

GARY L. VAN BROCKLIN

ATTORNEY AT LAW

June 13, 2012

Cynthia Mausser, Chair
Ohio Parole Board
770 W. Broad Street
Columbus, Ohio 43222

Re: Clemency request for John Eley, #A198441

Dear Chairperson Mausser:

I was the duly elected Prosecuting Attorney for Mahoning County who personally prosecuted John Eley for aggravated murder in 1987. I understand that the video statement I provided to Mr. Eley's defense team on May 18, 2012, was played at the clemency hearing yesterday. I had hoped that I would be able to appear in person, but had to be in court.

Vicki Werneke informed me today that the representatives for the State of Ohio asserted that it was easy for me to now speak in favor of clemency for Mr. Eley. They are absolutely incorrect.

I spoke on behalf of Mr. Eley because it is the right thing to do. I am a staunch conservative and had no problem asking for the death penalty in a proper case. At the time I believed it to be the proper case. I had offered a very lenient plea to Mr. Eley, Manslaughter and a six-year recommendation for sentencing. He rejected this offer. At the time I was upset with Mr. Eley and proceeded to trial with a resulting death sentence.

Melvin Green planned the robbery and gave the gun to Mr. Eley. He was later acquitted of the murder. After this acquittal I have had many sleepless nights because of the death sentence given to Eley.

John Eley was not known to be as violent a criminal as compared to Melvin Green. It is my belief that Green was a false friend who induced John Eley to act on behalf of Green so that Green, who was known to the employees of the market, could avoid blame for this crime. Which is exactly what happened.

I was initially angry with John Eley because he decided not to testify against Green. Following Green's acquittal I realized what an affect he had on Eley as well as others who would seek to testify against him. John Eley deserves clemency that is why I am writing this letter. His crime was not the worst form of the offense.

I have held this opinion for over twenty-four years so when I was requested to speak on behalf of clemency I felt that I had a duty to do so.

Sincerely,

Gary L. Van Brocklin

Attorney-at-Law