Herman Ashworth was executed by lethal injection.

Days From Death Sentence to 09/27/05: 3,025 **Executed**

Barton, Rocky

Summary of Crime: On 01/16/03, Barton murdered his wife, 43-year-old Kimberli Jo Barton, at their home in Waynesville. Kimberli and Barton had gotten in a domestic dispute that morning. Kimberli, her 17-year-old daughter, and Barton's uncle were returning home to gather her belongings in order to move out. When Kimberli arrived, Barton ambushed her in the driveway. He shot Kimberli with a shotgun once in the side and then again in the back. He then aimed the gun at his step-daughter's head and at his uncle, before shooting himself in the face. At trial, Barton admitted to the murder and told the jury that he deserved to die.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....02/10/03
- Sentence.....10/10/03

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 04/05/06
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court .....
- Trial Court Decision.....
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 07/12/06

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/12/06

No capital proceeding pending.

NOTES

On 07/12/06, Rocky Barton was executed by lethal injection.

Days From Death Sentence to 07/12/06: 1,006 **Executed**

Baston, Johnnie

Summary of Crime: On 03/21/94, Baston murdered 53-year-old Chong Mah at Continental Wigs N' Things in downtown Toledo. Mr. Mah was the owner of the retail store. Baston stole money and merchandise from the store and shot Mr. Mah in the back of the head at close range. Baston later admitted to the robbery to the Columbus police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/08/94
Sentence.....02/24/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/12/97
Supreme Court Decision 05/12/99
U.S. Supreme Court Review.....12/06/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....07/10/98
Court of Appeals Decision.....11/17/00
Supreme Court Decision 03/21/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Carr)
Prisoner's Petition 03/22/02
Warden's Return of Writ.....05/31/02
Prisoner's Traverse.....09/03/02
Evidentiary Hearing .....
Decision 09/12/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/14/03
Prisoner's Brief 01/03/05
Warden's Brief 12/27/04
Oral Argument.....04/27/05
Decision 08/25/05

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....03/15/06
Brief in Opposition 04/18/06
Decision or Certiorari Denial 05/22/06

STATUS

STATUS IN STATE COURTS AS OF 03/10/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/10/11

No capital proceeding pending.

NOTES

On 03/10/11, Johnnie Baston was executed by lethal injection.

Days From Death Sentence to 03/10/11: 5,858 **Executed**

Bedford, Daniel

Summary of Crime: On 04/24/84, Bedford murdered 25-year-old Gwen Toepfert and 27-year-old John Smith at Ms. Toepfert's apartment in Cincinnati. Bedford came to Ms. Toepfert's apartment and shot the two. Bedford did not shoot Ms. Toepfert's roommate, Jo Ann Funk, who was also in the apartment. Bedford confessed to the police later that day.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/17/84
Sentence.....11/09/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/08/86
Supreme Court Decision 10/12/88
U.S. Supreme Court Review.....03/06/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/08/89
Trial Court Decision.....05/04/90
Court of Appeals Decision.....09/11/91
Supreme Court Decision 01/29/92
U.S. Supreme Court Review.....06/27/94

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....03/12/93
Supreme Court Decision 11/24/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Smith)
Prisoner's Petition 06/26/92
Warden's Return of Writ.....03/03/95
Prisoner's Traverse.....10/17/95
Evidentiary Hearing .....
Decision 05/03/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 06/01/07
Prisoner's Brief 06/27/08
Warden's Brief 06/23/08
Oral Argument.....04/22/09
Decision 06/04/09

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/15/10
Brief in Opposition 03/08/10
Decision or Certiorari Denial 04/05/10

STATUS

STATUS IN STATE COURTS AS OF 05/17/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/17/11

No capital proceeding pending.

NOTES

On 05/17/11, Daniel Bedford was executed by lethal injection.

Days From Death Sentence to 05/17/11: 9,685 **Executed**

Benge, Michael

Summary of Crime: On 01/31/93, Benge murdered his girlfriend, Judith Gabbard, on the west side of the Miami River. After getting into an argument with Ms. Gabbard, Benge beat her several times with a metal pipe and then threw her into the river. He stole her ATM card and withdrew $400 from her account. Benge subsequently confessed to the police. He testified at trial that he was in a rage when he killed Ms. Gabbard.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/10/93
Sentence.....06/15/93

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/05/94
Supreme Court Decision 03/04/96
U.S. Supreme Court Review.....10/07/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....07/14/97
Court of Appeals Decision.....04/27/98
Supreme Court Decision 07/22/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Sargus)
Prisoner's Petition 11/16/98
Warden's Return of Writ.....01/12/99
Prisoner's Traverse.....03/14/01
Evidentiary Hearing .....
Decision 03/31/04

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/04/04
Prisoner's Brief 12/21/05
Warden's Brief 12/19/05
Oral Argument.....06/01/06
Decision 01/16/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....09/10/07
Brief in Opposition 10/15/07
Decision or Certiorari Denial 11/13/07

STATUS

STATUS IN STATE COURTS AS OF 10/06/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/06/10

No capital proceeding pending.

NOTES

On 10/06/10, Michael Benge was executed by lethal injection.

Days From Death Sentence to 10/06/10: 6,322 **Executed**

Benner, Glenn

Summary of Crime: On 08/06/85, Benner murdered 26-year-old Cynthia Sedgwick in the woods surrounding the Blossom Music Center where Ms. Sedgwick had attended a concert. Benner abducted Ms. Sedgwick, raped her, and then choked her to death. On 01/02/86, Benner murdered his acquaintance, 21-year-old Trina Bowser, in Akron. Benner kidnapped Ms. Bowser, raped her, and killed her. Benner was also convicted for the attempted murders and rapes of two other woman on two separate occasions. DNA testing, conducted during federal appeals in 2003, identified Benner as the source of semen found in Ms. Bowser's vagina and rectum.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/21/86
Sentence.....05/14/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....07/22/87
Supreme Court Decision 01/18/89
U.S. Supreme Court Review.....04/16/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/21/90
Trial Court Decision.....08/16/96
Court of Appeals Decision.....08/27/97
Supreme Court Decision 12/17/97
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....11/03/95
Supreme Court Decision 07/24/96

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gaughan)
Prisoner's Petition 03/24/98
Warden's Return of Writ.....05/26/98
Prisoner's Traverse.....07/15/98
Evidentiary Hearing .....
Decision 11/19/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 12/19/03
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision 03/21/05

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/06/05
Brief in Opposition 07/13/05
Decision or Certiorari Denial 10/03/05

STATUS

STATUS IN STATE COURTS AS OF 02/07/06

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/07/06

No capital proceeding pending.

NOTES

On 02/07/06, Glenn Benner was executed by lethal injection.

Days From Death Sentence to 02/07/06: 7,209 **Executed**

Berry, Wilford

Summary of Crime: On 11/30/89, Berry murdered his boss, 66-year-old Charles Mitroff, at Charles Bakery in Cleveland. As part of his plan to murder Mr. Mitroff, Berry supplied his accomplice and co-worker, Anthony Lozar, with a gun and kept a gun for himself. When Mr. Mitroff returned to the bakery after making deliveries, Lozar shot him in the torso. When Mr. Mitroff fell to the floor injured, Berry walked up to him and shot him in the head. Berry and Lozar buried Mr. Mitroff in a shallow grave near a bridge and stole his van. Berry confessed to police and bragged about the murder to his fellow jail inmates.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/13/89
Sentence.....08/13/90

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/21/93
Supreme Court Decision 06/28/95
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 02/19/98
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision 11/19/98

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision 02/17/99

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial 02/19/99

STATUS

STATUS IN STATE COURTS AS OF 02/19/99

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/19/99

No capital proceeding pending.

NOTES

On 02/19/99, Wilford Berry was executed by lethal injection. This marked the first execution in Ohio since 1963.

Days From Death Sentence to 02/19/99: 3,112 **Executed**

Beuke, Michael

Summary of Crime: On 06/01/83, Beuke murdered 27-year-old Robert Craig in Union Township. Mr. Craig had picked Beuke up on I-275 where he was hitchhiking. Beuke shot Mr. Craig twice in the head and once in the chest, dumped his body in the bushes and stole his car. Beuke was also convicted for the attempted murders of two other motorists whom he had shot and seriously wounded when they picked him up on two separate occasions. Beuke admitted to his friend that he was the "Mad Hitchhiker" sought by police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/05/83
Sentence.....10/25/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/26/86
Supreme Court Decision 07/20/88
U.S. Supreme Court Review.....03/06/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/16/89
Trial Court Decision.....08/28/90
Court of Appeals Decision.....08/14/91
Supreme Court Decision 01/15/92
U.S. Supreme Court Review.....05/16/94

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....12/01/92
Supreme Court Decision 11/17/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Graham)
Prisoner's Petition 06/18/92
Warden's Return of Writ.....12/16/94
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision 10/19/95

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 01/12/96
Prisoner's Brief 09/25/06
Warden's Brief 09/20/06
Oral Argument.....03/14/07
Decision 08/13/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....02/27/09
Brief in Opposition 05/11/09
Decision or Certiorari Denial 06/15/09

STATUS

STATUS IN STATE COURTS AS OF 05/13/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/13/10

No capital proceeding pending.

NOTES

On 05/13/10, Michael Beuke was executed by lethal injection.

Days From Death Sentence to 05/13/10: 9,697 **Executed**

Biros, Kenneth

Summary of Crime: On 02/07/91, Biros murdered 22-year-old Tami Engstrom in Brookfield Township. Ms. Engstrom had met Biros that night at the Nickelodeon Lounge in Masury. Biros stabbed and beat Ms. Engstrom 91 times in an attempt at sexual mutilation and then strangled her to death. Biros also stole Ms. Engstrom's diamond ring. Biros later showed police where he had hidden Ms. Engstrom's severed nude body in Pennsylvania.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/14/91
Sentence.....10/29/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....01/02/96
Supreme Court Decision 05/14/97
U.S. Supreme Court Review.....12/01/97

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....02/10/98
Court of Appeals Decision.....06/01/99
Supreme Court Decision 09/29/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....12/27/00
Supreme Court Decision 09/26/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Polster)
Prisoner's Petition 09/14/00
Warden's Return of Writ.....11/13/00
Prisoner's Traverse.....02/26/01
Evidentiary Hearing .....
Decision 12/13/02

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 01/07/03
Prisoner's Brief 09/22/04
Warden's Brief 09/22/04
Oral Argument.....02/01/05
Decision 09/09/05

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/05/06
Brief in Opposition 07/07/06
Decision or Certiorari Denial 10/02/06

STATUS

STATUS IN STATE COURTS AS OF 12/08/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/08/09

No capital proceeding pending.

NOTES

On 12/08/09, Kenneth Biros was executed by lethal injection.

Days From Death Sentence to 12/08/09: 6,615 **Executed**

Brewer, David M.

Summary of Crime: On 03/21/85, Brewer murdered 21-year-old Sherry Byrne near Factory Road in Beavercreek. Brewer and Mrs. Byrne were social acquaintances as her husband and Brewer were college fraternity brothers. After luring Mrs. Byrne to meet him to celebrate his wife's pregnancy, Brewer kidnapped Mrs. Byrne, driving her around in the trunk of his car for several hours. When Mrs. Byrne tried to escape, Brewer choked her and stabbed her multiple times. Brewer later confessed to the killing and told police where he had hidden Mrs. Byrne's body.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/28/85
Sentence.....10/16/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/26/88
Supreme Court Decision 01/10/90
U.S. Supreme Court Review.....10/01/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/03/91
Trial Court Decision.....08/02/93
Court of Appeals Decision.....09/28/94
Supreme Court Decision 02/15/95
U.S. Supreme Court Review.....10/02/95

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....04/07/97
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Weber)
Prisoner's Petition 06/20/96
Warden's Return of Writ.....08/19/96
Prisoner's Traverse.....02/03/97
Evidentiary Hearing .....
Decision 09/07/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/05/00
Prisoner's Brief 08/10/01
Warden's Brief 08/14/01
Oral Argument.....06/18/02
Decision 09/10/02

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/08/02
Brief in Opposition 12/16/02
Decision or Certiorari Denial 01/21/03

STATUS

STATUS IN STATE COURTS AS OF 04/29/03

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/29/03

No capital proceeding pending.

NOTES

On 04/29/03, David M. Brewer was executed by lethal injection.

Days From Death Sentence to 04/29/03: 6,404 **Executed**

Brooks, Reginald

Summary of Crime: On 03/06/82, Brooks murdered his three sons, 17-year-old Reginald Jr., 15-year-old Vaughn, and 11-year-old Niarchos in their Cleveland home. Two days earlier, Brooks had been served with divorce papers. While his wife was at work, Brooks shot each child in the head while they laid in bed. Brooks was arrested in Utah with the murder weapon in his possession.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....03/10/82
- Sentence.....06/11/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....08/15/85
- Supreme Court Decision 07/23/86
- U.S. Supreme Court Review.....02/23/87

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 11/06/87
- Trial Court Decision.....11/20/97
- Court of Appeals Decision.....06/17/99
- Supreme Court Decision 03/01/00
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....11/09/00
- Supreme Court Decision 08/15/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Nugent)
- Prisoner's Petition 04/17/02
- Warden's Return of Writ.....06/17/02
- Prisoner's Traverse.....07/25/02
- Evidentiary Hearing .....
- Decision 09/28/05

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 10/26/05
- Prisoner's Brief 07/18/07
- Warden's Brief 07/25/07
- Oral Argument.....12/04/07
- Decision 01/22/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....11/06/08
- Brief in Opposition 01/08/09
- Decision or Certiorari Denial 02/23/09

STATUS

STATUS IN STATE COURTS AS OF 11/15/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/15/11

No capital proceeding pending.

NOTES

On 11/15/11, Reginald Brooks was executed by lethal injection

Days From Death Sentence to 11/15/11: 10,018 **Executed**

Brown, Mark A.

Summary of Crime: On 01/28/94, Brown murdered 32-year-old Isam Salman and 30-year-old Haydar Al-Turk at the Midway Market in Youngstown. Mr. Salman was the store owner and Mr. Al-Turk was an employee. Brown entered the store and shot Mr. Salman and Mr. Al-Turk multiple times. Brown later confessed to killing Mr. Al-Turk, but stated he did not recall shooting Mr. Salman. Brown received a death sentence for the murder of Salman.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/04/94
Sentence.....02/28/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....01/30/01
Supreme Court Decision 10/08/03
U.S. Supreme Court Review.....03/01/04

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 04/13/98
Trial Court Decision.....09/12/01
Court of Appeals Decision.....06/30/03
Supreme Court Decision 01/21/04
U.S. Supreme Court Review.....06/21/04

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....08/15/01
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Adams)
Prisoner's Petition 06/03/05
Warden's Return of Writ.....08/02/05
Prisoner's Traverse.....11/15/05
Evidentiary Hearing .....
Decision 03/03/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/02/06
Prisoner's Brief 02/04/08
Warden's Brief 02/01/08
Oral Argument.....04/29/08
Decision 06/26/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/15/08
Brief in Opposition 02/12/09
Decision or Certiorari Denial 03/23/09

STATUS

STATUS IN STATE COURTS AS OF 02/04/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/04/10

No capital proceeding pending.

NOTES

On 02/04/10, Mark A. Brown was executed by lethal injection.

Days From Death Sentence to 02/04/10: 5,090 **Executed**

Bryant-Bey, Gregory L.

Summary of Crime: On 08/09/92, Bryant-Bey murdered 48-year-old Dale Pinkelman in Pinky's Collectibles in Toledo. Mr. Pinkelman was the owner of the retail store. Bryant-Bey stabbed Mr. Pinkelman in the chest, stole merchandise from the store and took Mr. Pinkelman's car.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/12/92
Sentence.....12/22/93

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/19/97
Supreme Court Decision 05/19/99
U.S. Supreme Court Review.....12/06/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....10/31/97
Court of Appeals Decision.....06/16/00
Supreme Court Decision 10/18/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/12/97

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Matia)
Prisoner's Petition 10/17/01
Warden's Return of Writ.....01/11/02
Prisoner's Traverse.....02/28/02
Evidentiary Hearing .....
Decision 09/09/04

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/08/04
Prisoner's Brief 05/05/06
Warden's Brief 05/04/06
Oral Argument.....12/05/06
Decision 09/25/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/21/07
Brief in Opposition 02/22/08
Decision or Certiorari Denial 03/24/08

STATUS

STATUS IN STATE COURTS AS OF 11/19/08

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/19/08

No capital proceeding pending.

NOTES

On 11/19/08, Gregory Bryant-Bey was executed by lethal injection.

Days From Death Sentence to 11/19/08: 5,446 **Executed**

Buell, Robert

Summary of Crime: On 08/17/82, Buell murdered 11-year-old Krista Lee Harrison in Marshallville. Buell kidnapped Krista from a park across the street from her house, tied her up, sexually assaulted her by thrusting a rigid object against the inlet of her vagina and strangled her to death.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/01/84
Sentence.....04/11/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/11/85
Supreme Court Decision 02/19/86
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/19/87
Trial Court Decision.....12/30/88
Court of Appeals Decision.....08/22/91
Supreme Court Decision 01/29/92
U.S. Supreme Court Review.....05/16/94

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....09/21/92
Supreme Court Decision 11/17/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Matia)
Prisoner's Petition 04/01/96
Warden's Return of Writ.....06/21/96
Prisoner's Traverse.....01/13/97
Evidentiary Hearing 09/17/97
Decision 07/22/99

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/19/99
Prisoner's Brief 08/28/00
Warden's Brief 08/24/00
Oral Argument.....01/30/01
Decision 12/04/01

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/25/02

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/25/02

No capital proceeding pending.

NOTES

On 09/25/02, Robert Buell was executed by lethal injection. (Note: This case was tried in Cuyahoga County following a change of venue from Wayne County).

Days From Death Sentence to 09/25/02: 6,741 **Executed**

Byrd, John

Summary of Crime: On 04/17/83, Byrd murdered 40-year-old convenience night clerk Monte Tewksbury at a King Kwik on Pippen Road. Byrd and his accomplice, John Brewer, stole approximately $133 from the cash register and Mr. Tewksbury's watch, wedding ring and wallet. Before leaving the store, Byrd stabbed Mr. Tewksbury in the side, which punctured his liver and caused him to bleed to death.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/26/83
Sentence.....08/19/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/05/86
Supreme Court Decision 08/12/87
U.S. Supreme Court Review.....01/19/88

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/17/88
Trial Court Decision.....09/19/89
Court of Appeals Decision.....02/26/92
Supreme Court Decision 08/12/92
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....10/01/92
Supreme Court Decision 10/27/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Graham)
Prisoner's Petition 03/07/94
Warden's Return of Writ.....07/20/94
Prisoner's Traverse.....05/30/95
Evidentiary Hearing .....
Decision 12/26/95

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/16/96
Prisoner's Brief 09/25/96
Warden's Brief 11/26/96
Oral Argument.....03/11/98
Decision 04/06/00

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....10/06/00
Brief in Opposition 11/22/00
Decision or Certiorari Denial 01/08/01

STATUS

STATUS IN STATE COURTS AS OF 02/19/02

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/19/02

No capital proceeding pending.

NOTES

On 02/19/02, John Byrd was executed by lethal injection.

Days From Death Sentence to 02/19/02: 6,759 **Executed**

Carter, Clarence

Summary of Crime: On 12/28/88, Carter murdered 33-year-old Johnny Allen, who was Carter's fellow inmate at the Jail Annex to the Hamilton County Courthouse. For nearly 25 minutes, Carter, who was muscular and strong, beat, choked, stomped, punched and kicked Mr. Allen, who was 5'10" and weighed 122 pounds. At the time, Carter was in jail awaiting sentence for another aggravated murder conviction.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/01/89
Sentence.....08/01/89

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/13/91
Supreme Court Decision 07/22/92
U.S. Supreme Court Review.....02/22/93

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/26/94
Trial Court Decision.....09/21/94
Court of Appeals Decision.....10/04/95
Supreme Court Decision 03/06/96
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....04/22/94
Supreme Court Decision 11/09/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Beckwith)
Prisoner's Petition 07/29/96
Warden's Return of Writ.....09/23/96
Prisoner's Traverse.....04/25/97
Evidentiary Hearing 11/09/98
Decision 11/17/98

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/18/99
Prisoner's Brief 10/04/04
Warden's Brief 09/29/04
Oral Argument.....04/28/05
Decision 04/06/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....10/23/06
Brief in Opposition 11/30/07
Decision or Certiorari Denial 01/08/07

STATUS

STATUS IN STATE COURTS AS OF 04/12/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/12/11

No capital proceeding pending.

NOTES

On 04/12/11, Clarence Carter was executed by lethal injection.

Days From Death Sentence to 04/12/11: 7,924 **Executed**

Clark, Joseph Lewis

Summary of Crime: On 01/13/84, Clark murdered 22-year-old night clerk David Manning at a service station in Toledo. Clark demanded money and when Mr. Manning informed Clark that there was no money, Clark shot Mr. Manning once in the chest. After being arrested for robbing a bank, Clark admitted to the robbery-murder of Mr. Manning.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/02/84
Sentence.....11/28/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/24/86
Supreme Court Decision 08/24/88
U.S. Supreme Court Review.....03/06/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/15/89
Trial Court Decision.....03/31/97
Court of Appeals Decision.....08/14/98
Supreme Court Decision 01/20/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Polster)
Prisoner's Petition 02/16/00
Warden's Return of Writ.....04/14/00
Prisoner's Traverse.....08/07/00
Evidentiary Hearing .....
Decision 09/25/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/06/01
Prisoner's Brief 09/20/04
Warden's Brief 11/15/04
Oral Argument.....06/08/05
Decision 10/04/05

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 05/02/06

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/02/06

No capital proceeding pending.

NOTES

On 05/02/06, Joseph Lewis Clark was executed by lethal injection.

Days From Death Sentence to 05/02/06: 7,825 **Executed**

Coleman, Alton (2)

Summary of Crime: On 07/13/84, Coleman and his accomplice, Debra Brown, murdered 44-year-old Marlene Walters and attempted to murder Harry Walters. Mr. Walters had invited Coleman and Brown into their Norwood home after they expressed interest in buying a camping trailer. Coleman and Brown restrained Mrs. Walters, and Coleman killed Mrs. Walters by beating her with vice grips. Coleman also struck Mr. Walters in the head with a wooden candlestick, leaving him permanently disabled. Coleman and Brown stole the Walters' car, money and other belongings. (As a result of a five-state crime spree in 1984 by Coleman and Brown, Coleman also received a second death sentence in Ohio for the murder of 15-year-old Tonnie Storey as well as death sentences in Illinois for the murder of 9-year-old Vernita Wheat and in Indiana for the murder of 7-year-old Tamika Turks.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/10/84
Sentence.....06/27/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/07/87
Supreme Court Decision 09/20/89
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/04/90
Trial Court Decision.....01/03/91
Court of Appeals Decision.....03/17/93
Supreme Court Decision 09/22/93
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/22/94
Supreme Court Decision 08/03/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Beckwith)
Prisoner's Petition 01/06/95
Warden's Return of Writ.....04/18/95
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision 02/13/98

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/12/98
Prisoner's Brief 05/26/00
Warden's Brief 05/02/00
Oral Argument.....12/05/00
Decision 03/26/01

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....08/23/01
Brief in Opposition 09/13/01
Decision or Certiorari Denial 10/15/01

STATUS

STATUS IN STATE COURTS AS OF 04/26/02

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/26/02

No capital proceeding pending.

NOTES

Coleman had two death sentences in Ohio. On 04/26/02, Alton Coleman was executed by lethal injection for this death sentence.

Days From Death Sentence to 04/26/02: 6,147 **Executed**

Cooey, Richard

Summary of Crime: On 09/01/86, Cooey and an accomplice, Clint Dickens, murdered 21-year-old Wendy Offredo and 20-year-old Dawn McCreery in a wooded area in Norton. Ms. Offredo and Ms. McCreery were forced to stop their car on I-77 after Cooey dropped a chunk of concrete onto the car from an overpass. Cooey and Dickens took Ms. Offredo and Ms. McCreery into the woods, raped them, robbed them, beat them with a nightstick, and strangled them with shoelaces. Cooey later bragged to friends about the murders.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/08/86
Sentence.....12/09/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/23/87
Supreme Court Decision 10/11/89
U.S. Supreme Court Review.....04/01/91

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 02/06/92
Trial Court Decision.....07/21/92
Court of Appeals Decision.....05/25/94
Supreme Court Decision 10/19/94
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....01/10/95
Supreme Court Decision 08/30/95

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Polster)
Prisoner's Petition 10/02/96
Warden's Return of Writ.....12/02/96
Prisoner's Traverse.....02/03/97
Evidentiary Hearing 04/29/97
Decision 09/04/97

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 01/15/98
Prisoner's Brief 10/02/01
Warden's Brief 10/03/01
Oral Argument.....01/30/02
Decision 04/16/02

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....09/24/02
Brief in Opposition 10/11/02
Decision or Certiorari Denial 03/31/03

STATUS

STATUS IN STATE COURTS AS OF 10/14/08

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/14/08

No capital proceeding pending.

NOTES

On 10/14/08, Richard Cooey was executed by lethal injection.

Days From Death Sentence to 10/14/08: 7,980 **Executed**

Davie, Roderick

Summary of Crime: On 06/27/91, Davie murdered 38-year-old John Ira Coleman and 21-year-old Tracey Jefferys and attempted to murder William Everett at the Veterinary Companies of America in Warren. Mr. Coleman, Ms. Jefferys and Mr. Everett were Davie's co-workers at the distributor plant until Davie was fired two months before the murders. Davie shot Mr. Coleman and Mr. Everett several times, but Mr. Everett survived. Davie caught up with Ms. Jefferys, who tried to escape, and beat her to death with a folding chair. Davie later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....07/01/91
- Sentence.....03/25/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....12/27/95
- Supreme Court Decision 11/26/97
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 09/20/96
- Trial Court Decision.....09/03/97
- Court of Appeals Decision.....09/28/98
- Supreme Court Decision 02/03/99
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....09/27/01
- Supreme Court Decision 08/07/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Carr)
- Prisoner's Petition 03/02/00
- Warden's Return of Writ.....12/29/00
- Prisoner's Traverse.....03/04/03
- Evidentiary Hearing .....
- Decision 08/06/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 10/03/03
- Prisoner's Brief 02/08/07
- Warden's Brief 02/02/07
- Oral Argument.....07/18/07
- Decision 11/12/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....08/24/09
- Brief in Opposition 09/25/09
- Decision or Certiorari Denial 11/02/09

STATUS

STATUS IN STATE COURTS AS OF 08/10/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/10/10

No capital proceeding pending.

NOTES

On 08/10/10, Roderick Davie was executed by lethal injection.

Days From Death Sentence to 08/10/10: 6,712 **Executed**

Dennis, Adremy

Summary of Crime: On 06/05/94, Dennis murdered 29-year-old Kurt Kyle in front of his home in Akron. Mr. Kyle was the target of a plan by Dennis and his accomplice, Leroy Anderson, to rob people. Dennis approached Mr. Kyle and demanded money, but when Mr. Kyle told him that he had none, Dennis shot him in the head at close range. Dennis was also convicted of attempted murder for shooting at another man earlier that night when Dennis and Anderson attempted to rob him.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/21/94
Sentence.....01/03/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/08/96
Supreme Court Decision 09/24/97
U.S. Supreme Court Review.....02/23/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....02/11/97
Court of Appeals Decision.....11/19/97
Supreme Court Decision 03/11/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....12/03/98
Supreme Court Decision 08/11/99

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gwin)
Prisoner's Petition 06/30/98
Warden's Return of Writ.....08/26/98
Prisoner's Traverse.....10/01/98
Evidentiary Hearing .....
Decision 09/29/99

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/30/99
Prisoner's Brief 07/18/03
Warden's Brief 06/25/03
Oral Argument.....12/02/03
Decision 12/29/03

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....03/26/04
Brief in Opposition 04/23/04
Decision or Certiorari Denial 05/24/04

STATUS

STATUS IN STATE COURTS AS OF 10/13/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/13/04

No capital proceeding pending.

NOTES

On 10/13/04, Adremy Dennis was executed by lethal injection.

Days From Death Sentence to 10/13/04: 3,571 **Executed**

Durr, Darryl

Summary of Crime: On 01/31/88, Durr murdered 16-year-old Angel Vincent in Elyria. Angel was a friend of Durr's girlfriend. Durr kidnapped Angel, raped her, strangled her with a dog chain and concealed her partially nude body in Brookside Park. Durr admitted the murder to his girlfriend.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/23/88
Sentence.....12/19/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/07/89
Supreme Court Decision 03/20/91
U.S. Supreme Court Review.....10/15/91

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/08/92
Trial Court Decision.....07/06/93
Court of Appeals Decision.....08/25/94
Supreme Court Decision 02/01/95
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....07/06/94
Supreme Court Decision 12/30/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Nugent)
Prisoner's Petition 06/24/96
Warden's Return of Writ.....08/23/96
Prisoner's Traverse.....07/18/97
Evidentiary Hearing .....
Decision 11/02/99

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/17/00
Prisoner's Brief 04/04/05
Warden's Brief 04/08/05
Oral Argument.....04/26/06
Decision 05/18/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/06/07
Brief in Opposition 02/13/08
Decision or Certiorari Denial 03/17/08

STATUS

STATUS IN STATE COURTS AS OF 04/20/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/20/10

No capital proceeding pending.

NOTES

On 04/20/10, Darryl Durr was executed by lethal injection.

Days From Death Sentence to 04/20/10: 7,792 **Executed**

Fautenberry, John

Summary of Crime: On 02/17/91, Fautenberry murdered Joseph Daron. Fautenberry was hitchhiking on Interstate 275 for the purpose of murdering whoever offered him a ride. Mr. Daron offered Fautenberry a ride and drove Fautenberry miles out of his way. When Mr. Daron stopped the vehicle, Fautenberry exited, reached back into the car, and shot Mr. Daron twice in the chest. Fautenberry then threw Mr. Daron's body into a wooded area by the Ohio River. (Mr. Daron's murder was part of a multi-state crime spree. Between November 1990 and March 1991, Fautenberry murdered a total of five people in four states. After being apprehended in Alaska, Fautenberry confessed to the five murders.) Fautenberry pled no contest to the indictment.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/27/91
Sentence.....09/16/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/09/94
Supreme Court Decision 07/05/95
U.S. Supreme Court Review.....11/27/95

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/08/96
Trial Court Decision.....10/27/97
Court of Appeals Decision.....12/31/98
Supreme Court Decision 05/12/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....10/17/96
Supreme Court Decision 04/30/97

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Graham)
Prisoner's Petition 04/25/00
Warden's Return of Writ.....03/07/02
Prisoner's Traverse.....06/11/02
Evidentiary Hearing .....
Decision 04/11/05

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/11/05
Prisoner's Brief 12/26/06
Warden's Brief 12/13/06
Oral Argument.....07/26/07
Decision 01/25/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....08/11/08
Brief in Opposition 09/12/08
Decision or Certiorari Denial 10/14/08

STATUS

STATUS IN STATE COURTS AS OF 07/14/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/14/09

No capital proceeding pending.

NOTES

On 07/14/09, John Fautenberry was executed by lethal injection.

Days From Death Sentence to 07/14/09: 6,145 **Executed**

Ferguson, Darrell

Summary of Crime: On 12/25/01, Ferguson murdered 61-year-old Thomas King at Mr. King's home on the east side of Dayton. Ferguson's mother had previously been married to Mr. King's brother. Ferguson stabbed and stomped Mr. King to death. Ferguson then robbed Mr. King in order to buy drugs. On 12/26/01, Ferguson murdered 68-year-old Arlie Fugate and his wife, 69-year-old Mae Fugate. Ferguson's family had once lived near the Fugate home. Ferguson stabbed and stomped Mr. and Mrs. Fugate to death. DNA testing on bloodstains on Ferguson's boots was consistent with Mrs. Fugate and Mr. King. In January of 2003, Ferguson, in handwritten letters, confessed the killings to the judge and prosecutor at his trial.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/07/02
Sentence.....09/19/03

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 04/12/06
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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(U.S. District Court: Judge)
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Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

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Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/08/06

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/08/06

No capital proceeding pending.

NOTES

On 08/08/06, Darrell Ferguson was executed by lethal injection.

Days From Death Sentence to 08/08/06: 1,054 **Executed**

Filiaggi, James

Summary of Crime: On 01/24/94, Filiaggi murdered his 27-year-old ex-wife, Lisa Huff Filiaggi, in Lorain. Filiaggi broke into Ms. Filiaggi's home, chased her into a neighbor's house and fatally shot her four times. Afterwards, Filiaggi drove to Amherst Township to the home of Ms. Filiaggi's stepfather, Delbort Yepko, and shot at Mr. Yepko twice but missed. At the time, Filiaggi was out on bond, awaiting trial for felonious assault and domestic violence against Ms. Filiaggi and her fiancé.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/23/94
Sentence.....08/01/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/29/97
Supreme Court Decision 07/29/99
U.S. Supreme Court Review.....10/04/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/23/96
Trial Court Decision.....10/09/97
Court of Appeals Decision.....12/09/98
Supreme Court Decision 04/07/99
U.S. Supreme Court Review.....01/10/00

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
Prisoner's Petition 01/08/01
Warden's Return of Writ.....04/20/01
Prisoner's Traverse.....06/29/01
Evidentiary Hearing .....
Decision 03/31/04

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Prisoner's Brief 10/13/05
Warden's Brief 10/11/05
Oral Argument.....01/31/06
Decision 04/14/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/24/07

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/24/07

No capital proceeding pending.

NOTES

On 04/24/07, James Filiaggi was executed by lethal injection.

Days From Death Sentence to 04/24/07: 4,284 **Executed**

Fox, Richard

Summary of Crime: On 09/26/89, Fox murdered 18-year-old Leslie Keckler in Bowling Green. Ms. Keckler had agreed to meet Fox, who pretended to be conducting interviews for a restaurant supply company. Fox lured Ms. Keckler into his car and when she rejected his sexual advances, Fox stabbed her six times in the back, strangled her with a rope and dumped her body in a drainage ditch. Fox confessed to police and directed them to the remote rural location where he had dumped Ms. Kechler's personal belongings.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/04/89
Sentence.....06/27/90

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/07/92
Supreme Court Decision 05/04/94
U.S. Supreme Court Review.....12/12/94

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/21/95
Trial Court Decision.....04/10/96
Court of Appeals Decision.....05/16/97
Supreme Court Decision 09/17/97
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/24/98
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FEDERAL COURTS

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Prisoner's Traverse.....10/05/98
Evidentiary Hearing .....
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Warden's Brief 05/07/01
Oral Argument.....08/07/01
Decision 11/14/01

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....05/30/02
Brief in Opposition 07/12/02
Decision or Certiorari Denial 10/07/02

STATUS

STATUS IN STATE COURTS AS OF 02/12/03

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/12/03

No capital proceeding pending.

NOTES

On 02/12/03, Richard Fox was executed by lethal injection.

Days From Death Sentence to 02/12/03: 4,613 **Executed**

Garner, William

Summary of Crime: On 01/26/92, Garner murdered 8-year-old Mykila Mack, 10-year-old Deondra Freeman, 11-year-old Richard Gaines, 11-year-old Markeca Mason, and 12-year-old Denitra Satterwhite at a house in Cincinnati. Garner also attempted to murder 13-year-old Rodriczus Mack. The six children were asleep in the home that Garner broke into after stealing the owner's purse and keys from a local hospital emergency room. Garner, who saw the children sleeping, set three separate fires in the house and left with several household valuables. Rodriczus Mack escaped through a second-story window. Garner confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/03/92
Sentence.....11/05/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/31/94
Supreme Court Decision 11/22/95
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/18/96
Trial Court Decision.....10/18/96
Court of Appeals Decision.....12/19/97
Supreme Court Decision 04/01/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/05/01
Supreme Court Decision .....

FEDERAL COURTS

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(U.S. District Court: Judge Graham)
Prisoner's Petition 11/18/98
Warden's Return of Writ.....07/29/99
Prisoner's Traverse.....02/28/01
Evidentiary Hearing .....
Decision 04/19/02

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Prisoner's Brief 04/04/06
Warden's Brief 04/03/06
Oral Argument.....03/07/07
Decision 09/11/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/01/09
Brief in Opposition 07/02/09
Decision or Certiorari Denial 10/05/09

STATUS

STATUS IN STATE COURTS AS OF 07/13/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/13/10

No capital proceeding pending.

NOTES

On 07/13/10, William Garner was executed by lethal injection.

Days From Death Sentence to 07/13/10: 6,459 **Executed**

Getsy, Jason

Summary of Crime: On 07/07/95, Getsy and an accomplice, Richard McNulty, murdered 66-year-old Ann Serafino and attempted to murder her son, 39-year-old Charles Serafino, in their Hubbard home. Getsy and McNulty had been hired by Mr. Serafino's business competitor to kill Mr. Serafino. Getsy and McNulty shot their way into the Serafinos' house and then shot the victims multiple times, killing Ms. Serafino and seriously wounding Mr. Serafino. Getsy bragged to his friends about the shooting and later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/17/95
Sentence.....09/12/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/23/98
U.S. Supreme Court Review.....06/24/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/02/97
Trial Court Decision.....07/21/98
Court of Appeals Decision.....10/25/99
Supreme Court Decision 02/16/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 11/22/00

FEDERAL COURTS

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(U.S. District Court: Judge Polster)
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Warden's Return of Writ.....06/12/01
Prisoner's Traverse.....08/01/01
Evidentiary Hearing .....
Decision 11/26/02

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/06/03
Prisoner's Brief 06/02/05
Warden's Brief 06/02/05
Oral Argument.....12/06/05
Decision 08/02/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/21/07
Brief in Opposition 01/29/08
Decision or Certiorari Denial 03/03/08

STATUS

STATUS IN STATE COURTS AS OF 08/18/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/18/09

No capital proceeding pending.

NOTES

On 08/18/09, Jason Getsy was executed by lethal injection.

Days From Death Sentence to 08/18/09: 4,723 **Executed**

Hartman, Brett

Summary of Crime: On 09/09/97, Hartman murdered his friend, 46-year-old Winda Snipes, in her apartment in Akron. Hartman tied Ms. Snipes to her bed with a pair of pantyhose, stabbed her 138 times, slit her throat and cut off her hands, which were never found. Police arrested Hartman after he made several anonymous 911 calls to police, admitting that he was in the apartment and revealing the exact location of Ms. Snipes' body in her apartment. Hartman admitted to a fellow inmate that he murdered Ms. Snipes and cut off her hands to eliminate evidence. DNA testing, conducted during federal appeals in 2003, identified Hartman as the source of semen found in Ms. Snipes' vagina and rectum.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/16/97
Sentence.....05/27/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/03/01
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/14/99
Trial Court Decision.....10/23/00
Court of Appeals Decision.....10/24/01
Supreme Court Decision 01/16/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/20/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gwin)
Prisoner's Petition 01/16/03
Warden's Return of Writ.....03/17/03
Prisoner's Traverse.....05/30/03
Evidentiary Hearing .....
Decision 08/31/04

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/29/04
Prisoner's Brief 06/08/06
Warden's Brief 06/12/06
Oral Argument.....01/31/07
Decision 07/10/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....04/21/08
Brief in Opposition 05/22/08
Decision or Certiorari Denial 06/23/08

STATUS

STATUS IN STATE COURTS AS OF 11/13/12

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/13/12

No capital proceeding pending.

NOTES

On 11/13/12, Brett Hartman was executed by lethal injection.

Days From Death Sentence to 11/13/12: 5,284 **Executed**

Hicks, John R.

Summary of Crime: On 08/02/85, Hicks murdered his 5-year-old stepdaughter, Brandy Green, and his 56-year-old mother-in-law, Maxine Armstrong, in Ms. Armstrong's Cincinnati apartment. After putting Brandy to bed, Hicks strangled Ms. Armstrong with a clothesline and stole $300 to buy cocaine. Realizing that Brandy could identify him as the last person with Ms. Armstrong, Hicks returned to the apartment, tried to smother Brandy with a pillow, choked her with his hands and then taped her mouth and nose with duct tape, while she was still breathing. Hicks surrendered to police in Knoxville, Tennessee, where he confessed to them and later confessed to Cincinnati detectives. Hicks was sentenced to death for the murder of Brandy.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/29/85
Sentence.....02/21/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/06/88
Supreme Court Decision 05/17/89
U.S. Supreme Court Review.....03/19/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/16/90
Trial Court Decision.....04/03/91
Court of Appeals Decision.....01/29/93
Supreme Court Decision 07/21/93
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....12/01/92
Supreme Court Decision 10/27/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Weber)
Prisoner's Petition 03/10/94
Warden's Return of Writ.....08/25/94
Prisoner's Traverse.....
Evidentiary Hearing 03/03/97
Decision 04/17/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 07/12/01
Prisoner's Brief 06/19/03
Warden's Brief 06/19/03
Oral Argument.....03/09/04
Decision 09/15/04

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....03/03/05
Brief in Opposition 04/11/05
Decision or Certiorari Denial 05/16/05

STATUS

STATUS IN STATE COURTS AS OF 11/29/05

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/29/05

No capital proceeding pending.

NOTES

On 11/29/05, John R. Hicks was executed by lethal injection.

Days From Death Sentence to 11/29/05: 7,221 **Executed**

Keene, Marvallous

Summary of Crime: Between 12/24/92 and 12/26/92, Keene and his accomplices, Laura Taylor, DeMarcus Smith and Heather Matthews, murdered 34-year-old Joseph Wilkerson, 18-year-old Danita Gullette, 38-year-old Sarah Abraham, 16-year-old Wendy Cottrill, and 18-year-old Marvin Washington in Dayton. Keene shot Mr. Wilkerson in the chest after Taylor and Matthews robbed him of his car and several household items. Keene and Smith then shot Ms. Gullette at a public telephone, fleeing with her jacket and shoes. Next, Keene and Smith shot Ms. Abraham, during a robbery at the Short Stop Mini-Mart. Finally, Keene and Smith kidnapped and shot Ms. Cottrill and Mr. Washington because they feared that Ms. Cottrill and Mr. Washington would "snitch" on them.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/31/92
Sentence.....12/15/93

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/20/96
Supreme Court Decision 05/13/98
U.S. Supreme Court Review.....10/13/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....11/17/97
Court of Appeals Decision.....02/05/99
Supreme Court Decision 06/02/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Beckwith)
Prisoner's Petition 05/26/00
Warden's Return of Writ.....12/15/00
Prisoner's Traverse.....01/25/01
Evidentiary Hearing .....
Decision 04/20/05

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/03/05
Prisoner's Brief 08/27/07
Warden's Brief 09/07/07
Oral Argument.....01/28/08
Decision 04/25/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/13/08
Brief in Opposition 12/23/08
Decision or Certiorari Denial 01/26/09

STATUS

STATUS IN STATE COURTS AS OF 07/21/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/21/09

No capital proceeding pending.

NOTES

On 07/21/09, Marvallous Keene was executed by lethal injection.

Days From Death Sentence to 07/21/09: 5,697 **Executed**

Lundgren, Jeffrey D.

Summary of Crime: On 04/17/89, Lundgren murdered 49-year-old Dennis Avery, 46-year-old Cheryl Avery, 15-year-old Trina Avery, 13-year-old Rebecca Avery and 7-year-old Karen Avery at a farmhouse in Kirtland. The Averys were followers of Lundgren's religious cult. Lundgren instructed five other cult followers to bound and gag the Avery family and put them in a six-by-seven foot dirt pit. Lundgren then shot each victim several times. At trial, Lundgren conceded that he murdered the Averys.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/05/90
Sentence.....09/26/90

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/01/93
Supreme Court Decision 08/30/95
U.S. Supreme Court Review.....03/18/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....05/02/97
Court of Appeals Decision.....12/21/98
Supreme Court Decision 04/28/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Nugent)
Prisoner's Petition 10/15/99
Warden's Return of Writ.....12/14/99
Prisoner's Traverse.....03/16/00
Evidentiary Hearing .....
Decision 11/14/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 12/14/01
Prisoner's Brief 06/15/05
Warden's Brief 05/19/05
Oral Argument.....12/08/05
Decision 03/13/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 10/24/06

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/24/06

No capital proceeding pending.

NOTES

On 10/24/06, Jeffrey D. Lundgren was executed by lethal injection.

Days From Death Sentence to 10/24/06: 5,872 **Executed**

Martin, Ernest

Summary of Crime: On 01/21/83, Martin murdered 70-year-old Robert Robinson at Robinson's Drug Store in Cleveland. Mr. Robinson was the owner of the drug store that Martin planned to rob by forcing his girlfriend to get Mr. Robinson to let her inside after closing. After Mr. Robinson let Martin's girlfriend inside the store, Mr. Robinson closed the door as Martin approached. Martin shot Mr. Robinson in the shoulder and back as Mr. Robinson stood in front of the glass door.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/09/83
Sentence.....07/08/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/27/84
Supreme Court Decision 08/09/85
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/12/87
Trial Court Decision.....01/18/94
Court of Appeals Decision.....02/16/95
Supreme Court Decision 06/28/95
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....05/11/92
Supreme Court Decision 09/30/92

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Nugent)
Prisoner's Petition 06/20/96
Warden's Return of Writ.....08/19/96
Prisoner's Traverse.....07/10/97
Evidentiary Hearing .....
Decision 11/02/99

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/17/00
Prisoner's Brief 05/02/01
Warden's Brief 05/03/01
Oral Argument.....08/07/01
Decision 02/07/02

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/25/02
Brief in Opposition 08/05/02
Decision or Certiorari Denial 11/04/02

STATUS

STATUS IN STATE COURTS AS OF 06/18/03

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/18/03

No capital proceeding pending.

NOTES

On 06/18/03, Ernest Martin was executed by lethal injection.

Days From Death Sentence to 06/18/03: 7,285 **Executed**

McGuire, Dennis

Summary of Crime: On 02/11/89, McGuire raped and murdered a pregnant woman, 22-year-old Joy Stewart, in a wooded area near Bantas Creek. Ms. Stewart had met McGuire that day when he was performing work on her friend's house. McGuire raped Ms. Stewart, choked her and stabbed her in the neck and shoulder. While in jail for an unrelated kidnapping charge, McGuire attempted to bargain with police by implicating his relative as the rapist-murderer, but police suspected McGuire because he knew significant facts that were not disclosed to the public. DNA testing, conducted in 1992 and again in 2002 during federal appeals, identified McGuire as the source of the semen found in Ms. Stewart's rectum.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/22/93
Sentence.....12/23/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/15/96
Supreme Court Decision 12/10/97
U.S. Supreme Court Review.....10/05/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/21/96
Trial Court Decision.....05/15/97
Court of Appeals Decision.....04/20/98
Supreme Court Decision 09/23/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
Prisoner's Petition 03/30/99
Warden's Return of Writ.....05/17/99
Prisoner's Traverse.....07/16/99
Evidentiary Hearing .....
Decision 07/02/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 07/31/07
Prisoner's Brief 12/11/09
Warden's Brief 03/17/10
Oral Argument.....08/03/10
Decision 08/31/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/21/11
Brief in Opposition 03/09/11
Decision or Certiorari Denial 04/18/11

STATUS

STATUS IN STATE COURTS AS OF 01/16/14

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/16/14

No capital proceeding pending.

NOTES

On 01/16/14, Dennis McGuire was executed by lethal injection.

Days From Death Sentence to 01/16/14: 6,964 **Executed**

Mink, Scott A.

Summary of Crime: On 09/19/00, Mink murdered his parents, 79-year old William Mink and 72-year-old Sheila Mink, at their home in Union. Mink was angry at his parents because they would hide their car keys to prevent him from leaving the house to purchase drugs and alcohol. When his parents were sleeping, Mink beat them with a claw hammer, until the hammer broke, next he beat them with cutting boards, until they broke, and then he repeatedly stabbed his parents with kitchen knives and strangled his mother with an electrical cord. Mink then stole his parents' credit cards and sold their belongings to purchase crack cocaine. Mink later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/04/00
Sentence.....06/29/01

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 04/14/04
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 07/20/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/20/04

No capital proceeding pending.

NOTES

On 07/20/04, Scott A. Mink was executed by lethal injection.

Days From Death Sentence to 07/20/04: 1,117 **Executed**

Mitts, Jr., Harry D.

Summary of Crime: On 08/14/94, Mitts murdered 28-year-old John Bryant and 44-year-old Sergeant Dennis Glivar, and attempted to murder 38-year-old Lieutenant Thomas Kaiser and 38-year-old Officer John Mackey in Mitts' apartment complex. Mr. Bryant was the boyfriend of Mitts' neighbor. Mitts shouted racial epithets at Mr. Bryant and fatally shot him in the chest. Later, when Sergeant Glivar and Lieutenant Kaiser approached Mitts' apartment, where he had barricaded himself, Mitts came out of the door and opened fire with a gun in each hand, killing Sergeant Glivar and wounding Lieutenant Kaiser. Mitts also shot and wounded Officer Mackey, who was negotiating with Mitts to surrender.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/25/94
Sentence.....11/21/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/19/96
Supreme Court Decision 03/11/98
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....08/16/99
Court of Appeals Decision.....09/28/00
Supreme Court Decision 02/14/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....06/10/02
Supreme Court Decision 02/11/03

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Polster)
Prisoner's Petition 10/16/03
Warden's Return of Writ.....12/15/03
Prisoner's Traverse.....03/15/04
Evidentiary Hearing .....
Decision 10/06/05

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/29/05
Prisoner's Brief 10/21/08
Warden's Brief 10/15/08
Oral Argument.....03/09/10
Decision 09/08/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....02/02/11
Brief in Opposition 03/07/11
Decision or Certiorari Denial 05/02/11

STATUS

STATUS IN STATE COURTS AS OF 09/25/13

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/25/13

No capital proceeding pending.

NOTES

On 09/25/13, Harry D. Mitts, Jr., was executed by lethal injection.

Days From Death Sentence to 09/25/13: 6,883 **Executed**

Newton, Christopher J.

Summary of Crime: On 11/15/01, Newton murdered his cellmate, 27-year-old Jason Brewer, at the Mansfield Correctional Institution after Mr. Brewer refused Newton's sexual advances. Newton choked Mr. Brewer to death with a piece of prison jumpsuit. Newton confessed the murder to authorities and pled guilty at trial.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....01/10/02
Sentence.....02/10/03

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/25/06
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
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Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 05/24/07
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/24/07
No capital proceeding pending.

NOTES

On 05/24/2007, Christopher Newton was executed by lethal injection.

Days From Death Sentence to 05/24/07: 1,564 **Executed**

Otte, Gary

Summary of Crime: On 02/12/92, Otte murdered 61-year-old Robert Wasikowski in his home at the Pleasant Lake apartment complex in Parma. Mr. Wasikowski had let Otte in to use the telephone. Otte shot Mr. Wasikowski in the head and stole about $413. On 2/13/92, Otte murdered 45-year-old Sharon Kostura in her home at the same apartment complex. When Ms. Kostura answered her door, Otte shoved his way inside, shot her in the head and stole $45 and her car keys. Otte later confessed to police. (Otte received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/19/92
Sentence.....10/06/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/27/94
Supreme Court Decision 02/21/96
U.S. Supreme Court Review.....10/07/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 04/01/96
Trial Court Decision.....03/09/04
Court of Appeals Decision.....01/24/05
Supreme Court Decision 07/13/05
U.S. Supreme Court Review.....01/09/06

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....12/20/00
Supreme Court Decision 01/30/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gaughan)
Prisoner's Petition 01/05/07
Warden's Return of Writ.....03/06/07
Prisoner's Traverse.....06/12/07
Evidentiary Hearing .....
Decision 02/12/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/03/08
Prisoner's Brief 03/05/10
Warden's Brief 07/06/10
Oral Argument.....01/13/11
Decision 08/12/11

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/19/11
Brief in Opposition 02/07/12
Decision or Certiorari Denial 03/19/12

STATUS

STATUS IN STATE COURTS AS OF 09/13/17

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/13/17

No capital proceeding pending.

NOTES

On 09/13/17, Gary Otte was executed by lethal injection.

Days From Death Sentence to 09/13/17: 9,108 **Executed**

Palmer, Donald L.

Summary of Crime: On 05/08/89, Palmer murdered Charles Sponhaltz and Steven Vargo on County Road 2. Palmer was the passenger of a vehicle that collided with Mr. Sponhaltz' vehicle. Palmer exited the vehicle, approached Mr. Sponhaltz, and twice shot him in the head. When Mr. Vargo, a passing motorist, stopped and exited his vehicle, Palmer twice shot him in the head. Palmer later confessed to police. (Palmer received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/23/89
Sentence.....11/08/89

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/29/96
Supreme Court Decision 12/31/97
U.S. Supreme Court Review.....10/05/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....11/04/96
Court of Appeals Decision.....10/20/99
Supreme Court Decision 02/16/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....10/25/00
Supreme Court Decision 07/11/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rose)
Prisoner's Petition 09/08/00
Warden's Return of Writ.....12/01/00
Prisoner's Traverse.....02/23/01
Evidentiary Hearing 03/06/03
Decision 04/17/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/15/06
Prisoner's Brief 04/23/08
Warden's Brief 04/22/08
Oral Argument.....12/03/08
Decision 05/29/09

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/16/09
Brief in Opposition 02/03/10
Decision or Certiorari Denial 03/08/10

STATUS

STATUS IN STATE COURTS AS OF 09/20/12

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/20/12

No capital proceeding pending.

NOTES

On 09/20/12, Donald L. Palmer was executed by lethal injection.

Days From Death Sentence to 09/20/12: 8,352 **Executed**

Phillips, Ronald

Summary of Crime: On 01/18/93, Phillips murdered his girlfriend's daughter, 3-year-old Sheila Marie Evans, at her home in Akron. Phillips had been sexually and physically abusing Sheila for some time. Phillips severely beat Sheila in the head, face and abdomen; threw her against the walls; dragged her by her hair; and anally raped her. Phillips confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/01/93
Sentence.....09/15/93

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/07/94
Supreme Court Decision 11/22/95
U.S. Supreme Court Review.....05/20/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....07/12/01
Court of Appeals Decision.....02/27/02
Supreme Court Decision 06/12/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/16/99

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge O'Malley)
Prisoner's Petition 06/09/03
Warden's Return of Writ.....08/11/03
Prisoner's Traverse.....09/25/03
Evidentiary Hearing 06/01/04
Decision 09/29/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/23/06
Prisoner's Brief 12/22/08
Warden's Brief 12/10/08
Oral Argument.....07/29/09
Decision 06/01/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/03/10
Brief in Opposition 02/03/11
Decision or Certiorari Denial 03/07/11

STATUS

STATUS IN STATE COURTS AS OF 07/26/17

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/26/17

No capital proceeding pending.

NOTES

On 07/26/17, Ronald Phillips was executed by lethal injection.

Days From Death Sentence to 07/26/17: 8,715 **Executed**

Reynolds, Lawrence

Summary of Crime: On 01/11/94, Reynolds murdered his 67-year-old neighbor, Loretta Foster, in her Cuyahoga Falls home. Reynolds had recently painted Ms. Foster's basement. Reynolds tied Ms. Foster up, attempted to rape her, strangled her and beat her with a tent pole. Reynolds later told his friends about the murder and took them to Ms. Foster's house to see her body. While awaiting trial, Reynolds also told an inmate about the murder.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/20/94
Sentence.....06/09/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....07/10/96
Supreme Court Decision 01/14/98
U.S. Supreme Court Review.....06/15/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....04/08/98
Court of Appeals Decision.....10/27/99
Supreme Court Decision 02/16/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dowd)
Prisoner's Petition 02/01/01
Warden's Return of Writ.....03/30/01
Prisoner's Traverse.....06/18/01
Evidentiary Hearing .....
Decision 01/14/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/06/03
Prisoner's Brief 08/08/06
Warden's Brief 07/28/06
Oral Argument.....04/04/07
Decision 08/16/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....04/14/08
Brief in Opposition .....
Decision or Certiorari Denial 06/09/08

STATUS

STATUS IN STATE COURTS AS OF 03/16/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/16/10

No capital proceeding pending.

NOTES

On 03/16/10, Lawrence Reynolds was executed by lethal injection.

Days From Death Sentence to 03/16/10: 5,759 **Executed**

Roe, John Glenn

Summary of Crime: On 10/06/84, Roe murdered 21-year-old Donette Crawford in Columbus. Roe kidnapped Ms. Crawford from her car, shot her in the back of the head and stole her car and money. After his arrest on an unrelated breaking and entering charge, Roe agreed to provide police with information about the murder and correctly disclosed the location of Ms. Crawford's body. Roe also admitted the murder to an acquaintance who, in turn, told police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/26/84
Sentence.....12/23/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/25/87
Supreme Court Decision 03/22/89
U.S. Supreme Court Review.....03/26/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/03/90
Trial Court Decision.....02/11/92
Court of Appeals Decision.....09/22/92
Supreme Court Decision 03/24/93
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Sargus)
Prisoner's Petition 02/09/95
Warden's Return of Writ.....05/05/95
Prisoner's Traverse.....07/05/95
Evidentiary Hearing .....
Decision 06/15/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/29/00
Prisoner's Brief 09/10/01
Warden's Brief 09/04/01
Oral Argument.....01/31/02
Decision 10/31/02

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....05/09/03
Brief in Opposition 07/09/03
Decision or Certiorari Denial 10/06/03

STATUS

STATUS IN STATE COURTS AS OF 02/03/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/03/04

No capital proceeding pending.

NOTES

On 02/03/04, John Glenn Roe was executed by lethal injection.

Days From Death Sentence to 02/03/04: 6,616 **Executed**

Scott, Jay (1)

Summary of Crime: On 05/06/83, Scott murdered 75-year-old Vinnie Prince at a delicatessen in Cleveland. Ms. Prince owned the delicatessen that Scott and his accomplice, Edward O'Neal, planned to rob. Scott shot Ms. Prince in the chest at close range, while trying to rob the store. Scott and O'Neal admitted to their friends, in the getaway car, that Scott shot Ms. Prince.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/17/83
Sentence.....04/03/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/23/85
Supreme Court Decision 08/20/86
U.S. Supreme Court Review.....03/09/87

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/11/88
Trial Court Decision.....09/09/91
Court of Appeals Decision.....06/15/93
Supreme Court Decision 01/12/94
U.S. Supreme Court Review.....06/13/94

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....08/26/92
Supreme Court Decision 10/27/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge O'Malley)
Prisoner's Petition 02/02/96
Warden's Return of Writ.....04/04/96
Prisoner's Traverse.....04/21/97
Evidentiary Hearing .....
Decision 09/30/98

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/20/98
Prisoner's Brief 08/27/99
Warden's Brief 08/16/99
Oral Argument.....01/24/00
Decision 04/19/00

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....10/10/00
Brief in Opposition 10/27/00
Decision or Certiorari Denial 11/27/00

STATUS

STATUS IN STATE COURTS AS OF 06/14/01

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/14/01

No capital proceeding pending.

NOTES

Scott had two death sentences in Ohio. On 06/14/01, Jay Scott was executed by lethal injection for this death sentence.

Days From Death Sentence to 06/14/01: 6,281 **Executed**

Smith, Steven T.

Summary of Crime: On 09/29/98, Smith murdered his girlfriend's 6-month-old daughter, Autumn Breeze Carter, in his girlfriend's home. Smith brutally raped and beat Autumn, which inflicted extensive trauma to her head and body and caused her to suffocate. Smith's girlfriend woke up and saw Smith, standing naked beside her bed, trying to lay Autumn's nude body next to her.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/05/98
Sentence.....03/25/99

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/13/02
U.S. Supreme Court Review.....06/02/03

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/18/00
Trial Court Decision.....11/16/00
Court of Appeals Decision.....07/20/01
Supreme Court Decision 01/29/03
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge O'Malley)
Prisoner's Petition 05/26/04
Warden's Return of Writ.....07/30/04
Prisoner's Traverse.....10/28/04
Evidentiary Hearing .....
Decision 09/27/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/26/07
Prisoner's Brief 11/13/08
Warden's Brief 11/14/08
Oral Argument.....07/29/09
Decision 01/19/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/11/10
Brief in Opposition 06/29/10
Decision or Certiorari Denial 10/04/10

STATUS

STATUS IN STATE COURTS AS OF 05/01/13

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/01/13

No capital proceeding pending.

NOTES

On 05/01/13, Steven T. Smith was executed by lethal injection.

Days From Death Sentence to 05/01/13: 5,151 **Executed**

Smith, Vernon

Summary of Crime: On 05/26/93, Smith murdered 28-year-old Sohail Darwish in the Woodstock Market in Toledo. Mr. Darwish was the storeowner. Smith and an accomplice, Herbert Bryson, were robbing the Market when Smith shot Mr. Darwish in the chest.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/21/93
Sentence.....03/22/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/06/98
Supreme Court Decision 07/26/00
U.S. Supreme Court Review.....02/20/01

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....02/26/98
Court of Appeals Decision.....02/23/01
Supreme Court Decision 06/27/01
U.S. Supreme Court Review.....11/26/01

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Matia)
Prisoner's Petition 06/11/02
Warden's Return of Writ.....08/23/02
Prisoner's Traverse.....10/07/02
Evidentiary Hearing .....
Decision 03/22/05

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/19/05
Prisoner's Brief 12/06/06
Warden's Brief 11/30/06
Oral Argument.....03/06/07
Decision 04/11/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/07/09
Brief in Opposition 03/12/09
Decision or Certiorari Denial 04/20/09

STATUS

STATUS IN STATE COURTS AS OF 01/07/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/07/10

No capital proceeding pending.

NOTES

On 01/07/10, Vernon Smith was executed by lethal injection. (Note: Smith was also known as Abdullah Sharif Kaazim Mahdi.)

Days From Death Sentence to 01/07/10: 5,770 **Executed**

Smith, William H.

Summary of Crime: On 09/26/87, Smith murdered 47-year-old Mary Bradford in her Cincinnati apartment. Ms. Bradford had met Smith that evening at a local bar. Smith stabbed Ms. Bradford in the stomach, raped her and then fatally stabbed her nine more times. Smith then made four separate trips to take Ms. Bradford's property from her house to his car. Smith later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/21/87
Sentence.....04/14/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....06/06/90
Supreme Court Decision 07/31/91
U.S. Supreme Court Review.....02/24/92

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/12/92
Trial Court Decision.....04/19/93
Court of Appeals Decision.....06/22/94
Supreme Court Decision 11/09/94
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....06/30/93
Supreme Court Decision 12/15/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Spiegel)
Prisoner's Petition 04/27/95
Warden's Return of Writ.....01/30/97
Prisoner's Traverse.....07/09/97
Evidentiary Hearing .....
Decision 02/22/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/22/00
Prisoner's Brief 08/03/01
Warden's Brief 08/07/01
Oral Argument.....09/18/02
Decision 10/28/03

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....05/24/04
Brief in Opposition 07/01/04
Decision or Certiorari Denial 10/04/04

STATUS

STATUS IN STATE COURTS AS OF 03/08/05

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/08/05

No capital proceeding pending.

NOTES

On 03/08/05, William H. Smith was executed by lethal injection.

Days From Death Sentence to 03/08/05: 6,172 **Executed**

Spisak, Jr., Frank

Summary of Crime: Between February and August of 1982, Spisak murdered 57-year-old Reverend Horace Rickerson, 50-year-old Timothy Sheehan and 17-year-old Brian Warford, on three separate occasions on the Cleveland State University campus. Spisak shot Rev. Rickerson seven times, shot Mr. Sheehan four times and shot Mr. Warford once in the head. On 06/04/82 and 08/09/82, Spisak shot at two other people, but each victim survived. Spisak later admitted to all of the murders.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/29/83
Sentence.....08/10/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/27/86
Supreme Court Decision 04/13/88
U.S. Supreme Court Review.....04/24/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/01/89
Trial Court Decision.....04/05/94
Court of Appeals Decision.....04/13/95
Supreme Court Decision 10/04/95
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....11/29/94
Supreme Court Decision 08/16/95

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
Prisoner's Petition 04/09/97
Warden's Return of Writ.....05/29/97
Prisoner's Traverse.....09/24/97
Evidentiary Hearing .....
Decision 04/18/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 07/31/03
Prisoner's Brief 07/22/04
Warden's Brief 07/27/04
Oral Argument.....03/14/06
Decision 10/20/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....05/16/07
Brief in Opposition 06/19/07
Decision or Certiorari Denial 10/09/07

STATUS

STATUS IN STATE COURTS AS OF 02/17/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/17/11

No capital proceeding pending.

NOTES

On 02/17/11, Frank Spisak, Jr., was executed by lethal injection.

Days From Death Sentence to 02/17/11: 10,053 **Executed**

Treesh, Frederick

Summary of Crime: On 08/27/94, Treesh murdered 58-year-old Henry Dupree, and attempted to murder 42-year-old Louis Lauver at an adult bookstore in Cleveland. Mr. Dupree was the security guard, and Mr. Lauver was a sales clerk in the bookstore. Treesh and an accomplice, Benjamin Brooks, robbed the bookstore in order to buy crack cocaine. During the robbery, Treesh fatally shot Mr. Dupree twice in the chest at close-range and shot Mr. Lauver in the jaw and forearm, leaving him seriously wounded.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/29/94
Sentence.....03/02/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/19/98
Supreme Court Decision 01/03/01
U.S. Supreme Court Review.....06/11/01

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/05/96
Trial Court Decision.....04/09/97
Court of Appeals Decision.....12/21/98
Supreme Court Decision 05/12/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
Prisoner's Petition 06/10/02
Warden's Return of Writ.....08/09/02
Prisoner's Traverse.....09/30/02
Evidentiary Hearing .....
Decision 03/31/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/25/07
Prisoner's Brief 03/31/09
Warden's Brief 07/01/09
Oral Argument.....03/04/10
Decision 07/13/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/09/10
Brief in Opposition 02/10/11
Decision or Certiorari Denial.....03/21/11

STATUS

STATUS IN STATE COURTS AS OF 03/06/13

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/06/13

No capital proceeding pending.

NOTES

On 03/06/13, Frederick Treesh was executed by lethal injection.

Days From Death Sentence to 03/06/13: 6,579 **Executed**

Van Hook, Robert

Summary of Crime: On 02/18/85, Van Hook murdered 25-year-old David Self in his Cincinnati apartment. Mr. Self had met Van Hook that evening at a downtown bar called the Subway Bar. Van Hook strangled Mr. Self until he was unconscious; stabbed him in the head; and stabbed him multiple times in the neck, which nearly decapitated Mr. Self. Van Hook then cut open Mr. Self's abdomen; stabbed him multiple times in the liver and heart; and left a bottle, its cap, and a cigarette butt in Mr. Self's abdominal cavity.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/18/85
Sentence.....08/08/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/13/87
Supreme Court Decision 11/09/88
U.S. Supreme Court Review.....03/27/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/27/89
Trial Court Decision.....06/11/91
Court of Appeals Decision.....10/21/92
Supreme Court Decision 03/17/93
U.S. Supreme Court Review.....12/12/94

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/22/94
Supreme Court Decision 06/08/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Smith)
Prisoner's Petition 10/10/95
Warden's Return of Writ.....02/02/98
Prisoner's Traverse.....05/14/01
Evidentiary Hearing .....
Decision 08/07/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/05/03
Prisoner's Brief 08/15/05
Warden's Brief 07/11/05
Oral Argument.....12/06/05
Decision 04/18/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....08/17/07
Brief in Opposition 10/09/07
Decision or Certiorari Denial 11/13/07

STATUS

STATUS IN STATE COURTS AS OF 07/18/18

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/18/18

No capital proceeding pending.

NOTES

On 07/18/18, Robert Van Hook was executed by lethal injection.

Days From Death Sentence to 07/18/18: 12,032 **Executed**

Vrabel, Stephen

Summary of Crime: On 03/03/89, Vrabel murdered his girlfriend, 29-year-old Susan Clemente, and their 3-year-old daughter, Lisa Clemente, in their apartment in Struthers. Vrabel shot Ms. Clemente in the face and head and shot Lisa in the head. Three days later, Vrabel wrapped the bodies in blankets and stuffed Ms. Clemente in the refrigerator and Lisa in the freezer with her teddy bears. Vrabel continued to live in the apartment for a month after the murders. Vrabel confessed to the Parma police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/16/94
Sentence.....10/17/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/02/00
Supreme Court Decision 07/02/03
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/05/97
Trial Court Decision.....06/23/99
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....10/06/00
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 07/14/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/14/04

No capital proceeding pending.

NOTES

On 07/14/04, Stephen Vrabel was executed by lethal injection.

Days From Death Sentence to 07/14/04: 3,193 **Executed**

Wickline, William D.

Summary of Crime: On 08/14/82, Wickline murdered 24-year-old Peggy Lerch and 28-year-old Christopher Lerch in Wickline's apartment. Mr. Lerch and Wickline had been arguing because Mr. Lerch owed Wickline money. Wickline slit Mr. Lerch's throat and strangled Mrs. Lerch with a rope. Wickline then cut their bodies into pieces, put the dismembered body parts in garbage bags and disposed of them in dumpsters around Columbus.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/09/85
Sentence.....09/24/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/20/88
Supreme Court Decision 04/11/90
U.S. Supreme Court Review.....10/09/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/17/91
Trial Court Decision.....05/08/92
Court of Appeals Decision.....06/28/94
Supreme Court Decision 11/09/94
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/21/95
Supreme Court Decision 01/24/96

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Graham)
Prisoner's Petition 05/31/96
Warden's Return of Writ.....08/30/96
Prisoner's Traverse.....06/30/97
Evidentiary Hearing .....
Decision 02/02/98

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/21/98
Prisoner's Brief 03/05/02
Warden's Brief 03/05/02
Oral Argument.....09/18/02
Decision 01/30/03

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....08/07/03
Brief in Opposition 09/11/03
Decision or Certiorari Denial 10/14/03

STATUS

STATUS IN STATE COURTS AS OF 03/30/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/30/04

No capital proceeding pending.

NOTES

On 03/30/04, William D. Wickline was executed by lethal injection.

Days From Death Sentence to 03/30/04: 6,762 **Executed**

Wiles, Mark W.

Summary of Crime: On 08/07/85, Wiles murdered 15-year-old Mark Klima at a farmhouse in Rootstown. Mark's parents owned the farm where Wiles had worked until January 1983. When Mark caught Wiles stealing valuables from the house, Wiles stabbed Mark 24 times and left the butcher knife buried in his back. Wiles fled to Georgia, but later confessed to authorities in Savannah, Georgia and detectives from Portage County, Ohio.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/16/85
Sentence.....02/12/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....06/06/88
Supreme Court Decision 04/24/91
U.S. Supreme Court Review.....10/05/92

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....10/21/99
Court of Appeals Decision.....04/30/01
Supreme Court Decision 09/05/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....08/09/02
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
Prisoner's Petition 08/29/02
Warden's Return of Writ.....10/31/02
Prisoner's Traverse.....03/13/03
Evidentiary Hearing .....
Decision 05/18/05

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 06/10/05
Prisoner's Brief 11/09/07
Warden's Brief 10/25/07
Oral Argument.....12/11/08
Decision 04/14/09

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/18/09
Brief in Opposition 01/15/10
Decision or Certiorari Denial 01/24/11

STATUS

STATUS IN STATE COURTS AS OF 04/18/12

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/18/12

No capital proceeding pending.

NOTES

On 04/18/12, Mark W. Wiles was executed by lethal injection.

Days From Death Sentence to 04/18/12: 9,562 **Executed**

Williams, Lewis

Summary of Crime: On 01/20/83, Lewis murdered his cousin's neighbor, 76-year-old Leoma Chmielewski, in her home. Williams ransacked the house, beat Ms. Chmielewski in the head and neck, shot her in the face at close range and stomped on her chest, leaving his shoe print on her nightgown.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/01/83
Sentence.....11/03/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/25/84
Supreme Court Decision 03/26/86
U.S. Supreme Court Review.....03/09/87

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/20/87
Trial Court Decision.....10/17/89
Court of Appeals Decision.....07/01/91
Supreme Court Decision 11/20/91
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....03/22/95
Supreme Court Decision 02/07/96

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Manos)
Prisoner's Petition 11/01/96
Warden's Return of Writ.....12/23/96
Prisoner's Traverse.....01/22/97
Evidentiary Hearing 04/15/97
Decision 04/02/98

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 07/09/98
Prisoner's Brief 10/20/99
Warden's Brief 10/22/99
Oral Argument.....09/14/00
Decision 08/16/01

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....02/25/02
Brief in Opposition 05/20/02
Decision or Certiorari Denial 06/24/02

STATUS

STATUS IN STATE COURTS AS OF 01/14/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/14/04

No capital proceeding pending.

NOTES

On 01/14/04, Lewis Williams was executed by lethal injection.

Days From Death Sentence to 01/14/04: 7,377 **Executed**

Williams, Willie

Summary of Crime: On 09/01/91, Williams murdered Alfonda Madison, Theodore Wynn, William Dent and Eric Howard in Youngstown's Kimmelbrooks housing project. The victims had taken over drug sales that Williams used to control in the housing project. In an attempt to re-establish control of drug sales, Williams instructed three juvenile accomplices, Jessica Cherry, Dominic Cherry and Broderick Boone, to lure each victim to Mr. Madison's house. Williams handcuffed all four victims and then shot each of them in the head.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/12/91
Sentence.....08/12/93

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/01/95
Supreme Court Decision 06/11/97
U.S. Supreme Court Review.....01/12/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....12/15/98
Court of Appeals Decision.....11/17/99
Supreme Court Decision 02/16/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gwin)
Prisoner's Petition 01/31/01
Warden's Return of Writ.....04/02/01
Prisoner's Traverse.....05/17/01
Evidentiary Hearing .....
Decision 04/12/02

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/24/02
Prisoner's Brief 10/28/02
Warden's Brief 10/30/02
Oral Argument.....01/29/04
Decision 08/13/04

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....02/18/05
Brief in Opposition 03/25/05
Decision or Certiorari Denial 04/25/05

STATUS

STATUS IN STATE COURTS AS OF 10/25/05

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/25/05

No capital proceeding pending.

NOTES

On 10/25/05, Willie Williams was executed by lethal injection.

Days From Death Sentence to 10/25/05: 4,457 **Executed**

Wilson, Daniel E.

Summary of Crime: On 05/04/91, Wilson murdered his 24-year-old acquaintance, Carol Lutz, in Elyria. Ms. Lutz had offered Wilson a ride home from a bar. Wilson locked Ms. Lutz in the trunk of her car and drove around for several hours. Wilson later punctured the car's gas tank, stuffed a rag into the tank and set the car on fire. Ms. Lutz died of third degree burns and carbon monoxide poisoning in the car's trunk, which reached an estimated 550 degrees. Wilson later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/04/91
Sentence.....05/08/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/12/94
Supreme Court Decision 01/24/96
U.S. Supreme Court Review.....10/07/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....01/03/97
Court of Appeals Decision.....06/24/98
Supreme Court Decision 11/04/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....01/16/97
Supreme Court Decision 10/22/97

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dowd)
Prisoner's Petition 07/02/99
Warden's Return of Writ.....09/13/99
Prisoner's Traverse.....10/13/99
Evidentiary Hearing .....
Decision 01/14/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/06/03
Prisoner's Brief 11/29/05
Warden's Brief 12/05/05
Oral Argument.....06/18/07
Decision 08/15/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/12/08
Brief in Opposition 08/28/08
Decision or Certiorari Denial 10/06/08

STATUS

STATUS IN STATE COURTS AS OF 06/03/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/03/09

No capital proceeding pending.

NOTES

On 06/03/09, Daniel E. Wilson was executed by lethal injection.

Days From Death Sentence to 06/03/09: 6,235 **Executed**

Zuern, William G.

Summary of Crime: On 06/09/84, Zuern murdered 24-year-old Corrections Officer Phillip Pence at the Community Correctional Institute, where Zuern was awaiting trial on a murder charge. Officer Pence had arrived at Zuern's cell to search for weapons and other illegal contraband. Zuern stabbed Officer Pence in the heart with a shank (homemade knife) made from the sharpened point of a metal bucket hook.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....06/11/84
- Sentence.....10/18/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....06/11/86
- Supreme Court Decision 08/12/87
- U.S. Supreme Court Review.....01/25/88

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 10/14/88
- Trial Court Decision.....05/30/90
- Court of Appeals Decision.....12/04/91
- Supreme Court Decision 05/06/92
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....08/04/92
- Supreme Court Decision 12/02/92

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rice)
- Prisoner's Petition 09/30/92
- Warden's Return of Writ.....04/19/95
- Prisoner's Traverse.....09/11/95
- Evidentiary Hearing 04/15/96
- Decision 03/30/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 04/13/00
- Prisoner's Brief 09/16/02
- Warden's Brief 08/28/02
- Oral Argument.....02/04/03
- Decision 07/17/03

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....12/19/03
- Brief in Opposition 01/22/04
- Decision or Certiorari Denial 02/23/04

STATUS

STATUS IN STATE COURTS AS OF 06/08/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/08/04

No capital proceeding pending.

NOTES

On 06/08/04, William G. Zuern was executed by lethal injection.

Days From Death Sentence to 06/08/04: 7,173 **Executed**

Deceased While on Death Row

Allard, Jerry

Summary of Crime: On 03/30/92, Allard murdered his former wife, 25-year-old Karen Allard, and their daughter, 2-year-old Rachel Allard, and attempted to murder their son, 4-year-old Aaron Allard, at Allard's apartment in Mt. Vernon. Allard forced Ms. Allard to take an overdose of drugs by holding a knife to Rachel's throat. Then, Allard stabbed Ms. Allard at least 17 times in her chest and neck and stabbed Rachel multiple times in her thorax and neck. Allard also cut Aaron's neck, but he survived. Allard told police that he murdered Ms. Allard because she refused to reconcile with him and that he murdered Rachel because he feared she would grow up to be like her mother.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....04/06/92
Sentence.....02/22/93

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....04/12/95
Supreme Court Decision 05/22/96
U.S. Supreme Court Review.....12/09/96

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 09/19/96
Trial Court Decision.....01/16/97
Court of Appeals Decision.....11/06/97
Supreme Court Decision 02/25/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....12/17/99
Supreme Court Decision 07/26/00

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Weber)
Prisoner's Petition 01/20/99
Warden's Return of Writ.....02/22/99
Prisoner's Traverse.....06/28/99
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/30/00

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/30/00

No capital proceeding pending.

NOTES

On 04/30/00, Jerry Allard died of natural causes.

Bradley, William J.

Summary of Crime: On 02/02/84, Bradley murdered 62-year-old civilian supervisor, Eric Bowling, at the Southern Ohio Correctional Facility in Lucasville. Bradley, who was incarcerated for murder, beat Mr. Bowling in the head with a ten-gauge bar of sheet metal. Immediately after the crime, Bradley admitted the murder to a corrections officer.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/10/84
Sentence.....06/03/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/22/87
Supreme Court Decision 05/10/89
U.S. Supreme Court Review.....06/25/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/05/91
Trial Court Decision.....05/10/95
Court of Appeals Decision.....03/30/99
Supreme Court Decision 04/09/97
U.S. Supreme Court Review.....11/03/97

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....08/30/00
Supreme Court Decision 06/06/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 07/28/00
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/09/05

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/09/05

No capital proceeding pending.

NOTES

On 01/09/05, William J. Bradley died of natural causes.

Broom, Romell

Summary of Crime: On 09/21/84, Broom murdered 14-year-old Tryna Middleton in Cleveland. Tryna was walking home with two friends when Broom abducted her at knifepoint. Broom raped Tryna and stabbed her seven times. DNA testing, conducted during federal appeals in 2001, identified Broom as the source of semen found in Tryna's vagina and rectum.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment....01/10/85
- Sentence....10/16/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision....08/03/87
- Supreme Court Decision....01/11/89
- U.S. Supreme Court Review....05/15/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court....02/09/90
- Trial Court Decision....10/31/96
- Court of Appeals Decision....05/07/98
- Supreme Court Decision....09/23/98
- U.S. Supreme Court Review....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Boyko)
- Prisoner's Petition....06/21/99
- Warden's Return of Writ....08/10/99
- Prisoner's Traverse....12/20/99
- Evidentiary Hearing....01/15/02
- Decision....08/28/02

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal....10/17/03
- Prisoner's Brief....05/03/05
- Warden's Brief....05/04/05
- Oral Argument....11/30/05
- Decision....03/17/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition....12/22/06
- Brief in Opposition....01/26/07
- Decision or Certiorari Denial....02/26/07

STATUS

STATUS IN STATE COURTS AS OF 12/28/20

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/28/20

No capital proceeding pending.

NOTES

On 12/28/2020, Romell Broom died of natural causes.

Campbell, Alva

Summary of Crime: On 04/02/97, Campbell murdered 18-year-old Charles Dials at K-Mart on South High Street. Campbell, who was feigning paralysis and was in a wheelchair, assaulted a deputy sheriff as she transported him to court on an aggravated robbery charge. Campbell stole the deputy sheriff's gun, fled and then car-jacked Mr. Dials. He stole Mr. Dials' wallet and shot him after driving around with him for at least two hours. When Campbell heard a radio report on his escape, he car-jacked his next victim, who escaped, leaving Campbell with her wallet and car keys. Campbell surrendered after a pursuit by police and later gave a video-taped confession.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/11/97
Sentence.....04/25/01

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 04/10/02
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 02/02/99
Trial Court Decision.....01/21/03
Court of Appeals Decision.....11/25/03
Supreme Court Decision 06/09/04
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rice)
Prisoner's Petition 03/01/05
Warden's Return of Writ.....04/14/05
Prisoner's Traverse.....08/31/05
Evidentiary Hearing 08/17/06
Decision 03/18/09

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/17/09
Prisoner's Brief 08/20/10
Warden's Brief 10/15/10
Oral Argument.....10/06/11
Decision 03/20/12

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....07/18/12
Brief in Opposition 09/20/12
Decision or Certiorari Denial 10/29/12

STATUS

STATUS IN STATE COURTS AS OF 03/03/18

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/03/18

No capital proceeding pending.

NOTES

On 03/03/18, Alva Campbell died of natural causes.

Carter, Lincoln

Summary of Crime: On 09/07/83, Carter murdered Jack Pywen at Mason Jewelry Company in Madison Place while committing an armed robbery with accomplice Paul Hampton. When Mr. Pywen attempted to prevent the robbery, Carter struck him in the head with a handgun, fracturing his skull. Carter then shot Mr. Pywen point-blank in the shoulder, and stole cash and other valuables off him. During this time, Hampton forced another employee to relinquish the contents of the cash register and jewelry trays, then restrained her with tape. Carter and Hampton were later apprehended in California.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/27/83
Sentence.....02/06/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....07/23/86
Supreme Court Decision 01/30/88
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 03/11/88

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/11/88

No capital proceeding pending.

NOTES

On 01/30/88, Lincoln Carter died while incarcerated.

Clemons, Gerald

Summary of Crime: On 12/15/95, Clemons murdered Dave Kreamelmeyer, Christine Teetzel and Bob Kinney at Trans-Continental Systems, Inc. in Evendale where the four worked. After being told in a telephone conversation with Mr. Kreamelmeyer that he was not going to be given a load to deliver that day because he failed to show up for work the previous night, Clemons walked into Trans-Continental and shot Mr. Kreamelmeyer, Ms. Teetzel and Mr. Kinney. Clemons then walked outside and surrendered to the police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/21/95
Sentence.....11/01/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/29/98
U.S. Supreme Court Review.....01/11/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/16/97
Trial Court Decision.....04/28/98
Court of Appeals Decision.....04/30/99
Supreme Court Decision 09/01/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 03/03/99

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Watson)
Prisoner's Petition 08/30/00
Warden's Return of Writ.....11/14/03
Prisoner's Traverse.....05/28/04
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/23/05

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/23/05

No capital proceeding pending.

NOTES

On 09/23/05, Gerald Clemons died of natural causes.

Coffman, Terry

Summary of Crime: On 03/28/84, Coffman murdered 39-year-old Donald Danes, his wife, 39-year-old Karen Danes, and their 16-year-old son, Rodney Danes, in their home in Montgomery County. Coffman went to the Danes' residence with his accomplice, Danny Hooks. Coffman owed Mr. Danes money for some tools he had purchased from him. When they arrived at the Danes' residence, Hooks struck each member of the Danes' family with a metal bar. Coffman and Hooks then stole firearms and other property from the Danes' residence.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/28/84
Sentence.....10/26/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/05/85

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/05/85

No capital proceeding pending.

NOTES

On 04/05/85, Terry Coffman died while incarcerated.

Cowans, Jesse

Summary of Crime: On 08/29/96, Cowans murdered 69-year-old Clara Swart in her home located in Amelia. Cowans, who had been to Ms. Swart's home twice before, strangled her with a purse strap and hung her from her refrigerator door with an electrical cord. He then stole several items from her house including some clown figurines and jewelry.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/20/96
Sentence.....04/16/97

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/20/99
U.S. Supreme Court Review.....05/01/00

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 04/03/98
Trial Court Decision.....09/21/98
Court of Appeals Decision.....09/07/99
Supreme Court Decision 01/19/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/04/04

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Sargus)
Prisoner's Petition 07/31/00
Warden's Return of Writ.....03/05/02
Prisoner's Traverse.....04/12/02
Evidentiary Hearing .....
Decision 09/30/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/23/08
Prisoner's Brief 04/13/10
Warden's Brief 08/16/10
Oral Argument.....03/09/11
Decision 04/21/11

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/06/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/06/11

No capital proceeding pending.

NOTES

On 09/06/11, Jesse Cowans died of natural causes.

Craig, Donald Lavell (1)

Summary of Crime: On 02/28/96, Craig abducted, raped, and murdered 12-year-old Roseanna Davenport in a vacant home in Akron. Roseanna, who disappeared after visiting the daughter of Craig's girlfriend, was found five days later in a nearby basement. DNA from semen found on the crotch of Roseanna's underwear, tested in 1996, failed to link Craig to the murder. The case lay dormant until the Akron police reopened it in 2002 as a result of a federal "cold case" grant. DNA testing was again performed using more advanced technology, and Craig was identified as Roseanna's killer.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....06/23/03
Sentence.....08/06/04

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/20/06
U.S. Supreme Court Review.....02/26/07

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 07/11/05
Trial Court Decision.....02/05/07
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/28/07

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/14/12

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/14/12

No capital proceeding pending.

NOTES

On 12/14/12, Donald Lavell Craig died of natural causes.

Craig, Donald Lavell (2)

Summary of Crime: On 01/26/95, Craig murdered 13-year-old Malissa Thomas in Akron. Craig kidnapped Malissa and took her to an abandoned house where he bound, raped, and strangled her. Her body was found a week later, frozen to death. DNA testing identified Craig as the source of semen found on Malissa's body.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/03/06
Sentence.....08/16/06

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/16/07
Trial Court Decision.....12/19/08
Court of Appeals Decision.....03/24/10
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/14/12

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/14/12

No capital proceeding pending.

NOTES

On 12/14/12, Donald Lavell Craig died of natural causes.

Davis, Raymond

Summary of Crime: In 1983, David murdered Charles Piazza and Edith Schneider in their Elyria home. Both Mr. Piazza and Ms. Schneider had been shot to death.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/20/87
Sentence.....06/03/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/18/90
Supreme Court Decision 12/31/91
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 07/08/92

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/08/92

No capital proceeding pending.

NOTES

On 07/08/92, Raymond Davis died of natural causes.

Dean, Jason B.

Summary of Crime: On 04/13/05, Dean and 16-year-old Josh Wade murdered 30-year-old youth counselor, Titus Arnold, in Springfield. Mr. Arnold was walking home from his shift at a group home for troubled youth when he was murdered. Wade received life imprisonment for his involvement in the murder.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....05/02/05
Sentence.....09/30/11

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/27/15
U.S. Supreme Court Review.....10/03/16

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 01/02/13
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/17/17

FEDERAL COURTS

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(U.S. District Court: Judge)
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Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
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Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 03/23/19

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/23/19

No capital proceeding pending.

NOTES

On 03/23/19, Jason Dean died of natural causes.

Dougherty, John

Summary of Crime: On 07/07/92, Dougherty murdered Rose Marohn, a security guard, during the course of an aggravated robbery of Dougherty's former employer. Dougherty and his brother devised a plan to commit an armed robbery of a store in Napoleon. To facilitate the robbery, they planned to steal vehicles. The two stole two vehicles from Dougherty's former employer, left, and returned upon wrecking one. Upon their return, they observed Ms. Marohn exiting her vehicle in the parking lot. Dougherty told her to get down and fired shots toward her. She was struck several times. The fatal wound, however, was inflicted by a bullet entering her skull that was fired from 12-16" away. Dougherty later confessed to murder and armed robbery.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....08/25/92
- Sentence.....12/10/93

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....09/12/96
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 06/09/97
- Trial Court Decision.....
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 06/27/97

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/27/97

No capital proceeding pending.

NOTES

On 06/27/97, John Dougherty committed suicide while on death row.

Edwards, Edward

Summary of Crime: In May 1996, Edwards murdered Dannie Boy Edwards, age 25. Dannie Boy was Edwards' foster son. Edwards convinced Dannie Boy to go AWOL from the Army and took him to the woods near Edwards' Troy Township home. Edwards fired two gunshots to Dannie Boy's face. Edwards' motive was to collect the life insurance money. At the time Edwards pled guilty in this case, he was serving multiple life sentences in both Ohio and Wisconsin for other murders.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/26/10
Sentence.....03/21/11

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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(U.S. District Court: Judge)
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Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

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Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/07/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/07/11

No capital proceeding pending.

NOTES

On 04/07/11, Edward Edwards died of natural causes.

Frazier, James P.

Summary of Crime: On 03/02/04, Frazier murdered disabled, 49-year-old Mary Stevenson at her North Toledo apartment. Frazier, who lived in the same apartment building as Ms. Stevenson, strangled her, slashed her throat, then stole her purse and wallet.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/09/04
Sentence.....06/15/05

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/10/07
U.S. Supreme Court Review.....04/21/08

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/15/06
Trial Court Decision.....10/24/07
Court of Appeals Decision.....09/30/08
Supreme Court Decision 03/25/09
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/25/10

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gaughan)
Prisoner's Petition 09/11/09
Warden's Return of Writ.....01/08/10
Prisoner's Traverse.....04/26/10
Evidentiary Hearing .....
Decision 10/25/11

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/15/11
Prisoner's Brief 11/14/12
Warden's Brief 04/15/13
Oral Argument.....11/18/13
Decision 10/27/14

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....03/16/15
Brief in Opposition 05/15/15
Decision or Certiorari Denial 06/22/15

STATUS

STATUS IN STATE COURTS AS OF 11/19/20

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/19/20

No capital proceeding pending.

NOTES

On 11/19/20, James Frazier died of natural causes.

Gerish, John

Summary of Crime: On 05/02/91, Gerish murdered his mother, Ann Gerish and a bystander, Eva Thigpen, in Youngstown. Mrs. Thigpen was a passenger in a car that had picked up Ms. Gerish, after she ran into the street during an argument with Gerish. When the driver stopped the car and got out to summon police, Gerish pulled up to the car, repeatedly shot into the driver's side, walked around to the passenger's side and continued shooting. All eight shots that Gerish fired struck either Ms. Gerish or Mrs. Thigpen. Gerish later confessed to police and bragged that he was able to kill two people at one time.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....05/24/91
Sentence.....06/23/92

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....04/22/99
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 09/26/96
Trial Court Decision.....10/23/98
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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(U.S. District Court: Judge)
Prisoner's Petition .....
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Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 07/04/99
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/04/99
No capital proceeding pending.

NOTES

On 07/04/99, John Gerish died of natural causes.

Gillard, John Grant

Summary of Crime: On 01/01/85, Gillard murdered 22-year-old Denise Maxwell and 26-year-old Leroy Ensign and attempted to murder Ronnie Postlethwaite at a house party in Northwest Canton. Gillard's brother and Mr. Ensign had gotten into a fight earlier at the party. Gillard returned to the party with his brother and shot the victims, killing Ms. Maxwell and Mr. Ensign and seriously wounding Mr. Postlethwaite. Gillard admitted to his friends that he was the triggerman. (Gillard received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/11/85
Sentence.....06/19/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....06/25/90
Supreme Court Decision 06/11/97
U.S. Supreme Court Review.....05/04/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....02/14/97
Court of Appeals Decision.....06/22/98
Supreme Court Decision 10/21/98
U.S. Supreme Court Review.....05/17/99

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....04/27/98
Supreme Court Decision 04/28/99

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Economus)
Prisoner's Petition 12/07/99
Warden's Return of Writ.....08/01/01
Prisoner's Traverse.....12/03/01
Evidentiary Hearing .....
Decision 08/27/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/25/03
Prisoner's Brief 04/05/05
Warden's Brief 04/06/05
Oral Argument.....07/28/05
Decision 04/26/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/22/06
Brief in Opposition 01/29/07
Decision or Certiorari Denial 03/05/07

STATUS

STATUS IN STATE COURTS AS OF 11/22/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/22/22

No capital proceeding pending.

NOTES

On 11/22/22, John Grant Gillard died of natural causes.

Hessler, Jerry F.

Summary of Crime: On 11/19/95, Hessler murdered 35-year-old Brian Stevens, 25-year-old Tracey Stevens, and their 5-month-old daughter, Amanda Stevens. He also murdered 64-year-old Paul Thane Griffin, and attempted to murder four others in Columbus and the surrounding area. Hessler and Ms. Stevens had previously worked together at Bank One in Columbus. Hessler was fired from the bank after breaking an agreement to have no contact with Ms. Stevens. In order to get back at Bank One, Hessler drove to four houses in Columbus and the surrounding area shooting everyone who he felt had wronged him.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/30/95
Sentence.....11/07/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/27/00
U.S. Supreme Court Review.....04/23/01

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/07/98
Trial Court Decision.....08/02/01
Court of Appeals Decision.....06/27/02
Supreme Court Decision 10/30/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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Decision .....

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Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/14/03

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/14/03

No capital proceeding pending.

NOTES

On 01/14/03, Jerry F. Hessler died of natural causes.

Holloway, Allen

Summary of Crime: On 8/06/84, Holloway murdered 84-year-old Clara Wilson in her apartment in Cincinnati. Ms. Wilson had met Holloway earlier that evening while visiting a friend. After Ms. Wilson had returned to her apartment, Holloway went to Ms. Wilson's apartment to ask her for money. When Ms. Wilson refused to give Holloway money, he beat and strangled her and then stole her radio. Holloway later confessed to the police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/30/84
Sentence.....11/05/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....07/23/86
Supreme Court Decision 08/24/88
U.S. Supreme Court Review.....07/03/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/13/90
Trial Court Decision.....10/09/90
Court of Appeals Decision.....01/29/92
Supreme Court Decision 06/24/92
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....10/01/92
Supreme Court Decision 10/27/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 04/18/94
Warden's Return of Writ.....06/20/94
Prisoner's Traverse.....09/06/94
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/21/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/21/04

No capital proceeding pending.

NOTES

On 01/21/04, Allen Holloway died of natural causes.

Hooks, Danny

Summary of Crime: On 3/28/84, Hooks murdered 39-year-old Donald Danes, his wife, 39-year-old Karen Danes, and their 16-year-old son, Rodney Danes, in their home in Montgomery County. Hooks went to the Danes' residence with his accomplice, Terry Coffman. Coffman owed Mr. Danes money for some tools he had purchased from him. When they arrived at the Danes' residence, Hooks struck each member of the Danes' family with a metal bar. Coffman and Hooks then stole firearms and other property from the Danes' residence. Hooks later gave the police a taped confession.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/25/84
Sentence.....02/11/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/22/86
Supreme Court Decision 10/05/88
U.S. Supreme Court Review.....04/03/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/20/89
Trial Court Decision.....11/24/97
Court of Appeals Decision.....10/30/98
Supreme Court Decision 03/17/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....08/23/00
Supreme Court Decision 06/20/01

FEDERAL COURTS

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(U.S. District Court: Judge Graham)
Prisoner's Petition 01/21/00
Warden's Return of Writ.....04/06/00
Prisoner's Traverse.....05/19/00
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
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Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/15/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/15/04

No capital proceeding pending.

NOTES

On 09/15/04, Danny Hooks died of natural causes.

Jordan, James

Summary of Crime: In late November or early December 1996, Jordan murdered 69-year-old Gertrude Thompson and 72-year-old Edward Kowalczk in their home in Toledo. Jordan beat Ms. Thompson and Mr. Kowalczk with several blunt objects and stabbed them several times. He then stole several personal objects from their home. DNA testing revealed that Jordan's blood was located on a lamp which was used as a murder weapon.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....10/02/98
Sentence.....08/29/00

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 08/10/01
Trial Court Decision.....04/11/02
Court of Appeals Decision.....09/30/03
Supreme Court Decision 01/21/04
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

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Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
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Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/28/04
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/28/04
No capital proceeding pending.

NOTES

On 08/28/04, James Jordan died of natural causes.

Kidwell, Steven

Summary of Crime: On 09/23/94, Kidwell kidnapped and murdered Francine Lance.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....05/12/95
Sentence.....09/15/95

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
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Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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Decision .....

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Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/12/96

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/12/96

No capital proceeding pending.

NOTES

On 04/12/96, Steven Kidwell committed suicide while on death row.

Koliser, Martin

Summary of Crime: On 04/29/03, Koliser murdered a patrol officer, 26-year-old Michael Hartzell, in Youngstown. Officer Hartzell had stopped Koliser's car for a traffic violation. As Officer Hartzell was running Koliser's license plate, Koliser exited his car and shot Officer Hartzell three times in the chest. At trial Koliser said that he showed no mercy in killing Officer Hartzell, so he did not expect any mercy in return.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....05/08/03
Sentence.....11/07/03

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
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Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 05/07/05
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/07/05
No capital proceeding pending.

NOTES

On 05/07/05, Martin Koliser committed suicide while on death row.

Deceased While Incarcerated

Lawson, Jerry

Summary of Crime: On 09/23/87, Lawson murdered 25-year-old Tim Martin in a wooded area in Highland County. Mr. Martin was a confidential informant who implicated Lawson in two home burglaries. Lawson and his accomplices, Tim Lawson and Billy Payton, lured Mr. Martin into the woods where Lawson shot Mr. Martin in the back. In the 30 to 45 minutes it took Mr. Martin to bleed to death, Lawson taunted, cursed and kicked Mr. Martin. In a taped conversation with friends, Lawson admitted that he purposely shot Mr. Martin so he would "die a slow death."

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/06/87
Sentence.....05/13/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....06/04/90
Supreme Court Decision 08/12/92
U.S. Supreme Court Review.....03/29/93

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/15/93
Trial Court Decision.....06/09/94
Court of Appeals Decision.....05/04/95
Supreme Court Decision 10/04/95
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Black)
Prisoner's Petition 05/10/96
Warden's Return of Writ.....09/06/96
Prisoner's Traverse.....01/15/97
Evidentiary Hearing 12/01/97
Decision 03/29/02

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/09/02
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 10/14/15

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/14/15

No capital proceeding pending.

NOTES

On 10/14/15, Jerry Lawson died of natural causes.

Leonard, Patrick T.

Summary of Crime: On 07/29/00, Leonard murdered his ex-girlfriend, 23-year-old Dawn Flick, in her New Baltimore home. Leonard was angry at Ms. Flick, who had ended their relationship and refused to reconcile with Leonard. Leonard followed Ms. Flick into her house, handcuffed her, tried to choke her with the necklace she was wearing, attempted to rape her and shot her three times in the face, neck and the back of her head. Leonard admitted the murder to his friends and the police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/07/00
Sentence.....06/28/01

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/08/04
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/30/02
Trial Court Decision.....11/03/06
Court of Appeals Decision.....12/31/07
Supreme Court Decision 07/09/08
U.S. Supreme Court Review.....12/08/08

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/29/05

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
Prisoner's Petition 07/08/09
Warden's Return of Writ.....11/23/09
Prisoner's Traverse.....04/22/10
Evidentiary Hearing .....
Decision 05/14/15

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 06/12/15
Prisoner's Brief 05/17/16
Warden's Brief 07/05/16
Oral Argument.....10/20/16
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 03/05/17

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/05/17

No capital proceeding pending.

NOTES

On 03/05/17, Patrick Leonard committed suicide while on death row.

Lewis, Donald

Summary of Crime: On 08/17/89, Lewis murdered 68-year-old Clarence Roach on Lakeview Avenue in Cleveland. Mr. Roach had discussed selling his car to Lewis. When Mr. Roach stopped the car at Lewis' request, Lewis pulled Mr. Roach into the street and beat him to death. Lewis stole Mr. Roach's wallet and drove away in his car. Lewis later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....09/14/89
Sentence.....02/28/90

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....09/26/91
Supreme Court Decision 08/25/93
U.S. Supreme Court Review.....03/07/94

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....11/18/97
Court of Appeals Decision.....12/03/98
Supreme Court Decision 04/07/99
U.S. Supreme Court Review.....10/04/99

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Wells)
Prisoner's Petition 11/05/99
Warden's Return of Writ.....01/18/00
Prisoner's Traverse.....06/19/00
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 06/06/13

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/06/13

No capital proceeding pending.

NOTES

On 06/06/13, Donald Lewis died of natural causes.

Lynch, Ralph

Summary of Crime: On 06/24/98, Lynch murdered his neighbor, 6-year-old Mary Jennifer Love, in his apartment in Cincinnati. Lynch lured Mary into his apartment and began sexually molesting her, which caused Mary to scream. Lynch then choked Mary with his hands for 3 minutes, placed her body in his bathtub and inserted his finger into Mary's vagina until it bled. Lynch confessed to police and directed them to a wooded area where he had hidden Mary's body.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....07/09/98
- Sentence.....10/13/99

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 05/14/03
- U.S. Supreme Court Review.....10/14/03

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 08/15/00
- Trial Court Decision.....12/22/00
- Court of Appeals Decision.....12/21/01
- Supreme Court Decision 07/30/03
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Barrett)
- Prisoner's Petition 02/15/08
- Warden's Return of Writ.....12/22/10
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision 09/28/11

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 10/26/11
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/08/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/08/22

No capital proceeding pending.

NOTES

On 08/08/22, Ralph Lynch died of natural causes.

Mize, John

Summary of Crime: On 08/25/84, Mize murdered his estranged wife, Amma Anim II, and Ralph G. Wachs at Mr. Wachs' home in Anderson Township. Ms. Anim was Mr. Wachs' personal nurse. Both were brutally killed by multiple stab wounds. Ms. Anim also suffered from a fracture of the skull.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/13/84
Sentence.....09/30/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 05/29/86

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/29/86

No capital proceeding pending.

NOTES

On 05/29/86, John Mize died of natural causes.

Myers, Kevin

Summary of Crime: On 03/30/92, Myers fatally shot his ex-wife, 40-year-old Paula Dovernbarger, at her home in Columbus. Myers was arrested following a police standoff wherein he fired at law enforcement.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....06/04/92
Sentence.....03/16/93

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....05/03/93
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/20/93
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/20/93
No capital proceeding pending.

NOTES

On 04/20/93, Kevin Myers committed suicide while on death row.

Reynolds, Gordon

Summary of Crime: On 09/03/88, Reynolds murdered his girlfriend, 43-year-old Lynn Hanna, at their home in East Liverpool. Reynolds and Ms. Hanna had previously committed an arson scheme to collect the insurance proceeds, and Reynolds feared that Ms. Hanna would talk to the authorities. Reynolds broke Ms. Hanna's neck, but when he discovered that she was still alive the next day, he shot her in the chest. Reynolds then removed Ms. Hanna's lung, where the bullet was lodged in, and cut her head off, both of which were never found. Reynolds cut Ms. Hanna's body into pieces, put them in several trash bags and threw the bags into the Ohio River near Chester, West Virginia. Reynolds admitted the murder to his son and a friend.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....09/29/94
- Sentence.....04/28/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....01/04/01
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 01/28/98
- Trial Court Decision.....03/04/98
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 02/04/02

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/04/02

No capital proceeding pending.

NOTES

On 02/04/02, Gordon Reynolds died of natural causes.

Scudder, Kevin

Summary of Crime: On 02/07/89, Scudder murdered 14-year-old Tina Baisden in Columbus. Tina had gone out with Scudder to celebrate his birthday. Scudder took Tina to a secluded field, attempted to rape her and stabbed her 46 times with a knife.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/31/89
Sentence.....12/26/90

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/20/92
Supreme Court Decision 12/20/94
U.S. Supreme Court Review.....06/26/95

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/02/96
Trial Court Decision.....11/21/97
Court of Appeals Decision.....12/03/98
Supreme Court Decision 04/21/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 01/10/00
Warden's Return of Writ.....03/27/03
Prisoner's Traverse.....03/26/04
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/04/21

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/04/21

No capital proceeding pending.

NOTES

On 04/04/21, Kevin Scudder died of natural causes.

Simko, Jr., John

Summary of Crime: On 08/07/90, Simko murdered his ex-girlfriend, Mary Jane Johnson, and her co-worker, Harold Baker, at an elementary school in Lorain. Simko arrived at the school in the morning, asked to speak to Ms. Johnson, and the two proceeded to the teacher's lounge. Meanwhile, Mr. Baker arrived at the school, heard Ms. Johnson scream his name, and ran to the lounge. Mr. Baker found Simko with a gun in his right hand and his left arm around Ms. Johnson. Simko ordered Mr. Baker into a restroom where he then escaped through a window to get help. Simko proceeded to twice shoot Ms. Johnson before fleeing the scene.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....08/14/90
- Sentence.....09/17/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....01/20/93
- Supreme Court Decision 12/30/94
- U.S. Supreme Court Review.....10/02/95

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 04/17/96
- Trial Court Decision.....07/31/96
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 06/25/97

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/25/97

No capital proceeding pending.

NOTES

On 06/25/97, John Simko, Jr., died of natural causes.

Slagle, Billy

Summary of Crime: On 08/13/87, Slagle murdered his 40-year-old neighbor, Mari Anne Pope, in her Cleveland home. Slagle broke into Ms. Pope's house, stabbed her 17 times and beat her in the head and face. Two children witnessed Slagle attacking Ms. Pope and escaped from the house. Police arrested Slagle in Ms. Pope's house, holding a pair of bloody scissors, where he admitted to the murder.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/18/87
Sentence.....04/14/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/26/91
Supreme Court Decision 12/31/92
U.S. Supreme Court Review.....10/04/93

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/12/94
Trial Court Decision.....07/21/99
Court of Appeals Decision.....08/10/00
Supreme Court Decision 12/20/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....09/01/94
Supreme Court Decision 07/19/95

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Economus)
Prisoner's Petition 12/19/01
Warden's Return of Writ.....02/14/02
Prisoner's Traverse.....06/17/03
Evidentiary Hearing .....
Decision 03/30/04

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/14/04
Prisoner's Brief 09/14/05
Warden's Brief 08/31/05
Oral Argument.....01/26/06
Decision 08/08/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....04/05/07
Brief in Opposition 05/14/07
Decision or Certiorari Denial 06/18/07

STATUS

STATUS IN STATE COURTS AS OF 08/04/13

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/04/13

No capital proceeding pending.

NOTES

On 08/04/13, Billy Slagle committed suicide while on death row.

Deceased While Incarcerated

Sowell, Anthony

Summary of Crime: Between June 2007 and September 2009, Anthony Sowell murdered eleven women: Tonia Carmichael, Nancy Cobbs, Tishana Culver, Crystal Dozier, Telacia Fortson, Amelda Hunter, Leshanda Long, Michelle Mason, Kim Yvettee Smith, Janice Webb, and Diane Turner. Many of the women had died as a result of strangulation, and were found in states of undress. (Sowell received the death penalty for all eleven victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....12/01/09
- Sentence.....08/31/11

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 12/08/16
- U.S. Supreme Court Review.....10/02/17

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 08/13/12
- Trial Court Decision.....11/26/18
- Court of Appeals Decision.....05/14/20
- Supreme Court Decision 11/10/20
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 02/14/18

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 02/08/21

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/08/21

No capital proceeding pending.

NOTES

On 02/08/21, Anthony Sowell died of natural causes.

Sowell, Billy

Summary of Crime: On 05/01/83, Sowell murdered his friend, 36-year-old Calvert Graham, and attempted to murder his friend, Pamela Jean Billups, in Cincinnati. Ms. Billups was in Mr. Graham's apartment when Sowell accused her of stealing his money and threatened to shoot her. Mr. Graham asked Sowell to leave, but Sowell later forced his way back into the apartment. Sowell fatally shot Mr. Graham in the abdomen and head and then shot Ms. Billups three times before he ran out of ammunition.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/12/83
Sentence.....11/03/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/20/86
Supreme Court Decision 11/16/88
U.S. Supreme Court Review.....04/17/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/20/89
Trial Court Decision.....05/04/90
Court of Appeals Decision.....06/26/91
Supreme Court Decision 11/13/91
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....10/01/92
Supreme Court Decision 11/17/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Sargus)
Prisoner's Petition 05/24/94
Warden's Return of Writ.....10/07/94
Prisoner's Traverse.....08/29/96
Evidentiary Hearing 04/21/99
Decision 10/05/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/11/02
Prisoner's Brief 10/17/02
Warden's Brief 11/05/02
Oral Argument.....10/29/03
Decision 06/23/04

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/06/05
Brief in Opposition 02/10/05
Decision or Certiorari Denial 03/21/05

STATUS

STATUS IN STATE COURTS AS OF 03/27/12

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/27/12

No capital proceeding pending.

NOTES

On 03/27/12, Billy Sowell died of natural causes.

Spivey, Warren

Summary of Crime: On 01/03/89, Spivey murdered 53-year-old Veda Vesper in her Youngstown home. Spivey broke into Ms. Vesper's house, stabbed her multiple times, and brutally beat her to death. Spivey also stole Ms. Vesper's car and jewelry.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/18/89
Sentence.....11/20/89

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....01/13/97
Supreme Court Decision 04/22/98
U.S. Supreme Court Review.....10/05/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/26/96
Trial Court Decision.....05/01/00
Court of Appeals Decision.....03/15/02
Supreme Court Decision 07/03/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/11/98
Supreme Court Decision 11/25/98

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Pearson)
Prisoner's Petition 05/13/16
Warden's Return of Writ.....04/24/17
Prisoner's Traverse.....06/08/17
Evidentiary Hearing .....
Decision 11/30/17

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 12/18/17
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/17/20

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/17/20

No capital proceeding pending.

NOTES

On 01/17/20, Warren Spivey died of natural causes.

Taylor, James R.

Summary of Crime: On 02/14/98, Taylor murdered 51-year-old Ronald Rihm and 57-year-old Carolyn Rihm, and attempted to murder his estranged wife, Pat Taylor, and her friend, 38-year-old James Tipton, at the Fraternal Order of Eagles Lodge in Fairborn. The Rihms, whom Taylor blamed for his marital problems, had allowed Mrs. Taylor to move into their Riverside home. After hiring a private investigator to locate his wife, Taylor confronted Mrs. Taylor, shot at her but missed, fatally shot the Rihms each in the head, and shot Mr. Tipton when he tried to restrain Taylor.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/20/98
Sentence.....04/06/99

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/20/02
U.S. Supreme Court Review.....05/27/03

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 02/22/00
Trial Court Decision.....07/24/00
Court of Appeals Decision.....06/29/01
Supreme Court Decision 03/12/03
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rice)
Prisoner's Petition 05/14/04
Warden's Return of Writ.....07/15/04
Prisoner's Traverse.....09/14/04
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/30/08

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/30/08

No capital proceeding pending.

NOTES

On 01/30/08, James R. Taylor died of natural causes.

Taylor, Michael

Summary of Crime: On 11/24/92, Taylor murdered 40-year-old Marion Alexander at a bar, Club Seville, in Garfield Heights. Mr. Alexander and Taylor had a tense relationship because Mr. Alexander had previously dated Taylor's current girlfriend. After arguing with Mr. Alexander at the bar, Taylor pretended to leave but instead cornered Mr. Alexander and shot him several times. When Mr. Alexander fell to the floor and tried to crawl away, Taylor walked closer and fired more shots into his back. Taylor had previously been convicted and served prison time for two murders, until his release in 1982.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/11/92
Sentence.....05/28/93

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/09/95
Supreme Court Decision 03/19/97
U.S. Supreme Court Review.....10/06/97

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/23/96
Trial Court Decision.....09/03/98
Court of Appeals Decision.....11/18/99
Supreme Court Decision 03/15/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Carr)
Prisoner's Petition 03/13/01
Warden's Return of Writ.....10/15/01
Prisoner's Traverse.....02/25/02
Evidentiary Hearing .....
Decision 03/03/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 07/17/03
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/27/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/27/04

No capital proceeding pending.

NOTES

On 01/27/04, Michael Taylor died of natural causes.

Webb, Michael D.

Summary of Crime: On 11/21/90, Webb murdered his 3-year-old son, Michael Patrick Webb, at their home in Goshen Township. Webb planned to kill his wife and children to collect insurance money and be with his mistress. Webb poured gasoline in the bedrooms, while his family slept, and set the house on fire. Michael died from smoke inhalation, but the other family members escaped or were rescued by firefighters.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment....01/10/91
- Sentence....07/16/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision....05/24/93
- Supreme Court Decision....09/21/94
- U.S. Supreme Court Review....03/20/95

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court....12/11/95
- Trial Court Decision....11/08/96
- Court of Appeals Decision....10/20/97
- Supreme Court Decision....02/18/98
- U.S. Supreme Court Review....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision....07/07/98
- Supreme Court Decision....04/28/99

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
- Prisoner's Petition....10/21/98
- Warden's Return of Writ....04/15/99
- Prisoner's Traverse....
- Evidentiary Hearing....05/30/03
- Decision....11/14/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal....12/11/06
- Prisoner's Brief....02/07/09
- Warden's Brief....04/06/09
- Oral Argument....06/10/09
- Decision....11/05/09

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition....02/01/10
- Brief in Opposition....03/19/10
- Decision or Certiorari Denial....04/19/10

STATUS

STATUS IN STATE COURTS AS OF 05/02/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/02/22

No capital proceeding pending.

NOTES

On 05/02/22, Michael Webb died of natural causes.

Removed from Death Row Based Upon Court or Executive Action

Adams, Bennie

Summary of Crime: On 12/29/85, Bennie Adams murdered 19-year-old Gina Tenney in Youngstown, Ohio. Ms. Tenney was a student at Youngstown State University and lived in the apartment above Adams. Adams raped and strangled Ms. Tenney before throwing her body into the Mahoning River. The murder became a cold case until the DNA from the rape kit, which police preserved for over 22 years, was matched with Adams' DNA.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/11/07
Sentence.....10/30/08

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/14/11
Supreme Court Decision 10/01/15
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/11/12
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....06/13/12
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 10/01/15

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/01/15

No capital proceeding pending.

NOTES

On 10/14/11, the 7th District Court of Appeals affirmed Adams' conviction and death sentence on direct appeal. On 01/12/12, Adams filed a motion to reopen his direct appeal in the 7th District Court of Appeals, which was denied on 06/13/12. Adams appealed to the Ohio Supreme Court. Additionally, on 06/11/12, Adams filed a petition for postconviction relief with the trial court. On 04/23/14, the trial court stayed the postconviction relief petition pending the resolution of the direct appeal. On 10/01/15, the Ohio Supreme Court affirmed Adams' conviction but vacated his death sentence, and found that the State was barred from again seeking the death penalty. On 02/10/16, the Ohio Supreme Court denied the State's motion for reconsideration. On 06/06/16, the trial court resentenced Adams to 20 years to life in prison.

Barnes, Sterling

Summary of Crime: On 05/30/83, Barnes murdered Donald Mandry, at Jakey's Bar in Toledo, where Mr. Mandry was the night porter. Barnes entered the bar with the purpose of committing robbery. Barnes struck Mr. Mandry in the head with a pool cue and a hammer, and stabbed him in the chest six times with a knife. Barnes later admitted to the murder and led police to his girlfriend's apartment where his bloody clothing, the knife, the hammer, and bank deposit envelopes were recovered.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/07/83
Sentence.....02/09/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/15/85
Supreme Court Decision 08/06/86
U.S. Supreme Court Review.....03/06/87

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 05/17/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/17/91

No capital proceeding pending.

NOTES

On 02/09/84, Barnes was convicted and sentenced to death. On 08/06/86, the Ohio Supreme Court affirmed Barnes' convictions and sentence. On 05/17/91, Barnes was granted postconviction relief and was resentenced to life imprisonment.

No Death Sentence on Remand

Bies, Michael

Summary of Crime: On 05/11/92, Bies and his accomplice, Darryl Gumm, murdered 10-year-old Aaron Raines in an abandoned building in the Lower Price Hill section of Cincinnati. On the day of the murder, Bies and Gumm decided they wanted to have sex with a child. Gumm, who knew Aaron, lured him by offering him $10 to help him and Bies remove scrap metal from an abandoned building. When Aaron refused to perform oral sex for money, Gumm and Bies beat him repeatedly with a wooden board, metal pipe and block of concrete. Bies eventually confessed to the police. Gumm also received a death sentence for his role in Aaron's murder.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/05/92
Sentence.....10/30/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/30/94
Supreme Court Decision 01/17/96
U.S. Supreme Court Review.....06/03/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....02/13/98
Court of Appeals Decision.....06/30/99
Supreme Court Decision 11/10/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....12/04/96
Supreme Court Decision 07/16/97

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
Prisoner's Petition 08/21/00
Warden's Return of Writ.....07/13/01
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision 03/01/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/22/06
Prisoner's Brief 10/25/06
Warden's Brief 10/24/06
Oral Argument.....10/31/07
Decision 02/27/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/03/08
Brief in Opposition 12/05/08
Decision or Certiorari Denial 06/01/09

STATUS

STATUS IN STATE COURTS AS OF 06/18/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/18/10

No capital proceeding pending.

NOTES

On 01/17/96, the Ohio Supreme Court affirmed Bies' conviction and death sentence on direct appeal. On 03/01/06, the district court adopted the magistrate judge's report and recommendations granting Bies' petition for a writ of habeas corpus based on a claim that the Double Jeopardy Clause bars retrying the issue of whether Bies is intellectually disabled. On 02/27/08, the 6th Circuit affirmed the district court's decision. On 06/01/09, the U.S. Supreme Court reversed and remanded the case back to the 6th Circuit, which in turn remanded the matter back to the district court on 10/02/09. On 10/14/09, the district court stayed the case pending final resolution of Bies' *Atkins* postconviction petition in state court which he filed on 05/02/03. On 06/18/10, the trial court granted Bies' *Atkins* claim, and Bies was sentenced to 30 years to life.

Braden, David

Summary of Crime: On 08/03/98, Braden murdered his girlfriend, 44-year-old Denise Roberts, and her father, 83-year-old Ralph Heimlich, at their Columbus home. Ms. Roberts had tried to end her relationship with Braden, whom Mr. Heimlich disliked. Ms. Roberts and Braden had been seen and heard arguing several hours before the murders. Braden shot Ms. Roberts in the back of the head and shot Mr. Heimlich in the chest, eye, neck, and shoulder. (Braden received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment....08/13/98
- Sentence....06/14/99

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....04/02/03
- U.S. Supreme Court Review....10/06/03

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court....06/09/00
- Trial Court Decision....08/02/02
- Court of Appeals Decision....06/10/03
- Supreme Court Decision....10/15/03
- U.S. Supreme Court Review....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Hale - W.D. KY)
- Prisoner's Petition....08/31/04
- Warden's Return of Writ....09/25/09
- Prisoner's Traverse....10/26/09
- Evidentiary Hearing....
- Decision....11/23/20

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal....
- Prisoner's Brief....
- Warden's Brief....
- Oral Argument....
- Decision....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition....
- Brief in Opposition....
- Decision or Certiorari Denial....

STATUS

STATUS IN STATE COURTS AS OF 06/17/21

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/17/21

No capital proceeding pending.

NOTES

On 04/02/03, the Ohio Supreme Court affirmed Braden's conviction and death sentence on direct appeal. On 08/31/04, Braden filed a petition for a writ of habeas corpus in the district court; the Warden responded on 09/25/09. On 07/05/12, Braden amended his habeas petition to include claims challenging the constitutionality of lethal injection. On 10/03/16, Judge Sargus recused himself, and Judge David Hale of Kentucky was assigned. On 11/23/20, the district court denied Braden's habeas petition. On 06/21/21, the district court denied Braden's 12/18/20 motion to amend the judgment pursuant to Fed. R. Civ. P. 59(e), which was denied on 06/21/21. Meanwhile, on 04/06/17, the trial court denied Braden's 01/11/17 motion for a new mitigation hearing based on *Hurst v. Florida*, which was affirmed by the court of appeals on 05/08/18; and the Ohio Supreme Court denied Braden's appeal on 08/15/18. On 06/17/21, pursuant to an agreement between the State and Braden, the trial court found Braden was seriously mentally ill under R.C. 2929.025(A)(1), vacated his death sentences, and resentenced him to life imprisonment without the possibility of parole. On 06/23/21, Braden filed a stipulation of dismissal in his habeas case pursuant to his resentencing.

Brock, Daniel

Summary of Crime: On 03/09/94, Brock and an accomplice went to the home of Thomas Herring to purportedly purchase guns. While there, Brock and his accomplice murdered Mr. Herring by shooting him in the face and chest.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/31/94
Sentence.....12/12/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/26/96
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 03/27/97

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/27/97

No capital proceeding pending.

NOTES

On 12/12/94, Brock was convicted and sentenced to death. On 04/26/96, the 3rd District Court of Appeals vacated the aggravated murder conviction and death sentence, reasoning the trial court did not have jurisdiction. On retrial, Brock was convicted again for aggravated murder. On 03/27/97, the trial court sentenced Brock to 30 years to life.

Brooks, Antonio

Summary of Crime: On 08/28/92, Brooks murdered April Griffin, Victoria Wilson, and Sheeba Mosley, in Ms. Griffin's Akron apartment on Westerly. Brooks and Collin "Rabbit" Boatright, who had been selling drugs out of a nearby apartment, were relaxing in Ms. Griffin's apartment with the victims. Emmanuel McMillan arrived to take Ms. Mosley and her child home. An argument arose between Boatright and McMillan, resulting in Boatright shooting McMillan, who survived. Before fleeing, Boatright told Brooks to kill the witnesses to the shooting. Brooks shot Ms. Wilson and Ms. Mosley, both in the head, and shot Ms. Griffin in the head, hand, arm, and chest. Five children were found alive in the apartment, ranging from twenty months to five years of age. One of the children was lying awake next to Ms. Griffin's body. Later in the day, Brooks gave a complete taped confession to all three murders.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/14/92
Sentence.....02/17/93

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....07/13/94
Supreme Court Decision 04/04/96
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 05/21/96

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/21/96

No capital proceeding pending.

NOTES

On 02/17/93, Brooks was convicted and sentenced to death. On 4/4/96, the Ohio Supreme Court reversed the decision of the 9th District Court of Appeals and remanded the case to the trial court for resentencing. On 05/21/96, the trial court resentenced Brooks to 90 years to life.

Brown, Debra

Summary of Crime: In July 1984, Debra Brown and her accomplice, Alton Coleman, murdered 15-year-old Tonnie Storey in Cincinnati. Brown and Coleman abducted Tonnie from the street, murdered her and dumped her body in an abandoned building. Coleman also received a death sentence for the aggravated murder of Tonnie and two other people.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/10/84
Sentence.....06/11/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/10/86
Supreme Court Decision 08/31/88
U.S. Supreme Court Review.....02/24/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/15/89
Trial Court Decision.....07/16/90
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/10/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/10/91

No capital proceeding pending.

NOTES

On 01/10/91, Governor Celeste commuted Brown's death sentence to life imprisonment without the possibility of parole. (Note: On 11/29/18, by agreement, the Indiana trial court modified Brown's Indiana death sentence to a sentence of 60 years consecutive to 80 years on additional counts, and consecutive to Ohio's sentence of life without parole.)

Brown, Vernon

Summary of Crime: On 01/01/04, Brown murdered 28-year-old Duane Roan and 24-year-old Tearle Toeran on a Cleveland street. Brown lured Mr. Roan and Mr. Toeran into his neighborhood on the pretense of making a drug deal. He forced them from their car, then shot Mr. Roan in the head. Brown shot Mr. Toeran three times as Mr. Toeran tried to get away, then caught Mr. Toeran and shot him point-blank in the face. Brown later bragged about the killings.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....01/20/04
- Sentence.....03/08/05

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 10/03/07
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 06/30/06
- Trial Court Decision.....
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 02/23/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/23/09

No capital proceeding pending.

NOTES

On 03/08/05, Brown was convicted and sentenced to death. On 10/03/07, the Ohio Supreme Court vacated the convictions and remanded Brown's case to the trial court. On 02/12/09, the jury found Brown guilty of murder, various firearm charges, and robbery. On 02/23/09, the trial court sentenced Brown to 36 years to life.

Burke, Mark

Summary of Crime: On 11/23/89, Burke and his accomplice, cousin James Tanner, Jr., murdered 72-year-old Billy McBride in Mr. McBride's Columbus home. Mr. McBride and Burke were acquaintances as they had previously worked and lived together. Burke and Tanner, who entered Mr. McBride's house shortly after midnight, ransacked the house, stole a microwave, checkbook and some jewelry and stabbed Mr. McBride 12 times with a knife.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/04/89
Sentence.....11/09/90

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/28/93
Supreme Court Decision 08/30/95
U.S. Supreme Court Review.....03/25/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/19/96
Trial Court Decision.....02/17/98
Court of Appeals Decision.....02/17/00
Supreme Court Decision 07/19/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....11/15/01
Supreme Court Decision 10/16/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Marbley)
Prisoner's Petition 01/19/01
Warden's Return of Writ.....07/09/01
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/27/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/27/09

No capital proceeding pending.

NOTES

On 08/30/95, the Ohio Supreme Court affirmed Burke's conviction and death sentence on direct appeal. On 03/30/06, the trial court partially granted Burke's motion for a new trial. On 04/17/07, the 10th District Court of Appeals reversed and remanded Burke's case back to the trial court for a new trial on the aggravated murder charges and specifications. Meanwhile, on 10/06/04, the trial court denied Burke's *Atkins* successive postconviction petition. On 12/15/05, the 10th District Court of Appeals reversed the decision and remanded the case back to the trial court for a new *Atkins* hearing. On 08/04/06, the trial court stayed Burke's *Atkins* hearing pending the appeal of his motion for a new trial. Meanwhile, on 03/01/08, Burke voluntarily dismissed his petition for a writ of habeas corpus in the district court. On 01/27/09, Burke pled guilty to the indictment and was resentenced to 30 years to life.

Campbell, Jerome

Summary of Crime: On 12/24/88, Campbell murdered his former neighbor, 78-year-old Henry Turner, in his Cincinnati apartment. Campbell broke into Mr. Turner's apartment, stabbed him in the chest, chin and wrist and left the knife sticking through Mr. Turner's wrist. Campbell admitted the burglary-murder to his former girlfriend and two fellow inmates.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/09/89
Sentence.....05/18/89

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/04/91
Supreme Court Decision 04/20/94
U.S. Supreme Court Review.....10/03/94

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/15/95
Trial Court Decision.....09/11/95
Court of Appeals Decision.....11/20/96
Supreme Court Decision 05/14/97
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Beckwith)
Prisoner's Petition 08/01/97
Warden's Return of Writ.....09/29/97
Prisoner's Traverse.....04/30/98
Evidentiary Hearing .....
Decision 03/18/99

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 06/11/99
Prisoner's Brief 06/09/00
Warden's Brief 05/26/00
Oral Argument.....12/05/00
Decision 08/01/01

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/11/01
Brief in Opposition 03/04/02
Decision or Certiorari Denial 04/01/02

STATUS

STATUS IN STATE COURTS AS OF 06/26/03

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/26/03

No capital proceeding pending.

NOTES

On 06/26/03, Governor Taft commuted Campbell's death sentence to life imprisonment without the possibility of parole.

Claytor, Justin

Summary of Crime: On 01/31/86, Claytor murdered Officer Leonard Wilcox and security officer Mark Decker in the parking lot of the Veterans Administration Hospital in Breckville. The two victims approached Claytor and asked him to furnish photo identification. In response, Claytor took a handgun from his long coat and twice shot Mr. Decker in the head at close range. He then proceeded to shoot Officer Wilcox in the chest and head. Claytor reentered the hospital, where he struck a nurse in the temple with the gun and held a patient hostage before being apprehended.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/05/86
Sentence.....12/02/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/19/88
Supreme Court Decision 07/31/91
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 10/02/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/02/91

No capital proceeding pending.

NOTES

On 12/02/86, Claytor was convicted and sentenced to death. On 12/19/88, the 8th District Court of Appeals affirmed Claytor's convictions and sentence. On 07/31/91, the Ohio Supreme Court reversed Claytor's death sentence and remanded the case to the trial court for resentencing. On 10/02/91, Claytor was resentenced to 30 years to life.

No Death Sentence on Remand

Coleman, Alton (1)

Summary of Crime: In July 1984, Coleman and his accomplice, Debra Brown, murdered 15-year-old Tonnie Storey in Cincinnati. Coleman and Brown abducted Tonnie from the street, murdered her and dumped her body in an abandoned building. As a result of a five-state crime spree in 1984 by Coleman and Brown, Coleman also received a second death sentence in Ohio for the murder of 44-year-old Marlene Walters as well as death sentences in Illinois for the murder of 9-year-old Vernita Wheat and in Indiana for the murder of 7-year-old Tamika Turks. (Brown also received a death sentence for the aggravated murder of Tonnie, but in 1991, her sentenced was commuted to life in prison.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....07/23/84
- Sentence.....05/06/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....12/10/86
- Supreme Court Decision 07/06/88
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 07/26/89
- Trial Court Decision.....10/05/90
- Court of Appeals Decision.....03/17/93
- Supreme Court Decision 09/22/93
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....02/22/94
- Supreme Court Decision 08/03/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Beckwith)
- Prisoner's Petition 01/06/95
- Warden's Return of Writ.....04/18/95
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision 02/13/98

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 05/12/98
- Prisoner's Brief 04/24/00
- Warden's Brief 04/17/00
- Oral Argument.....11/02/00
- Decision 10/10/01

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/26/02

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/26/02

No capital proceeding pending.

NOTES

Coleman had two death sentences in Ohio. On 04/26/02, Alton Coleman was executed by lethal injection for his other death sentence before being resentenced on this case as previously ordered by the 6th Circuit. (Note: Coleman would not have been eligible, as a matter of law, to be resentenced to death on this case.)

Combs, Ronald

Summary of Crime: On 07/15/87, Combs murdered his former girlfriend, Marguerite Schoonover, and her mother, Joan Schoonover, in a parking lot in Cincinnati. Combs was angry at the women for not allowing him to see his 3-year-old son. Combs stole a gun from his relative's house, drove over 80 miles to Cincinnati, and chased Marguerite and Joan in their car, until he cornered them in a parking lot. Combs approached the car, knocked out a car window and shot each woman in the head at close range. Combs admitted to the murders.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/31/87
Sentence.....03/01/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/20/90
Supreme Court Decision 12/18/91
U.S. Supreme Court Review.....06/08/92

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 04/26/93
Trial Court Decision.....05/20/93
Court of Appeals Decision.....08/24/94
Supreme Court Decision 02/01/95
U.S. Supreme Court Review.....02/21/95

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/22/94
Supreme Court Decision 07/06/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Beckwith)
Prisoner's Petition 08/30/95
Warden's Return of Writ.....10/10/95
Prisoner's Traverse.....01/31/96
Evidentiary Hearing .....
Decision 10/23/97

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/24/97
Prisoner's Brief 08/26/98
Warden's Brief 08/20/98
Oral Argument.....11/02/99
Decision 02/23/00

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....08/25/00
Brief in Opposition 10/30/00
Decision or Certiorari Denial 12/04/00

STATUS

STATUS IN STATE COURTS AS OF 02/16/01

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/16/01

No capital proceeding pending.

NOTES

On 12/18/91, the Ohio Supreme Court affirmed Combs' conviction and death sentence on direct appeal. On 02/23/00, the 6th Circuit granted Combs' petition for a writ of habeas corpus, vacated his conviction and death sentence based on ineffective assistance of counsel, and remanded to the district court for further proceedings. On 01/09/01, the district court remanded the case to the state court for retrial. On 02/16/01, Combs pled guilty to aggravated murder and was sentenced to 30 years to life.

Cornwell, Sidney

Summary of Crime: On 06/11/96, Cornwell murdered 3-year-old Jessica Ballew on the porch of her home in Youngstown. Jessica's mother was friends with a man whom Cornwell and his fellow gang members were looking for to shoot. When Jessica's mother told Cornwell and his gang that the man was not at her house, Cornwell opened fire on the porch, fatally shooting Jessica in the head. Cornwell was also convicted for the attempted murders of Jessica's mother and two other people at the house.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/26/96
Sentence.....05/23/97

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/22/99
U.S. Supreme Court Review.....02/22/00

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/21/99
Trial Court Decision.....10/06/00
Court of Appeals Decision.....09/24/02
Supreme Court Decision 01/15/03
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
Prisoner's Petition 12/30/03
Warden's Return of Writ.....03/01/04
Prisoner's Traverse.....07/15/04
Evidentiary Hearing .....
Decision 08/31/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/28/06
Prisoner's Brief 02/21/08
Warden's Brief 02/20/08
Oral Argument.....06/03/08
Decision 03/11/09

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....10/19/09
Brief in Opposition 12/14/09
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 11/15/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/15/10

No capital proceeding pending.

NOTES

On 11/15/10, Governor Strickland commuted Cornwell's death sentence to life imprisonment without the possibility of parole.

D'Ambrosio, Joe

Summary of Crime: On 09/24/88, D'Ambrosio and two accomplices, Thomas Keenan and Edward Espinoza, murdered 19-year-old Anthony Klann at Doan's Creek in Cleveland. Mr. Klann was friends with a man the defendants were looking for because Keenan claimed the man stole his drugs. D'Ambrosio, Keenan and Espinoza kidnapped Mr. Klann at knifepoint, beat him with a baseball bat and stabbed him several times. Thomas Keenan also received a death sentence.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/06/88
Sentence.....02/23/89

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/24/93
Supreme Court Decision 08/16/95
U.S. Supreme Court Review.....04/29/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/23/96
Trial Court Decision.....09/26/96
Court of Appeals Decision.....03/16/00
Supreme Court Decision 07/19/00
U.S. Supreme Court Review.....01/22/01

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....11/02/01
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge O'Malley)
Prisoner's Petition 03/30/01
Warden's Return of Writ.....05/31/01
Prisoner's Traverse.....08/27/01
Evidentiary Hearing 07/19/04
Decision 04/14/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/18/06
Prisoner's Brief 05/01/07
Warden's Brief 05/01/07
Oral Argument.....07/19/07
Decision 06/05/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....11/28/11
Brief in Opposition 12/22/11
Decision or Certiorari Denial 01/23/12

STATUS

STATUS IN STATE COURTS AS OF 12/31/12

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/12

No capital proceeding pending.

NOTES

On 08/16/95, the Ohio Supreme Court affirmed D'Ambrosio's conviction and death sentence. On 03/24/06, the district court granted D'Ambrosio's petition for a writ of habeas corpus and ordered a retrial. On 06/05/08, the 6th Circuit affirmed the district court. On 03/03/10, the district court barred re-prosecution of D'Ambrosio. On 08/29/11, the 6th Circuit affirmed the decision of the district court. On 11/28/11, the Warden filed a petition for a writ of certiorari with the U.S. Supreme Court, which was denied on 01/23/12.

Released

Davis, Wiley

Summary of Crime: On 11/26/91, Davis murdered 32-year-old Amy Perkins in downtown Cleveland. Mrs. Perkins was the wife of a popular Cleveland radio personality. Davis kidnapped Mrs. Perkins from a parking lot in her own car, stole her jewelry, shot her through the head and threw her out of the car naked and unconscious and left her to die. Davis told his sister and her boyfriend about the murder, and the boyfriend turned the murder weapon and Davis' bloody clothes into police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/05/91
Sentence.....06/01/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....06/08/95
Supreme Court Decision 07/24/96
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/27/96
Trial Court Decision.....06/12/97
Court of Appeals Decision.....10/08/98
Supreme Court Decision 03/17/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gwin)
Prisoner's Petition 01/04/00
Warden's Return of Writ.....03/06/00
Prisoner's Traverse.....05/26/00
Evidentiary Hearing .....
Decision 08/23/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/22/00
Prisoner's Brief 05/06/02
Warden's Brief 05/06/02
Oral Argument.....10/31/02
Decision 02/04/03

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....07/24/03
Brief in Opposition 08/28/03
Decision or Certiorari Denial 06/28/04

STATUS

STATUS IN STATE COURTS AS OF 12/08/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/08/04

No capital proceeding pending.

NOTES

On 07/24/96, the Ohio Supreme Court affirmed Davis' conviction and death sentence on direct appeal. On 08/23/00, the district court denied Davis' petition for a writ of habeas corpus. On 02/04/03, the 6th Circuit affirmed the district court's denial of Davis' petition as to his conviction, but vacated his death sentence based on improper jury instructions, and remanded to the state court for resentencing. On 12/08/04, the trial court resentenced Davis to 30 years to life.

Denson, Dwight

Summary of Crime: On 10/31/84, Denson murdered 72-year-old Clara Simpson at her home in Cincinnati. Denson, who had done odd jobs for Ms. Simpson in the past, broke into her home, armed himself with a knife, and attacked Ms. Simpson as she was watching television in her living room. Denson both choked and stabbed Ms. Simpson five times in the neck. Denson and another then proceeded to steal Ms. Simpson's property. Denson was eventually arrested and admitted to murdering Ms. Simpson.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/19/84
Sentence.....03/03/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/01/86
Supreme Court Decision 12/07/88
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/07/88

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/07/88

No capital proceeding pending.

NOTES

On 03/03/85, Denson was convicted and sentenced to death. On 10/01/86, the 1st District Court of Appeals reversed one of the two aggravated murder convictions and reversed the sentence of death. On 12/07/88, the Ohio Supreme Court remanded the case to the trial court for resentencing. The trial court, on remand, resentenced Denson to 30 years to life.

No Death Sentence on Remand

DePew, Rhett

Summary of Crime: On 11/23/84, DePew murdered 27-year-old Theresa Jones, her 7-year-old daughter, Aubrey Jones, and Theresa's 12-year-old sister, Elizabeth Burton, in their Oxford home. The victims were the wife, daughter and sister-in-law of DePew's former landlord. While burglarizing the house, DePew stabbed Mrs. Jones 14 times, Aubrey 21 times, and Elizabeth five times, and then he set the house on fire. DePew later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/05/85
Sentence.....06/25/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....06/29/87
Supreme Court Decision 08/31/88
U.S. Supreme Court Review.....02/21/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/13/89
Trial Court Decision.....08/17/90
Court of Appeals Decision.....08/10/92
Supreme Court Decision 12/18/92
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....05/09/94
Supreme Court Decision 09/07/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rice)
Prisoner's Petition 11/14/95
Warden's Return of Writ.....01/08/96
Prisoner's Traverse.....03/11/96
Evidentiary Hearing 07/29/96
Decision 03/31/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/13/00
Prisoner's Brief 12/11/01
Warden's Brief 12/06/01
Oral Argument.....05/01/02
Decision 11/20/02

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....05/22/03
Brief in Opposition 06/25/03
Decision or Certiorari Denial 10/06/03

STATUS

STATUS IN STATE COURTS AS OF 03/14/05

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/14/05

No capital proceeding pending.

NOTES

On 08/31/88, the Ohio Supreme Court affirmed DePew's conviction and death sentence on direct appeal. On 03/31/00, the district court granted DePew's petition for a writ of habeas corpus, vacated his death sentence based on prosecutorial misconduct, and remanded to the state court for resentencing. On 03/14/05, the trial court resentenced DePew to three consecutive sentences of 30 years to life.

Diar, Nicole

Summary of Crime: On 08/27/03, Diar murdered her 4-year-old son, Jacob, in their Lorain apartment. Diar suffocated her son before pouring gasoline throughout her home and setting it on fire to destroy any evidence of foul play. Jacob's badly-burned body was found on his bed, the body of his new puppy laying nearby.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....04/30/04
Sentence.....11/03/05

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/10/08
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 10/20/06
Trial Court Decision.....06/03/10
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/03/09

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 06/03/10
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/03/10
No capital proceeding pending.

NOTES

On 12/10/08, the Ohio Supreme Court affirmed Diar's conviction on direct appeal but vacated her death sentence and remanded the case to the trial court for a new mitigation hearing. Meanwhile, on 10/20/06, Diar filed a postconviction petition in the trial court. On 04/30/07, the trial court stayed the findings of fact and conclusions of law pending the Ohio Supreme Court's resolution of Diar's direct appeal. On 06/03/10, the trial court dismissed Diar's postconviction petition. On 11/06/09, the trial court scheduled a jury trial for resentencing for 07/09/10. On 05/26/10, the trial court noted Diar waived her right to a jury trial for the retrial of the mitigation phase and that an agreed upon sentence of life in prison without the possibility of parole would be submitted to the three-judge panel. On 06/03/10, the three-judge panel sentenced Diar to life imprisonment without the possibility of parole.

Dickerson, Frederick

Summary of Crime: On 05/27/85, Dickerson murdered 29-year-old Kevin McCoy and 15-year-old Nicole McClain in their Toledo apartment. Mr. McCoy and Ms. McClain had allowed Dickerson's former girlfriend to live with them after she ended the relationship because of Dickerson's abuse. Dickerson broke into the apartment, shot Mr. McCoy in his chest and the back of his head and then shot Ms. McClain twice in the face. Dickerson was arrested outside the apartment with the murder weapon.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....05/31/85
- Sentence.....11/07/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....02/12/88
- Supreme Court Decision 09/06/89
- U.S. Supreme Court Review.....04/16/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 11/21/90
- Trial Court Decision.....07/25/91
- Court of Appeals Decision.....01/14/00
- Supreme Court Decision 05/03/00
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Katz)
- Prisoner's Petition 03/16/01
- Warden's Return of Writ.....06/07/01
- Prisoner's Traverse.....08/06/01
- Evidentiary Hearing .....
- Decision 09/21/04

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 10/16/04
- Prisoner's Brief 11/18/05
- Warden's Brief 11/21/05
- Oral Argument.....02/02/06
- Decision 07/07/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/14/08

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/14/08

No capital proceeding pending.

NOTES

On 09/06/89, the Ohio Supreme Court affirmed Dickerson's conviction and death sentence on direct appeal. On 09/21/04, the district court denied Dickerson's petition for a writ of habeas corpus. On 07/07/06, the 6th Circuit granted Dickerson habeas relief, vacated his death sentence based on ineffective assistance of counsel, and remanded to the state court for resentencing. On 08/11/08, the trial court conducted a new mitigation hearing, and on 08/14/08, Dickerson was resentenced to two consecutive sentences of 30 years to life.

Dixon, Tyson

Summary of Crime: On 02/24/94, Dixon, with an accomplice, murdered 32-year-old Joyce Woolley and 20-year-old Maurice LeFlore in Cleveland. The two entered Ms. Woolley's vehicle as part of a plan to rob Mr. LeFlore of cocaine and money. During the commission of the robbery, Dixon shot both Ms. Woolley and Mr. LeFlore in the head three times.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/08/94
Sentence.....11/23/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/13/97
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 11/21/97

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/21/97

No capital proceeding pending.

NOTES

On 11/23/94, Dixon was convicted and sentenced to death. On 3/13/97, the 8th District Court of Appeals reversed Dixon's death sentence and remanded the case to the trial court for resentencing. On 11/21/97, the trial court resentenced Dixon to 30 years to life.

Eley, John

Summary of Crime: On 08/26/86, Eley murdered 28-year-old Ihsan Aydah in the Sinjil Market in Youngstown. Mr. Aydah was the owner of the market. Eley shot Mr. Aydah in the head, and then Eley and his accomplice, Melvin Green, stole Mr. Aydah's wallet from his pocket and money from the cash register. Eley later confessed to Youngstown police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/22/86
Sentence.....07/14/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/20/95
Supreme Court Decision 12/18/96
U.S. Supreme Court Review.....06/27/97

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....04/01/99
Court of Appeals Decision.....11/06/01
Supreme Court Decision 03/20/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Boyko)
Prisoner's Petition 03/19/03
Warden's Return of Writ.....08/01/05
Prisoner's Traverse.....10/10/05
Evidentiary Hearing .....
Decision 10/18/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/13/06
Prisoner's Brief 11/05/08
Warden's Brief 11/07/08
Oral Argument.....12/04/08
Decision 05/14/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....09/14/10
Brief in Opposition 11/09/10
Decision or Certiorari Denial 12/13/10

STATUS

STATUS IN STATE COURTS AS OF 07/10/12

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/10/12

No capital proceeding pending.

NOTES

On 07/10/12, Governor Kasich commuted Eley's death sentence to life imprisonment without the possibility of parole.

Esparza, Gregory

Summary of Crime: On 02/12/83, Esparza murdered 38-year-old store clerk Melanie Gerschultz at the Island Variety Carryout in Toledo. Esparza shot Ms. Gerschultz in the neck and proceeded to steal money from the cash register.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/13/83
Sentence.....05/22/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/22/86
Supreme Court Decision 10/05/88
U.S. Supreme Court Review.....04/03/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/29/89
Trial Court Decision.....06/18/90
Court of Appeals Decision.....05/29/92
Supreme Court Decision 11/18/92
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....05/19/95
Supreme Court Decision 03/01/96

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Boyko)
Prisoner's Petition 09/05/96
Warden's Return of Writ.....10/25/96
Prisoner's Traverse.....04/01/97
Evidentiary Hearing 08/17/99
Decision 10/13/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 12/28/00
Prisoner's Brief 10/30/13
Warden's Brief 02/03/14
Oral Argument.....07/30/14
Decision 08/28/14

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....02/27/15
Brief in Opposition 05/04/15
Decision or Certiorari Denial 06/08/15

STATUS

STATUS IN STATE COURTS AS OF 11/22/22

Pending in the trial court on resentencing following the trial court vacating the capital specifications on remand of Esparza's successive petition for postconviction relief.

STATUS IN FEDERAL COURTS AS OF 11/22/22

No capital proceeding pending.

NOTES

On 10/05/88, the Ohio Supreme Court affirmed Esparza's conviction and death sentence on direct appeal. On 10/13/00, the district court granted Esparza's petition for a writ of habeas corpus and vacated his death sentence, which was affirmed by the 6th Circuit on 11/05/02. On 11/03/03, the U.S. Supreme Court reversed the decision of the 6th Circuit and remanded the case for further proceedings. On 07/12/12, the district court denied Esparza's habeas petition, and the 6th Circuit affirmed on 08/28/14. Meanwhile, on 06/09/03, Esparza filed an *Atkins* successive postconviction petition in the trial court, which he voluntarily dismissed on 10/17/08. On 06/09/17, the trial court dismissed Esparza's 03/11/16 successive postconviction petition. On 06/28/19, the court of appeals reversed the trial court and remanded the case for further proceedings on Esparza's *Brady* claim. On 11/10/20, the trial court heard oral arguments on Esparza's motion. (Note: Dates for the 6th Circuit and U.S. Supreme Court reflect the case following remand.) On 11/22/22, the trial court vacated the capital specifications due to finding *Brady* violations impacted the validity of those specifications, and ordered Esparza to be resentenced. (Note: On 02/03/23, the trial court resentenced Esparza to a term of life imprisonment with parole eligibility after 30 years.)

Evans, Derrick

Summary of Crime: On 03/25/87, Evans and two accomplices, Wayne Frazier and Michael Frazier, murdered their neighbors, Joann Richards and Marcellus Williams and attempted to murder 19-year-old Derek Speights in their Cleveland apartment. Evans held a gun to Mr. Williams' head and demanded money. Afterwards, Evans beat Mr. Williams to the floor and stabbed him to death, and Wayne Frazier fatally stabbed Ms. Richards 32 times. Michael Frazier stabbed Mr. Speights 21 times, but he survived. Evans and his accomplices then stole valuables from the house. The murders were witnessed by Ms. Richards' 7-year-old son, Albert Richards, who had been hiding underneath his bed. Wayne Frazier also received a death sentence for the aggravated murders of Ms. Richards and Mr. Williams.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/06/87
Sentence.....10/16/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/10/90
Supreme Court Decision 03/11/92
U.S. Supreme Court Review.....10/05/92

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/23/94
Trial Court Decision.....03/05/97
Court of Appeals Decision.....10/29/98
Supreme Court Decision 03/17/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gaughan)
Prisoner's Petition 04/11/00
Warden's Return of Writ.....06/12/00
Prisoner's Traverse.....08/28/00
Evidentiary Hearing .....
Decision 07/23/02

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/21/02
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 10/24/06

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/24/06

No capital proceeding pending.

NOTES

On 03/11/92, the Ohio Supreme Court affirmed Evans' conviction and death sentence on direct appeal. On 07/23/02, the district court denied Evans' petition for a writ of habeas corpus. On 11/21/02, Evans filed a notice of appeal to the 6th Circuit. On 06/25/03, the 6th Circuit granted Evans' motion to stay the case pending completion of state court proceedings. Meanwhile, on 06/04/03, Evans filed an *Atkins* successive postconviction petition in the trial court. On 10/24/06, the trial court resentenced Evans to 30 years to life based on the fact that he was found to be intellectually disabled pursuant to *Atkins*.

Fears, Angelo

Summary of Crime: On 03/30/97, Fears murdered Antwuan Gilliam in an apartment in Over-the-Rhine. Fears and his accomplice, James Grant, went to the apartment to rob Derrick Frazier who had recently purchased $21,000 worth of crack cocaine. Mr. Gilliam and Steve Franklin were at Mr. Frazier's apartment when Fears and Grant arrived. Fears and Grant stole $2,000 and some jewelry in addition to the crack cocaine. Fears then shot Mr. Gilliam in the head as Mr. Gilliam pleaded for his life.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/09/97
Sentence.....12/10/97

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/08/99
U.S. Supreme Court Review.....03/27/00

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/02/98
Trial Court Decision.....01/04/99
Court of Appeals Decision.....11/12/99
Supreme Court Decision 03/15/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/19/00

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Beckwith)
Prisoner's Petition 03/26/01
Warden's Return of Writ.....06/12/01
Prisoner's Traverse.....10/04/02
Evidentiary Hearing 05/19/03
Decision 07/15/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/12/08
Prisoner's Brief 12/30/10
Warden's Brief 03/24/11
Oral Argument.....12/01/11
Decision 02/16/12

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/25/12
Brief in Opposition 08/29/12
Decision or Certiorari Denial 10/09/12

STATUS

STATUS IN STATE COURTS AS OF 05/22/19

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/22/19

No capital proceeding pending.

NOTES

On 09/08/99, the Ohio Supreme Court affirmed Fears' conviction and death sentence on direct appeal. On 07/15/08, the district court denied Fears' petition for a writ of habeas corpus, and the 6th Circuit affirmed on 02/16/12. On 10/09/12, the U.S. Supreme Court denied the petition for a writ of certiorari. On 06/04/13, the Ohio Supreme Court set Fears' execution date for 09/17/15. Fears received reprieves on 09/05/14 until 05/18/16; on 10/19/15 until 06/27/18; and on 09/01/17 until 10/17/19. Meanwhile, on 11/09/16, the Ohio Supreme Court denied Fears' 05/17/16 motion to stay his execution based upon *Hurst v. Florida*. On 01/11/17, Fears filed a successive habeas petition based upon *Hurst*, which the district court transferred on 03/29/18 to the 6th Circuit for authorization to proceed. On 04/16/18, Fears voluntarily dismissed his transferred successive petition. On 12/03/18, Fears filed in the trial court a successive petition for postconviction relief. On 05/22/19, by agreement between Fears and the State, Fears' capital sentence was vacated and replaced with a sentence of life without the possibility of parole.

Flemming, Derrick

Summary of Crime: On 10/23/93, Flemming murdered Oreste Batista under a bridge in Cleveland. Flemming approached Mr. Batista and shot him over his left eye. When arrested, Flemming indicated the arresting officer was lucky, as Flemming would have "popped" him too.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/02/93
Sentence.....06/06/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 06/06/94

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/06/94

No capital proceeding pending.

NOTES

On 02/22/94, Flemming was convicted and sentenced to death. On 04/20/94, Flemming was granted a new trial on the basis of newly discovered evidence. On 05/01/94, his second trial began, and subsequently resulted in his being found guilty of aggravated murder and aggravated robbery. On 06/06/94, the trial court sentenced Flemming to 30 years to life.

Fort, Glen

Summary of Crime: On 10/10/85, Fort murdered his ex-wife, Christine Jackson. Fort forced in the door of Ms. Jackson's apartment and attacked her. Ms. Jackson suffered several gunshot wounds to the head at close range and numerous knife wounds. When questioned by police, Fort admitted he buried the gun and led police to the location.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/22/85
Sentence.....10/20/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/16/88
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 11/11/88

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/11/88

No capital proceeding pending.

NOTES

On 10/20/86, Fort was convicted and sentenced to death. On 02/16/88, the 8th District Court of Appeals vacated Fort's murder convictions with specifications and remanded the case for a new trial on those charges. On 11/11/88, Fort was found not guilty of the aggravated murder and burglary charges but guilty of murder on retrial. Fort was sentenced to 15 years to life.

Convicted of Lesser Charge on Remand

Foust, Kelly

Summary of Crime: On 03/31/01, Foust murdered 54-year-old Jose Coreano in his Cleveland home. Foust had gone to the house in search of his estranged girlfriend who sometimes stayed with the Coreano family. Foust had previously broken into the Coreano home. Foust attacked Mr. Coreano while he was asleep and struck him in the head with a claw hammer. Afterwards, Foust repeatedly raped Mr. Coreano's 17-year-old daughter. Despite Foust tying her to the bathtub and leaving her in the house he had set on fire, she was able to escape. Foust provided a detailed confession to the detectives from the Cleveland Police Department.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/10/01
Sentence.....01/11/02

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/29/04
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/09/03
Trial Court Decision.....10/29/03
Court of Appeals Decision.....10/17/05
Supreme Court Decision 03/29/06
U.S. Supreme Court Review.....10/02/06

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/10/05

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Zouhary)
Prisoner's Petition 03/22/07
Warden's Return of Writ.....05/21/07
Prisoner's Traverse.....10/05/07
Evidentiary Hearing .....
Decision 08/15/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/09/08
Prisoner's Brief 03/02/10
Warden's Brief 06/02/10
Oral Argument.....04/26/11
Decision 08/25/11

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 07/10/19

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/10/19

No capital proceeding pending.

NOTES

On 12/29/04, the Ohio Supreme Court affirmed Foust's conviction and death sentence on direct appeal. On 08/15/08, the district court denied Foust's petition for a writ of habeas corpus. On 08/25/11, the 6th Circuit granted habeas relief, vacated Foust's death sentence, and remanded the case to the state court for a new penalty phase trial. On 02/29/12, the State filed a motion for a new mitigation hearing in the trial court pursuant to the 6th Circuit's mandate. On 06/25/12, the trial judge recused himself and the case was reassigned. Between 2012 and 2016, numerous pretrial matters were addressed by the trial court in preparation for a new mitigation phase trial. On 03/09/17, the trial court granted Foust's motion to empanel a jury for the new mitigation hearing despite Foust having waived a jury at the time of his original trial. On 08/09/18, the Ohio Supreme Court granted the State's complaint for a writ of prohibition which prohibited the empanelment of a sentencing jury. Foust's motion for reconsideration was denied on 10/10/18, and the U.S. Supreme Court denied certiorari on 06/24/19. On 07/10/19, Foust entered an agreement with the State, and was resentenced before a 3-judge panel, to life without the possibility of parole.

Franklin, George

Summary of Crime: On 08/07/88, Franklin murdered 26-year-old Gerald Strauss at his condominium in Cincinnati. Franklin, who did not know Mr. Strauss, broke into Mr. Strauss' home and beat him several times in the head and face with a hammer. Franklin then stole several items from Mr. Strauss' home including a VCR, watch and money.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/26/88
Sentence.....01/04/89

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/15/90
Supreme Court Decision 11/20/91
U.S. Supreme Court Review.....06/01/92

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 02/18/93
Trial Court Decision.....08/31/93
Court of Appeals Decision.....01/25/95
Supreme Court Decision 06/14/95
U.S. Supreme Court Review.....10/30/95

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....03/03/94
Supreme Court Decision 07/06/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rice)
Prisoner's Petition 11/14/95
Warden's Return of Writ.....03/12/96
Prisoner's Traverse.....08/16/96
Evidentiary Hearing 03/17/97
Decision 03/31/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/30/03
Prisoner's Brief 09/22/04
Warden's Brief 09/27/04
Oral Argument.....03/17/05
Decision 01/09/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....10/06/06
Brief in Opposition 11/13/06
Decision or Certiorari Denial 01/08/07

STATUS

STATUS IN STATE COURTS AS OF 04/05/07

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/05/07

No capital proceeding pending.

NOTES

On 11/20/91, the Ohio Supreme Court affirmed Franklin's conviction and death sentence on direct appeal. On 03/31/03, the district court granted Franklin's petition for a writ of habeas corpus, vacated his conviction and death sentence based on juror bias and ineffective assistance of counsel, and remanded to state court for retrial. On 01/09/06, the 6th Circuit affirmed the district court's grant of habeas relief. On 01/08/07, the U.S. Supreme Court denied the Warden's petition for a writ of certiorari. On 04/05/07, Franklin pled guilty to aggravated murder and was sentenced to 50 years to life.

Frazier, Richard

Summary of Crime: On 11/08/90, Frazier murdered his former stepdaughter, 18-year-old Tiffany Skiba, in the bedroom of her home. At the time, Frazier was out on bond, awaiting trial for charges of raping Ms. Skiba, who had given birth to Frazier's child. Frazier broke into the house and stabbed Ms. Skiba 19 times in the neck, arms and torso with a steak knife.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/30/90
Sentence.....08/29/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/17/94
Supreme Court Decision 08/23/95
U.S. Supreme Court Review.....01/22/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/31/96
Trial Court Decision.....11/13/96
Court of Appeals Decision.....12/11/97
Supreme Court Decision 04/01/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Carr)
Prisoner's Petition 12/23/98
Warden's Return of Writ.....02/29/00
Prisoner's Traverse.....06/15/00
Evidentiary Hearing .....
Decision 01/05/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/02/01
Prisoner's Brief 04/02/02
Warden's Brief 03/20/02
Oral Argument.....10/15/02
Decision 09/08/03

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....03/26/04
Brief in Opposition 05/05/04
Decision or Certiorari Denial 06/07/04

STATUS

STATUS IN STATE COURTS AS OF 03/18/05

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/18/05

No capital proceeding pending.

NOTES

On 08/23/95, the Ohio Supreme Court affirmed Frazier's conviction and death sentence on direct appeal. On 01/05/01, the district court denied Frazier's petition for a writ of habeas corpus. On 09/08/03, the 6th Circuit granted Frazier's petition for a writ of habeas corpus, vacated his death sentence based on ineffective assistance of counsel, and remanded to the state court for resentencing. On 03/18/05, the trial court resentenced Frazier to 30 years to life.

Frazier, Wayne

Summary of Crime: On 03/25/87, Frazier and two accomplices, Derrick Evans and Michael Frazier, murdered their neighbors, Joann Richards and Marcellus Williams and attempted to murder 19-year-old Derek Speights in their Cleveland apartment. Evans held a gun to Mr. Williams' head and demanded money. Afterwards, Wayne Frazier fatally stabbed Ms. Richards 32 times, and Evans beat Mr. Williams to the floor and stabbed him to death. Michael Frazier stabbed Mr. Speights 21 times, but he survived. Frazier and his accomplices then stole valuables from the house. The murders were witnessed by Ms. Richards' 7-year-old son, Albert Richards, who had been hiding underneath his bed. Evans also received a death sentence for the aggravated murders of Ms. Richards and Mr. Williams.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/06/87
Sentence.....09/22/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....01/11/90
Supreme Court Decision 07/31/91
U.S. Supreme Court Review.....03/23/92

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....01/10/97
Court of Appeals Decision.....03/12/98
Supreme Court Decision 06/17/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....08/27/01
Supreme Court Decision 08/21/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Polster)
Prisoner's Petition 02/02/99
Warden's Return of Writ.....06/25/99
Prisoner's Traverse.....11/19/99
Evidentiary Hearing .....
Decision 01/20/04

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 02/17/04
Prisoner's Brief 04/26/06
Warden's Brief 04/18/06
Oral Argument.....10/31/06
Decision 07/13/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 06/10/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/10/09

No capital proceeding pending.

NOTES

On 07/31/91, the Ohio Supreme Court affirmed Frazier's conviction and death sentence on direct appeal. On 01/20/04, the district court denied Frazier's petition for a writ of habeas corpus. On 07/13/07, the 6th Circuit affirmed the district court's denial of Frazier's petition for a writ of habeas corpus with respect to his conviction, but reversed the district court with respect to Frazier's sentence, and remanded the case. On 12/14/07, the 6th Circuit denied the Warden's petition for *en banc* rehearing. On 03/17/08, a motion for a new sentencing hearing was filed in the trial court. On 06/10/09, Frazier was resentenced to 60 years to life. (Note: Frazier is also known as Abdul Haliym).

No Death Sentence on Remand

Glenn, Donald

Summary of Crime: On 08/21/84, Glenn shot and killed Police Lieutenant Jerry Dragosin and shot and wounded Sergeant Eugene Woody at the Cambridge Police Department. Glenn was apprehended following a chase in Wheeling, West Virginia.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....10/17/84
- Sentence.....11/21/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....02/19/87
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court .....
- Trial Court Decision.....
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 02/19/87

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/19/87

No capital proceeding pending.

NOTES

On 11/21/85, Glenn was convicted and sentenced to death. On 02/19/87, the 5th District Court of Appeals reversed Glenn's death sentence, reasoning Glenn could not appreciate the criminality of his conduct and could not conform his conduct to the law due to his paranoid schizophrenia. On 07/01/87, the trial court resentenced Glenn to 30 years to life.

No Death Sentence on Remand

Glenn, John

Summary of Crime: Glenn murdered Deputy Sheriff John Litch, Jr., in Youngstown. Deputy Litch was transporting a prisoner, who was Glenn's half-brother, when his squad car was struck from behind at a red light by Glenn's vehicle. The deputy exited the squad car and approached Glenn's vehicle. Glenn then shot the deputy at close range with a twelve-gauge shotgun. Glenn then departed with his half-brother.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment....11/06/81
- Sentence....09/03/82

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision....02/19/85
- Supreme Court Decision....12/30/86
- U.S. Supreme Court Review....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court....
- Trial Court Decision....
- Court of Appeals Decision....
- Supreme Court Decision....
- U.S. Supreme Court Review....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dowd)
- Prisoner's Petition....10/10/91
- Warden's Return of Writ....03/13/92
- Prisoner's Traverse....07/24/92
- Evidentiary Hearing....
- Decision....04/08/93

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal....05/25/93
- Prisoner's Brief....06/06/94
- Warden's Brief....08/23/94
- Oral Argument....09/06/94
- Decision....12/21/95

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition....09/20/96
- Brief in Opposition....
- Decision or Certiorari Denial....10/07/96

STATUS

STATUS IN STATE COURTS AS OF 12/21/95

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/21/95

No capital proceeding pending.

NOTES

On 12/30/86, the Ohio Supreme Court affirmed Glenn's conviction and death sentence on direct appeal. On 04/08/93, the district court denied Glenn's petition for a writ of habeas corpus. On 12/21/95, the 6th Circuit reversed Glenn's death sentence and remanded to the district court to issue a conditional writ of habeas corpus. On 10/07/96, the U.S. Supreme Court denied the Warden's petition for a writ of certiorari. On 12/23/96, the trial court resentenced Glenn to 30 years to life.

Goodwin, Michael

Summary of Crime: On 09/13/94, Goodwin murdered 28-year-old Mustafa Sammour in the Big Star Market in Cleveland. Mr. Sammour was the store clerk. Goodwin and his accomplices, James Padgett and James Johnson, were robbing the store when Goodwin shot Mr. Sammour in the head while Mr. Sammour had his arms raised in the air. Goodwin later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....09/28/94
- Sentence.....12/29/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....04/17/97
- Supreme Court Decision 01/20/99
- U.S. Supreme Court Review.....10/04/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 09/20/96
- Trial Court Decision.....11/15/96
- Court of Appeals Decision.....05/27/99
- Supreme Court Decision 09/29/99
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....10/08/99
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Manos)
- Prisoner's Petition 06/12/00
- Warden's Return of Writ.....08/15/00
- Prisoner's Traverse.....11/07/00
- Evidentiary Hearing 05/10/01
- Decision 03/22/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 04/19/06
- Prisoner's Brief 10/08/08
- Warden's Brief 10/08/08
- Oral Argument.....12/02/09
- Decision 01/21/11

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/15/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/15/11

No capital proceeding pending.

NOTES

On 01/20/99, the Ohio Supreme Court affirmed Goodwin's conviction and death sentence on direct appeal. On 03/22/06, the district court granted Goodwin's petition for a writ of habeas corpus, vacated his death sentence based on ineffective assistance of counsel, and remanded the case to the state court for resentencing. On 01/21/11, the 6th Circuit affirmed the decision of the district court. On 08/15/11, Goodwin was resentenced to 30 years to life, consecutive to 3 years mandatory on the gun specification plus 9 to 25 years for the non-capital counts.

Graham, Damantae

Summary of Crime: On 02/07/16, Graham, along with his 17-year-old accomplices, Ty Kremling, Marquis Grier, and Anton Planicka, murdered 18-year-old Nicholas Massa during a robbery in the off-campus Kent apartment of Connor Haithcock. Graham, Kremling, and Grier, entered the apartment with the purpose of taking Mr. Haitchock's money and marijuana. Planicka kept the getaway vehicle running. Graham and Grier were armed with semi-automatic handguns. Upon entering the apartment, they encountered Mr. Haithcock, Mr. Massa, and Justin Lewandowski. Graham ordered Mr. Massa and Mr. Lewandowski to sit on the couch with their hands up while the other two robbed Mr. Haithcock. When Mr. Massa challenged that Graham would not shoot them, Graham shot Mr. Massa in the chest, killing him instantly. The three then fled the scene in Planicka's vehicle with approximately $400 and a small amount of marijuana.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....03/16/16
Sentence.....11/15/16

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/17/20
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 10/17/18
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/17/20

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/17/20

No capital proceeding pending.

NOTES

On 12/17/20, the Ohio Supreme Court affirmed Graham's conviction, but vacated his death sentence, finding the aggravating circumstances did not outweigh the mitigating factors. The Ohio Supreme Court remanded the case back to the trial court for resentencing wherein the death penalty cannot, as a matter of law, be reimposed. On 03/10/21, Graham was resentenced to life without the possibility of parole.

Grant, Rosalie

Summary of Crime: On 04/01/83, Grant murdered her children, 2-year-old Joseph and 1-year-old Donovan, by setting fire to the bedroom of their house in Youngstown. Grant was the only adult in the house at the time of the intentionally set fire and made no attempts to save the children. Several smaller fires, unreported to the authorities, had been set in her basement, including one in the fuse box designed to appear like an electrical fire. The boys' bedroom fire smelled of an accelerant similar to the one used in the fuse box fire. A sample of the accelerant was taken from the fuse box, and it was found to be very similar to charcoal lighter fluid found in a can in an abandoned house near Grant's home. The can showed Grant's fingerprints. In the month prior to the murder, Grant purchased $5,000 worth of life insurance for each of the boys but none for her other daughter who lived with Grant's grandmother.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....05/26/83
- Sentence.....11/01/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....11/09/90
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court .....
- Trial Court Decision.....
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/10/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/10/91

No capital proceeding pending.

NOTES

On 01/10/91, Governor Celeste commuted Grant's death sentence to life imprisonment.

Green, Elizabeth

Summary of Crime: Green murdered 70-year-old Tommie Willis in his home. Green, along with her companion, went to Willis' home to sell him a $40 book of food stamps. After completing the transaction, they used the money to purchase and use a small quantity of cocaine. Wanting more, they returned to Mr. Willis' home under the false pretense of buying liquor when in fact they planned to rob him. Mr. Willis suspected they were about to rob him and produced a knife to defend himself. Green then wrestled with Mr. Willis and managed to take the knife from him. Green proceeded to stab Mr. Willis numerous times in the neck and chest. Her friend also joined in the stabbing, resulting in approximately 100 wounds. Before leaving, they stole Mr. Willis' money and some liquor.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/03/88
Sentence.....07/11/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....07/11/90
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/10/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/10/91

No capital proceeding pending.

NOTES

On 01/10/91, Governor Celeste commuted Green's death sentence to life imprisonment without the possibility of parole.

Capital Sentence Commuted

Green, Joseph

Summary of Crime: On 01/03/97, Green and an accomplice, Douglas Coley, murdered 21-year-old Samar El-Okdi in an alley behind West Grove Place in Toledo. Green and Coley abducted Ms. El-Okdi, shot her in the head at close range and stole her car. Green was also convicted for the attempted murder, robbery and kidnapping of David Moore for a separate car-jacking incident that occurred days before the murder of Ms. El-Okdi. (Coley also received a death sentence for the aggravated murder of Ms. El-Okdi.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....03/10/97
- Sentence.....03/11/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 12/20/00
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 03/23/99
- Trial Court Decision.....02/03/00
- Court of Appeals Decision.....09/14/01
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/16/01

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/16/01

No capital proceeding pending.

NOTES

On 12/20/00, the Ohio Supreme Court affirmed Green's conviction on direct appeal, but vacated his death sentence based on trial court error and remanded to the trial court for resentencing. On 04/16/01, the trial court resentenced Green to life imprisonment without the possibility of parole.

No Death Sentence on Remand

Green, Kenneth

Summary of Crime: On 09/28/95, Green murdered his girlfriend, 30-year-old Debra Whitmore, and her friend, 46-year-old Nancy Allen, at Ms. Whitmore's apartment in Cleveland. Green bound Ms. Whitmore and stabbed her twice in the heart. Green bludgeoned Ms. Allen in the head, stabbed her multiple times and repeatedly slashed her throat. Green confessed to police. Green had previously served a 16-year sentence for a 1974 murder conviction.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....10/10/95
Sentence.....04/11/96

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/18/98
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Gaughan)
Prisoner's Petition 12/02/99
Warden's Return of Writ.....02/03/00
Prisoner's Traverse.....03/20/00
Evidentiary Hearing .....
Decision 02/16/01

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/13/01
Prisoner's Brief 02/04/02
Warden's Brief 02/04/02
Oral Argument.....10/15/02
Decision 04/03/03

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 03/08/05
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/08/05
No capital proceeding pending.

NOTES

On 02/18/98, the Ohio Supreme Court reversed Green's conviction and death sentence on direct appeal based on trial court error and remanded to the trial court for retrial. On 02/16/01, the district court denied Green's petition for a writ of habeas corpus claiming that his retrial was barred by the Double Jeopardy Clause of the U.S. Constitution. On 04/03/03, the 6th Circuit affirmed the district court's decision. On 03/08/05, Green pled guilty and the trial court sentenced him to two consecutive sentences of 30 years to life.

Greer, Paul

Summary of Crime: On 01/29/85, Greer murdered his landlord, 60-year-old Louis Roth, in the kitchen of Mr. Roth's home. Mr. Roth, who allowed Greer to make repairs in lieu of paying rent, was considering evicting Greer. Greer stabbed Mr. Roth 22 times and then ransacked his house in search of valuables.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/06/85
Sentence.....07/11/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/04/87
Supreme Court Decision 11/09/88
U.S. Supreme Court Review.....04/17/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/15/89
Trial Court Decision.....06/22/90
Court of Appeals Decision.....10/28/92
Supreme Court Decision 03/24/93
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/05/93
Supreme Court Decision 10/27/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Manos)
Prisoner's Petition 12/02/96
Warden's Return of Writ.....01/29/97
Prisoner's Traverse.....04/23/97
Evidentiary Hearing .....
Decision 08/07/98

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/04/98
Prisoner's Brief 03/03/00
Warden's Brief 03/08/00
Oral Argument.....10/23/00
Decision 09/04/01

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....12/03/01
Brief in Opposition 02/11/02
Decision or Certiorari Denial 03/18/02

STATUS

STATUS IN STATE COURTS AS OF 01/05/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/05/09

No capital proceeding pending.

NOTES

On 11/09/88, the Ohio Supreme Court affirmed Greer's conviction and death sentence on direct appeal. On 08/07/98, the district court denied Greer's petition for a writ of habeas corpus. On 09/04/01, the 6th Circuit remanded the case to the district court for an evidentiary hearing on Greer's claim of ineffective assistance of counsel. On 11/20/02, the district court granted Greer's motion to stay the case pending completion of state court proceedings. Meanwhile, on 09/06/02, Greer filed an *Atkins* successive postconviction petition in the trial court. On 05/17/08, the trial court found Greer was intellectually disabled, and therefore not eligible for the death penalty. On 01/05/09, Greer was resentenced to 30 years to life for aggravated murder and 15 years for aggravated robbery.

Gross, Tony

Summary of Crime: On 07/12/94, Gross murdered 48-year-old Muskingum County Lieutenant Michael Lutz in a certified gas station in South Zanesville. Lieutenant Lutz was responding to a burglary call. Upon confronting Gross about the break-in, a fight ensued and Gross shot Lieutenant Lutz three times in the head--twice being at point-blank range.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/20/94
Sentence.....09/04/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/24/99
Supreme Court Decision 10/30/02
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/07/97
Trial Court Decision.....09/26/02
Court of Appeals Decision.....11/18/03
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....10/19/00
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/09/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/09/04

No capital proceeding pending.

NOTES

On 10/30/02, the Ohio Supreme Court affirmed Gross' conviction on direct appeal, but vacated his death sentence based on alternate-juror misconduct and remanded to the trial court for resentencing. On 12/09/04, the trial court resentenced Gross to 30 years to life.

No Death Sentence on Remand

Gumm, Darryl

Summary of Crime: On 05/11/92, Gumm and his accomplice, Michael Bies, murdered 10-year-old Aaron Raines in an abandoned building in the Lower Price Hill section of Cincinnati. On the day of the murder, Bies and Gumm decided that they wanted to have sex with a child. Gumm, who knew Aaron, lured him by offering him $10 to help him and Bies remove scrap metal from an abandoned building. When Aaron refused to perform oral sex for money, Gumm and Bies beat him repeatedly with a wooden board, metal pipe and block of concrete. Gumm later confessed his involvement in the murder. Bies also received a death sentence for his role in Aaron's murder.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....08/05/92
- Sentence.....11/25/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....02/16/94
- Supreme Court Decision 08/30/95
- U.S. Supreme Court Review.....03/18/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 09/17/96
- Trial Court Decision.....10/15/96
- Court of Appeals Decision.....12/05/97
- Supreme Court Decision 04/01/98
- U.S. Supreme Court Review.....10/05/98

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rice)
- Prisoner's Petition 11/06/98
- Warden's Return of Writ.....04/09/99
- Prisoner's Traverse.....06/21/99
- Evidentiary Hearing 11/20/00
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 07/23/07

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/23/07

No capital proceeding pending.

NOTES

On 07/23/07, Gumm's *Atkins* claim was granted, and Gumm was resentenced to 48 years to life.

Haight, Carl

Summary of Crime: On 06/04/91, Mr. Tagg was renovating a vacant property he owned on Union Avenue when Haight broke in. Haight murdered Mr. Tagg by striking him in the head with a sledge hammer Haight then burglarized the property.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/14/91
Sentence.....08/21/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/15/94
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/17/95

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/17/95

No capital proceeding pending.

NOTES

On 08/21/92, Haight was convicted and sentenced to death. On 11/15/94, the 10th District Court of Appeals vacated Haight's convictions and sentence and remanded the case to the trial court for a new trial. On 08/17/95, Haight pled guilty to aggravated murder. On 08/22/95, Haight was resentenced to 20 years to life.

No Death Sentence on Remand

Hamblin, David

Summary of Crime: On 10/13/83, Hamblin murdered 58-year-old Lillian Merrick in the parking lot of a Brooklyn, Ohio, grocery store. Ms. Merrick had returned to her car after buying groceries. Hamblin beat her to death and stole her personal items, including the groceries. Hamblin was also convicted for the attempted murder of a park ranger who Hamblin shot at in the Cleveland Metropolitan Park 20 minutes before murdering Ms. Merrick.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/17/83
Sentence.....10/29/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/18/86
Supreme Court Decision 06/15/88
U.S. Supreme Court Review.....11/28/88

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 08/15/89
Trial Court Decision.....11/01/93
Court of Appeals Decision.....12/15/94
Supreme Court Decision 05/31/95
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....07/06/94
Supreme Court Decision 12/23/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Economus)
Prisoner's Petition 11/14/95
Warden's Return of Writ.....02/16/99
Prisoner's Traverse.....05/04/99
Evidentiary Hearing .....
Decision 02/24/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/25/00
Prisoner's Brief 08/22/01
Warden's Brief 08/15/01
Oral Argument.....03/20/02
Decision 12/29/03

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....05/21/04
Brief in Opposition 07/14/04
Decision or Certiorari Denial 10/12/04

STATUS

STATUS IN STATE COURTS AS OF 03/11/05

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/11/05

No capital proceeding pending.

NOTES

On 06/15/88, the Ohio Supreme Court affirmed Hamblin's conviction and death sentence on direct appeal. On 02/24/00, the district court denied Hamblin's petition for a writ of habeas corpus. On 12/29/03, the 6th Circuit affirmed the district court's denial of Hamblin's petition as to his conviction, but vacated his death sentence based on ineffective assistance of counsel and remanded to state court for resentencing. On 03/11/05, the trial court resentenced Hamblin to 30 years to life for aggravated murder and 31.5 to 50 years for the non-capital counts.

Hancock, Timothy

Summary of Crime: On 11/13/00, Hancock murdered his cellmate, 25-year-old Jason Wagner, at the Warren Correctional Institution. Hancock murdered Mr. Wagner within hours of Mr. Wagner becoming Hancock's cellmate because Hancock resented being forced to share a cell. Hancock bound Mr. Wagner at the wrist and ankles and strangled him from above with a bed sheet. In an interview with an Ohio State Trooper, Hancock stated that he was not remorseful. At the time of the murder, Hancock was serving a life sentence for an unrelated 1989 murder.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....12/20/00
- Sentence.....10/24/03

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 02/01/06
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 10/21/04
- Trial Court Decision.....03/04/05
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....06/04/04
- Supreme Court Decision 03/01/06

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 02/27/07

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/27/07

No capital proceeding pending.

NOTES

On 02/01/06, the Ohio Supreme Court vacated Hancock's death sentence based on the jury viewing excluded evidence and remanded to the trial court for resentencing. Meanwhile, on 03/04/05, the trial court denied Hancock's postconviction petition. On 02/27/07, Hancock was resentenced to life imprisonment without the possibility of parole.

Hawkins, Shawn L.

Summary of Crime: On 06/12/89, Hawkins murdered 18-year-old Terrance Richard and 19-year-old Diamond Marteen in Mount Healthy. Mr. Richard and Mr. Marteen had driven to the residential neighborhood to purchase marijuana. Before they had an opportunity to do so, Hawkins shot them both in the head "execution-style" and stole their money and jewelry.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/06/89
Sentence.....01/26/90

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/18/91
Supreme Court Decision 06/09/93
U.S. Supreme Court Review.....11/15/93

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/26/94
Trial Court Decision.....01/19/95
Court of Appeals Decision.....06/26/96
Supreme Court Decision 12/20/96
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....07/21/95
Supreme Court Decision 02/14/96

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
Prisoner's Petition 05/19/97
Warden's Return of Writ.....09/05/97
Prisoner's Traverse.....10/04/99
Evidentiary Hearing 01/22/02
Decision 07/19/05

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/15/05
Prisoner's Brief 10/02/07
Warden's Brief 08/21/07
Oral Argument.....04/30/08
Decision 11/18/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....07/17/09
Brief in Opposition 10/08/09
Decision or Certiorari Denial 11/09/09

STATUS

STATUS IN STATE COURTS AS OF 06/08/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/08/11

No capital proceeding pending.

NOTES

On 06/08/11, Governor Kasich commuted Hawkins' death sentence to life imprisonment without the possibility of parole.

Heinish, Wayne

Summary of Crime: On 03/27/87, Heinish murdered his stepdaughter, 15-year-old Vicki Patterson, in North Ridgeville. The murder occurred after Heinish had taken Ms. Patterson to a new apartment for the alleged purpose of fixing up the apartment. Ms. Patterson's body was later discovered in the Metropark. In addition to other injuries, Ms. Patterson's arms and upper body had been charred as the result of being burned by a heavy petroleum distillate.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....04/14/87
- Sentence.....08/25/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....09/19/88
- Supreme Court Decision 04/25/90
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court .....
- Trial Court Decision.....
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/23/90

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/23/90

No capital proceeding pending.

NOTES

On 08/25/87, Heinish was convicted and sentenced to death. On 09/19/88, the 8th District Court of Appeals affirmed Heinish's conviction and sentence. On 04/25/90, the Ohio Supreme Court reversed the court of appeals' judgment that found sufficient evidence of aggravated murder, vacated Heinish's sentence of death, and remanded the case to the trial court for resentencing for murder. On 08/23/90, the trial court resentenced Heinish to 15 years to life.

Henderson, Charles

Summary of Crime: In August 1987, Henderson shot and killed Emmett ("Tom") Hall at the Nite Owl Bar in Springfield. Henderson shot Mr. Hall in the head, at close range, with a .25 caliber pistol that he was carrying in his back pocket.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/08/87
Sentence.....03/17/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/13/89
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/13/89

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/13/89

No capital proceeding pending.

NOTES

On 03/17/88, Henderson was convicted and sentenced to death. On 09/13/89, the 2nd District Court of Appeals reversed Henderson's convictions and sentence and remanded the case to the trial court for a new trial. Henderson was retried and sentenced on 08/31/90 to 30 years to life.

Herring, Willie

Summary of Crime: On 04/30/96, Herring murdered 69-year-old Herman Naze, Jimmie Lee Jones, and 44-year-old Dennis Kotheimer at the Newport Inn bar in Youngstown. Herring and accomplices Adelbert Callahan, Antwan Jones, Eugene Foose, Louis Allen and Kitwan Dalton robbed the Newport Inn, shooting the bartender and four customers. Mr. Naze, Mr. Jones and Mr. Kotheimer were all customers at the bar who died as a result of the shootings. (Herring received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....06/07/96
- Sentence.....02/23/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 02/27/02
- U.S. Supreme Court Review.....10/07/02

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 09/17/99
- Trial Court Decision.....09/26/08
- Court of Appeals Decision.....02/11/11
- Supreme Court Decision 12/03/14
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 10/15/15

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/15/15

No capital proceeding pending.

NOTES

On 02/27/02, the Ohio Supreme Court affirmed Herring's conviction and death sentence on direct appeal. On 01/06/03, the trial court denied Herring's postconviction petition. On 10/01/04, the 7th District Court of Appeals reversed and remanded the case back to the trial court for an evidentiary hearing. On 09/26/08, the trial court again denied Herring's postconviction petition. On 02/11/11, the 7th District Court of Appeals vacated Herring's death sentence and remanded the case to the trial court for a new penalty phase trial, and the Ohio Supreme Court affirmed on 12/03/14. On 10/15/15, the State dismissed the death penalty specifications. On 10/15/15, as amended on 10/28/15, the trial court sentenced Herring to life imprisonment with parole eligibility after 103 years.

No Death Sentence on Remand

Hill, Dorian

Summary of Crime: On 02/18/88, Hill murdered Alex Lesko by shooting him twice in the chest and once in his back. While Mr. Lesko waited to exit a parking garage, Hill kidnapped Mr. Lesko by entering through the opening garage door and forcing entry into Mr. Lesko's vehicle. Hill drove the vehicle while Mr. Lesko sat in the passenger seat. Hill drove to an elementary school where he then shot Mr. Lesko. At trial, an eyewitness to the kidnapping identified Hill. Police also recovered the gun used to murder Mr. Lesko concealed in Hill's apartment.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/25/88
Sentence.....11/30/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/25/91
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/25/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/25/91

No capital proceeding pending.

NOTES

On 11/29/88, Hill was convicted and sentenced to death. On 04/25/91, the 8th District Court of Appeals vacated his death sentence and remanded the case to the trial court to resentence Hill. On 09/16/94, the trial court resentenced Hill to 50 years to life.

No Death Sentence on Remand

Hill, Genesis

Summary of Crime: On 05/31/91, Hill murdered his 6-month-old daughter, Domika Dudley, in Cincinnati. On the day of the murder, Hill and his former girlfriend, Teresa Dudley, had gotten into an argument over child support. Later that night, Hill snuck into Ms. Dudley's apartment and kidnapped Domika. Domika's body was found two days later wrapped in trash bags in a vacant lot behind Hill's house. Domika had been stricken several times in the head.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/07/91
Sentence.....12/11/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/21/94
Supreme Court Decision 03/05/96
U.S. Supreme Court Review.....10/07/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....10/31/96
Court of Appeals Decision.....11/21/97
Supreme Court Decision 03/11/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....06/08/00
Supreme Court Decision 01/17/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Sargus)
Prisoner's Petition 06/26/98
Warden's Return of Writ.....06/11/99
Prisoner's Traverse.....05/25/00
Evidentiary Hearing .....
Decision 03/29/13

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/09/13
Prisoner's Brief 12/29/14
Warden's Brief 10/14/14
Oral Argument.....01/27/16
Decision 12/01/16

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....05/01/17
Brief in Opposition 06/05/17
Decision or Certiorari Denial 10/02/17

STATUS

STATUS IN STATE COURTS AS OF 06/27/19

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/27/19

No capital proceeding pending.

NOTES

On 03/05/96, the Ohio Supreme Court affirmed Hill's conviction and death sentence on direct appeal. On 10/21/09, Hill filed a successive postconviction petition based upon *Atkins* which the trial court denied on 07/19/10, and the 1st District Court of Appeals affirmed on 08/10/11. Meanwhile, on 06/26/98, Hill filed a petition for a writ of habeas corpus in the district court. On 03/29/13, the district court granted Hill habeas relief on a *Brady* violation, and remanded for a new trial, but on 12/01/16, the 6th Circuit reversed, and the U.S. Supreme Court denied certiorari on 10/02/17. On 10/06/17, Hill filed a motion for relief from judgment which the district court granted on 04/24/19. The Warden appealed to the 6th Circuit on 05/15/19. Meanwhile, on 03/03/17, Hill filed a motion for leave to file a motion for new trial which the trial court denied on the merits on 02/07/18. On 02/06/19, the court of appeals reversed, in part, and remanded the case back to the trial court. During the pendency of the State's appeal to the Ohio Supreme Court and the Warden's appeal to the 6th Circuit, Hill and the State reached a plea agreement. On 06/27/19, Hill was resentenced to life with parole eligibility after 30 years.

Hill, Jeffrey

Summary of Crime: On 3/23/91, Hill murdered his 61-year-old mother, Emma Hill, in her Cincinnati apartment. After getting into an argument with his mother over the frequency of his visits, he stabbed her 10 times in the chest and back. He then stole $20 and left in her car. After spending the money on crack cocaine, he returned to his mother's apartment and stole another $80 from her. Hill confessed to the police three days later.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/30/91
Sentence.....06/19/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/22/93
Supreme Court Decision 08/30/95
U.S. Supreme Court Review.....01/16/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/21/96
Trial Court Decision.....07/08/97
Court of Appeals Decision.....06/19/98
Supreme Court Decision 10/21/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....09/10/96
Supreme Court Decision 04/16/97

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Graham)
Prisoner's Petition 05/21/99
Warden's Return of Writ.....08/20/01
Prisoner's Traverse.....09/19/01
Evidentiary Hearing .....
Decision 07/24/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/20/03
Prisoner's Brief 06/10/04
Warden's Brief 06/14/04
Oral Argument.....11/04/04
Decision 03/08/05

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....09/15/05
Brief in Opposition 10/24/05
Decision or Certiorari Denial 11/28/05

STATUS

STATUS IN STATE COURTS AS OF 02/12/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/12/09

No capital proceeding pending.

NOTES

On 02/12/09, Governor Strickland commuted Hill's death sentence to 25 years to life.

Capital Sentence Commuted

Hudson, David

Summary of Crime: On 11/1/87, Hudson and three co-defendants lured Kevin Burks from his home by telling him that his best friend had been shot and needed his help. Using Hudson's automobile, the four defendants drove Mr. Burks to a remote area of the countryside where he was beaten, stabbed, shot, and killed. Mr. Burks had been shot four times and his throat had been slashed.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/05/88
Sentence.....11/30/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/28/93
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/13/94

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/13/94

No capital proceeding pending.

NOTES

On 11/30/88, Hudson was convicted and sentenced to death. On 05/28/93, the 7th District Court of Appeals vacated Hudson's death sentence and remanded the case to the trial court for resentencing. On 01/13/94, Hudson was resentenced to 30 years to life.

No Death Sentence on Remand

Huertas, Ediberto

Summary of Crime: In the early morning of 06/07/86, Huertas murdered Ralph Harris, Jr., in an apartment where Mr. Harris was spending the night in Lorain. Huertas was in an on-again-off-again relationship with a woman who was seeing the victim at the time of the murder. Huertas called the woman's apartment and learned Mr. Harris was spending the night at her apartment. Huertas later broke into the apartment and stabbed Mr. Harris with a knife. Huertas attempted to enter the bedroom but the woman successfully prevented him by bracing the door. After Huertas left, the woman took Mr. Harris to the hospital where he described Huertas' attack to police before dying from loss of blood and resulting complications.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/07/86
Sentence.....03/24/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....07/06/88
Supreme Court Decision 05/09/90
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 05/09/90

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/09/90

No capital proceeding pending.

NOTES

On 03/24/87, Huertas was convicted and sentenced to death. On 07/06/88, the 9th Court of Appeals affirmed Huertas' convictions and sentence. On 05/09/90, the Ohio Supreme Court vacated Huetas' death sentence and remanded the case to the trial court for imposition of a life sentence.

No Death Sentence on Remand

Issa, Ahmad Fawzi

Summary of Crime: On 11/22/97, Andre Miles, having been hired, instructed, and given a weapon by Issa, murdered brothers Maher and Ziad Khriss in the parking lot of their store in Cincinnati. Miles robbed the brothers and shot them in the back of the head. (Issa was convicted and sentenced to death only for the aggravated murder of Maher Khriss.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/15/97
Sentence.....10/16/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/29/01
U.S. Supreme Court Review.....04/01/02

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/12/99
Trial Court Decision.....01/20/00
Court of Appeals Decision.....12/21/01
Supreme Court Decision 04/17/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/24/03

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Beckwith)
Prisoner's Petition 04/17/03
Warden's Return of Writ.....04/05/04
Prisoner's Traverse.....09/29/04
Evidentiary Hearing 03/06/06
Decision 09/21/15

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/20/15
Prisoner's Brief 11/21/16
Warden's Brief 04/24/17
Oral Argument.....05/02/18
Decision 09/21/18

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....03/08/19
Brief in Opposition 04/11/19
Decision or Certiorari Denial 05/20/19

STATUS

STATUS IN STATE COURTS AS OF 07/29/19

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/29/19

No capital proceeding pending.

NOTES

On 08/29/01, the Ohio Supreme Court affirmed Issa's conviction and death sentence on direct appeal. On 04/17/03, Issa filed a petition for a writ of habeas corpus in the district court. The district court held an evidentiary hearing in 2006. On 12/20/07 and 11/05/08, the magistrate judge recommended denial of Issa's habeas petition, to which Issa objected on 01/22/09. On 01/16/13, over the Warden's objections, Issa filed an amended habeas petition to add claims challenging the constitutionality of lethal injection, to which the Warden responded on 03/01/13. On 09/21/15, the district court denied Issa's habeas petition. On 09/21/18, the 6th Circuit reversed the district court, granted habeas relief, and ordered Issa receive a new trial. On 12/13/18, the 6th Circuit denied the Warden's request for *en banc* review. On 05/20/19, the U.S. Supreme Court denied the Warden's petition for a writ of certiorari. On 07/29/19, pursuant to the grant of habeas relief, the trial court vacated Issa's conviction and sentence. On 08/16/19, Issa pleaded guilty to an amended charge of involuntary manslaughter and was sentenced to 13 years of incarceration with credit for time served.

Jackson, Andre

Summary of Crime: On 06/25/87, Jackson murdered 75-year-old Emily Zak in a laundromat in Euclid. Ms. Zak worked in the laundromat. Jackson kicked, punched and stomped Ms. Zak to death and then pushed her head in a toilet. Jackson also stole the cash register and the register keys.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/23/87
Sentence.....04/21/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/05/89
Supreme Court Decision 01/09/91
U.S. Supreme Court Review.....10/07/91

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/23/92
Trial Court Decision.....12/07/92
Court of Appeals Decision.....06/22/95
Supreme Court Decision 11/22/95
U.S. Supreme Court Review.....05/20/96

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....07/14/94
Supreme Court Decision 03/23/95

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Economus)
Prisoner's Petition 12/02/96
Warden's Return of Writ.....11/10/97
Prisoner's Traverse.....06/01/98
Evidentiary Hearing .....
Decision 05/09/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/24/01
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/04/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/04/22

No capital proceeding pending.

NOTES

On 01/09/91, the Ohio Supreme Court affirmed Jackson's conviction and death sentence on direct appeal. On 05/09/01, the district court denied Jackson's petition for a writ of habeas corpus. On 06/27/03, the 6th Circuit stayed the case pending completion of state court proceedings. Meanwhile, on 05/09/03, Jackson filed a successive *Atkins* postconviction petition in the trial court. On 10/20/03, the Jackson was evaluated by the Cuyahoga County Psychiatric Clinic. On 03/19/07, the State filed a motion for summary judgment, which was denied on 01/07/09. On 02/21/17 through 02/22/17, the trial court held Jackson's *Atkins* hearing, and the parties filed post-hearing briefs on 04/03/17. On 04/19/19, the trial court granted Jackson's motion and found he was ineligible for the death penalty because he was intellectually disabled. On 10/15/20, the court of appeals reversed and remanded the case to the trial court to evaluate the intellectual disability issue in light of the new standard announced in *State v. Ford*. On remand, a conference was held 04/20/21. On 06/21/21, Jackson and the State filed proposed findings of fact and conclusions of law. On 08/04/22, the trial court found Jackson was ineligible for a death sentence due to intellectual disability. On 12/23/22, the trial court resentenced Jackson to life imprisonment with parole eligibility after 20 years.

Jamison, Derrick

Summary of Crime: On 08/01/84, Jamison murdered 25-year-old Gary Mitchell at the Central Bar in downtown Cincinnati. Mr. Mitchell was working in his family-owned bar. With an accomplice, Charles Howell, acting as a lookout, Jamison beat Mr. Mitchell to death and stole money out of the cash register. Jamison was identified by police as the "Central Bar Killer" who robbed local businesses on several occasions and severely beat the clerks in the head.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/31/85
Sentence.....10/18/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/17/88
Supreme Court Decision 03/07/90
U.S. Supreme Court Review.....10/01/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/12/91
Trial Court Decision.....09/09/91
Court of Appeals Decision.....11/10/92
Supreme Court Decision 04/14/93
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....12/01/92
Supreme Court Decision 04/14/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Spiegel)
Prisoner's Petition 03/10/94
Warden's Return of Writ.....04/21/94
Prisoner's Traverse.....08/02/95
Evidentiary Hearing .....
Decision 05/10/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 06/02/00
Prisoner's Brief 08/20/01
Warden's Brief 08/20/01
Oral Argument.....01/23/02
Decision 05/23/02

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 10/25/05

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/25/05

No capital proceeding pending.

NOTES

On 03/07/90, the Ohio Supreme Court affirmed Jamison's conviction and death sentence on direct appeal. On 05/10/00, the district court granted Jamison's petition for a writ of habeas corpus, vacated his conviction and death sentence based on a *Brady* claim, and remanded to state court for retrial. On 05/23/02, the 6th Circuit affirmed the district court's decision. On 02/28/05, the State dismissed Jamison's capital indictment. On 10/25/05, Jamison was paroled after serving 20 years for several unrelated robbery offenses.

State Elected Not to Retry on Remand

Jells, Reginald

Summary of Crime: On 04/18/87, Jells murdered 29-year-old Ruby Stapleton in Cleveland. Jells kidnapped Ms. Stapleton and her son from the street. Jells then beat Ms. Stapleton with a transmission jack, hitting her over 90 times, and then hid her body in a junkyard. Jells left Ms. Stapleton's son, who was covered in her blood, in another junkyard.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/05/87
Sentence.....09/18/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/20/89
Supreme Court Decision 08/08/90
U.S. Supreme Court Review.....02/19/91

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 11/08/91
Trial Court Decision.....04/09/97
Court of Appeals Decision.....04/30/98
Supreme Court Decision 09/23/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....04/26/00
Supreme Court Decision 12/27/00

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
Prisoner's Petition 09/21/99
Warden's Return of Writ.....11/23/99
Prisoner's Traverse.....01/06/00
Evidentiary Hearing 06/08/00
Decision 03/18/02

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/01/02
Prisoner's Brief 04/10/07
Warden's Brief 04/11/07
Oral Argument.....03/19/08
Decision 08/18/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/13

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/13

No capital proceeding pending.

NOTES

On 08/08/90, the Ohio Supreme Court affirmed Jells' conviction and death sentence on direct appeal. On 03/18/02, the district court denied Jells' petition for a writ of habeas corpus. On 08/18/08, the 6th Circuit reversed the judgment of the district court and granted Jells a conditional writ of habeas corpus vacating his death sentence unless the State commenced a new penalty phase trial within 180 days. The trial court set numerous pretrials in 2009 which were continued at Jells' request. On 08/16/10, the trial court scheduled Jells' sentencing hearing for 01/04/11, but that hearing was cancelled when, on 09/28/10, the trial court stayed the case pending proceedings in federal court. On 03/30/10, Jells filed a motion for an unconditional writ, and on 09/01/10, he filed a motion to enforce the writ. The district court denied both motions on 03/31/11. On 03/20/13, by agreement with the State, the trial court resentenced Jells to 30 years to life.

Jenkins, Leonard

Summary of Crime: On 10/21/81, Jenkins murdered Cleveland Police Officer Anthony Johnson during a bank robbery. Jenkins, with an accomplice, entered a National City Bank brandishing a handgun and proceeded to rob the bank. Tellers activated silent alarms. Among the officers responding to the scene was Officer Johnson. In an exchange of gunfire, Officer Johnson was mortally wounded and Jenkins was permanently paralyzed below the waist.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....10/23/81
Sentence.....04/16/82

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....02/24/84
Supreme Court Decision 12/17/84
U.S. Supreme Court Review.....06/24/85

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 06/20/86
Trial Court Decision.....
Court of Appeals Decision.....11/23/87
Supreme Court Decision 04/13/88
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
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STATUS

STATUS IN STATE COURTS AS OF 01/10/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/10/91

No capital proceeding pending.

NOTES

On 01/10/91, Governor Celeste commuted Jenkins' death sentence to life imprisonment without the possibility of parole.

Capital Sentence Commuted

Jester, Willie Lee

Summary of Crime: On 08/05/83, Jester murdered Patrolman Benjamin Grair, a bank guard, in Cleveland. Jester entered the bank, approached Mr. Grair, and shot him in the chest using a hollow point bullet. Once outside the bank, Jester seized a motorist's vehicle at gunpoint and fled the scene.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/12/83
Sentence.....07/13/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/07/85
Supreme Court Decision 09/26/97
U.S. Supreme Court Review.....01/28/88

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/30/88
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/10/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/10/91

No capital proceeding pending.

NOTES

On 01/10/91, Governor Celeste commuted Jester's death sentence to life imprisonment without the possibility of parole.

Johnson, Gary V.

Summary of Crime: On 04/26/83, Johnson murdered 26-year-old Eunice Graster at the Reno Hotel in Cleveland. Ms. Graster was a desk clerk at the hotel owned by Johnson's father. Johnson shot Ms. Graster and stole money from the hotel's office.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/04/83
Sentence.....01/02/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/28/88
Supreme Court Decision 10/18/89
U.S. Supreme Court Review.....03/19/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/03/90
Trial Court Decision.....08/14/95
Court of Appeals Decision.....08/29/96
Supreme Court Decision 01/15/97
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....02/17/94
Supreme Court Decision 08/03/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Nugent)
Prisoner's Petition 06/30/97
Warden's Return of Writ.....09/02/97
Prisoner's Traverse.....10/17/97
Evidentiary Hearing .....
Decision 11/02/99

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/16/00
Prisoner's Brief 12/28/06
Warden's Brief 12/20/06
Oral Argument.....12/06/07
Decision 11/04/09

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/10

No capital proceeding pending.

NOTES

On 10/18/89, the Ohio Supreme Court affirmed Johnson's conviction and death sentence on direct appeal. On 11/02/99, the district court denied Johnson's petition for a writ of habeas corpus. On 11/04/09, the 6th Circuit reversed the district court's decision, vacated Johnson's death sentence based on ineffective assistance of trial counsel at mitigation, and remanded to the state court for resentencing. On 08/13/10, the trial court resentenced Johnson to 30 years to life.

Johnson, Michael J.

Summary of Crime: On 06/02/90, Johnson murdered his sister, Susan Brunst, and dumped her nude body in a park near the village of Diamond in Palmyra Township. In 1988, Johnson pled guilty and was convicted of murder for the 1984 beating death of Denise Hutchinson in Florida.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/09/90
Sentence.....03/28/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....11/04/92
Supreme Court Decision 12/23/94
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dowd)
Prisoner's Petition 04/17/96
Warden's Return of Writ.....07/10/96
Prisoner's Traverse.....10/22/96
Evidentiary Hearing .....
Decision 08/07/97

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 09/08/97
Prisoner's Brief 07/30/98
Warden's Brief 07/31/98
Oral Argument.....02/05/99
Decision 01/12/00

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/21/00

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/21/00

No capital proceeding pending.

NOTES

On 12/23/94, the Ohio Supreme Court reversed Johnson's conviction and death sentence on direct appeal, based on insufficient evidence of an aggravating circumstance and numerous trial court errors, and remanded to the trial court for retrial. On 04/17/96, Johnson filed a petition for a writ of habeas corpus in the district court, alleging that his retrial was barred under the Double Jeopardy Clause. On 08/07/97, the district court denied Johnson's petition. On 01/12/00, the 6th Circuit affirmed the district court's decision. On 12/21/00, Johnson pled guilty to murder and was sentenced to 15 years to life.

Johnson, Rayshawn

Summary of Crime: On 11/12/97, Johnson murdered his neighbor, 28-year-old Shannon Marks, in her home on Dexter Avenue. After Ms. Marks' husband left for work, Johnson entered the Marks' home through the back door. He found Ms. Marks upstairs in the bedroom. He hit her on the head several times with a baseball bat and then stole money from her purse. Johnson later confessed to the police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....11/20/97
Sentence.....01/10/12

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 12/17/12
Trial Court Decision.....12/18/13
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Graham)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
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Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/01/15
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/01/15
No capital proceeding pending.

NOTES

On 03/01/00, the Ohio Supreme Court affirmed Johnson's conviction and death sentence on direct appeal. On 04/24/06, the district court granted Johnson's petition for a writ of habeas corpus, vacated his death sentence based on ineffective assistance of counsel, and remanded to the state court for a new penalty phase trial. Following a new penalty phase trial, on 01/12/12, the trial court again sentenced Johnson to death. On 12/01/15, the Ohio Supreme Court again vacated Johnson's death sentence, finding that the aggravating circumstances did not outweigh the mitigating factors beyond a reasonable doubt. On 01/06/16, Johnson was resentenced to life imprisonment without the possibility of parole. (Dates reflect the 2012 resentencing.)

Johnston, Dale

Summary of Crime: On 10/14/82, the dismembered decomposing torsos of Margaret Annette Johnston and Todd Leroy Schulz were located in the Hocking River. Two days later, their arms, legs and heads were located in a cornfield. Both victims had been shot several times. Expert testimony established the victims had been murdered around 10/04/82. Circumstantial evidence had linked Annette's stepfather, Dale Johnston, to the crime. Johnston's conviction was later overturned, and the State elected not to retry him.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/29/83
Sentence.....03/23/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/06/86
Supreme Court Decision 10/05/88
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

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Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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(U.S. District Court: Judge)
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Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

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(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/06/86

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/06/86

No capital proceeding pending.

NOTES

On 08/06/86, the 4th District Court of Appeals vacated Johnston's conviction and death sentence and remanded the case to the trial court for a new trial. The State elected not to retry Johnston.

State Elected Not to Retry on Remand

Joseph, Richard

Summary of Crime: On 06/26/90, Joseph and an accomplice, Jose Bulerin, murdered 16-year-old Ryan Young in Lima. Ryan was dating Joseph's ex-girlfriend, with whom Joseph was trying to reconcile. Joseph and Bulerin abducted Ryan, stabbed him twice in the back and buried him in a shallow grave at a gravel pit owned by Joseph's grandparents in Auglaize County.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/12/90
Sentence.....02/08/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/23/93
Supreme Court Decision 08/30/95
U.S. Supreme Court Review.....03/18/96

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....11/06/96
Court of Appeals Decision.....07/17/97
Supreme Court Decision 11/12/97
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Wells)
Prisoner's Petition 05/09/98
Warden's Return of Writ.....06/29/98
Prisoner's Traverse.....04/30/99
Evidentiary Hearing .....
Decision 12/22/04

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 01/20/05
Prisoner's Brief 12/16/05
Warden's Brief 12/19/05
Oral Argument.....06/08/06
Decision 11/09/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/05/07
Brief in Opposition 02/12/07
Decision or Certiorari Denial 03/19/07

STATUS

STATUS IN STATE COURTS AS OF 06/14/07

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/14/07

No capital proceeding pending.

NOTES

On 08/30/95, the Ohio Supreme Court affirmed Joseph's conviction and death sentence on direct appeal. On 12/22/04, the district court granted Joseph's petition for a writ of habeas corpus, vacated his conviction and death sentence based on a claim that Joseph's indictment and jury instructions were defective, and remanded to the state court for retrial. On 11/09/06, the 6th Circuit affirmed the district court's decision granting Joseph's petition for a writ of habeas corpus. On 03/19/07, the U.S. Supreme Court denied the Warden's petition for a writ of certiorari. On 06/14/07, the trial court resentenced Joseph to 20 years to life.

Keenan, Thomas M.

Summary of Crime: On 09/24/88, Keenan and two accomplices, Joseph D'Ambrosio and Edward Espinoza, murdered 19-year-old Anthony Klann at Doan's Creek in Cleveland. Mr. Klann was friends with a man the defendants were looking for because Keenan claimed the man stole his drugs. Keenan, D'Ambrosio and Espinoza kidnapped Mr. Klann at knifepoint, beat him with a baseball bat and stabbed him several times. D'Ambrosio also received a death sentence.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....10/06/88
Sentence.....05/13/94

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....08/22/96
Supreme Court Decision 02/25/98
U.S. Supreme Court Review.....10/05/98

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 03/26/99
Trial Court Decision.....12/10/99
Court of Appeals Decision.....02/01/01
Supreme Court Decision 06/27/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Katz)
Prisoner's Petition 11/21/01
Warden's Return of Writ.....01/18/02
Prisoner's Traverse.....
Evidentiary Hearing 09/15/05
Decision 07/29/02

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 06/06/03
Prisoner's Brief 06/30/04
Warden's Brief 06/14/04
Oral Argument.....09/23/04
Decision 03/10/05

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/14

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/14

No capital proceeding pending.

NOTES

On 02/25/98, the Ohio Supreme Court affirmed Keenan's conviction and death sentence on direct appeal. On 07/29/02, the district court denied Keenan's petition for a writ of habeas corpus. On 03/10/05, the 6th Circuit vacated the district court's decision and remanded to the district court for an evidentiary hearing on Keenan's argument that his habeas corpus petition was properly filed by equitable tolling. On 03/15/07, the district court reinstated Keenan's petition. On 04/21/09, Keenan filed an amended petition. On 04/24/12, the district court granted Keenan's petition for a writ of habeas corpus and remanded the case to state court for a new trial. On 09/06/12, the trial court dismissed, with prejudice, the indictment against Keenan, which was affirmed by the 8th District Court of appeals on 09/19/13. On 06/25/15, the Ohio Supreme Court reversed, and ordered the trial court proceed to trial. Keenan pled to aggravated burglary and kidnapping on 02/11/16, and received a sentence of 20 years imprisonment with credit for time served.

Keith, Kevin A.

Summary of Crime: On 02/13/94, Keith murdered 24-year-old Marichell Chatman, 39-year-old Linda Chatman, and 4-year-old Marchae Chatman, and attempted to murder 6-year-old Quanita Reeves, 4-year-old Quentin Reeves, and 23-year-old Richard Warren in a Bucyrus Estates apartment. The victims were the family members of a police informant involved in a drug investigation of Keith. Keith went to the apartment, ordered everyone to lie on the floor and shot each person multiple times.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/22/94
Sentence.....06/01/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/05/96
Supreme Court Decision 10/01/97
U.S. Supreme Court Review.....04/06/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....02/04/98
Court of Appeals Decision.....08/19/98
Supreme Court Decision 12/23/98
U.S. Supreme Court Review.....06/21/99

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....09/19/07
Supreme Court Decision 08/07/08

FEDERAL COURTS

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Prisoner's Petition 09/03/99
Warden's Return of Writ.....12/06/99
Prisoner's Traverse.....02/09/00
Evidentiary Hearing .....
Decision 06/14/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/16/01
Prisoner's Brief 09/30/04
Warden's Brief 10/01/04
Oral Argument.....07/20/05
Decision 07/10/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/17/07
Brief in Opposition 02/22/07
Decision or Certiorari Denial 03/26/07

STATUS

STATUS IN STATE COURTS AS OF 09/02/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/02/10

No capital proceeding pending.

NOTES

On 09/02/10, Governor Strickland commuted Keith's death sentence to life imprisonment without the possibility of parole.

Ketterer, Donald

Summary of Crime: On 02/24/03, Ketterer murdered his former employer, 85-year-old Lawrence Sanders, at Mr. Sanders' house in Hamilton. Ketterer went to Mr. Sanders' home to borrow money for a court fine. When Sanders said he did not have the money, Ketterer struck him in the head three times with an iron skillet and repeatedly stabbed him. Ketterer then robbed Mr. Sanders and stole his car. Ketterer confessed to police and pled guilty at trial. DNA testing established that blood on gloves Ketterer was seen wearing on the day of the murder matched that of Mr. Sanders.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....03/04/03
Sentence.....02/04/04

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/25/06
U.S. Supreme Court Review.....05/14/07

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 12/28/04
Trial Court Decision.....07/22/16
Court of Appeals Decision.....06/05/17
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
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Court of Appeals Decision.....
Supreme Court Decision 04/18/07

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Decision .....

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(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/24/21

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/24/21

No capital proceeding pending.

NOTES

On 10/25/06, the Ohio Supreme Court affirmed Ketterer's conviction and death sentence on direct appeal. After reopening the direct appeal, the Ohio Supreme Court remanded the case to the trial court for resentencing on the non-capital offenses. On 09/18/14, the Ohio Supreme Court affirmed Ketterer's sentence on the non-capital offenses. Meanwhile, on 12/28/04, Ketterer filed a first postconviction petition in the trial court. On 05/27/08, Ketterer filed a postconviction petition as to the non-capital offenses of the indictment. On 07/22/16, the trial court denied Ketterer's postconviction petitions and pending motions, including several pertaining to capital matters. On 06/05/17, the court of appeals denied, in part, Ketterer's appeal and remanded the case back to the trial court for further proceedings. On 07/23/21, Ketterer amended his pending postconviction petition to include a claim alleging he was seriously mentally ill, and thus, ineligible for the death penalty under R.C. 2929.025(A)(1). On 09/24/21, the trial court found Ketterer was seriously mentally ill pursuant to the statute, vacated his death sentence, and resentenced him to life imprisonment without the possibility of parole.

Lampkin, Beatrice

Summary of Crime: Beatrice Lampkin hired John Curry to murder her husband of twenty-five years, John D. Lampkin. On 11/4/88, Mr. Lampkin exited the family residence carrying out garbage. Curry, who has been waiting outside the residence, then murdered Mr. Lampkin by shooting him in the forehead. Curry fled the scene and met Lampkin to inform her of Mr. Lampkin's death. Lampkin eventually confessed.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....12/29/88
Sentence.....04/26/89

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....10/03/90
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

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Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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(U.S. Supreme Court)
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Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/10/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/10/91

No capital proceeding pending.

NOTES

On 01/10/91, Governor Celeste commuted Lampkin's death sentence to life imprisonment.

Capital Sentence Commuted

Lawrence, Jeffrey

Summary of Crime: On 08/24/85, Lawrence murdered his neighbors, Jesse and Cheryl Mooney. Noise originating from a party the Mooney's were having resulted in an argument. At some point, Lawrence exited his house with a shotgun. He fired a shot from his backyard striking Ms. Mooney and another individual who survived. Ms. Mooney staggered into the garage, and Mr. Mooney fired two shots from a handgun toward Lawrence's house. Lawrence then fired several more shots. Mr. Mooney was fatally struck. Lawrence entered the garage, grabbed Ms. Mooney, dragged her to the spot where Mr. Mooney was, and threw her on top of her husband. Lawrence then fired a shot into her back at close range causing her death.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/30/85
Sentence.....04/17/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/21/88
Supreme Court Decision 06/05/89
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

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Filed in Trial Court .....
Trial Court Decision.....
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Supreme Court Decision .....
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Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/25/89

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/25/89

No capital proceeding pending.

NOTES

On 04/17/86, Lawrence was convicted and sentenced to death. On 06/05/89, the Ohio Supreme Court vacated Lawrence's death sentence and remanded the case to the trial court for resentencing. On 09/25/89, the trial court resentenced Lawrence to consecutive sentences of 20 years to life and 30 years to life.

Lomax, Tazwell

Summary of Crime: On 06/13/96, Lomax murdered 56-year-old Deanna Jones at Grate's Silver Top Bar and Restaurant in Sandusky County near the city of Fremont. Ms. Jones worked at the restaurant and knew Lomax who had previously worked there. Lomax entered the bar during closing time and grabbed money as Ms. Jones came out of the restroom. Lomax stabbed Ms. Jones to death, stripped off some of her clothes, and mutilated her body to make it look like a sex crime. Lomax later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/24/96
Sentence.....03/25/99

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/11/02
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/04/00
Trial Court Decision.....06/13/01
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

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Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

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Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 10/02/02

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/02/02

No capital proceeding pending.

NOTES

On 09/11/02, the Ohio Supreme Court affirmed Lomax's conviction on direct appeal, but vacated his death sentence based on an improper indictment and remanded to the trial court for resentencing. On 10/02/02, the trial court resentenced Lomax to 20 years to life.

No Death Sentence on Remand

Madrigal, Jamie

Summary of Crime: On 04/13/96, Madrigal murdered 18-year-old Misty Fisher in a Kentucky Fried Chicken restaurant in Toledo. Ms. Fisher was a night manager at the restaurant. Madrigal shot Ms. Fisher in the back of the head when she could not open the restaurant's safe. Madrigal's accomplice, Chris Cathcart, admitted to police that he was in the getaway car while Madrigal robbed the restaurant.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....05/13/96
Sentence.....11/25/96

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 01/05/00
U.S. Supreme Court Review.....10/02/00

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 08/24/98
Trial Court Decision.....12/01/99
Court of Appeals Decision.....11/17/00
Supreme Court Decision 03/21/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/17/00

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge Gwin)
Prisoner's Petition 03/19/02
Warden's Return of Writ.....06/04/02
Prisoner's Traverse.....10/15/02
Evidentiary Hearing .....
Decision 08/05/03

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/25/03
Prisoner's Brief 11/22/04
Warden's Brief 11/30/04
Oral Argument.....06/08/05
Decision 06/27/05

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/12/07
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/12/07
No capital proceeding pending.

NOTES

On 01/05/00, the Ohio Supreme Court affirmed Madrigal's conviction and death sentence on direct appeal. On 08/05/03, the district court granted Madrigal's petition for a writ of habeas corpus, vacated his conviction and death sentence based on a violation of the Confrontation Clause, and remanded to the state court for retrial. On 06/27/05, the 6th Circuit affirmed the district court's decision granting Madrigal's petition for a writ of habeas corpus. On 01/12/07, Madrigal pled guilty to aggravated murder and was sentenced to 33 years to life.

Malcolm, Kent

Summary of Crime: On 12/19/84, Malcolm murdered Kathleen J. Bowman in Cleveland. Malcolm entered the Cleveland Public Library and opened fire, resulting in the death of Ms. Bowman as well as the wounding of two surviving victims. At trial, Malcolm did not dispute his actions.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/20/84
Sentence.....07/08/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/29/87
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 06/08/88

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/08/88

No capital proceeding pending.

NOTES

On 07/08/85, Malcolm was convicted and sentenced to death. On 10/29/87, the 8th District Court of Appeals reversed Malcolm's convictions and sentence. On 06/08/88, Malcolm pled guilty to aggravated murder and was sentenced to 30 years to life.

Mapes, David

Summary of Crime: On 01/30/83, Mapes murdered John Allen at the Chap's Bar in Cleveland. Mr. Allen owned the bar. When the bar was closed, Mapes and his accomplice, Rodney Newton, broke in and instructed Mr. Allen and other employees to put their hands on the bar counter. When Mr. Allen began to move his hands from the counter, Mapes shot him in the face. Mapes admitted to a friend that he murdered Mr. Allen and robbed Chap's.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment....04/12/83
- Sentence....06/15/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision....10/25/84
- Supreme Court Decision....08/09/85
- U.S. Supreme Court Review....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court....05/07/87
- Trial Court Decision....09/27/88
- Court of Appeals Decision....03/08/90
- Supreme Court Decision....07/25/90
- U.S. Supreme Court Review....11/20/90

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision....
- Supreme Court Decision....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
- Prisoner's Petition....01/10/91
- Warden's Return of Writ....07/17/91
- Prisoner's Traverse....09/11/91
- Evidentiary Hearing....
- Decision....06/29/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal....07/27/01
- Prisoner's Brief....10/07/03
- Warden's Brief....10/08/03
- Oral Argument....06/15/04
- Decision....11/03/04

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition....
- Brief in Opposition....
- Decision or Certiorari Denial....

STATUS

STATUS IN STATE COURTS AS OF 10/21/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 10/21/09

No capital proceeding pending.

NOTES

On 08/09/85, the Ohio Supreme Court affirmed Mapes' conviction and death sentence on direct appeal. On 09/30/96, the district court granted Mapes' petition for a writ of habeas corpus, vacated his death sentence based on ineffective assistance of counsel, and remanded to the state court for resentencing. On 03/24/99, the 6th Circuit reversed the district court's decision granting Mapes' petition and remanded to the district court for an evidentiary hearing. On 06/29/01, the district court again granted Mapes' petition for a writ of habeas corpus, vacated his death sentence based on ineffective assistance of counsel, and remanded to the state court for a new direct appeal. On 02/06/06, the 8th District Court of Appeals affirmed Mapes' conviction but remanded to the trial court for resentencing. On 10/21/09, the trial court resentenced Mapes to 30 years to life for aggravated murder consecutive to 5 to 25 years for the remaining counts.

Mason, Maurice

Summary of Crime: On 02/08/93, Mason murdered 19-year-old Robin Dennis inside an abandoned building in a rural area near Pole Lane Road. Ms. Dennis had given Mason a ride to his house because her husband planned to trade his gun for Mason's television. Mason raped Ms. Dennis, pistol-whipped her with her husband's gun and struck her eight times in the head with a board that had nails protruding from it. DNA testing matched Mason's DNA with the semen in Ms. Dennis' vagina.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/30/93
Sentence.....07/07/94

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/09/96
Supreme Court Decision 06/17/98
U.S. Supreme Court Review.....12/14/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/20/96
Trial Court Decision.....11/21/96
Court of Appeals Decision.....06/09/97
Supreme Court Decision 10/15/97
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....11/16/99
Supreme Court Decision 09/20/00

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Katz)
Prisoner's Petition 07/15/99
Warden's Return of Writ.....09/02/99
Prisoner's Traverse.....01/18/00
Evidentiary Hearing 12/29/03
Decision 10/31/05

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 11/28/05
Prisoner's Brief 01/19/07
Warden's Brief 01/25/07
Oral Argument.....11/28/07
Decision 10/03/08

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....07/20/09
Brief in Opposition 09/21/09
Decision or Certiorari Denial 11/02/09

STATUS

STATUS IN STATE COURTS AS OF 04/29/19

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/29/19

No capital proceeding pending.

NOTES

On 06/17/98, the Ohio Supreme Court affirmed Mason's conviction and death sentence on direct appeal. On 05/09/00 and 10/31/05, the district court denied Mason's petition for a writ of habeas corpus. On 10/03/08, the 6th Circuit reversed the district court's decision, vacated Mason's death sentence based on ineffective assistance of counsel at mitigation, and remanded to the state court for a new penalty phase trial. On 01/20/16, the trial court granted Mason's 10/16/14 motion for DNA testing and ordered various items of clothing and other recovered physical evidence be analyzed. On 06/20/16, the trial court dismissed the capital components of Mason's indictment based upon *Hurst v. Florida*. The 3rd District Court of Appeals reversed the trial court's decision on 12/27/16, and remanded the case back to the trial court for resentencing. On 04/18/18, the Ohio Supreme Court affirmed, finding *Hurst* did not invalidate Ohio's death penalty system. On 11/05/18, the U.S. Court denied Mason's petition for a writ of certiorari. On 05/01/19, on the State's motion, the trial court dismissed the death penalty specification. On 04/29/19, the trial court resentenced Mason to life with parole eligibility after 23 years, plus an additional 3 to 5 year sentence.

No Death Sentence on Remand

Maurer, Donald Lee

Summary of Crime: On 11/29/82, Maurer murdered 7-year-old Dawn Marie Hendershot, his neighbor. Maurer conceded at his trial that he was responsible for Dawn's death. Maurer picked her up from school and took her to the wooded area near his sister's farm where her body was later discovered. Maurer also conceded he attempted to sexually molest Dawn.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....10/07/82
Sentence.....04/04/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....02/13/84
Supreme Court Decision 12/20/84
U.S. Supreme Court Review.....06/10/85

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 02/24/86
Trial Court Decision.....05/15/87
Court of Appeals Decision.....04/25/88
Supreme Court Decision 11/14/88
U.S. Supreme Court Review.....03/09/89

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Bell)
Prisoner's Petition 09/01/89
Warden's Return of Writ.....12/04/89
Prisoner's Traverse.....05/22/90
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/10/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/10/91

No capital proceeding pending.

NOTES

On 01/10/91, Governor Celeste commuted Maurer's death sentence to life imprisonment without the possibility of parole.

Capital Sentence Commuted

Mills, James Ethan

Summary of Crime: On 05/23/88, Mills murdered 28-year-old Marsha Burger at the St. Bernard branch of the First Ohio Savings Bank in Cincinnati. Ms. Burger was a teller at the bank that Mills and his accomplice, Lewis Thomas, were robbing. While Thomas acted as a lookout, Mills forced Ms. Burger to open the bank's safe. When Mills saw that there was no money, Mills turned to Ms. Burger, who was trying to hide behind her desk, and shot her in the chest. Mills told police that he shot Ms. Burger because she did not give him what he wanted. The entire robbery-murder was filmed by the bank's surveillance camera.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....05/26/88
- Sentence.....09/13/88

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....12/12/90
- Supreme Court Decision 01/08/92
- U.S. Supreme Court Review.....06/29/92

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 06/03/93
- Trial Court Decision.....09/23/93
- Court of Appeals Decision.....03/15/95
- Supreme Court Decision 07/19/95
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....02/22/94
- Supreme Court Decision 08/03/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
- Prisoner's Petition 12/09/96
- Warden's Return of Writ.....04/04/97
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/26/07

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/26/07

No capital proceeding pending.

NOTES

On 01/08/92, the Ohio Supreme Court affirmed Mills' conviction and death sentence on direct appeal. On 12/09/96, Mills filed a petition for a writ of habeas corpus in the district court. On 01/06/06, the district court stayed the case pending completion of state court proceedings. Meanwhile, on 02/27/06, Mills filed a successive postconviction petition in the trial court. On 09/26/07, the trial court partially granted Mills' motion for a new trial and dismissed Mills' petition for successive postconviction relief. On 09/26/07, Mills pled guilty and was sentenced to 87 years to life.

Montgomery, William

Summary of Crime: On 03/08/86, Montgomery murdered 20-year-old Debra Ogle and 19-year-old Cynthia Tincher. Ms. Ogle and Ms. Tincher were roommates who knew Montgomery. Montgomery asked Ms. Ogle for a ride in her car, took her to a wooded area and shot her three times, point-blank, in the forehead. Montgomery returned to Ms. Ogle's apartment in her car, left with Ms. Tincher in Ms. Tincher's car, had her pull over to the side of the road and shot her at close range. (Montgomery received a death sentence for the aggravated murder of Ms. Ogle.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/25/86
Sentence.....11/07/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/12/88
Supreme Court Decision 08/14/91
U.S. Supreme Court Review.....02/24/92

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 03/07/96
Trial Court Decision.....08/23/96
Court of Appeals Decision.....02/05/99
Supreme Court Decision 06/16/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....03/03/93
Supreme Court Decision 10/27/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
Prisoner's Petition 06/13/00
Warden's Return of Writ.....08/15/00
Prisoner's Traverse.....06/08/04
Evidentiary Hearing .....
Decision 03/31/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 07/03/07
Prisoner's Brief 04/09/10
Warden's Brief 02/25/10
Oral Argument.....06/09/10
Decision 08/22/11

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/19/12
Brief in Opposition 03/21/12
Decision or Certiorari Denial 05/14/12

STATUS

STATUS IN STATE COURTS AS OF 03/26/18

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/26/18

No capital proceeding pending.

NOTES

On 03/26/18, Governor Kasich commuted Montgomery's death sentence to life imprisonment without the possibility of parole.

Morales, Alfred

Summary of Crime: On 03/02/85, Morales murdered 12-year-old Mario Trevino in Cleveland. Morales had threatened to kill members of the Trevino family because Mario's older brother refused to provide an alibi in a theft case that sent Morales to prison. After his release from prison, Morales, a martial arts expert weighing 220 pounds, kidnapped and brutally beat to death 93-pound Mario, whose injuries were described as those usually seen in automobile accidents. Morales later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/16/85
Sentence.....01/08/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/02/86
Supreme Court Decision 09/02/87
U.S. Supreme Court Review.....01/25/88

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 09/21/88
Trial Court Decision.....05/11/89
Court of Appeals Decision.....01/31/91
Supreme Court Decision 10/30/91
U.S. Supreme Court Review.....04/06/92

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....09/29/93
Supreme Court Decision 01/12/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Economus)
Prisoner's Petition 12/09/96
Warden's Return of Writ.....02/07/97
Prisoner's Traverse.....04/09/97
Evidentiary Hearing .....
Decision 03/29/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/25/00
Prisoner's Brief 08/03/06
Warden's Brief 06/16/06
Oral Argument.....04/24/07
Decision 11/02/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/23/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/23/09

No capital proceeding pending.

NOTES

On 09/02/87, the Ohio Supreme Court affirmed Morales' conviction and death sentence on direct appeal. On 03/29/00, the district court denied Morales' petition for a writ of habeas corpus. On 05/15/00, the district court granted Morales' motion to alter and amend, vacated his death sentence based on ineffective assistance of counsel, and remanded to the state court for resentencing, and on 11/02/07, the 6th Circuit affirmed. On 03/24/08, the 6th Circuit issued a mandate ordering the State to conduct a new penalty phase proceeding. On 11/07/08, Morales filed a motion to prohibit the State from seeking a new sentencing hearing and from imposing the death penalty. On 11/17/08, the State filed a memorandum in opposition. On 12/16/08, the trial court denied the motion. On 07/13/09, Morales filed a successive petition for a writ of habeas corpus. On 09/24/09, the Warden filed a return of writ. On 12/08/09, Morales filed a traverse. Meanwhile, on 12/23/09, a three-judge panel resentenced Morales to 30 years to life for aggravated murder consecutive to 10 to 25 years for kidnapping.

Murphy, Joseph D.

Summary of Crime: On 02/01/87, Murphy murdered 72-year-old Ruth Predmore in her Marion home. Ms. Predmore had hired Murphy to perform yard work for her. Murphy slashed Ms. Predmore's throat with a knife and stole her penny collection. Murphy admitted to his girlfriend that he had murdered Ms. Predmore.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/11/87
Sentence.....09/03/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....06/26/91
Supreme Court Decision 12/30/92
U.S. Supreme Court Review.....10/04/93

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/07/94
Trial Court Decision.....08/15/94
Court of Appeals Decision.....05/19/95
Supreme Court Decision 10/04/95
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Katz)
Prisoner's Petition 12/31/96
Warden's Return of Writ.....02/28/97
Prisoner's Traverse.....12/19/97
Evidentiary Hearing .....
Decision 09/29/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/27/06
Prisoner's Brief 03/03/08
Warden's Brief 02/29/08
Oral Argument.....10/29/08
Decision 01/08/09

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....07/07/09
Brief in Opposition 09/04/09
Decision or Certiorari Denial 10/13/09

STATUS

STATUS IN STATE COURTS AS OF 09/26/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/26/11

No capital proceeding pending.

NOTES

On 09/26/11, Governor Kasich commuted Murphy's death sentence to life imprisonment without the possibility of parole.

Murphy, Ulysses

Summary of Crime: On 05/11/97, Murphy murdered 25-year-old Andre Brooks outside a bar in Columbus. Mr. Brooks and his sister were heading to their car in the parking lot when Murphy approached them from behind and demanded Mr. Brooks' jewelry. Murphy shot Mr. Brooks twice in the back after yelling that Mr. Brooks was moving too slow. Murphy admitted to police that he shot Mr. Brooks while trying to rob him.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....05/21/97
- Sentence.....06/26/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 06/06/01
- U.S. Supreme Court Review.....01/22/02

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 05/05/99
- Trial Court Decision.....02/01/00
- Court of Appeals Decision.....12/26/00
- Supreme Court Decision 07/25/01
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision 11/07/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rice)
- Prisoner's Petition 01/21/03
- Warden's Return of Writ.....05/01/03
- Prisoner's Traverse.....08/01/03
- Evidentiary Hearing 02/22/05
- Decision 04/11/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 05/08/08
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/27/08

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/27/08

No capital proceeding pending.

NOTES

On 06/06/01, the Ohio Supreme Court affirmed Murphy's conviction and death sentence on direct appeal. On 04/11/08, the district court granted habeas relief on Murphy's claim that his 5th Amendment rights were violated. On 08/27/08, Murphy was resentenced to 20 years to life consecutive to 3 years for the gun specification and 2 years for robbery.

Nields, Richard

Summary of Crime: On 03/27/97, Nields murdered his girlfriend, 59-year-old Patricia Newsome, at their home in Finneytown of Springfield Township. Ms. Newsome had asked Nields to move out of the house. Nields beat Ms. Newsome, strangled her with his hands and stole her car and travelers' checks. Nields bragged about the murder to people at a bar and a fellow jail inmate. Nields later confessed to police and conceded at trial to murdering Ms. Newsome.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/02/97
Sentence.....12/22/97

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/29/01
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/30/98
Trial Court Decision.....06/03/99
Court of Appeals Decision.....11/17/00
Supreme Court Decision 10/10/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Rose)
Prisoner's Petition 01/08/03
Warden's Return of Writ.....08/01/03
Prisoner's Traverse.....11/03/03
Evidentiary Hearing .....
Decision 08/23/04

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/19/05
Prisoner's Brief 09/18/06
Warden's Brief 09/14/06
Oral Argument.....02/01/07
Decision 04/06/07

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....10/31/07
Brief in Opposition 11/30/07
Decision or Certiorari Denial 01/07/08

STATUS

STATUS IN STATE COURTS AS OF 06/04/10

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/04/10

No capital proceeding pending.

NOTES

On 06/04/10, Governor Strickland commuted Nields' death sentence to life imprisonment without the possibility of parole.

Penix, Billy

Summary of Crime: In August 1982, Penix murdered and robbed Stephen Baker. Penix met Mr. Barker the same night he murdered him when the two and others drank at a bar. Penix invited Mr. Barker to stay with him. The two and several others proceeded to the home of Penix, where Mr. Barker fell asleep on the couch. Penix and others discussed robbing Mr. Barker, and a short while later, Penix murdered Mr. Barker by striking him in the head with the aluminum baseball bat. (Note: Penix was also known as Bill Davis.)

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....08/26/82
Sentence.....03/15/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....08/29/86
Supreme Court Decision 09/16/87
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/16/87

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/16/87

No capital proceeding pending.

NOTES

On 03/15/83, Penix was convicted and sentenced to death. On 08/29/86, the 2nd District Court of Appeals vacated Penix's death sentence. On 09/16/87, the Ohio Supreme Court affirmed the decision of the court of appeals, remanded the case for resentencing, and instructed the trial court that the death penalty could not be re-imposed. Penix was resentenced to 30 years to life.

No Death Sentence on Remand

Pless, Carroll Dean

Summary of Crime: On 07/11/91, Pless murdered Sherry Lockwood, his ex-girlfriend, in Cleveland. Pless abruptly entered the home, chased Ms. Lockwood out the front door, and grabbed her by the hair in her front yard. As she tried to leave the yard, Pless dragged her back up onto the porch of her house where he shot her twice, once in the right side of her head and a second time, a contact gunshot wound to the right side of her neck.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/22/91
Sentence.....02/04/92

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/13/94
Supreme Court Decision 01/17/96
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/17/96

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/17/96

No capital proceeding pending.

NOTES

On 02/04/92, Pless was convicted and sentenced to death. On 10/13/94, the 8th District Court of Appeals affirmed Pless' convictions and sentence. On 01/17/96, the Ohio Supreme Court reversed Pless' convictions and sentence and remanded the case for a new trial. On 02/15/97, Pless was convicted of aggravated murder at retrial. On 02/26/97, Pless was sentenced to two concurrent terms of 30 years to life.

Poindexter, Dewaine

Summary of Crime: On 02/19/85, Poindexter murdered 18-year-old Kevin Flanaghan in the Cincinnati apartment of Poindexter's former girlfriend. Mr. Flanaghan was dating Poindexter's ex-girlfriend. Poindexter broke into the apartment, shot Mr. Flanaghan in the chest and pistol-whipped his girlfriend. Poindexter also shot at twice, but missed, a security guard who had seen Poindexter break into the apartment. Days before the murder, Poindexter, who was serving jail time for previously assaulting his girlfriend, confided in a fellow inmate that, upon his [Poindexter's] release, he was going to kill Mr. Flanaghan.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/01/85
Sentence.....06/10/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/24/86
Supreme Court Decision 03/23/88
U.S. Supreme Court Review.....10/17/88

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 07/26/89
Trial Court Decision.....10/23/89
Court of Appeals Decision.....03/06/91
Supreme Court Decision 08/07/91
U.S. Supreme Court Review.....06/27/94

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....12/01/92
Supreme Court Decision 10/27/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Beckwith)
Prisoner's Petition 03/10/94
Warden's Return of Writ.....05/03/94
Prisoner's Traverse.....08/01/94
Evidentiary Hearing .....
Decision 12/15/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 03/09/01
Prisoner's Brief 07/15/04
Warden's Brief 07/28/04
Oral Argument.....04/28/05
Decision 07/24/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/24/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/24/09

No capital proceeding pending.

NOTES

On 03/23/88, the Ohio Supreme Court affirmed Poindexter's conviction and death sentence on direct appeal. On 12/15/00, the district court granted Poindexter's petition for a writ of habeas corpus, vacated his conviction and death sentence based on ineffective assistance of counsel, and remanded to the state court for retrial. On 07/24/06, the 6th Circuit affirmed in part and reversed in part the district court's decision and remanded to the state court for resentencing. On 08/24/09, the trial court resentenced Poindexter to 46 years to life.

Post, Ronald

Summary of Crime: On 12/15/83, Post murdered 53-year-old Helen Vantz at the Slumber Inn in Elyria. Mrs. Vantz was the desk clerk at the hotel. Post shot Mrs. Vantz twice in the back of the head and stole various items, including a bank deposit bag of money and Mrs. Vantz's purse. Post confessed to Elyria police detectives.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....04/17/84
Sentence.....03/13/85

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....01/15/86
Supreme Court Decision 09/16/87
U.S. Supreme Court Review.....02/22/88

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/25/88
Trial Court Decision.....03/04/96
Court of Appeals Decision.....01/03/97
Supreme Court Decision 05/14/97
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Wells)
Prisoner's Petition 11/20/97
Warden's Return of Writ.....01/21/98
Prisoner's Traverse.....06/07/99
Evidentiary Hearing .....
Decision 05/23/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 08/07/03
Prisoner's Brief 10/08/08
Warden's Brief 10/06/08
Oral Argument.....06/15/10
Decision 09/13/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....02/18/11
Brief in Opposition 04/21/11
Decision or Certiorari Denial 05/23/11

STATUS

STATUS IN STATE COURTS AS OF 12/31/12

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/12

No capital proceeding pending.

NOTES

On 12/17/12, Governor Kasich commuted Post's death sentence to life imprisonment without the possibility of parole.

Powell, Tony

Summary of Crime: On 07/29/86, Powell murdered 7-year-old Trina Dukes in Cincinnati. Trina was playing in front of her house when Powell kidnapped her and took her to a vacant building. Powell attempted to rape Trina. When her grandfather ran into the building to rescue her, Powell threw Trina out of a fourth floor window, where she fell to her death.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....09/05/86
- Sentence.....01/27/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....08/17/88
- Supreme Court Decision 03/14/90
- U.S. Supreme Court Review.....10/01/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 06/06/91
- Trial Court Decision.....06/12/92
- Court of Appeals Decision.....08/11/93
- Supreme Court Decision 01/19/94
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....02/22/94
- Supreme Court Decision 08/03/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Weber)
- Prisoner's Petition 12/21/94
- Warden's Return of Writ.....04/10/95
- Prisoner's Traverse.....01/21/97
- Evidentiary Hearing .....
- Decision 06/15/98

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 09/08/98
- Prisoner's Brief 04/07/00
- Warden's Brief 04/05/00
- Oral Argument.....11/28/00
- Decision 05/07/03

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 11/16/04

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/16/04

No capital proceeding pending.

NOTES

On 03/14/90, the Ohio Supreme Court affirmed Powell's conviction and death sentence on direct appeal. On 06/15/98, the district court denied Powell's petition for a writ of habeas corpus. On 05/07/03, the 6th Circuit affirmed the district court's denial of Powell's petition for a writ of habeas corpus as to his conviction, but vacated his death sentence based on ineffective assistance of counsel and trial court error, and remanded to the state court for resentencing. On 11/16/04, the trial court resentenced Powell to 20 years to life.

No Death Sentence on Remand

Richey, Kenneth

Summary of Crime: On 06/30/86, Richey murdered 2-year-old Cynthia Collins in Columbus Grove. Richey had been babysitting Cynthia, who lived in the same apartment building as Richey's ex-girlfriend. Richey was angry at his ex-girlfriend and had threatened to burn the building. Richey pulled a smoke detector from the ceiling in Cynthia's apartment, spread gasoline and paint thinner in the apartment, ignited it and left Cynthia to burn to death.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/10/86
Sentence.....01/26/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/28/89
Supreme Court Decision 08/12/92
U.S. Supreme Court Review.....03/22/93

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/02/96
Trial Court Decision.....03/28/97
Court of Appeals Decision.....11/18/97
Supreme Court Decision 03/11/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....01/04/95
Supreme Court Decision 08/30/95

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gaughan)
Prisoner's Petition 06/19/98
Warden's Return of Writ.....05/26/00
Prisoner's Traverse.....08/08/00
Evidentiary Hearing .....
Decision 04/03/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 05/01/01
Prisoner's Brief 12/17/02
Warden's Brief 12/17/02
Oral Argument.....05/07/03
Decision 01/25/05

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....07/14/05
Brief in Opposition 09/02/05
Decision or Certiorari Denial 11/28/05

STATUS

STATUS IN STATE COURTS AS OF 01/07/08

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/07/08

No capital proceeding pending.

NOTES

On 08/12/92, the Ohio Supreme Court affirmed Richey's conviction and death sentence on direct appeal. On 04/03/01, the district court denied Richey's petition for a writ of habeas corpus. On 01/25/05, the 6th Circuit reversed the district court's decision, vacated Richey's conviction and death sentence based on sufficiency of the evidence and ineffective assistance of counsel, and remanded the case to the state court for retrial. On 11/28/05, the U.S. Supreme Court reversed the 6th Circuit's decision, and remanded the case back to the 6th Circuit for further consideration of Richey's ineffective assistance of counsel claim. On 08/10/07, the 6th Circuit reversed and remanded Richey's case to the district court on a conditional writ of habeas corpus. On 09/06/07, the district court granted the conditional writ and gave the State 90 days to retry Richey. On 01/07/08, Richey pled no contest to involuntary manslaughter, child endangering, and breaking and entering and was sentenced to time served.

Rogers, Billy

Summary of Crime: Rogers murdered 7-year-old Lisa Bates. Ms. Bates was reported missing on 11/14/81, prompting police to conduct an extensive search of the neighborhood. That evening, police obtained Rogers' consent to search his apartment. During that search Ms. Bates' body was discovered on the closet floor of Rogers' second-floor bedroom. Rogers was then arrested. Scientific examination of Ms. Bates' body and clothing revealed that she had been sexually molested and had died from strangulation.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....11/18/81
Sentence.....10/29/82

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 06/05/85
U.S. Supreme Court Review.....12/02/85

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 03/14/89

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 03/14/89

No capital proceeding pending.

NOTES

On 10/29/82, Rogers was convicted and sentenced to death. The 6th District Court of Appeals affirmed Roger's convictions and sentence, and the Ohio Supreme Court affirmed on 06/05/85. On 12/02/85, the U.S. Supreme Court vacated the Ohio Supreme Court's judgment and remanded the case for further consideration in light of a recent case of the U.S. Supreme Court. On 12/30/86, the Ohio Supreme Court reaffirmed Rogers' convictions and death sentence. On 08/12/87, the Ohio Supreme Court reconsidered its previous decision, reversed the convictions and sentence, and remanded for a new trial. In 1989, Rogers was again convicted, and he was sentenced to 30 years to life.

Scott, Jay (2)

Summary of Crime: On 05/07/83, Scott murdered Alexander Ralph Jones, a security guard, at a restaurant in Cleveland. Scott stuck a gun in Mr. Jones' ribs and demanded his gun. A struggle ensued and Scott shot Mr. Jones in the chest and in the left shoulder.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....05/17/83
Sentence.....10/24/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....12/09/88
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 06/19/89

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/19/89

No capital proceeding pending.

NOTES

Scott had two death sentences in Ohio. On 12/09/88, the 8th District Court of Appeals reversed Scott's death sentence on this case and remanded the case back to the trial court for resentencing to life imprisonment with parole eligibility after either 20 or 30 years. On 06/19/89, the trial court resentenced Scott to 30 years to life. (Note: On 06/14/01, Jay Scott was executed by lethal injection for his other death sentence.)

Seiber, Lee

Summary of Crime: On 05/21/85, Seiber murdered Stanton Norris by shooting him in the head at a bar in Columbus. Seiber made a lewd remark to a woman seated at the bar, resulting into two men exchanging words. This did not escalate into an argument or a fight, and they went their separate ways. Hours later, Seiber returned to the bar brandishing a handgun. He ordered two patrons to lay on the floor, whereupon he hit them repeatedly with the gun and threatened to kill them. Seiber then ordered Mr. Norris to lie down on the floor. When Mr. Norris refused, Seiber shot him in the back.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....06/13/85
- Sentence.....07/17/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....06/08/89
- Supreme Court Decision 12/05/90
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court .....
- Trial Court Decision.....
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/10/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/10/91

No capital proceeding pending.

NOTES

On 01/10/91, Governor Celeste commuted Seiber's death sentence to life imprisonment without the possibility of parole.

Smith, Raymond A.

Summary of Crime: On 01/19/94, Smith and two accomplices, Danny Smith and Stanley Jalowiec, murdered 30-year-old Ronald Lally in a Cleveland-area cemetery. Mr. Lally was a police informant who was scheduled to testify against Raymond and Danny Smith in a drug trafficking trial. On the morning of the trial, Raymond and Danny Smith, and Jalowiec shot Mr. Lally in the head, cut his throat, stomped him and ran him over with a car. The defendants bragged about the murder to their friends. Jalowiec also received a death sentence.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....03/08/95
Sentence.....01/05/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/25/98
Supreme Court Decision 01/05/00
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/24/97
Trial Court Decision.....06/29/98
Court of Appeals Decision.....03/16/00
Supreme Court Decision 07/19/00
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....08/02/01
Supreme Court Decision 05/01/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Wells)
Prisoner's Petition 10/11/01
Warden's Return of Writ.....01/03/02
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/25/08

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/25/08

No capital proceeding pending.

NOTES

On 01/05/00, the Ohio Supreme Court affirmed Smith's conviction and death sentence on direct appeal. On 10/11/01, Smith filed a petition for a writ of habeas corpus in the district court. On 01/22/02, the district court granted Smith's motion to stay the case pending completion of state court proceedings. On 12/19/06 and 01/16/07, the trial court held an *Atkins* hearing. On 04/25/08, the trial court granted Smith's *Atkins* successive postconviction petition finding him intellectually disabled, and resentenced Smith to life in prison without the possibility of parole.

Sneed, David

Summary of Crime: On 11/19/84, Sneed and an accomplice, Chevette Brown, murdered 26-year-old Herbert Rowan in Canton. Mr. Rowan agreed to give Sneed and Brown a ride when they approached his car. Sneed pulled a gun and demanded money. When Mr. Rowan refused, Sneed shot him through the temple. Sneed also ordered Brown to shoot Mr. Rowan in the back of the head.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment....02/04/85
- Sentence....08/07/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision....05/22/89
- Supreme Court Decision....02/12/92
- U.S. Supreme Court Review....03/22/93

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court....12/13/93
- Trial Court Decision....09/28/99
- Court of Appeals Decision....09/29/00
- Supreme Court Decision....02/07/01
- U.S. Supreme Court Review....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision....01/14/02
- Supreme Court Decision....09/25/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Gaughan)
- Prisoner's Petition....03/25/04
- Warden's Return of Writ....05/17/04
- Prisoner's Traverse....04/14/04
- Evidentiary Hearing....
- Decision....03/02/07

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal....03/21/07
- Prisoner's Brief....05/04/09
- Warden's Brief....05/07/09
- Oral Argument....10/15/09
- Decision....03/31/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition....08/04/10
- Brief in Opposition....09/23/10
- Decision or Certiorari Denial....11/01/10

STATUS

STATUS IN STATE COURTS AS OF 02/03/22

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/03/22

No capital proceeding pending.

NOTES

On 02/12/92, the Ohio Supreme Court affirmed Sneed's conviction and death sentence on direct appeal. On 03/02/07, the district court denied Sneed's petition for a writ of habeas corpus, and the 6th Circuit affirmed on 03/31/10. On 11/01/10, the U.S. Supreme Court denied Sneed's petition for a writ of certiorari. On 06/08/15, the Ohio Supreme Court set Sneed's execution date for 08/01/18. On 01/12/17, Sneed filed a successive habeas petition challenging his sentence under *Hurst v. Florida*, which the district court transferred to the 6th Circuit on 02/13/17. On 11/15/17, the 6th Circuit denied Sneed's motion to remand the case and denied his successive habeas petition. Sneed received reprieves on 09/01/17 until 12/09/20; and on 06/05/20 until 04/19/23. On 07/14/21, Sneed filed in the trial court a motion for relief from judgment based upon his serious mental illness; the State opposed on 08/03/21; Sneed replied on 08/27/21. On 01/31/22, Sneed made an oral motion to convert his motion for relief into a successive postconviction petition based upon SMI, and a hearing was held wherein the court found Sneed was seriously mentally ill pursuant to R.C. 2929.025. On 02/03/22, the trial court resentenced Sneed to life without the possibility of parole.

Soke, Theodore

Summary of Crime: On 05/17/95, Soke murdered 87-year-old Dorothy and her husband, 84-year-old Phillip Porter, at their home in Shaker Heights. Soke, along with two others, drove to Cleveland with the intent to burglarize a home and decided on the Porter residence after believing no one was home. During the burglary, Ms. Porter was stabbed, beaten, and strangled with an electric cord. Mr. Porter was stabbed twice in the back.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....03/22/91
Sentence.....05/15/92

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....07/17/95
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/21/95

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/21/95

No capital proceeding pending.

NOTES

On 05/05/92, Soke was convicted and sentenced to death. On 07/17/95, the 8th District Court of Appeals vacated Soke's death sentence and remanded the case to the trial court for resentencing. On 12/21/95, the trial court resentenced Soke to 30 years to life.

Spirko, John

Summary of Crime: On 08/09/82, Spirko murdered 48-year-old Betty Jane Mottinger in the village of Elgin. Ms. Mottinger was the postmaster at the post office Spirko robbed. After stealing money and stamps from the post office, Spirko kidnapped Ms. Mottinger and stabbed her 14 to 18 times in the chest and abdomen.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....09/13/83
Sentence.....09/10/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/06/89
Supreme Court Decision 04/10/91
U.S. Supreme Court Review.....10/15/91

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 06/29/92
Trial Court Decision.....02/26/93
Court of Appeals Decision.....04/29/93
Supreme Court Decision 10/20/93
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....11/15/93
Supreme Court Decision 06/08/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Carr)
Prisoner's Petition 03/31/95
Warden's Return of Writ.....06/28/95
Prisoner's Traverse.....05/30/00
Evidentiary Hearing .....
Decision 07/18/00

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/30/00
Prisoner's Brief 08/31/01
Warden's Brief 08/31/01
Oral Argument.....04/30/02
Decision 05/17/04

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....01/18/05
Brief in Opposition 02/23/05
Decision or Certiorari Denial 03/28/05

STATUS

STATUS IN STATE COURTS AS OF 01/09/08

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/09/08

No capital proceeding pending.

NOTES

On 01/09/08, Governor Strickland commuted Spirko's death sentence to life imprisonment without the possibility of parole.

Capital Sentence Commuted

Stallings, Michael

Summary of Crime: On 12/15/96, Stallings murdered 16-year-old Rolisha Shephard in an Akron apartment. Stallings and a juvenile accomplice, Donzell Lewis, planned to rob a drug dealer who was in an apartment that Ms. Shephard was also visiting. After the drug dealer refused to give him money or marijuana, Stallings shot Ms. Shephard, point-blank, in her chest, as she held her 14-month-old son in her arms. Stallings later admitted to the shooting.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/03/97
Sentence.....02/27/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/19/00
U.S. Supreme Court Review.....10/01/01

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/11/99
Trial Court Decision.....04/26/99
Court of Appeals Decision.....04/19/00
Supreme Court Decision 09/06/00
U.S. Supreme Court Review.....02/20/01

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 02/07/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge O'Malley)
Prisoner's Petition 03/11/05
Warden's Return of Writ.....08/01/05
Prisoner's Traverse.....11/04/05
Evidentiary Hearing 08/29/07
Decision 03/31/08

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/04/08
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/07/08

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/07/08

No capital proceeding pending.

NOTES

On 07/19/00, the Ohio Supreme Court affirmed Stallings' conviction and death sentence on direct appeal. On 03/11/05, Stallings filed a petition for a writ of habeas corpus in the district court. On 03/31/08, the district court granted Stallings habeas relief based on ineffective assistance of counsel at mitigation. On 04/04/08, the Warden filed a notice of appeal to the 6th Circuit, and Stallings cross-appealed on 04/30/08. The appeals were dismissed by agreement of the parties, and on 08/07/08, Stallings was resentenced to life without the possibility of parole plus 19 years.

Steffen, David

Summary of Crime: On 08/19/82, Steffen murdered 19-year-old Karen Range in her parents' home in Cincinnati. Ms. Range had allowed Steffen into the house to demonstrate the household cleaning product he was selling door-to-door. Steffen stuffed a cleaning rag into Ms. Range's mouth, repeatedly struck her in the face, slashed her throat three times with a kitchen knife, and stomped on her chest. Steffen later confessed to police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....09/02/82
- Sentence.....05/25/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....12/11/85
- Supreme Court Decision 06/24/87
- U.S. Supreme Court Review.....02/29/88

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 01/13/89
- Trial Court Decision.....07/18/90
- Court of Appeals Decision.....08/07/91
- Supreme Court Decision 01/15/92
- U.S. Supreme Court Review.....06/27/94

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....10/01/92
- Supreme Court Decision 11/17/93

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Frost)
- Prisoner's Petition 01/24/95
- Warden's Return of Writ.....06/20/95
- Prisoner's Traverse.....05/31/96
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/31/16

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/31/16

No capital proceeding pending.

NOTES

On 06/24/87, the Ohio Supreme Court affirmed Steffen's conviction and death sentence on direct appeal. On 01/24/95, Steffen filed a petition for a writ of habeas corpus in the district court. On 05/16/06, the district court stayed the case pending completion of state court proceedings. On 08/03/06, Steffen filed a motion for a new trial based on newly discovered DNA evidence. On 02/17/09, the trial court granted Steffen's motion for a new penalty phase trial. In 2012, 2013, and 2014, the trial court permitted the taking of witness depositions. On 05/09/13, Steffen filed a motion to preclude reconsideration of the death penalty, which the State opposed on 05/31/13. On 04/15/16, by agreement of the parties, the trial court resentenced Steffen to life without the possibility of parole plus 19 years.

Taylor, Rayvon

Summary of Crime: On or about 05/16/89, Taylor and an accomplice murdered Preston McKissick by bludgeoning him to death.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/31/89
Sentence.....11/14/89

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/10/91
Supreme Court Decision 05/26/93
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 11/03/93

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/03/93

No capital proceeding pending.

NOTES

On 11/14/89, Taylor was convicted and sentenced to death. On 10/10/91, the 8th District Court of Appeals affirmed Taylor's conviction and sentence. On 05/26/93, the Ohio Supreme Court vacated Taylor's death sentence and remanded to the trial court for resentencing. On 11/03/93, the trial court resentenced Taylor to 20 years to life.

Tenace, Troy M.

Summary of Crime: On 01/25/94, Tenace murdered 76-year-old Edward Kozlowski in Kozlowski's Toledo home. Tenace targeted Mr. Kozlowski because Mr. Kozlowski had agreed to have work done on his home. Tenace gagged, beat, robbed and strangled Mr. Kozlowski to death. Tenace admitted the attack on Mr. Kozlowski to his roommates and to the police.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....02/09/94
Sentence.....11/04/99

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....06/30/03
Supreme Court Decision 05/31/06
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 09/05/00
Trial Court Decision.....12/30/04
Court of Appeals Decision.....03/17/06
Supreme Court Decision 08/23/06
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....11/20/03
Supreme Court Decision 06/28/06

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 09/25/15

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 09/25/15

No capital proceeding pending.

NOTES

On 06/30/03, the 6th District Court of Appeals affirmed Tenace's conviction and death sentence on direct appeal. On 05/31/06, the Ohio Supreme Court affirmed Tenace's conviction, but vacated his death sentence based on re-weighing of the aggravating factors and mitigating circumstances, and remanded his case to the trial court for resentencing. Meanwhile, on 12/30/04, the trial court denied Tenace's postconviction petition which was affirmed by the 6th District Court of Appeals on 03/17/06. On 08/23/06, the Ohio Supreme Court denied Tenace's postconviction appeal. On 09/25/15, Tenace was resentenced to life with parole eligibility after 40 years.

Thomas, Joseph L.

Summary of Crime: In the early morning hours of 11/26/10, Thomas murdered 49-year-old Ann "Annie" McSween at or near her car near her place of employment, Mario's Lakeway Lounge in Mentor-on-the-Lake. Thomas beat Ms. McSween, causing bruising and broken bones to her face. Thomas stabbed her multiple times, raped her, strangled her and left her nearly naked body in a field. Thomas stole Ms. McSween's clothing, purse, and cell phone.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....10/11/11
Sentence.....10/25/12

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 10/04/17
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court 02/24/14
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS
(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION
(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 01/17/19
No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 01/17/19
No capital proceeding pending.

NOTES

On 10/25/12, Thomas was convicted and sentenced to death. On 10/04/17, the Ohio Supreme Court reversed Thomas' conviction and death sentence and remanded the case to the trial court for a new trial. During 2018, several pretrial motions and responses were filed in preparation for the ordered retrial. On 01/17/19, the State voluntarily dismissed the death penalty specifications which will prevent the imposition of the death penalty as a sentence upon retrial. On 07/26/19, Thomas was again convicted, and was sentenced to life without the possibility of parole plus 36 years.

Thomas, William A.

Summary of Crime: On 11/23/94, Thomas murdered his neighbor, 87-year-old Florence Newbirt, in her Toledo home. Ms. Newbirt occasionally hired Thomas to work around her house. Thomas broke into Ms. Newbirt's house and struck her in the face and head 15 to 20 times with a claw hammer. Thomas left the house with Ms. Newbirt's television set.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....12/30/94
Sentence.....12/04/95

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....06/30/99
Supreme Court Decision 12/11/02
U.S. Supreme Court Review.....06/09/03

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/17/97
Trial Court Decision.....07/14/97
Court of Appeals Decision.....01/05/01
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 11/12/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/12/09

No capital proceeding pending.

NOTES

On 12/11/02, the Ohio Supreme Court affirmed Thomas' conviction and death sentence on direct appeal. On 06/09/03, Thomas filed an *Atkins* successive postconviction petition in the trial court. On 08/03/06, the trial court granted an evidentiary hearing. On 11/12/09, Thomas was found intellectually disabled, and Thomas was resentenced to 40 years to life.

Thompson, Jeffrey

Summary of Crime: On 07/01/82, Thompson murdered Elizabeth Hendren at her home in Johnstown. Thompson went to Ms. Hendren's home with a cord and used it around Ms. Hendren's neck to strangle her to death. He then stole her vehicle and traveled to a relative's house in Columbus where he was arrested. During police questioning, Thompson admitted going to Ms. Hendren's home with the cord and stealing her car.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....07/14/82
- Sentence.....07/01/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....06/07/85
- Supreme Court Decision 10/07/87
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court .....
- Trial Court Decision.....
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/24/87

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/24/87

No capital proceeding pending.

NOTES

On 07/01/83, Thompson was convicted and sentenced to death. On 06/07/85, the 5th District Court of Appeals affirmed Thompson's convictions and sentence. On 10/07/87, the Ohio Supreme Court vacated Thompson's death sentence and remanded the case for resentencing. On 12/23/87, the trial court resentenced Thompson to 30 years to life.

No Death Sentence on Remand

Tibbetts, Raymond

Summary of Crime: On 11/05/97, Tibbetts murdered his wife, 42-year-old Judith Crawford and 67-year-old Fred Hicks at Mr. Hicks' home in Cincinnati. Mr. Hicks, who suffered from emphysema, had hired Ms. Crawford as a caretaker and had allowed her and Tibbetts to live with him. During an argument about Tibbetts' crack cocaine habit, Tibbetts cracked Ms. Crawford's head open with a baseball bat, which caused pieces of her brain to spill out, and stabbed her several times, leaving a knife stuck in her neck. Tibbetts then stabbed Mr. Hicks, who was connected to an oxygen tank, leaving two knives stuck in his chest, one knife in his back and a broken knife blade also stuck in his back. Tibbetts then fled to Covington, Kentucky in Mr. Hicks' car. Tibbetts received the death sentence for the aggravated murder of Mr. Hicks.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....11/12/97
Sentence.....08/27/98

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 07/05/01
U.S. Supreme Court Review.....02/19/02

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/22/99
Trial Court Decision.....03/22/00
Court of Appeals Decision.....03/30/01
Supreme Court Decision 09/05/01
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/05/01

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Dlott)
Prisoner's Petition 02/18/03
Warden's Return of Writ.....08/01/03
Prisoner's Traverse.....10/01/03
Evidentiary Hearing 09/20/04
Decision 03/29/06

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 04/26/06
Prisoner's Brief 03/26/09
Warden's Brief 06/15/09
Oral Argument.....06/15/10
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....06/22/11
Brief in Opposition 08/23/11
Decision or Certiorari Denial 10/03/11

STATUS

STATUS IN STATE COURTS AS OF 07/20/18

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 07/20/18

No capital proceeding pending.

NOTES

On 07/20/18, Governor Kasich commuted Tibbetts' death sentence to life imprisonment without the possibility of parole.

Tolliver, Charles

Summary of Crime: On 01/08/83, Sam Sims and Stanley Carlisle were found in a pool of blood on the first floor of a Cleveland residence. Both victims had been fatally shot in the head. While it was alleged that Charles Tolliver was the perpetrator, upon a retrial Tolliver was acquitted of the aggravated murder charges.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/03/85
Sentence.....04/21/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
Warden's Return of Writ.....
Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 12/09/88

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 12/09/88

No capital proceeding pending.

NOTES

On 04/21/86, Tolliver was convicted and sentenced to death. On 11/25/86, the trial court granted Tolliver a hearing on his motion for a new trial. On 07/01/88, the trial court found that the State's exercise of peremptory challenges denied Tolliver equal protection of the law and ordered him to be retried. On 11/17/88, the jury found Tolliver not guilty of the aggravated murder charges.

Tyler, Arthur

Summary of Crime: On 03/12/83, Tyler murdered 74-year-old Sander Leach in Cleveland. Mr. Leach sold produce from his van and was the target of an armed robbery, planned by Tyler and his accomplice, Leroy Head. With Head acting as the lookout, Tyler lured Mr. Leach into the back of the van, robbed him and shot him twice. Tyler later admitted to Head and another friend that he murdered Mr. Leach.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....03/21/83
- Sentence.....01/16/86

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....02/11/88
- Supreme Court Decision 03/28/90
- U.S. Supreme Court Review.....10/29/90

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 07/05/91
- Trial Court Decision.....11/20/96
- Court of Appeals Decision.....09/10/98
- Supreme Court Decision 01/20/99
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....06/14/94
- Supreme Court Decision 12/30/94

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Katz)
- Prisoner's Petition 06/11/99
- Warden's Return of Writ.....08/02/99
- Prisoner's Traverse.....06/06/01
- Evidentiary Hearing .....
- Decision 05/20/02

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 08/08/02
- Prisoner's Brief 09/07/04
- Warden's Brief 09/13/04
- Oral Argument.....04/27/05
- Decision 07/20/05

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....01/17/06
- Brief in Opposition 03/07/06
- Decision or Certiorari Denial 04/17/06

STATUS

STATUS IN STATE COURTS AS OF 04/30/14

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/30/14

No capital proceeding pending.

NOTES

On 04/30/14, Governor Kasich commuted Tyler's death sentence to life imprisonment without the possibility of parole.

Walker, Anthony

Summary of Crime: On 04/30/91, Walker and several accomplices carried out a planned robbery of a Cleveland home that resulted in the death of Derrick Harris. Walker was convicted of complicity in the murder, among other charges. The group targeted Mr. Harris' home, which was also occupied by Mr. Harris' mother and uncle. The break-in was part of a pattern engaged in by Walker and his accomplices in which planned robberies of persons involved in illegal activity who were not likely to report the attacks to the police. Mr. Harris was beaten and eventually shot. His mother was also shot but survived. Afterwards, the group returned to Walker's home where Walker divided the stolen money and other items.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/19/91
Sentence.....11/02/91

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....10/28/93
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
Prisoner's Petition .....
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Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 02/13/96

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/13/96

No capital proceeding pending.

NOTES

On 11/02/91, Walker was convicted and sentenced to death. On 10/28/93, the 8th District Court of Appeals vacated Walker's conviction and remanded the case for retrial. At retrial, Walker was convicted of attempted murder, aggravated burglary, aggravated robbery, and kidnapping. On 02/13/96, the trial court sentenced Walker to 33 years to life.

Watson, Kevin

Summary of Crime: On 06/03/87, Watson shot and killed Eli Mast by shooting him in the head at point blank range during a robbery of the Mast's New and Used Furniture Store in Hamilton. Watson entered the store carrying a twelve-gauge shotgun, ordered Mr. Mast to lie face down and ordered another individual to fill a gym bag with money. While the individual filled the gym bag with money, Watson shot Mr. Mast, pointed the gun at the other individual and threatened to kill her, and ran from the store.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....08/07/87
- Sentence.....11/12/87

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....03/31/89
- Supreme Court Decision 06/19/91
- U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court .....
- Trial Court Decision.....
- Court of Appeals Decision.....
- Supreme Court Decision .....
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
- Prisoner's Petition .....
- Warden's Return of Writ.....
- Prisoner's Traverse.....
- Evidentiary Hearing .....
- Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal .....
- Prisoner's Brief .....
- Warden's Brief .....
- Oral Argument.....
- Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 08/27/91

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 08/27/91

No capital proceeding pending.

NOTES

On 11/12/87, Watson was convicted and sentenced to death. On 03/31/89, the 12th District Court of Appeals affirmed Watson's convictions and sentence. On 06/19/91, the Ohio Supreme Court found Watson's death sentence was inappropriate and remanded the case to the trial court for the imposition of a life sentence. On 08/27/91, the trial court resentenced Watson to 30 years to life.

White, Clifton

Summary of Crime: On 12/24/95, White murdered 38-year-old Deborah Thorpe and 38-year-old Julie Schrey, and attempted to murder 19-year-old Michael Thorpe Jr. in Akron. Ms. Schrey was the mother of White's ex-girlfriend, who broke up with White because he was abusive. Deborah Thorpe was the mother of Michael Thorpe Jr., who was currently dating White's ex-girlfriend. When Ms. Thorpe and Ms. Schrey went to White's house to pick up his ex-girlfriend's belongings, White fatally shot them with deer slugs. White then went to his ex-girlfriend's workplace, tried to attack her, and shot Mr. Thorpe in the head when he intervened. White admitted to Akron police that he shot each victim. White received the death sentence for the aggravated murder of Ms. Thorpe.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/10/96
Sentence.....10/31/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 05/12/99
U.S. Supreme Court Review.....10/12/99

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 10/03/97
Trial Court Decision.....03/20/98
Court of Appeals Decision.....06/16/99
Supreme Court Decision 10/20/99
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Matia)
Prisoner's Petition 10/02/00
Warden's Return of Writ.....12/01/00
Prisoner's Traverse.....02/15/01
Evidentiary Hearing .....
Decision 07/10/03

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 07/23/03
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 05/12/08

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/12/08

No capital proceeding pending.

NOTES

On 05/12/99, the Ohio Supreme Court affirmed White's conviction and death sentence on direct appeal. On 07/10/03, the district court denied White's petition for a writ of habeas corpus. On 02/28/05, the trial court denied White's *Atkins* successive postconviction petition. On 12/30/05, the 9th District Court of Appeals affirmed. On 04/09/08, the Ohio Supreme Court reversed and remanded the case for resentencing because White met the criteria for intellectual disability under *Atkins*. On 05/12/08, White was resentenced to consecutive sentences of 6 years for the firearm specifications, 15 years to life for the murder of Ms. Schrey, 30 years to life for the murder of Ms. Thorpe, and 10 to 25 years for the attempted murder of Mr. Thorpe.

White, Maxwell

Summary of Crime: On 01/19/96, White murdered 27-year-old Ohio State Patrol Trooper James Gross on I-71. Trooper Gross pulled White's car over because White was driving erratically. White shot Trooper Gross as soon as Trooper Gross leaned toward the driver's side window. When Trooper Gross tried to run back to his cruiser, White fatally shot him in the back.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....01/25/96
Sentence.....07/10/96

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....09/24/96
Supreme Court Decision 05/20/98
U.S. Supreme Court Review.....12/14/98

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 05/05/97
Trial Court Decision.....08/18/97
Court of Appeals Decision.....08/07/98
Supreme Court Decision 12/23/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision 08/02/00

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Polster)
Prisoner's Petition 11/22/99
Warden's Return of Writ.....01/24/00
Prisoner's Traverse.....03/09/00
Evidentiary Hearing .....
Decision 12/18/01

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 01/15/02
Prisoner's Brief 03/14/05
Warden's Brief 03/09/05
Oral Argument.....03/24/05
Decision 12/07/05

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....07/20/06
Brief in Opposition 08/23/06
Decision or Certiorari Denial 11/13/06

STATUS

STATUS IN STATE COURTS AS OF 05/29/13

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/29/13

No capital proceeding pending.

NOTES

On 05/20/98, the Ohio Supreme Court affirmed White's conviction and death sentence on direct appeal. On 12/18/01, the district court denied White's petition for a writ of habeas corpus. On 12/07/05, the 6th Circuit reversed the district court's decision, vacated White's death sentence based on a biased-juror claim, and remanded to the state court for resentencing. On 12/29/06, the State moved for the scheduling of a new penalty hearing in the trial court. On 07/12/07, the trial court held ORC 2929.06, jury death penalty resentencing, unconstitutional. On 08/09/07, the trial court stayed the case for the State to pursue an appeal. On 08/03/09, the 5th District Court of Appeals reversed the trial court and remanded the case. On 06/14/12, the Ohio Supreme Court affirmed the decision of the court of appeals. On 12/21/12, White filed a petition for a writ of certiorari with the U.S. Supreme Court, which was denied on 03/04/13. On 05/29/13, by agreement of the parties, White was resentenced to 42.5 years to life.

Williams, Donald

Summary of Crime: On 12/24/82, James Earl Darby, acting on instructions from Williams, murdered 28-year-old Archie Moore in a vacant lot in Cleveland. Earlier that month, Mr. Moore had sent a gunman to rob Williams' girlfriend of money and drugs she was selling for Williams. Williams hired Darby to kill Mr. Moore, supplied Darby with the gun and paid him with money and drugs. Darby shot Mr. Moore in the head and then shot him four more times in the face after Mr. Moore had fallen to the ground.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
- Indictment.....04/26/84
- Sentence.....08/03/84

FIRST REVIEW OF TRIAL

(Direct Appeal)
- Court of Appeals Decision.....02/13/86
- Supreme Court Decision 09/14/88
- U.S. Supreme Court Review.....10/30/89

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
- Filed in Trial Court 11/03/89
- Trial Court Decision.....07/07/92
- Court of Appeals Decision.....11/24/93
- Supreme Court Decision 04/27/94
- U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
- Court of Appeals Decision.....08/10/92
- Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
- Prisoner's Petition 07/10/98
- Warden's Return of Writ.....09/04/98
- Prisoner's Traverse.....11/09/99
- Evidentiary Hearing .....
- Decision 03/31/04

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
- Notice of Appeal 04/23/04
- Prisoner's Brief 08/19/05
- Warden's Brief 08/19/05
- Oral Argument.....03/14/06
- Decision 08/28/06

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
- Certiorari Petition.....
- Brief in Opposition .....
- Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 06/16/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 06/16/09

No capital proceeding pending.

NOTES

On 09/14/88, the Ohio Supreme Court affirmed Williams' conviction and death sentence on direct appeal. On 03/31/04, the district court granted Williams' petition for a writ of habeas corpus, vacated his death sentence based on ineffective assistance of counsel, and remanded to the state court for resentencing. On 08/28/06, the 6th Circuit affirmed the district court's decision and remanded the case to the state court for resentencing. On 06/16/09, the trial court resentenced Williams to 30 years to life.

Williams, Shawn

Summary of Crime: On 12/10/95, Williams murdered his pregnant girlfriend, 17-year-old Catrise Gregory, in Toledo. Before Williams picked her up from work that night, Ms. Gregory told a co-worker that she planned to end her relationship with Williams and keep the baby. Williams raped Ms. Gregory, beat her, strangled her to death and left her body in the car. DNA testing concluded that the semen found in Ms. Gregory's body belonged to Williams.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/01/97
Sentence.....05/05/99

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 09/03/03
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge)
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Prisoner's Traverse.....
Evidentiary Hearing .....
Decision .....

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 02/11/05

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 02/11/05

No capital proceeding pending.

NOTES

On 09/03/03, the Ohio Supreme Court affirmed Williams' conviction on direct appeal, but vacated his death sentence based on prosecutorial misconduct and erroneous jury instructions, and remanded to the trial court for resentencing. On 09/22/04, the Ohio Supreme Court granted Williams' motion for reconsideration holding that the death penalty was not an option for resentencing on remand for offenses committed before 10/16/96 and remanded to the trial court for resentencing to a life sentence. On 02/11/05, the trial court resentenced Williams to 30 years to life.

Woodard, Eugene

Summary of Crime: On 06/20/90, Woodard murdered 19-year-old Mani Akram on a Cleveland street. Mr. Akram was the target of a carjacking planned by Woodard and his accomplices, John Woods, Curt Thompson and Gary Hill. Woodard opened Mr. Akram's car door and shot him once in the chest at point-blank range, then Thompson pulled Mr. Akram into the street and drove away in his car. Later on, in front of several people, Woodard claimed that he was entitled to the car stereo because he had shot Mr. Akram.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/03/90
Sentence.....11/28/90

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....04/23/92
Supreme Court Decision 12/23/93
U.S. Supreme Court Review.....06/27/94

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 01/18/95
Trial Court Decision.....12/09/96
Court of Appeals Decision.....01/22/98
Supreme Court Decision 04/29/98
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....09/18/01
Supreme Court Decision 09/25/02

FEDERAL COURTS

REQUEST FOR WRIT OF HABEAS CORPUS

(U.S. District Court: Judge Oliver)
Prisoner's Petition 12/09/98
Warden's Return of Writ.....01/28/99
Prisoner's Traverse.....03/04/99
Evidentiary Hearing 06/14/05
Decision 09/30/05

REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal 10/19/06
Prisoner's Brief 07/05/07
Warden's Brief 06/08/07
Oral Argument.....01/29/08
Decision 12/02/10

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 11/09/11

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/09/11

No capital proceeding pending.

NOTES

On 12/23/93, the Ohio Supreme Court affirmed Woodard's conviction and death sentence on direct appeal. On 12/09/98, Woodard filed a petition for a writ of habeas corpus in the district court. On 09/30/05, the district court granted Woodard's petition for a writ of habeas corpus, vacated his sentence based on ineffective assistance of counsel, and remanded to the state court for a new penalty phase trial. On 12/02/10, the 6th Circuit affirmed the district court's grant of Woodard's petition for a writ of habeas corpus and remanded the case to the district court to issue a conditional writ of habeas corpus directed to the state trial court for resentencing. On 11/09/11, the trial court resentenced Woodard to 23 years to life.

No Death Sentence on Remand

Yarbrough, Kevin

Summary of Crime: On 05/09/94, Yarbrough murdered 34-year-old Wilma Arnett on Dingman-Slagle Road in Sidney. Ms. Arnett was a police informant scheduled to testify against a drug dealer who, upon learning of Ms. Arnett's role, paid Yarbrough $10,000 to kill her. Yarbrough shot Ms. Arnett three times in the head and three times in the body.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....02/23/96
Sentence.....02/03/97

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....03/31/99
Supreme Court Decision 05/15/02
U.S. Supreme Court Review.....11/12/02

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/02/99
Trial Court Decision.....05/02/00
Court of Appeals Decision.....05/01/01
Supreme Court Decision 09/11/02
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

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Prisoner's Traverse.....
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Decision .....

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(U.S. 6th Circuit Court of Appeals)
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Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 04/06/07

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 04/06/07

No capital proceeding pending.

NOTES

On 05/15/02, the Ohio Supreme Court affirmed Yarbrough's conviction and death sentence on direct appeal. On 08/12/02, Yarbrough filed an *Atkins* successive postconviction petition in the trial court. On 10/19/06, the trial court held an evidentiary hearing. On 02/28/07, the trial court granted Yarbrough's *Atkins* petition holding that Yarbrough was intellectually disabled. On 04/06/07, the trial court resentenced Yarbrough to 30 years to life.

Yarbrough, Terrell

Summary of Crime: On 05/31/99, Yarbrough and an accomplice, Nathan Herring, murdered 20-year-old Aaron Land and 18-year-old Brian Muha, on a remote hillside location along Route 22 in Pennsylvania. Yarbrough and Herring broke into the victims' Steubenville home, beat them and drove them through Ohio, West Virginia and Pennsylvania in Mr. Muha's car. Yarbrough and Herring marched Mr. Land and Mr. Muha up a hill and shot them in the head at close range. Yarbrough admitted to a friend he made Mr. Land and Mr. Muha perform oral sex on each other before he killed them. Yarbrough later admitted the crimes to police. Herring received two life sentences without the possibility of parole for his participation in the aggravated murders.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....07/08/99
Sentence.....09/28/00

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....
Supreme Court Decision 12/01/04
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court 12/19/01
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

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Evidentiary Hearing .....
Decision .....

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Warden's Brief .....
Oral Argument.....
Decision .....

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(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 11/05/09

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/05/09

No capital proceeding pending.

NOTES

On 12/01/04, the Ohio Supreme Court reversed Yarbrough's conviction and death sentence on direct appeal based on lack of jurisdiction since the murders occurred in Pennsylvania. On 02/08/06, the Washington County District Attorney's Office announced they would retry Yarbrough in Pennsylvania and seek the death penalty. On 09/27/06, Yarbrough was arraigned in the Pennsylvania trial court. On 11/05/09, Yarbrough was sentenced to life in prison in Pennsylvania for two counts of first degree murder consecutive to 20 to 40 years for criminal conspiracy.

Young, Sharon Faye

Summary of Crime: On 06/12/83, Young murdered and robbed Elefterios ("Larry") Smyrlakis, a bar owner in Cincinnati. Young stole Mr. Smyrlakis' revolver that he hid near the cash register in his bar. Young then waited until Mr. Smyrlakis closed the bar whereupon Mr. Smyrlakis provided Young a ride in his vehicle. While in the vehicle, Young brandished the revolver and shot Mr. Smyrlakis in the back of the head. She was later arrested while driving Mr. Smyrlakis' vehicle and informed the arresting officer that "the gun" (Mr. Smyrlakis' revolver) was under the seat.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL

Indictment.....06/05/83
Sentence.....09/30/83

FIRST REVIEW OF TRIAL

(Direct Appeal)
Court of Appeals Decision.....05/14/86
Supreme Court Decision 07/30/86
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL

(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW

("Murnahan" Appeal)
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Supreme Court Decision .....

FEDERAL COURTS

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REVIEW OF HABEAS DECISION

(U.S. 6th Circuit Court of Appeals)
Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION

(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 05/26/87

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 05/26/87

No capital proceeding pending.

NOTES

On 09/30/83, Young was convicted and sentenced to death. On 05/14/86, the 1st District Court of Appeals reversed the convictions and sentence. On 05/05/87, Young was again convicted of aggravated murder. Young was sentenced to 30 years to life.

No Death Sentence on Remand

Zuranski, Joseph

Summary of Crime: On 03/15/84, Zuranski murdered William Brooks and Maurice Lambrix, Jr. during a drug transaction in the garage of a house in Seven Hills. Mr. Brooks suffered a single gunshot wound to the chest. Mr. Lambrix suffered two gunshot wounds and 37 lacerations to the head and back. After the victims' deaths, Zuranski loaded the bodies into Mr. Brooks vehicle and drove away from the scene.

PROCEDURAL HISTORIES

STATE COURTS

TRIAL
Indictment.....05/01/84
Sentence.....05/20/85

FIRST REVIEW OF TRIAL
(Direct Appeal)
Court of Appeals Decision.....12/11/86
Supreme Court Decision .....
U.S. Supreme Court Review.....

SECOND REVIEW OF TRIAL
(Post-Conviction Action)
Filed in Trial Court .....
Trial Court Decision.....
Court of Appeals Decision.....
Supreme Court Decision .....
U.S. Supreme Court Review.....

REVIEW OF FIRST TRIAL REVIEW
("Murnahan" Appeal)
Court of Appeals Decision.....
Supreme Court Decision .....

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Evidentiary Hearing .....
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Notice of Appeal .....
Prisoner's Brief .....
Warden's Brief .....
Oral Argument.....
Decision .....

REVIEW OF REVIEW OF HABEAS DECISION
(U.S. Supreme Court)
Certiorari Petition.....
Brief in Opposition .....
Decision or Certiorari Denial .....

STATUS

STATUS IN STATE COURTS AS OF 11/05/87

No capital proceeding pending.

STATUS IN FEDERAL COURTS AS OF 11/05/87

No capital proceeding pending.

NOTES

On 05/01/84, Zuranski was convicted and sentenced to death. On 12/11/86, the 8th District Court of Appeals vacated Zuranski's death sentence and remanded for a new sentencing hearing. On 11/05/87, the trial court resentenced Zuranski to 30 years to life.

No Death Sentence on Remand

Glossary

Abeyance • The delay of all further proceedings in a case, until another case or action is completed.

A.E.D.P.A. • The Anti-terrorism and Effective Death Penalty Act, a federal law passed in 1996 that changed generally the procedures used in a habeas corpus action, and made special rules for a habeas corpus action involving a sentence of death. See **Chapter 153** and **Habeas Corpus Action**.

Affidavit • A written statement made under oath in front of a witness, usually a notary or other official, and signed by the person making the statement.

Affirm • To uphold, or declare correct, the decision of a lower court.

Aggravated Murder • The purposeful killing of another human being with prior calculation and design, or the purposeful killing of another while committing other specified crimes such as rape, kidnapping, aggravated robbery, or aggravated burglary.

Aggravated Specification • The part of an indictment that sets forth the facts of the murder eligible for a death sentence. See **Aggravated Murder** and **Indictment**.

Amended Petition • A second or successive petition that alleges new or different claims. See **Motion to Amend** and **Postconviction Petition**.

Appeal • A proceeding in which a party to a case asks a higher court to review the decision of a lower court. See **Appellant** and **Appellee**.

Appellant • The person filing an appeal who claims that the lower court made a mistake.

Appellee • The person responding to an appeal who maintains that the lower court was correct.

***Atkins* Claim** • A claim that the execution of a particular inmate would violate the Eighth Amendment's ban on the infliction of cruel and unusual punishment because the particular inmate is mentally retarded. The claim is named after the 2002 U.S. Supreme Court decision in *Atkins v. Virginia*, in which the Court banned execution of all mentally retarded criminals.

Briefing Schedule • An order issued by the court setting forth deadlines by which the parties' briefs must be filed.

Capital Murder • An aggravated murder for which the defendant is eligible for the death penalty. See **Aggravated Murder** and **Aggravated Specification**.

Certificate of Appealability • The order of a federal court that allows a party in a habeas corpus action to appeal a decision by the U.S. District Court to the U.S. Court of Appeals. See **Appeal**, **Habeas Corpus Action**, **U.S. Circuit Court of Appeals** and **U.S. District Court**.

Certification of the Record • An appellate court's determination that the record on file with the court is the official record of all proceedings in the case.

Change of Venue • An order by a trial court that a case be heard in a different place. The most common reason for a change of venue is that there has been a large amount of publicity about the case that could affect the selection of the jury. See **Venue**.

Chapter 153 • A provision of the Anti-terrorism and Effective Death Penalty Act, which changed generally the procedures for a habeas corpus action. One important change includes a new rule that makes it more difficult for a habeas corpus petitioner to file a second habeas corpus action. See **A.E.D.P.A.**, **Chapter 154, Habeas Corpus Action,** and **Habeas Corpus Petitioner**.

Clear and Convincing Evidence • Evidence, having more than simply a greater weight than the evidence opposed to it, which produces a firm belief or conviction about the truth of the matter.

Clemency Hearing • A proceeding before the Ohio Parole Board in which an inmate's lawyers and family present evidence in support of an inmate's sentence being reduced to something less than death. The State of Ohio and family of the victim also provide evidence and information in support of carrying out the death sentence. See **Executive Clemency** and **Ohio Parole Board**.

Competency Hearing • A proceeding ordered by the court to determine whether a person is able to understand what is happening at his or her trial or appeal and to help in his or her own case.

Conclusions of Law • A court's statement of the legal principles it is applying to the case.

Consolidated Appeals • Two or more appeals involving the same case that the appellate court has decided should be considered at the same time.

Court of Appeals • The appellate court immediately below the Ohio Supreme Court. For capital murders committed before January 1, 1995, the court that hears the death-sentenced person's first appeal (direct appeal). See **Ohio Supreme Court.**

Cross-Appeal • An appeal filed by the appellee in a case who claims that the lower court erred to the harm of the appellee. See **Appeal**, **Appellant** and **Appellee**.

Cross-Motion • A motion filed by a party to a case who is also responding to a motion filed by the other party. See **Motion**.

Decision • A ruling by the court on the claim or claims of the parties. See **Final Appealable Order**.

Defendant • The person in a criminal case who is charged with committing a crime.

Delayed Appeal • An appeal filed by an appellant after the time for filing an appeal has passed. See **Appeal** and **Motion**.

Deposition • A preliminary proceeding in which a party may question, under oath, a witness or other person who may have information concerning the subject matter of a trial, habeas corpus action, or postconviction action. See **Discovery**, **Habeas Corpus Action**, **Postconviction Action** and **Subpoena**.

Direct Appeal • A proceeding in which a convicted person asks a higher court to overturn a conviction or sentence received at the trial court, based on alleged errors, which appear in the trial record. See **Appeal**.

Discovery • A preliminary investigation made by a party in connection with a trial, postconviction action or habeas corpus action. Also, the exchange of items by both parties that may be used as evidence in a trial. See **Affidavit**, **Deposition** and **Subpoena**.

Discretionary Appeal • An appeal to the Ohio Supreme Court in which the Ohio Supreme Court may refuse to consider the merits of an appellant's claims of error. See **Appellant**, **Mandatory Appeal,** and **Memorandum in Support of Jurisdiction**.

Docket • The court's official record of all cases heard by the court, which is maintained by the clerk of the court, and on which all actions by the court are recorded. See **Docket Entry** and **Journal Entry**.

Docket Entry • A notation on the court's docket which states that a particular action has been taken in a case. See **Docket** and **Journal Entry**.

Evidentiary Hearing • A proceeding in a postconviction or habeas corpus action in which the parties are permitted to present evidence concerning the claims of the petitioner. See **Habeas Corpus Action, Petitioner** and **Postconviction Action**.

Executive Clemency • Pursuant to ORC 2967.07, the Governor of the State of Ohio can grant executive clemency in the form of a pardon, commutation, or reprieve. The Ohio Parole Board is the bureau of the Adult Parole Authority assigned to process clemency requests. Executive Clemency can be granted upon a written application for clemency or per the Governor's direction to investigate and examine any case for the propriety of clemency. See **Clemency Hearing** and **Ohio Parole Board**.

Exhaustion • The completion of all steps in a direct appeal or postconviction appeal. See **Direct Appeal** and **Postconviction Appeal**.

Expansion of the Record • An order by a court in a habeas corpus action requiring documents and other written information to be added to the record that the court will consider in addressing a habeas corpus petitioner's claims. See **Habeas Corpus Action,** and **Habeas Corpus Petitione**r.

Ex Parte • A motion, order or judicial proceeding that is made by only one party, or granted by the court for the benefit of only one party, and without notice to the other party or the other party contesting.

Extension of Time • Additional time allowed by a court for a party to file a brief or take some other required action. See **Briefing Schedule**.

Extradition • The turning over of an alleged criminal, fugitive or prisoner by one state to another, or by one country to another.

Felony Murder Specification • An aggravated specification alleging that the defendant purposefully killed another person while committing other specified crimes such as rape, kidnapping, aggravated robbery or aggravated burglary. See **Aggravated Murder, Aggravated Specification** and **Capital Murder**.

Final Appealable Order • A decision by a court, which a party can immediately appeal to a higher court. See **Appeal** and **Decision**.

Final Brief • The final merit brief filed by each party in an appeal before the U.S. Circuit Court of Appeals. See **Appeal**, **Merit Brief**, **Proof Brief** and **U.S. Court of Appeals**.

Findings of Fact • A court's statement of the facts of the case based on the evidence presented to the court.

F.O.I.A. • The Freedom of Information Act, a federal law that requires that a federal government agency permit people to examine documents and other recorded information maintained by the agency.

Guilt Phase • The part of a capital murder trial in which the judges or jury decide whether the defendant has committed aggravated murder and an aggravated specification. See **Aggravated Murder, Aggravated Specification, Capital Murder, Mitigating Factor, Mitigation Phase,** and **Trial Phas**e.

Guilty Plea • A defendant's acknowledgment in open court that he or she committed an offense charged in the case, and that he or she is willing to give up the right to have the state prove the offense beyond a reasonable doubt.

Habeas Corpus Action • A civil lawsuit specifically permitted by federal law in which a defendant can challenge in federal court his or her state conviction or sentence based on alleged violations of the defendant's constitutional rights.

Habeas Corpus Appeal • An appeal in which a party asks for review by a higher court of a lower court's decision in a habeas corpus action. See **Habeas Corpus Action**.

Habeas Corpus Petition • A document filed with a federal district court to start a habeas corpus action. See **Habeas Corpus Action** and **Petition**.

Habeas Corpus Petitioner • A person who files a habeas corpus petition. See **Habeas Corpus Petition**.

Indictment • A written document which states the charges against the defendant.

Instanter • A Latin term which means immediately and without delay. It is used normally to refer to a document filed by a party beyond the deadline for filing set by a court. See **Briefing Deadline** and **Party**.

Intellectual Disability • For the purposes of Ohio capital cases, a person is intellectually disabled if they have: (1) intellectual-functioning deficits (indicated by an IQ score approximately two standard deviations below the mean—*i.e.*, a score of roughly 70 or lower when adjusted for the standard error of measurement), (2) significant adaptive deficits in any of the three adaptive-skill sets (conceptual, social, and practical), and (3) the onset of these deficits manifested while the person was a minor.

Joint Appendix • A document filed by a party in a habeas corpus appeal that includes copies of all documents referred to by the parties in their merit briefs. See **Appeal**, **Habeas Corpus Appeal**, **Merit Brief,** and **Party**.

Journal Entry • An official notation by a court which states that a particular action has been taken in a case. See **Docket** and **Docket Entry**.

Jurisdiction • The power and authority of a court to hear or determine a judicial proceeding.

Magistrate Judge • A subordinate judge who is permitted by federal law to conduct hearings and other proceedings in the U.S. District Court, but who is not appointed for life. See **U.S. Magistrate Judge**, **U.S. District Court,** and **U.S. District Judge**.

Mandamus • A proceeding in which a party asks a higher court to order a lower court to take a particular action. See **Petition**.

Mandatory Appeal • An appeal to the Ohio Supreme Court in which the Ohio Supreme Court must consider the merits of an appellant's claims of error. See **Appellant** and **Merit Brief**.

Merit Brief • The written arguments of a party to an appeal that address the claims of error. See **Appellant** and **Appellee**.

Memorandum in Opposition • A written argument filed by a party in a habeas corpus action that supports the party's opposition to a motion filed by an opposing party. See **Habeas Corpus Action** and **Motion**.

Memorandum in Support of Jurisdiction • The initial brief that must be submitted when a party files a discretionary appeal with the Ohio Supreme Court, and which contains an appellant's arguments as to why the court should consider the merits of the appellant's claims. See **Discretionary Appeal** and **Merit Brief**.

Mitigating Factor • In a capital murder case, anything about the crime or the history, character and background of the defendant that weighs against an aggravated specification, or any factor that weighs against an aggravated specification. See **Aggravated Murder**, **Aggravated Specification**, **Capital Murder**, **Guilt Phase**, **Mitigation Phase,** and **Trial Phase**.

Mitigation Phase • The part of a capital murder trial, held after a finding of guilty during the guilt phase, in which the judges or jury decide whether the defendant should be sentenced to death. In this part of the case, the jury, or a panel of three judges, weighs the aggravating circumstance as stated in the aggravated specification, against the mitigating factors shown by the evidence. See **Aggravated Murder**, **Aggravated Specification**, **Capital Murder**, **Guilt Phase**, **Mitigating Factor,** and **Trial Phase**.

Motion • A written request filed by a party in which the party asks the court to take a particular action.

Motion for Reconsideration • A party's written request that a court change its decision. See **Motion** and **Decision**.

Motion to Alter or Amend Judgment • A party's written request to a court to reconsider its judgment. See **Motion**.

Motion to Amend • A party's written request to a court to permit the allegation of new or additional claims or arguments. See **Amended Petition** and **Motion**.

Motion to Dismiss • A party's written request that a court decide against the other party and end the case. See **Motion**.

Motion to Enlarge Time • A party's written request to a court for additional time to file a brief or take some other required action. See **Briefing Schedule, Extension of Time,** and **Motion**.

Murnahan Appeal (Application to Reopen Direct Appeal) • An appellant's written request to an appellate court to reconsider the denial of the appellant's direct appeal based on a claim that the appellant's lawyer was professionally deficient. The request is named after the Ohio Supreme Court's decision in *State v. Murnahan*. See **Appellant** and **Direct Appeal.**

Next Friend Petition • A request by a person not a party to the case to bring a legal action on behalf of a party on the grounds that the party is unable to understand what is happening, or to bring an action on his or her own behalf. See **Competency Hearing** and **Petition**.

Notice of Appeal • A written document that must be filed, normally within a specified time, to start an appeal. See **Appeal** and **Delayed Appeal**.

Ohio Parole Board • Nine members who, by law, are required to evaluate every application for clemency and submit their findings and a recommendation to the Governor for final approval. See **Executive Clemency** and **Clemency Hearing**.

Ohio Supreme Court • The highest appellate court in Ohio. For capital murders committed after January 1, 1995, the court that hears the death-sentenced person's first appeal (direct appeal). See **Court of Appeals**.

Oral Argument • A hearing in which lawyers for the parties appear personally before a court to argue the merits of the case.

Order to Show Cause • A court's written direction to a party to take a particular action or to explain why a particular action has not been taken as previously directed by the court.

Party • Any person who starts an action or an appeal, or a person against whom an action or appeal is started. See **Appeal**, **Defendant**, **Habeas Corpus Action**, **Postconviction Action**, and **Respondent**.

Petition • A written request to a court that the court take a specific action or grant some specific relief.

Petitioner • A person who files a petition. In a habeas corpus action, the petitioner generally is a prisoner in state custody. See **Petition**.

Petition for Certiorari • A party's written request that the U.S. Supreme Court review the decision of a lower state or federal court. See **Petition** and **Petitioner**.

Petition to Vacate • See **Postconviction Petition.**

Pleading • Any document filed by a party that contains a party's claims or arguments. See **Petition, Merit Brief** and **Motion**.

Postconviction • A term normally used to refer to review by a court that occurs after a defendant's conviction and sentence. See **Postconviction Action** and **Postconviction Appeal**.

Postconviction Action • A civil lawsuit specifically permitted by Ohio law in which a defendant can challenge after trial his or her conviction or sentence based on alleged violations of the defendant's constitutional rights. See **Appeal, Petition, Postconviction, Postconviction Action, Postconviction Petition,** and **Postconviction Relief**.

Postconviction Appeal • An appeal in which a party asks for review by a higher court of a lower court's decision in a postconviction action. See **Appeal, Postconviction,** and **Postconviction Action**.

Postconviction Petition • A document filed with a trial court to start a postconviction action. Also called a petition to vacate. See **Petition, Postconviction, Postconviction Action,** and **Postconviction Relief**.

Postconviction Petitioner • A person who files a postconviction petition. See **Postconviction Petition**.

Postconviction Relief • The overturning by a trial court of a defendant's conviction or sentence, based on alleged legal errors that occurred outside the trial record. See **Appeal, Petition, Postconviction** and **Postconviction Petition**.

Procedural Default • A rule that generally prohibits a habeas corpus petitioner from making a claim in a habeas corpus action in federal court that was not made previously in state court. See **Habeas Corpus Action** and **Habeas Corpus Petitioner**.

Proof Brief • A preliminary merit brief, which a party is required to file in an appeal before the U.S. Circuit Court of Appeals. See **Appeal, Merit Brief** and **U.S. Circuit Court of Appeals**.

Proposed Findings of Facts and Conclusions of Law • Draft written statements of fact and law that may be submitted by either party or both parties at the request of a court. See **Findings of Fact** and **Conclusions of Law**.

Pro se • When an inmate files a motion or appears before a court on his own behalf without retaining a lawyer.

Record • The official written report of a trial, appeal, postconviction action, or habeas corpus action. See **Appeal**, **Habeas Corpus Action,** and **Postconviction Action**.

Recusal • A challenge to the authority of a judge or court to hear a case based on a claim that the court or judge is prejudiced or otherwise incompetent to render a decision.

Referendum • The submission of a law to a direct vote of the people.

Remand • A decision by a higher court to send a case back to a lower court.

Removal • Those instances where an inmate is permanently removed from death row due to a commutation, execution, death by natural cause, or because appellate review permanently altered the inmate's sentence.

Reply • A party's written response to the arguments or claims of an opposing party. See **Party**.

Report and Recommendation • A written opinion issued by a U.S. Magistrate Judge which contains his or her advice to the U.S. District Judge concerning any matter in a habeas corpus action. See **Habeas Corpus Action, U.S. District Court, U.S. District Judge,** and **U.S. Magistrate Judge**.

Respondent • The party in a habeas corpus or postconviction action who opposes the claims of the petitioner. Generally, the respondent is the State of Ohio or a state official such as the warden of a prison. See **Habeas Corpus Action**, **Habeas Corpus Petitioner**, **Postconviction Action,** and **Postconviction Petitioner.**

Retrial • A second trial of a defendant after reversal of the defendant's conviction by a higher court. See **Defendant** and **Reversal**.

Return of Writ • The respondent's answer to the claims of a petitioner in a habeas corpus action. See **Habeas Corpus Action**, **Habeas Corpus Petitioner** and **Respondent**.

Reversal • A decision by a higher court that a lower court's decision is mistaken. See **Decision** and **Retrial**.

Ripe • The point at which a case or issue is ready to be decided.

Rule XIX • The Ohio Supreme Court rule that applies to death penalty appeals. See **Appeal** and **Ohio Supreme Court**.

Rule 39 • The Ohio Supreme Court Superintendence Rule that requires trial courts to report the status of their pending death penalty postconviction cases to the Ohio Supreme Court on a monthly basis. See **Ohio Supreme Court** and **Postconviction**.

Rule 60(b) Motion • A written request by a party for relief from a court's judgment. Pursuant to Federal Rule of Civil Procedure 60(b), such a motion is proper if one of the six criteria set forth by the rule are met. See **Motion**.

Serious Mental Illness (SMI) • For purposes of capital cases, pursuant to R.C. 2929.025, a person has a serious mental illness if: a) the person has been diagnosed with schizophrenia, schizoaffective disorder, bipolar disorder, or delusional disorder ("diagnosis prong"), and b) at the time of the offense, the mental illness "significantly impaired the person's capacity to exercise rational judgment in relation to the person's conduct" with respect to either conforming their conduct to the requirements of the law or appreciating the nature, consequences, or wrongfulness of the person's conduct ("impairment prong").

State Issue 1 • Legislation that removed the Ohio Court of Appeals as the first court in which to file a death penalty direct appeal. Capital cases committed after January 1, 1995, are appealed directly to the Ohio Supreme Court. See **Direct Appeal, Court of Appeals** and **Ohio Supreme Court**.

Stay of Execution • The order of a court that an execution be postponed.

Stipulation • An agreement between the parties to a case. See **Party**.

***Sua Sponte* Order** • An order by a court issued on the court's own initiative and not at the request of a party. See **Party**.

Subpoena • A written order by a court that a person appear at a trial, deposition or evidentiary hearing. See **Deposition, Discovery,** and **Evidentiary Hearing**.

Successive Postconviction Petition • A document filed with a trial court to start a postconviction action. A successive postconviction petition refers to all additional postconviction petitions filed by an inmate after their initial postconviction action. See **Petition, Postconviction, Postconviction Action,** and **Postconviction Relief**.

Summary Judgment • A decision by a court in a postconviction action based on the written arguments of the parties. See **Party** and **Postconviction Action**.

Sur-Reply • The respondent's reply to the petitioner's traverse in a habeas corpus action. See **Habeas Corpus Action**, **Habeas Corpus Petitioner**, **Reply**, **Respondent,** and **Return** of **Writ**.

Transcript • The written recording of all proceedings in open court during a trial or evidentiary hearing. See **Evidentiary Hearing** and **Record**.

Transmission of the Record • The sending of the record of a trial, appeal, habeas corpus action or postconviction action from a lower court to a higher court. See **Appeal, Habeas Corpus Action, Habeas Corpus Appeal, Postconviction Action, Postconviction Appeal** and **Record**.

Traverse • The petitioner's reply to the respondent's answer in a habeas corpus action. See **Habeas Corpus Action, Habeas Corpus Petitioner, Reply, Respondent** and **Return of Writ**.

Trial Court • A court in which a defendant is or has been convicted and sentenced.

Trial Phase • The part of a capital murder trial in which the judges or jury decide whether the defendant has committed aggravated murder and an aggravated specification. See **Aggravated Murder, Aggravated Specification, Capital Murder, Mitigating Factor, Mitigation Phase** and **Trial Phase**.

U.S. Circuit Court of Appeals • The federal appellate court immediately below the U.S. Supreme Court. See **U.S. Supreme Court**.

U.S. District Court • A federal trial court immediately below a U.S. Circuit Court of Appeals. A habeas corpus action is filed in U.S. District Court. See **Habeas Corpus Action** and **U.S. Circuit Court of Appeals**.

U.S. District Judge • A federal judge appointed for life who presides in a U.S. District Court. See **U.S. District Court**.

U.S. Magistrate Judge • A subordinate judge who is permitted by federal law to conduct hearings and other proceedings in U.S. District Court, but who is not appointed for life. See **Magistrate Judge, U.S. District Court,** and **U.S. District Judge**.

U.S. Supreme Court • The highest appellate court in the United States.

Vacate • A decision by a higher court to set aside an order or decision by a lower court. See **Decision**.

Venue • The county in which a trial is held, and generally the county in which the crime is committed. See **Change of Venue.**

Writ of **Certiorari** • An order by the U.S. Supreme Court that a decision by a lower court will be reviewed. See **Decision** and **U.S. Supreme Court**.

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