



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

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## CAPITAL CRIMES ANNUAL REPORT STATE AND FEDERAL CASES 2010

*Released April 1, 2011*

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April 1, 2011

The Honorable John Kasich  
Governor of the State of Ohio  
Riffe Center, 30<sup>th</sup> Floor  
Columbus, OH 43215

The Honorable Thomas E. Niehaus  
President of the Ohio Senate  
Statehouse, 2<sup>nd</sup> Floor  
Columbus, OH 43215

The Honorable William G. Batchelder  
Speaker of the Ohio House of Representatives  
Riffe Center, 14<sup>th</sup> Floor  
Columbus, OH 43215

The Honorable Maureen O'Connor  
Chief Justice of the Ohio Supreme Court  
Ohio Judicial Center  
Columbus, OH 43215

Dear Governor Kasich, Speaker Batchelder, President Niehaus, and Chief Justice O'Connor,

The General Assembly requires the Ohio Attorney General to produce an annual report on capital punishment regarding individuals who have been sentenced to death since Oct. 19, 1981. The report for the 2010 calendar year follows. It was compiled by our Capital Crimes Unit using information provided from court records, county prosecutors, and the Department of Rehabilitation and Correction.

You will find this report considerably larger than prior ones. This is not due to a significant increase in the number of new death row inmates. Rather, this year's report includes more than 40 cases that were not published in prior reports.

The Capital Crimes Unit added these cases upon closer examination of the statute and to ensure compliance with the General Assembly's requirement to report information about every instance an individual has been sentenced to death row since Oct. 19, 1981, regardless of whether the individual's sentence of death was vacated or his or her conviction was overturned. These cases are of historical interest only, as they do not involve pending court review of the prisoners' convictions and sentences. Among the cases added are those of former death row inmates whose original convictions and death sentences occurred more than 20 years ago. Every effort has been made to obtain accurate information on these cases.

Very respectfully yours,



Mike DeWine  
Ohio Attorney General

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# **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 United States 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 United States Supreme Court found Ohio's death penalty statute unconstitutional once again in 1978. The Ohio General Assembly again adopted a new death penalty statute (R.C. 2929.04), which has remained in effect, with some modification, since October 19, 1981.

## **Procedural Changes to Death Penalty Appeals**

Revised Code 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 post-conviction death penalty appeals by setting new timelines for filing post-conviction petitions. Death row inmates must now file post-conviction petitions in the trial court within 180 days after the date the trial record is received by the Ohio Supreme Court on direct appeal. This new rule is set forth in Ohio Revised Code (R.C.) Section 2953.21. To further streamline post-conviction death penalty appeals, the Ohio Supreme Court instituted Superintendence Rule 39 on July 1, 1997. Superintendence Rule 39 established reporting requirements and a 180-day guideline for trial courts' disposition of post-conviction actions in death penalty cases.

On December 22, 2004, House Bill 184 became law, revising the procedures governing the re-sentencing of a person whose death sentence has been vacated on appeal. This Bill was passed in response to the Ohio Supreme Court's decision in *State v. Shawn Williams* (2004), 103 Ohio St. 3d 112. In *Williams*, the Court held that Ohio's re-sentencing statute applies only prospectively, meaning that any individual who was sentenced to death prior to October 16, 1996, could not be re-sentenced to death if his or her death sentence was vacated on appeal. House Bill 184 revised R.C. 2929.06 to allow the death sentence as a possible sentence for all inmates who have death sentences vacated

on appeal. The possible sentences upon re-sentencing are the same sentences that were in effect at the time the inmate was convicted and sentenced to death in the first instance.

## **Legislation Eliminates Electrocutation**

Former R.C. 2949.22 allowed inmates the option of choosing execution by electrocution or lethal injection. If no election were made as to the method of execution, the method would default to electrocution. At the request of the Director of the Department of Rehabilitation and Correction, Reginald Wilkinson, the Ohio Legislature drafted House Bill 362, eliminating electrocution as a method of execution in Ohio. On November 21, 2001, R.C. 2949.22 was enacted. This left lethal injection as the only current method of execution in Ohio.

## **National Ban on Execution of Mentally Retarded Individuals**

On June 20, 2002, the United States Supreme Court banned the execution of mentally retarded individuals. The U.S. Supreme Court left to the individual states the task of determining which offenders are indeed mentally retarded, as well as the methods for enforcing the constitutional restriction against execution of mentally retarded criminals. Ohio established its standards for determining mental retardation<sup>1</sup> in the Ohio Supreme Court's December 11, 2002, seminal decision in *State v. Lott* (2002) 97 Ohio St. 3d 303. More information is provided in the "*National Ban on Execution of Mentally Retarded Individuals*" section of this report.

## **DNA Testing Offered to Death Sentenced Inmates**

On July 30, 2003, Governor Robert Taft approved Senate Bill 11, which established a mechanism and procedure for the DNA testing of inmates under a sentence of death. Under the law (R.C. 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 Common Pleas Court that sentenced him or her to death. If the inmate met the criteria outlined in the law, the Common Pleas Court was required to order that DNA testing be conducted. If the results of the testing established, by clear and convincing evidence, that the inmate was innocent of

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<sup>1</sup> The Ohio Attorney General's Office uses the term "mental retardation" to comport with established legal precedent. However, the Ohio Attorney General acknowledges that the term "developmentally disabled" shows respect for the changing norms in that field, as acknowledged by the Ohio Legislature. See 2009 Ohio Senate Bill 79.

the capital specification that formed the basis of the inmate's death sentence, then the death row inmate could file a post-conviction petition in the trial court that issued the death sentence and request that the sentence be vacated. Inmates under sentence of death when the bill became effective on October 29, 2003, had one year to file an application for DNA testing in the Common Pleas Court. Lawmakers renewed the bill for an additional year in 2004. 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, post-conviction DNA analysis of crime-scene evidence. More information is provided in the "*DNA Testing*" section of this report.

## **Ohio Updates Execution Procedure to a One Drug Protocol**

In December 2009, Ohio became the first state to carry out a court-ordered execution by administering a lethal dose of a single drug, thiopental sodium. Ohio adopted its "one drug protocol" against a backdrop of ongoing lawsuits filed by condemned prisoners challenging on constitutional grounds Ohio's use of lethal injection as a method of execution. During 2010, Ohio executed 8 inmates using its "one drug protocol." As of December 31, 2010, 17 inmates had pending suits before the United States District Court for the Southern District of Ohio.

In February 2011, Ohio modified its "one drug protocol" by substituting the drug pentobarbital for thiopental sodium. The change was necessary because the sole U.S. maker of thiopental sodium discontinued making the drug.

# 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**

In order for a criminal defendant to be subjected to a Capital Trial (see below), the defendant must have been at least 18 years old 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 18 years old 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 by R.C. 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 13;
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 officer, 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 R.C. 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. Committed 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 his or her 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 Ohio Supreme Court - R.C. 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 shall contain the following information: the name of the person, 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 subsequently pleads guilty or no contest to any of the charges in the indictment or if any of the charges are dismissed, the clerk must then provide the Ohio Supreme Court with the following information: the name of the person, the docket number, and the sentence imposed on the offender

## **The Capital Trial – R.C. 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 R.C. 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 his views would “prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and oath.”

### **Guilt/Culpability Phase**

In order for the death penalty to be considered as a sentencing option, the state must first prove (during the guilt phase) beyond a reasonable doubt the elements of aggravated murder and one or more of the aggravating circumstances set forth in R.C. 2929.04(A)(1) – (A)(10). As in all criminal trials, if the criminal defendant is tried by a jury of his peers, its 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. 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 the relevant 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.

### **Sentencing/Mitigation Hearing – R.C. 2929.03 and 2929.04**

A defendant cannot be sentenced to death unless the jury or three-judge panel unanimously finds that one or more aggravating circumstances have been proven beyond a reasonable doubt and that the aggravating circumstance outweighs any mitigating factors beyond a reasonable doubt.

Pursuant to R.C. 2929.04(B)(1) – (B)(7), the following mitigating factors shall be considered and weighed<sup>2</sup> against any aggravating circumstance:

1. The nature and circumstances of the offense, and

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<sup>2</sup> Pursuant to Ohio case law, the individual jurors can assign as much weight or no weight to the factors raised by the defendant in mitigation as the jury determines is proper.

2. The history, character, and background of the offender and any of the following factors that were specifically asserted by the defendant during the mitigation phase:
  - ❖ The victim of the offense induced or facilitated it;
  - ❖ It is unlikely 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.

If the trial jury unanimously finds, by proof beyond a reasonable doubt, that any aggravating circumstance outweighs the mitigating factors, then the jury shall recommend a sentence of death. R.C. 2929.03(D)(2). If none of the aggravating circumstances individually 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 R.C. 2929.03(D)(2)(a):<sup>3</sup>

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

If the trial jury recommends a sentence of death, the court reviews the evidence, pursuant to R.C. 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 of death.

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<sup>3</sup> Prior to the amendment to R.C. 2929.03(D)(2), and for all capital offenses committed prior to 07/01/96, life options were 20 and 30 to life.

## **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 **post-conviction relief** in state court, a “**Murnahan**” **appeal** in state court, a petition for **habeas corpus relief** in federal court, and finally 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.

The date the murder occurred determines the appellate review. 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 of the Ohio Constitution in November 1994 (Senate Bill 4 enacted as R.C. 2929.05 and R.C. 2953.02), a person 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 United States Supreme Court to review the case. Pursuant to U.S. Supreme Court Rule 10, such discretionary appeals are granted only for “compelling reasons.” As such, the U.S. Supreme Court rarely grants reviews of this nature.

### **Post-Conviction Petition in State Court**

Pursuant to R.C. 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 changes to R.C. 2953.21, passed in 1995, a death row inmate must file for “post-conviction” review within 180 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 law, capital cases proceed on a “dual track” in state appellate review. In other words, at the same time the trial court is reviewing the post-conviction 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 "post-conviction appeal." Just as in a direct appeal, a death row inmate can ask the United States Supreme Court to review the Ohio Supreme Court's post-conviction appeal decision.

### **"Murnahan" Appeal in State Court**

All criminal defendants are constitutionally entitled to competent counsel, and accordingly many capital inmates may seek relief by alleging ineffective assistance of the attorney that handled the direct appeal of their sentence. When the claim of legal incompetence is made against the lawyer who defended the inmate at the original trial, the appeal may be raised as part of the direct appeal and/or post-conviction action. However, death row inmates may also seek relief by claiming the lawyers who represented them on direct appeal failed to represent them effectively. This type of proceeding is commonly referred to as a "Murnahan" appeal after a 1992 Ohio Supreme Court case that led to the establishment of the procedure and Appellate Rule 26(B). In all cases arising after the streamlining of appellate procedure in 1994, this "Murnahan" appeal is taken to the Ohio Supreme Court. A death row inmate can also ask the United States Supreme Court to review the Ohio Supreme Court's "Murnahan" appeal decision — another opportunity for a death row inmate to have his conviction and sentence reviewed by the nation's highest court.

### **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 United States District Court. This procedure is usually referred to as a *habeas corpus* action. A habeas action requests the federal courts to release the prisoner because significant constitutional error is alleged. 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), inmates completing state court direct review have one year to commence their habeas corpus action in 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 his 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 accordingly. Generally, the inmate's goal in filing a habeas corpus action is to convince the federal courts to order the State to provide a new trial or sentencing hearing.

### **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 decision can be appealed to the United States Court of Appeals for the Sixth Circuit, which hears all federal appeals for Ohio, Michigan, Kentucky, and Tennessee. Likewise, if the district court grants the death row inmate's request for a writ of habeas corpus, the Attorney General can appeal the decision to the United States Court of Appeals for the Sixth Circuit on behalf of the Warden.

### **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 United States 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 now receive permission from the Sixth Circuit Court of Appeals prior to the filing of a second habeas corpus petition in the district court.

If the inmate receives permission to file a second habeas petition in the district court, and the district court denies the petition, the inmate will typically appeal to the Sixth Circuit Court of Appeals and ultimately to the United States Supreme Court. As stated above, pursuant to Supreme Court Rule 10, such review is rarely granted.

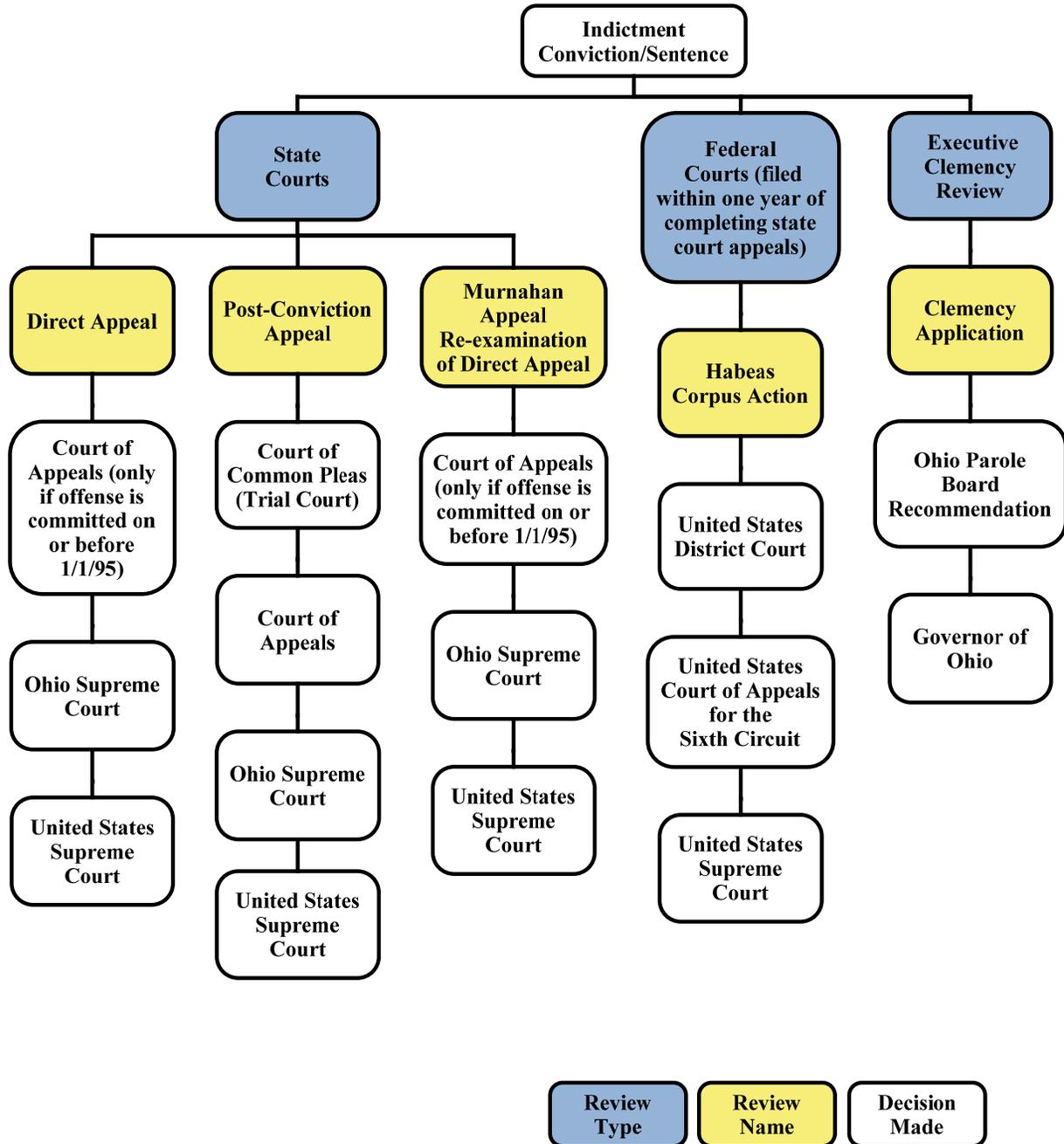
### **Executive Clemency Review**

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 such 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 process begins with a written request by the death row inmate. The State then submits a written response, which summarizes the offense for which the inmate received the death penalty. Next, the Parole Board holds a clemency hearing. The Parole Board carefully considers all material provided in support of and against clemency, including any statements provided by the family of the inmate or victim(s), and submits a written report and recommendation to the Governor. The Governor may then use this report to assist him in making the decision of whether to grant the death row inmate clemency.

# Flowchart: Overview of Death Penalty Appellate Process



# MENTAL RETARDATION CLAIMS

## National Ban on Execution of Mentally Retarded Individuals

On June 20, 2002, the United States Supreme Court banned the execution of mentally retarded<sup>4</sup> individuals. *Atkins v. Virginia* (2002), 536 U.S. 304. 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 mentally retarded criminals. The Court reasoned that the deficiencies of mentally retarded criminals do not warrant an exemption from criminal sanctions, but rather diminish personal culpability. The Court left to the individual states the task of determining which offenders indeed are mentally retarded, as well as the methods for enforcing the constitutional restriction against execution of mentally retarded criminals.

## Ohio’s Procedures for Assessing Mental Retardation Claims

Ohio’s procedure for determining mental retardation was established in *State v. Lott* (2002), 97 Ohio St.3d 303. 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 mental retardation claims was through post-conviction relief. Thus, capitally sentenced defendants in Ohio who contended they were mentally retarded 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 mentally retarded. With respect to determining which individuals are mentally retarded, the Court stated that definitions provided by the American Association of Mental Retardation (AAMR) and the American Psychiatric Association (APA) establish a standard

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<sup>4</sup> The Ohio Attorney General’s Office uses the term “mental retardation” to comport with established legal precedent. However, the Ohio Attorney General acknowledges that the term “developmentally disabled” shows respect for the changing norms in that field, as acknowledged by the Ohio Legislature. See 2009 Ohio Senate Bill 79.

for evaluating mental retardation. The AAMR and APA require:

- ❖ Significantly sub-average intellectual functioning;
- ❖ Significant limitations in two or more adaptive skills, such as communication, self-care, and self-direction; and
- ❖ 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 a defendant is not mentally retarded if his or her IQ is above 70.

In assessing the standards for mental retardation, the Ohio Supreme Court instructed trial courts to rely on mental health evaluations that have been conducted on the defendant and to consider expert testimony. The Court further ordered that the decision as to whether an individual is mentally retarded be made by the trial court rather than a jury and that inmates alleging mental retardation bear the burden of establishing mental retardation by a preponderance of the evidence.

## Mental Retardation Claims Pending in State Court in 2010

Inmate Name	County	Petition Filed	Status
Bedford, Daniel	Hamilton	08/11/10	On 10/18/10, the trial court denied Bedford's petition. On 11/04/10, Bedford filed a notice of appeal to the 1st District Court of Appeals.
Bies, Michael	Hamilton	05/02/03	In the last report, Bies' petition was pending before the trial court. On 06/18/10, the trial court granted Bies' <i>Atkins</i> claim, and Bies was sentenced to 30 years to life. Mental retardation claim no longer pending.
Hill, Genesis	Hamilton	10/21/09	On 07/19/10, the trial court denied Hill's <i>Atkins</i> petition. On 08/18/10, Hill filed a notice of appeal.
Jackson, Andre	Cuyahoga	05/09/03	Jackson's successive post-conviction petition is currently pending before the trial court.
Lorraine, Charles	Trumbull	06/09/03	On 03/01/10, the trial court denied Lorraine's successive post-conviction petition. Mental retardation claim no longer pending.
Spivey, Warren	Mahoning	12/20/02	Spivey's successive post-conviction petition is currently pending before the trial court.
Waddy, Warren	Franklin	05/30/03	On 11/25/09, the trial court denied Waddy's successive post-conviction petition. On 12/22/09, Waddy filed a notice of appeal. Waddy's successive post-conviction petition is currently pending before the 10th District Court of Appeals.

# DNA TESTING

## DNA Overview

Deoxyribonucleic Acid (DNA) molecules contain hereditary (genetic) information. DNA can be extracted from various cells in the human body, such as blood (white blood cells), skin, tissue, sperm, scrapings, bones, hair, or cells from vaginal and mouth 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) The structure of the DNA of a person is identical throughout the person's body; 3) DNA structure is constant from a person's conception through death; and 4) No two people (except identical twins) have the same DNA.

DNA evidence first appeared in a United States courtroom in 1986. Today, every U.S. jurisdiction now admits some type of DNA evidence, and DNA testing is widely accepted as scientifically reliable. As DNA evidence was unavailable at the time that many of Ohio's death row inmates were tried and convicted, the state and federal courts, the Ohio Legislature, and the 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 Ohio death row inmates may obtain a DNA test from the state.

Pursuant to the initiative, an inmate is eligible for DNA testing if he or she 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, death row inmates could request DNA testing by filing an application for DNA testing in the Common Pleas Court that sentenced them to death. The Common Pleas Court would then determine whether to reject the application for DNA testing, using the five criteria outlined in the Capital Justice Initiative section above.

If the application for DNA testing was accepted, and the results of the testing established, by clear and convincing evidence, actual innocence of the capital specification that forms the basis of the inmate's death sentence, the death row inmate could file a post-conviction petition in the court that imposed sentence and request that his or her 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 Common Pleas 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, Governor Taft approved Senate Bill 262, which permanently reinstated the law allowing certain inmates to apply for state-funded DNA analysis of evidence that could affirm their guilt or prove their innocence. Senate Bill 262 enacted a permanent measure allowing inmates to apply for state-paid, post-conviction DNA analysis of crime-scene evidence when the following are true:

- ❖ 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 eight death row inmates have made requests for DNA testing to state courts:

Adams, Stanley: Adams was convicted and sentenced to death for the 1999 aggravated murder of 43-year-old Esther Cook and her 12-year-old daughter, Ashley Cook. On October 28, 2004, Adams requested 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 Cook. Adams was also the source of semen found on the bed sheet where Ashley Cook's body was found. On December 29, 2004, the trial court denied Adams' request for DNA testing, noting Adams offered no explanation as to how further DNA testing would change the previous DNA results.

Allen, David Wayne: Allen was convicted and sentenced to death for the 1991 aggravated murder of 84-year-old Chloe English. On September 23, 2004, Allen filed an application for DNA testing in the trial court. Allen requested DNA testing 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 08/29/10, Allen filed a motion for leave to file a motion for a new trial based on the results.

Bonnell, Melvin: Bonnell was convicted and sentenced to death for the 1986 murder of 23-year-old Robert Bunner. On October 29, 2004, Bonnell filed a DNA 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 a joint motion for DNA testing in the trial court. On July 30, 2008, the trial court granted the joint motion for DNA testing. 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.

Davis, Roland: Davis was convicted and sentenced to death for the 2000 aggravated murder of 86-year-old Elizabeth Sheeler. On July 20, 2006, Davis filed a motion for DNA testing along with his amended post-conviction petition. On November 14, 2007, the trial court denied Davis' motion for DNA testing.

Durr, Darryl: Durr was convicted and sentenced to death for the 1988 aggravated murder of 16-year-old Angel O'Nan Vincent. 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: Gillard was convicted and sentenced to death for the 1985 murders of 22-year-old Denise Maxwell and 26-year-old Leroy Ensign. On September 25, 2007, the trial court granted Gillard's application for DNA testing. On 11/13/09, the trial court ordered the State to coordinate the transfer of items to be tested to the Bureau of Criminal Identification and Investigation. On 12/09/10, DNA testing was completed. Analysis of the results remains pending as of the date of publication of this report.

Noling, Tyrone: Noling was convicted and sentenced to death for the 1990 murders of Bearnhardt and Cora Hartig, both 81. On September 25, 2008, Noling filed a request for DNA testing in the trial court. On March 11, 2009, the trial court denied Noling's motion for DNA testing.

Spirko, John: Spirko was convicted and sentenced to death for the 1982 kidnapping and aggravated murder of 48-year-old Betty Jane Mottinger. On October 28, 2004, and November 16, 2004, Spirko filed an application for DNA testing in the trial court. On March 10, 2005, the trial court denied Spirko's request, concluding the DNA testing could not exonerate Spirko. (Note: On January 9, 2008, Governor Ted Strickland commuted Spirko's sentence to life in prison without the possibility of parole.)

## **Federal Court Ordered DNA Testing**

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

Benner, Glenn: Benner was convicted of the 1986 kidnapping, rape, and aggravated murder of 21-year-old Trina Bowser and 26-year-old Cynthia Sedgwick. 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: Broom was convicted of the 1985 kidnapping, rape, and aggravated murder of 14-year-old Tryna Middleton. At trial, Broom claimed that Ms. Middleton was a stranger to him and that he had no contact with her. However, semen samples removed from Ms. Middleton'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.

Coleman, Timothy: Coleman was convicted of the 1996 aggravated murder of 33-year-old Melinda Stevens. During Coleman's successive post-conviction 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 that was in the alley where Ms. Stevens' body was located and testing on Ms. Stevens' rape kit, underwear, and shorts. Coleman's DNA request alleged a specific individual committed the murder. The results excluded both Coleman and the individual Coleman alleged as a contributor of the genetic material recovered from the victim.

Cowans, Jesse: Cowans was convicted of the 1996 aggravated murder of 69-year-old Clara Swart, who was found murdered in her kitchen. Ms. Swart's body was 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.

Hartman, Brett: Hartman was convicted of the 1997 aggravated murder of 46-year-old Winda Snipes. At trial, Hartman claimed he had vaginal sexual intercourse with Ms. Snipes, but he denied that he had anally raped or killed her. Hartman was identified as the contributor of the semen found in both the vaginal and anal samples taken from Ms. Snipes.

Henderson, Jerome: Henderson was convicted and sentenced to death for the aggravated murder, aggravated burglary, and attempted rape of 26-year-old Mary Acoff. 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. The district court also ordered DNA testing on the blood and semen found on Henderson's coat. On February 5, 2003, the testing results were released. The results revealed that 1) the semen found in Ms. Acoff's vagina belonged to Ms. Acoff's boyfriend; 2) the semen found on Henderson's coat belonged to Henderson; and 3) Ms. Acoff was the source of blood found on Henderson's coat.

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

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

## **State Conducted DNA Testing**

The State of Ohio has conducted DNA testing in the following four cases, either at the request of the inmate or on its own accord.

Apanovitch, Anthony: Apanovitch was convicted of the 1984 rape and aggravated murder of 33-year-old Mary Ann Flynn. 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 Coroner of Cuyahoga County. Test results obtained in 2006 identified Apanovitch as the contributor of the sperm found inside of Ms. Flynn's mouth.

Campbell, Jerome: Campbell was convicted and sentenced to death for the 1989 aggravated murder and aggravated burglary of 78-year-old Henry Turner. 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), were tested prior to Campbell's 1989 capital 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 Attorney General agreed to complete DNA testing on the shoes, despite finding Campbell's request did not meet the five criteria of the initiative as outlined above. Specifically, the request did not meet the requirement that testing exonerate Campbell for two reasons. First, the DNA result does 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 victim. Second, the defense argued at trial that the blood on the shoes could have been Campbell's, and the prosecution conceded that it could not prove definitely that the blood was the victim's.

Nonetheless, DNA testing was conducted to resolve potential last-minute issues in a timely manner. DNA testing 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.)

Spirko, John: Spirko was convicted and sentenced to death for the 1982 kidnapping and aggravated murder of 48-year-old Betty Jane Mottinger. On October 31, 2005, Spirko requested testing from the 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. Thereafter, 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: Steffen was convicted and sentenced to death for the 1982 aggravated murder of 19-year-old Karen Range. Steffen insisted that he did not actually rape Ms. Range, although he killed her and thought about raping her. The 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 Coroner of Hamilton County. On February 3, 2006, the court and Steffen's counsel were informed that the results excluded Steffen as a contributor of the genetic material recovered from the victim.

# OVERVIEW OF ALL DEATH SENTENCES

Since 1981, Ohio has issued a total of 310 death sentences. Below is the breakdown of how many resulted in an execution, a commutation, remain pending, or have been removed.

## Executions (41)

As of 12/31/10, a total of 41 inmates have been executed under Ohio's current law. The following is each inmate's name and execution date.

1. Berry, Wilford (02/19/99)
2. Scott, Jay<sup>5</sup> (06/14/01)
3. Byrd, John (02/19/02)
4. Coleman, Alton<sup>6</sup> (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 (06/08/04)
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. William, 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, Marvalous (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)

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<sup>5</sup> Jay Scott received two death sentences. Although one was vacated, his other death sentence was unaffected.

<sup>6</sup> Alton Coleman received two death sentences. Although one was vacated, his other death sentence was unaffected.

### **Commutations (14)**

As of 12/31/10, a total of 14 inmates received a commutation of his death sentence to a sentence less than the death penalty.

1. Cornwell, Sidney (Commutated 11/15/10 by Governor Strickland)
2. Keith, Kevin A. (Commutated 09/02/10 by Governor Strickland)
3. Nields, Richard (Commutated 06/04/10 by Governor Strickland)
4. Hill, Jeffrey (Commutated 02/12/09 by Governor Strickland)
5. Spirko, John (Commutated 01/09/08 by Governor Strickland)
6. Campbell, Jerome (Commutated 06/26/03 by Governor Taft)
7. Seiber, Lee (Commutated 01/10/91 by Governor Celeste)
8. Maurer, Donald Lee (Commutated 01/10/91 by Governor Celeste)
9. Lampkin, Beatrice (Commutated 01/10/91 by Governor Celeste)
10. Jester, Willie Lee (Commutated 01/10/91 by Governor Celeste)
11. Jenkins, Leonard (Commutated 01/10/91 by Governor Celeste)
12. Green, Elizabeth (Commutated 01/10/91 by Governor Celeste)
13. Grant, Rosalie (Commutated 01/10/91 by Governor Celeste)
14. Brown, Debra (Commutated 01/10/91 by Governor Celeste)

### **Deceased Prior to Execution (20)**

As of 12/31/10, a total of 20 inmates died prior to imposition of the death penalty. This includes inmates who died of natural death and suicide.

- |                        |                      |
|------------------------|----------------------|
| 1. Taylor, James R.    | 11. Allard, Jerry    |
| 2. Clemons, Gerald     | 12. Gerish, John     |
| 3. Koliser, Martin     | 13. Dougherty, John  |
| 4. Bradley, William J. | 14. Simko, John, Jr. |
| 5. Hooks, Danny        | 15. Kidwell, Steven  |
| 6. Jordan, James       | 16. Myers, Kevin     |
| 7. Taylor, Michael     | 17. Davis, Raymond   |
| 8. Holloway, Allen     | 18. Carter, Lincoln  |
| 9. Hessler, Jerry F.   | 19. Mize, John       |
| 10. Reynolds, Gordon   | 20. Coffman, Terry   |

### **Ineligible for Death Sentence Based on Mental Retardation (8)**

As of 12/31/10, a total of 8 inmates were found ineligible for the death penalty due to mental retardation (aka “*Atkins*” claims).

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

### **Pending Re-sentencing (7)**

As of 12/31/10, a total of 7 death sentences were vacated and remanded to trial courts for re-sentencing, which could result in imposition of the death penalty again.

- |                    |                       |
|--------------------|-----------------------|
| 1. Tenace, Troy M. | 5. Johnson, Rayshawn  |
| 2. Steffen, David  | 6. Jells, Reginald    |
| 3. Mason, Maurice  | 7. Jackson, Nathaniel |
| 4. White, Maxwell  |                       |

### **Pending Re-trial (1)**

As of 12/31/10, there was 1 case pending retrial. Jason Dean's capital convictions and sentence were vacated, and his case has been remanded to the trial court for a new trial. Although the individual does not have a pending aggravated murder conviction, Ohio law (R.C. 109.97) requires the Attorney General to report any individual whose conviction and/or death sentence has been vacated on appeal.

### **Other Death Sentences Removed Based on Judicial Action (64)**

As of 12/31/10, 64 death sentences were removed as a result of some form of judicial action beyond the cases already mentioned. For more information, please see the "Case History Sheets" section of this report.

### **Active Death Sentences (155)**

As of 12/31/10, a total of 155 death sentences remained active, including those currently pending in state and federal court. In 2010, seven individuals received a death sentence and were added to death row.

- |                                 |                               |
|---------------------------------|-------------------------------|
| 1. Mammone, James (Stark)       | 5. Thompson, Ashford (Summit) |
| 2. Kirkland, Anthony (Hamilton) | 6. Pickens, Mark (Hamilton)   |
| 3. Jackson, Jeremiah (Cuyahoga) | 7. McKelton, Calvin (Butler)  |
| 4. Osle, Gregory (Butler)       |                               |

As of 02/14/11, nine death row inmates had scheduled execution dates.

1. Spisak, Frank (Cuyahoga) (Scheduled: 2/17/11)
2. Baston, Johnnie (Lucas) (Scheduled: 3/10/11)
3. Carter, Clarence (Hamilton) (Scheduled: 4/12/11)
4. Bedford, Daniel (Hamilton) (Scheduled: 5/17/11)
5. Hawkins, Shawn (Hamilton) (Scheduled: 6/14/11)
6. Smith, Kenneth (Butler) (Scheduled: 7/19/11)
7. Hartman, Brett (Summit) (Scheduled: 8/16/11)

As of 02/14/11, there were eight pending motions to set an execution date in the Ohio Supreme Court.

1. Lorraine, Charles (Trumbull) (Filed: 04/13/10)
2. Palmer, Donald (Belmont) (Filed: 05/07/10)
3. Bonnell, Melvin (Cuyahoga) (Filed: 05/14/10)
4. Brooks, Reginald (Cuyahoga) (Filed: 06/21/10)
5. Webb, Michael (Clermont) (Filed: 07/29/10)
6. Eley, John (Mahoning) (Filed: 01/10/11)
7. Awkal, Abdul (Cuyahoga) (Filed: 01/21/11)

# DEMOGRAPHICS

## Executed Inmates (41)

The following demographics are limited to the 41 death row inmates who have been executed under Ohio's current law.

### Age

Average Age at Execution: 43

### Race

16 African-Americans (39%)

25 Caucasian (61%)

### Sex

41 Males (100%)

0 Females (0%)

### Time on Death Row

Average Years: 15.32

## Victims of Executed Inmates (66)

The following demographics are limited to the victims of the 41 death row inmates who have been executed under Ohio's current law.

### Adulthood

49 Adults (79%)

13 Children (21%)

### Race

18 African-Americans (27.3%)

45 Caucasian (68.2%)

3 Middle-Eastern (4.5%)

### Sex

26 Males (39%)

40 Females (61%)

# CAPITAL SENTENCES ISSUED SINCE 1981

From 1981 until December 31, 2010, 306 individuals<sup>7</sup> received a death sentence in Ohio. The following details the name, county of origin, and date of every capital sentence in Ohio since 1981.

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	Hamilton	03/31/10
Mammone, James, III	Stark	01/26/10

2009 (1)		
Name	County	Sentence
Hersie Wesson	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, Clarence, Jr.	Summit	07/11/06
Dean, Jason B.	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

2003 (13)		
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, Robert, Jr.	Franklin	08/26/03
Roberts, Donna Marie	Trumbull	06/24/03
Hand, Gerald	Delaware	06/16/03
Were, James	Hamilton	06/06/03
Conway, James T. (1)	Franklin	02/27/03
Newton, Christopher J.	Richland	02/10/03
Turner, Michael R.	Franklin	01/03/03

<sup>7</sup> Although there were 310 death sentences, there were only 306 individuals involved. The following received two death sentences each: Donald Craig, Alton Coleman (executed), James Conway, and Jay Scott (executed).

2002 (8)		
Name	County	Sentence
Jackson, Nathaniel E.	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, Robert, Jr.	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	Hamilton	06/01/98
Hartman, Brett	Summit	05/27/98
Campbell, Alva	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

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, Jessie	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 (17)		
Name	County	Sentence
Bays, Richard	Greene	12/15/95
O'Neal, James Derrick	Hamilton	12/11/95
Thomas, William A.	Lucas	12/04/95
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	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, Harry D., Jr.	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
Heness, Warren	Franklin	01/24/94

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, John, Jr.	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

1993 (13)		
Name	County	Sentence
Bryant-Bey, Gregory L.	Lucas	12/22/93
Keene, Marvallow	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, Raymond, III	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

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

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

1989 (11)		
Name	County	Sentence
Spivey, Warren	Mahoning	11/20/89
Taylor, Rayvon	Cuyahoga	11/14/89
Palmer, Donald L.	Belmont	11/08/89
Chinn, Davel	Montgomery	09/01/89
Davis, Von Clark	Butler	08/07/89
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

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 (17)		
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
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

<b>1983 (13)</b>		
<b>Name</b>	<b>County</b>	<b>Sentence</b>
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, 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

<b>1982 (3)</b>		
<b>Name</b>	<b>County</b>	<b>Sentence</b>
Rogers, Billy	Lucas	10/29/82
Glenn, John	Portage	09/03/82
Jenkins, Leonard	Cuyahoga	04/16/82

## **CASE HISTORY SHEETS**

The following case history sheets provide information on every case that resulted in a death sentence in Ohio since 1981. This report is considerably larger than prior reports. This is not due to a significant increase in the number of new death row inmates, which in 2010 was 7. Rather, this is due to the General Assembly's requirement to report information about every instance an individual has been sentenced to death row since October 19, 1981, regardless of whether the individual's sentence of death was vacated or his or her conviction was overturned. This report includes over 40 cases that were not published in prior reports.

Among the added cases are former death row inmates whose original death sentence occurred over 20 years ago. Every effort has been made to obtain accurate information on these old cases, although the availability of certain records and conflicting information in others may cause corrections in subsequent reports.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/11/07                      Sentence ..... 10/30/08</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the 7th District Court of Appeals on Adams' direct appeal.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 10/30/08, Adams was sentenced to death. On 12/03/08, Adams filed a notice of appeal in the 7th District Court of Appeals. On 04/14/10, Adams filed his brief. On 11/12/10, the court granted the State's extension of time to file its brief on 02/03/11.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/16/00                      Sentence ..... 10/10/01</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 11/17/04                      U.S. Supreme Court Review ..... 05/16/05</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Katz)</b>                      Prisoner's Petition ..... 05/19/06                      State's Return of Writ ..... 07/18/06                      Prisoner's Traverse ..... 02/28/07                      Evidentiary Hearing.....                      Decision: ..... 04/24/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal ..... 05/22/07                      Prisoner's Final Brief ..... 08/06/08                      State's Final Brief ..... 08/05/08                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on the State's interlocutory appeal of the district court decision not to dismiss a lethal injection claim.

## 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 05/22/07, Adams filed notice of appeal to the 6th Circuit. On 08/05/08, the Warden filed its final brief. On 08/06/08, Adams filed his final brief. On 02/13/09, the 6th Circuit held the case in abeyance and remanded the case to the district court to factually develop whether Ohio's lethal injection procedure is constitutional. On 04/16/09, the Warden moved to dismiss the lethal injection claim. On 09/08/09, the district court denied the Warden's motion to dismiss the lethal injection claim. On 09/11/09, the Warden moved to certify for interlocutory appeal the district court's denial of the Warden's motion to dismiss. On 09/25/09, Adams filed his response in opposition. On 03/04/10, the district court partially granted the Warden's motion to certify the interlocutory appeal. On 10/19/10, the 6th Circuit Court of Appeals granted the Warden leave to appeal. On 12/20/10, the Warden filed his brief.

**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, Pakistan.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/07/99                      Sentence ..... 02/02/01</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 08/25/04                      U.S. Supreme Court Review ..... 03/28/05</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision ..... 03/02/05</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Watson)</b>                      Prisoner's Petition ..... 05/14/08                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 district court. On 08/15/08, the Warden filed a motion to dismiss procedurally defaulted claims. On 11/03/08, Ahmed filed a response. On 09/14/10, the district court adopted the magistrate judge's report and recommendations, recommending the denial of the Warden's motion to dismiss procedurally defaulted claims without prejudice. (Note: On 01/20/11, the Warden filed a return of writ.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 04/06/92                      Sentence ..... 02/22/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 04/12/95                      Supreme Court Decision ..... 05/22/96                      U.S. Supreme Court Review ..... 12/09/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 12/17/99                      Supreme Court Decision ..... 07/26/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Weber)</b>                      Prisoner's Petition ..... 01/20/99                      State's Return of Writ ..... 02/22/99                      Prisoner’s Traverse ..... 06/28/99                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 Lee Allard died of natural causes.

**Summary of Crime:** On or about 01/24/91, Allen murdered 84-year-old Chloe 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/22/91 Sentence ..... 07/15/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/09/93 Supreme Court Decision ..... 09/06/95 U.S. Supreme Court Review ..... 03/18/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 03/29/96 Supreme Court Decision ..... 12/18/96</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Matia)</b></p> <p>Prisoner's Petition ..... 05/05/99 State's Return of Writ ..... 01/10/00 Prisoner's Traverse ..... 05/12/00 Evidentiary Hearing..... Decision: ..... 10/03/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/11/02 Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the trial court on Allen's motion for a new trial.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's denial of Allen's petition for writ of habeas corpus, which is stayed pending state proceedings.

## NOTES

On 09/06/95, the Ohio Supreme Court affirmed Allen's conviction and death sentence on direct appeal. On 10/03/02, the federal 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 11/07/07, the Cuyahoga County Prosecutor provided the DNA test results. On 04/08/08, the trial court granted Allen's motion for additional DNA testing. On 10/14/08, Allen filed a motion to compel the court to submit the items for testing to the Ohio Innocence Program. The State and Allen have agreed to send items for DNA testing to Orchid Cellmark Lab. On 06/16/10, Allen filed a motion for a new trial. On 07/29/10, the State filed its response. On 08/29/10, Allen filed a motion for leave to file a motion for a new trial. On 08/24/10, the State filed its response.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 10/02/84 Sentence ..... 01/08/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/28/86 Supreme Court Decision ..... 10/07/87 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Adams)</b></p> <p>Prisoner's Petition ..... 11/01/91 State's Return of Writ ..... 02/28/92 Prisoner's Traverse .....</p> <p>Evidentiary Hearing..... Decision: ..... 07/28/93</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 01/26/94 Prisoner's Final Brief ..... 08/03/05 State's Final Brief ..... 08/10/05 Oral Argument..... 03/07/06 Decision ..... 10/19/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 10/07/87, the Ohio Supreme Court affirmed Apanovitch's conviction and death sentence on direct appeal. On 07/28/93, the federal district court denied Apanovitch's petition for a writ of habeas corpus. On 03/07/06, the 6th Circuit held oral argument. 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 Apanovitch's motion for DNA testing. On 09/17/08, both parties filed position statements on the DNA issue of chain of custody. On 10/08/08, the district court granted leave to Apanovitch to conduct discovery. On 02/26/09, the district court held an evidentiary hearing. On 08/14/09, the district court denied Apanovitch's petition for a writ of habeas corpus. On 10/30/09, Apanovitch filed a notice of appeal. On 08/04/10, Apanovitch filed his merits brief. On 10/13/10, the Warden filed his merits brief. On 11/16/10, Apanovitch filed his reply brief. On 12/27/10, the 6th Circuit scheduled oral argument for 02/28/11.

# Ashworth, Herman

Ashworth  
Licking County

**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	FEDERAL COURTS
<b><u>TRIAL</u></b> Indictment ..... 09/20/96 Sentence ..... 06/16/97	<b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Sargus)</b> Prisoner's Petition ..... 11/14/00 State's Return of Writ ..... 08/17/01 Prisoner's Traverse ..... 10/17/01 Evidentiary Hearing..... Decision: .....
<b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b> Court of Appeals Decision..... Supreme Court Decision ..... 03/24/99 U.S. Supreme Court Review ..... 10/04/99	<b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b> Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....
<b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b> 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.....	<b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b> Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....
<b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b> Court of Appeals Decision..... Supreme Court Decision.....	

## 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 Dale Ashworth was executed by lethal injection.

Days From Death Sentence to 09/27/05: 3025

Executed

**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-Aiz, at the Cuyahoga Domestic Relations Court. Awkal was angry at Mrs. Awkal and Mr. Abdul-Aiz because Mrs. Awkal had filed for divorce and custody of their 16-month-old daughter. Awkal chased Mrs. Awkal and Mr. Abdul-Aiz 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/09/92</p> <p>Sentence ..... 12/14/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/13/95</p> <p>Supreme Court Decision ..... 08/14/96</p> <p>U.S. Supreme Court Review ..... 01/21/97</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/20/96</p> <p>Trial Court Decision..... 09/02/97</p> <p>Court of Appeals Decision ..... 11/25/98</p> <p>Supreme Court Decision ..... 04/07/99</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Nugent)</b></p> <p>Prisoner's Petition ..... 03/24/00</p> <p>State's Return of Writ ..... 05/18/00</p> <p>Prisoner’s Traverse ..... 06/30/00</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 11/14/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 11/29/01</p> <p>Prisoner's Final Brief ..... 01/26/04</p> <p>State's Final Brief ..... 01/20/04</p> <p>Oral Argument..... 12/02/09</p> <p>Decision ..... 07/23/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the U.S. Supreme Court on Awkal’s petition for writ of certiorari.

## NOTES

On 08/14/96, the Ohio Supreme Court affirmed Awkal's conviction and death sentence on direct appeal. On 11/14/01, the federal district court denied Awkal's petition for writ of habeas corpus. On 03/02/04, Awkal filed a *pro se* motion to waive further appeals. On 06/25/04, the 6th Circuit remanded the case to the district court for a competency evaluation. On 03/04/05, the district court found Awkal incompetent to waive his appeals. On 03/08/06, the 6th Circuit again remanded the case to the district court for a competency evaluation. On 07/27/06, the district court found Awkal competent. On 08/22/07, the 6th Circuit reversed the district court and remanded for an updated competency determination. On 12/03/07, the district court found Awkal incompetent. On 03/16/09, the 6th Circuit reversed the district court's decision, vacated Awkal's conviction based on ineffective assistance of counsel during the guilt phase, and remanded to state court for retrial. On 07/29/09, the 6th Circuit granted the Warden's petition for en banc review. On 07/23/10, the 6th Circuit, en banc, affirmed the district court's decision denying Awkal's petition for a writ of habeas corpus. On 10/20/10, Awkal filed a petition for writ of certiorari in the U.S. Supreme Court. On 12/20/10, the Warden filed a response. (Note: On 01/18/11, the U.S. Supreme Court denied Awkal's petition for writ of certiorari.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/11/90 Sentence ..... 07/01/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/02/95 Supreme Court Decision ..... 08/07/96 U.S. Supreme Court Review ..... 01/06/97</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision ..... 10/21/99 Supreme Court Decision ..... 06/21/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Watson)</b></p> <p>Prisoner's Petition ..... 11/18/98 State's Return of Writ ..... 06/30/99 Prisoner's Traverse ..... 07/21/99 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 district court. On 05/11/01, the district court granted Ballew's motions to extend time to complete discovery. On 08/03/01, Ballew filed video affidavits and depositions. 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 08/24/07, the court issued a scheduling order. On 12/10/07 Ballew filed his final merit brief. On 01/09/08, the State filed its final merit brief. On 02/22/08, Ballew filed his final brief in reply.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/07/82                      Sentence ..... 02/09/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 02/15/85                      Supreme Court Decision ..... 08/06/86                      U.S. Supreme Court Review ..... 03/06/87</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 05/17/91                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 sentenced to death. On 08/06/86, the Ohio Supreme Court affirmed Barnes' convictions and sentence. On 05/17/91, Barnes was granted post-conviction relief and was re-sentenced to life imprisonment.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 02/10/03                      Sentence ..... 10/10/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 04/05/06                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**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 the robbery to the Columbus police.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/08/94 Sentence ..... 02/24/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/12/97 Supreme Court Decision ..... 05/12/99 U.S. Supreme Court Review ..... 12/06/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Carr)</b></p> <p>Prisoner's Petition ..... 03/22/02 State's Return of Writ ..... 05/31/02 Prisoner's Traverse ..... 09/03/02 Evidentiary Hearing..... Decision: ..... 09/12/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/14/03 Prisoner's Final Brief ..... 01/03/05 State's Final Brief ..... 12/27/04 Oral Argument..... 04/27/05 Decision ..... 08/25/05</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 03/15/06 Brief in Opposition ..... 04/18/06 Decision or Certiorari Denial ..... 05/22/06</p>

## 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 05/12/99, the Ohio Supreme Court affirmed Baston's conviction and death sentence on direct appeal. On 09/12/03, the federal district court denied Baston's petition for a writ of habeas corpus. On 08/25/05, the 6th Circuit affirmed the district court's decision denying Baston's petition for a writ of habeas corpus. On 05/22/06, the U.S. Supreme Court denied Baston's petition for a writ of certiorari. On 08/02/06, the Ohio Supreme Court denied the State's motion to set execution date. On 02/23/10, the State filed a motion in the Ohio Supreme Court to set an execution date. On 02/26/10, Baston filed a response. On 05/12/10, the Ohio Supreme Court set an execution date for 03/10/11.

**Summary of Crime:** On 11/15/93, Bays murdered 76-year-old wheelchair-bound Charles Weaver in Xenia. 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 cash and \$9 worth of food stamps. Bays confessed to Xenia police and discussed the crime with another inmate while in county jail.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/14/94 Sentence ..... 12/15/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 01/30/98 Supreme Court Decision ..... 10/13/99 U.S. Supreme Court Review ..... 04/24/00</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rose)</b></p> <p>Prisoner's Petition ..... 11/06/08 State's Return of Writ ..... 07/09/09 Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 writ of habeas corpus in federal district court. On 06/09/09, the district court partially granted the Warden's motion to dismiss procedurally defaulted claims. On 07/09/09, the Warden filed a return of writ. On 11/05/09, the district court partially granted discovery. On 09/03/10, the district court granted Bay's motion for an evidentiary hearing. On 10/04/10, the district court overruled the Warden's objections to the granting of an evidentiary hearing. On 10/07/10, the district court scheduled the evidentiary hearing for 01/20/11.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/17/84 Sentence ..... 11/09/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 10/08/86 Supreme Court Decision ..... 10/12/88 U.S. Supreme Court Review ..... 03/06/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision ..... 03/12/93 Supreme Court Decision ..... 11/24/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Smith)</b></p> <p>Prisoner's Petition ..... 06/26/92 State's Return of Writ ..... 03/03/95 Prisoner's Traverse ..... 10/17/95 Evidentiary Hearing ..... Decision: ..... 05/03/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal ..... 06/01/07 Prisoner's Final Brief ..... 06/27/08 State's Final Brief ..... 06/23/08 Oral Argument ..... 04/22/09 Decision ..... 06/04/09</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 01/15/10 Brief in Opposition ..... 03/08/10 Decision or Certiorari Denial ..... 04/05/10</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the 1st District Court of Appeals on Bedford's appeal of the trial court's denial of his *Atkins* petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 10/12/88, the Ohio Supreme Court affirmed Bedford's conviction and death sentence on direct appeal. On 05/03/07, the federal district court denied Bedford's petition for a writ of habeas corpus. On 06/04/09, the 6th Circuit affirmed the district court's decision. On 04/05/10, the U.S. Supreme Court denied Bedford's petition for a writ of certiorari. On 04/22/10, the State filed a motion in the Ohio Supreme Court to set an execution date. On 05/03/10, Bedford filed a response. On 08/16/10 and 11/16/10, Bedford filed notices of additional litigation. On 08/11/10, Bedford filed an *Atkins* petition in the state trial court. On 10/18/10, the trial court denied Bedford's petition. On 11/04/10, Bedford filed a notice of appeal to the 1st District Court of Appeals.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/10/93 Sentence ..... 06/15/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/05/94 Supreme Court Decision ..... 03/04/96 U.S. Supreme Court Review ..... 10/07/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Sargus)</b></p> <p>Prisoner's Petition ..... 11/16/98 State's Return of Writ ..... 01/12/99 Prisoner’s Traverse ..... 03/14/01 Evidentiary Hearing..... Decision: ..... 03/31/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 08/04/04 Prisoner's Final Brief ..... 12/21/05 State's Final Brief ..... 12/19/05 Oral Argument..... 06/01/06 Decision ..... 01/16/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 09/10/07 Brief in Opposition ..... 10/15/07 Decision or Certiorari Denial ..... 11/13/07</p>

## 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.

**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 1/2/86, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/21/86</p> <p>Sentence ..... 05/14/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 07/22/87</p> <p>Supreme Court Decision ..... 01/18/89</p> <p>U.S. Supreme Court Review ..... 04/16/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 11/21/90</p> <p>Trial Court Decision..... 08/16/96</p> <p>Court of Appeals Decision ..... 08/27/97</p> <p>Supreme Court Decision ..... 12/17/97</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 11/03/95</p> <p>Supreme Court Decision ..... 07/24/96</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gaughan)</b></p> <p>Prisoner's Petition ..... 03/24/98</p> <p>State's Return of Writ ..... 05/26/98</p> <p>Prisoner's Traverse ..... 07/15/98</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 11/19/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 12/19/03</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision..... 03/21/05</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 06/06/05</p> <p>Brief in Opposition ..... 07/13/05</p> <p>Decision or Certiorari Denial ..... 10/03/05</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/13/89                      Sentence ..... 08/13/90</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/21/93                      Supreme Court Decision ..... 06/28/95                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p>Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Marbley)</b>                      Prisoner's Petition ..... 02/19/98                      State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....                      Decision: ..... 11/19/98</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....                      Decision ..... 02/17/99</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial ..... 02/19/99</p>

## 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.

**Summary of Crime:** On 06/26/96, Bethel and his accomplice, fellow gang member Jeremy Chavis, murdered 18-year-old James Reynolds and Reynolds' girlfriend, 14-year-old Shannon K. Hawks, in a field in Franklin County. Bethel, a Crips gang member, suspected Reynolds was to testify against Tyrone Green, a fellow Crip, in connection with a prior murder. Bethel and Chavis lured Reynolds and 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 Hawks four times and 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/16/00                      Sentence ..... 08/26/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 10/04/06                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 08/29/07</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Barrett)</b>                      Prisoner's Petition ..... 08/25/10                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Bethel's memorandum in support of jurisdiction regarding the denial of his request for a new trial
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus, which is stayed pending state court proceedings.

## NOTES

On 10/04/06, the Ohio Supreme Court affirmed Bethel's conviction and death sentence on direct appeal. On 08/31/07, the trial court denied Bethel's post-conviction petition. On 06/05/08, the 10th District Court of Appeals affirmed the trial court's decision. On 08/26/09, the Ohio Supreme Court declined jurisdiction and dismissed the appeal. On 09/03/09, the trial court denied Bethel's delayed motion for a new trial. On 08/17/10, the 10th District Court of Appeals affirmed the trial court's denial of Bethel's request for a new trial. On 08/25/10, Bethel filed a petition for writ of habeas corpus in federal district court. On 09/02/10, the district court granted Bethel's motion for stay and abeyance of the federal proceedings to allow Bethel an opportunity to exhaust issues in state court. On 10/01/10, Bethel filed a notice of appeal and memorandum in support of jurisdiction in the Ohio Supreme Court regarding the denial of his request for a new trial. On 10/25/10, the State filed its response.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/05/83                      Sentence ..... 10/25/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 03/26/86                      Supreme Court Decision ..... 07/20/88                      U.S. Supreme Court Review ..... 03/06/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision ..... 12/01/92                      Supreme Court Decision ..... 11/17/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Graham)</b>                      Prisoner's Petition ..... 06/18/92                      State's Return of Writ ..... 12/16/94                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: ..... 10/19/95</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 01/12/96                      Prisoner's Final Brief ..... 09/25/06                      State's Final Brief ..... 09/20/06                      Oral Argument ..... 03/14/07                      Decision ..... 08/13/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 02/27/09                      Brief in Opposition ..... 05/11/09                      Decision or Certiorari Denial ..... 06/15/09</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/05/92</p> <p>Sentence ..... 10/30/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 03/30/94</p> <p>Supreme Court Decision ..... 01/17/96</p> <p>U.S. Supreme Court Review ..... 06/03/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/20/96</p> <p>Trial Court Decision..... 02/13/98</p> <p>Court of Appeals Decision ..... 06/30/99</p> <p>Supreme Court Decision ..... 11/10/99</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 12/04/96</p> <p>Supreme Court Decision ..... 07/16/97</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Dlott)</b></p> <p>Prisoner's Petition ..... 08/21/00</p> <p>State's Return of Writ ..... 07/13/01</p> <p>Prisoner’s Traverse ..... </p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 03/01/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 03/22/06</p> <p>Prisoner's Final Brief ..... 10/25/06</p> <p>State's Final Brief ..... 10/24/06</p> <p>Oral Argument..... 10/31/07</p> <p>Decision ..... 02/27/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 11/03/08</p> <p>Brief in Opposition ..... 12/05/08</p> <p>Decision or Certiorari Denial ..... 06/01/09</p>

## 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 writ of habeas corpus based on a claim that the Double Jeopardy Clause bars retrying the issue of whether Bies is mentally retarded. 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 to the 6th Circuit. On 10/02/09, the 6th Circuit remanded to the district court. On 10/14/09, the district court stayed the case pending final resolution of Bies' *Atkins* post-conviction petition in state court. Meanwhile, on 05/02/03, Bies filed a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 06/18/10, the trial court granted Bies' *Atkins* claim, and Bies was sentenced to 30 years to life.

**Summary of Crime:** On 2/7/91, Biros murdered 22-year-old Tami Engstrom in Brookfield Township. Mrs. Engstrom had met Biros that night at the Nickelodeon Lounge in Masury. Biros stabbed and beat Mrs. Engstrom 91 times in an attempt at sexual mutilation and then strangled her to death. Biros also stole Mrs. Engstrom's diamond ring. Biros later showed police where he had hidden Mrs. Engstrom's severed, nude body in Pennsylvania.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/14/91 Sentence ..... 10/29/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 01/02/96 Supreme Court Decision ..... 05/14/97 U.S. Supreme Court Review ..... 12/01/97</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 12/27/00 Supreme Court Decision ..... 09/26/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Polster)</b></p> <p>Prisoner's Petition ..... 09/14/00 State's Return of Writ ..... 11/13/00 Prisoner's Traverse ..... 02/26/01 Evidentiary Hearing..... Decision: ..... 12/13/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 01/07/03 Prisoner's Final Brief ..... 09/22/04 State's Final Brief ..... 09/22/04 Oral Argument ..... 02/01/05 Decision ..... 09/09/05</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 06/05/06 Brief in Opposition ..... 07/07/06 Decision or Certiorari Denial ..... 10/02/06</p>

## 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.

**Summary of Crime:** On 11/28/86, 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 12/30/87</p> <p>Sentence ..... 05/25/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 10/05/89</p> <p>Supreme Court Decision ..... 07/24/91</p> <p>U.S. Supreme Court Review ..... 02/24/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 03/16/95</p> <p>Trial Court Decision..... 10/16/95</p> <p>Court of Appeals Decision ..... 09/08/98</p> <p>Supreme Court Decision ..... 01/20/99</p> <p>U.S. Supreme Court Review ..... 10/04/99</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 05/06/94</p> <p>Supreme Court Decision ..... 12/20/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Katz)</b></p> <p>Prisoner's Petition ..... 03/01/00</p> <p>State's Return of Writ ..... 01/29/01</p> <p>Prisoner's Traverse ..... 03/30/01</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 02/04/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 03/02/04</p> <p>Prisoner's Final Brief ..... 03/06/06</p> <p>State's Final Brief ..... 03/06/06</p> <p>Oral Argument..... 11/02/06</p> <p>Decision ..... 01/08/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 08/29/07</p> <p>Brief in Opposition ..... 11/05/07</p> <p>Decision or Certiorari Denial ..... 12/03/07</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 07/24/91, the Ohio Supreme Court affirmed Bonnell's conviction and death sentence on direct appeal. On 02/04/04, the federal district court denied Bonnell's petition for a writ of habeas corpus. On 01/08/07, the 6th Circuit affirmed the district court's decision. On 12/03/07, the U.S. Supreme Court denied Bonnell's petition for a writ of certiorari. On 02/06/08, Bonnell filed an application for DNA testing in the trial court. On 07/28/08, a joint motion for DNA testing was filed in the trial court. On 07/30/08, the trial court granted the joint motion for DNA testing. On 07/06/09, 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. On 05/14/10, the State filed a motion in the Ohio Supreme Court to set an execution date. On 5/21/10, Bonnell filed with the trial court a motion for re-sentencing and for the issuance of a final appealable order. (Note: On 1/3/11, the trial court denied the motion. On 2/2/11, Bonnell filed a notice of appeal to the Ohio Court of Appeals.)

**Summary of Crime:** On 08/03/98, Braden murdered his girlfriend, 43-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 of Ms. Roberts and Mr. Heimlich. Braden shot Ms. Roberts in the back of the head and shot Mr. Heimlich in the chest, eye, neck, and shoulder.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 08/13/98                      Sentence ..... 06/14/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 04/02/03                      U.S. Supreme Court Review ..... 10/06/03</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Sargus)</b>                      Prisoner's Petition ..... 08/31/04                      State's Return of Writ ..... 09/25/09                      Prisoner's Traverse ..... 10/26/09                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 03/30/06, the district court partially granted the Warden's motion to dismiss procedurally defaulted claims and granted Braden's motion to file a sur-reply. On 04/27/06, Braden filed a motion for discovery. On 05/26/06, the Warden filed a memorandum in opposition. On 06/09/06, Braden filed a reply. On 03/30/07, the district court partially granted Braden's motion for discovery. On 03/24/08, Braden filed a motion for an evidentiary hearing. On 04/14/08, the Warden filed a memorandum in opposition. On 04/25/08, Braden filed a reply. On 03/31/09, the district court denied Braden's motion for an evidentiary hearing. On 09/25/09, the Warden filed a return of writ. On 10/26/09, Braden filed his traverse. On 11/06/09, the Warden filed a motion for leave to file a sur-reply. On 11/06/09, Braden filed his response in opposition. On 09/21/10, the district court denied, without prejudice, the Warden's motion to file a sur-reply.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/10/84 Sentence ..... 06/03/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/22/87 Supreme Court Decision ..... 05/10/89 U.S. Supreme Court Review ..... 06/25/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 08/30/00 Supreme Court Decision ..... 06/06/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Marbley)</b></p> <p>Prisoner's Petition ..... 07/28/00 State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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.

**Summary of Crime:** On 03/21/85, Brewer murdered 21-year-old Sherry Byrne near Factory Road in Beaver creek. 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 Ms. 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 03/28/85                      Sentence ..... 10/16/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 08/26/88                      Supreme Court Decision ..... 01/10/90                      U.S. Supreme Court Review ..... 10/01/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 04/07/97                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Weber)</b>                      Prisoner's Petition ..... 06/20/96                      State's Return of Writ ..... 08/19/96                      Prisoner's Traverse ..... 02/03/97                      Evidentiary Hearing.....                      Decision: ..... 09/07/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 10/05/00                      Prisoner's Final Brief ..... 08/10/01                      State's Final Brief ..... 08/14/01                      Oral Argument ..... 06/18/02                      Decision ..... 09/10/02</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 11/08/02                      Brief in Opposition ..... 12/16/02                      Decision or Certiorari Denial ..... 01/21/03</p>

## 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.

**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 Smith was dating someone else. Brinkley beat Smith, attempted to strangle her, and then cut her throat, killing her. Brinkley then stole 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 10/24/00 Sentence ..... 10/02/02</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 04/13/05 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... 10/05/05 Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Adams)</b></p> <p>Prisoner's Petition ..... 11/22/06 State's Return of Writ ..... 01/22/07 Prisoner’s Traverse ..... 04/23/07 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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. On 01/22/07, the Warden filed a return of writ. On 04/23/07, Brinkley filed his traverse. On 06/27/07, the district court partially granted Brinkley's motion for discovery. On 05/22/08, the district court granted the Warden's motion for discovery and Brinkley's cross-motion for discovery. On 12/28/09, the district court granted Brinkley's motion to expand the record and denied Brinkley's motion for an evidentiary hearing.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 03/31/94                      Sentence ..... 12/12/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 04/26/96                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 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 life imprisonment without parole eligibility until after 30 years.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/14/92</p> <p>Sentence ..... 02/17/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 07/13/94</p> <p>Supreme Court Decision ..... 04/04/96</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court .....</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision .....</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 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 re-sentenced Brooks to a total of three consecutive life sentences without the possibility of parole until after 90 years on the aggravated murder convictions.

**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 once in the head while they laid in bed. Brooks was arrested in Utah with the murder weapon in his possession.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/10/82</p> <p>Sentence ..... 06/11/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/15/85</p> <p>Supreme Court Decision ..... 07/23/86</p> <p>U.S. Supreme Court Review ..... 02/23/87</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 11/06/87</p> <p>Trial Court Decision..... 11/20/97</p> <p>Court of Appeals Decision ..... 06/17/99</p> <p>Supreme Court Decision ..... 03/01/00</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 11/09/00</p> <p>Supreme Court Decision ..... 08/15/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Nugent)</b></p> <p>Prisoner's Petition ..... 04/17/02</p> <p>State's Return of Writ ..... 06/17/02</p> <p>Prisoner’s Traverse ..... 07/25/02</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 09/28/05</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/26/05</p> <p>Prisoner's Final Brief ..... 07/18/07</p> <p>State's Final Brief ..... 07/25/07</p> <p>Oral Argument..... 12/04/07</p> <p>Decision ..... 01/22/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 11/06/08</p> <p>Brief in Opposition ..... 01/08/09</p> <p>Decision or Certiorari Denial ..... 02/23/09</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending a decision on the State's motion to set an execution date in the Ohio Supreme Court.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 07/23/86, the Ohio Supreme Court affirmed Brooks' conviction and death sentence on direct appeal. On 09/28/05, the federal district court denied Brooks' petition for a writ of habeas corpus. On 10/26/05, Brooks filed a notice of appeal to the 6th Circuit. On 12/04/07, the 6th Circuit heard oral arguments. On 01/22/08, the 6th Circuit affirmed the district court's decision. On 02/23/09, the U.S. Supreme Court denied Brooks' petition for writ of certiorari. On 06/21/10, the State filed a motion in the Ohio Supreme Court to set an execution date.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 01/10/85                      Sentence ..... 10/16/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 08/03/87                      Supreme Court Decision ..... 01/11/89                      U.S. Supreme Court Review ..... 05/15/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge O'Malley)</b>                      Prisoner's Petition ..... 06/21/99                      State's Return of Writ ..... 08/10/99                      Prisoner's Traverse ..... 12/20/99                      Evidentiary Hearing ..... 01/15/02                      Decision: ..... 08/28/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal ..... 10/17/03                      Prisoner's Final Brief ..... 05/03/05                      State's Final Brief ..... 05/04/05                      Oral Argument ..... 11/30/05                      Decision ..... 03/17/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 12/22/06                      Brief in Opposition ..... 01/26/07                      Decision or Certiorari Denial ..... 02/26/07</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending Broom filing a petition for writ of certiorari in the U.S. Supreme Court regarding the Ohio Supreme Court's *sua sponte* dismissal of an original habeas action. Also pending in the trial court on Broom's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on another petition for writ of habeas corpus. Also pending in the district court is Broom's suit challenging Ohio's method of execution.

## NOTES

On 04/22/09, the Ohio Supreme Court scheduled Broom's execution for 09/15/09. On 09/15/09, prior to his execution, execution team members were unable to find a suitable vein for the injection of the lethal drugs. At the request of prison officials, Governor Strickland granted an executive reprieve, delaying Broom's execution. On 09/18/09, Broom filed suit in the federal district court for the southern district of Ohio challenging the State's procedures for executing him. The suit is currently pending. On 09/05/10, Broom filed in the trial court another petition for post-conviction relief in which he alleged that a second attempt to execute him would violate his constitutional rights. On 09/14/10, Broom filed a petition for writ of habeas corpus in the Ohio Supreme Court. On the same day, Broom filed in the federal district court for the northern district a second petition for a writ of habeas corpus. In both actions, Broom again alleged that another attempt to execute him would violate his constitutional rights. On 11/18/10, the district court granted Broom's motion to stay and hold proceedings in abeyance pending exhaustion of state court remedies. On 12/02/10, the Ohio Supreme Court *sua sponte* dismissed Broom's petition for a writ of habeas corpus.

**Summary of Crime:** In July of 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/10/84                      Sentence ..... 06/11/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 12/10/86                      Supreme Court Decision ..... 08/31/88                      U.S. Supreme Court Review ..... 02/24/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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

In 01/10/91, Governor Celeste commuted Brown's death sentence to life imprisonment without the possibility of parole.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/04/94 Sentence ..... 02/28/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 01/30/01 Supreme Court Decision ..... 10/08/03 U.S. Supreme Court Review ..... 03/01/04</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 08/15/01 Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Adams)</b></p> <p>Prisoner's Petition ..... 06/03/05 State's Return of Writ ..... 08/02/05 Prisoner’s Traverse ..... 11/15/05 Evidentiary Hearing..... Decision: ..... 03/03/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/02/06 Prisoner's Final Brief ..... 02/04/08 State's Final Brief ..... 02/01/08 Oral Argument ..... 04/29/08 Decision ..... 06/26/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 12/15/08 Brief in Opposition ..... 02/12/09 Decision or Certiorari Denial ..... 03/23/09</p>

## 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.

**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 Roan and Toeran into his neighborhood on the pretense of making a drug deal. He forced them from their car, then shot Roan in the head. Brown shot Toeran three times as Toeran tried to get away, then caught Toeran and shot him point-blank in the face. Brown later bragged about the killings.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/20/04 Sentence ..... 03/08/05</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 10/03/07 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 06/30/06 Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision ..... U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner’s Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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 sentenced to death. On 10/03/07, the Ohio Supreme Court vacated and remanded Brown's case to the trial court on direct appeal. 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.

**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 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 Niedhammer.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/05/00                      Sentence ..... 12/06/00</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 03/17/04                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision..... 10/27/04</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 03/17/04, the Ohio Supreme Court affirmed Bryan's conviction and sentence on direct appeal. Meanwhile, on 11/18/05, the trial court denied Bryan's post-conviction petition. On 09/28/06, the 8th District Court of Appeals dismissed Bryan's appeal for lack of a final appealable order and remanded to the trial court for consideration of Bryan's twelfth and thirteenth grounds for relief. On 12/29/08, Bryan filed a renewed motion for discovery and for funds to retain a neuropsychologist in the trial court. On 02/03/09, the State filed a brief in opposition. On 02/24/09, the trial court overruled Bryan's twelfth and thirteenth grounds for relief. On 03/24/09, Bryan filed a notice of appeal to the 8th District Court of Appeals. On 05/11/09, the trial court dismissed Bryan's petition for post-conviction relief. On 05/20/09, Bryan filed an amended notice of appeal and his brief. On 08/10/09, the State filed its brief. On 09/04/09, Bryan filed a reply brief. On 05/24/10, the 8th District Court of Appeals affirmed the trial court's denial of Bryan's petition. On 12/15/10, the Ohio Supreme Court declined jurisdiction and dismissed the appeal.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 11/12/92 Sentence ..... 12/22/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/19/97 Supreme Court Decision ..... 05/19/99 U.S. Supreme Court Review ..... 12/06/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... 11/12/97</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Matia)</b></p> <p>Prisoner's Petition ..... 10/17/01 State's Return of Writ ..... 01/11/02 Prisoner's Traverse ..... 02/28/02 Evidentiary Hearing..... Decision: ..... 09/09/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/08/04 Prisoner's Final Brief ..... 05/05/06 State's Final Brief ..... 05/04/06 Oral Argument..... 12/05/06 Decision ..... 09/25/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 12/21/07 Brief in Opposition ..... 02/22/08 Decision or Certiorari Denial ..... 03/24/08</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/01/84</p> <p>Sentence ..... 04/11/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/11/85</p> <p>Supreme Court Decision ..... 02/19/86</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 10/19/87</p> <p>Trial Court Decision..... 12/30/88</p> <p>Court of Appeals Decision ..... 08/22/91</p> <p>Supreme Court Decision ..... 01/29/92</p> <p>U.S. Supreme Court Review ..... 05/16/94</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 09/21/92</p> <p>Supreme Court Decision ..... 11/17/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Matia)</b></p> <p>Prisoner's Petition ..... 04/01/96</p> <p>State's Return of Writ ..... 06/21/96</p> <p>Prisoner’s Traverse ..... 01/13/97</p> <p>Evidentiary Hearing..... 09/17/97</p> <p>Decision: ..... 07/22/99</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/19/99</p> <p>Prisoner's Final Brief ..... 08/28/00</p> <p>State's Final Brief ..... 08/24/00</p> <p>Oral Argument..... 01/30/01</p> <p>Decision ..... 12/04/01</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 bound over to Cuyahoga County from Wayne County).

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/04/89                      Sentence ..... 11/09/90</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 12/28/93                      Supreme Court Decision ..... 08/30/95                      U.S. Supreme Court Review ..... 03/25/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 11/15/01                      Supreme Court Decision ..... 10/16/02</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Marbley)</b>                      Prisoner's Petition ..... 01/19/01                      State's Return of Writ ..... 07/09/01                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 01/19/01, Burke filed with the federal district court a petition for writ of habeas corpus. 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 the trial court and remanded Burke's case for a new trial on the aggravated murder charges and specifications. Meanwhile, on 10/06/04, the trial court denied Burke's successive post-conviction petition pursuant to *Atkins v. Virginia*. On 12/15/05, the 10th District Court of Appeals reversed the decision and remanded 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 writ of habeas corpus in the district court. On 01/27/09, Burke pled guilty to the indictment and was re-sentenced to 30 years to life.

**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 about \$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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/26/83 Sentence ..... 08/19/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/05/86 Supreme Court Decision ..... 08/12/87 U.S. Supreme Court Review ..... 01/19/88</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 10/01/92 Supreme Court Decision ..... 10/27/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Graham)</b></p> <p>Prisoner's Petition ..... 03/07/94 State's Return of Writ ..... 07/20/94 Prisoner's Traverse ..... 05/30/95 Evidentiary Hearing..... Decision: ..... 12/26/95</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 02/16/96 Prisoner's Final Brief ..... 09/25/96 State's Final Brief ..... 11/26/96 Oral Argument..... 03/11/98 Decision ..... 04/06/00</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 10/06/00 Brief in Opposition ..... 11/22/00 Decision or Certiorari Denial ..... 01/08/01</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/11/97 Sentence ..... 04/09/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 04/10/02 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rice)</b></p> <p>Prisoner's Petition ..... 03/01/05 State's Return of Writ ..... 04/14/05 Prisoner's Traverse ..... 08/31/05 Evidentiary Hearing..... 08/17/06 Decision: ..... 03/18/09</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/17/09 Prisoner's Final Brief ..... 08/20/10 State's Final Brief ..... 10/15/10 Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 04/10/02, the Ohio Supreme Court affirmed Campbell's conviction and death sentence on direct appeal. On 03/18/09, the district court adopted the magistrate judge's report and recommendation and denied Campbell's petition for writ of habeas corpus. On 04/17/09, Campbell filed a notice of appeal. On 07/20/09, Campbell filed a motion to expand certificate of appealability. On 02/09/10, the 6th Circuit denied Campbell's motion to expand the certificate of appealability. On 08/20/10, Campbell filed his brief. On 10/15/2010, the Warden filed his brief. (Note: On 12/20/00, the Ohio Supreme Court vacated Campbell's death sentence. On 04/25/01, the trial court re-sentenced Campbell to death.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/09/89 Sentence ..... 05/18/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/04/91 Supreme Court Decision ..... 04/20/94 U.S. Supreme Court Review ..... 10/03/94</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Beckwith)</b></p> <p>Prisoner's Petition ..... 08/01/97 State's Return of Writ ..... 09/29/97 Prisoner's Traverse ..... 04/30/98 Evidentiary Hearing..... Decision: ..... 03/18/99</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 06/11/99 Prisoner's Final Brief ..... 06/09/00 State's Final Brief ..... 05/26/00 Oral Argument..... 12/05/00 Decision ..... 08/01/01</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 12/11/01 Brief in Opposition ..... 03/04/02 Decision or Certiorari Denial ..... 04/01/02</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 04/14/92                      Sentence ..... 07/30/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 11/03/93                      Supreme Court Decision ..... 07/26/95                      U.S. Supreme Court Review ..... 12/04/95</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision ..... 04/09/01                      Supreme Court Decision ..... 11/14/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Rose)</b>                      Prisoner's Petition ..... 11/12/98                      State's Return of Writ ..... 12/22/98                      Prisoner's Traverse .....                      Evidentiary Hearing..... 10/20/05                      Decision: ..... 08/10/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 09/08/06                      Prisoner's Final Brief ..... 11/17/08                      State's Final Brief ..... 01/20/09                      Oral Argument ..... 12/01/10                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 07/26/95, the Ohio Supreme Court affirmed Carter's conviction and death sentence on direct appeal. On 08/10/06, the federal district court adopted the magistrate judge's report and recommendations and denied Carter's petition for a writ of habeas corpus. On 09/08/06, Carter filed a notice of appeal to the 6th Circuit. On 11/17/08, Carter filed his final brief. On 01/20/09, the Warden filed his final brief. On 02/04/09, Carter filed his reply brief. On 12/01/10, the 6th Circuit held oral argument.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/01/89</p> <p>Sentence ..... 08/01/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/13/91</p> <p>Supreme Court Decision ..... 07/22/92</p> <p>U.S. Supreme Court Review ..... 02/22/93</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 07/26/94</p> <p>Trial Court Decision..... 09/21/94</p> <p>Court of Appeals Decision..... 10/04/95</p> <p>Supreme Court Decision ..... 03/06/96</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... 04/22/94</p> <p>Supreme Court Decision..... 11/09/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Beckwith)</b></p> <p>Prisoner's Petition ..... 07/29/96</p> <p>State's Return of Writ ..... 09/23/96</p> <p>Prisoner's Traverse ..... 04/25/97</p> <p>Evidentiary Hearing..... 11/09/98</p> <p>Decision: ..... 11/17/98</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 02/18/99</p> <p>Prisoner's Final Brief ..... 10/04/04</p> <p>State's Final Brief ..... 09/29/04</p> <p>Oral Argument..... 04/28/05</p> <p>Decision ..... 04/06/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 10/23/06</p> <p>Brief in Opposition ..... 11/30/07</p> <p>Decision or Certiorari Denial ..... 01/08/07</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 07/22/92, the Ohio Supreme Court affirmed Carter's conviction and death sentence on direct appeal. On 11/17/98, the federal district court denied Carter's petition for a writ of habeas corpus. On 04/06/06, the 6th Circuit denied Carter's petition for a writ of habeas corpus. On 01/08/07, the U.S. Supreme Court denied Carter's petition for a writ of certiorari. On 03/04/08, the district court denied Carter's motion to set aside judgment. On 04/02/08, Carter filed a notice of appeal to the 6th Circuit. On 10/30/09, the 6th Circuit affirmed the district court's denial. On 01/12/10, the 6th Circuit denied Carter's petition for en banc rehearing. On 01/19/10, the 6th Circuit granted Carter's motion to stay the mandate for 90 days for Carter to pursue a petition for writ of certiorari in the U.S. Supreme Court. On 04/12/10, Carter filed a petition for writ of certiorari in the U.S. Supreme Court. On 05/14/10, the Warden filed a response. On 06/14/10, the U.S. Supreme Court denied Carter's petition for writ of certiorari. Meanwhile, on 12/08/09, the State filed a motion in the Ohio Supreme Court to set an execution date. On 04/02/10, Carter filed a response.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/27/83                      Sentence ..... 02/06/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 07/23/86                      Supreme Court Decision ..... 03/11/88                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p>Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner’s Traverse .....</p> <p>Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 02/06/84, Carter was sentenced to death. On 07/23/86, the 1st District Court of Appeals affirmed Carter's convictions and death sentence on direct appeal. On 03/11/88, the Ohio Supreme Court dismissed Carter's direct appeal because of Carter's death.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/25/97                      Sentence ..... 04/01/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 09/13/00                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 03/19/03</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Economus)</b>                      Prisoner's Petition ..... 05/01/02                      State's Return of Writ ..... 09/16/03                      Prisoner's Traverse ..... 07/12/04                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending a decision in the 6th Circuit Court of Appeals.

## 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 federal district court. On 05/01/06, the district court held a competency hearing. On 06/12/06, the parties filed post-hearing briefs. On 06/23/08, Carter filed a supplemental brief on his competency to proceed in federal habeas. On 08/06/08, the Warden filed a response. On 09/05/08, Carter filed a reply. On 09/29/08, the district court dismissed the case without prejudice and tolled the statute of limitations on Carter's claims on the grounds that Carter is incompetent to proceed. On 10/20/08, the Warden filed a notice of appeal to the 6th Circuit. On 02/23/09, the Warden filed his brief. On 06/09/09, Carter filed his brief. On 06/23/09, the Warden filed his reply brief. On 12/02/10, the 6th Circuit held oral argument.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/04/98 Sentence ..... 05/26/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 08/07/02 U.S. Supreme Court Review ..... 03/03/03</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... Trial Court Decision..... 02/15/00 Court of Appeals Decision..... 03/06/08 Supreme Court Decision ..... U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... 10/31/04</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Adams)</b></p> <p>Prisoner's Petition ..... 03/02/04 State's Return of Writ ..... 04/30/04 Prisoner’s Traverse ..... 06/15/04 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the trial court on Cassano's post-conviction petition.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus, which is stayed pending state court proceedings.

## NOTES

On 08/07/02, the Ohio Supreme Court affirmed Cassano's conviction and death sentence on direct appeal. On 03/06/08, the 5th District Court of Appeals vacated the trial court's denial of Cassano's post-conviction petition and remanded to the trial court. On 07/09/08, the trial court set a briefing schedule. On 05/06/09, Cassano filed his post-conviction petition in the trial court. On 06/19/09, the State filed a memorandum in opposition to Cassano's post-conviction petition. On 09/28/10, the trial court granted Cassano’s motion for new counsel. On 12/23/10, Cassano failed a motion for funds to employ investigators. Meanwhile, on 03/02/04, Cassano filed a petition for a writ of habeas corpus in federal district court. On 02/10/05, the district court granted Cassano's second motion to stay and obey the proceedings pending further state court proceedings. On 03/13/07, the district court denied as moot Cassano's *pro se* motions to withdraw his attorneys and to withdraw his petition for a writ of habeas corpus, as well as the court's order for a competency evaluation of Cassano. On 10/24/07, the district court denied Cassano's motion for relief based on Ohio law requiring his state direct appeal to proceed from the trial level to the Ohio Supreme Court.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/03/89</p> <p>Sentence ..... 09/01/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/15/97</p> <p>Supreme Court Decision ..... 06/02/99</p> <p>U.S. Supreme Court Review ..... 01/18/00</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/20/96</p> <p>Trial Court Decision..... 09/07/00</p> <p>Court of Appeals Decision..... 07/13/01</p> <p>Supreme Court Decision ..... 11/07/01</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Sargus)</b></p> <p>Prisoner's Petition ..... 11/04/02</p> <p>State's Return of Writ ..... 04/02/04</p> <p>Prisoner’s Traverse ..... 07/01/04</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 06/02/99, 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 federal district court. On 04/02/04, the Warden filed a return of writ. On 07/01/04, Chinn filed his traverse. On 07/18/04, the Warden filed a sur-reply. On 09/24/04, the district court denied Chinn's motion for discovery. On 09/30/04, the district court granted the Warden's motion to dismiss procedurally defaulted claims and denied other claims as meritless. On 10/06/04, Chinn filed a motion for reconsideration of the district court's 09/30/04 order. On 11/09/04, Chinn filed his status report on agreed discovery. On 02/07/05, the district court granted Chinn's motion to expand the record. On 09/09/05, the district court denied Chinn's motion for reconsideration of the district court's 09/30/04 order. On 10/26/09, the district court held a status conference.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/02/84</p> <p>Sentence ..... 11/28/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/24/86</p> <p>Supreme Court Decision ..... 08/24/88</p> <p>U.S. Supreme Court Review ..... 03/06/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 11/15/89</p> <p>Trial Court Decision..... 03/31/97</p> <p>Court of Appeals Decision ..... 08/14/98</p> <p>Supreme Court Decision ..... 01/20/99</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Polster)</b></p> <p>Prisoner's Petition ..... 02/16/00</p> <p>State's Return of Writ ..... 04/14/00</p> <p>Prisoner’s Traverse ..... 08/07/00</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 09/25/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 11/06/01</p> <p>Prisoner's Final Brief ..... 09/20/04</p> <p>State's Final Brief ..... 11/15/04</p> <p>Oral Argument..... 06/08/05</p> <p>Decision ..... 10/04/05</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 02/05/86                      Sentence ..... 12/02/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 12/19/88                      Supreme Court Decision ..... 07/31/91                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p>.....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....</p> <p>.....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....</p> <p>.....                      State's Return of Writ .....</p> <p>.....                      Prisoner’s Traverse .....</p> <p>.....                      Evidentiary Hearing.....</p> <p>.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p>.....                      Prisoner's Final Brief .....</p> <p>.....                      State's Final Brief .....</p> <p>.....                      Oral Argument.....</p> <p>.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>.....                      Brief in Opposition .....</p> <p>.....                      Decision or Certiorari Denial .....</p>

## 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 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 re-sentencing. On 10/02/91, Claytor was re-sentenced to life imprisonment without parole eligibility for 30 years.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/21/95                      Sentence ..... 11/01/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 07/29/98                      U.S. Supreme Court Review ..... 01/11/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision ..... 03/03/99</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Watson)</b>                      Prisoner's Petition ..... 08/30/00                      State's Return of Writ ..... 11/14/03                      Prisoner’s Traverse ..... 05/28/04                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 04/25/84                      Sentence ..... 10/26/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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, Coffman died while incarcerated.

**Summary of Crime:** In July of 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 sentence was commuted to life in prison.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/23/84                      Sentence ..... 05/06/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 12/10/86                      Supreme Court Decision ..... 07/06/88                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 02/22/94                      Supreme Court Decision ..... 08/03/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Beckwith)</b>                      Prisoner's Petition ..... 01/06/95                      State's Return of Writ ..... 04/18/95                      Prisoner's Traverse .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 05/12/98                      Prisoner's Final Brief ..... 04/24/00                      State's Final Brief ..... 04/17/00                      Oral Argument..... 11/02/00                      Decision ..... 10/10/01</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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.

# Coleman, Alton (2)

Coleman  
Hamilton County

**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	FEDERAL COURTS
<b><u>TRIAL</u></b> Indictment ..... 10/10/84 Sentence ..... 06/27/85	<b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Beckwith)</b> Prisoner's Petition ..... 01/06/95 State's Return of Writ ..... 04/18/95 Prisoner's Traverse ..... Evidentiary Hearing..... Decision: ..... 02/13/98
<b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b> Court of Appeals Decision ..... 10/07/87 Supreme Court Decision ..... 09/20/89 U.S. Supreme Court Review .....	<b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b> Notice of Appeal..... 05/12/98 Prisoner's Final Brief ..... 05/26/00 State's Final Brief ..... 05/02/00 Oral Argument..... 12/05/00 Decision ..... 03/26/01
<b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b> 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 .....	<b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b> Certiorari Petition ..... 08/23/01 Brief in Opposition ..... 09/13/01 Decision or Certiorari Denial ..... 10/15/01
<b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b> Court of Appeals Decision ..... 02/22/94 Supreme Court Decision ..... 08/03/94	

## 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: 6147

Executed

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/18/96</p> <p>Sentence ..... 03/03/97</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 05/08/97</p> <p>Supreme Court Decision ..... 03/31/99</p> <p>U.S. Supreme Court Review ..... 10/18/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 11/03/97</p> <p>Trial Court Decision..... 06/01/01</p> <p>Court of Appeals Decision ..... 10/07/02</p> <p>Supreme Court Decision ..... 03/12/03</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Sargus)</b></p> <p>Prisoner's Petition ..... 08/22/03</p> <p>State's Return of Writ ..... 02/23/10</p> <p>Prisoner's Traverse ..... 08/24/10</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal 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 10/23/06 and 12/07/06, the district court granted Coleman's motion to extend discovery and DNA testing. On 12/20/06, the district court granted Coleman's motion to expand DNA testing. On 01/08/07, the district court granted Coleman's motion to extend time to complete discovery. On 03/15/07, the district court partially granted Coleman's second motion for leave to conduct discovery. On 05/23/07, the court granted Coleman's motion for an extension of time to complete the court-ordered DNA testing. On 11/05/07, the district court approved additional funds for DNA testing. On 01/03/08, the district court granted Coleman's motion to run DNA findings in local and national violent offender databases. On 10/29/09, the district court held a pre-trial status conference and ordered parties to file a joint status report listing outstanding discovery issues. On 11/12/09, the status report was filed. On 02/23/10, the Warden filed a return of writ. On 08/24/10, Coleman filed his traverse. On 09/23/10, the Warden filed a sur-reply. (Note: On 01/05/11, Coleman filed his sur-sur-reply.)

**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 carjacking incident that occurred days before the murder of Ms. El-Okdi. Green also received a death sentence for the aggravated murder of Ms. El-Okdi.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/10/97 Sentence ..... 06/08/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 10/03/01 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision ..... U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Wells)</b></p> <p>Prisoner's Petition ..... 01/02/03 State's Return of Writ ..... 02/28/03 Prisoner's Traverse ..... 05/27/03 Evidentiary Hearing..... Decision: ..... 04/05/10</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/16/10 Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 10/03/01, the Ohio Supreme Court affirmed Coley's conviction and death sentence on direct appeal. On 01/02/03, Coley filed a petition for a writ of habeas corpus in federal district court. On 01/18/05, Coley filed an amended petition. On 01/21/05, the Warden filed a return of writ. On 05/17/05, Coley filed his amended traverse. On 05/20/05, the Warden filed an amended sur-reply. On 02/09/09, Coley filed a *pro se* motion requesting leave of court to pursue claims for relief in state court. On 02/11/09, the Warden filed a response in opposition. On 03/06/09, the district court denied Coley's motion. On 04/05/10, the district court denied Coley's petition for writ of habeas corpus. On 04/16/10, Coley filed a notice of appeal. Meanwhile, on 02/04/09, Coley filed a *pro se* motion for reconsideration in the trial court. On 03/06/09, the State filed an opposition. On 03/23/09, the trial court dismissed Coley's motion.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/31/87 Sentence ..... 03/01/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/20/90 Supreme Court Decision ..... 12/18/91 U.S. Supreme Court Review ..... 06/08/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 02/22/94 Supreme Court Decision ..... 07/06/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Beckwith)</b></p> <p>Prisoner's Petition ..... 08/30/95 State's Return of Writ ..... 10/10/95 Prisoner's Traverse ..... 01/31/96 Evidentiary Hearing ..... Decision: ..... 10/23/97</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal ..... 11/24/97 Prisoner's Final Brief ..... 08/26/98 State's Final Brief ..... 08/20/98 Oral Argument ..... 11/02/99 Decision ..... 02/23/00</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 08/25/00 Brief in Opposition ..... 10/30/00 Decision or Certiorari Denial ..... 12/04/00</p>

## 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 re-trial. On 02/16/01, Combs pled guilty to aggravated murder and was sentenced to 30 years to life.

**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 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/05/02 Sentence ..... 02/27/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 03/08/06 U.S. Supreme Court Review ..... 10/02/06</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... 08/23/06</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Marbley)</b></p> <p>Prisoner's Petition ..... 10/02/07 State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 his petition for a writ of habeas corpus in district court. On 03/17/08, the Warden filed a motion to dismiss procedurally defaulted claims. On 04/16/08, Conway filed a response. On 04/29/08, the Warden filed a reply. On 03/31/09, the district court partially denied the Warden's motion to dismiss procedurally defaulted claims subject to reconsideration. On 04/30/09, Conway filed a motion for discovery. On 05/14/09, the Warden filed a response. On 05/26/09, Conway filed a reply. On 03/17/10, the district court partially granted Conway's motion for discovery. On 12/07/10, the district court granted, subject to limitations, Conway's motions to expand the record. On 12/28/10, the district court granted Conway's motion to extend the deadline for an evidentiary hearing motion as a result of Conway obtaining new co-counsel.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/07/02</p> <p>Sentence ..... 10/08/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 06/21/06</p> <p>U.S. Supreme Court Review ..... 11/27/06</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 08/23/04</p> <p>Trial Court Decision..... 05/02/05</p> <p>Court of Appeals Decision..... 11/28/06</p> <p>Supreme Court Decision ..... 06/20/07</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision..... 11/29/06</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Black)</b></p> <p>Prisoner's Petition ..... 06/01/08</p> <p>State's Return of Writ ..... 10/03/08</p> <p>Prisoner's Traverse ..... 01/14/09</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 district court. On 10/03/08, the Warden filed his return of writ. On 01/14/09, Conway filed his traverse. On 02/06/09, Conway filed a motion for discovery. On 02/24/09, the Warden filed a response in opposition. On 03/10/09, Conway filed a reply. On 04/08/09, the district court ordered discovery. On 11/03/09, the district court conditionally granted Conway an extension of the discovery cut-off deadline to 01/31/10. Following the completion of discovery, Conway filed an amended traverse on 05/12/10. On 05/25/10, the case was reassigned from Judge Rice to Judge Black. On 07/08/10, the Warden filed an amended return of writ. On 12/02/10, Conway filed a motion for an evidentiary hearing. On 12/22/10, the Warden filed a response in opposition.

**Summary of Crime:** On 09/01/86, Cooley 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 Cooley dropped a chunk of concrete onto the car from an overpass. Cooley 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. Cooley later bragged to friends about the murders.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/08/86 Sentence ..... 12/09/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/23/87 Supreme Court Decision ..... 10/11/89 U.S. Supreme Court Review ..... 04/01/91</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 01/10/95 Supreme Court Decision ..... 08/30/95</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Polster)</b></p> <p>Prisoner's Petition ..... 10/02/96 State's Return of Writ ..... 12/02/96 Prisoner's Traverse ..... 02/03/97 Evidentiary Hearing ..... 04/29/97 Decision: ..... 09/04/97</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal ..... 01/15/98 Prisoner's Final Brief ..... 10/02/01 State's Final Brief ..... 10/03/01 Oral Argument ..... 01/30/02 Decision ..... 04/16/02</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 09/24/02 Brief in Opposition ..... 10/11/02 Decision or Certiorari Denial ..... 03/31/03</p>

## 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 Cooley was executed by lethal injection.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/21/90</p> <p>Sentence ..... 09/05/90</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/08/92</p> <p>Supreme Court Decision ..... 12/18/92</p> <p>U.S. Supreme Court Review ..... 01/10/94</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 10/11/94</p> <p>Trial Court Decision..... 01/10/95</p> <p>Court of Appeals Decision ..... 12/29/95</p> <p>Supreme Court Decision ..... 05/29/96</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 07/10/95</p> <p>Supreme Court Decision ..... 02/14/96</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Watson)</b></p> <p>Prisoner's Petition ..... 04/23/97</p> <p>State's Return of Writ ..... 12/15/97</p> <p>Prisoner's Traverse ..... 10/22/99</p> <p>Evidentiary Hearing..... 05/05/08</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for 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 federal district court. On 03/23/04, the district court denied Cook's motion for evidentiary hearing and issued a briefing schedule. On 06/10/04, the district court granted Cook's motion for an extension of time to file his merit brief. On 07/01/04, Cook filed a motion for summary judgment. On 08/02/04, the Warden filed a memorandum in opposition. On 08/11/04, Cook filed a reply. On 10/01/04, the case was transferred to Judge Watson. On 04/20/07, the district court held a status conference. On 09/26/07, the district court denied Cook's motion for summary judgment. On 05/05/08, the district court held an evidentiary hearing.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/26/96                      Sentence ..... 05/23/97</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 09/22/99                      U.S. Supreme Court Review ..... 02/22/00</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Oliver)</b>                      Prisoner's Petition ..... 12/30/03                      State's Return of Writ ..... 03/01/04                      Prisoner’s Traverse ..... 07/15/04                      Evidentiary Hearing.....                      Decision: ..... 08/31/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 09/28/06                      Prisoner's Final Brief ..... 02/21/08                      State's Final Brief ..... 02/20/08                      Oral Argument..... 06/03/08                      Decision ..... 03/11/09</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 10/19/09                      Brief in Opposition ..... 12/14/09                      Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 11/20/96 Sentence ..... 04/16/97</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 10/20/99 U.S. Supreme Court Review ..... 05/01/00</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... 08/04/04</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Sargus)</b></p> <p>Prisoner's Petition ..... 07/31/00 State's Return of Writ ..... 03/05/02 Prisoner’s Traverse ..... 04/12/02 Evidentiary Hearing..... Decision: ..... 09/30/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/23/08 Prisoner's Final Brief ..... 04/13/10 State's Final Brief ..... 08/16/10 Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 10/20/99, the Ohio Supreme Court affirmed Cowans' conviction and death sentence on direct appeal. On 07/31/00, Cowans filed a petition for a writ of habeas corpus in federal district court. On 09/30/02, the district court procedurally defaulted five claims and dismissed three claims. On 09/12/06, the district court granted Cowans' motion for reconsideration of its 09/30/02 order partially granting the Warden's motion to dismiss. On 09/30/08, the district court denied Cowans' petition for a writ of habeas corpus. On 10/23/08, Cowans filed a notice of appeal to the 6th Circuit. On 08/11/09, the 6th Circuit granted an expanded certificate of appealability. On 04/13/10, Cowans filed his brief. On 08/16/10, the Warden filed his brief. On 10/18/10, Cowans filed his reply brief. (Note: On 01/06/11, the 6th Circuit scheduled oral argument for 03/09/11.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/23/03</p> <p>Sentence ..... 08/06/04</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 09/20/06</p> <p>U.S. Supreme Court Review ..... 02/26/07</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 07/11/05</p> <p>Trial Court Decision..... 02/05/07</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... </p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision..... 02/28/07</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the trial court on Craig's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 09/20/06, the Ohio Supreme Court affirmed Craig's conviction and death sentence on direct appeal. On 10/06/06, during post-conviction proceedings, the trial court vacated part of Craig's sentence and remanded the case to the trial court for re-sentencing. On 02/05/07, Craig was re-sentenced to death. On 06/20/07, Craig filed a *pro se* motion to amend his post-conviction petition. On 06/21/07, the State filed a motion to dismiss. On 07/03/07, Craig filed a reply to the State's motion to dismiss. On 06/11/09, Craig filed a *pro se* motion for leave to amend his post-conviction petition and second supplement to his post-conviction brief. On 06/15/09, the State filed a motion to strike. On 06/25/09, Craig filed a response in opposition to the State's motion to strike. On 09/24/10, Craig filed his third amended post-conviction petition and a motion for funds for neuropsychological testing. On 10/01/10, the State filed its response.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/03/06</p> <p>Sentence ..... 08/16/06</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 05/16/07</p> <p>Trial Court Decision..... 12/19/08</p> <p>Court of Appeals Decision..... 03/24/10</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition.....</p> <p>State's Return of Writ.....</p> <p>Prisoner's Traverse.....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Craig's direct appeal. Also pending in the Ohio Supreme Court on Craig's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 09/27/06, Craig filed his notice of direct appeal to the Ohio Supreme Court. On 06/05/07, Craig filed his merit brief. On 10/23/07, the State filed its merit brief. On 09/27/10, the Ohio Supreme Court ordered supplemental briefing. On 10/21/10, the Ohio Supreme Court stayed its order for supplemental briefing and ordered the parties to give notice of when the U.S. Supreme court reached a decision in a particular case. Meanwhile, on 12/19/08, the trial court denied Craig's petition for post-conviction relief. On 09/16/09, the 9th District Court of Appeals affirmed the trial court's decision. On 11/05/09, the 9th District Court of Appeals granted Craig's motion for reconsideration. On 03/24/10, the 9th District Court of Appeals affirmed the trial court's denial of Craig's post-conviction petition. On 05/10/10, Craig filed a notice of appeal and memorandum in support of jurisdiction in the Ohio Supreme Court. On 05/28/10, the State filed a motion to dismiss. On 06/07/10, Craig filed a response. Meanwhile, on 10/30/09, Craig filed a notice of appeal in the Ohio Supreme Court. On 12/22/09, Craig filed a response to a show cause order regarding mootness in the Ohio Supreme Court. On 03/20/10, the State filed a notice of final judgment, giving notice that the case is no longer moot. On 04/02/10, the Ohio Supreme Court granted the State's application for dismissal of the case.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/10/02 Sentence ..... 06/25/02</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 12/29/04 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 08/29/07</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Economus)</b></p> <p>Prisoner's Petition ..... 10/02/06 State's Return of Writ ..... 12/15/06 Prisoner's Traverse ..... 01/25/08 Evidentiary Hearing..... Decision: ..... 12/07/10</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 12/31/10 Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 12/29/04, the Ohio Supreme Court affirmed Cunningham's conviction and death sentence. On 10/02/06, Cunningham filed a petition for a writ of habeas corpus in federal district court. On 12/15/06, the Warden filed a return of writ. On 01/25/08, Cunningham filed his traverse. On 06/09/08, the district court denied Cunningham's motion for an evidentiary hearing but partially granted Cunningham's motion to compel discovery. On 07/21/09, the district court granted Cunningham leave to amend a habeas claim. On 11/09/09, Cunningham filed an amended petition. On 12/11/09, Cunningham filed a motion to amend his claim again. On 12/22/09, the Warden filed a response in opposition. On 01/20/10, Cunningham filed a reply. On 03/02/10, the district court granted Cunningham's motion for leave to file a second proposed amended claim. On 03/08/10, Cunningham filed an amended petition. On 04/12/10, the Warden filed an amended answer and motion to dismiss Cunningham's petition. On 12/07/10, the district court denied Cunningham's petition for writ of habeas corpus. On 12/31/10, Cunningham filed a notice of appeal.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 10/06/88</p> <p>Sentence ..... 02/23/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 11/24/93</p> <p>Supreme Court Decision ..... 08/16/95</p> <p>U.S. Supreme Court Review ..... 04/29/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/23/96</p> <p>Trial Court Decision..... 09/26/96</p> <p>Court of Appeals Decision ..... 03/16/00</p> <p>Supreme Court Decision ..... 07/19/00</p> <p>U.S. Supreme Court Review ..... 01/22/01</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 11/02/01</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge O'Malley)</b></p> <p>Prisoner's Petition ..... 03/30/01</p> <p>State's Return of Writ ..... 05/31/01</p> <p>Prisoner's Traverse ..... 08/27/01</p> <p>Evidentiary Hearing..... 07/19/04</p> <p>Decision: ..... 04/14/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/18/06</p> <p>Prisoner's Final Brief ..... 05/01/07</p> <p>State's Final Brief ..... 05/01/07</p> <p>Oral Argument ..... 07/19/07</p> <p>Decision ..... 06/05/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision to bar re prosecution.

## 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 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 03/05/10, the Warden filed a notice of appeal. On 05/11/10, the Warden filed his brief in the 6th Circuit. On 07/22/10, D'Ambrosio filed his brief. On 08/03/10, the Warden filed his reply brief. On 11/30/10, the 6th Circuit heard oral argument.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/01/91                      Sentence ..... 03/25/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 12/27/95                      Supreme Court Decision ..... 11/26/97                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 09/27/01                      Supreme Court Decision ..... 08/07/02</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Carr)</b>                      Prisoner's Petition ..... 03/02/00                      State's Return of Writ ..... 12/29/00                      Prisoner's Traverse ..... 03/04/03                      Evidentiary Hearing.....                      Decision: ..... 08/06/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 10/03/03                      Prisoner's Final Brief ..... 02/08/07                      State's Final Brief ..... 02/02/07                      Oral Argument..... 07/18/07                      Decision ..... 11/12/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 08/24/09                      Brief in Opposition ..... 09/25/09                      Decision or Certiorari Denial ..... 11/02/09</p>

## STATUS

- **Status in State Courts as of 08/10/10:** No capital proceeding pending.
- **Status in Federal Courts as of 08/10/10:** Federal court proceedings are complete.

## NOTES

On 08/10/10, Roderick Davie was executed by lethal injection.

**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 Sheeler around town numerous times in his cab and knew she kept large sums of money in her bedroom. Davis stabbed Sheeler seven times in the throat and upper chest and stole money from her house. Davis was arrested for 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/17/04                      Sentence ..... 07/15/05</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 01/03/08                      U.S. Supreme Court Review ..... 10/06/08</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision ..... 09/10/08</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Sargus)</b>                      Prisoner's Petition ..... 06/15/10                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Davis' appeal of the trial court's denial of his motion for new trial.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus, which is stayed pending state court proceedings.

## NOTES

On 07/15/05, Davis was sentenced to death. On 01/03/08, the Ohio Supreme Court affirmed Davis' sentence on direct appeal. Meanwhile, on 11/14/07, the trial court denied Davis' post-conviction appeal. On 12/23/08, the court of appeals affirmed the trial court's denial of Davis' post-conviction appeal. On 06/17/09, the Ohio Supreme Court declined jurisdiction and dismissed the appeal. Meanwhile, on 11/21/07, Davis filed a motion for a new trial. On 10/31/08, Davis filed a motion to find that he was unavoidably prevented from discovering new evidence within 120 days of the trial court's verdict. On 01/30/09, the trial court denied Davis' motion for a new trial and found that Davis was not unavoidably prevented from discovering new evidence. On 09/24/09, the 5th District Court of Appeals affirmed the trial court's decision. On 11/06/09, Davis filed a notice of appeal in the Ohio Supreme Court. On 01/27/10, the Ohio Supreme Court accepted the appeal on one proposition. On 05/24/10, Davis filed his merit brief. On 07/13/10, the State filed its merit brief. On 07/29/10, Davis filed his reply brief. On 12/29/10, the Ohio Supreme Court ordered additional briefing on a jurisdictional issue. Meanwhile, on 06/15/10, Davis filed a petition for writ of habeas corpus. On 09/08/10, the district court granted Davis' motion for stay and abeyance until the resolution of the state court proceedings.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>            Indictment .....            Sentence ..... 06/03/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>            Court of Appeals Decision ..... 04/18/90            Supreme Court Decision ..... 12/31/91            U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>            Filed in Trial Court .....            Trial Court Decision.....            Court of Appeals Decision.....            Supreme Court Decision .....            U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>            Court of Appeals Decision.....            Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>            Prisoner's Petition .....            State's Return of Writ .....            Prisoner’s Traverse .....            Evidentiary Hearing.....            Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>            Notice of Appeal.....            Prisoner's Final Brief .....            State's Final Brief .....            Oral Argument.....            Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>            Certiorari Petition .....            Brief in Opposition .....            Decision or Certiorari Denial .....</p>

## 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, Davis died of natural causes.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 01/06/84                      Sentence ..... 08/07/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/29/90                      Supreme Court Decision ..... 02/19/92                      U.S. Supreme Court Review ..... 10/05/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 10/08/93                      Trial Court Decision..... 06/30/95                      Court of Appeals Decision ..... 09/30/96                      Supreme Court Decision ..... 01/15/97                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 01/13/99                      Supreme Court Decision ..... 08/25/99</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Graham)</b>                      Prisoner's Petition ..... 04/28/97                      State's Return of Writ ..... 06/09/97                      Prisoner’s Traverse ..... 07/31/97                      Evidentiary Hearing.....                      Decision: ..... 09/04/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 02/08/02                      Prisoner's Final Brief ..... 12/27/04                      State's Final Brief ..... 12/29/04                      Oral Argument..... 12/08/05                      Decision ..... 01/29/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the 12th District Court of Appeals on Davis' direct appeal.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 02/19/92, the Ohio Supreme Court affirmed Davis' conviction and death sentence on direct appeal. On 09/04/01, the federal district court denied Davis' petition for a writ of habeas corpus. On 01/29/07, the 6th Circuit reversed the district court's decision, vacated Davis' death sentence based on a claim that the trial court failed to admit and consider relevant mitigating evidence upon sentencing, and remanded to the state court for re-sentencing. On 07/05/07, the 6th Circuit denied the Warden's petition for en banc rehearing. On 12/19/07, the trial court granted a new sentencing hearing. On 09/08/09 through 09/10/09, a three judge panel conducted a re-sentencing hearing. On 09/21/09, the trial court filed its sentencing opinion, sentencing Davis to death. On 10/20/09, Davis filed his notice of appeal to the 12th District Court of Appeals. On 05/17/10, Davis filed his brief. On 07/30/10, the State filed its brief. On 08/23/10, Davis filed his reply.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/05/91                      Sentence ..... 06/01/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 06/08/95                      Supreme Court Decision ..... 07/24/96                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Gwin)</b>                      Prisoner's Petition ..... 01/04/00                      State's Return of Writ ..... 03/06/00                      Prisoner's Traverse ..... 05/26/00                      Evidentiary Hearing.....                      Decision: ..... 08/23/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 09/22/00                      Prisoner's Final Brief ..... 05/06/02                      State's Final Brief ..... 05/06/02                      Oral Argument..... 10/31/02                      Decision ..... 02/04/03</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 07/24/03                      Brief in Opposition ..... 08/28/03                      Decision or Certiorari Denial ..... 06/28/04</p>

## 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 federal district court denied Davis' petition for 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 re-sentencing. On 12/08/04, the trial court re-sentenced Davis to 30 years to life.

**Summary of Crime:** On 10/26/10, the Ohio Supreme Court vacated Dean's convictions and death sentence, remanding the case to the trial court for retrial. Dean is currently incarcerated pending retrial for the murder of 30-year-old youth counselor, Titus Arnold, in Springfield. Dean's accomplice, 16-year-old Joshua Wade, received life imprisonment for his involvement in the murder. (Note: Although Dean's conviction and death sentence were vacated and his case is pending retrial, Ohio law (R.C. 109.97) requires the attorney general to report any individual whose death sentence has been vacated or reversed on appeal.)

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/02/05</p> <p>Sentence ..... 06/02/06</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 10/26/10</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 04/05/07</p> <p>Trial Court Decision..... 03/02/09</p> <p>Court of Appeals Decision..... 04/16/10</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition.....</p> <p>State's Return of Writ.....</p> <p>Prisoner's Traverse.....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending retrial in the trial court following remand.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 06/12/06, Dean filed his notice of direct appeal to the Ohio Supreme Court. On 04/13/07, Dean filed his merit brief. On 09/04/07, the State filed its merit brief. On 10/19/07, Dean filed his reply brief. On 10/26/10, the Ohio Supreme Court vacated Dean's convictions and sentences and remanded the case for a new trial. Meanwhile, on 04/05/07, Dean filed a post-conviction petition in trial court. On 01/28/08, the State filed a response. On 03/07/08, Dean filed a reply. On 01/26/09, Dean filed a *pro se* motion to terminate post-conviction proceedings. On 03/02/09, the trial court granted Dean's motion and dismissed his post-conviction petition. On 04/01/09, Dean filed a notice of appeal. On 09/14/09, Dean filed his brief in the 2nd District Court of Appeals. On 11/10/09, the State filed its brief. On 12/09/09, Dean filed a reply brief. On 04/16/10, 2nd District Court of Appeals reversed the trial court's dismissal of Dean's post-conviction petition and remanded the case for a competency hearing.

**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 tried to rob him.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/21/94 Sentence ..... 01/03/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 05/08/96 Supreme Court Decision ..... 09/24/97 U.S. Supreme Court Review ..... 02/23/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 12/03/98 Supreme Court Decision ..... 08/11/99</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gwin)</b></p> <p>Prisoner's Petition ..... 06/30/98 State's Return of Writ ..... 08/26/98 Prisoner's Traverse ..... 10/01/98 Evidentiary Hearing..... Decision: ..... 09/29/99</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 11/30/99 Prisoner's Final Brief ..... 07/18/03 State's Final Brief ..... 06/25/03 Oral Argument ..... 12/02/03 Decision ..... 12/29/03</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 03/26/04 Brief in Opposition ..... 04/23/04 Decision or Certiorari Denial ..... 05/24/04</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/19/84                      Sentence ..... 03/03/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/01/86                      Supreme Court Decision ..... 12/07/88                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p>Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner’s Traverse .....</p> <p>Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 sentenced to death. On 10/01/86, the 1st District Court of Appeals reversed one of the two aggravated murder convictions and remanded the sentence of death. On 12/07/88, the Ohio Supreme Court remanded the case to the trial court for re-sentencing. The trial court, on remand, re-sentenced Denson to life imprisonment without the possibility of parole until after 30 years on the aggravated murder conviction.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/05/85 Sentence ..... 06/25/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 06/29/87 Supreme Court Decision ..... 08/31/88 U.S. Supreme Court Review ..... 02/21/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 05/09/94 Supreme Court Decision ..... 09/07/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rice)</b></p> <p>Prisoner's Petition ..... 11/14/95 State's Return of Writ ..... 01/08/96 Prisoner's Traverse ..... 03/11/96 Evidentiary Hearing..... 07/29/96 Decision: ..... 03/31/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/13/00 Prisoner's Final Brief ..... 12/11/01 State's Final Brief ..... 12/06/01 Oral Argument..... 05/01/02 Decision ..... 11/20/02</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 05/22/03 Brief in Opposition ..... 06/25/03 Decision or Certiorari Denial ..... 10/06/03</p>

## 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 federal 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 re-sentencing. On 03/14/05, the trial court re-sentenced DePew to three consecutive sentences of 30 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 04/30/04                      Sentence ..... 11/03/05</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 12/10/08                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 06/03/09</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

**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 sentence and remanded for a new mitigation hearing. On 06/03/09, the Ohio Supreme Court denied Diar's Murnahan petition. Meanwhile, on 10/20/06, Diar filed a post-conviction 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 post-conviction petition. On 11/06/09, the trial court scheduled a jury trial for re-sentencing for 07/09/10. On 05/26/10, the trial court noted Diar waived her right to a jury trial for the re-trial 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/31/85 Sentence ..... 11/07/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/12/88 Supreme Court Decision ..... 09/06/89 U.S. Supreme Court Review ..... 04/16/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Katz)</b></p> <p>Prisoner's Petition ..... 03/16/01 State's Return of Writ ..... 06/07/01 Prisoner’s Traverse ..... 08/06/01 Evidentiary Hearing..... Decision: ..... 09/21/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/16/04 Prisoner's Final Brief ..... 11/18/05 State's Final Brief ..... 11/21/05 Oral Argument..... 02/02/06 Decision ..... 07/07/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 federal district court denied Dickerson's petition for a writ of habeas corpus. On 07/07/06, the 6th Circuit granted Dickerson'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 re-sentencing. On 11/13/06, the 6th Circuit denied the Warden's petition for rehearing en banc. On 08/11/08, the trial court conducted a mitigation hearing. On 08/14/08, Dickerson was re-sentenced to life with eligibility for parole after 30 years on each count of aggravated murder to be served consecutively.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 11/16/93</p> <p>Sentence ..... 11/22/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 11/17/00</p> <p>Supreme Court Decision ..... 04/14/04</p> <p>U.S. Supreme Court Review ..... 01/14/05</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 10/21/96</p> <p>Trial Court Decision..... 12/17/97</p> <p>Court of Appeals Decision..... 11/17/00</p> <p>Supreme Court Decision ..... 11/19/03</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gwin)</b></p> <p>Prisoner's Petition ..... 12/23/05</p> <p>State's Return of Writ ..... 02/21/06</p> <p>Prisoner's Traverse ..... 06/19/06</p> <p>Evidentiary Hearing..... 10/26/07</p> <p>Decision: ..... 07/23/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 08/20/08</p> <p>Prisoner's Final Brief ..... 06/15/09</p> <p>State's Final Brief ..... 08/19/09</p> <p>Oral Argument..... 08/05/10</p> <p>Decision ..... 12/09/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending the State's filing of a petition for en banc rehearing in the 6th Circuit Court of Appeals regarding its decision on the petition for writ of habeas corpus.

## 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 federal district court. On 07/23/08, the district court denied Dixon's petition for a writ of habeas corpus. On 08/20/08, Dixon filed a notice of appeal to the 6th Circuit. On 06/15/09, Dixon filed his brief. On 08/19/09, the Warden filed his brief. On 02/01/10, Dixon filed his reply brief. On 08/05/10, the 6th Circuit held oral argument. On 12/09/10, the 6th Circuit reversed the district court, granting Dixon habeas relief. (Note: 01/03/11, the Warden filed a petition for en banc rehearing. On 01/05/11, the 6th Circuit directed Dixon to file a response.)

**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 thrice shot Ms. Woolley in the head and thrice shot Mr. LeFlore in the head.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 03/08/94                      Sentence ..... 11/23/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 03/13/97                      Supreme Court Decision ..... 02/28/11                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p>.....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....</p> <p>.....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....</p> <p>.....                      State's Return of Writ .....</p> <p>.....                      Prisoner's Traverse .....</p> <p>.....                      Evidentiary Hearing.....</p> <p>.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p>.....                      Prisoner's Final Brief .....</p> <p>.....                      State's Final Brief .....</p> <p>.....                      Oral Argument.....</p> <p>.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>.....                      Brief in Opposition .....</p> <p>.....                      Decision or Certiorari Denial .....</p>

## 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 sentenced to death. On 03/13/97, the 8th District Court of Appeals reversed Dixon's death sentence and remanded the case to the trial court for re-sentencing. On 11/21/97, the trial court re-sentenced Dixon to life imprisonment with no parole eligibility until after 30 years on the aggravated murder convictions.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/25/92 Sentence ..... 12/10/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/12/96 Supreme Court Decision ..... U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 06/09/97 Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision ..... U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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 12/10/93, Dougherty was sentenced to death. On 09/12/96, the 3rd District Court of Appeals affirmed Dougherty's convictions and sentence on direct appeal. On 06/27/97, Dougherty passed away and his pending appeal to the 3rd District Court of Appeals and pending post-conviction petition in the trial court were dismissed.

**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 AK-47 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>            Indictment ..... 04/03/03            Sentence ..... 03/12/04</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>            Court of Appeals Decision .....            Supreme Court Decision ..... 10/18/06            U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>            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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>            Court of Appeals Decision .....            Supreme Court Decision ..... 04/18/07</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Lioi)</b>            Prisoner's Petition ..... 10/12/07            State's Return of Writ ..... 07/07/08            Prisoner’s Traverse ..... 09/22/08            Evidentiary Hearing..... 07/19/10            Decision: ..... 12/31/10</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>            Notice of Appeal.....            Prisoner's Final Brief .....            State's Final Brief .....            Oral Argument.....            Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>            Certiorari Petition .....            Brief in Opposition .....            Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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 his petition for a writ of habeas corpus in federal district court. On 03/11/08, the district court partially granted Drummond's motion for discovery. On 07/07/08, the Warden filed a return of writ. On 09/22/08, Drummond filed his traverse and motion for an evidentiary hearing. On July 19 and 20, 2010, the district court held an evidentiary hearing. On 12/31/10, the district court granted Drummond habeas relief on a portion of his claim that he was denied his right to a public trial and denied the remainder of his claims. (Note: On 01/06/11, the Warden filed a notice of appeal. On 01/11/11, Drummond filed his notice of cross-appeal.)

**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. He received a death sentence in Idaho for the murder of Ms. Crane.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/06/91                      Sentence ..... 02/01/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 07/27/94                      Supreme Court Decision ..... 08/23/95                      U.S. Supreme Court Review ..... 01/22/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 11/15/99                      Supreme Court Decision ..... 07/12/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Watson)</b>                      Prisoner's Petition ..... 07/21/99                      State's Return of Writ ..... 01/02/01                      Prisoner's Traverse ..... 04/12/01                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 a petition for a writ of habeas corpus in federal district court. On 09/27/01, the district court partially granted the State's motion to dismiss procedurally defaulted claims. On 03/02/04, the district court denied Dunlap's motion for an evidentiary hearing and issued a briefing schedule. On 04/01/04, the State filed its brief. On 05/17/04, Dunlap filed his brief. On 11/27/07, the district court denied Dunlap's motion to drop appeals. On 11/30/07, Dunlap filed a *pro se* motion to drop appeals and for clemency proceedings. On 12/29/07, Dunlap filed a status report noting his 12/05/07 telephone conference where Dunlap expressed his desire to withdraw his *pro se* motions, including his motion to drop appeals. On 04/10/08, the district court granted Dunlap's motion to withdraw his motion to drop his appeals and denied Dunlap's *pro se* motions. (Note: On 04/19/92, Dunlap was convicted and sentenced to death in Idaho and is currently incarcerated on death row in Idaho.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/23/88                      Sentence ..... 12/19/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 12/07/89                      Supreme Court Decision ..... 03/20/91                      U.S. Supreme Court Review ..... 10/15/91</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 07/06/94                      Supreme Court Decision ..... 12/30/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Nugent)</b>                      Prisoner's Petition ..... 06/24/96                      State's Return of Writ ..... 08/23/96                      Prisoner's Traverse ..... 07/18/97                      Evidentiary Hearing.....                      Decision: ..... 11/02/99</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 03/17/00                      Prisoner's Final Brief ..... 04/04/05                      State's Final Brief ..... 04/08/05                      Oral Argument..... 04/26/06                      Decision ..... 05/18/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 12/06/07                      Brief in Opposition ..... 02/13/08                      Decision or Certiorari Denial ..... 03/17/08</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/22/86 Sentence ..... 07/14/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/20/95 Supreme Court Decision ..... 12/18/96 U.S. Supreme Court Review ..... 06/27/97</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Boyko)</b></p> <p>Prisoner's Petition ..... 03/19/03 State's Return of Writ ..... 08/01/05 Prisoner's Traverse ..... 10/10/05 Evidentiary Hearing..... Decision: ..... 10/18/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 11/13/06 Prisoner's Final Brief ..... 11/05/08 State's Final Brief ..... 11/07/08 Oral Argument..... 12/04/08 Decision ..... 05/14/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 09/14/10 Brief in Opposition ..... 11/09/10 Decision or Certiorari Denial ..... 12/13/10</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 12/18/96, the Ohio Supreme Court affirmed Eley's conviction and death sentence on direct appeal. On 10/18/06, the district court denied Eley's petition for a writ of habeas corpus. On 11/13/06, Eley filed a notice of appeal to the 6th Circuit. On 11/05/08, Eley filed his final merits brief. On 11/07/08, the Warden filed his final merits brief. On 11/05/08, Eley filed his reply brief. On 12/04/08, the 6th Circuit heard oral arguments. On 05/14/10, the 6th Circuit affirmed the district court's denial of Eley's petition for writ of habeas corpus. On 06/23/10, the 6th Circuit denied Eley's motion for en banc rehearing. On 09/14/10, Eley filed a petition for writ of certiorari in the U.S. Supreme Court. On 11/09/10, the Warden filed his response. On 12/13/10, the U.S. Supreme Court denied Eley's petition for writ of certiorari. (Note: On 01/10/11, the State filed a motion in the Ohio Supreme Court to set execution date.)

**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 Mrs. 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 a Newark police detective, Elmore confessed. DNA testing later revealed that bloodstains found on Elmore's shorts were consistent with Annarino's DNA.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/13/02 Sentence ..... 11/19/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 12/13/06 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Beckwith)</b></p> <p>Prisoner's Petition ..... 05/01/08 State's Return of Writ ..... 07/14/10 Prisoner's Traverse ..... 10/29/10 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Elmore's Murnahan appeal.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 12/13/06, the Ohio Supreme Court affirmed Elmore's conviction and death sentence on direct appeal. On 07/20/07, Elmore filed his notice of intent to file a petition for habeas corpus in federal district court. On 05/01/08, Elmore filed a petition for writ of habeas corpus. On 05/22/08, the district court granted Elmore's motion to stay proceedings pending the completion of proceedings in Elmore's non-capital appeal in the Ohio Supreme Court. Meanwhile, on 10/26/09, Elmore filed a Murnahan petition in the Ohio Supreme Court. On 12/21/09, the district court confirmed its intentions to continue the stay until conclusion of the Murnahan petition in state court. On 01/27/10, the Ohio Supreme Court denied Elmore's Murnahan petition, and the district court's stay was dissolved on 01/29/10. On 03/15/10, Elmore filed an amended petition. On 07/14/10, the Warden filed a return of writ. On 10/29/10, Elmore filed his traverse. On 12/10/10, the district court partially granted Elmore's motion for discovery.

**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 her in the neck and proceeded to steal money from the cash register.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 10/13/83</p> <p>Sentence ..... 05/22/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/22/86</p> <p>Supreme Court Decision ..... 10/05/88</p> <p>U.S. Supreme Court Review ..... 04/03/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 11/29/89</p> <p>Trial Court Decision..... 06/18/90</p> <p>Court of Appeals Decision ..... 05/29/92</p> <p>Supreme Court Decision ..... 11/18/92</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 05/19/95</p> <p>Supreme Court Decision ..... 03/01/96</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge O'Malley)</b></p> <p>Prisoner's Petition ..... 09/05/96</p> <p>State's Return of Writ ..... 10/25/96</p> <p>Prisoner's Traverse ..... 04/01/97</p> <p>Evidentiary Hearing..... 08/17/99</p> <p>Decision: ..... 10/13/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 12/28/00</p> <p>Prisoner's Final Brief ..... 01/10/02</p> <p>State's Final Brief ..... 11/21/01</p> <p>Oral Argument..... 08/08/02</p> <p>Decision ..... 11/05/02</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 03/04/03</p> <p>Brief in Opposition ..... 06/17/03</p> <p>Decision or Certiorari Denial ..... 11/03/03</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 10/05/88, the Ohio Supreme Court affirmed Esparza's conviction and death sentence on direct appeal. On 10/13/00, the federal district court granted Esparza's petition for a writ of habeas corpus, vacated his death sentence based on improper indictment, ineffective assistance of counsel and trial court error, and remanded to the state court for re-sentencing. On 11/05/02, the 6th Circuit affirmed the district court's decision. On 11/03/03, the U.S. Supreme Court reversed the decision of the 6th Circuit and remanded the case to the 6th Circuit for further proceedings. On 11/17/03, the 6th Circuit remanded the case to the district court for reconsideration. Meanwhile, on 06/09/03, Esparza filed a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 02/20/04, the district court granted Esparza's motion to hold case in abeyance pending exhaustion of State court proceedings. On 10/17/08, the trial court granted Esparza's motion to dismiss his *Atkins* claim and dismissed Esparza's successive post-conviction petition. On 03/23/10, the district court granted the Warden's motion to remove case from abeyance. On 06/15/10, the Warden filed a supplemental brief. On 06/21/10, Esparza filed a supplemental brief.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/06/87</p> <p>Sentence ..... 10/16/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 05/10/90</p> <p>Supreme Court Decision ..... 03/11/92</p> <p>U.S. Supreme Court Review ..... 10/05/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 03/23/94</p> <p>Trial Court Decision..... 03/05/97</p> <p>Court of Appeals Decision ..... 10/29/98</p> <p>Supreme Court Decision ..... 03/17/99</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gaughan)</b></p> <p>Prisoner's Petition ..... 04/11/00</p> <p>State's Return of Writ ..... 06/12/00</p> <p>Prisoner's Traverse ..... 08/28/00</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 07/23/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 11/21/02</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 federal 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 hold case in abeyance pending exhaustion of state court proceedings. Meanwhile, on 06/04/03, Evans filed a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 10/24/06, the trial court re-sentenced Evans to 30 years to life based on the fact that he was found to be mentally retarded pursuant to *Atkins v. Virginia*.

# Fautenberry, John

Fautenberry  
Hamilton County

**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. Daron offered Fautenberry a ride and drove Fautenberry miles out of his way. When Daron stopped the vehicle, Fautenberry exited, reached back into the car, and shot Daron twice in the chest. Fautenberry then threw 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<b><u>TRIAL</u></b> Indictment ..... 03/27/91 Sentence ..... 09/16/92	<b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Graham)</b> Prisoner's Petition ..... 04/25/00 State's Return of Writ ..... 03/07/02 Prisoner's Traverse ..... 06/11/02 Evidentiary Hearing..... Decision: ..... 04/11/05
<b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b> Court of Appeals Decision ..... 02/09/94 Supreme Court Decision ..... 07/05/95 U.S. Supreme Court Review ..... 11/27/95	<b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b> Notice of Appeal..... 05/11/05 Prisoner's Final Brief ..... 12/26/06 State's Final Brief ..... 12/13/06 Oral Argument..... 07/26/07 Decision ..... 01/25/08
<b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b> 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.....	<b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b> Certiorari Petition ..... 08/11/08 Brief in Opposition ..... 09/12/08 Decision or Certiorari Denial ..... 10/14/08
<b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b> Court of Appeals Decision ..... 10/17/96 Supreme Court Decision ..... 04/30/97	

## 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: 6145

Executed

**Summary of Crime:** On 03/30/97, Fears murdered Antwan 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. Gilliam and Steve Franklin were at 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 Gilliam in the head as Gilliam pleaded for his life.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 04/09/97                      Sentence ..... 12/10/97</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 09/08/99                      U.S. Supreme Court Review ..... 03/27/00</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision ..... 01/19/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Rice)</b>                      Prisoner's Petition ..... 03/26/01                      State's Return of Writ ..... 06/12/01                      Prisoner's Traverse ..... 10/04/02                      Evidentiary Hearing..... 05/19/03                      Decision: ..... 07/15/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 08/12/08                      Prisoner's Final Brief ..... 12/30/10                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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. On 08/12/08, Fears filed a notice of appeal to the 6th Circuit. On 04/13/10, the 6th Circuit denied Fear's motion to expand the certificate of appealability. On 12/30/10, Fears filed his brief.

**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 2007, Ferguson, in handwritten letters, confessed the killings to the judge and prosecutor at his trial.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/07/02</p> <p>Sentence ..... 09/19/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 04/12/06</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court .....</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision .....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 02/23/94                      Sentence ..... 08/01/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 12/29/97                      Supreme Court Decision ..... 07/29/99                      U.S. Supreme Court Review ..... 10/04/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Oliver)</b>                      Prisoner's Petition ..... 01/08/01                      State's Return of Writ ..... 04/20/01                      Prisoner's Traverse ..... 06/29/01                      Evidentiary Hearing.....                      Decision: ..... 03/31/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 04/16/04                      Prisoner's Final Brief ..... 10/13/05                      State's Final Brief ..... 10/11/05                      Oral Argument ..... 01/31/06                      Decision ..... 04/14/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**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, which fractured 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 a police officer responded to a silent 911 call, Fitzpatrick fired three shots at the police 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/19/01                      Sentence ..... 02/15/02</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 07/07/04                      U.S. Supreme Court Review ..... 06/20/05</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision ..... 02/16/05</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Dlott)</b>                      Prisoner's Petition ..... 06/09/06                      State's Return of Writ ..... 09/01/06                      Prisoner's Traverse ..... 11/06/06                      Evidentiary Hearing..... 10/29/07                      Decision: ..... 11/05/09</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 12/04/09                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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 adopted the magistrate judge's report and recommendations and denied Fitzpatrick's petition for writ of habeas corpus. On 12/04/09, Fitzpatrick filed a notice of appeal. On 07/13/10, the district court partially granted Fitzpatrick's motion for a certificate of appealability. On 12/21/10, the 6th Cir. issued a briefing schedule.

**Summary of Crime:** On 10/23/93, Flemming murdered Oreste Batista under a bridge in Cleveland. Flemming approached 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/02/93                      Sentence ..... 06/06/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 2/22/94, Flemming was 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 life imprisonment without parole eligibility until after 30 years for the aggravated murder.

**Summary of Crime:** On 10/10/85, Flemming murdered his former wife, Christine Jackson. Flemming 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/22/85                      Sentence ..... 10/20/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 02/16/88                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 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 life imprisonment without parole eligibility for 15 years for the murder conviction.

**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, tied her to the bathtub and left her in the house he had set on fire, but she escaped. Foust provided a detailed confession to the detectives from the Cleveland Police Department.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 04/10/01                      Sentence ..... 01/11/02</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 12/29/04                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 08/10/05</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Zouhary)</b>                      Prisoner's Petition ..... 03/22/07                      State's Return of Writ ..... 05/21/07                      Prisoner's Traverse ..... 10/05/07                      Evidentiary Hearing.....                      Decision: ..... 08/15/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 09/09/08                      Prisoner's Final Brief ..... 03/02/10                      State's Final Brief ..... 06/02/10                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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 writ of habeas corpus and denied a certificate of appealability on all claims. On 09/09/08, Foust filed a notice of appeal to the 6th Circuit. On 10/29/08, Foust filed a motion to grant a certificate of appealability. On 11/21/08, the Warden filed a response in opposition. On 12/09/08, Foust filed a reply. On 09/21/09, the 6th Circuit partially granted a certificate of appealability. On 03/02/10, Foust filed his brief. On 06/02/10, the Warden filed his brief. On 07/06/10, Foust filed his reply brief.

**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. Keckler's personal belongings.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/04/89                      Sentence ..... 06/27/90</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 08/07/92                      Supreme Court Decision ..... 05/04/94                      U.S. Supreme Court Review ..... 12/12/94</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 02/24/98                      Supreme Court Decision ..... 11/10/98</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Gaughan)</b>                      Prisoner's Petition ..... 05/12/98                      State's Return of Writ ..... 07/13/98                      Prisoner's Traverse ..... 10/05/98                      Evidentiary Hearing.....                      Decision: ..... 11/15/99</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 12/14/99                      Prisoner's Final Brief ..... 05/07/01                      State's Final Brief ..... 05/07/01                      Oral Argument..... 08/07/01                      Decision ..... 11/14/01</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 05/30/02                      Brief in Opposition ..... 07/12/02                      Decision or Certiorari Denial ..... 10/07/02</p>

## 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.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/13/97</p> <p>Sentence ..... 08/25/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 10/16/02</p> <p>U.S. Supreme Court Review ..... 06/02/03</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 08/09/99</p> <p>Trial Court Decision..... 08/23/01</p> <p>Court of Appeals Decision..... 05/17/02</p> <p>Supreme Court Decision ..... 01/29/03</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision..... 03/19/03</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Merz)</b></p> <p>Prisoner's Petition ..... 06/01/04</p> <p>State's Return of Writ ..... 10/17/05</p> <p>Prisoner’s Traverse ..... 03/30/06</p> <p>Evidentiary Hearing..... 06/05/07</p> <p>Decision: ..... 03/09/09</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/08/09</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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 writ of habeas corpus. On 04/08/09, Franklin filed a motion to set aside judgment and notice of appeal. On 04/15/09, the Warden filed a response that jurisdiction vested in the 6th Circuit. On 04/27/09, Franklin filed a reply. On 07/21/09, the district court held an evidentiary hearing. On 07/22/09, the district court granted Franklin's motion to set aside judgment conditioned on the district court being vested with jurisdiction by the 6th Circuit remanding the case. On 09/15/09, the 6th Circuit denied Franklin's motion for remand. On 12/18/09, the district court granted a certificate of appealability on nine issues. On 08/27/10, the 6th Circuit denied Franklin's motion to expand the certificate of appealability. On 08/27/10, the 6th Circuit issued a briefing schedule. On 09/29/10, the 6th Circuit reissued the briefing schedule as a result of a motion to extend time filed by Franklin.

**Summary of Crime:** On 08/07/88, Franklin murdered 26-year-old Gerald Strauss at his condominium in Cincinnati. Franklin, who did not know Strauss, broke into 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/26/88</p> <p>Sentence ..... 01/04/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/15/90</p> <p>Supreme Court Decision ..... 11/20/91</p> <p>U.S. Supreme Court Review ..... 06/01/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 02/18/93</p> <p>Trial Court Decision..... 08/31/93</p> <p>Court of Appeals Decision ..... 01/25/95</p> <p>Supreme Court Decision ..... 06/14/95</p> <p>U.S. Supreme Court Review ..... 10/30/95</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 03/03/94</p> <p>Supreme Court Decision ..... 07/06/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rice)</b></p> <p>Prisoner's Petition ..... 11/14/95</p> <p>State's Return of Writ ..... 03/12/96</p> <p>Prisoner's Traverse ..... 08/16/96</p> <p>Evidentiary Hearing..... 03/17/97</p> <p>Decision: ..... 03/31/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/30/03</p> <p>Prisoner's Final Brief ..... 09/22/04</p> <p>State's Final Brief ..... 09/27/04</p> <p>Oral Argument..... 03/17/05</p> <p>Decision ..... 01/09/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 10/06/06</p> <p>Brief in Opposition ..... 11/13/06</p> <p>Decision or Certiorari Denial ..... 01/08/07</p>

## 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 federal 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 re-trial. On 01/09/06, the 6th Circuit affirmed the district court's decision granting Franklin's petition for a writ of habeas corpus. 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.

**Summary of Crime:** On 03/02/04, Frazier murdered 49-year-old Mary Stevenson at her North Toledo apartment. Frazier, who lived in the same apartment building as the disabled Stevenson, strangled her, slashed her throat, then stole her purse and wallet.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/09/04 Sentence ..... 06/15/05</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 10/10/07 U.S. Supreme Court Review ..... 04/21/08</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... 08/25/10</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gaughan)</b></p> <p>Prisoner's Petition ..... 09/11/09 State's Return of Writ ..... 01/08/10 Prisoner’s Traverse ..... 04/26/10 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 06/15/05, Frazier was sentenced to death. On 10/10/07, the Ohio Supreme Court affirmed Frazier's conviction and death sentence on direct appeal. Meanwhile, on 10/24/07, the trial court denied Frazier's post-conviction petition and granted the State's motion for summary judgment. On 11/20/07, Frazier filed a notice of appeal in the 6th District Court of Appeals. On 09/30/08, the 6th District Court of Appeals affirmed the trial court's dismissal of Frazier's post-conviction petition. On 11/13/08, Frazier filed a notice of appeal and memorandum in support of jurisdiction to the Ohio Supreme Court. On 12/02/08, the State filed a memorandum in opposition. On 03/25/09, the Ohio Supreme Court declined jurisdiction and dismissed Frazier's appeal. On 05/27/09, Frazier filed his notice of intent to file a petition for writ of habeas corpus. On 09/11/09, Frazier filed his petition for writ of habeas corpus in the district court. On 01/08/10, the Warden filed a return of writ. On 04/26/10, Frazier filed his traverse. On 05/05/10, the Warden filed a sur-reply. On 09/10/10, Frazier filed a status report regarding his application to reopen his state direct appeal. On 08/25/10, the Ohio Supreme Court denied Frazier's application to reopen his state direct appeal.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 11/30/90 Sentence ..... 08/29/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/17/94 Supreme Court Decision ..... 08/23/95 U.S. Supreme Court Review ..... 01/22/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Carr)</b></p> <p>Prisoner's Petition ..... 12/23/98 State's Return of Writ ..... 02/29/00 Prisoner's Traverse ..... 06/15/00 Evidentiary Hearing..... Decision: ..... 01/05/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 02/02/01 Prisoner's Final Brief ..... 04/02/02 State's Final Brief ..... 03/20/02 Oral Argument..... 10/15/02 Decision ..... 09/08/03</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 03/26/04 Brief in Opposition ..... 05/05/04 Decision or Certiorari Denial ..... 06/07/04</p>

## 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 federal 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 re-sentencing. On 03/18/05, the trial court re-sentenced Frazier to 30 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/06/87 Sentence ..... 09/22/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 01/11/90 Supreme Court Decision ..... 07/31/91 U.S. Supreme Court Review ..... 03/23/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 08/27/01 Supreme Court Decision ..... 08/21/02</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Polster)</b></p> <p>Prisoner's Petition ..... 02/02/99 State's Return of Writ ..... 06/25/99 Prisoner's Traverse ..... 11/19/99 Evidentiary Hearing..... Decision: ..... 01/20/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 02/17/04 Prisoner's Final Brief ..... 04/26/06 State's Final Brief ..... 04/18/06 Oral Argument..... 10/31/06 Decision ..... 07/13/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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 federal 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 re-sentenced to 60 years to life. (Note: Frazier is also known as Abdul Haliym).

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/30/05 Sentence ..... 07/11/06</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 03/23/10 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 05/11/07 Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision ..... U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in trial court on Fry's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 08/08/06, Fry filed his notice of direct appeal to the Ohio Supreme Court. On 06/05/07, Fry filed his merit brief. On 10/01/07, the State filed its merit brief. On 11/15/07, Fry filed a reply brief. On 11/17/09, the Ohio Supreme Court heard oral arguments. On 03/23/10, the Ohio Supreme Court affirmed Fry's convictions and sentence. Meanwhile, on 05/11/07, Fry filed his post-conviction petition in trial court. On 05/11/07, an evidentiary hearing was requested on all grounds for relief. On 09/19/07, the trial court granted the State's motion to hold Fry's petition for post-conviction relief in abeyance pending the resolution of the direct appeal. On 10/05/10, ordered the State to file a response to Fry's petition. (Note: On 01/20/11, the State filed a motion to dismiss Fry's post-conviction petition in the trial court.)

**Summary of Crime:** On 09/18/00, Gapen murdered his former wife, 37-year-old Martha Madewell, her boyfriend and former husband, 40-year-old Nathan Marshall, and her daughter, 13-year-old Jessica 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 raped Ms. Madewell and hacked her 10 times in the face and head. He hacked Mr. Marshall 18 times in the face, head, neck, chest and abdomen and Jessica 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 and received the death sentence for the aggravated murder of Jessica. DNA testing proved that the semen found on Ms. Madewell's leg and abdomen belonged to Gapen.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/18/00                      Sentence ..... 07/03/01</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 12/15/04                      U.S. Supreme Court Review ..... 10/03/05</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Rice)</b>                      Prisoner's Petition ..... 03/10/09                      State's Return of Writ ..... 12/10/09                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 12/15/04, the Ohio Supreme Court affirmed Gapen's conviction and death sentence on direct appeal. On 08/08/08, Gapen filed his notice of intention to file a habeas petition in federal district court. On 01/16/09, Gapen filed an application to reopen his direct appeal in the Ohio Supreme Court. On 06/03/09, the Ohio Supreme Court denied Gapen's application to reopen. Meanwhile, on 03/10/09, Gapen filed a petition for writ of habeas corpus in federal district court. On 07/14/09, Gapen filed an amended habeas petition. On 12/10/09, the Warden filed a return of writ. On 10/08/10, Gapen filed his traverse. On 11/22/10, the Warden filed a surreply. On 12/23/10, the district court partially granted Gapen's motion for discovery.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 02/03/92                      Sentence ..... 11/05/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 08/31/94                      Supreme Court Decision ..... 11/22/95                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision ..... 02/05/01                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Graham)</b>                      Prisoner's Petition ..... 11/18/98                      State's Return of Writ ..... 07/29/99                      Prisoner's Traverse ..... 02/28/01                      Evidentiary Hearing.....                      Decision: ..... 04/19/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 05/17/02                      Prisoner's Final Brief ..... 04/04/06                      State's Final Brief ..... 04/03/06                      Oral Argument..... 03/07/07                      Decision ..... 09/11/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 06/01/09                      Brief in Opposition ..... 07/02/09                      Decision or Certiorari Denial ..... 10/05/09</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 05/24/91                      Sentence ..... 06/23/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 04/22/99                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**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 Serafino's 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/17/95 Sentence ..... 09/12/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 12/23/98 U.S. Supreme Court Review ..... 06/24/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 11/22/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Polster)</b></p> <p>Prisoner's Petition ..... 02/14/01 State's Return of Writ ..... 06/12/01 Prisoner's Traverse ..... 08/01/01 Evidentiary Hearing..... Decision: ..... 11/26/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 02/06/03 Prisoner's Final Brief ..... 06/02/05 State's Final Brief ..... 06/02/05 Oral Argument ..... 12/06/05 Decision ..... 08/02/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 12/21/07 Brief in Opposition ..... 01/29/08 Decision or Certiorari Denial ..... 03/03/08</p>

## 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.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/11/85</p> <p>Sentence ..... 06/19/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 06/25/90</p> <p>Supreme Court Decision ..... 06/11/97</p> <p>U.S. Supreme Court Review ..... 05/04/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/20/96</p> <p>Trial Court Decision..... 02/14/97</p> <p>Court of Appeals Decision ..... 06/22/98</p> <p>Supreme Court Decision ..... 10/21/98</p> <p>U.S. Supreme Court Review ..... 05/17/99</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 04/27/98</p> <p>Supreme Court Decision ..... 04/28/99</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Economus)</b></p> <p>Prisoner's Petition ..... 12/07/99</p> <p>State's Return of Writ ..... 08/01/01</p> <p>Prisoner's Traverse ..... 12/03/01</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 08/27/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 09/25/03</p> <p>Prisoner's Final Brief ..... 04/05/05</p> <p>State's Final Brief ..... 04/06/05</p> <p>Oral Argument..... 07/28/05</p> <p>Decision ..... 04/26/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 11/22/06</p> <p>Brief in Opposition ..... 01/29/07</p> <p>Decision or Certiorari Denial ..... 03/05/07</p>

## 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 06/11/97, the Ohio Supreme Court affirmed Gillard's conviction and death sentence on direct appeal. On 08/27/03, the federal district court granted Gillard's petition for a writ of habeas corpus, vacated his conviction and death sentence based on a claim that his trial counsel labored under a conflict of interest, and remanded to the state court for re-trial. On 04/26/06, the 6th Circuit reversed the district court and denied Gillard's petition for a writ of habeas corpus. On 08/31/06, the 6th Circuit denied Gillard's petition for rehearing. On 03/05/07, the U.S. Supreme Court denied Gillard's petition for a writ of certiorari. On 04/23/07, the U.S. Supreme Court denied Gillard's petition for a rehearing. Meanwhile, on 09/25/07, the trial court granted Gillard's application for DNA testing. On 11/13/09, the trial court ordered the State to coordinate the transfer of items to be tested to BCI's crime laboratory. On 12/09/10, DNA testing was completed.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/17/84                      Sentence ..... 11/21/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 02/19/87                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 02/19/97:** No capital proceeding pending.
- **Status in Federal Courts as of 02/19/97:** No capital proceeding pending.

## NOTES

On 11/21/85, Glenn was 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 re-sentenced Glenn on the aggravated murder conviction to life imprisonment without parole eligibility until after 30 years.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment .....                      Sentence ..... 09/03/82</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 02/19/85                      Supreme Court Decision ..... 12/30/86                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Dowd)</b>                      Prisoner's Petition ..... 10/10/91                      State's Return of Writ ..... 03/13/92                      Prisoner's Traverse ..... 07/24/92                      Evidentiary Hearing.....                      Decision: ..... 04/08/93</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 05/25/93                      Prisoner's Final Brief ..... 06/06/94                      State's Final Brief ..... 08/23/94                      Oral Argument..... 09/06/94                      Decision ..... 12/21/95</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 09/20/96                      Brief in Opposition .....                      Decision or Certiorari Denial ..... 10/07/96</p>

## 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 04/08/93, the district court denied Glenn's petition for 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 state's petition for writ of certiorari. On 10/29/96, the district court issued a writ of habeas corpus conditioned on Glenn being re-sentenced. On 12/23/96, the trial court re-sentenced Glenn to a term of 30 years to life imprisonment.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/24/95</p> <p>Sentence ..... 08/18/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/21/97</p> <p>Supreme Court Decision ..... 06/17/98</p> <p>U.S. Supreme Court Review ..... 06/24/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/20/96</p> <p>Trial Court Decision..... 04/26/00</p> <p>Court of Appeals Decision ..... 03/05/01</p> <p>Supreme Court Decision ..... 09/05/01</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision..... 03/19/03</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Graham)</b></p> <p>Prisoner's Petition ..... 05/01/02</p> <p>State's Return of Writ ..... 02/06/03</p> <p>Prisoner’s Traverse ..... 08/15/03</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 12/01/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 12/27/06</p> <p>Prisoner's Final Brief ..... 10/08/08</p> <p>State's Final Brief ..... 10/06/08</p> <p>Oral Argument..... 04/28/09</p> <p>Decision ..... 04/06/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 11/15/10</p> <p>Brief in Opposition ..... 12/23/10</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the U.S. Supreme Court on the petition for writ of certiorari.

## NOTES

On 06/17/98, the Ohio Supreme Court affirmed Goff's conviction and death sentence on direct appeal. On 12/01/06, the federal district court denied Goff's petition for a writ of habeas corpus. On 12/27/06, Goff filed a notice of appeal to the 6th Circuit. On 09/10/07, the district court granted a certificate of appealability on seventeen issues. On 10/06/08, the Warden filed his final brief. On 10/08/08, Goff filed his final brief. On 04/28/09, the 6th Circuit heard oral arguments. On 04/06/10, the 6th Circuit reversed the district court and conditionally granted Goff's petition for writ of habeas corpus. On 07/09/10, the 6th Circuit denied the Warden's petition for en banc rehearing. On 08/25/10, the 6th Circuit denied Goff's petition for panel rehearing. On 09/23/10, the 6th Circuit granted Goff's motion to stay the mandate pending his pursuing a petition for writ of certiorari. On 11/15/10, Goff filed a petition for writ of certiorari. On 12/23/10, the Warden filed his response. (Note: On 01/24/11, the U.S. Supreme Court denied Goff's petition for writ of certiorari.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/28/94 Sentence ..... 12/29/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/17/97 Supreme Court Decision ..... 01/20/99 U.S. Supreme Court Review ..... 10/04/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 10/08/99 Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Manos)</b></p> <p>Prisoner's Petition ..... 06/12/00 State's Return of Writ ..... 08/15/00 Prisoner's Traverse ..... 11/07/00 Evidentiary Hearing..... 05/10/01 Decision: ..... 03/22/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/19/06 Prisoner's Final Brief ..... 10/08/08 State's Final Brief ..... 10/08/08 Oral Argument..... 12/02/09 Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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 to the state court for re-sentencing. On 04/19/06, the Warden filed a notice of appeal to the 6th Circuit. On 04/26/06, Goodwin filed a notice of cross-appeal to the 6th Circuit. On 10/08/08, all parties filed final briefs in the 6th Circuit. On 12/02/09, the 6th Circuit heard oral arguments. (Note: On 01/21/11, the 6th Circuit affirmed the decision of the district court.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment .....                      Sentence ..... 11/01/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 11/09/90                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 with no parole eligibility.

**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 stabbed 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 02/03/88                      Sentence ..... 07/11/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 07/11/90                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 03/10/97                      Sentence ..... 03/11/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 12/20/00                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 re-sentencing. On 04/16/01, the trial court re-sentenced Green to life without parole.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 10/10/95</p> <p>Sentence ..... 04/11/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 02/18/98</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court .....</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision .....</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gaughan)</b></p> <p>Prisoner's Petition ..... 12/02/99</p> <p>State's Return of Writ ..... 02/03/00</p> <p>Prisoner's Traverse ..... 03/20/00</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 02/16/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 03/13/01</p> <p>Prisoner's Final Brief ..... 02/04/02</p> <p>State's Final Brief ..... 02/04/02</p> <p>Oral Argument..... 10/15/02</p> <p>Decision ..... 04/03/03</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 re-trial. On 02/16/01, the federal district court denied Green's petition for a writ of habeas corpus claiming that his re-trial is 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 plead guilty and the trial court sentenced him to two consecutive life sentences of 30 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 02/06/85                      Sentence ..... 07/11/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 03/04/87                      Supreme Court Decision ..... 11/09/88                      U.S. Supreme Court Review ..... 04/17/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 02/05/93                      Supreme Court Decision ..... 10/27/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Manos)</b>                      Prisoner's Petition ..... 12/02/96                      State's Return of Writ ..... 01/29/97                      Prisoner's Traverse ..... 04/23/97                      Evidentiary Hearing.....                      Decision: ..... 08/07/98</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 11/04/98                      Prisoner's Final Brief ..... 03/03/00                      State's Final Brief ..... 03/08/00                      Oral Argument..... 10/23/00                      Decision ..... 09/04/01</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 12/03/01                      Brief in Opposition ..... 02/11/02                      Decision or Certiorari Denial ..... 03/18/02</p>

## 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 federal 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 hold case in abeyance pending exhaustion of state court proceedings. Meanwhile, on 09/06/02, Greer filed a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 05/17/08, the trial court found Greer is mentally retarded and therefore not eligible for the death penalty. On 01/05/09, Greer was re-sentenced to life imprisonment with parole eligibility after serving 30 years for aggravated murder. Greer also received a 15 year sentence for aggravated robbery.

**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 twice in the head at point-blank range.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/20/94                      Sentence ..... 09/04/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 05/24/99                      Supreme Court Decision ..... 10/30/02                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 07/07/97                      Trial Court Decision..... 09/26/02                      Court of Appeals Decision..... 11/18/03                      Supreme Court Decision .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 10/19/00                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 re-sentencing. On 12/09/04, the trial court re-sentenced Gross to 30 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 01/31/97                      Sentence ..... 05/06/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 12/30/02                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 03/20/00                      Trial Court Decision..... 12/31/09                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the 7th District Court of Appeals on Group's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 12/30/02, the Ohio Supreme Court affirmed Group's conviction and death sentence on direct appeal. Meanwhile, on 03/20/00, Group filed his post-conviction petition in the trial court. On 10/18/02 and 12/12/02, the State filed a motion for summary judgment. On 02/27/03, the trial court granted Group's motion to supplement his post-conviction petition. On 06/16/06 and 07/18/06, Group filed *pro se* motions to remove counsel. On 04/12/07, Group filed a *pro se* motion to waive remaining appeals. On 06/07/07, Group filed a memorandum contra to the State's motion for summary judgment. On 12/18/08, both parties filed statements of the case for post-conviction relief. On 06/19/09, Group filed his amended petition. On 07/31/09, the State filed a motion for summary judgment. On 09/01/09, Group filed a motion to conduct discovery. On 10/05/09, the State filed its response. On 10/19/09, Group filed his reply. On 12/31/09, the trial court granted the State's motion for summary judgment. On 01/29/10, Group filed a notice of appeal. On 08/02/10, Group filed his merit brief. On 08/23/10, the State filed its brief. On 09/02/10, Group filed his reply brief.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 08/05/92                      Sentence ..... 11/25/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 02/16/94                      Supreme Court Decision ..... 08/30/95                      U.S. Supreme Court Review ..... 03/18/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Rice)</b>                      Prisoner's Petition ..... 11/06/98                      State's Return of Writ ..... 04/09/99                      Prisoner's Traverse ..... 06/21/99                      Evidentiary Hearing ..... 11/20/00                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal .....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument .....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 07/23/2007, Gumm's *Atkins* claim was granted, and Gumm was sentenced to 48 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/14/91                      Sentence ..... 08/21/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 11/15/94                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 sentenced to death. On 11/15/94, the 10th District Court of Appeals vacated Haight's convictions and sentence and remanded to the trial court for a new trial. On 08/17/95, Haight pled guilty to aggravated murder, among other counts. On 08/22/95, Haight was sentenced to life imprisonment without the possibility of parole until 20 years for the aggravated murder count.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/28/04                      Sentence ..... 07/18/05</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 07/15/08                      U.S. Supreme Court Review ..... 04/06/09</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 03/06/07                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Case is on post-conviction appeal pending briefing in the trial court.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 07/15/08, the Ohio Supreme Court affirmed Hale's conviction and sentence on direct appeal. On 04/06/09, the U.S. Supreme Court denied Hale's petition for writ of certiorari. Meanwhile, on 03/06/07, Hale filed a motion for post-conviction relief and discovery in the trial court.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/17/83                      Sentence ..... 10/29/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 09/18/86                      Supreme Court Decision ..... 06/15/88                      U.S. Supreme Court Review ..... 11/28/88</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 07/06/94                      Supreme Court Decision ..... 12/23/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Economus)</b>                      Prisoner's Petition ..... 11/14/95                      State's Return of Writ ..... 02/16/99                      Prisoner’s Traverse ..... 05/04/99                      Evidentiary Hearing.....                      Decision: ..... 02/24/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 05/25/00                      Prisoner's Final Brief ..... 08/22/01                      State's Final Brief ..... 08/15/01                      Oral Argument..... 03/20/02                      Decision ..... 12/29/03</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 05/21/04                      Brief in Opposition ..... 07/14/04                      Decision or Certiorari Denial ..... 10/12/04</p>

## 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 federal 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 re-sentencing. On 03/11/05, the trial court re-sentenced Hamblin to 30 years to life on his aggravated murder charge and 31.5 years to 50 years on his remaining charges.

**Summary of Crime:** On 11/13/00, Hancock murdered his cellmate, 25-year-old Jason Wagner, at the Warren Correctional Institution. Hancock murdered Wagner, within hours of 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 bedsheet. 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/20/00                      Sentence ..... 10/24/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 02/01/06                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 06/04/04                      Supreme Court Decision ..... 03/01/06</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 re-sentencing. Meanwhile, on 03/04/05, the trial court denied Hancock's post-conviction petition. On 03/28/05, Hancock filed his post-conviction appeal to the 12th District Court of Appeals. On 04/29/05, Hancock filed his merit brief. On 06/20/05, the State filed its merit brief. On 06/29/05, Hancock filed his reply brief. Meanwhile, on 06/04/04, the 12th District Court of Appeals denied Hancock's Murnahan appeal. On 03/01/06, the Ohio Supreme Court denied Hancock's Murnahan appeal. On 02/27/07, Hancock was sentenced to life without parole.

**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, then tried to make it appear that Walter 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 08/09/02                      Sentence ..... 06/16/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 01/18/06                      U.S. Supreme Court Review ..... 10/10/06</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 08/02/06</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Beckwith)</b>                      Prisoner's Petition ..... 08/22/07                      State's Return of Writ ..... 03/03/08                      Prisoner’s Traverse .....                      Evidentiary Hearing..... 02/11/10                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 01/18/06, the Ohio Supreme Court affirmed Hand's conviction and death sentence on direct appeal. On 03/01/07, Hand filed notice of intent to file a petition for a writ of habeas corpus. On 08/22/07, Hand filed a petition for a writ of habeas corpus in federal district court. On 03/03/08, the Warden filed a return of writ. On 07/21/08, Hand's motion for discovery was granted. On 12/23/08, the district court denied the Warden's motion to dismiss. On 10/08/09, the district court scheduled an evidentiary hearing. On 02/11/10, the district court held an evidentiary hearing. On 04/19/10, Hand filed a post-evidentiary hearing brief. On 05/26/10, the Warden filed a post-evidentiary hearing brief. On 07/02/10, Hand filed a reply.

**Summary of Crime:** On 08/22/97, Hanna attacked his 18-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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/26/98</p> <p>Sentence ..... 11/30/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 05/22/02</p> <p>U.S. Supreme Court Review ..... 11/18/02</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 12/22/99</p> <p>Trial Court Decision..... 03/22/01</p> <p>Court of Appeals Decision..... 12/31/01</p> <p>Supreme Court Decision ..... 07/03/02</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rose)</b></p> <p>Prisoner's Petition ..... 11/18/03</p> <p>State's Return of Writ ..... 01/20/04</p> <p>Prisoner's Traverse ..... 07/08/04</p> <p>Evidentiary Hearing..... 03/20/07</p> <p>Decision: ..... 02/26/09</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 03/20/09</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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 writ of habeas corpus. On 03/20/09, Hanna filed a notice of appeal to the 6th Circuit. On 09/04/09, the district court issued a certificate of appealability. On 10/30/09, Hanna filed a motion to expand the certificate of appealability in the 6th Circuit. On 11/10/09, the Warden filed a response in opposition. On 10/21/10, the 6th Circuit denied Hanna's motion to expand the certificate of appealability. (Note: On 01/04/11, Hanna filed his merit brief.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/16/97 Sentence ..... 05/27/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 10/03/01 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... 03/20/02</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gwin)</b></p> <p>Prisoner's Petition ..... 01/16/03 State's Return of Writ ..... 03/17/03 Prisoner's Traverse ..... 05/30/03 Evidentiary Hearing..... Decision: ..... 08/31/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 09/29/04 Prisoner's Final Brief ..... 06/08/06 State's Final Brief ..... 06/12/06 Oral Argument..... 01/31/07 Decision ..... 07/10/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 04/21/08 Brief in Opposition ..... 05/22/08 Decision or Certiorari Denial ..... 06/23/08</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date. Also pending in the Ohio Supreme Court on whether to grant jurisdiction regarding Hartman's successive post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 10/03/01, the Ohio Supreme Court affirmed Hartman's conviction and death sentence on direct appeal. On 08/31/04, the federal district court denied Hartman's petition for writ of habeas corpus. On 07/10/07, the 6th Circuit affirmed the district court's decision. On 06/23/08, the U.S. Supreme Court denied Hartman's petition for a writ of certiorari. On 12/03/08, the Ohio Supreme Court set Hartman's execution date for 04/07/09. On 03/31/09, the 6th Circuit granted Hartman a stay of execution. On 09/07/09, the 6th Circuit lifted the stay of execution. Meanwhile, on 03/26/09, Hartman filed a successive post-conviction petition. On 09/25/09, the trial court denied Hartman's successive petition. On 10/21/09, Hartman filed a notice of appeal. On 11/24/10, 9th District Court of Appeals dismisses Hartman's successive petition. (Note: On 01/07/11, Hartman filed a notice of appeal in the Ohio Supreme Court and a memorandum in support of jurisdiction. On 01/11/11, the State filed a waiver of memorandum in response.) Meanwhile, on 09/10/09, the State filed a motion in the Ohio Supreme Court to set an execution date. On 09/18/09, Hartman filed a memorandum in opposition.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/06/89                      Sentence ..... 01/26/90</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 12/18/91                      Supreme Court Decision ..... 06/09/93                      U.S. Supreme Court Review ..... 11/15/93</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 07/21/95                      Supreme Court Decision ..... 02/14/96</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Dlott)</b>                      Prisoner's Petition ..... 05/19/97                      State's Return of Writ ..... 09/05/97                      Prisoner’s Traverse ..... 10/04/99                      Evidentiary Hearing..... 01/22/02                      Decision: ..... 07/19/05</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 08/15/05                      Prisoner's Final Brief ..... 10/02/07                      State's Final Brief ..... 08/21/07                      Oral Argument..... 04/30/08                      Decision ..... 11/18/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 07/17/09                      Brief in Opposition ..... 10/08/09                      Decision or Certiorari Denial ..... 11/09/09</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending a decision in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 06/09/93, the Ohio Supreme Court affirmed Hawkins' conviction and death sentence on direct appeal. On 07/19/05, the federal district court granted Hawkins' petition for a writ of habeas corpus, vacated his death sentence based on a claim of ineffective assistance of counsel, and remanded to the state court for re-sentencing. On 08/15/05, the Warden filed a notice of appeal to the 6th Circuit. On 04/30/08, the 6th Circuit heard oral arguments. On 11/18/08, the 6th Circuit issued an opinion reversing in part and affirming in part the district court's decision and denied Hawkins a petition for writ of habeas corpus. On 11/09/09, the U.S. Supreme Court denied Hawkins' petition for writ of certiorari. On 02/18/10, the State filed a motion in the Ohio Supreme Court to set execution date.

**Summary of Crime:** In August 1987, Henderson shot and killed Emmett (“Tom”) Hall at the Nite Owl Bar in Springfield. Henderson shot Hall in the head, at close range, with a .25 caliber pistol that he was carrying in his back pocket.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment .....                      Sentence ..... 03/17/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 09/13/89                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 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 tried again and sentenced, on 08/31/90, to life imprisonment without the possibility of parole until after 30 years, among other imprisonment.

# Henderson, Jerome

Henderson  
Hamilton County

**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	FEDERAL COURTS
<b><u>TRIAL</u></b> Indictment ..... 04/18/85 Sentence ..... 08/05/85	<b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Spiegel)</b> Prisoner's Petition ..... 02/14/94 State's Return of Writ ..... 06/10/94 Prisoner's Traverse ..... Evidentiary Hearing..... Decision: ..... 07/10/03
<b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b> Court of Appeals Decision ..... 01/14/87 Supreme Court Decision ..... 09/28/88 U.S. Supreme Court Review ..... 03/06/89	<b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b> Notice of Appeal..... 07/17/03 Prisoner's Final Brief ..... 05/26/04 State's Final Brief ..... 05/26/04 Oral Argument..... 12/01/05 Decision ..... 06/09/06
<b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b> 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.....	<b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b> Certiorari Petition ..... 11/16/06 Brief in Opposition ..... 11/24/06 Decision or Certiorari Denial ..... 01/08/07
<b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b> Court of Appeals Decision ..... 03/12/93 Supreme Court Decision ..... 10/27/93	

## 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. (Note: The 6th Circuit Court of Appeals granted a stay of execution to Henderson based on Henderson's involvement in the lethal injection litigation. On 2/11/10, the state filed a motion to vacate the stay in the 6th Circuit)

## 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's petition for a writ of habeas corpus, vacated his death sentence based on improper jury instructions, and remanded the case for re-sentencing. On 06/09/06, the 6th Circuit reversed the district court. On 01/08/07, the U.S. Supreme Court denied Henderson's petition for a writ of certiorari. On 10/23/06, the Ohio Supreme Court granted the State's motion and scheduled Henderson's execution for 12/05/06. On 12/01/06, the 6th Circuit granted Henderson's motion to stay his execution. On 12/04/06, the U.S. Supreme Court denied the Warden's application to vacate the stay. On 08/06/08, the Ohio Supreme Court denied the State's motion to set an execution date. Meanwhile, on 07/23/08, 12/04/08, 10/26/09, and 11/19/10, the 6th Circuit denied Henderson's applications for successive habeas petitions.

Days From Death Sentence to 12/31/10: 9279

Inmate Number: A186-271

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/03/92 Sentence ..... 01/24/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/06/96 Supreme Court Decision ..... 06/18/97 U.S. Supreme Court Review ..... 11/10/97</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Merz)</b></p> <p>Prisoner's Petition ..... 01/16/01 State's Return of Writ ..... 04/16/01 Prisoner's Traverse ..... 12/27/04 Evidentiary Hearing..... 01/23/06 Decision: ..... 10/31/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 11/29/07 Prisoner's Final Brief ..... 11/04/09 State's Final Brief ..... 04/30/10 Oral Argument..... 12/08/10 Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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. On 11/29/07, Henness filed his notice of appeal to the 6th Circuit. On 11/04/09, Henness filed his brief. On 04/30/10, the Warden filed his brief. On 06/14/10, Henness filed his reply brief. On 12/08/10, the 6th Circuit heard oral argument.

**Summary of Crime:** On 03/27/87, Heinisch murdered his stepdaughter, 15-year-old Vicki Patterson, in North Ridgeville. The murder occurred after Heinisch 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 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment .....                      Sentence ..... 08/25/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 09/19/88                      Supreme Court Decision ..... 04/25/90                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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, Heinisch was sentenced to death. On 09/19/88, the 8th District Court of Appeals affirmed Heinisch'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 Heinisch's sentence of death, and remanded the case to the trial court for re-sentencing for the crime of murder. On 08/23/90, the trial court re-sentenced Heinisch to life imprisonment without the possibility of parole for 15 years.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/07/96                      Sentence ..... 02/23/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 02/27/02                      U.S. Supreme Court Review ..... 10/07/02</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 09/17/99                      Trial Court Decision..... 01/06/03                      Court of Appeals Decision ..... 10/01/04                      Supreme Court Decision ..... 02/02/05                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending a decision on Herring's post-conviction petition in the 7th District Court of Appeals.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 02/27/02, the Ohio Supreme Court affirmed Herring's conviction and death sentence on direct appeal. Meanwhile, on 01/06/03, the trial court denied Herring's post-conviction petition. On 10/01/04, the 7th District Court of Appeals reversed the trial court's denial of Herring's post-conviction petition and remanded to the trial court for an evidentiary hearing. On 02/02/05, the Ohio Supreme Court denied Herring's post-conviction appeal. On 09/26/08, the trial court denied Herring's post-conviction petition. On 10/27/08, Herring filed a notice of appeal in the 7th District Court of Appeals. On 12/08/08, Herring filed his brief. On 02/26/09, the State filed a reply and motion to dismiss. On 03/12/09, Herring filed a reply brief. On 05/07/10, the 7th District Court of Appeals waived oral argument.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/30/95                      Sentence ..... 11/07/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 09/27/00                      U.S. Supreme Court Review ..... 04/23/01</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing .....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal .....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument .....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 08/29/85                      Sentence ..... 02/21/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 04/06/88                      Supreme Court Decision ..... 05/17/89                      U.S. Supreme Court Review ..... 03/19/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 12/01/92                      Supreme Court Decision ..... 10/27/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Weber)</b>                      Prisoner's Petition ..... 03/10/94                      State's Return of Writ ..... 08/25/94                      Prisoner's Traverse .....</p> <p>Evidentiary Hearing ..... 03/03/97                      Decision: ..... 04/17/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal ..... 07/12/01                      Prisoner's Final Brief ..... 06/19/03                      State's Final Brief ..... 06/19/03                      Oral Argument ..... 03/09/04                      Decision ..... 09/15/04</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 03/03/05                      Brief in Opposition ..... 04/11/05                      Decision or Certiorari Denial ..... 05/16/05</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/17/85 Sentence ..... 02/28/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 11/27/89 Supreme Court Decision ..... 08/12/92 U.S. Supreme Court Review ..... 03/29/93</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 02/22/00 Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Matia)</b></p> <p>Prisoner's Petition ..... 12/02/96 State's Return of Writ ..... 01/24/97 Prisoner's Traverse .....</p> <p>Evidentiary Hearing..... Decision: ..... 09/29/99</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/29/99 Prisoner's Final Brief ..... 12/21/01 State's Final Brief ..... 12/17/01 Oral Argument..... 05/01/02 Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 08/12/92, the Ohio Supreme Court affirmed Hill's conviction and death sentence on direct appeal. On 09/29/99, the federal district court denied Hill's petition for a writ of habeas corpus. On 08/13/02, the 6th Circuit remanded the case to the district court with orders to dismiss Hill's *Atkins* claim. On 08/20/02, the district court dismissed Hill's *Atkins* claim and held the case in abeyance pending the exhaustion of state court proceedings. On 02/15/06, the trial court denied Hill's *Atkins v. Virginia* successive post-conviction petition. On 07/14/08, the 11th District Court of Appeals affirmed the judgment of the trial court. On 08/26/09, the Ohio Supreme Court dismissed Hill's appeal. On 10/01/09, the district court granted the parties' motion to reopen the case. On 11/25/09, the district court denied Hill's motion to dismiss proceedings and ordered Hill to file an amended complaint. On 03/15/10, Hill filed an amended petition for writ of habeas corpus. On 04/30/10, the Warden filed a return of writ. On 08/02/10, Hill filed his traverse. On 09/20/10, Hill filed a motion for discovery and evidentiary hearing. On 12/14/10, the district court partially granted Hill's motion for discovery and denied Hill's motion for an evidentiary hearing without prejudice.

**Summary of Crime:** On 02/18/88, Hill murdered Alex Lesko by thrice 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 03/25/88                      Sentence ..... 11/30/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 04/25/91                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 sentenced to death. On 04/25/91, the 8th District Court of Appeals vacated the death sentence and remanded the case to the trial court to sentence Hill to life imprisonment with parole eligibility either after 20 or 30 years. On 9/16/94, the trial court re-sentenced Hill. Hill is currently serving a life sentence without possibility for parole until after 50 years.

**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 sneaked 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 struck several times in the head.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/07/91 Sentence ..... 12/11/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/21/94 Supreme Court Decision ..... 03/05/96 U.S. Supreme Court Review ..... 10/07/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 06/08/00 Supreme Court Decision ..... 01/17/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Sargus)</b></p> <p>Prisoner's Petition ..... 06/26/98 State's Return of Writ ..... 06/11/99 Prisoner's Traverse ..... 05/25/00 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending briefing in the 1st District Court of Appeals on Hill's *Atkins* petition.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 03/05/96, the Ohio Supreme Court affirmed Hill's conviction and death sentence on direct appeal. On 06/26/98, Hill filed a petition for a writ of habeas corpus in federal district court. On 09/27/07, the district court partially granted Hill's motion to conduct discovery. On 09/30/08, the district court denied Hill's motion for an evidentiary hearing. On 11/30/09, Hill filed a motion to stay the proceedings pending the exhaustion of Hill's *Atkins* claim in state court. On 01/29/10, the district court denied Hill's motion to stay and abey proceedings. On 11/09/09, the Warden filed a response in opposition. On 09/30/10, the district court denied Hill's motion for reconsideration of the court's 01/22/10 opinion and order and denied discovery; granted Hill's motion for in camera review and to compel discovery; denied the Warden's motion to dismiss a ground for relief; and denied Hill's motion to expand the record. On 10/08/10, the Warden filed a sur-reply. Meanwhile, on 10/21/09, Hill filed a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 11/04/09, the State filed a motion to dismiss. On 11/30/09, Hill filed his response in opposition. On 05/07/10, Hill filed an amended petition. On 07/19/10, the trial court denied Hill's *Atkins* petition. On 08/18/10, Hill filed a notice of appeal.

**Summary of Crime:** On 03/23/91, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/30/91 Sentence ..... 06/19/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/22/93 Supreme Court Decision ..... 08/30/95 U.S. Supreme Court Review ..... 01/16/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 09/10/96 Supreme Court Decision ..... 04/16/97</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Graham)</b></p> <p>Prisoner's Petition ..... 05/21/99 State's Return of Writ ..... 08/20/01 Prisoner's Traverse ..... 09/19/01 Evidentiary Hearing..... Decision: ..... 07/24/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 08/20/03 Prisoner's Final Brief ..... 06/10/04 State's Final Brief ..... 06/14/04 Oral Argument..... 11/04/04 Decision ..... 03/08/05</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 09/15/05 Brief in Opposition ..... 10/24/05 Decision or Certiorari Denial ..... 11/28/05</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 11/16/93</p> <p>Sentence ..... 06/01/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 03/23/01</p> <p>Supreme Court Decision ..... 07/14/04</p> <p>U.S. Supreme Court Review ..... 01/10/05</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 04/28/97</p> <p>Trial Court Decision..... 04/17/01</p> <p>Court of Appeals Decision ..... 09/30/02</p> <p>Supreme Court Decision ..... 09/01/04</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 08/24/06</p> <p>Supreme Court Decision ..... 02/14/07</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gwin)</b></p> <p>Prisoner's Petition ..... 01/06/06</p> <p>State's Return of Writ ..... 03/28/06</p> <p>Prisoner’s Traverse ..... 05/30/06</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 07/23/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 08/18/08</p> <p>Prisoner's Final Brief ..... 05/15/09</p> <p>State's Final Brief ..... 07/15/09</p> <p>Oral Argument..... 11/18/09</p> <p>Decision ..... 09/23/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 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 writ of habeas corpus. On 08/18/08, Hoffner filed a notice of appeal in the 6th Circuit. On 05/15/09, Hoffner filed his brief. On 07/15/09, the Warden filed his brief. On 11/18/09, the 6th Circuit held oral arguments. On 09/23/10, the 6th Circuit affirmed the district court's denial of Hoffner's petition for writ of habeas corpus. On 11/30/10, the 6th Circuit denied Hoffner's petition for en banc rehearing. On 12/17/10, the 6th Circuit issued a mandate.

**Summary of Crime:** On 08/06/84, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/30/84 Sentence ..... 11/05/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 07/23/86 Supreme Court Decision ..... 08/24/88 U.S. Supreme Court Review ..... 07/03/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 10/01/92 Supreme Court Decision ..... 10/27/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Marbley)</b></p> <p>Prisoner's Petition ..... 04/18/94 State's Return of Writ ..... 06/20/94 Prisoner's Traverse ..... 09/06/94 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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.

**Summary of Crime:** On 03/28/84, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/25/84 Sentence ..... 02/11/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 10/22/86 Supreme Court Decision ..... 10/05/88 U.S. Supreme Court Review ..... 04/03/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 08/23/00 Supreme Court Decision ..... 06/20/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Graham)</b></p> <p>Prisoner's Petition ..... 01/21/00 State's Return of Writ ..... 04/06/00 Prisoner's Traverse ..... 05/19/00 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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.

**Summary of Crime:** On 11/01/87, 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 the Hudson's automobile, the four defendants drove Mr. Burks to a remote area of the countryside where he was beaten, stabbed, shot, and killed. Ms. Burks had been shot four times and his throat had been slashed.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 01/05/88                      Sentence ..... 11/30/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 05/28/93                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 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 re-sentenced to life imprisonment without parole eligibility until after 30 years for the aggravated murder.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/07/86                      Sentence ..... 03/24/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 07/06/88                      Supreme Court Decision ..... 05/09/90                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p>.....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....</p> <p>.....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....</p> <p>.....                      State's Return of Writ .....</p> <p>.....                      Prisoner's Traverse .....</p> <p>.....                      Evidentiary Hearing.....</p> <p>.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p>.....                      Prisoner's Final Brief .....</p> <p>.....                      State's Final Brief .....</p> <p>.....                      Oral Argument.....</p> <p>.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>.....                      Brief in Opposition .....</p> <p>.....                      Decision or Certiorari Denial .....</p>

## 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 03/24/97, Huertas was 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 Huertas' death sentence and remanded the case to the trial court for imposition of a life sentence.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/17/97</p> <p>Sentence ..... 07/06/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/03/99</p> <p>Supreme Court Decision ..... 08/20/03</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 07/24/00</p> <p>Trial Court Decision..... 05/08/01</p> <p>Court of Appeals Decision ..... 01/17/03</p> <p>Supreme Court Decision ..... 11/19/03</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 09/07/00</p> <p>Supreme Court Decision ..... 01/14/04</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... 02/12/07</p> <p>State's Return of Writ ..... 04/13/07</p> <p>Prisoner's Traverse ..... 06/26/09</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in state court on Hughbank's successive post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus, which is stayed pending state court proceedings.

## NOTES

On 08/20/03, the Ohio Supreme Court affirmed Hughbanks' conviction and death sentence on direct appeal. On 02/12/07, Hughbanks filed his petition for a writ of habeas corpus in federal district court. On 04/23/08, the district court granted Hughbanks' motion for discovery. On 06/26/09, Hughbanks filed his traverse. On 12/03/09, Hughbanks filed a motion to remand to state court to exhaust two claims. On 01/29/10, the district court granted Hughbanks' motion and stayed proceedings pending Hughbanks exhausting claims in state court. On 04/01/10, Hughbanks filed a successive post-conviction petition. On 07/28/10, the State filed a motion to dismiss. On 09/30/10, Hughbanks filed his reply. On 11/02/10, Hughbanks filed a motion for funding. On 11/05/10, Hughbanks filed a motion for leave to conduct discovery. On 11/19/10, the State filed its responses. Meanwhile, on 12/09/03, the trial court denied Hughbanks' *Atkins v. Virginia* successive post-conviction petition. On 12/03/04, the 1st District Court of Appeals partially reversed the trial court's decision and remanded to the trial court for an evidentiary hearing. On 05/16/07 and 10/01/07, the trial court denied Hughbanks' post-conviction petition and motion to amend his *Atkins* petition. On 09/03/08, the 1st District Court of Appeals affirmed the decision of the trial court. On 03/25/09, the Ohio Supreme Court declined jurisdiction.

**Days From Death Sentence to 12/31/10: 4561**

**Inmate Number: A362-032**

**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 working.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/01/06 Sentence ..... 09/20/07</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 06/25/08 Trial Court Decision..... 07/16/09 Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner’s Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending a decision in the Ohio Supreme Court on Hunter's direct appeal. Also pending a decision in the 1st District Court of Appeals on Hunter's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 09/20/07, Hunter was sentenced to death. On 07/14/08, Hunter filed his direct appeal in the Ohio Supreme Court. On 10/31/08, the State filed its response. On 12/15/08, Hunter filed a reply. Meanwhile, on 06/25/08, Hunter filed a post-conviction petition in the trial court. On 10/31/08, the State filed its motion to dismiss. On 11/24/08, Hunter filed a reply. On 07/16/09, the trial court dismissed Hunter's post-conviction petition. On 08/13/09, Hunter filed a notice of appeal in the 1st District Court of Appeals. On 12/14/09, Hunter filed his brief. On 02/08/10, the State filed its brief.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/16/85                      Sentence ..... 02/07/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 02/01/91                      Supreme Court Decision ..... 11/05/03                      U.S. Supreme Court Review ..... 04/26/04</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 03/20/00                      Supreme Court Decision ..... 11/05/03</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Boyko)</b>                      Prisoner's Petition ..... 12/15/05                      State's Return of Writ ..... 02/13/06                      Prisoner’s Traverse ..... 04/11/06                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 11/05/03, the Ohio Supreme Court affirmed Hutton's conviction and death sentence on direct appeal. On 12/15/05, Hutton filed a petition for a writ of habeas corpus in federal district court. On 02/13/06, the Warden filed a return of writ. On 04/11/06, Hutton filed his traverse. On 04/26/06, the Warden filed a sur-reply. On 09/16/08, the district court partially granted Hutton's motion for discovery. On 04/11/09, Hutton moved the district court for leave to file additional discovery requests. On 04/14/09, the Warden opposed. On 08/04/09, the district court partially granted Hutton's motion for discovery.

**Summary of Crime:** On 11/22/97, Andre Miles, having been hired, instructed, and given a weapon by Issa, murdered Maher and Ziad Khriiss in the parking lot of their store in Cincinnati. Miles robbed the brothers and shot them in the back of the head.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 12/15/97 Sentence ..... 10/16/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 08/29/01 U.S. Supreme Court Review ..... 04/01/02</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... 09/24/03</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Beckwith)</b></p> <p>Prisoner's Petition ..... 04/17/03 State's Return of Writ ..... 04/05/04 Prisoner’s Traverse ..... 09/29/04 Evidentiary Hearing..... 03/06/06 Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 03/06/06, 03/07/06, and 06/13/06, the district court held an evidentiary hearing. On 10/11/06, Issa filed his post-evidentiary hearing brief. On 11/13/06, the Warden filed his brief. On 11/27/06, Issa filed his reply brief. On 05/25/07, the district court denied Issa's motion to stay proceedings pending the decision in the U.S. Supreme Court case, *Medellin v. Texas*. On 11/30/07, Issa and the Warden both filed briefs in compliance with the district court's order for additional briefing on the U.S. Supreme Court case, *Mayle v. Felix*. On 12/20/07, the magistrate judge issued a report and recommendation denying seven of Issa's claims and noting his intention to address the remaining claims in a subsequent report. On 01/31/08, both the Warden and Issa filed their objections to the report and recommendations. On 11/05/08, the magistrate judge issued a second report and recommendation denying all of Issa's claims. On 01/22/09, Issa filed an objection to the report and recommendation. On 02/03/09, the Warden filed a response in opposition.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/23/87                      Sentence ..... 04/21/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/05/89                      Supreme Court Decision ..... 01/09/91                      U.S. Supreme Court Review ..... 10/07/91</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 07/14/94                      Supreme Court Decision ..... 03/23/95</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Economus)</b>                      Prisoner's Petition ..... 12/02/96                      State's Return of Writ ..... 11/10/97                      Prisoner’s Traverse ..... 06/01/98                      Evidentiary Hearing.....                      Decision: ..... 05/09/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 08/24/01                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending a decision on Jackson's *Atkins* petition in the trial court.
- **Status in Federal Courts as of 12/31/10:** The federal habeas corpus proceedings have been held in abeyance pending exhaustion of state court proceedings.

## NOTES

On 01/09/91, the Ohio Supreme Court affirmed Jackson's conviction and death sentence on direct appeal. On 05/09/01, the federal district court denied Jackson's petition for a writ of habeas corpus. On 08/24/01, Jackson filed a notice of appeal to the 6th Circuit. On 12/13/02, the 6th Circuit granted Jackson's motion to remand to the district court and vacated the district court's denial of Jackson's motion for a certificate of appealability. On 06/20/03, the district court partially granted Jackson's motion for a certificate of appealability. On 06/27/03, the 6th Circuit granted Jackson's motion to hold case in abeyance pending exhaustion of state court proceedings. Meanwhile, on 05/09/03, Jackson filed a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 08/19/03, the trial court issued a briefing schedule and ordered that Jackson be evaluated by the Cuyahoga County Psychiatric Clinic. On 10/20/03, the Psychiatric Clinic evaluated Jackson. On 03/19/07, the State filed a motion for summary judgment. On 03/29/07, Jackson filed a memo contra to the State's motion for summary judgment and requested an evidentiary hearing. On 01/07/09, the trial court denied the State's motion for summary judgment.

**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. Earlier that day, Cunningham had purchased crack cocaine from a Lashane Liles. Jackson and Cunningham later returned to Liles' apartment to rob him. After robbing and shooting Liles, Jackson and Cunningham opened fire on the six relatives and friends of Liles who were also present. Jala and Leneshia were each fatally shot in the head, while all of the others, including Liles, were wounded. Jackson and Cunningham both received death sentences.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/10/02</p> <p>Sentence ..... 08/05/02</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 11/23/05</p> <p>U.S. Supreme Court Review ..... 06/26/06</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 08/13/03</p> <p>Trial Court Decision..... 12/19/03</p> <p>Court of Appeals Decision..... 10/04/04</p> <p>Supreme Court Decision ..... 12/28/05</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision..... 08/02/06</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Nugent)</b></p> <p>Prisoner's Petition ..... 06/26/07</p> <p>State's Return of Writ ..... 09/26/07</p> <p>Prisoner's Traverse ..... 12/10/07</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 05/01/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 05/23/08</p> <p>Prisoner's Final Brief ..... 07/19/10</p> <p>State's Final Brief ..... 10/29/10</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 11/23/05, the Ohio Supreme Court affirmed Jackson's conviction and death sentence for count two (aggravated murder of Leneshia Williams) on direct appeal, but vacated his death sentence on count one (aggravated murder of Jala Grant) based on errors during voir dire and remanded to the trial court for re-sentencing on count one. On 01/08/07, the trial court re-sentenced Jackson to life without parole on the count one murder. On 05/01/08, the district court denied Jackson's petition for writ of habeas corpus. On 05/23/08, Jackson filed his notice of appeal in the 6th Circuit. On 12/17/09, the 6th Circuit granted a certificate of appealability for nine claims and set a briefing schedule. On 07/19/10, Jackson filed his final brief. On 10/29/10, the Warden filed his final brief. On 11/29/10, Jackson filed his reply brief.

**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 and feigning to be a customer to Ms. Pickryl and her co-worker, 27-year-old Christy Diaz. He then surprised the two employees by brandishing a firearm and demanding money. 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 apart 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/23/09                      Sentence ..... 04/20/10</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....                      U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court.....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision.....                      U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition.....                      State's Return of Writ.....                      Prisoner's Traverse.....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief.....                      State's Final Brief.....                      Oral Argument.....                      Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition.....                      Brief in Opposition.....                      Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending briefing in the Ohio Supreme Court on Jackson's direct appeal.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 04/07/10, Jackson was sentenced to death. On 05/26/10, Jackson filed a notice of appeal for his direct appeal in the Ohio Supreme court.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/07/97 Sentence ..... 03/06/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 08/15/01 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Frost)</b></p> <p>Prisoner's Petition ..... 10/23/03 State's Return of Writ ..... 01/31/05 Prisoner's Traverse ..... 06/17/05 Evidentiary Hearing..... Decision: ..... 09/28/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/26/07 Prisoner's Final Brief ..... 02/06/09 State's Final Brief ..... 06/10/09 Oral Argument..... 01/19/10 Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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's petition for a writ of habeas corpus. On 10/26/07, Jackson filed a motion for a certificate of appealability. On 10/26/07, Jackson filed a notice of appeal to the 6th Circuit. On 03/21/08, the district court partially granted Jackson's motion for a certificate of appealability. On 09/29/08, the 6th Circuit granted Jackson's motion to supplement the certificate of appealability. On 02/06/09, Jackson filed his brief. On 06/10/09, the Warden filed his brief. On 01/19/10, the 6th Circuit heard oral arguments. On 03/03/10, the 6th Circuit remanded the case to the district court to consider jury instructions in light of *Beck v. Alabama* and to make findings of fact and conclusions of law on the issue. On 04/16/10, Jackson filed his brief on the issue in the district court. On 05/17/10, the Warden filed his response. On 05/28/10, Jackson filed his reply. On 12/16/10, the district court issued findings of fact and conclusions of law, advising the 6th Circuit that, absent harmless error, Jackson should be entitled to habeas relief.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/28/01                      Sentence ..... 12/10/02</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 08/02/06                      U.S. Supreme Court Review ..... 06/09/06</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 01/05/04                      Trial Court Decision..... 06/14/04                      Court of Appeals Decision ..... 05/26/06                      Supreme Court Decision ..... 11/01/06                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision ..... 10/04/06</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Gwin)</b>                      Prisoner's Petition ..... 10/31/07                      State's Return of Writ ..... 01/14/08                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending resentencing in the trial court. Also pending in the Ohio Supreme Court on Jackson's appeal of the denial of his Civ. R. 60(B) motion. Also pending in the Ohio Supreme Court on Jackson's appeal of the denial of his new trial motion.
- **Status in Federal Courts as of 12/31/10:** Case is currently held in abeyance pending the completion of state proceedings.

## NOTES

On 08/02/06, the Ohio Supreme Court affirmed Jackson's conviction and death sentence on direct appeal. Jackson's post-conviction petition was unsuccessful. On 10/31/07, Jackson filed a petition for a writ of habeas corpus in district court. On 04/18/08, the district court granted Jackson's motion to hold his habeas petition in abeyance pending state court proceedings. Meanwhile, on 03/14/08, Jackson filed a Civ. R. 60(B) motion for relief from the trial court's judgment entry denying his petition for post-conviction relief. The trial court denied Jackson's motion, and Jackson filed a notice of appeal. On 05/13/08, Jackson filed his brief in the 11th District Court of Appeals. On 05/29/08, the State filed its brief. On 03/29/10, the 11th District Court of Appeals dismissed the appeal. On 05/13/10, Jackson filed a notice of appeal and a memorandum in support of jurisdiction in the Ohio Supreme Court. On 06/04/10, the State filed its response. On 08/14/08, Jackson also filed a notice of appeal of the trial court's denial of a motion for new trial. On 12/31/09, the 11th District Court of Appeals dismissed the appeal. On 02/16/10, Jackson sought review in the Ohio Supreme Court. On 03/16/10, the State filed its response. On 06/03/09, Jackson also filed a notice of appeal of the trial court's denial of his additional motion for a new trial. On 10/18/10, the 11th District Court of Appeals remanded the case to the trial court for a new sentencing hearing.

**Pending Resentencing**

**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 in a drug trafficking trial. On the morning of the trial, Jalowiec and Raymond 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/08/95 Sentence ..... 04/11/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/15/98 Supreme Court Decision ..... 04/04/01 U.S. Supreme Court Review ..... 10/09/01</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 08/18/99 Supreme Court Decision ..... 08/08/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Nugent)</b></p> <p>Prisoner's Petition ..... 07/02/03 State's Return of Writ ..... 09/02/03 Prisoner's Traverse ..... 12/15/03 Evidentiary Hearing..... Decision: ..... 02/01/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 02/28/08 Prisoner's Final Brief ..... 10/02/09 State's Final Brief ..... 01/15/10 Oral Argument..... 06/09/10 Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the trial court on Jalowiec's successive post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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. On 02/28/08, Jalowiec filed a notice of appeal to the 6th Circuit. On 10/02/09, Jalowiec filed his brief in the 6th Circuit. On 01/15/10, the Warden filed his brief. On 06/09/10, the 6th Circuit heard oral arguments. Meanwhile, on 05/28/08, Jalowiec filed a successive post-conviction petition in the trial court. On 07/17/08, the State filed a memorandum in opposition. On 5/19/10, Jalowiec filed with the trial court a motion for re-sentencing and for the issuance of a final appealable order. On 11/09/10, the trial court denied Jalowiec's motion.

**Summary of Crime:** According to the capital indictment, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 01/31/85                      Sentence ..... 10/18/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 02/17/88                      Supreme Court Decision ..... 03/07/90                      U.S. Supreme Court Review ..... 10/01/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 12/01/92                      Supreme Court Decision ..... 04/14/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Spiegel)</b>                      Prisoner's Petition ..... 03/10/94                      State's Return of Writ ..... 04/21/94                      Prisoner's Traverse ..... 08/02/95                      Evidentiary Hearing.....                      Decision: ..... 05/10/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 06/02/00                      Prisoner's Final Brief ..... 08/20/01                      State's Final Brief ..... 08/20/01                      Oral Argument..... 01/23/02                      Decision ..... 05/23/02</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 federal district court granted Jamison's petition for a writ of habeas corpus, vacated his conviction and death sentence based on a claim that the prosecution withheld exculpatory evidence, and remanded to state court for re-trial. On 05/23/02, the 6th Circuit affirmed the district court's decision. On 02/28/05, the prosecutor dismissed Jamison's capital indictment. On 10/25/05, Jamison was paroled after serving 20 years for several unrelated robbery offenses in Hamilton County.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/05/87</p> <p>Sentence ..... 09/18/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/20/89</p> <p>Supreme Court Decision ..... 08/08/90</p> <p>U.S. Supreme Court Review ..... 02/19/91</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 11/08/91</p> <p>Trial Court Decision..... 04/09/97</p> <p>Court of Appeals Decision..... 04/30/98</p> <p>Supreme Court Decision ..... 09/23/98</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... 04/26/00</p> <p>Supreme Court Decision..... 12/27/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Manos)</b></p> <p>Prisoner's Petition ..... 09/21/99</p> <p>State's Return of Writ ..... 11/23/99</p> <p>Prisoner’s Traverse ..... 01/06/00</p> <p>Evidentiary Hearing..... 06/08/00</p> <p>Decision: ..... 03/18/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 05/01/02</p> <p>Prisoner's Final Brief ..... 04/10/07</p> <p>State's Final Brief ..... 04/11/07</p> <p>Oral Argument..... 03/19/08</p> <p>Decision ..... 08/18/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Case is stayed pending proceedings in the federal district court.
- **Status in Federal Courts as of 12/31/10:** Case is pending in the district court on Jells' motion for an unconditional writ and Jells' motion to enforce the writ.

## NOTES

On 08/08/90, the Ohio Supreme Court affirmed Jells' conviction and death sentence on direct appeal. On 03/18/02, the federal 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 commences a new penalty phase trial within 180 days. On 12/16/08, the 6th Circuit denied the Warden's petition for en banc review. On 03/30/10, Jells filed a motion for an unconditional writ in the district court. On 04/14/10, the Warden filed a response. On 04/27/10, Jells filed a reply. On 09/01/10, Jells filed a motion to enforce the writ. On 09/09/10, the Warden responded. On 09/15/10, Jells filed a reply. Meanwhile, on 08/16/10, the trial court scheduled Jells' sentencing hearing for 01/04/11. On 09/28/10, the trial court stayed the case pending proceedings in the federal district court.

**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 another officer was permanently paralyzed below the waist.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/23/81                      Sentence ..... 04/16/82</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 02/24/84                      Supreme Court Decision ..... 12/17/84                      U.S. Supreme Court Review ..... 06/24/85</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**Summary of Crime:** On 08/05/83, Jester murdered Parolman 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 08/12/83                      Sentence ..... 07/13/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/07/85                      Supreme Court Decision ..... 09/26/97                      U.S. Supreme Court Review ..... 01/28/88</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 09/30/88                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/04/83 Sentence ..... 01/02/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/28/88 Supreme Court Decision ..... 10/18/89 U.S. Supreme Court Review ..... 03/19/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 02/17/94 Supreme Court Decision ..... 08/03/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Nugent)</b></p> <p>Prisoner's Petition ..... 06/30/97 State's Return of Writ ..... 09/02/97 Prisoner's Traverse ..... 10/17/97 Evidentiary Hearing..... Decision: ..... 11/02/99</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 03/16/00 Prisoner's Final Brief ..... 12/28/06 State's Final Brief ..... 12/20/06 Oral Argument..... 12/06/07 Decision ..... 11/04/09</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 federal district court denied Johnson's petition for a writ of habeas corpus. On 03/16/00, Johnson filed a notice of appeal to the 6th Circuit. On 12/20/06, the Warden filed his final brief. On 12/28/06, Johnson filed his final brief and final reply brief. On 12/06/07, the 6th Circuit heard oral arguments. 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 re-sentencing. On 12/01/09, the Warden filed a petition for en banc rehearing. On 12/21/09, the 6th Circuit ordered Johnson to file a response to the Warden's petition for en banc rehearing. On 01/04/10, Johnson filed his response. On 02/17/10, the 6th Circuit denied the Warden's petition for en banc rehearing. On 08/13/10, the trial court re-sentenced Johnson to life imprisonment without the possibility of parole for 30 years.

**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 7/3/03. In the early morning hours of 8/15/03, 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 knifepoint. He 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 matched that of Daniel.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 08/25/03                      Sentence ..... 06/04/04</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 12/13/06                      U.S. Supreme Court Review ..... 10/01/07</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision ..... 07/25/07</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Sargus)</b>                      Prisoner's Petition ..... 09/28/08                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 writ of habeas corpus. On 11/12/08, the Warden filed a motion to dismiss procedurally defaulted claims. On 01/12/09, Johnson filed a motion for discovery. On 01/27/09, the Warden filed a response to Johnson's motion for discovery. On 02/06/09, Johnson filed a reply. On 09/29/09, the magistrate judge partially granted the Warden's motion to dismiss procedurally defaulted claims. On 09/30/10, the district court granted limited discovery to Johnson. On 10/14/10, Johnson filed objections to the magistrate judge's order regarding discovery. On 12/28/10, the district court granted Johnson additional time to complete discovery.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/09/90                      Sentence ..... 03/28/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 11/04/92                      Supreme Court Decision ..... 12/23/94                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p>Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Dowd)</b>                      Prisoner's Petition ..... 04/17/96                      State's Return of Writ ..... 07/10/96                      Prisoner's Traverse ..... 10/22/96                      Evidentiary Hearing.....                      Decision: ..... 08/07/97</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 09/08/97                      Prisoner's Final Brief ..... 07/30/98                      State's Final Brief ..... 07/31/98                      Oral Argument..... 02/05/99                      Decision ..... 01/12/00</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 re-trial. On 04/17/96, Johnson filed a petition for a writ of habeas corpus in federal district court, alleging that his re-trial 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/20/97                      Sentence ..... 06/01/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 03/01/00                      U.S. Supreme Court Review ..... 10/02/00</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 02/23/99                      Trial Court Decision..... 01/14/00                      Court of Appeals Decision ..... 12/01/00                      Supreme Court Decision ..... 04/04/01                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision ..... 07/12/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Graham)</b>                      Prisoner's Petition ..... 04/01/02                      State's Return of Writ ..... 01/10/05                      Prisoner’s Traverse ..... 04/11/05                      Evidentiary Hearing..... 05/10/04                      Decision: ..... 04/24/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 05/17/06                      Prisoner's Final Brief ..... 10/30/07                      State's Final Brief ..... 10/26/07                      Oral Argument..... 06/03/08                      Decision ..... 10/10/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending resentencing in the trial court following remand.
- **Status in Federal Courts as of 12/31/10:** 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 federal district court granted Johnson's petition for a writ of habeas corpus, vacated his sentence based on ineffective assistance of counsel and remanded to the state court for re-sentencing. On 10/10/08, the 6th Circuit denied the Warden's appeal. On 03/09/09, the trial court appointed counsel for re-sentencing. On 07/07/09, the trial court authorized the appointment and payment of fees for an expert for Johnson. In 2010, the parties briefed the trial court on several pre-trial motions.

**Summary of Crime:** On 08/06/86, the 4th District Court of Appeals vacated Mr. Johnston's 1984 convictions and death sentence and remanded the case to the trial court for a new trial. The State elected not to retrial Mr. Johnston. (Note: Although Mr. Johnston was never retried, Ohio law (R.C. 109.97) requires the attorney general to report any individual whose death sentence has been vacated or reversed on appeal.)

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/29/83                      Sentence ..... 03/23/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....                      U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court.....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision.....                      U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition.....                      State's Return of Writ.....                      Prisoner’s Traverse.....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief.....                      State's Final Brief.....                      Oral Argument.....                      Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition.....                      Brief in Opposition.....                      Decision or Certiorari Denial.....</p>

## STATUS

- Status in State Courts as of 08/06/86:
  
- Status in Federal Courts as of 08/06/86:

## NOTES

**State Elected Not to Retry on Remand**

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/27/95                      Sentence ..... 01/09/97</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 08/28/98                      Supreme Court Decision ..... 12/27/00                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 04/09/99                      Supreme Court Decision ..... 04/25/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Rose)</b>                      Prisoner's Petition ..... 11/26/01                      State's Return of Writ ..... 01/07/02                      Prisoner's Traverse ..... 09/07/06                      Evidentiary Hearing..... 09/24/07                      Decision: ..... 02/19/10</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 03/18/10                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 12/27/00, the Ohio Supreme Court affirmed Jones' conviction and death sentence on direct appeal. On 11/26/01, Jones filed a petition for a writ of habeas corpus in federal court. On 01/24/05, the district court appointed Jones new counsel. On 10/06/05, the district court granted Jones' motion for discovery. On 09/07/06, Jones filed his traverse. On 10/03/06, the Warden filed a sur-reply. On 09/24/05 and 09/25/07, the district court held an evidentiary hearing. On 10/19/07, the district court ordered additional briefing. On 12/10/07, the district court granted Jones' motion to amend his petition. On 08/31/09, the magistrate judge issued a report and recommendation, recommending that Jones' petition for writ of habeas corpus be dismissed with prejudice. On 11/16/09, Jones filed objections to the report and recommendation. On 02/19/10, the district court adopted the magistrate judge's report and recommendations, which recommended the denial of Jones' habeas claims, and dismissed Jones' petition for writ of habeas corpus. On 03/18/10, Jones filed a notice of appeal. On 06/15/10, the district court adopted the magistrate judge's report and recommendations regarding the certificate of appealability, which partially granted Jones' motion for a certificate of appealability. On 10/29/10, the 6th Circuit denied Jones' motion to expand the certificate of appealability.

**Summary of Crime:** On 11/17/97, Jones murdered Ashtabula Police Officer William D. Glover, Jr. 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/26/97                      Sentence ..... 06/09/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 04/18/01                      U.S. Supreme Court Review ..... 10/29/01</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 09/26/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Katz)</b>                      Prisoner's Petition ..... 10/10/03                      State's Return of Writ ..... 12/08/03                      Prisoner's Traverse ..... 05/03/04                      Evidentiary Hearing.....                      Decision: ..... 05/21/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 06/11/07                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on remand for discovery and factual development of a lethal injection claim, which is stayed pending outcome of *Adams v. Bradshaw*.

## NOTES

On 04/18/01, the Ohio Supreme Court affirmed Jones' conviction and death sentence on direct appeal. On 01/25/06, the Ohio Supreme Court denied Jones' successive Murnahan appeal. On 05/21/07, the district court denied Jones' petition for a writ of habeas corpus. On 06/11/07, Jones filed his notice of appeal to the 6th Circuit. On 07/23/08, the 6th Circuit granted a certificate of appealability for an additional claim. On 01/30/09, the 6th Circuit remanded the case to the district court for the limited purpose of discovery and factual development of the lethal injection claim. On 09/08/09, the district court denied the Warden's motion to dismiss the lethal injection claim. On 09/18/09, the Warden filed a motion to stay the proceedings. On 09/29/09, Jones filed his response in opposition. On 10/02/09, the Warden filed his reply. On 03/04/10, the district court granted the Warden's motion to stay until the 6th Circuit has had an opportunity to review the case of *Adams v. Bradshaw*.

**Summary of Crime:** On 4/23/07, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 05/08/07                      Sentence ..... 01/30/08</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 03/23/09                      Trial Court Decision..... 10/25/10                      Court of Appeals Decision .....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Jones' direct appeal. Also pending in the 9th District Court of Appeals on Jones' post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 01/30/08, Jones was sentenced to death. On 03/14/08, Jones filed a notice of appeal in the Ohio Supreme Court. On 01/26/09, Jones filed his merit brief. On 06/15/09, the State filed its merit brief in response. On 10/25/10, the trial court denied Jones' post-conviction petition. On 11/23/10, Jones filed a notice of appeal in the 9th District Court of Appeals.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 10/02/98 Sentence ..... 08/29/00</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner’s Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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.

**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 former 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/12/90 Sentence ..... 02/08/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/23/93 Supreme Court Decision ..... 08/30/95 U.S. Supreme Court Review ..... 03/18/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Wells)</b></p> <p>Prisoner's Petition ..... 05/09/98 State's Return of Writ ..... 06/29/98 Prisoner's Traverse ..... 04/30/99 Evidentiary Hearing..... Decision: ..... 12/22/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 01/20/05 Prisoner's Final Brief ..... 12/16/05 State's Final Brief ..... 12/19/05 Oral Argument..... 06/08/06 Decision ..... 11/09/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 01/05/07 Brief in Opposition ..... 02/12/07 Decision or Certiorari Denial ..... 03/19/07</p>

## 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 federal 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 re-trial. 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 State's petition for a writ of certiorari. On 06/14/07, the trial court re-sentenced Joseph to 20 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 10/06/88 Sentence ..... 05/13/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/22/96 Supreme Court Decision ..... 02/25/98 U.S. Supreme Court Review ..... 10/05/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Katz)</b></p> <p>Prisoner's Petition ..... 11/21/01 State's Return of Writ ..... 01/18/02 Prisoner's Traverse .....</p> <p>Evidentiary Hearing..... 09/15/05 Decision: ..... 07/29/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 06/06/03 Prisoner's Final Brief ..... 06/30/04 State's Final Brief ..... 06/14/04 Oral Argument..... 09/23/04 Decision ..... 03/10/05</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on Keenan's reinstated petition for writ of habeas corpus, following remand from the 6th Circuit Court of Appeals.

## NOTES

On 02/25/98, the Ohio Supreme Court affirmed Keenan's conviction and death sentence on direct appeal. On 07/29/02, the federal 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 a final amended petition. On 08/27/09, the Warden filed a final amended return of writ. On 11/12/09, Keenan filed his amended traverse. On 11/27/09, the Warden filed a reply. Meanwhile, on 04/09/08, the 8th District Court of Appeals affirmed the trial court's denial of Keenan's successive petition for post-conviction relief. On 08/06/08, the Ohio Supreme Court declined jurisdiction and dismissed Keenan's appeal. (Note: Keenan was originally convicted and sentenced in 1989. The Ohio Supreme Court reversed the conviction and sentence in 1993. Keenan was again tried, convicted, and sentenced to death in 1994).

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 12/31/92 Sentence ..... 12/15/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/20/96 Supreme Court Decision ..... 05/13/98 U.S. Supreme Court Review ..... 10/13/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Beckwith)</b></p> <p>Prisoner's Petition ..... 05/26/00 State's Return of Writ ..... 12/15/00 Prisoner’s Traverse ..... 01/25/01 Evidentiary Hearing..... Decision: ..... 04/20/05</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 05/03/05 Prisoner's Final Brief ..... 08/27/07 State's Final Brief ..... 09/07/07 Oral Argument..... 01/28/08 Decision ..... 04/25/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 11/13/08 Brief in Opposition ..... 12/23/08 Decision or Certiorari Denial ..... 01/26/09</p>

## 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.

**Summary of Crime:** On 02/13/94, Keith murdered 24-year-old Marichell Chatman, 39-year-old Linda Chatman, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 02/22/94                      Sentence ..... 06/01/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 04/05/96                      Supreme Court Decision ..... 10/01/97                      U.S. Supreme Court Review ..... 04/06/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 09/19/07                      Supreme Court Decision ..... 08/07/08</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Economus)</b>                      Prisoner's Petition ..... 09/03/99                      State's Return of Writ ..... 12/06/99                      Prisoner’s Traverse ..... 02/09/00                      Evidentiary Hearing.....                      Decision: ..... 06/14/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 11/16/01                      Prisoner's Final Brief ..... 09/30/04                      State's Final Brief ..... 10/01/04                      Oral Argument ..... 07/20/05                      Decision ..... 07/10/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 01/17/07                      Brief in Opposition ..... 02/22/07                      Decision or Certiorari Denial ..... 03/26/07</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 03/04/03                      Sentence ..... 02/04/04</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 10/25/06                      U.S. Supreme Court Review ..... 05/14/07</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 12/28/04                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision..... 04/18/07</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the trial court on Ketterer's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 10/25/06, the Ohio Supreme Court affirmed Ketterer's conviction and death sentence on direct appeal. Meanwhile, on 12/28/04, Ketterer filed his post-conviction petition in the trial court. On 08/02/06, Ketterer filed a notice of withdrawal of his motion for summary judgment. On 05/27/08, Ketterer filed his post-conviction petition as to counts II-V of the indictment. On 06/03/08, the State filed its answer to the petition for post-conviction relief. On 11/29/10, Ketterer filed a motion for discovery. On 12/02/10, the State filed its answer.

**Summary of Crime:** On 09/23/94, Kidwell kidnapped and murdered Francine Lance.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 05/12/95                      Sentence ..... 09/15/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 09/15/95, Kidwell was sentenced to death. In April of 1996, Steven Kidwell committed suicide while on death row.

**Summary of Crime:** On 01/10/89, Kinley murdered his former girlfriend, 31-year-old Thelma Miller, and her son, 12-year-old 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/13/89 Sentence ..... 05/02/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 06/25/93 Supreme Court Decision ..... 07/19/95 U.S. Supreme Court Review ..... 03/25/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Watson)</b></p> <p>Prisoner's Petition ..... 04/11/03 State's Return of Writ ..... 06/29/07 Prisoner's Traverse ..... 09/17/07 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 in federal district court. On 10/06/04, the case was reassigned to Judge Watson. On 03/29/06, the district court granted Kinley's motion for discovery. On 09/13/06, the district court granted Kinley's motion to expand the record. On 05/07/07, Kinley filed part one of his merit brief. On 05/25/07, Kinley filed part two of his merit brief. On 06/29/07, the Warden filed its return of writ. On 09/17/07, Kinley filed his traverse. On 06/04/10, the district court issued a status confirmation entry that the case is ripe for a decision on the merits.

**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 Ms. Crawford'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 Ms. Kenney's body, which authorities recovered in a secluded area with no clothing except shoes and socks. (Note: 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.)

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/17/09</p> <p>Sentence ..... 03/31/10</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court.....</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition.....</p> <p>State's Return of Writ.....</p> <p>Prisoner's Traverse.....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Kirkland's direct appeal.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 03/31/10, Kirkland was sentenced to death. On 05/12/10, Kirkland filed a notice of appeal for his direct appeal in the Ohio Supreme Court.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 05/08/03                      Sentence ..... 11/07/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**Summary of Crime:** During the riot at the Southern Ohio Correctional Facility (Lucasville), Lamar murdered five prison inmates, Darrell Depina, Bruce Vitale, William Svette, Dennis Weaver and Albert Staiano, whom Lamar believed were snitches. 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/29/94 Sentence ..... 08/21/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/13/98 Supreme Court Decision ..... 05/15/02 U.S. Supreme Court Review ..... 12/02/02</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rose)</b></p> <p>Prisoner's Petition ..... 08/16/04 State's Return of Writ ..... 11/12/04 Prisoner's Traverse ..... 04/22/10 Evidentiary Hearing..... 07/09/07 Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 06/21/06, the district court adopted the magistrate judge's supplemental report and recommendation denying the Warden's motion to dismiss. On 07/09/07 and 07/10/07, the district court held an evidentiary hearing. On 10/22/07, Lamar filed his evidentiary hearing brief. On 11/23/07, the Warden filed his evidentiary hearing brief. On 12/07/07, Lamar filed his reply to the Warden's brief. On 07/30/10, the magistrate judge issued report and recommendations, recommending Lamar's petition for writ of habeas corpus be denied. On 11/28/10, Lamar filed objections to the report and recommendations. On 12/08/10, the Warden filed his response. On 12/20/10, the magistrate judge issued report and recommendations, recommending the denial of Lamar's motion to amend. On 12/29/10, Lamar filed objections to the report and recommendations. (Note: On 01/13/11, the district court denied Lamar's petition.)

**Summary of Crime:** Beatrice Lampkin hired John Curry to murder her husband of twenty-five years, John D. Lampkin. On 11/04/88, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/29/88                      Sentence ..... 04/26/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/03/90                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 without the possibility of parole.

# Landrum, Lawrence

Landrum  
Ross County

**Summary of Crime:** On 09/19/85, Landrum murdered 84-year-old Harold White at his home near 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	FEDERAL COURTS
<b><u>TRIAL</u></b> Indictment ..... 09/27/85 Sentence ..... 04/02/86	<b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rose)</b> Prisoner's Petition ..... 06/26/96 State's Return of Writ ..... 07/26/96 Prisoner's Traverse ..... 10/15/97 Evidentiary Hearing..... 09/04/03 Decision: ..... 04/17/06
<b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b> Court of Appeals Decision ..... 01/12/89 Supreme Court Decision ..... 08/15/90 U.S. Supreme Court Review ..... 02/25/91	<b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b> Notice of Appeal..... 08/31/06 Prisoner's Final Brief ..... 03/24/08 State's Final Brief ..... 03/05/08 Oral Argument..... 04/21/09 Decision .....
<b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b> 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 .....	<b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b> Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....
<b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b> Court of Appeals Decision ..... 04/07/99 Supreme Court Decision ..... 12/22/99	

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending Landrum filing a petition for certiorari in the U.S. Supreme Court.

## NOTES

On 08/15/90, the Ohio Supreme Court affirmed Landrum's conviction and death sentence on direct appeal. On 04/17/06, the federal district court granted Landrum'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 re-trial. On 08/10/06, the district court denied the Warden's motion to alter and amend. On 08/31/06, the Warden filed a notice of appeal to the 6th Circuit. On 09/13/06, Landrum filed a notice of cross-appeal to the 6th Circuit. On 12/11/06, the district court granted Landrum's motion for certificate of appealability. On 06/27/07, the Warden filed his proof brief. On 11/21/07, Landrum filed his proof brief. On 12/04/07, the 6th Circuit extended and reset a briefing schedule. On 03/05/08, the Warden filed his final brief. On 03/24/08, Landrum filed his final brief. On 04/21/09, the 6th Circuit heard oral arguments. On 11/04/10, the 6th Circuit reversed the district court's grant of Landrum's petition for writ of habeas corpus. (Note: On 01/05/11, the 6th Circuit denied Landrum's petition for en banc rehearing.)

Days From Death Sentence to 12/31/10: 9039

Inmate Number: A189-982

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 12/11/06 Sentence ..... 07/26/07</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 05/15/08 Trial Court Decision..... 06/15/09 Court of Appeals Decision..... 08/23/10 Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Lang's direct appeal. Pending in the Ohio Supreme Court on Lang's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 07/26/07, Lang was sentenced to death. On 09/20/07, Lang filed his notice of direct appeal to the Ohio Supreme Court. On 06/09/08, Lang filed his merit brief. On 10/27/08, the State filed its merit brief. On 12/11/08, Lang filed a reply. On 11/01/10, Lang filed a supplemental merit brief. On 11/12/10, the State filed its supplemental merit brief. Meanwhile, on 06/15/09, the trial court denied Lang's post-conviction petition. On 07/15/09, Lang filed an appeal in the 5th District Court of Appeals. On 08/23/10, the 5th District Court of Appeals affirmed the trial court's denial of Lang's post-conviction petition. On 10/07/10, Lang filed a notice of appeal and memorandum in support of jurisdiction in the Ohio Supreme Court. On 11/02/10, the State filed a motion to dismiss. On 11/08/10, the State filed a memorandum in response. On 11/09/10, Lang filed a response to the State's motion to dismiss.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 08/30/85                      Sentence ..... 04/17/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 04/21/88                      Supreme Court Decision ..... 06/05/89                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p style="padding-left: 20px;">Trial Court Decision.....</p> <p style="padding-left: 20px;">Court of Appeals Decision.....</p> <p style="padding-left: 20px;">Supreme Court Decision .....</p> <p style="padding-left: 20px;">U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....</p> <p style="padding-left: 20px;">State's Return of Writ .....</p> <p style="padding-left: 20px;">Prisoner's Traverse .....</p> <p style="padding-left: 20px;">Evidentiary Hearing.....</p> <p style="padding-left: 20px;">Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p style="padding-left: 20px;">Prisoner's Final Brief .....</p> <p style="padding-left: 20px;">State's Final Brief .....</p> <p style="padding-left: 20px;">Oral Argument.....</p> <p style="padding-left: 20px;">Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p style="padding-left: 20px;">Brief in Opposition .....</p> <p style="padding-left: 20px;">Decision or Certiorari Denial .....</p>

## 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 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 re-sentencing. On 09/25/89, the trial court re-sentenced Lawrence to life imprisonment with parole eligibility after 30 years and another term of life imprisonment with parole eligibility after 20 years, each sentence to run consecutively.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 10/06/87</p> <p>Sentence ..... 05/13/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 06/04/90</p> <p>Supreme Court Decision ..... 08/12/92</p> <p>U.S. Supreme Court Review ..... 03/29/93</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 12/15/93</p> <p>Trial Court Decision..... 06/09/94</p> <p>Court of Appeals Decision ..... 05/04/95</p> <p>Supreme Court Decision ..... 10/04/95</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Black)</b></p> <p>Prisoner's Petition ..... 05/10/96</p> <p>State's Return of Writ ..... 09/06/96</p> <p>Prisoner's Traverse ..... 01/15/97</p> <p>Evidentiary Hearing..... 12/01/97</p> <p>Decision: ..... 03/29/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/09/02</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 08/12/92, the Ohio Supreme Court affirmed Lawson's conviction and death sentence on direct appeal. On 03/29/02, the federal district court granted habeas relief by vacating Lawson's death sentence and remanding the case for re-sentencing. On 04/09/02, the Warden filed a notice of appeal to the 6th Circuit. On 08/13/03, the 6th Circuit granted Lawson's motion to hold case in abeyance pending exhaustion of state court proceedings. Meanwhile, on 06/06/03, Lawson filed a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 11/15/07, the trial court denied Lawson's petition for post-conviction relief. On 11/24/08, the 12th District Court of Appeals affirmed the judgment of the trial court. On 12/16/09, the Ohio Supreme Court declined jurisdiction to hear the case. On 02/04/10, the 6th Circuit granted Lawson's motion to remand the case back to the district court. On 02/08/10, the district court set a briefing schedule. On 02/24/10, Lawson file a supplemental petition for writ of habeas corpus. On 04/02/10, the Warden filed a return of writ to the supplemental petition. On 09/01/10, Lawson filed a motion for an evidentiary hearing. On 11/08/10, the magistrate judge recommended the granting of Lawson's motion for an evidentiary hearing. On 11/19/10 the Warden filed objections to the magistrate judge's report and recommendations. On 11/22/10, the district court scheduled an evidentiary hearing.

**Summary of Crime:** On 07/29/00, Leonard murdered his former 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 murders to his friends and the police.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 08/07/00                      Sentence ..... 06/28/01</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 12/08/04                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 06/29/05</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Dlott)</b>                      Prisoner's Petition ..... 07/08/09                      State's Return of Writ ..... 11/23/09                      Prisoner’s Traverse ..... 04/22/10                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 12/08/04, the Ohio Supreme Court affirmed Leonard's conviction and death sentence on direct appeal. On 07/08/09, Leonard filed his petition for writ of habeas corpus in the district court. On 11/23/09, the Warden filed a return of writ. On 04/22/10, Leonard filed his traverse. On 07/20/10, the magistrate judge issued an amended order, partially granting Leonard's motion for discovery. On 08/26/10, the district court ordered the completion of discovery by 11/30/10. On 09/16/10, the district court affirmed the magistrate judge's amended order.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/14/89                      Sentence ..... 02/28/90</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 09/26/91                      Supreme Court Decision ..... 08/25/93                      U.S. Supreme Court Review ..... 03/07/94</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Wells)</b>                      Prisoner's Petition ..... 11/05/99                      State's Return of Writ ..... 01/18/00                      Prisoner's Traverse ..... 06/19/00                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 08/25/93, the Ohio Supreme Court affirmed Lewis' conviction and death sentence on direct appeal. On 11/05/99, Lewis filed a petition for a writ of habeas corpus in federal district court. On 01/26/05, the district court partially granted Lewis' motion for discovery. On 05/03/05 and 06/02/05, the district court held status conferences. On 07/18/05, Lewis filed deposition testimony. On 11/14/05, the Warden filed a post-discovery memorandum. On 12/13/05, Lewis filed a reply brief.

**Summary of Crime:** On 02/10/97, Lindsey murdered 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 from his wallet.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/14/97</p> <p>Sentence ..... 09/16/97</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 01/19/00</p> <p>U.S. Supreme Court Review ..... 10/02/00</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/21/98</p> <p>Trial Court Decision..... 01/15/02</p> <p>Court of Appeals Decision..... 03/24/03</p> <p>Supreme Court Decision ..... 07/02/03</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Sargus)</b></p> <p>Prisoner's Petition ..... 10/10/03</p> <p>State's Return of Writ ..... 11/10/03</p> <p>Prisoner’s Traverse ..... 02/02/04</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 03/30/06, the district court granted Lindsey's motion for discovery. On 05/24/06 and 08/16/06, the district court granted Lindsey's motions for extension of time to complete discovery. On 08/16/07, the district court denied Lindsey's motion for an evidentiary hearing. On 10/30/07, Lindsey filed his final merit brief. On 02/13/08, the Warden filed his brief. On 04/14/08, Lindsey filed a reply.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/24/96                      Sentence ..... 03/25/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 09/11/02                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 re-sentencing. On 10/02/02, the trial court re-sentenced Lomax to 20 years to life.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/09/86</p> <p>Sentence ..... 12/09/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/13/90</p> <p>Supreme Court Decision ..... 06/16/93</p> <p>U.S. Supreme Court Review ..... 01/10/94</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/30/94</p> <p>Trial Court Decision..... 01/05/95</p> <p>Court of Appeals Decision ..... 02/26/96</p> <p>Supreme Court Decision ..... 09/18/96</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision .....</p> <p>Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Dowd)</b></p> <p>Prisoner's Petition ..... 04/24/97</p> <p>State's Return of Writ ..... 06/13/97</p> <p>Prisoner’s Traverse ..... 07/21/97</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 03/30/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/27/01</p> <p>Prisoner's Final Brief ..... 10/26/01</p> <p>State's Final Brief ..... 10/29/01</p> <p>Oral Argument..... 05/02/02</p> <p>Decision ..... 05/23/02</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 11/14/02</p> <p>Brief in Opposition ..... 12/20/02</p> <p>Decision or Certiorari Denial ..... 03/31/03</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## 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 decision, thereby denying Lorraine's petition for a writ of habeas corpus. On 06/09/03, Lorraine filed a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 10/01/03, the trial court denied Lorraine's successive post-conviction petition. On 05/23/05, the 11th District Court of Appeals reversed the trial court's decision and remanded to the trial court for further proceedings. On 03/01/10, the trial court denied Lorraine's successive post-conviction petition. Meanwhile, on 04/13/10, the State filed a motion in the Ohio Supreme Court to set an execution date.

**Summary of Crime:** Lott murdered 82-year-old John McGrath at his East Cleveland home. On 07/12/86, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/08/86</p> <p>Sentence ..... 07/29/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 03/27/89</p> <p>Supreme Court Decision ..... 06/06/90</p> <p>U.S. Supreme Court Review ..... 12/10/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/06/91</p> <p>Trial Court Decision..... 09/28/93</p> <p>Court of Appeals Decision ..... 11/03/94</p> <p>Supreme Court Decision ..... 03/15/95</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 04/15/94</p> <p>Supreme Court Decision ..... 09/07/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge O'Malley)</b></p> <p>Prisoner's Petition ..... 05/04/04</p> <p>State's Return of Writ ..... 06/24/04</p> <p>Prisoner's Traverse ..... 07/29/04</p> <p>Evidentiary Hearing..... 06/05/07</p> <p>Decision: ..... 09/28/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/26/07</p> <p>Prisoner's Final Brief ..... 05/05/08</p> <p>State's Final Brief ..... 05/05/08</p> <p>Oral Argument..... 06/11/08</p> <p>Decision ..... 08/08/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 01/27/09</p> <p>Brief in Opposition ..... 03/27/09</p> <p>Decision or Certiorari Denial ..... 04/27/09</p>

## 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 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 and issued a certificate of appealability for all issues. On 11/19/07, the 6th Circuit set a briefing schedule. On 05/05/08, Lott and the Warden filed their final briefs. On 06/11/08, the 6th Circuit heard oral arguments. On 08/08/08, the 6th Circuit affirmed the district court's denial of a writ of habeas corpus. Meanwhile, on 09/29/05, the federal district court denied Lott's Rule 60(b) motion. On 10/25/05, Lott filed a notice of appeal to the 6th Circuit. On 04/27/06, Lott filed his final brief and final reply brief. On 05/08/06, the Warden filed his final brief. On 05/24/06, the 6th Circuit stayed Lott's 60(b) appeal pending the federal district court's decision on Lott's successive petition. On 01/22/08, the 6th Circuit issued an order consolidating Lott's 60(b) and successive habeas corpus appeals. On 08/08/08, the 6th Circuit denied Lott's successive petition. On 10/29/08, the 6th Circuit denied Lott's en banc petition. On 04/27/09, the U.S. Supreme Court denied Lott's petition for a writ of certiorari.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/13/91 Sentence ..... 11/12/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/19/93 Supreme Court Decision ..... 11/30/94 U.S. Supreme Court Review ..... 05/15/95</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Sargus)</b></p> <p>Prisoner's Petition ..... 04/17/98 State's Return of Writ ..... 09/01/98 Prisoner's Traverse ..... Evidentiary Hearing..... Decision: ..... 03/31/10</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 10/04/02, Loza filed an amended petition for a writ of habeas corpus. On 12/04/02, the Warden filed an amended return of writ. On 02/11/03, Loza filed a motion for an evidentiary hearing. On 03/13/03, the Warden filed a memorandum in opposition. On 03/26/03, Loza filed his reply. On 04/16/04, Loza filed a notice of International Court of Justice ruling. On 12/07/04, Loza filed additional authority in support of his petition for a writ of habeas corpus. On 02/27/06, the district court ordered the parties to supplement the record. On 03/28/06, the parties supplemented the record. On 03/27/08, the Warden filed additional U.S. Supreme Court authority. On 04/03/08, Loza filed his reply. On 03/31/10, the district court denied Loza's motion for an evidentiary hearing, denied Loza's habeas corpus claims, and issued a certificate of appealability on certain issues. On 04/28/10, Loza filed a motion to alter and amend judgment. On 05/04/10, the Warden filed a response. On 05/18/10, Loza filed his reply.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/05/90 Sentence ..... 09/26/90</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/01/93 Supreme Court Decision ..... 08/30/95 U.S. Supreme Court Review ..... 03/18/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Nugent)</b></p> <p>Prisoner's Petition ..... 10/15/99 State's Return of Writ ..... 12/14/99 Prisoner's Traverse ..... 03/16/00 Evidentiary Hearing..... Decision: ..... 11/14/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 12/14/01 Prisoner's Final Brief ..... 06/15/05 State's Final Brief ..... 05/19/05 Oral Argument ..... 12/08/05 Decision ..... 03/13/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/09/98 Sentence ..... 10/13/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 05/14/03 U.S. Supreme Court Review ..... 10/14/03</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Frost)</b></p> <p>Prisoner's Petition ..... 02/15/08 State's Return of Writ ..... 12/22/10 Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 05/14/03, the Ohio Supreme Court affirmed Lynch's conviction and death sentence on direct appeal. On 02/15/08, Lynch filed his petition for writ of habeas corpus. On 04/01/08, the Warden filed a motion to dismiss procedurally defaulted claims. On 05/01/08, Lynch filed a memorandum in opposition. On 06/02/08, the Warden filed a reply. On 02/25/09, the district court granted in part the Warden's motion to dismiss procedurally defaulted claims. Following completion of discovery and record expansion matters, Lynch filed a final merits brief on 11/24/10. On 12/22/10, the Warden filed a memorandum in opposition. (Note: On 01/14/11, Lynch filed his reply.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/05/91 Sentence ..... 08/01/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/02/93 Supreme Court Decision ..... 08/30/95 U.S. Supreme Court Review ..... 01/22/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 05/19/03 Supreme Court Decision ..... 04/14/04</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Oliver)</b></p> <p>Prisoner's Petition ..... 12/15/04 State's Return of Writ ..... 02/14/05 Prisoner's Traverse ..... 05/16/05 Evidentiary Hearing..... 06/28/10 Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for 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 federal district court. On 02/14/05, the Warden filed a return of writ. On 05/16/05, Mack filed his traverse and a motion for discovery. On 05/28/05, the Warden filed a memorandum in opposition. On 05/31/05, the Warden filed a sur-reply. On 03/30/06, the district court partially granted Mack's motion to supplement the record and granted the Warden's motion to supplement the record. On 03/31/08, the district court partially granted Mack's motion for leave to conduct discovery and appointment of experts. On 06/17/09, Mack filed a motion for an evidentiary hearing. On 08/03/09, the Warden filed a motion in opposition. On 08/17/09, Mack filed his reply. On 03/31/10, the district court partially granted Mack's motion for an evidentiary hearing. On 06/28/10, 06/29/10, 06/30/10, 07/09/10, 07/28/10 and 07/30/10, the district court held an evidentiary hearing. On 09/13/10, Mack filed his post-evidentiary hearing brief. On 11/12/10, the Warden filed a post-evidentiary hearing brief.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/13/96 Sentence ..... 11/25/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 01/05/00 U.S. Supreme Court Review ..... 10/02/00</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 05/17/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gwin)</b></p> <p>Prisoner's Petition ..... 03/19/02 State's Return of Writ ..... 06/04/02 Prisoner's Traverse ..... 10/15/02 Evidentiary Hearing..... Decision: ..... 08/05/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 08/25/03 Prisoner's Final Brief ..... 11/22/04 State's Final Brief ..... 11/30/04 Oral Argument..... 06/08/05 Decision ..... 06/27/05</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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 federal 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 re-trial. 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>            Indictment ..... 12/20/84            Sentence ..... 07/08/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>            Court of Appeals Decision ..... 10/29/87            Supreme Court Decision .....            U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>            Filed in Trial Court .....            Trial Court Decision.....            Court of Appeals Decision.....            Supreme Court Decision .....            U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>            Court of Appeals Decision.....            Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>            Prisoner's Petition .....            State's Return of Writ .....            Prisoner’s Traverse .....            Evidentiary Hearing.....            Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>            Notice of Appeal.....            Prisoner's Final Brief .....            State's Final Brief .....            Oral Argument.....            Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>            Certiorari Petition .....            Brief in Opposition .....            Decision or Certiorari Denial .....</p>

## 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 sentenced to death. On 10/29/87, the 8th District Court of Appeals reversed Malcolm's convictions and sentence. On 06/08/88, Malcolm entered a guilty plea to aggravated murder and was re-sentenced to life imprisonment without parole eligibility until after 30 years.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/17/09</p> <p>Sentence ..... 01/26/10</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court.....</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition.....</p> <p>State's Return of Writ.....</p> <p>Prisoner's Traverse.....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Mammone's direct appeal.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 06/23/10, Mammone was sentenced to death. On 04/02/10, Mammone filed a notice of appeal for his direct appeal in the Ohio Supreme Court.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/12/83 Sentence ..... 06/15/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 10/25/84 Supreme Court Decision ..... 08/09/85 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Oliver)</b></p> <p>Prisoner's Petition ..... 01/10/91 State's Return of Writ ..... 07/17/91 Prisoner's Traverse ..... 09/11/91 Evidentiary Hearing..... Decision: ..... 06/29/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 07/27/01 Prisoner's Final Brief ..... 10/07/03 State's Final Brief ..... 10/08/03 Oral Argument..... 06/15/04 Decision ..... 11/03/04</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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 federal 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 re-sentencing. 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 re-sentencing. On 10/21/09, the trial court re-sentenced Mapes to 30 years to life on the aggravated murder charges to run consecutively with an additional 5-25 years for the remaining counts.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/09/83 Sentence ..... 07/08/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/27/84 Supreme Court Decision ..... 08/09/85 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 05/11/92 Supreme Court Decision ..... 09/30/92</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Nugent)</b></p> <p>Prisoner's Petition ..... 06/20/96 State's Return of Writ ..... 08/19/96 Prisoner's Traverse ..... 07/10/97 Evidentiary Hearing..... Decision: ..... 11/02/99</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 03/17/00 Prisoner's Final Brief ..... 05/02/01 State's Final Brief ..... 05/03/01 Oral Argument..... 08/07/01 Decision ..... 02/07/02</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 06/25/02 Brief in Opposition ..... 08/05/02 Decision or Certiorari Denial ..... 11/04/02</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/30/93</p> <p>Sentence ..... 07/07/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/09/96</p> <p>Supreme Court Decision ..... 06/17/98</p> <p>U.S. Supreme Court Review ..... 12/14/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/20/96</p> <p>Trial Court Decision..... 11/21/96</p> <p>Court of Appeals Decision ..... 06/09/97</p> <p>Supreme Court Decision ..... 10/15/97</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 11/16/99</p> <p>Supreme Court Decision ..... 09/20/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Katz)</b></p> <p>Prisoner's Petition ..... 07/15/99</p> <p>State's Return of Writ ..... 09/02/99</p> <p>Prisoner's Traverse ..... 01/18/00</p> <p>Evidentiary Hearing..... 12/29/03</p> <p>Decision: ..... 10/31/05</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 11/28/05</p> <p>Prisoner's Final Brief ..... 01/19/07</p> <p>State's Final Brief ..... 01/25/07</p> <p>Oral Argument..... 11/28/07</p> <p>Decision ..... 10/03/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 07/20/09</p> <p>Brief in Opposition ..... 09/21/09</p> <p>Decision or Certiorari Denial ..... 11/02/09</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Case is pending resentencing in the trial court.
- **Status in Federal Courts as of 12/31/10:** 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, the federal district court denied Mason's petition for a writ of habeas corpus. On 02/06/03, the 6th Circuit affirmed the district court's denial of Mason's petition for a writ of habeas corpus as to his conviction, but remanded Mason's remaining claims to the district court for an evidentiary hearing. On 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 re-sentencing. On 02/19/09, the 6th Circuit denied the Warden's petition for en banc rehearing. On 11/02/09, the U.S. Supreme Court denied the Warden's petition for writ of certiorari.

**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 Ms. Hendershot'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 the girl.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 10/07/82</p> <p>Sentence ..... 04/04/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/13/84</p> <p>Supreme Court Decision ..... 12/20/84</p> <p>U.S. Supreme Court Review ..... 06/10/85</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 02/24/86</p> <p>Trial Court Decision ..... 05/15/87</p> <p>Court of Appeals Decision ..... 04/25/88</p> <p>Supreme Court Decision ..... 11/14/88</p> <p>U.S. Supreme Court Review ..... 03/09/89</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision .....</p> <p>Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Bell)</b></p> <p>Prisoner's Petition ..... 09/01/89</p> <p>State's Return of Writ ..... 12/04/89</p> <p>Prisoner's Traverse ..... 05/22/90</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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.

**Summary of Crime:** On 11/27/05, Maxwell murdered his former girlfriend 36-year-old Nichole McCorkle in Cleveland. Four days before the murder Ms. McCorkle had testified to the grand jury that Maxwell had beat her resulting in hospitalization. Initially Maxwell argued with and 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/04/06</p> <p>Sentence ..... 03/21/07</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 08/11/08</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition.....</p> <p>State's Return of Writ.....</p> <p>Prisoner's Traverse.....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Maxwell's direct appeal. Also pending in the trial court on Maxwell's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 03/21/07, Maxwell was sentenced to death. On 04/26/07, Maxwell filed a notice of direct appeal to the Ohio Supreme Court. On 03/31/08, Maxwell filed his brief. On 08/18/08, the State filed its brief. On 09/08/08, Maxwell filed his reply. Meanwhile, on 08/11/08, Maxwell filed his petition for post-conviction relief in the trial court. On 10/30/08, the trial court denied Maxwell's motion for leave to conduct discovery. On 10/31/08, the State filed its brief in opposition to post-conviction relief. On 11/10/08, Maxwell filed his reply.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 12/22/93 Sentence ..... 12/23/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/15/96 Supreme Court Decision ..... 12/10/97 U.S. Supreme Court Review ..... 10/05/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Dlott)</b></p> <p>Prisoner's Petition ..... 03/30/99 State's Return of Writ ..... 05/17/99 Prisoner's Traverse ..... 07/16/99 Evidentiary Hearing..... Decision: ..... 07/02/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 07/31/07 Prisoner's Final Brief ..... 12/11/09 State's Final Brief ..... 03/17/10 Oral Argument..... 08/03/10 Decision ..... 08/31/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending inmate filing a petition for writ of certiorari in the U.S. Supreme Court.

## NOTES

On 12/10/97, the Ohio Supreme Court affirmed McGuire's conviction and death sentence on direct appeal. On 03/30/99, McGuire filed a petition for a writ of habeas corpus in district court. On 07/02/07, the district court denied McGuire's amended petition for a writ of habeas corpus. On 03/03/08, the district court issued a certificate of appealability on three issues. Meanwhile, on 07/31/07, McGuire filed a notice of appeal to the 6th Circuit. On 04/10/09, McGuire filed a motion for an expanded certificate of appealability. On 05/05/09, the Warden filed a motion in opposition. On 07/13/09, the 6th Circuit denied McGuire's motion to expand. On 12/11/09, McGuire filed his brief. On 03/17/10, the Warden filed his brief. On 04/02/10, McGuire filed his reply brief. On 08/03/10, the 6th Circuit held oral arguments. On 08/31/10, the 6th Circuit affirmed the district court's denial of McGuire's habeas claims. On 10/27/10, the 6th Circuit denied McGuire's petition for en banc rehearing.

**Summary of Crime:** On 02/27/10, 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 after these attempts, McKelton murdered Mr. Evans, who was shot in the back of the head, to prevent him from being a witness against McKelton in the Allen homicide.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/01/10</p> <p>Sentence ..... 11/04/10</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court.....</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition.....</p> <p>State's Return of Writ.....</p> <p>Prisoner’s Traverse.....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on McKelton's direct appeal.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 11/04/10, McKelton was sentenced to death. On 12/17/10, McKelton filed a notice of appeal for his direct appeal in the Ohio Supreme court.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/11/01 Sentence ..... 11/01/02</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 11/30/05 U.S. Supreme Court Review ..... 06/26/06</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 06/07/06</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Dlott)</b></p> <p>Prisoner's Petition ..... 10/14/09 State's Return of Writ ..... 03/01/10 Prisoner’s Traverse ..... 08/05/10 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for 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 his petition for a writ of habeas corpus in the district court. On 03/01/10, the Warden filed a return of writ. On 08/05/10, McKnight filed his traverse. On 12/15/10, McKnight moved the district court for discovery. (Note: On 01/05/11, the Warden filed a response in opposition.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/24/94 Sentence ..... 05/12/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/10/97 Supreme Court Decision ..... 10/28/98 U.S. Supreme Court Review ..... 05/24/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 08/05/97 Supreme Court Decision ..... 10/28/98</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Wells)</b></p> <p>Prisoner's Petition ..... 12/04/02 State's Return of Writ ..... 02/03/03 Prisoner's Traverse ..... 07/01/03 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 04/15/05, the district court granted McNeill's motion for discovery. On 04/14/06, McNeill filed a motion for an evidentiary hearing. On 05/12/06, the Warden filed a memorandum in opposition. On 05/31/06, McNeill filed a reply. On 05/25/07, the district court partially granted McNeill's motion for discovery.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/26/88</p> <p>Sentence ..... 09/13/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/12/90</p> <p>Supreme Court Decision ..... 01/08/92</p> <p>U.S. Supreme Court Review ..... 06/29/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 06/03/93</p> <p>Trial Court Decision..... 09/23/93</p> <p>Court of Appeals Decision ..... 03/15/95</p> <p>Supreme Court Decision ..... 07/19/95</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 02/22/94</p> <p>Supreme Court Decision ..... 08/03/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Dlott)</b></p> <p>Prisoner's Petition ..... 12/09/96</p> <p>State's Return of Writ ..... 04/04/97</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 federal district court. On 01/06/06, the district court adopted the magistrate judge's report and recommendations to stay and abey the federal proceedings pending exhaustion of state court proceedings. Meanwhile, on 02/27/06, Mills filed a successive post-conviction 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 post-conviction relief. On 09/26/07, the parties entered a plea agreement and Mills was sentenced to 87 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/04/00                      Sentence ..... 06/29/01</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 04/14/04                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/25/94 Sentence ..... 11/21/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/19/96 Supreme Court Decision ..... 03/11/98 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 06/10/02 Supreme Court Decision ..... 02/11/03</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Polster)</b></p> <p>Prisoner's Petition ..... 10/16/03 State's Return of Writ ..... 12/15/03 Prisoner's Traverse ..... 03/15/04 Evidentiary Hearing..... Decision: ..... 10/06/05</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/29/05 Prisoner's Final Brief ..... 10/21/08 State's Final Brief ..... 10/15/08 Oral Argument..... 03/09/10 Decision ..... 09/08/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending the State filing a petition for writ of certiorari in the U.S. Supreme Court.

## NOTES

On 03/11/98, the Ohio Supreme Court affirmed Mitts' conviction and death sentence on direct appeal. On 10/06/05, the federal district court denied Mitts' petition for a writ of habeas corpus. On 10/29/05, Mitts filed a notice of appeal to the 6th Circuit. On 10/15/08, the Warden filed his final brief. On 10/21/08, Mitts filed his final brief and reply. On 09/08/10, the 6th Circuit partially granting habeas corpus relief and ordering a new mitigation phase of trial. On 12/03/10, the 6th Circuit denied the Warden's petition for en banc rehearing. On 12/07/10, the 6th Circuit granted the Warden's motion to stay mandate to allow the Warden to file a petition for writ of certiorari with the U.S. Supreme Court.

**Summary of Crime:** On 08/25/84, Mize murdered Ralph G. Wachs and, his housekeeper, Amma Anim II, at Mr. Wachs' home in Anderson Township. Both were brutally killed by multiple stab wounds. Ms. Anim also suffered from a fracture of the skull.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/13/84 Sentence ..... 09/30/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief..... State's Final Brief..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition..... Brief in Opposition..... Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 03/29/86:** No capital proceeding pending.
- **Status in Federal Courts as of 03/29/86:** No capital proceeding pending.

## NOTES

On 09/30/85, Mize was sentenced to death. On 9/15/86, the 1st District Court of Appeals dismissed Mize's direct appeal because of his death by natural causes.

**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 Simmons and Quincy had access to large amounts of drugs and money. Monroe forced Boyd to bound 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/11/01</p> <p>Sentence ..... 11/07/02</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 05/25/05</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/26/03</p> <p>Trial Court Decision..... 06/01/04</p> <p>Court of Appeals Decision..... 09/30/05</p> <p>Supreme Court Decision ..... 03/29/06</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision..... 05/10/06</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Watson)</b></p> <p>Prisoner's Petition ..... 03/27/07</p> <p>State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 05/25/05, the Ohio Supreme Court affirmed Monroe's conviction and death sentence on direct appeal. On 03/27/07, Monroe filed his petition for a writ of habeas corpus in federal district court. On 04/03/07, the district court issued a scheduling order. On 07/09/07, the Warden filed a motion to dismiss procedurally defaulted claims. On 09/17/07, Monroe filed his response. On 10/12/07, the Warden filed his reply. On 09/08/09, the magistrate judge issued a report and recommendations, recommending the partial granting of the Warden's motion to dismiss procedurally defaulted claims. On 11/06/09, Monroe filed a motion to reconsider. On 11/25/09, the Warden filed a response in opposition. On 08/06/10, the magistrate judge modified the reports and recommendations. On 09/23/10, Monroe filed objections. On 10/18/10, the magistrate judge issued a supplemental report and recommendations. On 11/01/10, Monroe filed objections to the supplemental report.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/25/86</p> <p>Sentence ..... 11/07/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/12/88</p> <p>Supreme Court Decision ..... 08/14/91</p> <p>U.S. Supreme Court Review ..... 02/24/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 03/07/96</p> <p>Trial Court Decision..... 08/23/96</p> <p>Court of Appeals Decision ..... 02/05/99</p> <p>Supreme Court Decision ..... 06/16/99</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 03/03/93</p> <p>Supreme Court Decision ..... 10/27/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Oliver)</b></p> <p>Prisoner's Petition ..... 06/13/00</p> <p>State's Return of Writ ..... 08/15/00</p> <p>Prisoner's Traverse ..... 06/08/04</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 03/31/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 07/03/07</p> <p>Prisoner's Final Brief ..... 12/19/08</p> <p>State's Final Brief ..... 12/22/08</p> <p>Oral Argument..... 06/17/09</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 08/14/91, the Ohio Supreme Court affirmed Montgomery's conviction and death sentence on direct appeal. On 03/31/07, the district court granted Montgomery's petition for a writ of habeas corpus and granted a certificate of appealability on three claims. On 06/04/07, the district court granted Montgomery's motion for reconsideration and amended the judgment. On 07/03/07, the Warden filed a notice of appeal in the 6th Circuit. On 07/11/07, Montgomery filed a notice of cross-appeal. On 12/19/08, Montgomery filed his final brief. On 12/22/08, the Warden filed his final brief. On 06/17/09, the 6th Circuit heard oral arguments. On 09/29/09, the 6th Circuit affirmed the district court's issuance of a writ of habeas corpus. On 10/27/09, the Warden filed a petition for en banc rehearing. On 12/02/09, Montgomery filed his response in opposition. On 01/21/10, the 6th Circuit granted the Warden's petition for en banc rehearing. On 02/25/10, the Warden filed a supplemental brief. On 04/09/10, Montgomery filed a supplemental brief. On 06/09/10, the 6th Circuit, en banc, heard oral argument.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 01/27/94                      Sentence ..... 12/14/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 06/26/96                      Supreme Court Decision ..... 02/04/98                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision ..... 03/20/01                      Supreme Court Decision ..... 12/19/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Dlott)</b>                      Prisoner's Petition ..... 01/18/00                      State's Return of Writ ..... 07/17/00                      Prisoner's Traverse ..... 11/12/02                      Evidentiary Hearing.....                      Decision: ..... 01/18/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 02/04/98, the Ohio Supreme Court affirmed Moore's conviction and death sentence on direct appeal. On 01/18/08, the federal district court granted Moore's petition for a writ of habeas corpus. On 02/11/08, the Warden filed a notice of appeal in the 6th Circuit. On 02/25/08, Moore filed a notice of cross-appeal in the 6th Circuit. On 12/12/08, the district court partially granted Moore's petition for a certificate of appealability. On 09/15/09, the 6th Circuit granted Moore's motion to expand the certificate of appealability. On 11/16/09, the Warden filed his first brief. On 02/19/10, Moore filed his brief, which included his response to the Warden's appeal and his cross-appeal. On 03/18/10, the Warden filed a reply brief, including its response to Moore's cross-appeal. On 04/19/10, Moore filed his reply brief regarding the cross-appeal.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/16/85</p> <p>Sentence ..... 01/08/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 10/02/86</p> <p>Supreme Court Decision ..... 09/02/87</p> <p>U.S. Supreme Court Review ..... 01/25/88</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/21/88</p> <p>Trial Court Decision..... 05/11/89</p> <p>Court of Appeals Decision ..... 01/31/91</p> <p>Supreme Court Decision ..... 10/30/91</p> <p>U.S. Supreme Court Review ..... 04/06/92</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 09/29/93</p> <p>Supreme Court Decision ..... 01/12/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Economus)</b></p> <p>Prisoner's Petition ..... 12/09/96</p> <p>State's Return of Writ ..... 02/07/97</p> <p>Prisoner’s Traverse ..... 04/09/97</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 03/29/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 05/25/00</p> <p>Prisoner's Final Brief ..... 08/03/06</p> <p>State's Final Brief ..... 06/16/06</p> <p>Oral Argument..... 04/24/07</p> <p>Decision ..... 11/02/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 federal 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 re-sentencing. On 11/02/07, the 6th Circuit affirmed the district court and remanded the case. 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 Warden 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 his traverse. Meanwhile, on 12/23/09, a three-judge panel re-sentenced Morales to 30 years to life for aggravated murder plus 10-25 years for kidnapping, to run consecutively.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/08/85                      Sentence ..... 05/05/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 09/16/88                      Supreme Court Decision ..... 04/04/90                      U.S. Supreme Court Review ..... 10/01/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Rose)</b>                      Prisoner's Petition ..... 09/30/05                      State's Return of Writ ..... 01/09/06                      Prisoner's Traverse ..... 04/17/06                      Evidentiary Hearing..... 10/03/07                      Decision: ..... 04/10/09</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 05/05/09                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 04/04/90, the Ohio Supreme Court affirmed Moreland's conviction and death sentence on direct appeal. On 09/30/05, Moreland filed a petition for a writ of habeas corpus in federal district court. On 10/23/08, the magistrate judge issued a report and recommendations recommending that Moreland's petition be denied. On 04/10/09, the district court adopted the magistrate's report and recommendations and denied Moreland's petition for writ of habeas corpus. On 05/05/09, Moreland filed a notice of appeal in the 6th Circuit. On 10/08/09, Moreland filed a motion for a certificate of appealability in the district court. On 10/28/09, the Warden filed a response in opposition. On 11/09/09, Moreland filed his reply. On 12/03/09, the magistrate judge issued a report and recommendations recommending that a certificate of appealability be granted on five claims. On 01/06/10, the district court adopted the magistrate judge's report and recommendations. On 05/10/10, Moreland filed a motion to expand the certificate of appealability in the 6th Circuit.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/22/04 Sentence ..... 12/16/04</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 10/03/07 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 05/02/06 Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision ..... U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision ..... 07/09/08</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the trial court on Mundt's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 10/03/07, the Ohio Supreme Court affirmed Mundt's conviction and death sentence on direct appeal. Meanwhile, on 05/02/06, Mundt filed a post-conviction petition in the trial court. On 07/17/06, the State filed a motion to dismiss Mundt's post-conviction petition. On 08/18/06, Mundt filed a memorandum in opposition. On 08/22/06, Mundt filed a motion for discovery. On 10/04/10, the trial court denied the State's motion to dismiss and motion for summary judgment. The trial court also granted Mundt's motion for an MRI and PET scan. Meanwhile, on 07/09/08, the Ohio Supreme Court denied Mundt's application to reopen his direct appeal.

**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	FEDERAL COURTS
<b><u>TRIAL</u></b> Indictment ..... 02/11/87 Sentence ..... 09/03/87	<b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Katz)</b> Prisoner's Petition ..... 12/31/96 State's Return of Writ ..... 02/28/97 Prisoner's Traverse ..... 12/19/97 Evidentiary Hearing..... Decision: ..... 09/29/06
<b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b> Court of Appeals Decision ..... 06/26/91 Supreme Court Decision ..... 12/30/92 U.S. Supreme Court Review ..... 10/04/93	<b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b> Notice of Appeal..... 10/27/06 Prisoner's Final Brief ..... 03/03/08 State's Final Brief ..... 02/29/08 Oral Argument..... 10/29/08 Decision ..... 01/08/09
<b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b> 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.....	<b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b> Certiorari Petition ..... 07/07/09 Brief in Opposition ..... 09/04/09 Decision or Certiorari Denial ..... 10/13/09
<b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b> Court of Appeals Decision..... Supreme Court Decision.....	

## STATUS

- **Status in State Courts as of 12/31/10:** Pending a decision in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 12/30/92, the Ohio Supreme Court affirmed Murphy's conviction and death sentence on direct appeal. On 09/28/00, the federal district court denied Murphy's petition for a writ of habeas corpus. On 09/29/06, the district court denied Murphy's amended petition for a writ of habeas corpus. On 10/27/06, Murphy filed a notice of appeal to the 6th Circuit. On 07/19/07, the 6th Circuit declined to grant a certificate of appealability for any additional claim and set a briefing schedule. On 02/29/08, the Warden filed his final brief. On 03/03/08, Murphy filed his final brief. On 10/29/08, the 6th Circuit heard oral arguments. On 01/08/09, the 6th Circuit affirmed the district court's decision. On 02/05/09, Murphy filed a petition for en banc rehearing. On 04/08/09, the 6th Circuit denied his petition. On 07/07/09, Murphy filed a petition for a writ of certiorari in the U.S. Supreme Court. On 09/04/09, the Warden filed a brief in opposition. On 10/13/09, the U.S. Supreme Court denied Murphy's petition for writ of certiorari. On 09/07/10, the State filed a motion to set an execution date in the Ohio Supreme Court. (Note: On 2/8/11, the Ohio Supreme Court set Murphy's execution for 10/18/11.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 05/21/97                      Sentence ..... 06/26/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 06/06/01                      U.S. Supreme Court Review ..... 01/22/02</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision ..... 11/07/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Rice)</b>                      Prisoner's Petition ..... 01/21/03                      State's Return of Writ ..... 05/01/03                      Prisoner's Traverse ..... 08/01/03                      Evidentiary Hearing..... 02/22/05                      Decision: ..... 04/11/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 05/08/08                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 12/30/06, the magistrate judge issued a report and recommendation denying Murphy's petition for a writ of habeas corpus. On 04/11/08, the court overruled the report and recommendation and granted a writ on Murphy's claim that his 5th Amendment rights were violated. On 08/27/08, Murphy was re-sentenced to 20 years to life with an additional 3 years for the gun specification and 2 years for robbery, all to be served consecutively.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/04/93</p> <p>Sentence ..... 03/14/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/12/99</p> <p>Supreme Court Decision ..... 12/13/02</p> <p>U.S. Supreme Court Review ..... 06/02/03</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/17/99</p> <p>Trial Court Decision..... 03/16/00</p> <p>Court of Appeals Decision..... 08/17/01</p> <p>Supreme Court Decision ..... 01/29/03</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... 12/01/03</p> <p>Supreme Court Decision..... 06/30/04</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Marbley)</b></p> <p>Prisoner's Petition ..... 05/21/04</p> <p>State's Return of Writ ..... 07/06/04</p> <p>Prisoner’s Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for 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 federal district court. On 10/22/04, Myers filed a memorandum in opposition to the Warden's request for a finding of procedural default. On 11/22/04, the Warden responded. On 12/01/04, Myers filed a reply. On 12/30/04, the district court denied Myers' motions for discovery and to expand the record, but granted Myers' motions to amend or correct the appendix and transcripts and to supplement the record. On 09/20/05, the district court denied Myers' second motion for discovery. On 03/31/06, the district court struck Myers' ex parte motion for funds to employ experts and investigators. On 12/08/10, the district court ordered Myers to submit a revised budget.

**Summary of Crime:** On 03/30/92, Myers fatally shot his former 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/04/92                      Sentence ..... 03/16/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 05/03/93                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 05/03/93:** No capital proceeding pending.
- **Status in Federal Courts as of 05/03/93:** No capital proceeding pending.

## NOTES

On 03/16/93, Myers was sentenced to death. On 05/03/93, the 5th District Court of Appeals dismissed Myers' direct appeal due to Myers' death.

**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 Brewer to death with a piece of prison jumpsuit. Newton confessed the murder to authorities and pled guilty at trial.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/10/02</p> <p>Sentence ..... 02/10/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 01/25/06</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court .....</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision .....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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.

**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. 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 08/29/07                      Sentence ..... 11/14/08</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 04/16/10                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Neyland's direct appeal. Also pending in the trial court on Neyland's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 11/14/08, Neyland was sentenced to death. On 12/11/08, Neyland filed a notice of appeal in the Ohio Supreme Court. On 10/22/09, Neyland filed his merit brief. On 03/11/10, the State filed its brief. On 04/19/10, Neyland filed his reply brief. Meanwhile, on 04/16/10, Neyland filed a post-conviction petition, motion for competency hearing, and motion for discovery in the trial court. On 06/30/10, the trial court granted the State's request to depose individuals. On 07/13/10, the State filed a motion for discovery and response to Neyland's motions for a competency hearing and discovery. On 08/02/10, Neyland filed his response to the State's discovery motion and replies regarding the motions for a competency hearing and discovery. On 08/09/10, the State filed an answer to Neyland's post-conviction petition. On 09/02/10, Neyland filed a reply. On 10/07/10, the trial court denied Neyland's competency motion.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/02/97 Sentence ..... 12/22/97</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 08/29/01 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rose)</b></p> <p>Prisoner's Petition ..... 01/08/03 State's Return of Writ ..... 08/01/03 Prisoner's Traverse ..... 11/03/03 Evidentiary Hearing..... Decision: ..... 08/23/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 08/19/05 Prisoner's Final Brief ..... 09/18/06 State's Final Brief ..... 09/14/06 Oral Argument..... 02/01/07 Decision ..... 04/06/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 10/31/07 Brief in Opposition ..... 11/30/07 Decision or Certiorari Denial ..... 01/07/08</p>

## 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.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/18/95</p> <p>Sentence ..... 02/23/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 07/02/99</p> <p>Supreme Court Decision ..... 12/20/02</p> <p>U.S. Supreme Court Review ..... 06/02/03</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 07/23/97</p> <p>Trial Court Decision..... 04/09/98</p> <p>Court of Appeals Decision ..... 09/22/03</p> <p>Supreme Court Decision ..... 01/21/04</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Nugent)</b></p> <p>Prisoner's Petition ..... 12/15/04</p> <p>State's Return of Writ ..... 02/14/05</p> <p>Prisoner’s Traverse ..... 08/29/05</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 01/03/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 02/29/08</p> <p>Prisoner's Final Brief ..... 08/31/09</p> <p>State's Final Brief ..... 10/29/09</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## 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 federal district court. On 01/31/08, the district court denied Noling's petition for a writ of habeas corpus. On 02/29/08, Noling filed his notice of appeal to the 6th Circuit. On 08/31/09, Noling filed his brief. On 10/29/09, the Warden filed his brief. On 12/14/09, Noling filed a reply brief. (Note: On 01/06/11, the 6th Circuit scheduled oral argument for 03/09/11.) Meanwhile, on 08/06/07, Noling filed a notice of appeal to the 6th Circuit on his successive petition for a writ of habeas corpus. On 09/05/07, the Warden filed a response in opposition. On 04/30/09, the 6th Circuit denied Noling's successive petition for writ of habeas corpus. Meanwhile, on 09/25/08, Noling filed a motion for DNA testing in the trial court. On 10/22/08, the State filed its motion in opposition. On 03/11/09, the trial court denied Noling's motion for DNA testing. On 04/27/09, Noling filed a notice of appeal and memorandum in support of jurisdiction in the Ohio Supreme Court. On 07/01/09, the State filed a response in opposition. On 09/29/10, the Ohio Supreme Court denied jurisdiction.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 12/16/93 Sentence ..... 12/11/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/12/97 Supreme Court Decision ..... 01/05/00 U.S. Supreme Court Review ..... 05/21/01</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 07/09/98 Supreme Court Decision ..... 03/08/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Watson)</b></p> <p>Prisoner's Petition ..... 05/21/02 State's Return of Writ ..... 09/09/02 Prisoner's Traverse ..... 10/11/07 Evidentiary Hearing..... 07/18/08 Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 12/11/02, the district court granted O'Neal's motion to hold case in abeyance pending exhaustion of state court proceedings. On 05/07/07, the district court vacated the stay of proceedings. On 06/29/07, the Warden filed an amended return of writ. On 08/09/07, the district court partially granted O'Neal's motion for discovery. On 10/11/07, O'Neal filed his traverse. Meanwhile, on 05/02/07, the Ohio Supreme Court declined jurisdiction and dismissed O'Neal's *Atkins v. Virginia* successive post-conviction appeal. On 07/18/08 and 08/13/08, the district court held an evidentiary hearing. On 10/18/08, O'Neal filed a post-evidentiary hearing brief. On 11/17/08, the Warden filed his post-evidentiary hearing brief. On 12/25/08, O'Neal filed a reply brief. On 10/14/10, the magistrate judge issued a report and recommendations, recommending the denial of O'Neal's habeas claims.

**Summary of Crime:** In the early morning of 02/14/09, Osie murdered 53-year-old David Williams in Liberty Township. Osie entered Mr. William’s 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 02/20/09                      Sentence ..... 05/12/10</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Osie's direct appeal.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 05/12/10, Osie was sentenced to death. On 06/25/10, Osie filed a notice of appeal for his direct appeal in the Ohio Supreme Court.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/19/92</p> <p>Sentence ..... 10/06/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 10/27/94</p> <p>Supreme Court Decision ..... 02/21/96</p> <p>U.S. Supreme Court Review ..... 10/07/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 04/01/96</p> <p>Trial Court Decision..... 03/09/04</p> <p>Court of Appeals Decision ..... 01/24/05</p> <p>Supreme Court Decision ..... 07/13/05</p> <p>U.S. Supreme Court Review ..... 01/09/06</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 12/20/00</p> <p>Supreme Court Decision ..... 01/30/02</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gaughan)</b></p> <p>Prisoner's Petition ..... 01/05/07</p> <p>State's Return of Writ ..... 03/06/07</p> <p>Prisoner’s Traverse ..... 06/12/07</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 02/12/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 03/03/08</p> <p>Prisoner's Final Brief ..... 03/05/10</p> <p>State's Final Brief ..... 07/06/10</p> <p>Oral Argument..... 08/05/10</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 02/21/96, the Ohio Supreme Court affirmed Otte's conviction and death sentence on direct appeal. On 01/05/07, Otte filed a petition for a writ of habeas corpus in federal district court. On 03/06/07, the Warden filed a return of writ. On 06/12/07, Otte filed his traverse. On 06/27/07, the Warden filed a sur-reply. On 08/06/07, Otte filed his response. On 02/12/08, the district court denied Otte's petition for a writ of habeas corpus. On 03/03/08, Otte filed his notice of appeal in the 6th Circuit. On 05/29/09, Otte filed a motion for an expanded certificate of appealability. On 06/10/09, the Warden filed a response in opposition. On 09/11/09, the 6th Circuit granted a certificate of appealability on one additional claim. On 03/05/10, Otte filed his merit brief. On 07/06/10, the Warden filed his merit brief. On 08/05/10, Otte filed his reply brief. (Note: The 6th Circuit held oral arguments on 01/13/11.)

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/23/89</p> <p>Sentence ..... 11/08/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/29/96</p> <p>Supreme Court Decision ..... 12/31/97</p> <p>U.S. Supreme Court Review ..... 10/05/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/20/96</p> <p>Trial Court Decision..... 11/04/96</p> <p>Court of Appeals Decision..... 10/20/99</p> <p>Supreme Court Decision ..... 02/16/00</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... 10/25/00</p> <p>Supreme Court Decision..... 07/11/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rose)</b></p> <p>Prisoner's Petition ..... 09/08/00</p> <p>State's Return of Writ ..... 12/01/00</p> <p>Prisoner's Traverse ..... 02/23/01</p> <p>Evidentiary Hearing..... 03/06/03</p> <p>Decision: ..... 04/17/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 05/15/06</p> <p>Prisoner's Final Brief ..... 04/23/08</p> <p>State's Final Brief ..... 04/22/08</p> <p>Oral Argument..... 12/03/08</p> <p>Decision ..... 05/29/09</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 12/16/09</p> <p>Brief in Opposition ..... 02/03/10</p> <p>Decision or Certiorari Denial ..... 03/08/10</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 12/31/97, the Ohio Supreme Court affirmed Palmer's conviction and sentence on direct appeal. On 04/17/06, the federal district court denied Palmer's petition for a writ of habeas corpus. On 05/15/06, Palmer filed a notice of appeal to the 6th Circuit. On 12/11/06, the district court partially granted Palmer's motion for a certificate of appealability. On 08/29/07, the 6th Circuit declined to certify any further claims on appeal. On 04/22/08, the Warden filed his final brief. On 04/23/08, Palmer filed his final brief and final reply brief. On 12/03/08, the 6th Circuit heard oral arguments. On 05/29/09, the 6th Circuit affirmed the district court's decision. On 06/26/09, Palmer filed a petition for en banc rehearing. On 08/18/09, the 6th Circuit denied en banc rehearing. On 12/16/09, Palmer filed a petition for writ of certiorari in the U.S. Supreme Court. On 02/03/10, the Warden filed a brief in opposition. On 02/11/10, Palmer filed his reply. On 03/08/10, the U.S. Supreme Court denied Palmer's petition for a writ of certiorari. On 05/07/10, the State filed a motion to set an execution date in the Ohio Supreme Court.

**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 Johnson in the back. Perez and an accomplice pulled a series of liquor establishment robberies, one of which involved the attempted murdering of another individual on 06/22/02.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/24/03                      Sentence ..... 12/09/05</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 12/02/09                      U.S. Supreme Court Review ..... 06/28/10</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 01/12/07                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the trial court on Perez' post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 12/09/05, Perez was sentenced to death. On 12/02/09, the Ohio Supreme Court affirmed Perez' convictions and sentence. On 06/28/10, the U.S. Supreme Court denied Perez' petition for writ of certiorari. Meanwhile, on 01/12/07, Perez filed a petition for post-conviction 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. On 06/22/07, Perez filed a memorandum in contra.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/01/93</p> <p>Sentence ..... 09/15/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/07/94</p> <p>Supreme Court Decision ..... 11/22/95</p> <p>U.S. Supreme Court Review ..... 05/20/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 09/20/96</p> <p>Trial Court Decision..... 07/12/01</p> <p>Court of Appeals Decision..... 02/27/02</p> <p>Supreme Court Decision ..... 06/12/02</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision..... 06/16/99</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge O'Malley)</b></p> <p>Prisoner's Petition ..... 06/09/03</p> <p>State's Return of Writ ..... 08/11/03</p> <p>Prisoner's Traverse ..... 09/25/03</p> <p>Evidentiary Hearing..... 06/01/04</p> <p>Decision: ..... 09/29/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/23/06</p> <p>Prisoner's Final Brief ..... 12/22/08</p> <p>State's Final Brief ..... 12/10/08</p> <p>Oral Argument..... 07/29/09</p> <p>Decision ..... 06/01/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 12/03/10</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the U.S. Supreme Court on the petition for writ of certiorari.

## NOTES

On 11/22/95, the Ohio Supreme Court affirmed Phillips' conviction and death sentence on direct appeal. On 09/29/06, the federal district court denied Phillips' petition for a writ of habeas corpus. On 10/23/06, Phillips filed a notice of appeal to the 6th Circuit. On 12/10/08, the Warden filed his final brief. On 12/22/08, Phillips filed his final brief. On 07/29/09, the 6th Circuit heard oral arguments. On 06/01/10, the 6th Cir. affirmed the district court's denial of Phillips' petition for a writ of habeas corpus. On 09/10/10, the 6th Cir. denied Phillips' motion for en banc rehearing. On 12/03/10, Phillips filed a petition for writ of certiorari in the U.S. Supreme Court. (Note: On 2/3/11, the Warden filed a brief in opposition to the petition.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment .....                      Sentence ..... 03/15/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 08/29/86                      Supreme Court Decision ..... 09/16/87                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 sentenced to death. On 08/29/96, the 2nd District Court of Appeals vacated Penix's death sentence. On 09/16/97, the Ohio Supreme Court affirmed the lower court, remanded the case for re-sentencing, and instructed the trial court that a death sentence could not result from the re-sentencing.

**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 a 3-year-old, Sha'Railyn Wright. Pickens shot and killed Ms. Washington as well as both children.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/04/09 Sentence ..... 07/13/10</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing..... Decision:.....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief..... State's Final Brief..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition..... Brief in Opposition..... Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Pickens' direct appeal.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 07/13/10, Pickens was sentenced to death. On 08/11/10, Pickens filed a notice of appeal for his direct appeal in the Ohio Supreme Court.

**Summary of Crime:** On 07/11/91, Pless murdered Sherry Lockwood, his former girlfriend, in Cleveland. Pless abruptly entered the home, chased Ms. Lockwood out the front door, grabbed her by the hair in her front yard and, as she tried to leave the yard, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/22/91                      Sentence ..... 02/04/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/13/94                      Supreme Court Decision ..... 01/17/96                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p style="padding-left: 20px;">Trial Court Decision.....</p> <p style="padding-left: 20px;">Court of Appeals Decision.....</p> <p style="padding-left: 20px;">Supreme Court Decision .....</p> <p style="padding-left: 20px;">U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....</p> <p style="padding-left: 20px;">State's Return of Writ .....</p> <p style="padding-left: 20px;">Prisoner’s Traverse .....</p> <p style="padding-left: 20px;">Evidentiary Hearing.....</p> <p style="padding-left: 20px;">Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p style="padding-left: 20px;">Prisoner's Final Brief .....</p> <p style="padding-left: 20px;">State's Final Brief .....</p> <p style="padding-left: 20px;">Oral Argument.....</p> <p style="padding-left: 20px;">Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p style="padding-left: 20px;">Brief in Opposition .....</p> <p style="padding-left: 20px;">Decision or Certiorari Denial .....</p>

## 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 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 the aggravated murder at retrial. On 02/26/97, Pless was re-sentenced to two concurrent terms of life imprisonment with no possibility of parole until after he had served thirty full years of imprisonment.

**Summary of Crime:** On 02/19/85, Poindexter murdered 18-year-old Kevin Flanagan in the Cincinnati apartment of Poindexter's former girlfriend. Mr. Flanagan was dating Poindexter's former girlfriend. Poindexter broke into the apartment, shot Mr. Flanagan 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. Flanagan.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/01/85</p> <p>Sentence ..... 06/10/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/24/86</p> <p>Supreme Court Decision ..... 03/23/88</p> <p>U.S. Supreme Court Review ..... 10/17/88</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 07/26/89</p> <p>Trial Court Decision..... 10/23/89</p> <p>Court of Appeals Decision ..... 03/06/91</p> <p>Supreme Court Decision ..... 08/07/91</p> <p>U.S. Supreme Court Review ..... 06/27/94</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 12/01/92</p> <p>Supreme Court Decision ..... 10/27/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Beckwith)</b></p> <p>Prisoner's Petition ..... 03/10/94</p> <p>State's Return of Writ ..... 05/03/94</p> <p>Prisoner's Traverse ..... 08/01/94</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 12/15/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 03/09/01</p> <p>Prisoner's Final Brief ..... 07/15/04</p> <p>State's Final Brief ..... 07/28/04</p> <p>Oral Argument ..... 04/28/05</p> <p>Decision ..... 07/24/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 federal district court granted Poindexter's petition for a writ of habeas corpus, vacated his conviction and death sentence based on three claims of ineffective assistance of counsel, and remanded to the state court for re-trial. 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 re-sentencing. On 08/24/09, the trial court re-sentenced Poindexter to 46 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/17/84 Sentence ..... 03/13/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 01/15/86 Supreme Court Decision ..... 09/16/87 U.S. Supreme Court Review ..... 02/22/88</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Wells)</b></p> <p>Prisoner's Petition ..... 11/20/97 State's Return of Writ ..... 01/21/98 Prisoner's Traverse ..... 06/07/99 Evidentiary Hearing..... Decision: ..... 05/23/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 08/07/03 Prisoner's Final Brief ..... 10/08/08 State's Final Brief ..... 10/06/08 Oral Argument..... 06/15/10 Decision ..... 09/13/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending Post filing of a petition for writ of certiorari in the U.S. Supreme Court.

## NOTES

On 09/16/87, the Ohio Supreme Court affirmed Post's conviction and death sentence on direct appeal. On 05/23/03, the federal district court denied Post's petition for a writ of habeas corpus. On 08/07/03, Post filed a notice of appeal to the 6th Circuit. On 01/09/04, Post filed a motion for a certificate of appealability. On 01/26/04, the Warden filed a memorandum in opposition. On 02/11/04, Post filed a reply. On 07/29/05, the 6th Circuit denied Post's motion to remand to the district court to complete discovery. On 09/13/05, the 6th Circuit denied Post's motion for rehearing en banc of the denial of his motion for remand. On 03/27/06, the U.S. Supreme Court denied Post's petition to review the 6th Circuit's denial of his motion to remand. On 10/06/08, the Warden filed his final brief. On 10/08/08, Post filed his final brief. On 06/04/10, Post filed his reply brief. On 06/15/10, the 6th Circuit heard oral argument. On 09/13/10, the 6th Circuit affirmed the district court's denial of Post's petition for a writ of habeas corpus. On 11/23/10, the 6th Circuit denied Post's petition for en banc rehearing of the decision affirming the district court's denial of the writ.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/05/86 Sentence ..... 01/27/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/17/88 Supreme Court Decision ..... 03/14/90 U.S. Supreme Court Review ..... 10/01/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 02/22/94 Supreme Court Decision ..... 08/03/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Weber)</b></p> <p>Prisoner's Petition ..... 12/21/94 State's Return of Writ ..... 04/10/95 Prisoner's Traverse ..... 01/21/97 Evidentiary Hearing..... Decision: ..... 06/15/98</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 09/08/98 Prisoner's Final Brief ..... 04/07/00 State's Final Brief ..... 04/05/00 Oral Argument..... 11/28/00 Decision ..... 05/07/03</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 federal 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 re-sentencing. On 11/16/04, the trial court re-sentenced Powell to 20 years to life.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/22/06                      Sentence ..... 09/13/07</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 06/30/08                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Powell's direct appeal. Also pending in the trial court on Powell's post-conviction petition, which is held in abeyance pending a decision in the Ohio Supreme Court on Powell's direct appeal.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 09/13/07, Powell was sentenced to death. On 11/02/07, Powell filed a notice of direct appeal to the Ohio Supreme Court. On 06/27/08, Powell filed his direct appeal brief. On 11/17/08, the State filed its brief. On 12/26/08, Powell filed his reply brief. On 06/30/08, Powell filed his post-conviction petition. On 07/25/08, the trial court held Powell's petition in abeyance pending the completion of his direct appeal.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/04/96</p> <p>Sentence ..... 11/06/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 09/30/98</p> <p>U.S. Supreme Court Review ..... 03/01/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 02/02/98</p> <p>Trial Court Decision..... 04/17/98</p> <p>Court of Appeals Decision..... 06/25/99</p> <p>Supreme Court Decision ..... 10/27/99</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision..... 03/03/99</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Barrett)</b></p> <p>Prisoner's Petition ..... 09/13/00</p> <p>State's Return of Writ ..... 11/01/00</p> <p>Prisoner’s Traverse ..... 02/22/01</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 09/30/98, the Ohio Supreme Court affirmed Raglin's conviction and death sentence on direct appeal. On 09/13/00, Raglin filed a petition for a writ of habeas corpus in federal district court. On 02/02/06, the magistrate judge issued a report and recommendation denying Raglin's petition for a writ of habeas corpus. On 06/29/06, the magistrate judge issued a second report and recommendation denying Raglin's petition for a writ of habeas corpus. On 07/18/06, Raglin filed an objection. On 07/21/06, the Warden filed a response. On 09/21/06 and 10/18/06, the magistrate judge denied Raglin's motions for new counsel. On 08/30/08, Raglin obtained new habeas counsel. On 12/15/08, Raglin filed a motion to revive abandoned claims and motion to supplement objections. On 12/16/08, Raglin filed a motion for discovery. On 01/20/09, the district court permitted Raglin's new habeas counsel to re-open discovery and file supplemental objections, but denied Raglin's motion to revive abandoned claims. On 02/06/09, Raglin filed supplemental objections. On 02/18/09, the Warden filed a response.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/29/94                      Sentence ..... 04/28/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 01/04/01                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

# Reynolds, Lawrence

Reynolds  
Summit County

**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	FEDERAL COURTS
<b><u>TRIAL</u></b> Indictment ..... 01/20/94 Sentence ..... 06/09/94	<b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Dowd)</b> Prisoner's Petition ..... 02/01/01 State's Return of Writ ..... 03/30/01 Prisoner's Traverse ..... 06/18/01 Evidentiary Hearing..... Decision: ..... 01/14/03
<b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b> Court of Appeals Decision ..... 07/10/96 Supreme Court Decision ..... 01/14/98 U.S. Supreme Court Review ..... 06/15/98	<b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b> Notice of Appeal..... 02/06/03 Prisoner's Final Brief ..... 08/08/06 State's Final Brief ..... 07/28/06 Oral Argument..... 04/04/07 Decision ..... 08/16/07
<b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b> 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.....	<b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b> Certiorari Petition ..... 04/14/08 Brief in Opposition ..... Decision or Certiorari Denial ..... 06/09/08
<b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b> Court of Appeals Decision..... Supreme Court Decision.....	

## 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: 5759

Executed

**Summary of Crime:** On 06/30/86, Richey killed 2-year-old Cynthia Collins in Columbus Grove. Richey had been babysitting Cynthia, who lived in the same apartment building as Richey's former girlfriend. Richey was angry at his former 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/10/86 Sentence ..... 01/26/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/28/89 Supreme Court Decision ..... 08/12/92 U.S. Supreme Court Review ..... 03/22/93</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 01/04/95 Supreme Court Decision ..... 08/30/95</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gaughan)</b></p> <p>Prisoner's Petition ..... 06/19/98 State's Return of Writ ..... 05/26/00 Prisoner's Traverse ..... 08/08/00 Evidentiary Hearing..... Decision: ..... 04/03/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 05/01/01 Prisoner's Final Brief ..... 12/17/02 State's Final Brief ..... 12/17/02 Oral Argument..... 05/07/03 Decision ..... 01/25/05</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 07/14/05 Brief in Opposition ..... 09/02/05 Decision or Certiorari Denial ..... 11/28/05</p>

## 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 federal 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 and granted Richey's petition for a writ of habeas corpus, vacated his conviction and death sentence based on sufficiency of the evidence and ineffective assistance of counsel, and remanded to the State court for re-trial. On 11/28/05, the U.S. Supreme Court granted the Warden's petition for a writ of certiorari, reversed the 6th Circuit's decision, and remanded 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 entered a no contest plea to involuntary manslaughter, child endangering, and breaking and entering, in accordance with a plea agreement. The trial court then re-sentenced Richey to time served.

**Summary of Crime:** During the riot at the Southern Ohio Correctional Facility (“Lucasville”), Robb murdered 40-year-old prison guard Robert Vallandingham, and prison inmate, 31-year-old David Sommers. Robb was the leader of the prison's Aryan Brotherhood, who along with other prison inmates, held prison guards and inmates hostage. On 04/15/93, Robb, Carlos Sanders, who was the leader of the prison's Muslim group, and James Were, another inmate, ordered inmates to strangle Mr. Vallandingham to death with a cord and baseball bat. On 4/21/93, Robb arranged for inmates to stab, choke and beat Mr. Sommers to death with baseball bats. At the time, Robb was serving a sentence for voluntary manslaughter. Sanders and Were also received a death sentence for the aggravated murder of Mr. Vallandingham.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/05/94                      Sentence ..... 04/17/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 04/30/98                      Supreme Court Decision ..... 03/01/00                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Marbley)</b>                      Prisoner's Petition ..... 06/03/02                      State's Return of Writ ..... 11/17/03                      Prisoner’s Traverse .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 09/16/04, the district court partially granted Robb's motion for discovery. On 09/05/06, the district court denied Robb's motion to enforce discovery. On 12/14/06, the district court granted the Warden's motion for extension of time to complete discovery. On 05/24/07, the district court set a discovery scheduling order. On 11/18/10, Robb filed a motion for supplemental discovery. On 12/03/10, the Warden filed his response. (Note: The case was tried in Franklin County following a change of venue from Scioto County.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/28/01                      Sentence ..... 06/24/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 08/02/06                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 09/24/04                      Trial Court Decision..... 02/11/05                      Court of Appeals Decision..... 10/22/07                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** The case is currently on appeal from the trial court's resentencing, pending in the Ohio Supreme Court on Roberts' direct appeal. Also pending in the trial court on Roberts' post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 08/02/06, the Ohio Supreme Court affirmed Roberts' aggravated murder conviction on direct appeal, but vacated the death sentence based on the trial court's ex parte communication with the prosecutor and remanded to the trial court for re-sentencing. On 10/29/07, the trial court re-sentenced Roberts to death. On 12/11/07, Roberts filed a notice of appeal to the Ohio Supreme Court. On 09/15/08, Roberts filed her brief. On 12/15/08, the State filed its response. On 01/02/09, Roberts filed a reply brief. Meanwhile, on 10/22/07, the 11th District Court of Appeals dismissed Roberts' post-conviction appeal. On 08/20/08, Roberts filed another petition to set aside her sentence in the trial court.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/26/84                      Sentence ..... 12/23/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 08/25/87                      Supreme Court Decision ..... 03/22/89                      U.S. Supreme Court Review ..... 03/26/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Sargus)</b>                      Prisoner's Petition ..... 02/09/95                      State's Return of Writ ..... 05/05/95                      Prisoner's Traverse ..... 07/05/95                      Evidentiary Hearing.....                      Decision: ..... 06/15/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 09/29/00                      Prisoner's Final Brief ..... 09/10/01                      State's Final Brief ..... 09/04/01                      Oral Argument..... 01/31/02                      Decision ..... 10/31/02</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 05/09/03                      Brief in Opposition ..... 07/09/03                      Decision or Certiorari Denial ..... 10/06/03</p>

## 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.

**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's body and clothing revealed that she had been sexually molested and had died from strangulation.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment .....                      Sentence ..... 10/29/82</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 06/05/85                      U.S. Supreme Court Review ..... 12/02/85</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 sentenced to death. After the Sixth District Court of Appeals affirmed Roger's convictions and sentence, the Ohio Supreme Court, on 06/05/85, also affirmed. On 12/02/95, the U.S. Supreme Court vacated the Ohio Supreme Court's judgment and remanded the case for further consideration of a recent case of the U.S. Supreme Court case. 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 conviction and sentence, and remanded for a new trial. In 1989, Rogers was again convicted, and he was sentenced to life imprisonment without parole eligibility until after 30 years.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/23/87                      Sentence ..... 05/05/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 07/11/90                      Supreme Court Decision ..... 07/01/92                      U.S. Supreme Court Review ..... 01/11/93</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>("Murnahan" Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Marbley)</b>                      Prisoner's Petition ..... 10/04/96                      State's Return of Writ ..... 12/06/96                      Prisoner's Traverse ..... 04/14/97                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for 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 federal 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 petition for a writ of habeas corpus. On 06/04/04, the Warden filed a memorandum in opposition. On 08/09/04, Rojas filed a reply and a motion for an evidentiary hearing. On 08/26/04, the Warden filed a memorandum in opposition. On 09/06/04, Rojas filed a reply. On 09/10/04, the district court denied Rojas' motion to expedite his appeals.

**Summary of Crime:** During the riot at the Southern Ohio Correctional Facility (“Lucasville”), 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 4/15/93, Sanders, Jason Robb, who was the leader of the prison’s Aryan Brotherhood, and James Were, another inmate, ordered inmates to strangle Mr. Vallandingham to death with a cord and baseball bat. At the time, Sanders was serving a sentence for aggravated robbery. Robb and Were also received a death sentence for the aggravated murder of Mr. Vallandingham.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/29/94                      Sentence ..... 03/05/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 05/01/98                      Supreme Court Decision ..... 07/18/01                      U.S. Supreme Court Review ..... 04/29/02</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 02/04/99                      Supreme Court Decision ..... 01/30/02</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Dlott)</b>                      Prisoner's Petition ..... 04/22/03                      State's Return of Writ ..... 07/01/03                      Prisoner’s Traverse ..... 01/08/04                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for 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 federal district court. On 08/14/06, the magistrate judge issued a report and recommendations denying Sanders' petition for a writ of habeas corpus. On 11/08/06, the district judge ordered the magistrate judge to reconsider his report and recommendation in light of Sanders' objections. On 12/18/06, the magistrate judge ordered additional briefing. On 02/15/07, Sanders filed his brief. On 02/23/07, the Warden filed a reply brief. On 12/29/10, the magistrate judge issued a supplemental report and recommendations denying Sanders' petition for a writ of habeas corpus. (Note: This was a Scioto County case with a change of venue to Hamilton County. Sanders is also known as Siddique Abdullah Hasan).

**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. Sapp received a death sentence for the aggravated murders of Martha, Phree and Ms. Anderson. 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/07/97</p> <p>Sentence ..... 10/21/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/13/02</p> <p>Supreme Court Decision ..... 12/29/04</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 06/04/01</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision .....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the trial court on Sapp's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## 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 post-conviction petition. On 08/05/02, the 2nd District Court of Appeals dismissed Sapp's post-conviction appeal and remanded to the trial court for findings of facts and conclusions of law. On 09/30/02, the State filed a memorandum in opposition to Sapp's post-conviction petition. On 11/08/02, Sapp filed a reply.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 05/17/83                      Sentence ..... 04/03/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 05/23/85                      Supreme Court Decision ..... 08/20/86                      U.S. Supreme Court Review ..... 03/09/87</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 08/26/92                      Supreme Court Decision ..... 10/27/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge O'Malley)</b>                      Prisoner's Petition ..... 02/02/96                      State's Return of Writ ..... 04/04/96                      Prisoner's Traverse ..... 04/21/97                      Evidentiary Hearing.....                      Decision: ..... 09/30/98</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 10/20/98                      Prisoner's Final Brief ..... 08/27/99                      State's Final Brief ..... 08/16/99                      Oral Argument ..... 01/24/00                      Decision ..... 04/19/00</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 10/10/00                      Brief in Opposition ..... 10/27/00                      Decision or Certiorari Denial ..... 11/27/00</p>

## 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

On 06/14/01, Jay Scott was executed by lethal injection.

**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 Jones' ribs and demanded his gun. A struggle ensued and Scott shot Jones in the chest and in the left shoulder.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment .....                      Sentence ..... 10/24/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 02/09/88                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 02/09/88:** No capital proceeding pending.
- **Status in Federal Courts as of 02/09/88:** No capital proceeding pending.

## NOTES

On 12/09/88, the 8th District Court of Appeals reversed Scott's death sentence and remanded the case to the trial court for re-sentencing to life imprisonment without parole eligibility until after 20 or 30 years of imprisonment. On 6/19/89, the trial court re-sentenced Scott to life imprisonment without parole eligibility under after 30 years. (Note: On 06/14/01, Jay Scott was executed by lethal injection on his additional death sentence.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/24/99</p> <p>Sentence ..... 04/10/00</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 01/14/04</p> <p>U.S. Supreme Court Review ..... 06/14/04</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 01/26/01</p> <p>Trial Court Decision..... 12/21/04</p> <p>Court of Appeals Decision..... 01/23/06</p> <p>Supreme Court Decision ..... 06/21/06</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision..... 07/14/04</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Adams)</b></p> <p>Prisoner's Petition ..... 06/11/07</p> <p>State's Return of Writ ..... 08/03/07</p> <p>Prisoner's Traverse ..... 09/24/07</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 08/03/07, the Warden filed a return of writ. On 09/24/07, Scott filed his traverse. On 10/09/07, the Warden filed a reply to Scott's traverse. On 02/27/09, Scott filed a motion for an order to certify a question to the Ohio Supreme Court and a motion to stay proceedings or alternatively to conduct discovery and hold an evidentiary hearing. On 03/05/09, the Warden opposed both motions. On 03/13/09, Scott filed his reply. On 07/21/09, the district court granted Scott's motion for a certified question and stayed proceedings pending the outcome of the Ohio Supreme Court's decision on the certified question. On 07/29/09, the district court submitted the certified question to the Ohio Supreme Court. On 10/14/09, the Ohio Supreme Court accepted the question. On 12/02/10, the Ohio Supreme Court answered the question.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 05/31/89                      Sentence ..... 12/26/90</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/20/92                      Supreme Court Decision ..... 12/20/94                      U.S. Supreme Court Review ..... 06/26/95</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Marbley)</b>                      Prisoner's Petition ..... 01/10/00                      State's Return of Writ ..... 03/27/03                      Prisoner’s Traverse ..... 03/26/04                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 12/20/94, the Ohio Supreme Court affirmed Scudder's conviction and death sentence on direct appeal. On 01/10/00, Scudder's attorneys filed a “next friend” petition for a writ of habeas corpus in federal district court. On 08/27/01, the district court held a competency hearing. On 02/10/03, Scudder filed an amended petition for a writ of habeas corpus. On 03/10/05, the district court denied Scudder's motion for an evidentiary hearing. On 04/11/05, Scudder filed a supplemental traverse. On 04/25/05, the Warden filed a sur-reply. On 05/10/05, Scudder filed an additional reply. On 09/30/08, the district court issued an opinion and order on procedural default issues. On 02/06/09, Scudder filed a motion for discovery and a second motion for an evidentiary hearing. On 09/30/09, the district court granted in part Scudder's request for discovery but denied his motion for an evidentiary hearing. On 02/22/10, the Warden moved for discovery. On 08/23/10, the magistrate judge granted the Warden's motion for discovery. On 09/27/10, Scudder filed objections to the magistrate judge's order, a motion for reconsideration, and a motion to stay the order of discovery. On 10/14/10, the district court granted Scudder's motion to stay. On 10/25/10, the Warden filed a response in opposition to Scudder's objections to the discovery order and to Scudder's motion for reconsideration.

**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 lay down on the floor. When Mr. Norris refused, Seiber shot him in the back.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/13/85                      Sentence ..... 07/17/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 06/08/89                      Supreme Court Decision ..... 12/05/90                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p>.....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....</p> <p>.....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....</p> <p>.....                      State's Return of Writ .....</p> <p>.....                      Prisoner's Traverse .....</p> <p>.....                      Evidentiary Hearing.....</p> <p>.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p>.....                      Prisoner's Final Brief .....</p> <p>.....                      State's Final Brief .....</p> <p>.....                      Oral Argument.....</p> <p>.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>.....                      Brief in Opposition .....</p> <p>.....                      Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/26/94 Sentence ..... 05/30/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 06/11/97 Supreme Court Decision ..... 12/30/98 U.S. Supreme Court Review ..... 06/21/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 10/02/00 Supreme Court Decision ..... 04/11/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rice)</b></p> <p>Prisoner's Petition ..... 06/20/00 State's Return of Writ ..... 09/18/00 Prisoner's Traverse ..... Evidentiary Hearing..... 06/24/02 Decision: ..... 03/04/09</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/23/09 Prisoner's Final Brief ..... 07/26/10 State's Final Brief ..... 10/25/10 Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 12/30/98, the Ohio Supreme Court affirmed Sheppard's conviction and death sentence on direct appeal. On 03/04/09, the district court denied Sheppard's petition for a writ of habeas corpus. On 03/18/09, Sheppard filed a motion to alter or amend the judgment. On 03/23/09, the district court denied the motion. On 04/22/09, Sheppard filed a notice of appeal. On 07/26/10, Sheppard filed his merit brief. On 10/25/10, the Warden filed his merit brief. On 11/12/10, Sheppard filed his reply. (Note: On 01/06/11, the 6th Circuit scheduled oral argument for 03/09/11.)

**Summary of Crime:** On 07/22/04, Short murdered his estranged wife, 31-year-old Ronda Michelle Short, and her friend, 32-year-old Donnie Ray Sweeney, at Ronda's residence in Huber Heights. Short shot Mr. Sweeney with a sawed-off shotgun in the yard, then went inside the house and shot Ronda.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/20/04                      Sentence ..... 05/30/06</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 06/11/07                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Short's direct appeal. Also pending in the trial court on Short's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 07/19/06, Short filed a notice of direct appeal in the Ohio Supreme Court. On 06/29/07, Short filed his merit brief. On 11/19/07, the State filed its merit brief. Meanwhile, on 06/11/07, Short filed his petition for post-conviction relief in the trial court. On 06/15/07, 06/25/07, and 06/27/07, Short filed amendments to his petition. On 08/28/07, the State filed a motion to dismiss or for summary judgment. On 09/28/07, Short filed a memorandum contra the State's motion to dismiss.

**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 shot Ms. Johnson before fleeing the scene.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/14/90 Sentence ..... 09/17/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 01/20/93 Supreme Court Decision ..... 12/30/94 U.S. Supreme Court Review ..... 10/02/95</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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.

**Summary of Crime:** During the riot at the Southern Ohio Correctional Facility, Skatzes, with the help of other inmates, murdered prison guard, 40-year-old Robert Vallandingham, and two inmates, 31-year-old David Sommers and 41-year-old Earl Elder. Skatzes was a member of the Aryan Brotherhood, who along with other prison inmates, held prison guards and inmates hostage. On 04/15/93, Muslim inmates strangled Mr. Vallandingham to death with a cord and baseball bat. Skatzes also directed another inmate to stab Mr. Elder numerous times with a shank. On 04/21/93, Skatzes beat Mr. Sommers to death with a baseball bat. 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/29/94 Sentence ..... 01/30/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 01/31/03 Supreme Court Decision ..... 12/08/04 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 09/30/03 Supreme Court Decision ..... 04/06/04</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rose)</b></p> <p>Prisoner's Petition ..... 04/05/10 State's Return of Writ ..... 08/30/10 Prisoner's Traverse .....</p> <p>Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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' post-conviction appeal. On 07/30/09, Skatzes filed his notice of intent to file a petition for writ of habeas corpus. On 04/05/10, Skatzes filed a petition for writ of habeas corpus. On 08/30/10, the Warden filed a return of writ. (Note: The case was tried in Montgomery County following a change of venue from Scioto County).

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/18/87 Sentence ..... 04/14/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/26/91 Supreme Court Decision ..... 12/31/92 U.S. Supreme Court Review ..... 10/04/93</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 09/01/94 Supreme Court Decision ..... 07/19/95</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Economus)</b></p> <p>Prisoner's Petition ..... 12/19/01 State's Return of Writ ..... 02/14/02 Prisoner’s Traverse ..... 06/17/03 Evidentiary Hearing..... Decision: ..... 03/30/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/14/04 Prisoner's Final Brief ..... 09/14/05 State's Final Brief ..... 08/31/05 Oral Argument..... 01/26/06 Decision ..... 08/08/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 04/05/07 Brief in Opposition ..... 05/14/07 Decision or Certiorari Denial ..... 06/18/07</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 12/31/92, the Ohio Supreme Court affirmed Slagle's conviction and death sentence on direct appeal. On 03/30/04, the federal district court denied Slagle's petition for a writ of habeas corpus. On 04/14/04, Slagle filed a notice of appeal to the 6th Circuit. On 08/08/06, the 6th Circuit affirmed the district court's decision. On 01/05/07, the 6th Circuit denied Slagle's petition for en banc rehearing. On 06/18/07, the U.S. Supreme Court denied Slagle's petition for a writ of certiorari. On 06/23/10, the State filed a motion in the Ohio Supreme Court to set an execution date.

**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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/16/95 Sentence ..... 02/09/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 03/19/96 Supreme Court Decision ..... 10/15/97 U.S. Supreme Court Review ..... 05/18/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rice)</b></p> <p>Prisoner's Petition ..... 10/04/99 State's Return of Writ ..... 11/15/99 Prisoner's Traverse ..... 01/10/00 Evidentiary Hearing..... Decision: ..... 08/15/05</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 09/08/05 Prisoner's Final Brief ..... 05/20/08 State's Final Brief ..... 05/20/08 Oral Argument..... 03/10/09 Decision ..... 06/05/09</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 09/02/09 Brief in Opposition ..... 10/30/09 Decision or Certiorari Denial ..... 11/30/09</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 10/15/97, the Ohio Supreme Court affirmed Smith's conviction and death sentence on direct appeal. On 08/15/05, the federal district court denied Smith's petition for a writ of habeas corpus. On 03/10/09, the 6th Circuit heard oral arguments. On 06/05/09, the 6th Circuit affirmed the district court's decision. On 09/02/09, Smith filed a petition for a writ of certiorari in the U.S. Supreme Court. On 11/30/09, the U.S. Supreme Court denied Smith's petition for certiorari. On 02/02/10, the State filed a motion in the Ohio Supreme Court to set an execution date. (Note: On 2/8/11, the Ohio Supreme Court set Smith's execution for 7/19/11.)

**Summary of Crime:** On 01/19/94, Smith and an accomplice, Stanley Jalowiec, murdered 30-year-old Ronald Lally in a Cleveland cemetery. Mr. Lally was a police informant who was scheduled to testify against Smith in a drug trafficking trial. On the morning of the trial, Smith and Jalowiec 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. Stanley Jalowiec also received a death sentence.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 03/08/95                      Sentence ..... 01/05/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 03/25/98                      Supreme Court Decision ..... 01/05/00                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 08/02/01                      Supreme Court Decision ..... 05/01/02</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Wells)</b>                      Prisoner's Petition ..... 10/11/01                      State's Return of Writ ..... 01/03/02                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 federal district court. On 01/22/02, the district court granted Smith's motion to hold case in abeyance pending exhaustion of state court proceedings. On 09/29/06, Smith filed a motion declaring his successive post-conviction claims exhausted in the district court. On 10/13/06, the Warden filed a memorandum in opposition. Meanwhile, on 07/13/04, the trial court denied Smith's successive post-conviction petition and granted the State's motion for an independent evaluation. On 12/19/06 and 01/16/07, the trial court held an *Atkins* hearing. On 04/25/08, the state court granted Smith's successive post-conviction petition finding him mentally retarded according to *Atkins v. Virginia*, and re-sentenced Smith to life in prison.

**Summary of Crime:** On 09/29/98, Smith murdered his girlfriend's 6-month-old daughter, Autumn Frye, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 11/05/98                      Sentence ..... 03/25/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 12/13/02                      U.S. Supreme Court Review ..... 06/02/03</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge O'Malley)</b>                      Prisoner's Petition ..... 05/26/04                      State's Return of Writ ..... 07/30/04                      Prisoner's Traverse ..... 10/28/04                      Evidentiary Hearing.....                      Decision: ..... 09/27/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 10/26/07                      Prisoner's Final Brief ..... 11/13/08                      State's Final Brief ..... 11/14/08                      Oral Argument..... 07/29/09                      Decision ..... 01/19/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 06/11/10                      Brief in Opposition ..... 06/29/10                      Decision or Certiorari Denial ..... 10/04/10</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 12/13/02, the Ohio Supreme Court affirmed Smith's conviction and death sentence on direct appeal. On 05/26/04, Smith filed a petition for a writ of habeas corpus in federal district court. On 09/27/07, the district court denied Smith's petition for a writ of habeas corpus and granted a certificate of appealability on four issues. On 10/26/07, Smith filed a notice of appeal to the 6th Circuit. On 03/28/08, the 6th Circuit partially granted Smith's motion to expand the certificate of appealability. On 11/13/08, Smith filed his final brief. On 11/14/08, the Warden filed his final brief. On 07/17/09, Smith filed his reply brief. On 07/29/09, the 6th Circuit heard oral arguments. On 01/19/10, the 6th Circuit affirmed the district court's decision. On 10/04/10, the U.S. Supreme Court denied Smith's petition for writ of certiorari.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/21/93 Sentence ..... 03/22/94</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/06/98 Supreme Court Decision ..... 07/26/00 U.S. Supreme Court Review ..... 02/20/01</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Matia)</b></p> <p>Prisoner's Petition ..... 06/11/02 State's Return of Writ ..... 08/23/02 Prisoner's Traverse ..... 10/07/02 Evidentiary Hearing..... Decision: ..... 03/22/05</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/19/05 Prisoner's Final Brief ..... 12/06/06 State's Final Brief ..... 11/30/06 Oral Argument..... 03/06/07 Decision ..... 04/11/08</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 01/07/09 Brief in Opposition ..... 03/12/09 Decision or Certiorari Denial ..... 04/20/09</p>

## 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 is also known as Abdullah Sharif Kaazim Mahdi.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/21/87                      Sentence ..... 04/14/88</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 06/06/90                      Supreme Court Decision ..... 07/31/91                      U.S. Supreme Court Review ..... 02/24/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 06/30/93                      Supreme Court Decision ..... 12/15/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Spiegel)</b>                      Prisoner's Petition ..... 04/27/95                      State's Return of Writ ..... 01/30/97                      Prisoner's Traverse ..... 07/09/97                      Evidentiary Hearing.....                      Decision: ..... 02/22/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 08/22/00                      Prisoner's Final Brief ..... 08/03/01                      State's Final Brief ..... 08/07/01                      Oral Argument..... 09/18/02                      Decision ..... 10/28/03</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 05/24/04                      Brief in Opposition ..... 07/01/04                      Decision or Certiorari Denial ..... 10/04/04</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/04/85 Sentence ..... 08/07/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 05/22/89 Supreme Court Decision ..... 02/12/92 U.S. Supreme Court Review ..... 03/22/93</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... 01/14/02 Supreme Court Decision..... 09/25/02</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gaughan)</b></p> <p>Prisoner's Petition ..... 03/25/04 State's Return of Writ ..... 05/17/04 Prisoner's Traverse ..... 04/14/04 Evidentiary Hearing..... Decision: ..... 03/02/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 03/21/07 Prisoner's Final Brief ..... 05/04/09 State's Final Brief ..... 05/07/09 Oral Argument..... 10/15/09 Decision ..... 03/31/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 08/04/10 Brief in Opposition ..... 09/23/10 Decision or Certiorari Denial ..... 11/01/10</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** 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 partially denied Sneed's petition for a writ of habeas corpus and granted a certificate of appealability on several issues. On 03/21/07, Sneed filed a notice of appeal to the 6th Circuit. On 05/16/07, Sneed filed a motion to grant an expanded certificate of appealability. On 06/01/07, the Warden filed his reply. On 06/02/08, the 6th Circuit partially granted the motion to expand the certificate of appealability. On 06/16/08, Sneed filed a petition for en banc rehearing. On 08/27/08, the 6th Circuit denied the petition for en banc rehearing. On 05/04/09, Sneed filed his brief and reply brief. On 05/07/09, the Warden filed his brief. On 10/15/09, the 6th Circuit heard oral arguments. On 03/31/10, the 6th Circuit affirmed the district court's denial of Sneed's petition for writ of habeas corpus. On 05/10/10, the 6th Circuit denied Sneed's motion for rehearing en banc. On 08/04/10, Sneed filed a petition for a writ of certiorari in the U.S. Supreme Court. On 09/23/10, the Warden filed his response. On 11/01/10, the U.S. Supreme Court denied Sneed's petition for a writ of certiorari.

**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 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/22/91</p> <p>Sentence ..... 05/15/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 07/17/95</p> <p>Supreme Court Decision .....</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court .....</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision .....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 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 re-sentencing. On 12/21/95, the trial court on remand re-sentenced Soke to life imprisonment without possibility eligibility until after 30 years.

**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 until he ran out of ammunition.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 05/12/83 Sentence ..... 11/03/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 08/20/86 Supreme Court Decision ..... 11/16/88 U.S. Supreme Court Review ..... 04/17/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... 10/01/92 Supreme Court Decision..... 11/17/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Sargus)</b></p> <p>Prisoner's Petition ..... 05/24/94 State's Return of Writ ..... 10/07/94 Prisoner's Traverse ..... 08/29/96 Evidentiary Hearing..... 04/21/99 Decision: ..... 10/05/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/11/02 Prisoner's Final Brief ..... 10/17/02 State's Final Brief ..... 11/05/02 Oral Argument..... 10/29/03 Decision ..... 06/23/04</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 01/06/05 Brief in Opposition ..... 02/10/05 Decision or Certiorari Denial ..... 03/21/05</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 11/16/88, the Ohio Supreme Court affirmed Sowell's conviction and death sentence on direct appeal. On 10/05/01, the federal district court granted Sowell's petition for a writ of habeas corpus, vacated his death sentence based on involuntary jury waiver, and remanded to the state court for re-trial. On 06/23/04, the 6th Circuit reversed the judgment of the district court and denied Sowell's petition for a writ of habeas corpus. On 11/16/04, the district court issued an order reopening the case. On 03/21/05, the U.S. Supreme Court denied Sowell's petition for a writ of certiorari. On 01/11/07, the Warden and Sowell filed their briefs. On 03/31/08, the district court granted Sowell's petition for writ of habeas corpus. On 04/29/08, the Warden filed a notice of appeal. On 05/13/08, Sowell filed a notice of cross appeal and notice of intent to seek a certificate of appealability. On 09/29/08, the district court granted Sowell's motion for a certificate of appealability. On 07/06/09, the Warden filed his first brief. On 12/11/09, Sowell filed his response brief. On 12/11/09, Sowell filed a second brief. On 01/11/10, the Warden filed his third brief. On 01/25/10, Sowell filed a fourth brief. On 10/13/10, the 6th Circuit held oral arguments.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 09/13/83                      Sentence ..... 09/10/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 03/06/89                      Supreme Court Decision ..... 04/10/91                      U.S. Supreme Court Review ..... 10/15/91</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 11/15/93                      Supreme Court Decision ..... 06/08/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Carr)</b>                      Prisoner's Petition ..... 03/31/95                      State's Return of Writ ..... 06/28/95                      Prisoner’s Traverse ..... 05/30/00                      Evidentiary Hearing.....                      Decision: ..... 07/18/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 10/30/00                      Prisoner's Final Brief ..... 08/31/01                      State's Final Brief ..... 08/31/01                      Oral Argument..... 04/30/02                      Decision ..... 05/17/04</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 01/18/05                      Brief in Opposition ..... 02/23/05                      Decision or Certiorari Denial ..... 03/28/05</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/29/83</p> <p>Sentence ..... 08/10/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 05/27/86</p> <p>Supreme Court Decision ..... 04/13/88</p> <p>U.S. Supreme Court Review ..... 04/24/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 11/01/89</p> <p>Trial Court Decision ..... 04/05/94</p> <p>Court of Appeals Decision ..... 04/13/95</p> <p>Supreme Court Decision ..... 10/04/95</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 11/29/94</p> <p>Supreme Court Decision ..... 08/16/95</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Oliver)</b></p> <p>Prisoner's Petition ..... 04/09/97</p> <p>State's Return of Writ ..... 05/29/97</p> <p>Prisoner's Traverse ..... 09/24/97</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 04/18/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 07/31/03</p> <p>Prisoner's Final Brief ..... 07/22/04</p> <p>State's Final Brief ..... 07/27/04</p> <p>Oral Argument..... 03/14/06</p> <p>Decision ..... 10/20/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 05/16/07</p> <p>Brief in Opposition ..... 06/19/07</p> <p>Decision or Certiorari Denial ..... 10/09/07</p>

## 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 04/13/88, the Ohio Supreme Court affirmed Spisak's conviction and death sentence on direct appeal. On 04/18/03, the federal district court denied Spisak's petition for a writ of habeas corpus. On 10/20/06, the 6th Circuit reversed the district court's decision, vacated Spisak's conviction based on an improper jury instruction claim and ineffective assistance of counsel, and remanded to the trial court for re-trial. On 10/09/07, the U.S. Supreme Court granted the Warden's petition for a writ of certiorari and vacated and remanded the case to the 6th Circuit. On 01/11/08, the 6th Circuit reinstated its 10/20/06 opinion, partially granting habeas corpus relief and ordering a new mitigation phase trial. On 12/01/08, the Warden filed a petition for writ of certiorari in the U.S. Supreme Court. On 02/23/09, the U.S. Supreme Court granted the Warden's petition for a writ of certiorari. On 05/22/09, the Warden filed his brief. On 08/07/09, Spisak filed his brief. On 09/03/09, the Warden filed his reply brief. On 10/13/09, the U.S. Supreme Court heard oral arguments. On 01/12/10, the U.S. Supreme Court reversed the 6th Circuit's decision. On 01/21/10, the State filed a motion to set an execution date in the Ohio Supreme Court. On 05/12/10, the Ohio Supreme Court scheduled Spisak's execution for 02/17/11. (Note: On 2/17/11, Spisak was executed.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 01/18/89                      Sentence ..... 11/20/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 01/13/97                      Supreme Court Decision ..... 04/22/98                      U.S. Supreme Court Review ..... 10/05/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 02/11/98                      Supreme Court Decision ..... 11/25/98</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the trial court on Spivey's *Atkins* petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 04/22/98, the Ohio Supreme Court affirmed Spivey's conviction and death sentence on direct appeal. On 12/20/02, Spivey filed a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 01/06/03, the State filed a response. On 04/10/03, the trial court granted Spivey's motion for funds for an expert. On 12/08/04, the trial court granted Spivey's second motion for funds for an expert. On 04/05/05, the trial court denied Spivey's motion for a jury determination on the issue of whether he is mentally retarded. On 03/20/06, the State filed a motion for summary judgment. On 07/17/06, Spivey filed a memorandum in opposition and a motion for discovery. On 04/10/07, the court overruled the State's motion for summary judgment. On 12/18/07, the State filed a discovery request. On 10/10/08, Spivey filed a motion for evaluation of competency and motion to stay the proceedings. On 02/06/09, the trial court granted Spivey's motion for an evaluation and to stay the proceedings pending the outcome of a competency hearing. On 08/26/10, the trial court held a competency hearing and found Spivey competent to participate in the post-conviction proceedings and scheduled an *Atkins* hearing. (Note: The trial court scheduled the *Atkins* hearing for 04/29/11.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/03/97</p> <p>Sentence ..... 02/27/98</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 07/19/00</p> <p>U.S. Supreme Court Review ..... 10/01/01</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 01/11/99</p> <p>Trial Court Decision..... 04/26/99</p> <p>Court of Appeals Decision..... 04/19/00</p> <p>Supreme Court Decision ..... 09/06/00</p> <p>U.S. Supreme Court Review ..... 02/20/01</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision..... 02/07/01</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge O'Malley)</b></p> <p>Prisoner's Petition ..... 03/11/05</p> <p>State's Return of Writ ..... 08/01/05</p> <p>Prisoner's Traverse ..... 11/04/05</p> <p>Evidentiary Hearing..... 08/29/07</p> <p>Decision: ..... 03/31/08</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/04/08</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## 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 federal district court. On 03/31/08, the district court partially granted Stallings' petition for writ of habeas corpus for ineffective assistance of counsel at mitigation. On 04/04/08, the Warden filed his notice of appeal in the 6th Circuit. On 04/30/08, Stallings filed his notice of appeal in the 6th Circuit. The appeals were dismissed by agreement of the parties. Meanwhile, on 08/07/08, Stallings was re-sentenced to life without the possibility of parole plus 19 years.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/02/82</p> <p>Sentence ..... 05/25/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 12/11/85</p> <p>Supreme Court Decision ..... 06/24/87</p> <p>U.S. Supreme Court Review ..... 02/29/88</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 01/13/89</p> <p>Trial Court Decision..... 07/18/90</p> <p>Court of Appeals Decision ..... 08/07/91</p> <p>Supreme Court Decision ..... 01/15/92</p> <p>U.S. Supreme Court Review ..... 06/27/94</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 10/01/92</p> <p>Supreme Court Decision ..... 11/17/93</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Frost)</b></p> <p>Prisoner's Petition ..... 01/24/95</p> <p>State's Return of Writ ..... 06/20/95</p> <p>Prisoner’s Traverse ..... 05/31/96</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending briefing in the trial court.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus, which is stayed pending state court proceedings.

## 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 writ of habeas corpus in federal district court. On 05/16/06, the district court stayed the case pending exhaustion of state court proceedings. On 08/03/06, Steffen filed a motion for new trial based on newly discovered DNA evidence in the trial court. On 02/17/09, the trial court granted Steffen's motion for a new sentencing hearing. On 02/18/09, the State filed a notice of appeal. On 03/19/09, Steffen cross-appealed. On 06/11/09, the 1st District Court of Appeals denied Steffen's motion to dismiss. On 12/22/09, the 1st District Court of Appeals granted Steffen's motion to stay proceedings pending a decision in the Ohio Supreme Court on Steffen's complaint for a writ of prohibition precluding the 1st District Court of Appeals from hearing the State's appeal of the trial court's order granting a new penalty phase trial. On 06/03/10, the Ohio Supreme Court granted Steffen's complaint for a writ of prohibition precluding the 1st District Court of Appeals from hearing the State's appeal. On 06/03/10, the 1st District Court of Appeals dismissed the State's appeal. On 10/19/10, the 1st District Court of Appeals granted Steffen's motion to dismiss his own appeal. On 11/22/10, the State moved the trial court to determine the appropriateness of Steffen's capital sentence. On 12/30/10, Steffen filed his response.

**Pending Resentencing**

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/10/96                      Sentence ..... 04/18/97</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 02/17/99                      U.S. Supreme Court Review ..... 11/08/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 08/18/99</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Frost)</b>                      Prisoner's Petition ..... 04/01/04                      State's Return of Writ ..... 12/15/04                      Prisoner's Traverse ..... 10/20/08                      Evidentiary Hearing .....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal .....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument .....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending a briefing in the Ohio Supreme Court on Stojetz's appeal of the denial of his motion for new trial.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 02/17/99, the Ohio Supreme Court affirmed Stojetz's conviction and death sentence on direct appeal. On 04/01/04, Stojetz filed a petition for a writ of habeas corpus in federal district court. On 01/06/09, Stojetz filed a petition for post-conviction relief, motion for discovery, and an application for leave to file a motion for new trial in the trial court. On 05/07/09, the district court denied Stojetz's motion to stay proceedings to permit exhaustion of claims in state court. On 03/17/10, the district court granted Stojetz's motion to amend his petition. Meanwhile, on 05/20/09, the trial court overruled Stojetz's motion for a new trial. On 06/19/09, Stojetz filed his notice of appeal in the 12th District Court of Appeals. On 06/07/10, the 12th District Court of Appeals affirmed the trial court's denial of Stojetz's petition. On 07/21/10, Stojetz filed a notice of appeal and memorandum in support of jurisdiction.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/14/84</p> <p>Sentence ..... 09/27/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 05/22/86</p> <p>Supreme Court Decision ..... 08/19/87</p> <p>U.S. Supreme Court Review ..... 02/22/88</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 10/11/88</p> <p>Trial Court Decision..... 11/27/89</p> <p>Court of Appeals Decision ..... 07/23/90</p> <p>Supreme Court Decision ..... 12/26/90</p> <p>U.S. Supreme Court Review ..... 11/12/91</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Smith)</b></p> <p>Prisoner's Petition ..... 11/16/95</p> <p>State's Return of Writ ..... 10/08/96</p> <p>Prisoner's Traverse ..... 10/02/00</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 02/07/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 05/30/01</p> <p>Prisoner's Final Brief ..... 06/17/02</p> <p>State's Final Brief ..... 06/05/02</p> <p>Oral Argument..... 12/11/02</p> <p>Decision ..... 04/28/04</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 11/08/04</p> <p>Brief in Opposition ..... 12/10/04</p> <p>Decision or Certiorari Denial ..... 06/13/05</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on remand by the U.S. Supreme Court.

## NOTES

On 08/19/87, the Ohio Supreme Court affirmed Stumpf's conviction and death sentence on direct appeal. On 02/07/01, the federal 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 re-trial. On 01/07/05, the U.S. Supreme Court granted the Warden's petition for a writ of certiorari. On 06/13/05, the U.S. Supreme Court reversed the district court's decision and remanded to the 6th Circuit for further consideration of Stumpf's inconsistent prosecution theory claim. On 12/23/05, the 6th Circuit issued a briefing schedule. On 01/30/06, the parties filed supplemental briefs. On 06/18/07, Stumpf filed a supplemental brief. On 07/26/07, the 6th Circuit heard oral arguments. On 08/06/10, the Warden filed a motion to expedite decision.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/20/98 Sentence ..... 04/06/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 12/20/02 U.S. Supreme Court Review ..... 05/27/03</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rice)</b></p> <p>Prisoner's Petition ..... 05/14/04 State's Return of Writ ..... 07/15/04 Prisoner's Traverse ..... 09/14/04 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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 Taylor died of natural causes.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 12/11/92                      Sentence ..... 05/28/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 11/09/95                      Supreme Court Decision ..... 03/19/97                      U.S. Supreme Court Review ..... 10/06/97</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Carr)</b>                      Prisoner's Petition ..... 03/13/01                      State's Return of Writ ..... 10/15/01                      Prisoner's Traverse ..... 02/25/02                      Evidentiary Hearing.....                      Decision: ..... 03/03/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 07/17/03                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/31/89                      Sentence ..... 11/14/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/10/91                      Supreme Court Decision ..... 05/26/93                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p>Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 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 the death sentence and remanded to the trial court for re-sentencing. On 11/03/93, the trial court re-sentenced Taylor to life imprisonment with no parole eligibility until after 20 years.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/09/94 Sentence ..... 11/04/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 06/30/03 Supreme Court Decision ..... 05/31/06 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 11/20/03 Supreme Court Decision ..... 06/28/06</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** The Ohio Supreme Court has affirmed the aggravated murder conviction and reversed the death penalty sentence. The case is currently on remand in the trial court for resentencing.
- **Status in Federal Courts as of 12/31/10:** 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 aggravated murder conviction, but vacated his death sentence based on re-weighting of the aggravating factors and mitigating circumstances, and remanded his death sentence to the trial court for re-sentencing. Meanwhile, on 12/30/04, the trial court denied Tenace's post-conviction petition. On 03/17/06, the 6th District Court of Appeals denied Tenace's post-conviction appeal. On 08/23/06, the Ohio Supreme Court denied Tenace's post-conviction appeal. Meanwhile, on 06/28/06, the Ohio Supreme Court denied Tenace's Murnahan petition.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 12/30/94 Sentence ..... 12/04/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 06/30/99 Supreme Court Decision ..... 12/11/02 U.S. Supreme Court Review ..... 06/09/03</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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 a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 08/03/06, the trial court ruled that Thomas' successive post-conviction petition will proceed to an evidentiary hearing. On 11/12/09, Thomas' *Atkins* claim was granted, and Thomas was sentenced to 40 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/21/08 Sentence ..... 06/23/10</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing..... Decision:.....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief..... State's Final Brief..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition..... Brief in Opposition..... Decision or Certiorari Denial.....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Case is pending briefing on Thompson's direct appeal in the Ohio Supreme Court.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 06/23/10, Thompson was sentenced to death. On 08/06/10, Thompson filed a notice of appeal for his direct appeal in the Ohio Supreme Court.

**Summary of Crime:** On 07/01/82, Thompson murdered Elizabeth Hendren at her home in Johnstown. Thompson went to Ms. Henderson's home with a cord and used it 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/14/82 Sentence ..... 07/01/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 06/07/85 Supreme Court Decision ..... 10/07/87 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court .....</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision .....</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 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 the death sentence and remanded the case for re-sentencing. On 12/23/87, the trial court re-sentenced Thompson to life imprisonment with thirty years actual incarceration.

# Tibbetts, Raymond

*Tibbetts*  
*Hamilton County*

**Summary of Crime:** On 11/06/97, 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	FEDERAL COURTS
<b><u>TRIAL</u></b> Indictment ..... 11/12/97 Sentence ..... 08/27/98	<b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Dlott)</b> Prisoner's Petition ..... 02/18/03 State's Return of Writ ..... 08/01/03 Prisoner's Traverse ..... 10/01/03 Evidentiary Hearing..... 09/20/04 Decision: ..... 03/29/06
<b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b> Court of Appeals Decision..... Supreme Court Decision ..... 07/05/01 U.S. Supreme Court Review ..... 02/19/02	<b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b> Notice of Appeal..... 04/26/06 Prisoner's Final Brief ..... 03/26/09 State's Final Brief ..... 06/15/09 Oral Argument..... 06/15/10 Decision.....
<b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b> 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.....	<b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b> Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....
<b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b> Court of Appeals Decision..... Supreme Court Decision..... 12/05/01	

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 07/05/01, the Ohio Supreme Court affirmed Tibbetts' conviction and death sentence on direct appeal. On 03/29/06, the district court denied Tibbetts' petition for a writ of habeas corpus. On 04/26/06, Tibbetts filed a notice of appeal to the 6th Circuit. On 06/06/06, the magistrate judge issued a report and recommendation partially granting Tibbetts' motion for a certificate of appealability. On 02/02/07, the district court adopted the magistrate's report and recommendation. On 03/13/07, Tibbetts filed a motion for an expanded certificate of appealability in the 6th Circuit. On 03/21/07, the Warden filed a response in opposition. On 01/13/09, the 6th Circuit denied the motion to expand the certificate of appealability. On 03/26/09, Tibbetts filed his merit brief. On 06/15/09, the Warden filed his brief. On 07/06/09, Tibbetts filed his reply brief. On 06/15/10, the 6th Circuit heard oral arguments.

**Days From Death Sentence to 12/31/10: 4509**

**Inmate Number: A363-178**

**Summary of Crime:** On 09/13/01, the 8th District Court of Appeals vacated Tolliver's convictions of aggravated murder and death sentence. On 11/17/99, the jury on retrial found Tolliver not guilty of aggravated murder. (Note: Although Mr. Tolliver was ultimately acquitted of aggravated murder, Ohio law (R.C. 109.97) requires the attorney general to report any individual whose death sentence has been vacated or reversed on appeal.)

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/03/85                      Sentence ..... 04/21/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner’s Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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

**Acquitted of Aggravated Murder on Remand**

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/29/94 Sentence ..... 03/02/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 10/19/98 Supreme Court Decision ..... 01/03/01 U.S. Supreme Court Review ..... 06/11/01</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Oliver)</b></p> <p>Prisoner's Petition ..... 06/10/02 State's Return of Writ ..... 08/09/02 Prisoner's Traverse ..... 09/30/02 Evidentiary Hearing..... Decision: ..... 03/31/07</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/25/07 Prisoner's Final Brief ..... 03/31/09 State's Final Brief ..... 07/01/09 Oral Argument..... 03/04/10 Decision ..... 07/13/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 12/09/10 Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the U.S. Supreme Court on the petition for writ of certiorari.

## NOTES

On 01/03/01, the Ohio Supreme Court affirmed Treesh's conviction and death sentence on direct appeal. On 03/31/07, the federal district court denied Treesh's petition for a writ of habeas corpus. On 04/25/07, Treesh filed a notice of appeal to the 6th Circuit. On 07/09/07, Treesh filed a motion in the 6th Circuit for an expanded certificate of appealability. On 07/19/07, the Warden filed a response in opposition. On 09/02/08, the 6th Circuit denied Treesh's motion to expand the certificate of appealability. On 10/09/08, the 6th Circuit issued a briefing letter. On 03/31/09, Treesh filed his merits brief. On 07/01/09, the Warden filed his brief. On 08/14/09, Treesh filed his reply brief. On 03/04/10, the 6th Circuit heard oral arguments. On 07/13/10, the 6th Circuit affirmed the district court's decision. On 08/10/10, Treesh filed a petition for rehearing en banc. On 09/10/10, the 6th Circuit denied en banc rehearing. On 12/09/10, Treesh filed a petition for writ of certiorari in the U.S. Supreme Court.

**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 Sarah Positano, a college student from Ontario, Canada, while he held her hostage inside her Kent State University apartment.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/03/05 Sentence ..... 11/21/05</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... Supreme Court Decision ..... 06/30/09 U.S. Supreme Court Review ..... 11/30/09</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gwin)</b></p> <p>Prisoner's Petition ..... 12/08/10 State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## NOTES

On 06/30/09, the Ohio Supreme Court affirmed Trimble's conviction and death sentence on direct appeal. On 09/24/09, Trimble filed a petition for a writ of certiorari in the U.S. Supreme Court. On 10/26/09, the State filed its response in opposition. On 11/30/09, the U.S. Supreme Court denied Trimble's petition for writ of certiorari. Meanwhile, on 10/03/07, the trial court dismissed Trimble's petition for post-conviction relief. On 11/01/07, Trimble filed a notice of appeal to the 11th District Court of Appeals. On 12/08/08, the 11th District Court of Appeals affirmed the judgment of the trial court. On 01/20/09, Trimble filed a notice of appeal in the Ohio Supreme Court. On 08/26/09, the Ohio Supreme Court declined jurisdiction and dismissed the appeal. On 01/21/10, Trimble filed his notice of intent to file a petition for writ of habeas corpus. On 12/08/10, Trimble filed his petition for writ of habeas corpus.

**Summary of Crime:** On 06/12/01, Turner murdered his estranged wife, Jennifer Lyles Turner and her boyfriend, Ronald Seggerman, at her apartment in Reynoldsburg. A neighbor witnessed Turner stab 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 Seggerman following a long period of abuse and several domestic disputes. Turner admitted the murders to another inmate while in county jail.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/22/01                      Sentence ..... 01/03/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 05/11/05                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 11/21/07</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Barrett)</b>                      Prisoner's Petition ..... 06/15/07                      State's Return of Writ ..... 11/01/07                      Prisoner’s Traverse ..... 02/08/08                      Evidentiary Hearing..... 02/01/10                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 his petition for a writ of habeas corpus in district court. On 11/01/07, the Warden filed a return of writ. On 02/08/08, Turner filed his traverse. On 02/29/08, Turner filed a motion for an evidentiary hearing. On 03/04/08, the Warden filed a memorandum in opposition. On 04/09/08, the district court denied Turner's motion for an evidentiary hearing. On 07/21/08, the district court partially granted Turner's discovery request. On 09/01/09, Turner filed a supplemental motion for an evidentiary hearing. On 10/19/09, the Warden filed his response. On 12/02/09, the district court granted in part and denied in part Turner's motion for an evidentiary hearing. Note: On 02/01/10 through 02/03/10, an evidentiary hearing was held in district court. On 05/27/10, Turner filed his post-hearing brief. On 07/26/10, the Warden filed his response to Turner's post-hearing brief. On 08/24/10, Turner filed a reply.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 10/08/92                      Sentence ..... 04/07/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/06/95                      Supreme Court Decision ..... 03/05/02                      U.S. Supreme Court Review ..... 10/07/02</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 09/25/98                      Supreme Court Decision ..... 03/06/02</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Marbley)</b>                      Prisoner's Petition ..... 10/06/03                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 12/30/04, the district court granted Twyford's motion to stay and abey federal court proceedings. On 08/26/05, the district court vacated the stay of proceedings. On 10/02/05, Twyford filed a motion to extend briefing. On 10/24/05, the Warden filed a response. On 12/01/05, the Warden filed a supplemental appendix. On 01/10/08, the Warden filed a motion for a status conference. On 08/13/08, the Warden filed a motion to dismiss procedurally defaulted claims. On 09/10/08, Twyford filed a response. On 09/25/08, the Warden filed his reply.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/21/83 Sentence ..... 01/16/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/11/88 Supreme Court Decision ..... 03/28/90 U.S. Supreme Court Review ..... 10/29/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision ..... 06/14/94 Supreme Court Decision ..... 12/30/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Katz)</b></p> <p>Prisoner's Petition ..... 06/11/99 State's Return of Writ ..... 08/02/99 Prisoner's Traverse ..... 06/06/01 Evidentiary Hearing..... Decision: ..... 05/20/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 08/08/02 Prisoner's Final Brief ..... 09/07/04 State's Final Brief ..... 09/13/04 Oral Argument..... 04/27/05 Decision ..... 07/20/05</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 01/17/06 Brief in Opposition ..... 03/07/06 Decision or Certiorari Denial ..... 04/17/06</p>

## 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 03/28/90, the Ohio Supreme Court affirmed Tyler's conviction and sentence on direct appeal. On 05/20/02, the federal district court denied Tyler's petition for a writ of habeas corpus. On 07/20/05, the 6th Circuit affirmed the district court's decision. On 04/17/06, the U.S. Supreme Court denied Tyler's petition for a writ of certiorari. On 05/10/06, Tyler filed a successive post-conviction petition in the trial court. On 07/10/07, the 8th District Court of Appeals dismissed Tyler's appeal *sua sponte*. On 10/31/07, the Ohio Supreme Court declined jurisdiction and dismissed the appeal. On 05/19/08, the U.S. Supreme Court denied Tyler's petition for a writ of habeas corpus. Meanwhile, on 03/06/08, Tyler filed an application for a successive habeas petition in the 6th Circuit. On 05/07/08, the Warden filed a memorandum in opposition. On 06/25/08, the 6th Circuit denied Tyler's application for a successive habeas petition.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/18/85</p> <p>Sentence ..... 08/08/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 05/13/87</p> <p>Supreme Court Decision ..... 11/09/88</p> <p>U.S. Supreme Court Review ..... 03/27/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 12/27/89</p> <p>Trial Court Decision ..... 06/11/91</p> <p>Court of Appeals Decision ..... 10/21/92</p> <p>Supreme Court Decision ..... 03/17/93</p> <p>U.S. Supreme Court Review ..... 12/12/94</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 02/22/94</p> <p>Supreme Court Decision ..... 06/08/94</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Smith)</b></p> <p>Prisoner's Petition ..... 10/10/95</p> <p>State's Return of Writ ..... 02/02/98</p> <p>Prisoner's Traverse ..... 05/14/01</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 08/07/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 09/05/03</p> <p>Prisoner's Final Brief ..... 08/15/05</p> <p>State's Final Brief ..... 07/11/05</p> <p>Oral Argument..... 12/06/05</p> <p>Decision ..... 04/18/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 08/17/07</p> <p>Brief in Opposition ..... 10/09/07</p> <p>Decision or Certiorari Denial ..... 11/13/07</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of appeals on remand from the U.S. Supreme Court regarding the petition for writ of habeas corpus.

## NOTES

On 11/09/88, the Ohio Supreme Court affirmed Van Hook's conviction and death sentence on direct appeal. On 08/07/03, the district court denied Van Hook's petition for writ of habeas corpus. On 04/18/06, the 6th Circuit reversed the district court's decision and vacated Van Hook's conviction and death sentence based on a Miranda violation. On 05/24/07, the 6th Circuit, en banc, vacated that ruling, holding the confession was proper, and remanded the case to the panel to consider Van Hook's other claims. On 08/04/08, the 6th Circuit reversed the district court's decision based on ineffective assistance of counsel at mitigation. On 12/18/08, the 6th Circuit granted the Warden's request for en banc rehearing. On 02/12/09, the 6th Circuit referred the case back to the panel for reconsideration. On 03/06/09, the 6th Circuit granted Van Hook's petition for writ of habeas corpus based on ineffective assistance of counsel. On 07/31/09, the Warden filed a petition for writ of certiorari in the U.S. Supreme Court. On 11/09/09, the U.S. Supreme Court reversed the 6th Circuit's decision to grant a writ of habeas corpus and remanded the case. On 08/04/10, Van Hook filed a supplemental brief in the 6th Circuit. On 10/04/10, the Warden filed a supplemental brief. On 10/20/10, Van Hook filed a reply brief. (Note: On 01/06/11, the 6th Circuit scheduled oral argument for 03/10/11.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/16/94 Sentence ..... 10/17/95</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 03/02/00 Supreme Court Decision ..... 07/02/03 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 03/05/97 Trial Court Decision..... 06/23/99 Court of Appeals Decision..... Supreme Court Decision .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 10/06/00 Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner’s Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 10/09/86</p> <p>Sentence ..... 10/02/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 11/02/89</p> <p>Supreme Court Decision ..... 04/15/92</p> <p>U.S. Supreme Court Review ..... 10/13/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 06/05/95</p> <p>Trial Court Decision..... 06/10/96</p> <p>Court of Appeals Decision ..... 06/10/97</p> <p>Supreme Court Decision ..... 10/15/97</p> <p>U.S. Supreme Court Review ..... 03/09/98</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Black)</b></p> <p>Prisoner's Petition ..... 02/26/98</p> <p>State's Return of Writ ..... 09/01/98</p> <p>Prisoner’s Traverse ..... 11/16/99</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Case is currently pending in the 10th District Court of Appeals on Waddy's appeal of the trial court's denial of his *Atkins* petition.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus, which is stayed pending state court proceedings.

## 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 federal district court. Meanwhile, on 05/30/03, Waddy filed a successive post-conviction petition pursuant to *Atkins v. Virginia* in the trial court. On 04/10/07, the State filed a motion to set an evaluation cut-off date. On 04/12/07, Waddy filed a memorandum in opposition. On 12/17/08, the court ordered payment of funds for a doctor to testify and prepare for testimony. On 01/23/09 and 01/26/09, the trial court held an evidentiary hearing on Waddy's *Atkins* claim. On 05/26/09, Waddy filed his post-hearing brief. On 07/07/09, the State filed its post-hearing brief. On 07/29/09, Waddy filed a post-hearing reply brief. On 11/25/09, the trial court denied Waddy's *Atkins* petition. On 12/22/09, Waddy filed a notice of appeal to the 10th District Court of Appeals. On 04/07/10, Waddy filed his merit brief. On 05/17/10, the State filed its merit brief. On 05/27/10, Waddy filed his reply brief. On 08/10/10, the 10th District Court of Appeals heard oral arguments.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/19/91                      Sentence ..... 11/02/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 10/28/93                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 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 two people. On 02/13/96, the trial court sentenced Walker to 33 years to life.

**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 Mr.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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 08/07/87 Sentence ..... 11/12/87</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 03/31/89 Supreme Court Decision ..... 06/19/91 U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court .....</p> <p>Trial Court Decision.....</p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision .....</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner’s Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 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 an inappropriate penalty and remanded the case to the trial court for the imposition of a life sentence. On 08/27/91, the trial court re-sentenced Watson to life imprisonment with parole eligibility after 30 years.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/10/91 Sentence ..... 07/16/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 05/24/93 Supreme Court Decision ..... 09/21/94 U.S. Supreme Court Review ..... 03/20/95</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 07/07/98 Supreme Court Decision ..... 04/28/99</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Dlott)</b></p> <p>Prisoner's Petition ..... 10/21/98 State's Return of Writ ..... 04/15/99 Prisoner's Traverse ..... Evidentiary Hearing..... 05/30/03 Decision: ..... 11/14/06</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 12/11/06 Prisoner's Final Brief ..... 02/07/09 State's Final Brief ..... 04/06/09 Oral Argument..... 06/10/09 Decision ..... 11/05/09</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 02/01/10 Brief in Opposition ..... 03/19/10 Decision or Certiorari Denial ..... 04/19/10</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 09/21/94, the Ohio Supreme Court affirmed Webb's conviction and death sentence on direct appeal. On 11/14/06, the federal district court denied Webb's petition for a writ of habeas corpus. On 12/11/06, Webb filed a notice of appeal to the 6th Circuit. On 12/11/07, the district court issued a certificate of appealability on seven issues. On 01/24/08, Webb filed a motion to expand the certificate of appealability. On 02/05/08, the Warden filed a response in opposition. On 06/03/08, the 6th Circuit denied Webb's motion to expand the certificate of appealability. On 02/07/09, Webb filed his merits brief. On 04/06/09, the Warden filed his brief. On 04/20/09, Webb filed his reply brief. On 06/10/09, the 6th Circuit heard oral arguments. On 11/05/09, the 6th Circuit affirmed the district court's decision. On 04/19/10, the U.S. Supreme Court denied Webb's petition for writ of certiorari. On 07/29/10, the State filed a motion in the Ohio Supreme Court to set an execution date.

**Summary of Crime:** During the riot at the Southern Ohio Correctional Facility (“Lucasville”), 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.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/29/94 Sentence ..... 06/06/03</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/04/05 Supreme Court Decision ..... 06/17/08 U.S. Supreme Court Review ..... 11/17/08</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 06/20/07 Supreme Court Decision ..... 10/16/08</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Watson)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner’s Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending completion of discovery in the Jason Robb case, in which Were has intervened.

## NOTES

On 06/06/03, Were was sentenced to death. On 06/17/08, the Ohio Supreme Court affirmed Were's conviction and sentence on direct appeal. On 07/07/08, the trial court denied Were's post-conviction petition. On 09/02/09, the 1st District Court of Appeals affirmed the trial court's decision. On 10/16/09, Were filed a notice of appeal and memorandum in support of jurisdiction in the Ohio Supreme Court. On 11/16/09, the State filed its memorandum in opposition. On 01/27/10, the Ohio Supreme Court denied jurisdiction and dismissed the appeal. Meanwhile, on 02/13/08, the district court granted Were's motion to intervene in Jason Robb's capital habeas case for the limited purpose of viewing documents from Robb's discovery, which are subject to a federal protective order. On 10/08/10, Were filed a notice of intent to file a petition for writ of habeas corpus. (Note: On 01/21/11, Were filed a petition for writ of habeas corpus.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/10/08 Sentence ..... 03/13/09</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition ..... State's Return of Writ ..... Prisoner's Traverse ..... Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending in the Ohio Supreme Court on Wesson's direct appeal. Also pending in the trial court on Wesson's post-conviction petition.
- **Status in Federal Courts as of 12/31/10:** No capital proceeding pending.

## NOTES

On 03/13/09, Wesson was sentenced to death. On 04/22/09, Wesson filed a notice of appeal in the Ohio Supreme Court. On 03/05/10, Wesson filed his merit brief. On 07/26/10, the State filed its merit brief. On 08/12/10, Wesson filed his reply brief. Meanwhile, on 02/17/10, Wesson filed a post-conviction petition in the state trial court. On 02/22/10, Wesson filed a motion for leave to conduct discovery. On 02/26/10, the State filed a response to the motion. On 03/05/10, the trial court denied Wesson's motion for discovery. On 05/17/10, the State filed a motion to dismiss Wesson's post-conviction petition. On 05/28/10, Wesson filed a response to the State's motion to dismiss.

**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 former 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 former girlfriend. When Ms. Thorpe and Ms. Schrey went to White's house to pick up his former girlfriend's belongings, White fatally shot them with deer slugs. White then went to his former 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/10/96</p> <p>Sentence ..... 10/31/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 05/12/99</p> <p>U.S. Supreme Court Review ..... 10/12/99</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 10/03/97</p> <p>Trial Court Decision..... 03/20/98</p> <p>Court of Appeals Decision..... 06/16/99</p> <p>Supreme Court Decision ..... 10/20/99</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Matia)</b></p> <p>Prisoner's Petition ..... 10/02/00</p> <p>State's Return of Writ ..... 12/01/00</p> <p>Prisoner's Traverse ..... 02/15/01</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 07/10/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 07/23/03</p> <p>Prisoner's Final Brief.....</p> <p>State's Final Brief.....</p> <p>Oral Argument.....</p> <p>Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition.....</p> <p>Brief in Opposition.....</p> <p>Decision or Certiorari Denial.....</p>

## 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 federal district court denied White's petition for a writ of habeas corpus. On 02/28/05, the trial court denied White's successive post-conviction petition pursuant to *Atkins v. Virginia*. 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 re-sentencing because White met the qualifications for mental retardation under *Atkins*. On 05/12/08, White was re-sentenced to 6 years for the firearm specifications, 15 to life for the murder of Ms. Schrey, life with the possibility of parole after 30 years for the murder of Ms. Thorpe, and 10-25 years for the attempted murder of Mr. Thorpe, to be served consecutively.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 01/25/96</p> <p>Sentence ..... 07/10/96</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 09/24/96</p> <p>Supreme Court Decision ..... 05/20/98</p> <p>U.S. Supreme Court Review ..... 12/14/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 05/05/97</p> <p>Trial Court Decision ..... 08/18/97</p> <p>Court of Appeals Decision ..... 08/07/98</p> <p>Supreme Court Decision ..... 12/23/98</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision .....</p> <p>Supreme Court Decision ..... 08/02/00</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Matia)</b></p> <p>Prisoner's Petition ..... 11/22/99</p> <p>State's Return of Writ ..... 01/24/00</p> <p>Prisoner's Traverse ..... 03/09/00</p> <p>Evidentiary Hearing.....</p> <p>Decision: ..... 12/18/01</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 01/15/02</p> <p>Prisoner's Final Brief ..... 03/14/05</p> <p>State's Final Brief ..... 03/09/05</p> <p>Oral Argument..... 03/24/05</p> <p>Decision ..... 12/07/05</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 07/20/06</p> <p>Brief in Opposition ..... 08/23/06</p> <p>Decision or Certiorari Denial ..... 11/13/06</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Pending oral argument in the Ohio Supreme Court.
- **Status in Federal Courts as of 12/31/10:** 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 federal 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 re-sentencing. On 12/29/06, the State filed a motion requesting the scheduling of a new penalty hearing in the trial court. On 07/12/07, the trial court granted White's motions and held R.C. 2929.06, jury death penalty re-sentencing, unconstitutional. On 08/09/07, the trial court held the re-sentencing in abeyance for the State to pursue an appeal. On 08/10/07, the State filed an appeal in the 5th District Court of Appeals. On 05/19/09, the 5th District Court of Appeals heard oral arguments. On 08/03/09, the 5th District reversed the trial court and remanded the case. On 09/15/09, White filed a notice of appeal and memorandum in support of jurisdiction in the Ohio Supreme Court. On 09/25/09, the State filed a memorandum in response. On 12/02/09, the Ohio Supreme Court accepted White's appeal. On 02/16/10, White filed his brief. On 03/17/10, the State filed its brief.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 01/09/85                      Sentence ..... 09/24/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 12/20/88                      Supreme Court Decision ..... 04/11/90                      U.S. Supreme Court Review ..... 10/09/90</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 02/21/95                      Supreme Court Decision ..... 01/24/96</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Graham)</b>                      Prisoner's Petition ..... 05/31/96                      State's Return of Writ ..... 08/30/96                      Prisoner's Traverse ..... 06/30/97                      Evidentiary Hearing.....                      Decision: ..... 02/02/98</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 10/21/98                      Prisoner's Final Brief ..... 03/05/02                      State's Final Brief ..... 03/05/02                      Oral Argument..... 09/18/02                      Decision ..... 01/30/03</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 08/07/03                      Brief in Opposition ..... 09/11/03                      Decision or Certiorari Denial ..... 10/14/03</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 08/16/85                      Sentence ..... 02/12/86</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 06/06/88                      Supreme Court Decision ..... 04/24/91                      U.S. Supreme Court Review ..... 10/05/92</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision ..... 08/09/02                      Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Matia)</b>                      Prisoner's Petition ..... 08/29/02                      State's Return of Writ ..... 10/31/02                      Prisoner's Traverse ..... 03/13/03                      Evidentiary Hearing.....                      Decision: ..... 05/18/05</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal..... 06/10/05                      Prisoner's Final Brief ..... 11/09/07                      State's Final Brief ..... 10/25/07                      Oral Argument..... 12/11/08                      Decision ..... 04/14/09</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition ..... 12/18/09                      Brief in Opposition ..... 01/15/10                      Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
  
- **Status in Federal Courts as of 12/31/10:** Pending in the U.S. Supreme Court on Wiles' petition for writ of certiorari.

## NOTES

On 04/24/91, the Ohio Supreme Court affirmed Wiles' conviction and death sentence on direct appeal. On 05/18/05, the federal district court denied Wiles' petition for a writ of habeas corpus. On 06/10/05, Wiles filed a notice of appeal to the 6th Circuit. On 04/27/07, the 6th Circuit partially granted Wiles' motion for a certificate of appealability. On 06/25/07, the 6th Circuit denied Wiles' motion to remand to conduct discovery. On 10/25/07, the Warden filed his final brief. On 11/09/07, Wiles filed his final brief. On 12/11/08, the 6th Circuit heard oral arguments. On 04/14/09, the 6th Circuit affirmed the district court's decision. On 05/04/09, Wiles filed a petition for rehearing en banc. On 07/21/09, the 6th Circuit denied en banc rehearing. On 12/18/09, Wiles filed a petition for writ of certiorari in the U.S. Supreme Court. On 01/15/10, the Warden filed a response in opposition. (Note: On 01/24/10, the U.S. Supreme Court denied Wiles' petition for a writ of certiorari.)

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/28/88 Sentence ..... 03/15/89</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 03/27/95 Supreme Court Decision ..... 02/21/96 U.S. Supreme Court Review ..... 10/07/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 03/29/10 Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge O'Malley)</b></p> <p>Prisoner's Petition ..... 03/01/00 State's Return of Writ ..... 04/21/00 Prisoner's Traverse ..... 06/27/00 Evidentiary Hearing..... Decision: ..... 03/28/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/25/03 Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** Case is currently pending in the Ohio Supreme Court on William's application to reopen.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on Williams' amended petition for writ of habeas corpus. Also pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding the petition for writ of habeas corpus.

## NOTES

On 02/21/96, the Ohio Supreme Court affirmed Williams' conviction and death sentence on direct appeal. On 03/28/03, the federal district court denied Williams' petition for writ of habeas corpus. On 04/25/03, Williams filed a notice of appeal to the 6th Circuit. On 06/27/03, the 6th Circuit granted Williams' motion to hold case in abeyance pending exhaustion of state court proceedings on Williams' *Atkins* petition. On 12/31/08, the Ohio Supreme Court declined jurisdiction and dismissed Williams' appeal of the denial of his *Atkins* petition. On 09/28/09, the 6th Circuit granted Williams' motion for leave to file an amended petition for writ of habeas corpus in the district court to assert the *Atkins* claim. On 10/13/09, Williams filed his amended petition. On 01/21/10, the Warden filed a return of writ. On 02/23/10, Williams filed his traverse. On 03/05/10, Williams filed a motion for an evidentiary hearing and a motion for discovery. On 03/16/10, the Warden filed his responses. On 03/22/10, Williams filed his replies. Meanwhile, On 12/10/09, Williams filed an application to reopen his direct appeal in the 11th District Court of Appeals. On 03/29/10, the 11th District Court of Appeals denied Williams' application to reopen his direct appeal. On 05/12/10, Williams filed a notice of appeal. On 08/06/10, Williams filed his brief. On 08/27/10, the State filed its brief. On 09/16/10, Williams filed his reply.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 09/19/90 Sentence ..... 02/22/91</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 11/02/92 Supreme Court Decision ..... 08/16/95 U.S. Supreme Court Review ..... 03/04/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Watson)</b></p> <p>Prisoner's Petition ..... 06/11/99 State's Return of Writ ..... 09/29/00 Prisoner’s Traverse ..... 10/31/00 Evidentiary Hearing..... Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... Prisoner's Final Brief ..... State's Final Brief ..... Oral Argument..... Decision.....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 09/19/02, the district court granted Williams' motion to stay proceedings and hold in abeyance pending exhaustion of state court proceedings. On 08/10/04, Williams filed a status report regarding the completion of state court proceedings. On 10/01/04, Williams' case was re-assigned to Judge Watson. On 09/07/07, Williams filed a motion to amend/correct his habeas corpus petition. On 09/28/07, the Warden filed a response in opposition. On 02/04/08, the district court granted Williams' motion to amend his petition for writ of habeas corpus. On 08/20/08, the Warden filed an amended return of writ and a motion to dismiss. On 05/04/09, Williams filed an amended traverse.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 04/26/84 Sentence ..... 08/03/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 02/13/86 Supreme Court Decision ..... 09/14/88 U.S. Supreme Court Review ..... 10/30/89</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 08/10/92 Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Oliver)</b></p> <p>Prisoner's Petition ..... 07/10/98 State's Return of Writ ..... 09/04/98 Prisoner's Traverse ..... 11/09/99 Evidentiary Hearing..... Decision: ..... 03/31/04</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/23/04 Prisoner's Final Brief ..... 08/19/05 State's Final Brief ..... 08/19/05 Oral Argument ..... 03/14/06 Decision ..... 08/28/06</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....</p>

## 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 federal 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 re-sentencing. On 08/28/06, the 6th Circuit affirmed the district court's decision and remanded to the state court for re-sentencing. On 06/16/09, the trial court re-sentenced Williams to 30 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/01/83 Sentence ..... 11/03/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 10/25/84 Supreme Court Decision ..... 03/26/86 U.S. Supreme Court Review ..... 03/09/87</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 03/22/95 Supreme Court Decision ..... 02/07/96</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Manos)</b></p> <p>Prisoner's Petition ..... 11/01/96 State's Return of Writ ..... 12/23/96 Prisoner's Traverse ..... 01/22/97 Evidentiary Hearing..... 04/15/97 Decision: ..... 04/02/98</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 07/09/98 Prisoner's Final Brief ..... 10/20/99 State's Final Brief ..... 10/22/99 Oral Argument..... 09/14/00 Decision ..... 08/16/01</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 02/25/02 Brief in Opposition ..... 05/20/02 Decision or Certiorari Denial ..... 06/24/02</p>

## 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.

**Summary of Crime:** On 02/18/99, Williams murdered 88-year-old Velma McDowell in her Toledo apartment. Ms. McDowell lived in the same apartment building as Williams' friend's mother. Williams broke into Ms. McDowell'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. McDowell belonged to Williams.

## PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 03/02/99</p> <p>Sentence ..... 09/03/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision ..... 08/27/03</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 11/15/00</p> <p>Trial Court Decision..... 04/12/04</p> <p>Court of Appeals Decision..... 06/30/05</p> <p>Supreme Court Decision ..... 12/14/05</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b></p> <p>Court of Appeals Decision.....</p> <p>Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Oliver)</b></p> <p>Prisoner's Petition ..... 12/14/06</p> <p>State's Return of Writ ..... 02/12/07</p> <p>Prisoner's Traverse ..... 04/30/07</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the district court on the petition for writ of habeas corpus.

## 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 federal district court. On 02/12/07, the Warden filed a return of writ. On 04/30/07, Williams filed his traverse. On 05/25/07, the Warden filed a sur-reply. On 09/10/07, the district court granted Williams' motion for leave to file a request to conduct discovery.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/01/97                      Sentence ..... 05/05/99</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 09/03/03                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 re-sentencing. On 09/22/04, the Ohio Supreme Court granted Williams' motion for reconsideration holding that the death penalty is not an option for re-sentencing on remand for offenses committed before 10/16/96 and remanded to the trial court for re-sentencing to a life sentence. On 02/11/05, the trial court re-sentenced Williams to 30 years to life.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 11/12/91 Sentence ..... 08/12/93</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 11/01/95 Supreme Court Decision ..... 06/11/97 U.S. Supreme Court Review ..... 01/12/98</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Gwin)</b></p> <p>Prisoner's Petition ..... 01/31/01 State's Return of Writ ..... 04/02/01 Prisoner's Traverse ..... 05/17/01 Evidentiary Hearing..... Decision: ..... 04/12/02</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 04/24/02 Prisoner's Final Brief ..... 10/28/02 State's Final Brief ..... 10/30/02 Oral Argument..... 01/29/04 Decision ..... 08/13/04</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 02/18/05 Brief in Opposition ..... 03/25/05 Decision or Certiorari Denial ..... 04/25/05</p>

## 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.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 06/04/91 Sentence ..... 05/08/92</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 10/12/94 Supreme Court Decision ..... 01/24/96 U.S. Supreme Court Review ..... 10/07/96</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>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.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision ..... 01/16/97 Supreme Court Decision ..... 10/22/97</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Dowd)</b></p> <p>Prisoner's Petition ..... 07/02/99 State's Return of Writ ..... 09/13/99 Prisoner's Traverse ..... 10/13/99 Evidentiary Hearing..... Decision: ..... 01/14/03</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 03/06/03 Prisoner's Final Brief ..... 11/29/05 State's Final Brief ..... 12/05/05 Oral Argument ..... 06/18/07 Decision ..... 08/15/07</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition ..... 06/12/08 Brief in Opposition ..... 08/28/08 Decision or Certiorari Denial ..... 10/06/08</p>

## 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.

**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	FEDERAL COURTS
<b><u>TRIAL</u></b> Indictment ..... 09/01/92 Sentence ..... 03/15/93	<b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Rose)</b> Prisoner's Petition ..... 10/07/99 State's Return of Writ ..... 12/17/99 Prisoner's Traverse ..... 02/11/00 Evidentiary Hearing..... 12/05/05 Decision: ..... 09/12/07
<b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b> Court of Appeals Decision ..... 11/30/94 Supreme Court Decision ..... 03/06/96 U.S. Supreme Court Review ..... 10/07/96	<b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b> Notice of Appeal..... 10/12/07 Prisoner's Final Brief ..... 07/27/09 State's Final Brief ..... 11/24/09 Oral Argument..... 08/03/10 Decision .....
<b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b> 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 .....	<b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b> Certiorari Petition ..... Brief in Opposition ..... Decision or Certiorari Denial .....
<b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>("Murnahan" Appeal)</b> Court of Appeals Decision ..... 05/19/98 Supreme Court Decision ..... 11/10/98	

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding Wogenstahl's petition for writ of habeas corpus.

## NOTES

On 03/06/96, the Ohio Supreme Court affirmed Wogenstahl's conviction and death sentence on direct appeal. On 10/07/99, Wogenstahl filed a petition for a writ of habeas corpus in federal district court. On 12/05/05, 12/06/05, and 12/21/05, the magistrate judge held an evidentiary hearing. On 09/12/07, the district court denied Wogenstahl's petition for a writ of habeas corpus. On 10/12/07, Wogenstahl filed a notice of appeal to the 6th Circuit. On 12/12/07, the magistrate issued a report and recommendation partially granting a certificate of appealability on Wogenstahl's claims in the district court. On 03/05/08, the district court adopted the magistrate judge's report and recommendation. On 06/13/08, Wogenstahl filed a motion to expand the certificate of appealability in the 6th Circuit. On 06/25/08, the Warden filed a response in opposition. On 03/02/09, the 6th Circuit granted an expanded certificate of appealability. On 07/27/09, Wogenstahl filed his merits brief. On 11/24/09, the Warden filed his brief. On 01/19/10, Wogenstahl filed his reply brief. On 08/03/10, the 6th Circuit heard oral arguments.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 07/03/90</p> <p>Sentence ..... 11/28/90</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 04/23/92</p> <p>Supreme Court Decision ..... 12/23/93</p> <p>U.S. Supreme Court Review ..... 06/27/94</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 01/18/95</p> <p>Trial Court Decision..... 12/09/96</p> <p>Court of Appeals Decision..... 01/22/98</p> <p>Supreme Court Decision ..... 04/29/98</p> <p>U.S. Supreme Court Review.....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision..... 09/18/01</p> <p>Supreme Court Decision..... 09/25/02</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court: Judge Oliver)</b></p> <p>Prisoner's Petition ..... 12/09/98</p> <p>State's Return of Writ ..... 01/28/99</p> <p>Prisoner's Traverse ..... 03/04/99</p> <p>Evidentiary Hearing..... 06/14/05</p> <p>Decision: ..... 09/30/05</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal..... 10/19/06</p> <p>Prisoner's Final Brief ..... 07/05/07</p> <p>State's Final Brief ..... 06/08/07</p> <p>Oral Argument..... 01/29/08</p> <p>Decision ..... 12/02/10</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## STATUS

- **Status in State Courts as of 12/31/10:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/10:** Pending the district court issuing a conditional writ of habeas corpus.

## 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 federal district court. On 09/30/05, the district court partially 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 re-sentencing. On 09/15/06, the district court denied Woodard's motion to alter or amend judgment. On 10/05/06, the Warden filed a notice of appeal to the 6th Circuit. On 10/19/06, Woodard filed a notice of appeal to the 6th Circuit. On 02/20/07, the 6th Circuit granted Woodard's motion to voluntarily dismiss his cross-appeal. On 06/08/07, the Warden filed his final brief. On 07/05/07, Woodard filed his final brief. On 01/29/08, the 6th Circuit heard oral arguments. On 12/02/10, the 6th Circuit affirmed the district court's grant of Woodard's petition for 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 re-sentencing.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b></p> <p>Indictment ..... 02/23/96</p> <p>Sentence ..... 02/03/97</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b> <b>(Direct Appeal)</b></p> <p>Court of Appeals Decision ..... 03/31/99</p> <p>Supreme Court Decision ..... 05/15/02</p> <p>U.S. Supreme Court Review ..... 11/12/02</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b> <b>(Post-Conviction Action)</b></p> <p>Filed in Trial Court ..... 12/02/99</p> <p>Trial Court Decision ..... 05/02/00</p> <p>Court of Appeals Decision ..... 05/01/01</p> <p>Supreme Court Decision ..... 09/11/02</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b> <b>(“Murnahan” Appeal)</b></p> <p>Court of Appeals Decision .....</p> <p>Supreme Court Decision .....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b> <b>(U.S. District Court)</b></p> <p>Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner's Traverse .....</p> <p>Evidentiary Hearing.....</p> <p>Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b> <b>(U.S. 6th Circuit Court of Appeals)</b></p> <p>Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....</p> <p>Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b> <b>(U.S. Supreme Court)</b></p> <p>Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 a successive post-conviction pursuant to *Atkins v. Virginia* in the trial court. On 10/19/06, the trial court held an evidentiary hearing. On 12/14/06, Yarbrough filed his post-evidentiary hearing brief. On 12/28/06, the State filed a memorandum in opposition. On 02/28/07, the trial court granted Yarbrough's successive post-conviction petition holding that Yarbrough is mentally retarded and vacated Yarbrough's death sentence. On 04/06/07, the trial court re-sentenced Yarbrough to 30 years to life because he was found to be mentally retarded pursuant to *Atkins v. Virginia*.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 07/08/99                      Sentence ..... 09/28/00</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision .....                      Supreme Court Decision ..... 12/01/04                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court ..... 12/19/01                      Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....                      U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....                      State's Return of Writ .....                      Prisoner's Traverse .....                      Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....                      Prisoner's Final Brief .....                      State's Final Brief .....                      Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....                      Brief in Opposition .....                      Decision or Certiorari Denial .....</p>

## 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 will retry Yarbrough in Pennsylvania and seek the death penalty. On 09/27/06, Yarbrough was arraigned in the Pennsylvania trial court. On 10/23/07, the Pennsylvania trial court ordered mental health evaluations. On 03/17/08, the trial court denied Yarbrough's motion to bar the death penalty. On 03/19/08, the Pennsylvania trial court denied Yarbrough's motion to suppress. On 10/06/08, the Pennsylvania trial court granted Yarbrough's motion for a continuance and expert assistance. On 11/05/09, Yarbrough was sentenced to life in prison in Pennsylvania for two counts of first degree murder and 20 to 40 years for criminal conspiracy, to be served consecutively.

**Summary of Crime:** On 06/12/1983, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>                      Indictment ..... 06/05/83                      Sentence ..... 09/30/83</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>                      Court of Appeals Decision ..... 05/14/86                      Supreme Court Decision ..... 07/30/86                      U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>                      Filed in Trial Court .....</p> <p>Trial Court Decision.....                      Court of Appeals Decision.....                      Supreme Court Decision .....</p> <p>U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>                      Court of Appeals Decision.....                      Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>                      Prisoner's Petition .....</p> <p>State's Return of Writ .....</p> <p>Prisoner’s Traverse .....</p> <p>Evidentiary Hearing.....                      Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>                      Notice of Appeal.....</p> <p>Prisoner's Final Brief .....</p> <p>State's Final Brief .....</p> <p>Oral Argument.....                      Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>                      Certiorari Petition .....</p> <p>Brief in Opposition .....</p> <p>Decision or Certiorari Denial .....</p>

## 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 sentenced to death. On 05/14/86, the 1st District Court of Appeals reversed the convictions and sentence. On 05/05/87, Young was convicted of the aggravated murder and sentenced to life imprisonment without the possibility of parole until after 30 years.

**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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>            Indictment ..... 06/11/84            Sentence ..... 10/18/84</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>            Court of Appeals Decision ..... 06/11/86            Supreme Court Decision ..... 08/12/87            U.S. Supreme Court Review ..... 01/25/88</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>            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 .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>            Court of Appeals Decision ..... 08/04/92            Supreme Court Decision ..... 12/02/92</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court: Judge Rice)</b>            Prisoner's Petition ..... 09/30/92            State's Return of Writ ..... 04/19/95            Prisoner's Traverse ..... 09/11/95            Evidentiary Hearing ..... 04/15/96            Decision: ..... 03/30/00</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>            Notice of Appeal ..... 04/13/00            Prisoner's Final Brief ..... 09/16/02            State's Final Brief ..... 08/28/02            Oral Argument ..... 02/04/03            Decision ..... 07/17/03</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>            Certiorari Petition ..... 12/19/03            Brief in Opposition ..... 01/22/04            Decision or Certiorari Denial ..... 02/23/04</p>

## 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.

**Summary of Crime:** On 03/15/1984, 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	FEDERAL COURTS
<p><b><u>TRIAL</u></b>            Indictment ..... 05/01/84            Sentence ..... 05/20/85</p> <p><b><u>FIRST REVIEW OF TRIAL</u></b>  <b>(Direct Appeal)</b>            Court of Appeals Decision ..... 12/11/86            Supreme Court Decision .....            U.S. Supreme Court Review .....</p> <p><b><u>SECOND REVIEW OF TRIAL</u></b>  <b>(Post-Conviction Action)</b>            Filed in Trial Court .....            Trial Court Decision.....            Court of Appeals Decision.....            Supreme Court Decision .....            U.S. Supreme Court Review .....</p> <p><b><u>REVIEW OF FIRST TRIAL REVIEW</u></b>  <b>(“Murnahan” Appeal)</b>            Court of Appeals Decision.....            Supreme Court Decision.....</p>	<p><b><u>REQUEST FOR WRIT OF HABEAS CORPUS</u></b>  <b>(U.S. District Court)</b>            Prisoner's Petition .....            State's Return of Writ .....            Prisoner's Traverse .....            Evidentiary Hearing.....            Decision: .....</p> <p><b><u>REVIEW OF DISTRICT COURT DECISION</u></b>  <b>(U.S. 6th Circuit Court of Appeals)</b>            Notice of Appeal.....            Prisoner's Final Brief .....            State's Final Brief .....            Oral Argument.....            Decision .....</p> <p><b><u>REVIEW OF SIXTH CIRCUIT DECISION</u></b>  <b>(U.S. Supreme Court)</b>            Certiorari Petition .....            Brief in Opposition .....            Decision or Certiorari Denial .....</p>

## 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 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 on remand sentenced Zuranski to life imprisonment without parole eligibility until after 30 years.

**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 Post-Conviction 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 post-conviction action. *See Discovery, Habeas Corpus Action, Post-Conviction 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, post-conviction 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** • A n 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 post-conviction 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 Post-Conviction Action.*

**Executive Clemency** • Pursuant to R.C. 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 post-conviction appeal. *See Direct Appeal and Post-Conviction 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 Petitioner.*

**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 Phase.*

**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.

**Exhaustion** • The completion of all steps in a direct appeal or post-conviction appeal. *See Direct Appeal and Post-Conviction 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 Petitioner.*

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**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.*

**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 (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, Post-Conviction 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 *Post-Conviction Petition*.

**Pleading** • Any document filed by a party that contains a party's claims or arguments. See *Petition, Merit Brief* and *Motion*.

**Post-Conviction** • A term normally used to refer to review by a court that occurs after a defendant's conviction and sentence. See *Post-Conviction Action* and *Post-Conviction Appeal*.

**Post-Conviction 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, Post-Conviction, Post-Conviction Action, Post-Conviction Petition*, and *Post-Conviction Relief*.

**Post-Conviction 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, Post-Conviction*, and *Post-Conviction Action*.

**Post-Conviction Petition** • A document filed with a trial court to start a post-conviction action. Also called a petition to vacate. See *Petition, Post-Conviction, Post-Conviction Action*, and *Post-Conviction Relief*.

**Post-Conviction Petitioner** • A person who files a post-conviction petition. See *Post-Conviction Petition*.

**Post-Conviction 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, Post-Conviction* and *Post-Conviction 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, post-conviction action, or habeas corpus action. See *Appeal, Habeas Corpus Action*, and *Post-Conviction 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 post-conviction 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, Post-Conviction Action*, and *Post-Conviction 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 post-conviction cases to the Ohio Supreme Court on a monthly basis. See *Ohio Supreme Court* and *Post-Conviction*.

**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.*

**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 Post-Conviction Petition** • A document filed with a trial court to start a post-conviction action. A successive post-conviction petition refers to all additional post-conviction petitions filed by an inmate after their initial post-conviction action. *See Petition, Post-Conviction, Post-Conviction Action, and Post-Conviction Relief.*

**Summary Judgment** • A decision by a court in a post-conviction action based on the written arguments of the parties. *See Party and Post-Conviction 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 post-conviction action from a lower court to a higher court. *See Appeal, Habeas Corpus Action, Habeas Corpus Appeal, Post-Conviction Action, Post-Conviction 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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