

**United States District Court  
Southern District of Ohio**

**Joseph P. Kinneary U.S. Courthouse  
85 Marconi Boulevard  
Columbus, Ohio 43215**



**Peter C. Economus  
Judge**

**Telephone: (614) 719-3450  
Facsimile: (614) 719-3456**

June 7, 2012

The Honorable John Kasich  
Governor, State of Ohio  
Riffe Center, 30th Floor  
77 South High Street  
Columbus, OH 43215-6117

Cynthia Mausser, Chair  
Ohio Parole Board  
770 W. Broad Street  
Columbus, Ohio

Re: Clemency for John Jeffrey Eley, #A198441

Dear Governor Kasich and Chair Mausser:

I am writing to you today to express my views regarding the granting of clemency for John Eley, who is scheduled to be executed July 26, 2012. From 1982 to 1995, I was a duly elected judge on the Mahoning County Court of Common Pleas. I was appointed a United States District Judge for the Northern District of Ohio in 1995, and am currently a visiting Senior District Judge in the Southern District of Ohio.

In May 1987, I was assigned to the case of *State v. John Eley*, as one of the three judges to try the case after Mr. Eley waived his right to a jury trial. The other judges on the panel were Judge Jenkins and Judge Houser.

Vicki Werneke from the Office of the Federal Public Defender recently contacted me and informed me that a clemency hearing for Mr. Eley will be conducted on June 12, 2012. Ms. Werneke provided to me the clemency petition that her office submitted on Mr. Eley's behalf and a videotaped statement by Gary Van Brocklin, who prosecuted Mr. Eley. I have reviewed the materials and met with Ms. Werneke in my office the afternoon of June 6, 2012.

I have followed Mr. Eley's case for many years. In 1987, I agreed with my judicial colleagues to impose the death sentence for Mr. Eley because Mr. Eley's trial attorneys did not present any substantive mitigating evidence for us to consider when weighing the aggravating and mitigating circumstances. If I had been presented the additional mitigating evidence outlined in the clemency petition at the time of the trial, especially evidence of Mr. Eley's low intellectual functioning, his impoverished childhood, his significant alcohol and substance abuse, and his probable brain impairment, I would have voted for a sentence less than death.

It would be inappropriate for me to appear in person at the clemency hearing, but I feel it is the right thing for me to inform you that I believe clemency should be granted for Mr. Eley in this case. Frankly, I am surprised that his death sentence was not modified by the courts who have reviewed this case over the years.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter C. Economus". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Peter C. Economus