

Protecting Ohio's Families



Ohio Attorney General's Office Capital Crimes Annual Report



State and Federal Cases
2012

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Table of Contents

TABLE OF CONTENTS	1
HISTORY OF OHIO’S DEATH PENALTY	3
HISTORICAL BACKGROUND	3
PROCEDURAL CHANGES TO DEATH PENALTY APPEALS	3
LEGISLATION ELIMINATES ELECTROCUTION	3
NATIONAL BAN ON EXECUTION OF MENTALLY RETARDED INDIVIDUALS	3
DNA TESTING OFFERED TO DEATH SENTENCED INMATES	4
OHIO UPDATES EXECUTION PROCEDURE TO A ONE DRUG PROTOCOL.....	4
OHIO’S DEATH PENALTY STATUTE	4
THE CAPITAL INDICTMENT – ORC 2903.01, 2929.04	4
<i>Aggravated Murder – Defined by ORC 2903.01</i>	5
<i>Aggravating Circumstances – Specified in ORC 2929.04(A)(1) – (A)(10)</i>	5
NOTIFICATION OF CAPITAL INDICTMENT TO OHIO SUPREME COURT - ORC 2929.021	6
THE CAPITAL TRIAL – ORC 2929.03	6
<i>Guilt Phase</i>	6
<i>Sentencing/Mitigation Hearing – ORC 2929.03 and 2929.04</i>	7
DEATH PENALTY REVIEW PROCESS.....	8
<i>Direct Appeal in State Court</i>	8
<i>Post-Conviction Petition in State Court</i>	8
<i>“Murnahan” Appeal in State Court</i>	8
<i>Habeas Corpus in Federal Court: District Court Level</i>	9
<i>Habeas Corpus in Federal Court: Court of Appeals Level</i>	9
<i>Habeas Corpus in Federal Court: U.S. Supreme Court Level</i>	9
<i>Second Round of Federal Review</i>	9
EXECUTIVE CLEMENCY REVIEW.....	10
FLOWCHART: OVERVIEW OF DEATH PENALTY APPELLATE PROCESS	11
MENTAL RETARDATION CLAIMS	12
NATIONAL BAN ON EXECUTION OF MENTALLY RETARDED INDIVIDUALS	12
OHIO’S PROCEDURES FOR ASSESSING MENTAL RETARDATION CLAIMS	12
MENTAL RETARDATION CLAIMS PENDING IN STATE COURT IN 2012	13
DNA TESTING	14
DNA OVERVIEW	14
LEGISLATIVE OVERVIEW	14
<i>Capital Justice Initiative</i>	14
<i>Senate Bill 11</i>	14
<i>Senate Bill 262</i>	15
REQUESTS FOR DNA TESTING MADE TO STATE COURTS.....	15
FEDERAL COURT ORDERED DNA TESTING	17
STATE CONDUCTED DNA TESTING	18
OVERVIEW OF ALL DEATH SENTENCES	20
<i>Executions (49)</i>	20
<i>Commutations (18)</i>	21
<i>Deceased Prior to Execution (24)</i>	21
<i>Ineligible for Death Sentence Based on Mental Retardation (8)</i>	22
<i>Pending Re-sentencing (6)</i>	22
<i>Other Death Sentences Removed Based on Judicial Action (72)</i>	22
<i>Active Death Sentences (148)</i>	22

DEMOGRAPHICS 23
 EXECUTED INMATES (49) 23
 VICTIMS OF EXECUTED INMATES (80) 24
CAPITAL SENTENCES ISSUED IN THE STATE OF OHIO SINCE 1981 25
CASE HISTORY SHEETS..... 30
GLOSSARY ' (+

History of Ohio's Death Penalty

Historical Background

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

Procedural Changes to Death Penalty Appeals

Ohio 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. Ohio Revised Code Section 2953.21 established the rules by which death row inmates may seek post-conviction relief. Except under certain circumstances, death row inmates must 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. To further streamline post-conviction death penalty appeals, the Ohio Supreme Court instituted Superintendence Rule 39 on July 1, 1997, which established reporting requirements and a 180-day guideline for trial courts' disposition of post-conviction actions in death penalty cases.

In 2004, the General Assembly revised the process for re-sentencing defendants whose death sentences had been vacated on appeal. This Bill was passed in response to the Ohio Supreme Court's decision in *State v. Shawn Williams*, 103 Ohio St.3d 112 (2004). In *Williams*, the Court held that Ohio's 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 ensured that 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 ORC 2949.22 allowed inmates the option of choosing execution by electrocution or lethal injection. On November 21, 2001, ORC 2949.22 was amended to remove electrocution as a possible method of execution, leaving only lethal injection in Ohio.

National Ban on Execution of Mentally Retarded Individuals

On June 20, 2002, the U.S. Supreme Court banned the execution of mentally retarded individuals. The Court left individual states the task of determining which offenders are mentally retarded, as well as the methods for enforcing the constitutional restriction against execution of mentally retarded criminals. The Ohio Supreme Court established these standards for

determining mental retardation in 2002, in the case of *State v. Lott*, 97 Ohio St.3d 303 (2002). More information is provided in the “*National Ban on Execution of Mentally Retarded Individuals*” section later in this report.

DNA Testing Offered to Death Sentenced Inmates

On July 30, 2003, Governor Taft approved Senate Bill 11, which established a mechanism and procedure for the DNA testing of inmates under a sentence of death. Under the law (ORC 109.573, 2953.21, 2953.23 and 2953.71-2953.83), a death row inmate could request DNA testing by filing an application in the 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 a DNA test. If the results of the testing established, by clear and convincing evidence, that the inmate was innocent of the capital specification that formed the basis of the inmate’s death sentence, then the 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. 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 Offered to Death Sentenced Inmates*” section of this report.

Ohio Updates Execution Procedure to a One Drug Protocol

In December of 2009, Ohio became the first state to carry out a court-ordered execution by administering a lethal dose of a single drug, thiopental sodium. Ohio adopted its “one drug protocol” against a backdrop of ongoing lawsuits filed by condemned prisoners challenging the constitutionality of Ohio’s method of execution.

Ohio’s execution procedures continue to be the subject of suits by condemned prisoners in federal court. As of January 2013, 94 prisoners had suits pending against Ohio’s lethal injection procedures.

Ohio’s Death Penalty Statute

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

The Capital Indictment – ORC 2903.01, 2929.04

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

Murder and at least one statutorily defined Aggravating Circumstance, the defendant cannot be subjected to capital punishment.

Aggravated Murder – Defined by ORC 2903.01

Ohio defines Aggravated Murder as:

1. Purposely, and with prior calculation and design, causing the death of another or the unlawful termination of another's pregnancy;
2. Purposely causing the death of another or the unlawful termination of another's pregnancy, while committing, attempting to commit, or fleeing after committing or attempting to commit, kidnapping, rape, arson, robbery, burglary, or escape;
3. Purposely causing the death of anyone under the age of thirteen;
4. Purposely causing the death of another while under detention; or
5. Purposely causing the death of a law enforcement officer when the offender knows or has reason to know he/she is a law enforcement 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 ORC 2929.04(A)(1) – (A)(10)

The following are Aggravating Circumstances in Ohio:

1. Assassination of President, Vice President, Governor or Lieutenant Governor;
2. Committed for hire;
3. Committed for the purpose of escaping detection, apprehension, trial or punishment of another crime;
4. While in detention or at large from breaking detention;
5. Prior to the current offense, the offender was convicted of a purposeful killing or attempt to kill, or the offense was part of a course of conduct involving the purposeful killing or attempt to kill two or more persons;
6. The victim was a law enforcement officer, whom the offender knew or had reasonable cause to know was a law enforcement officer. The law enforcement officer was either engaged in work duties or the offender's specific purpose was to kill a law enforcement officer;
7. The offense was committed, while the offender was committing, attempting to commit, or fleeing after committing or attempting to commit, kidnapping, rape, aggravated arson, aggravated robbery, or aggravated burglary and the offender was the principal offender in the aggravated murder, or if not the principal offender, the aggravated murder was committed by prior calculation and design;
8. Killing of a potential witness in a criminal case to prevent their testimony;

9. Killing of a person less than 13 years of age with prior calculation or design; or
10. The offense was committed while the offender was committing, attempting to commit, or fleeing immediately after committing, or attempting to commit terrorism.

Notification of Capital Indictment to Ohio Supreme Court - ORC 2929.021

Whenever an indictment charges the defendant with capital murder, the clerk of the court in which the indictment is filed must provide notification to the Ohio Supreme Court. Notice must be filed within 15 days of the filing of the indictment and 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 then pleads guilty or no contest to any of the charges in the indictment or if any of the charges are dismissed, the clerk must provide the Ohio Supreme Court with the following information: the name of the person; the docket number; and the sentence imposed on the offender.

The Capital Trial – ORC 2929.03

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

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

Guilt 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 ORC 2929.04(A)(1) – (A)(10). As in all criminal trials, if the criminal defendant is tried by a jury, the verdict of guilt must be unanimous. Similarly, if the defendant waives his right to a trial by jury, the appointed three-judge panel must have a unanimous verdict. 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 – ORC 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 ORC 2929.04(B)(1) – (B)(7), the following mitigating factors shall be considered and weighed¹ against any aggravating circumstance:

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

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

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

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

- 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 ORC 2929.05 and ORC 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 U.S. Supreme Court to review the case.

Post-Conviction Petition in State Court

Pursuant to ORC 2953.21, a death row inmate may also petition the trial court to overturn the conviction and death sentence based on alleged legal errors that occurred *outside* the trial record. Under changes to ORC 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 the 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 U.S. 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 alleging ineffective assistance of their trial attorneys or the attorney that handled the 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 or post-conviction action. However, death row inmates may also seek relief by claiming that the lawyers who represented them on direct appeal failed to represent them effectively. This type of proceeding is commonly referred to as a “Motion to Reopen Direct Appeal” or a “*Murnaban*” 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 “*Murnaban*” appeal is taken to the Ohio Supreme Court. A death row inmate can also ask the U.S. Supreme Court to review the Ohio Supreme Court’s “*Murnaban*” appeal decision.

Habeas Corpus in Federal Court: District Court Level

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

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 U.S. 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 U.S. Court of Appeals for the Sixth Circuit.

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

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

Second Round of Federal Review

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

permission from the Sixth Circuit Court of Appeals prior to 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 typically appeals to the Sixth Circuit Court of Appeals and ultimately to the U.S. Supreme Court..

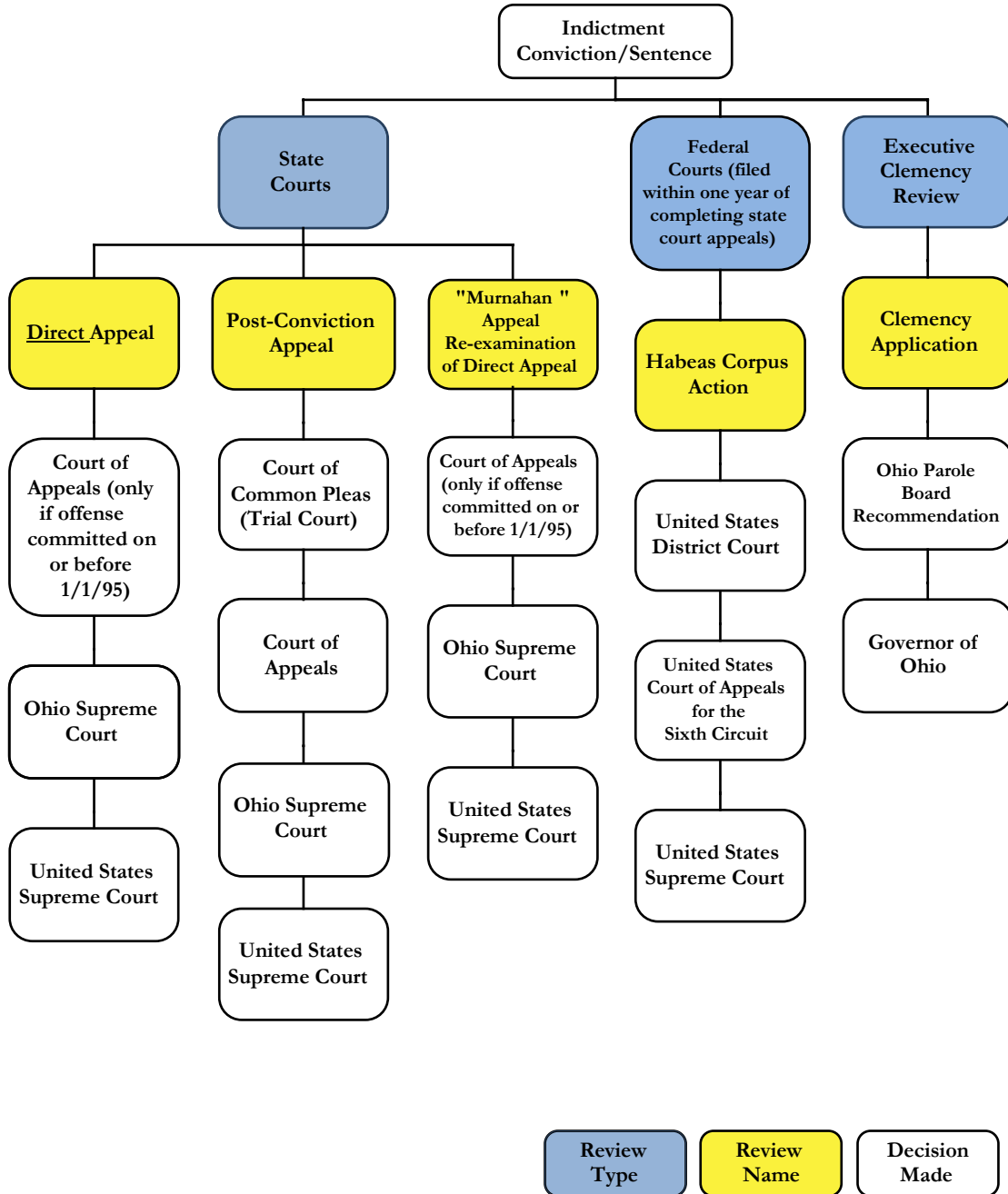
Executive Clemency Review

The Governor of Ohio has the power, pursuant to Article III, Section 11, of the Ohio Constitution, to grant reprieves, commutations, and pardons for all criminals (except in cases of treason and impeachment) for any reason that he or she deems “proper,” provided that he or she follows the procedures set forth in the Ohio Revised Code. Typically, death row inmates will submit 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. The Parole Board interviews the inmate and then holds a clemency hearing. The Parole Board considers all materials provided in support of and against clemency, including any statements provided by the family of the inmate or victims, and submits a written report and recommendation to the Governor. The Governor may then use this report to assist him 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 U.S. Supreme Court banned the execution of mentally retarded individuals. *Atkins v. Virginia*, 536 U.S. 304 (2002). Specifically, the Court held that, “in light of evolving standards of decency,” it is a violation of the Eighth Amendment protection against cruel and unusual punishment to execute 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 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 2012

Inmate Name	County	Petition Filed	Status
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. On 08/10/11, the 1st District Court of Appeals affirmed the trial court's decision. On 09/05/12 the Ohio Supreme Court dismissed Hill's appeal.
Jackson, Andre	Cuyahoga	05/09/03	Jackson's successive post-conviction petition is currently pending before the trial court. On 08/19/03, the trial court ordered Jackson to be evaluated by the Cuyahoga County Psychiatric Clinic which was completed on 10/20/03. On 01/07/09, the trial court denied the State's motion for summary judgment.
Spivey, Warren	Mahoning	12/20/02	On 08/26/10, the trial court held a competency hearing, found Spivey competent to participate in the post-conviction proceedings, and scheduled an <i>Atkins</i> hearing. The trial court held hearings on the <i>Atkins</i> claims on 04/28/11 and 06/14/11. On 03/19/12, the trial court denied Spivey's <i>Atkins</i> claims. On 04/16/12, Spivey filed a notice of appeal in the Second District Court of Appeals. On 08/22/12, the court of appeals stayed the case pending the decision of the U.S. Supreme Court in <i>Tibbals v. Sean Carter</i> . (Note: The U.S. Supreme Court decided <i>Carter</i> in favor of the government on 01/08/13.)
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 to the 10th District Court of Appeals. On 08/10/10, the 10th District Court of Appeals heard oral arguments. On 06/28/11, the 10th District Court of Appeals affirmed the trial courts denial of relief. On 10/24/12, the Ohio Supreme Court denied Waddy's appeal.

DNA Testing

DNA Overview

Deoxyribonucleic Acid (DNA) molecules contain genetic information that can be extracted from various cells in the human body, such as blood (white blood cells), skin, tissue, sperm, scrapings, 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 U.S. 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 they meet 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 accept the application for DNA testing, using the five criteria outlined in the Capital Justice Initiative section above.

If the results of the testing established actual innocence by clear and convincing evidence, the death row inmate could file a post-conviction petition in the court that imposed sentence and request that their 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, Ohio permanently reinstated the law by allowing certain inmates to apply for state-funded DNA analysis of evidence that could affirm their guilt or prove their innocence. Inmates must demonstrate:

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

Requests for DNA Testing Made to State Courts

The following death row inmates have made requests for DNA testing to state post-conviction 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. Adams was also the source of semen found on the bed sheet where Ashley's body was found. On December 29, 2004, the trial court denied Adams' 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 August 29, 2010, Allen filed a motion for leave to file a motion for a new trial based on the results. On April

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

Bonnell, Melvin: Bonnell was convicted and sentenced to death for the 1986 aggravated 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.

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 aggravated 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 November 13, 2009, the trial court ordered the State to coordinate the transfer of items to be tested to BCI's crime laboratory. On December 9, 2010, DNA testing was completed. As of the date of publication of this report, by agreement of the parties, additional DNA testing was being conducted.

Jones, Elwood: Jones was convicted and sentenced to death for the 1994 aggravated murder of 67-year-old Rhoda Nathan. On November 18, 2010, Jones filed an application for DNA testing in the trial court. On August 5, 2011, the trial court denied the State's motion to dismiss the application. On February 17, 2012, the trial court granted Jones' request to test Ms. Nathan's teeth, her fingernail clippings and scrapings, her pendant, and a piece of blood-stained curtain.

Moreland, Samuel: Moreland was convicted and sentenced for the 1985 aggravated murders of his girlfriend, 46-year-old Glenna Green, her daughter, 23-year-old Lana Green, and her grandchildren, 7-year-old Daytrin Talbott, 6-year-old Datwan Talbott, and 6-year-old Violana Green, in their Dayton home. Moreland was also convicted of attempted murder for shooting and pistol-whipping Glenna's other three grandchildren who were also in the house. On July 13, 2012, Moreland filed a motion for DNA testing. As of the publication of this report, there has been no decision on the motion.

Noling, Tyrone: Noling was convicted and sentenced to death for the 1990 aggravated murders of Bearnhardt and Cora Hartig, an 81-year-old couple. 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. On March 28, 2011, the trial court again denied DNA testing. On October 19, 2011, the Ohio Supreme Court accepted the case for review and ordered briefing. (Note: Oral arguments on the case were heard on January 8, 2013.)

Federal Court Ordered DNA Testing

To date, the federal district courts have ordered DNA testing for the following 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 Tryna was a stranger to him and that he had no contact with her. However, semen samples removed from Tryna's oral cavities were found to match Broom (through blood typing). The federal district court ordered DNA testing as part of discovery. The results confirmed Broom as the contributor of the semen sample.

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 found in the alley where Ms. Stevens' body was located, as well as testing of Ms. Stevens' rape kit, underwear, and shorts. Coleman's DNA request alleged a specific individual committed the murder. The results excluded both Coleman and the individual Coleman alleged as contributors 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. (Note: On September 6, 2011, Jesse Cowans died of natural causes.)

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. In 2003, Hartman requested, and the district court permitted, DNA testing of the semen located in Ms. Snipes anal cavity. Pre-trial testing had identified Hartman as the source of the semen found in Ms. Snipes vaginal cavity. The 2003 testing likewise identified Hartman as the contributor of the semen found in the anal samples. On July 11, 2011, Hartman filed suit under 42 USC 1983 for additional DNA testing. On November 2, 2011, the district court dismissed Hartman's complaint. On October 1, 2012, the 6th Circuit Court of Appeals affirmed the district court's dismissal of the complaint. (Note: On November 13, 2012, Hartman was executed.)

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. At the State's request, the district court ordered DNA testing on the blood and semen found on Henderson's coat. In 2003, the results revealed that: 1) 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 allowed for DNA testing with smaller quantities of sample material. At McGuire's request, the federal district court ordered DNA testing to be conducted on the rectal swabs. The results indicated that McGuire was the source of the semen found in Ms. Stewart's rectum.

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. In 2001, the results indicated that Amber's blood was in Wogenstahl's car.

State Conducted DNA Testing

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

Apanovitch, Anthony: 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 origin of the blood on

the shoes—that it was Campbell’s—was in fact presented by the defense and was not contested by the State. Nonetheless, DNA testing was conducted to timely resolve potential last minute issues. 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.)

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

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. 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 316 death sentences. Below is the breakdown of how many resulted in an execution, a commutation, remain pending, or have been removed.

Executions (49)

As of 12/31/12, a total of 49 death row 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, Jay³ 06/14/01
3. Byrd, John 02/19/02
4. Coleman, Alton⁴ 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 02/7/06
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. Cooley, Richard 10/14/08
28. Bryant-Bey, Gregory 11/19/08
29. Wilson, Daniel 06/03/09
30. Fautenberry, John 07/14/09
31. Keene, Marvallous 07/21/09
32. Getsy, Jason 08/18/09
33. Biros, Kenneth 12/08/09
34. Smith, Vernon 01/07/10
35. Brown, Mark 02/04/10
36. Reynolds, Lawrence 03/16/10
37. Durr, Darryl 04/20/10
38. Beuke, Michael 05/13/10
39. Garner, William 07/13/10
40. Davie, Roderick 08/10/10
41. Benge, Michael 10/06/10
42. Spisak, Frank 02/17/11
43. Baston, Jonnie 03/10/11
44. Carter, Clarence 04/12/11
45. Bedford, Daniel 05/17/11
46. Brooks, Reginald 11/15/11
47. Wiles, Mark 04/18/12
48. Palmer, Donald 09/20/12
49. Hartman, Brett 11/13/12

³ Jay Scott received two death sentences. Although one was vacated, his other death sentence was unaffected.

⁴ Alton Coleman received two death sentences. Although one was vacated, his other death sentence was unaffected.

Commutations (18)

As of 12/31/12, a total of 18 death row inmates received a commutation of his death sentence to a sentence less than the death penalty.

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

Deceased Prior to Execution (24)

As of 12/31/12, a total of 24 death row inmates died prior to imposition of the death penalty. This includes inmates who died of natural death and suicide.

- | | |
|------------------------|----------------------|
| 1. Taylor, James R. | 13. Dougherty, John |
| 2. Clemons, Gerald | 14. Simko, John, Jr. |
| 3. Koliser, Martin | 15. Kidwell, Steven |
| 4. Bradley, William J. | 16. Myers, Kevin |
| 5. Hooks, Danny | 17. Davis, Raymond |
| 6. Jordan, James | 18. Carter, Lincoln |
| 7. Taylor, Michael | 19. Mize, John |
| 8. Holloway, Allen | 20. Coffman, Terry |
| 9. Hessler, Jerry F. | 21. Cowans, Jesse |
| 10. Reynolds, Gordon | 22. Edwards, Edward |
| 11. Allard, Jerry | 23. Sowell, Billy |
| 12. Gerish, John | 24. Craig, Donald L. |

Ineligible for Death Sentence Based on Mental Retardation (8)

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

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

Pending Re-sentencing (6)

As of 12/31/12, a total of 6 death sentences were vacated and remanded to trial courts for re-sentencing, which may include imposition of the death penalty again.

1. Tenace, Troy M.
2. Steffen, David
3. Mason, Maurice
4. White, Maxwell
5. Jells, Reginald
6. James Goff

Other Death Sentences Removed Based on Judicial Action (72)

As of 12/31/12, a total of 72 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.

Active Death Sentences (148)

As of 12/31/12, a total of 148 death sentences remained active, including those currently pending in state⁵ and federal court. In 2012, five individuals received a death sentence and were added to death row.

1. Johnson, Rayshawn (Hamilton)⁶
2. Montgomery, Caron (Franklin)
3. Belton, Anthony (Lucas)
4. Jackson, Nathaniel (Trumbull)⁷
5. Thomas, Joseph (Lake)

As of 12/31/12, a total of 11 death row inmates had scheduled execution dates.

1. Treesh, Frederick (Lake) (Scheduled 03/06/13)⁸
2. Smith, Steven (Richland) (Scheduled 05/01/13)
3. Slagle, Billy (Cuyahoga) (Scheduled 08/07/13)
4. Mitts, Harry, Jr. (Cuyahoga) (Scheduled 09/25/13)

⁵ Statistic includes those cases which are pending resentencing by order of a state or federal court, as they remain eligible for a death sentence to be re-imposed. Should they be sentenced to something less than a death sentence, the case is then removed from the statistic.

⁶ Rayshawn Johnson had previously been on death row, but his sentence was vacated by the Sixth Circuit Court of Appeals in 2008.

⁷ Nathaniel Jackson had previously been on death row, but his sentence was vacated by the 11th District Court of Appeals in 2010.

⁸ Frederick Treesh was executed by lethal injection on March 6, 2013.

5. Phillips, Ronald (Summit) (Scheduled 11/14/13)
6. McGuire, Dennis (Preble) (Scheduled 01/16/14)
7. Lott, Gregory (Cuyahoga) (Scheduled 03/19/14)
8. Tyler, Arthur (Cuyahoga) (Scheduled 05/28/14)
9. Montgomery, William (Lucas) (Scheduled 08/06/14)
10. Tibbetts, Raymond (Hamilton) (Scheduled 10/15/14)
11. Henness, Warren (Franklin) (Scheduled 01/07/15)

As of 12/31/12, a total of 7 death row inmates pending motions to set an execution date in the Ohio Supreme Court.

1. Bonnell, Melvin (Cuyahoga) (Filed: 05/14/10)
2. Landrum, Lawrence (Ross) (Filed: 10/3/11)
3. Van Hook, Robert (Hamilton) (Filed: 08/13/12)⁹
4. Sheppard, Bobby (Hamilton) (Filed: 07/18/12)
5. Wogenstahl, Jeffrey (Hamilton) (Filed 10/03/12)¹⁰
6. Fears, Angelo (Hamilton) (Filed: 10/17/12)
7. Campbell, Alva (Franklin) (Filed: 11/02/12)

Demographics

Executed Inmates (49)

The following demographics are limited to the 49 death row inmates who have been executed under Ohio's current law.

Age

- Average Age At Execution: 45

Race

- 19 African-Americans (38.78%)
- 30 Caucasian (61.22%)

Sex

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

Time on Death Row

- Average Years: 16.57

⁹ On February 15, 2013, the Ohio Supreme Court set Robert Van Hook's execution date for March 12, 2015.

¹⁰ On January 25, 2013, the Ohio Supreme Court set Jeffrey Wogenstahl's execution date for May 14, 2015.

Victims of Executed Inmates (80)

The following demographics are limited to the victims of the 49 death row inmates who have been executed under Ohio's current law.

Adulthood

- 62 Adults (77.5%)
- 18 Children (22.5%)

Race

- 23 African-Americans (28.75%)
- 53 Caucasian (66.25%)
- 4 Other (5.0%)

Sex

- 38 Males (47.5%)
- 42 Females (52.5%)

Capital Sentences Issued In the State of Ohio Since 1981

From 1981 until December 31, 2012, 312 individuals¹¹ received a death sentence in Ohio. The following chart details the name, county of origin, and date of issue of every capital sentence in Ohio since 1981.

2012 (3)		
Name	County	Sentence
Montgomery, Caron	Franklin	05/22/12
Belton, Anthony	Lucas	04/19/12
Thomas, Joseph	Lake	10/25/12

2011 (3)		
Name	County	Sentence
Sowell, Anthony	Cuyahoga	08/31/11
Edwards, Edward	Geauga	03/21/11
Obermiller, Denny	Cuyahoga	03/10/11

2010 (7)		
Name	County	Sentence
McKelton, Calvin S.	Butler	11/04/10
Pickens, Mark	Hamilton	07/13/10
Thompson, Ashford L.	Summit	06/23/10
Osie, Gregory	Butler	05/12/10
Jackson, Jeremiah J.	Cuyahoga	04/20/10
Kirkland, Anthony	Hamilton	03/31/10
Mammone, James, III	Stark	01/26/10

2009 (1)		
Name	County	Sentence
Wesson, Hersie	Summit	03/13/09

2008 (3)		
Name	County	Sentence
Neyland, Calvin	Wood	11/14/08
Adams, Bennie	Mahoning	10/30/08
Jones, Phillip	Summit	01/30/08

2007 (4)		
Name	County	Sentence
Hunter, Lamont	Hamilton	09/20/07
Powell, Wayne	Lucas	09/13/07
Lang, Edward Lee	Stark	07/26/07
Maxwell, Charles	Cuyahoga	03/21/07

2006 (4)		
Name	County	Sentence
Craig, Donald Lavell (2)	Summit	08/16/06
Fry, Clarence, Jr.	Summit	07/11/06
Dean, Jason B. ¹²	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 Jr., Robert	Franklin	08/26/03
Roberts, Donna Marie ¹³	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

¹¹ Although there were 316 death sentences, there were only 312 individuals involved. The following received two death sentences each: Donald Craig (died while incarcerated), Alton Coleman (executed), and James Conway, and Jay Scott (executed).

¹² Jason Dean was retried, convicted, and again sentenced to death for his crimes on September 30, 2011.

¹³ Donna Roberts was resentenced to death for her crimes on October 29, 2007.

2002 (8)		
Name	County	Sentence
Jackson, Nathaniel E. ¹⁴	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 ¹⁵	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

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

¹⁵ Rayshawn Johnson was resentenced to death for his crimes on January 10, 2012.

1994 (13)		
Name	County	Sentence
Goodwin, Michael	Cuyahoga	12/29/94
McGuire, Dennis	Preble	12/23/94
Moore, Lee	Hamilton	12/14/94
Brock, Daniel	Shelby	12/12/94
Dixon, Tyson	Cuyahoga	11/23/94
Mitts, Jr., Harry D.	Cuyahoga	11/21/94
Mason, Maurice	Marion	07/07/94
Reynolds, Lawrence	Summit	06/09/94
Flemming, Derrick	Cuyahoga	06/06/94
Keith, Kevin A.	Crawford	06/01/94
Keenan, Thomas M.	Cuyahoga	05/13/94
Smith, Vernon	Lucas	03/22/94
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, Marvallous	Montgomery	12/15/93
Dougherty, John	Hancock	12/10/93
Phillips, Ronald	Summit	09/15/93
Williams, Willie	Summit	08/12/93
Benge, Michael	Butler	06/15/93
Taylor, Michael	Cuyahoga	05/28/93
Twyford III, Raymond	Jefferson	04/07/93
Myers, Kevin	Licking	03/16/93
Wogenstahl, Jeffrey	Hamilton	03/15/93
Allard, Jerry	Knox	02/22/93
Brooks, Antonio	Summit	02/17/93
Dunlap, Timothy	Hamilton	02/01/93

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 ¹⁶	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

¹⁶ Von Clark Davis was resentenced to death for his crimes on September 21, 2009.

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
Cooley, Richard	Summit	12/09/86
Lorraine, Charles	Trumbull	12/09/86
Clayton, 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

1983 (13)		
Name	County	Sentence
Sowell, Billy	Hamilton	11/03/83
Williams, Lewis	Cuyahoga	11/03/83
Grant, Rosalie	Mahoning	11/01/83
Beuke, Michael	Hamilton	10/25/83
Young, Sharon Faye	Hamilton	09/30/83
Byrd, John	Hamilton	08/19/83
Spisak, Frank	Cuyahoga	08/10/83
Martin, Ernest	Cuyahoga	07/08/83
Thompson, Jeffrey	Licking	07/01/83
Mapes, David	Cuyahoga	06/15/83
Steffen, David	Hamilton	05/25/83
Maurer, Donald Lee	Stark	04/04/83
Penix, Billy	Clark	03/15/83

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

Case History Sheets

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

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><u>TRIAL</u></p> <p>Indictment.....10/11/07 Sentence.....10/30/08</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision11/14/11 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....06/11/12 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision06/13/12 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Adams' direct appeal and court of appeals denial to reopen appeal. Pending in trial court on petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/30/08, Adams was sentenced to death. On 10/14/11, the 7th District Court of Appeals affirmed Adams' conviction and death sentence. On 11/28/11, Adams filed a notice of appeal in the Ohio Supreme Court, and filed his brief on 02/13/12. The State responded on 03/05/12. Meanwhile, on 01/12/12, Adams filed a motion to reopen his direct appeal in the 7th District Court of Appeals, which was denied on 06/13/12. On 07/27/12, Adams filed his notice of appeal in the Ohio Supreme Court. Adams filed his brief on 10/01/12, to which the State responded on 10/24/12, and Adams replied on 11/13/12. Additionally, on 06/12/12, Adams filed a petition for postconviction relief with the trial court. On 09/26/12, Adams filed a motion for discovery to which the State responded on 10/10/12.

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

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....11/16/00 Sentence.....10/10/01</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....11/17/04 U.S. Supreme Court Review05/16/05</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....01/06/03 Trial Court Decision03/26/03 Court of Appeals Decision01/31/05 Supreme Court Decision.....06/29/05 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Katz)</p> <p>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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal05/22/07 Prisoner's Brief.....08/06/08 State's Brief08/05/08 Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Case remanded to the district court for factual development on the constitutionality of Ohio's lethal injection procedure. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 11/17/04, the Ohio Supreme Court affirmed Adams' conviction and death sentence on direct appeal. On 04/24/07, the district court denied Adams' petition for a writ of habeas corpus. On 05/22/07, Adams filed notice of appeal to the 6th Circuit. On 02/13/09, the 6th Circuit stayed the case and remanded it back to the district court for factual development on the constitutionality of Ohio's lethal injection procedure. On 04/16/09, the Warden moved to dismiss the lethal injection claim which was denied by the district court on 09/08/09. 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 03/04/10, the district court partially granted the Warden's motion to certify the interlocutory appeal, and the 6th Circuit granted the Warden leave to appeal on 10/19/10. On 07/19/11, the 6th Circuit denied the Warden's interlocutory appeal and remanded the case back to the district court in accordance with its 02/13/09 order. Both Adams and the Warden are expected to file pleadings with the district court in 2013 responsive to the issue of the remand order.

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

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....10/07/99 Sentence.....02/02/01</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....08/25/04 U.S. Supreme Court Review03/28/05</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/03/02 Trial Court Decision03/08/05 Court of Appeals Decision12/28/06 Supreme Court Decision.....05/16/07 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....03/02/05</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Watson) Prisoner's Petition.....05/14/08 State's Return of Writ.....01/20/11 Prisoner's Traverse04/22/11 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Ahmed's 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 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. On 06/28/11, Ahmed filed motions for discovery and evidentiary hearing, both of which were denied on 09/08/11. On 09/22/11, Ahmed filed objections to the magistrate judge's decision denying his motions for discovery and evidentiary hearing. On 12/29/12, Ahmed filed supplemental objections, as permitted by the Court. (Note: The Warden responded to the objections on 01/08/13.)

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><u>TRIAL</u> Indictment.....04/06/92 Sentence.....02/22/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/12/95 Supreme Court Decision.....05/22/96 U.S. Supreme Court Review12/09/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/19/96 Trial Court Decision01/16/97 Court of Appeals Decision11/06/97 Supreme Court Decision.....02/25/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision12/17/99 Supreme Court Decision.....07/26/00</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Weber) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....03/22/91 Sentence.....07/15/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision09/09/93 Supreme Court Decision.....09/06/95 U.S. Supreme Court Review03/18/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision04/11/97 Court of Appeals Decision06/04/98 Supreme Court Decision.....10/07/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision03/29/96 Supreme Court Decision.....12/18/96</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Matia) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/11/02 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Allen's motions for a new trial.
- **Status in Federal Courts as of 12/31/12:** 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 court 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. Meanwhile, on 09/23/04, Allen filed an application for DNA testing in the trial court, which was granted on 02/16/06. On 06/16/07, the Cuyahoga County Coroner issued the DNA test results. On 04/08/08, the trial court granted Allen's motion for additional DNA testing. On 06/16/10 and 08/29/10, Allen filed motions for a new trial. On 04/27/11, the trial court granted Allen's motion for additional DNA testing, which was completed on 07/29/11. On 11/28/11, Allen filed a supplemental motion for new trial. On 03/16/12, notice of additional DNA results was filed with the trial court. On 04/13/12, the State responded to Allen's motions for new trial.

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><u>TRIAL</u></p> <p>Indictment.....10/02/84 Sentence.....01/08/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision08/28/86 Supreme Court Decision.....10/07/87 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....06/02/88 Trial Court Decision05/11/89 Court of Appeals Decision01/31/91 Supreme Court Decision.....07/24/91 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Adams)</p> <p>Prisoner's Petition..... 11/01/91 State's Return of Writ..... 02/28/92 Prisoner's Traverse</p> <p>Evidentiary Hearing 02/26/09 Decision: 08/14/09</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal10/30/09 Prisoner's Brief.....08/04/10 State's Brief.....10/13/10 Oral Argument.....02/28/11 Decision06/08/11</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition12/08/11 Brief in Opposition02/09/12 Decision or Certiorari Denial03/19/12</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Apanovitch's successive petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

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 10/19/06, the 6th Circuit remanded the case to the district court for further proceedings related to DNA testing. On 05/09/07, the district court granted the Warden's motion for DNA testing. On 10/08/08, the district court permitted Apanovitch to conduct discovery, and the court held an evidentiary hearing on 02/26/09. On 08/14/09, the district court again denied Apanovitch's petition for a writ of habeas corpus. On 06/08/11, the 6th Circuit affirmed the denial of Apanovitch's petition for a writ of habeas corpus. On 08/10/11, the 6th Circuit denied Apanovitch's motion for rehearing *en banc*. On 03/19/12, the U.S. Supreme Court denied Apanovitch's petition for a writ of certiorari. On 03/21/12, Apanovitch filed a successive petition for postconviction relief in the trial court, to which the State opposed on 07/30/12, and Apanovitch replied on 10/15/12.

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
<p><u>TRIAL</u> Indictment.....09/20/96 Sentence.....06/16/97</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....03/24/99 U.S. Supreme Court Review10/04/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....03/16/98 Trial Court Decision04/20/99 Court of Appeals Decision11/08/99 Supreme Court Decision.....03/01/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus) Prisoner's Petition..... 11/14/00 State's Return of Writ..... 08/17/01 Prisoner's Traverse 10/17/01 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

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.

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. (Awkal received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....01/09/92 Sentence.....12/23/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/13/95 Supreme Court Decision.....08/14/96 U.S. Supreme Court Review01/21/97</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision09/02/97 Court of Appeals Decision11/25/98 Supreme Court Decision.....04/07/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Nugent) Prisoner's Petition..... 03/24/00 State's Return of Writ..... 05/18/00 Prisoner's Traverse 06/30/00 Evidentiary Hearing Decision: 11/14/01</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal11/29/01 Prisoner's Brief.....01/26/04 State's Brief01/20/04 Oral Argument.....12/02/09 Decision07/23/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition10/20/10 Brief in Opposition12/20/10 Decision or Certiorari Denial01/18/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the State's appeal of the trial court's determination that Awkal is incompetent to be executed.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/14/96, the Ohio Supreme Court affirmed Awkal's conviction and death sentence on direct appeal. On 11/14/01, the 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. Between 2005 and 2007, Awkal's competency to waive his appeals was litigated. On 03/16/09, the 6th Circuit vacated Awkal's conviction based on ineffective assistance of counsel and remanded to state court for retrial. 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 01/18/11, the U.S. Supreme Court denied Awkal's petition for writ of certiorari. The Ohio Supreme Court scheduled Akwal's execution for 06/06/12. On 04/09/12, Awkal filed a motion alleging he was incompetent to be executed. On 05/08/12, the trial court found Awkal competent. On 05/30/12, Awkal filed a second motion alleging he was incompetent to be executed. On 06/05/12, Gov. Kasich granted Awkal a reprieve to 06/20/12. Following a hearing, on 06/15/12, the trial court found Awkal was incompetent to be executed. On 06/18/12, the Ohio Supreme Court stayed Awkal's execution. On 08/30/12, the 8th District Court of Appeals dismissed the State's appeal. On 10/15/12, the State filed an appeal with the Ohio Supreme Court.

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><u>TRIAL</u></p> <p>Indictment.....04/11/90 Sentence.....07/01/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision08/02/95 Supreme Court Decision.....08/07/96 U.S. Supreme Court Review01/06/97</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/21/96 Trial Court Decision03/17/97 Court of Appeals Decision03/06/98 Supreme Court Decision.....06/17/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision10/21/99 Supreme Court Decision.....06/21/00</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Watson)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Ballew's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/07/96, the Ohio Supreme Court affirmed Ballew's conviction and death sentence on direct appeal. On 11/18/98, Ballew filed a petition for a writ of habeas corpus in 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 from Judge Smith to Judge Watson. On 08/24/07, the court issued a scheduling order. On 12/10/07 Ballew filed his final merit brief, to which the Warden responded on 01/09/08, and Ballew replied on 02/22/08. On 09/17/12, Ballew filed a motion to amend his petition to add claims challenging the constitutionality of lethal injection, to which the Warden opposed on 09/27/12.

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><u>TRIAL</u> Indictment..... Sentence.....02/09/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/15/85 Supreme Court Decision.....08/06/86 U.S. Supreme Court Review03/06/87</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 postconviction 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><u>TRIAL</u> Indictment.....02/10/03 Sentence.....10/10/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....04/05/06 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u></p> <p>Indictment.....04/08/94 Sentence.....02/24/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision09/12/97 Supreme Court Decision.....05/12/99 U.S. Supreme Court Review12/06/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision07/10/98 Court of Appeals Decision11/17/00 Supreme Court Decision.....03/21/01 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Carr)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal10/14/03 Prisoner's Brief.....01/03/05 State's Brief12/27/04 Oral Argument.....04/27/05 Decision08/25/05</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition03/15/06 Brief in Opposition04/18/06 Decision or Certiorari Denial05/22/06</p>

STATUS

- **Status in State Courts as of 03/10/11:** No capital proceeding pending.
- **Status in Federal Courts as of 03/10/11:** No capital proceeding pending.

NOTES

On 03/10/11, Johnnie Baston was executed by lethal injection.

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 \$25.00 cash and \$9.00 worth of food stamps. Bays confessed to Xenia police and discussed the crime with another inmate while in the county jail.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....01/14/94 Sentence.....12/15/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision01/30/98 Supreme Court Decision.....10/13/99 U.S. Supreme Court Review04/24/00</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/29/96 Trial Court Decision12/12/02 Court of Appeals Decision06/20/03 Supreme Court Decision.....10/15/03 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose)</p> <p>Prisoner's Petition..... 11/06/08 State's Return of Writ..... 07/09/09 Prisoner's Traverse 11/07/11 Evidentiary Hearing 01/20/11 Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Bays' petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/13/99, the Ohio Supreme Court affirmed Bays' conviction and death sentence on direct appeal. On 11/06/08, Bays filed a petition for writ of habeas corpus in federal district court. On 07/09/09, the Warden filed a return of writ. On 09/03/10, the district court granted Bays' motion for an evidentiary hearing, which was begun on 01/20/11 and continued in progress. On 07/06/11, the district court vacated its earlier grant of a continued hearing. On 11/07/11, Bays filed his traverse. On 02/21/12, the magistrate judge recommended denying Bays' petition for a writ of habeas corpus. On 03/08/12, Bays filed a motion to amend his petition to add claims challenging the constitutionality of lethal injection, which the court permitted over the Warden's objection on 05/30/12. On 06/07/12, Bays objected to the magistrate's decision recommending denial of the writ. On 08/06/12, the district court overruled Bays' objections and adopted the magistrate's decision. On 11/19/12 and 12/28/12, the magistrate judge issued decisions concerning the issues certified for appeal.

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><u>TRIAL</u> Indictment.....05/17/84 Sentence.....11/09/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/08/86 Supreme Court Decision.....10/12/88 U.S. Supreme Court Review03/06/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/08/89 Trial Court Decision05/04/90 Court of Appeals Decision09/11/91 Supreme Court Decision.....01/29/92 U.S. Supreme Court Review06/27/94</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision03/12/93 Supreme Court Decision.....11/24/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Smith) Prisoner's Petition.....06/26/92 State's Return of Writ.....03/03/95 Prisoner's Traverse10/17/95 Evidentiary Hearing Decision:05/03/07</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal06/01/07 Prisoner's Brief.....06/27/08 State's Brief06/23/08 Oral Argument.....04/22/09 Decision06/04/09</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition01/15/10 Brief in Opposition03/08/10 Decision or Certiorari Denial04/05/10</p>

STATUS

- **Status in State Courts as of 05/17/11:** No capital proceeding pending.
- **Status in Federal Courts as of 05/17/11:** No capital proceeding pending.

NOTES

On 05/17/11, Daniel Bedford was executed by lethal injection.

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

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p>TRIAL</p> <p>Indictment.....08/25/12 Sentence.....04/19/12</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court) Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

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

NOTES

On 04/19/12, Belton was convicted and sentenced to death. On 05/24/12, Belton filed his notice of appeal in the Ohio Supreme Court. (Note: On 02/14/13, Belton filed his merit brief.)

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><u>TRIAL</u></p> <p>Indictment.....03/10/93 Sentence.....06/15/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/05/94 Supreme Court Decision.....03/04/96 U.S. Supreme Court Review10/07/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision07/14/97 Court of Appeals Decision04/27/98 Supreme Court Decision.....07/22/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal08/04/04 Prisoner's Brief.....12/21/05 State's Brief12/19/05 Oral Argument.....06/01/06 Decision01/16/07</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition09/10/07 Brief in Opposition10/15/07 Decision or Certiorari Denial11/13/07</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 01/02/86, Benner murdered his acquaintance, 21-year-old Trina Bowser, in Akron. Benner kidnapped Ms. Bowser, raped her and killed her. Benner was also convicted for the attempted murders and rapes of two other woman on two separate occasions. DNA testing, conducted during federal appeals in 2003, identified Benner as the source of semen found in Ms. Bowser's vagina and rectum.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....01/21/86 Sentence.....05/14/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision07/22/87 Supreme Court Decision.....01/18/89 U.S. Supreme Court Review04/16/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....11/21/90 Trial Court Decision08/16/96 Court of Appeals Decision08/27/97 Supreme Court Decision.....12/17/97 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision11/03/95 Supreme Court Decision.....07/24/96</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gaughan)</p> <p>Prisoner's Petition.....03/24/98 State's Return of Writ.....05/26/98 Prisoner's Traverse07/15/98 Evidentiary Hearing Decision:11/19/03</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal12/19/03 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision03/21/05</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition06/06/05 Brief in Opposition07/13/05 Decision or Certiorari Denial10/03/05</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><u>TRIAL</u> Indictment.....12/13/89 Sentence.....08/13/90</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/21/93 Supreme Court Decision.....06/28/95 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision</p> <p>..... Court of Appeals Decision</p> <p>..... Supreme Court Decision.....</p> <p>..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision</p> <p>..... Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Marbley) Prisoner's Petition..... 02/19/98 State's Return of Writ..... Prisoner's Traverse</p> <p>..... Evidentiary Hearing</p> <p>..... Decision: 11/19/98</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal</p> <p>..... Prisoner's Brief.....</p> <p>..... State's Brief</p> <p>..... Oral Argument.....</p> <p>..... Decision02/17/99</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition</p> <p>..... Brief in Opposition</p> <p>..... Decision or Certiorari Denial02/19/99</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.

Bethel Jr., Robert

Bethel
Franklin County

Summary of Crime: On 06/26/96, Bethel and his accomplice, fellow gang member Jeremy Chavis, murdered 18-year-old James Reynolds and Reynolds' 14-year-old girlfriend, Shannon 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. (Bethel received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....11/16/00 Sentence.....08/26/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....10/04/06 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....02/28/05 Trial Court Decision08/31/07 Court of Appeals Decision06/05/08 Supreme Court Decision.....08/26/09 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....08/29/07</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Barrett)</p> <p>Prisoner's Petition..... 08/25/10 State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Bethel's petition for writ of habeas corpus, which is stayed pending state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

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 postconviction petition, which was affirmed by the 10th District Court of Appeals on 06/05/08. On 08/26/09, the Ohio Supreme Court dismissed the appeal. On 09/03/09, the trial court denied Bethel's delayed motion for a new trial, which was affirmed by the court of appeals on 08/17/10. On 08/25/10, Bethel filed a petition for writ of habeas corpus in federal district court. On 09/02/10, the district court stayed the case to allow Bethel an opportunity to exhaust issues in state court. On 10/01/10, Bethel appealed the denial of his motion for a new trial to the Ohio Supreme Court, which was denied on 09/05/12. On 03/08/12, Bethel filed a motion to amend his petition for a writ of habeas corpus to add claims challenging the constitutionality of lethal injection. Over the Warden's objection, the court permitted the amendment on 04/06/12. On 06/19/12, the Warden moved to dismiss the added claims. On 08/28/12, the magistrate judge recommended denying the motion to dismiss, and the Warden objected. On 10/26/12, the magistrate filed a supplemental report again recommending denying the Warden's motion to dismiss.

Days From Death Sentence to 12/31/12: 3415

Inmate Number: A455-970

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><u>TRIAL</u> Indictment.....07/05/83 Sentence.....10/25/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision03/26/86 Supreme Court Decision.....07/20/88 U.S. Supreme Court Review03/06/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/16/89 Trial Court Decision08/28/90 Court of Appeals Decision08/14/91 Supreme Court Decision.....01/15/92 U.S. Supreme Court Review05/16/94</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision12/01/92 Supreme Court Decision.....11/17/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Graham) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal01/12/96 Prisoner's Brief.....09/25/06 State's Brief09/20/06 Oral Argument.....03/14/07 Decision08/13/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition02/27/09 Brief in Opposition05/11/09 Decision or Certiorari Denial06/15/09</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><u>TRIAL</u></p> <p>Indictment.....08/05/92 Sentence.....10/30/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision03/30/94 Supreme Court Decision.....01/17/96 U.S. Supreme Court Review06/03/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision02/13/98 Court of Appeals Decision06/30/99 Supreme Court Decision.....11/10/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision12/04/96 Supreme Court Decision.....07/16/97</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dlott)</p> <p>Prisoner's Petition..... 08/21/00 State's Return of Writ..... 07/13/01 Prisoner's Traverse..... Evidentiary Hearing Decision: 03/01/06</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal03/22/06 Prisoner's Brief.....10/25/06 State's Brief.....10/24/06 Oral Argument.....10/31/07 Decision02/27/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition11/03/08 Brief in Opposition12/05/08 Decision or Certiorari Denial06/01/09</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* postconviction petition in state court. Meanwhile, on 05/02/03, Bies filed a successive postconviction 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 02/07/91, 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><u>TRIAL</u> Indictment.....02/14/91 Sentence.....10/29/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision01/02/96 Supreme Court Decision.....05/14/97 U.S. Supreme Court Review12/01/97</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision02/10/98 Court of Appeals Decision06/01/99 Supreme Court Decision.....09/29/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision12/27/00 Supreme Court Decision.....09/26/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Polster) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal01/07/03 Prisoner's Brief.....09/22/04 State's Brief09/22/04 Oral Argument.....02/01/05 Decision09/09/05</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition06/05/06 Brief in Opposition07/07/06 Decision or Certiorari Denial10/02/06</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. The results of DNA testing in 2009 indicated that Mr. Bunner was the source of the blood found on Bonnell's jacket.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....12/30/87 Sentence.....05/25/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision10/05/89 Supreme Court Decision.....07/24/91 U.S. Supreme Court Review02/24/92</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....03/16/95 Trial Court Decision10/16/95 Court of Appeals Decision09/08/98 Supreme Court Decision.....01/20/99 U.S. Supreme Court Review10/04/99</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision05/06/94 Supreme Court Decision.....12/20/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Katz)</p> <p>Prisoner's Petition..... 03/01/00 State's Return of Writ..... 01/29/01 Prisoner's Traverse 03/30/01 Evidentiary Hearing Decision: 02/04/04</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal03/02/04 Prisoner's Brief.....03/06/06 State's Brief03/06/06 Oral Argument.....11/02/06 Decision01/08/07</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition08/29/07 Brief in Opposition11/05/07 Decision or Certiorari Denial12/03/07</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the State's motion to set an execution date and Bonnell's appeal from the denial of the ability to use the corrected sentencing entry to relitigate appellate issues.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/24/91, the Ohio Supreme Court affirmed Bonnell's conviction and death sentence on direct appeal. On 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, which was granted on 07/30/08. On 07/06/09, the State filed a notice of DNA results. On 05/14/10, the State filed a motion in the Ohio Supreme Court to set an execution date. On 05/21/10, Bonnell filed with the trial court a motion for re-sentencing and for the issuance of a final appealable order, which was denied on 01/03/11. On 11/10/11, the 8th District Court of Appeals ordered the trial court to issue a corrected sentencing entry, but stated it would not be able to be used to relitigate appellate issues. On 12/23/11, Bonnell filed an appeal with the Ohio Supreme Court. On 01/18/12, the State filed its response.

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. (Braden received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....08/13/98 Sentence.....06/14/99</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....04/02/03 U.S. Supreme Court Review10/06/03</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/09/00 Trial Court Decision08/02/02 Court of Appeals Decision06/10/03 Supreme Court Decision.....10/15/03 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Braden's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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 04/27/06, Braden filed a motion for discovery, which was partially granted on 03/30/07. On 03/24/08, Braden filed a motion for an evidentiary hearing, which was denied on 03/31/09. On 09/25/09, the Warden filed a return of writ. On 10/26/09, Braden filed his traverse. On 04/08/11, the Warden filed a notice of supplemental authority to which Braden filed a reply on 04/26/11. On 03/08/12, Braden filed a motion to amend his petition for a writ of habeas corpus to include claims challenging the constitutionality of lethal injection, which was granted on 07/05/12 over the Warden's objection. On 07/12/12, Braden, *pro se*, asked to withdraw his habeas petition, but he rescinded his request on 07/31/12. On 10/02/12, the Warden filed a motion to dismiss the lethal injection claims and filed a supplemental return of writ. On 11/01/12, Braden filed a supplemental traverse.

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><u>TRIAL</u></p> <p>Indictment.....02/10/84 Sentence.....06/03/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision09/22/87 Supreme Court Decision.....05/10/89 U.S. Supreme Court Review06/25/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....03/05/91 Trial Court Decision05/10/95 Court of Appeals Decision03/30/99 Supreme Court Decision.....04/09/97 U.S. Supreme Court Review11/03/97</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision08/30/00 Supreme Court Decision.....06/06/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Marbley)</p> <p>Prisoner's Petition..... 07/28/00 State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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 Beavercreek. Brewer and Mrs. Byrne were social acquaintances as her husband and Brewer were college fraternity brothers. After luring Mrs. Byrne to meet him to celebrate his wife's pregnancy, Brewer kidnapped 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><u>TRIAL</u> Indictment.....03/28/85 Sentence.....10/16/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/26/88 Supreme Court Decision.....01/10/90 U.S. Supreme Court Review10/01/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/03/91 Trial Court Decision08/02/93 Court of Appeals Decision09/28/94 Supreme Court Decision.....02/15/95 U.S. Supreme Court Review10/02/95</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision04/07/97 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Weber) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/05/00 Prisoner's Brief.....08/10/01 State's Brief08/14/01 Oral Argument.....06/18/02 Decision09/10/02</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition11/08/02 Brief in Opposition12/16/02 Decision or Certiorari Denial01/21/03</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, then fled to Chicago. The FBI arrested Brinkley at his mother's residence in Chicago.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....10/24/00 Sentence.....10/02/02</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....04/13/05 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/08/03 Trial Court Decision02/10/04 Court of Appeals Decision10/22/04 Supreme Court Decision.....06/29/05 U.S. Supreme Court Review.....12/05/05</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....10/05/05</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Adams)</p> <p>Prisoner's Petition..... 11/22/06 State's Return of Writ..... 01/22/07 Prisoner's Traverse..... 04/23/07 Evidentiary Hearing</p> <p>Decision: 12/05/11</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal01/04/12 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition</p> <p>Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court on an appeal of the district court's denial of Brinkley's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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 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. On 12/05/11, the district court denied Brinkley's petition for a writ of habeas corpus. On 01/04/12, Brinkley filed a notice of appeal. On 04/30/12, the district court partially granted Brinkley's motion for a certificate of appealability on additional claims. On 05/11/12, Brinkley filed an amended notice of appeal. On 08/30/12, Brinkley filed a motion in the 6th Circuit Court of Appeals to remand his case back to the district court in light of the U.S. Supreme Court case of *Martinez v. Ryan*, to which the Warden responded on 09/05/12. On 08/31/12, Brinkley filed a motion in the 6th Circuit to expand the certificate of appealability, to which the Warden responded on 11/02/12.

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><u>TRIAL</u> Indictment.....03/31/94 Sentence.....12/12/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/26/96 Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing..... Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal..... Prisoner's Brief..... State's Brief..... Oral Argument..... Decision.....</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 for 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><u>TRIAL</u> Indictment.....09/14/92 Sentence.....02/17/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision07/13/94 Supreme Court Decision.....04/04/96 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> ("Murnahan" Appeal) Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal</p> <p>Prisoner's Brief.....</p> <p>State's Brief</p> <p>Oral Argument.....</p> <p>Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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.

Brooks, Reginald

Brooks
Cuyahoga County

Summary of Crime: On 03/06/82, Brooks murdered his three sons, 17-year-old Reginald Jr., 15-year-old Vaughn, and 11-year-old Niarchos in their Cleveland home. Two days earlier, Brooks had been served with divorce papers. While his wife was at work, Brooks shot each child in the head while they laid in bed. Brooks was arrested in Utah with the murder weapon in his possession.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....03/10/82 Sentence.....06/11/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/15/85 Supreme Court Decision.....07/23/86 U.S. Supreme Court Review02/23/87</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/06/87 Trial Court Decision11/20/97 Court of Appeals Decision06/17/99 Supreme Court Decision.....03/01/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision11/09/00 Supreme Court Decision.....08/15/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Nugent) Prisoner's Petition.....04/17/02 State's Return of Writ.....06/17/02 Prisoner's Traverse07/25/02 Evidentiary Hearing Decision:09/28/05</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/26/05 Prisoner's Brief.....07/18/07 State's Brief07/25/07 Oral Argument.....12/04/07 Decision01/22/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition11/06/08 Brief in Opposition01/08/09 Decision or Certiorari Denial02/23/09</p>

STATUS

- **Status in State Courts as of 11/15/11:** No capital proceeding pending.
- **Status in Federal Courts as of 11/15/11:** No capital proceeding pending.

NOTES

On 11/15/11, Reginald Brooks was executed by lethal injection

Days From Death Sentence to 11/15/11: 10018

Executed

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><u>TRIAL</u></p> <p>Indictment.....01/10/85 Sentence.....10/16/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision08/03/87 Supreme Court Decision.....01/11/89 U.S. Supreme Court Review05/15/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....02/09/90 Trial Court Decision10/31/96 Court of Appeals Decision05/07/98 Supreme Court Decision.....09/23/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Boyko)</p> <p>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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal10/17/03 Prisoner's Brief.....05/03/05 State's Brief05/04/05 Oral Argument.....11/30/05 Decision03/17/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition12/22/06 Brief in Opposition01/26/07 Decision or Certiorari Denial02/26/07</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the trial court's denial of Broom's successive postconviction petition.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on successive petition for writ of habeas corpus. Also pending in the district court is Broom's suit challenging Ohio's method of execution. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

Broom's execution was scheduled for 09/15/09 by the Ohio Supreme Court. Execution team members were unable to find a suitable vein for the injection of the lethal drugs. At the request of prison officials, Gov. Strickland granted Broom a reprieve. On 09/18/09, Broom filed suit in federal court challenging the State's procedures for executions which is currently pending. On 09/05/10, Broom filed in the trial court a petition for postconviction relief alleging 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, and filed a second petition for a writ of habeas corpus in federal court, both alleging another attempt to execute him would violate his rights. On 11/18/10, the district court stayed the case pending exhaustion of state court remedies. On 12/02/10, the Ohio Supreme Court dismissed Broom's habeas corpus petition. On 04/06/11, the trial court denied Broom's postconviction relief petition, and on 02/16/12, the state court of appeals affirmed. On 05/14/12, Broom appealed to the Ohio Supreme Court. In 2012, Broom also litigated his desire for new federal habeas attorneys in both the district court and the 6th Circuit with both courts denying his request.

Summary of Crime: In July 1984, Debra Brown and her accomplice, Alton Coleman, murdered 15-year-old Tonnie Storey in Cincinnati. Brown and Coleman abducted Tonnie from the street, murdered her and dumped her body in an abandoned building. Coleman also received a death sentence for the aggravated murder of Tonnie and two other people.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....10/10/84 Sentence.....06/11/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/10/86 Supreme Court Decision.....08/31/88 U.S. Supreme Court Review02/24/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....12/15/89 Trial Court Decision07/16/90 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>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><u>TRIAL</u> Indictment.....03/04/94 Sentence.....02/28/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision01/30/01 Supreme Court Decision.....10/08/03 U.S. Supreme Court Review03/01/04</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....04/13/98 Trial Court Decision09/12/01 Court of Appeals Decision06/30/03 Supreme Court Decision.....01/21/04 U.S. Supreme Court Review06/21/04</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision08/15/01 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Adams) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/02/06 Prisoner's Brief.....02/04/08 State's Brief02/01/08 Oral Argument.....04/29/08 Decision06/26/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition12/15/08 Brief in Opposition02/12/09 Decision or Certiorari Denial03/23/09</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 on 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><u>TRIAL</u></p> <p>Indictment.....01/20/04 Sentence.....03/08/05</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....10/03/07 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</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><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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><u>TRIAL</u> Indictment.....07/05/00 Sentence.....12/06/00</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....03/17/04 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....12/28/01 Trial Court Decision05/11/09 Court of Appeals Decision05/24/10 Supreme Court Decision.....12/15/10 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....10/27/04</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Carr) Prisoner's Petition.....08/15/11 State's Return of Writ.....04/20/12 Prisoner's Traverse08/03/12 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in district court on Bryan's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/17/04, the Ohio Supreme Court affirmed Bryan's conviction and sentence on direct appeal. On 11/18/05, the trial court denied Bryan's postconviction petition. On 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 12th and 13th grounds for relief. On 02/24/09, the trial court overruled Bryan's 12th and 13th grounds for relief. On 05/11/09, the trial court dismissed Bryan's petition for postconviction relief. 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. On 08/15/11, Bryan filed a petition for a writ of habeas corpus. On 04/20/12, the Warden filed his return of writ. On 08/03/12, Bryan filed his traverse. On 08/17/12, the Warden filed a sur-reply. On 09/14/12, Bryan filed a motion for discovery which the Warden opposed on 09/27/12.

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><u>TRIAL</u></p> <p>Indictment.....11/12/92 Sentence.....12/22/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision09/19/97 Supreme Court Decision.....05/19/99 U.S. Supreme Court Review12/06/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision10/31/97 Court of Appeals Decision06/16/00 Supreme Court Decision.....10/18/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....11/12/97</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Matia)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal10/08/04 Prisoner's Brief.....05/05/06 State's Brief05/04/06 Oral Argument.....12/05/06 Decision09/25/07</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition12/21/07 Brief in Opposition02/22/08 Decision or Certiorari Denial03/24/08</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.

Buell, Robert

Buell
Wayne County

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
<u>TRIAL</u> Indictment.....03/01/84 Sentence.....04/11/84	<u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Matia) Prisoner's Petition..... 04/01/96 State's Return of Writ..... 06/21/96 Prisoner's Traverse..... 01/13/97 Evidentiary Hearing 09/17/97 Decision: 07/22/99
<u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/11/85 Supreme Court Decision.....02/19/86 U.S. Supreme Court Review	<u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/19/99 Prisoner's Brief.....08/28/00 State's Brief.....08/24/00 Oral Argument.....01/30/01 Decision12/04/01
<u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/19/87 Trial Court Decision12/30/88 Court of Appeals Decision08/22/91 Supreme Court Decision.....01/29/92 U.S. Supreme Court Review.....05/16/94	<u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition
<u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision09/21/92 Supreme Court Decision.....11/17/93	Brief in Opposition

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).

Days From Death Sentence to 09/25/02: 6741

Executed

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><u>TRIAL</u> Indictment.....12/04/89 Sentence.....11/09/90</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/28/93 Supreme Court Decision.....08/30/95 U.S. Supreme Court Review03/25/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/19/96 Trial Court Decision02/17/98 Court of Appeals Decision02/17/00 Supreme Court Decision.....07/19/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision11/15/01 Supreme Court Decision.....10/16/02</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Marbley) Prisoner's Petition..... 01/19/01 State's Return of Writ..... 07/09/01 Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 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 postconviction 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><u>TRIAL</u> Indictment.....05/26/83 Sentence.....08/19/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/05/86 Supreme Court Decision.....08/12/87 U.S. Supreme Court Review01/19/88</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/17/88 Trial Court Decision09/19/89 Court of Appeals Decision02/26/92 Supreme Court Decision.....08/12/92 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision10/01/92 Supreme Court Decision.....10/27/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Graham) Prisoner's Petition.....03/07/94 State's Return of Writ.....07/20/94 Prisoner's Traverse05/30/95 Evidentiary Hearing Decision:12/26/95</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal02/16/96 Prisoner's Brief.....09/25/96 State's Brief11/26/96 Oral Argument.....03/11/98 Decision04/06/00</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition10/06/00 Brief in Opposition11/22/00 Decision or Certiorari Denial01/08/01</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><u>TRIAL</u></p> <p>Indictment.....04/11/97 Sentence.....04/09/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....04/10/02 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....02/02/99 Trial Court Decision01/21/03 Court of Appeals Decision11/25/03 Supreme Court Decision.....06/09/04 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rice)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/17/09 Prisoner's Brief.....08/20/10 State's Brief10/15/10 Oral Argument.....10/06/11 Decision03/20/12</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition07/18/12 Brief in Opposition09/20/12 Decision or Certiorari Denial10/29/12</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 04/09/98, Campbell was sentenced to death. On 12/20/00, the Ohio Supreme Court vacated Campbell's death sentence. The Ohio Supreme Court remanded the case to the trial court for re-sentencing. On 04/25/01, the trial court re-sentenced Campbell to death. On 04/10/02, the Ohio Supreme Court affirmed Campbell's death sentence. On 03/18/09, the district court 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 the certificate of appealability which the 6th Circuit denied on 02/09/10. On 03/20/12, the 6th Circuit affirmed the district court's denial of the writ of habeas corpus. On 10/29/12, the U.S. Supreme Court denied Campbell's petition for a writ of certiorari. On 11/02/12, the State filed a motion to set an execution date with the Ohio Supreme Court.

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><u>TRIAL</u> Indictment.....01/09/89 Sentence.....05/18/89</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision09/04/91 Supreme Court Decision.....04/20/94 U.S. Supreme Court Review10/03/94</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....05/15/95 Trial Court Decision09/11/95 Court of Appeals Decision11/20/96 Supreme Court Decision.....05/14/97 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Beckwith) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal06/11/99 Prisoner's Brief.....06/09/00 State's Brief05/26/00 Oral Argument.....12/05/00 Decision08/01/01</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition12/11/01 Brief in Opposition03/04/02 Decision or Certiorari Denial04/01/02</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><u>TRIAL</u> Indictment.....04/14/92 Sentence.....07/30/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision11/03/93 Supreme Court Decision.....07/26/95 U.S. Supreme Court Review12/04/95</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....07/05/96 Trial Court Decision08/26/96 Court of Appeals Decision11/14/97 Supreme Court Decision.....03/11/98 U.S. Supreme Court Review10/05/98</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision04/09/01 Supreme Court Decision.....11/14/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal09/08/06 Prisoner's Brief.....11/17/08 State's Brief01/20/09 Oral Argument.....12/01/10 Decision09/06/12</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending, on remand from the 6th Circuit, in the district court on two grounds of Carter's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/26/95, the Ohio Supreme Court affirmed Carter's conviction and death sentence on direct appeal. On 08/10/06, the federal district court denied Carter's petition for a writ of habeas corpus. On 09/06/12, the 6th Circuit reversed the district court's finding that two grounds were procedurally defaulted, affirmed the district court's decision as to all other grounds, and remanded the case back to the district court for a merits analysis of the two reversed grounds. (Note: on 01/14/13, the magistrate judge issued a report and recommendation recommending denial, on the merits, of the remanded issues.)

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><u>TRIAL</u> Indictment.....02/01/89 Sentence.....08/01/89</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/13/91 Supreme Court Decision.....07/22/92 U.S. Supreme Court Review02/22/93</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....07/26/94 Trial Court Decision09/21/94 Court of Appeals Decision10/04/95 Supreme Court Decision.....03/06/96 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision04/22/94 Supreme Court Decision.....11/09/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Beckwith) Prisoner's Petition..... 07/29/96 State's Return of Writ..... 09/23/96 Prisoner's Traverse 04/25/97 Evidentiary Hearing 11/09/98 Decision: 11/17/98</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal02/18/99 Prisoner's Brief.....10/04/04 State's Brief09/29/04 Oral Argument.....04/28/05 Decision04/06/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition10/23/06 Brief in Opposition11/30/07 Decision or Certiorari Denial01/08/07</p>

STATUS

- **Status in State Courts as of 04/12/11:** No capital proceeding pending.
- **Status in Federal Courts as of 04/12/11:** No capital proceeding pending.

NOTES

On 04/12/11, Clarence Carter was executed by lethal injection.

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><u>TRIAL</u> Indictment.....09/27/83 Sentence.....02/06/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision07/23/86 Supreme Court Decision.....03/11/88 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal</p> <p>Prisoner's Brief.....</p> <p>State's Brief</p> <p>Oral Argument.....</p> <p>Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....09/25/97 Sentence.....04/01/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....09/13/00 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....04/13/99 Trial Court Decision08/30/99 Court of Appeals Decision12/18/00 Supreme Court Decision.....05/02/01 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....03/19/03</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Pearson) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in district court on Carter's petition for a writ of habeas corpus. Pending a decision on Warden's petition for writ of certiorari in U.S. Supreme Court. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 09/13/00, the Ohio Supreme Court affirmed Carter's conviction and death sentence on direct appeal. On 05/01/02, Carter filed a petition for a writ of habeas corpus in federal district court. On 05/01/06, the district court held a competency hearing. On 09/29/08, the district court dismissed the case without prejudice and tolled the statute of limitations because it ruled Carter was incompetent to proceed. On 05/26/11, the 6th Circuit held that the district court erred in dismissing the case and tolling the statute of limitations, but ruled the claims of ineffective assistance of counsel should be stayed until Carter was competent to assist counsel. On 08/17/11, the Warden filed a petition for a writ of certiorari with the U.S. Supreme Court. On 10/09/12, the U.S. Supreme Court heard oral argument. (Note: on 01/08/13, the U.S. Supreme Court reversed the decision that the case could be indefinitely stayed and remanded the case for further proceedings.)

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><u>TRIAL</u> Indictment.....03/04/98 Sentence.....05/26/99</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....08/07/02 U.S. Supreme Court Review03/03/03</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....05/06/09 Trial Court Decision06/18/12 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....10/31/04</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Adams) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the 5th District Court of Appeals on Cassano's appeal of the trial court's denial of his postconviction petition.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Cassano's petition for writ of habeas corpus, which is stayed pending the completion of state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/07/02, the Ohio Supreme Court affirmed Cassano's conviction and death sentence on direct appeal. On 12/09/99, Cassano filed a motion to waive his rights to file for postconviction relief, which was granted by the trial court on 02/15/00. On 01/17/01, 02/26/04, and 02/28/07, Cassano filed motions to reinstate the postconviction process. On 03/26/07, the trial court denied Cassano's requests to file a petition for postconviction relief, which was overruled by the 5th District Court of Appeals on 03/06/08. On 05/06/09, Cassano filed his petition for postconviction relief, which was dismissed by the trial court on 06/18/12. On 07/16/12, Cassano appealed the trial court's dismissal. Cassano filed his merit brief with the court of appeals on 11/26/12. (Note: On 01/18/13, the State filed a response and on 01/29/13, Cassano filed a reply brief.) 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 stayed the case pending the completion of state court proceedings. In both 2007 and 2012 Cassano sought to withdraw his state and federal appeals; both times Cassano withdrew his requests.

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><u>TRIAL</u> Indictment.....03/03/89 Sentence.....09/01/89</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/15/97 Supreme Court Decision.....06/02/99 U.S. Supreme Court Review01/18/00</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision09/07/00 Court of Appeals Decision07/13/01 Supreme Court Decision.....11/07/01 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus) Prisoner's Petition..... 11/04/02 State's Return of Writ..... 04/02/04 Prisoner's Traverse 07/01/04 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Chinn's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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 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 10/14/11, the magistrate judge recommended Chinn's petition be denied and granted a certificate of appealability on several claims. On 02/24/12, Chinn filed objections to the magistrate judge's report. On 03/08/12, Chinn filed a motion to amend his petition to add claims challenging the constitutionality of lethal injection, which was granted over the Warden's objections on 07/05/12. On 05/08/12, the district court recommitted the case to the magistrate judge for reconsideration in light of Chinn's objections to the 10/14/11 decision. On 08/02/12, the Warden filed a supplemental return of writ addressing the lethal injection claims, to which Chinn filed a traverse on 09/11/12, and the Warden filed a sur-reply on 10/24/12.

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>TRIAL</p> <p>Indictment.....02/02/84 Sentence.....11/28/84</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision12/24/86 Supreme Court Decision.....08/24/88 U.S. Supreme Court Review03/06/89</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....11/15/89 Trial Court Decision03/31/97 Court of Appeals Decision08/14/98 Supreme Court Decision.....01/20/99 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Polster)</p> <p>Prisoner's Petition..... 02/16/00 State's Return of Writ..... 04/14/00 Prisoner's Traverse 08/07/00 Evidentiary Hearing Decision: 09/25/01</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal11/06/01 Prisoner's Brief.....09/20/04 State's Brief11/15/04 Oral Argument.....06/08/05 Decision10/04/05</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition 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><u>TRIAL</u></p> <p>Indictment.....02/05/86 Sentence.....12/02/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/19/88 Supreme Court Decision.....07/31/91 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal</p> <p>Prisoner's Brief..... State's Brief</p> <p>Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>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 resentenced 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><u>TRIAL</u> Indictment.....12/21/95 Sentence.....11/01/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....07/29/98 U.S. Supreme Court Review01/11/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/16/97 Trial Court Decision04/28/98 Court of Appeals Decision04/30/99 Supreme Court Decision.....09/01/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....03/03/99</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Watson) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment..... Sentence..... 10/26/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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.

Coleman, Alton (1)

Coleman
Hamilton County

Summary of Crime: In July 1984, Coleman and his accomplice, Debra Brown, murdered 15-year-old Tonnie Storey in Cincinnati. Coleman and Brown abducted Tonnie from the street, murdered her and dumped her body in an abandoned building. As a result of a five-state crime spree in 1984 by Coleman and Brown, Coleman also received a second death sentence in Ohio for the murder of 44-year-old Marlene Walters as well as death sentences in Illinois for the murder of 9-year-old Vernita Wheat and in Indiana for the murder of 7-year-old Tamika Turks. Brown also received a death sentence for the aggravated murder of Tonnie, but in 1991 her sentenced was commuted to life in prison.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....07/23/84 Sentence.....05/06/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/10/86 Supreme Court Decision.....07/06/88 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....07/26/89 Trial Court Decision10/05/90 Court of Appeals Decision03/17/93 Supreme Court Decision.....09/22/93 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision02/22/94 Supreme Court Decision.....08/03/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Beckwith) Prisoner's Petition..... 01/06/95 State's Return of Writ..... 04/18/95 Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision: 02/13/98</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal05/12/98 Prisoner's Brief.....04/24/00 State's Brief04/17/00 Oral Argument.....11/02/00 Decision10/10/01</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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.

Days From Death Sentence to 04/26/02: 6199

Executed

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
TRIAL Indictment.....10/10/84 Sentence.....06/27/85	REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Beckwith) Prisoner's Petition..... 01/06/95 State's Return of Writ..... 04/18/95 Prisoner's Traverse..... Evidentiary Hearing..... Decision: 02/13/98
FIRST REVIEW OF TRIAL (Direct Appeal) Court of Appeals Decision10/07/87 Supreme Court Decision.....09/20/89 U.S. Supreme Court Review.....	REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals) Notice of Appeal05/12/98 Prisoner's Brief.....05/26/00 State's Brief.....05/02/00 Oral Argument.....12/05/00 Decision03/26/01
SECOND REVIEW OF TRIAL (Post-Conviction Action) Filed in Trial Court.....09/04/90 Trial Court Decision01/03/91 Court of Appeals Decision03/17/93 Supreme Court Decision.....09/22/93 U.S. Supreme Court Review.....	REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court) Certiorari Petition08/23/01 Brief in Opposition09/13/01 Decision or Certiorari Denial10/15/01
REVIEW OF FIRST TRIAL REVIEW ("Murnahan" Appeal) Court of Appeals Decision02/22/94 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>TRIAL</p> <p>Indictment.....03/18/96 Sentence.....03/03/97</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision05/08/97 Supreme Court Decision.....03/31/99 U.S. Supreme Court Review10/18/99</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....11/03/97 Trial Court Decision06/01/01 Court of Appeals Decision10/07/02 Supreme Court Decision.....03/12/03 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Sargus)</p> <p>Prisoner's Petition..... 08/22/03 State's Return of Writ..... 02/23/10 Prisoner's Traverse 08/24/10 Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Coleman's 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 12/20/06, the district court granted Coleman's motion to expand DNA testing. On 02/23/10, the Warden filed a return of writ, to which Coleman filed a traverse on 08/24/10. On 07/01/11, Coleman's motion for evidentiary hearing was denied. On 11/30/12, the magistrate judge issued a decision recommending denial of the writ and granted a certificate of appealability as to two grounds. (Note: the court has granted an extension until 02/15/13 for the filing of any objections.)

Summary of Crime: On 01/03/97, Coley and an accomplice, Joseph Green, murdered 21-year-old Samar El-Okdi in an alley behind West Grove Place in Toledo. Coley and Green abducted Ms. El-Okdi, shot her in the head at close range, and stole her car. Coley was also convicted for the attempted murder, robbery, and kidnapping of David Moore for a separate car-jacking incident that occurred days before the murder of Ms. El-Okdi. Green also received a death sentence for the aggravated murder of Ms. El-Okdi.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....03/10/97 Sentence.....06/08/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....10/03/01 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Wells)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/16/10 Prisoner's Brief.....10/25/11 State's Brief.....02/10/12 Oral Argument.....10/03/12 Decision02/08/13</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's denial of Coley's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/03/01, the Ohio Supreme Court affirmed Coley's conviction and death sentence on direct appeal. On 01/02/03, Coley filed a petition for a writ of habeas corpus in federal district court, and on 01/18/05, Coley filed an amended petition. On 02/09/09, Coley filed a *pro se* motion requesting leave of court to pursue claims for relief in state court, which was denied on 03/06/09. On 04/05/10, the district court denied Coley's petition for writ of habeas corpus. On 06/02/11, the 6th Circuit Court denied Coley's application for an expanded certificate of appealability. On 10/25/11, Coley filed his brief with the 6th Circuit Court. The Warden filed her brief on 02/10/12. On 10/03/12, the 6th Circuit heard oral arguments. (Note: on 02/08/13, the 6th Circuit affirmed the district court's denial of Coley's petition for a writ of habeas corpus.)

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><u>TRIAL</u> Indictment.....07/31/87 Sentence.....03/01/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision09/20/90 Supreme Court Decision.....12/18/91 U.S. Supreme Court Review06/08/92</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....04/26/93 Trial Court Decision05/20/93 Court of Appeals Decision08/24/94 Supreme Court Decision.....02/01/95 U.S. Supreme Court Review02/21/95</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision02/22/94 Supreme Court Decision.....07/06/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Beckwith) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal11/24/97 Prisoner's Brief.....08/26/98 State's Brief08/20/98 Oral Argument.....11/02/99 Decision02/23/00</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition08/25/00 Brief in Opposition10/30/00 Decision or Certiorari Denial12/04/00</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 Mr. Williams survived. Conway also shot Mr. Gervais four times, once in the back, causing his death. After police arrested Conway several weeks later for an unrelated shooting, he confided in a fellow cellmate that he was unremorseful for shooting Mr. Gervais.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....03/05/02 Sentence.....02/27/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....03/08/06 U.S. Supreme Court Review10/02/06</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....04/12/04 Trial Court Decision12/28/04 Court of Appeals Decision12/01/05 Supreme Court Decision.....05/10/06 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....08/23/06</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Marbley)</p> <p>Prisoner's Petition..... 10/02/07 State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Conway's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/08/06, the Ohio Supreme Court affirmed Conway's conviction and death sentence on direct appeal. On 10/02/07, Conway filed his petition for a writ of habeas corpus in district court. On 04/30/09, Conway filed a motion for discovery, which was partially granted on 03/17/10. On 05/26/11, Conway filed a second motion for discovery which was partially granted on 12/29/11. On 03/08/12, Conway filed a motion for leave to file an amended petition to add claims challenging the constitutionality of lethal injection, which was granted over the Warden's objection on 07/16/12. On 08/15/12, Conway filed the amended petition. On 09/21/12, the Warden filed a supplemental return of writ and a motion to dismiss the newly added claims. On 10/16/12, Conway filed a response to the motion to dismiss, and on 10/22/12, Conway filed a supplemental traverse. On 10/24/12, the Warden filed a reply to the motion to dismiss the lethal injection claims.

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><u>TRIAL</u></p> <p>Indictment.....06/07/02 Sentence.....10/08/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....06/21/06 U.S. Supreme Court Review11/27/06</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....08/23/04 Trial Court Decision05/02/05 Court of Appeals Decision11/28/06 Supreme Court Decision.....06/20/07 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....11/29/06</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Black)</p> <p>Prisoner's Petition..... 06/01/08 State's Return of Writ..... 10/03/08 Prisoner's Traverse 01/14/09 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in 10th District Court of Appeals on Conway's successive petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Conway's petition for a writ of habeas corpus, which is stayed pending state court action. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/21/06, the Ohio Supreme Court affirmed Conway's conviction and death sentence on direct appeal. On 06/01/08, Conway filed a petition for a writ of habeas corpus in district court. On 02/06/09, Conway filed a motion for discovery, which was granted on 04/08/09. On 05/25/10, the case was reassigned from Judge Rice to Judge Black. On 01/26/11 and 03/08/11, the district court denied Conway's motions for an evidentiary hearing. On 09/06/11, the district court stayed the case to allow Conway to file a successive petition for postconviction relief in the trial court. On 11/01/11, Conway filed a successive petition for postconviction relief, which was denied by the trial court on 04/10/12. Conway appealed the denial to the 10th District Court of Appeals. On 07/05/12, Conway filed his brief to which the State responded on 07/25/12, and Conway replied on 08/20/12. (Note: on 01/16/13, both Conway and the State waived oral argument on the matter in the 10th District Court of Appeals.)

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><u>TRIAL</u></p> <p>Indictment.....09/08/86 Sentence.....12/09/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/23/87 Supreme Court Decision.....10/11/89 U.S. Supreme Court Review04/01/91</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....02/06/92 Trial Court Decision07/21/92 Court of Appeals Decision05/25/94 Supreme Court Decision.....10/19/94 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision01/10/95 Supreme Court Decision.....08/30/95</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Polster)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal01/15/98 Prisoner's Brief.....10/02/01 State's Brief10/03/01 Oral Argument.....01/30/02 Decision04/16/02</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition09/24/02 Brief in Opposition10/11/02 Decision or Certiorari Denial03/31/03</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><u>TRIAL</u></p> <p>Indictment.....02/21/90 Sentence.....09/05/90</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision04/08/92 Supreme Court Decision.....12/18/92 U.S. Supreme Court Review01/10/94</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/11/94 Trial Court Decision01/10/95 Court of Appeals Decision12/29/95 Supreme Court Decision.....05/29/96 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision07/10/95 Supreme Court Decision.....02/14/96</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Watson)</p> <p>Prisoner's Petition..... 04/23/97 State's Return of Writ..... 12/15/97 Prisoner's Traverse 10/22/99 Evidentiary Hearing 05/05/08 Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Cook's successive petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Cook's petition for a writ of habeas corpus, which is stayed pending state court action.

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 10/01/04, the case was transferred to Judge Watson. On 05/05/08, the district court held an evidentiary hearing. On 10/31/11, the district court ordered the parties to file briefs no later than 12/07/11, which both sides did. On 12/22/11, the district court stayed the case to allow Cook to exhaust his claims in state court. On 02/06/12, Cook filed with the trial court a successive petition for postconviction relief. (Note: The State's response is due 03/01/13.)

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><u>TRIAL</u> Indictment.....07/26/96 Sentence.....05/23/97</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....09/22/99 U.S. Supreme Court Review02/22/00</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....05/21/99 Trial Court Decision10/06/00 Court of Appeals Decision09/24/02 Supreme Court Decision.....01/15/03 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal09/28/06 Prisoner's Brief.....02/21/08 State's Brief02/20/08 Oral Argument.....06/03/08 Decision03/11/09</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition10/19/09 Brief in Opposition12/14/09 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><u>TRIAL</u> Indictment.....11/20/96 Sentence.....04/16/97</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....10/20/99 U.S. Supreme Court Review05/01/00</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....04/03/98 Trial Court Decision09/21/98 Court of Appeals Decision09/07/99 Supreme Court Decision.....01/19/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....08/04/04</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/23/08 Prisoner's Brief.....04/13/10 State's Brief08/16/10 Oral Argument.....03/09/11 Decision04/21/11</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 09/06/11:** No capital proceeding pending.
- **Status in Federal Courts as of 09/06/11:** No capital proceeding pending.

NOTES

On 09/06/11, Jessie Cowans died of natural causes.

Craig, Donald Lavell (1)

Craig
Summit County

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
<u>TRIAL</u> Indictment.....06/23/03 Sentence.....08/06/04	<u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:
<u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....09/20/06 U.S. Supreme Court Review02/26/07	<u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision
<u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....07/11/05 Trial Court Decision02/05/07 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....	<u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial
<u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....02/28/07	

STATUS

- **Status in State Courts as of 12/14/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/14/12:** No capital proceeding pending.

NOTES

On 12/14/12, Donald Craig died of natural causes.

Deceased While Incarcerated

Craig, Donald Lavell (2)

Craig
Summit County

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

STATUS

- **Status in State Courts as of 12/14/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/14/12:** No capital proceeding pending.

NOTES

On 12/14/12, Donald Craig died of natural causes.

Deceased While Incarcerated

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

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....01/10/02 Sentence.....06/25/02</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....12/29/04 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....08/01/03 Trial Court Decision02/11/04 Court of Appeals Decision11/08/04 Supreme Court Decision.....03/16/05 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....08/29/07</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gaughan)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal12/31/10 Prisoner's Brief.....06/06/12 State's Brief10/12/12 Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's denial of Cunningham's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/29/04, the Ohio Supreme Court affirmed 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 06/09/08, the district court denied Cunningham's motion for an evidentiary hearing, but partially granted Cunningham's motion for discovery. On 11/09/09, Cunningham filed an amended petition. On 03/02/10, the district court permitted Cunningham to file another amended petition, which he did on 03/08/10. On 12/07/10, the district court denied Cunningham's petition for writ of habeas corpus. On 07/27/11, the 6th Circuit granted Cunningham's certificate of appealability, and on 08/18/11, the 6th Circuit expanded the certificate of appealability to include an additional claim. On 06/06/12, Cunningham filed his brief, to which the Warden responded on 10/12/12. Cunningham filed his reply brief on 12/10/12.

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><u>TRIAL</u></p> <p>Indictment.....10/06/88 Sentence.....02/23/89</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision11/24/93 Supreme Court Decision.....08/16/95 U.S. Supreme Court Review04/29/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/23/96 Trial Court Decision09/26/96 Court of Appeals Decision03/16/00 Supreme Court Decision.....07/19/00 U.S. Supreme Court Review01/22/01</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision11/02/01 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge O'Malley)</p> <p>Prisoner's Petition..... 03/30/01 State's Return of Writ..... 05/31/01 Prisoner's Traverse 08/27/01 Evidentiary Hearing 07/19/04 Decision: 04/14/06</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/18/06 Prisoner's Brief.....05/01/07 State's Brief05/01/07 Oral Argument.....07/19/07 Decision06/05/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition11/28/11 Brief in Opposition12/22/11 Decision or Certiorari Denial01/23/12</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 08/16/95, the Ohio Supreme Court affirmed D'Ambrosio's conviction and death sentence. On 03/24/06, the district court granted D'Ambrosio's petition for 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 11/30/10, the 6th Circuit heard oral argument. On 08/29/11, the 6th Circuit Court affirmed the decision of the district court. On 11/28/11, the Warden filed a petition for a writ of certiorari with the U.S. Supreme Court. On 01/23/12, the U.S. Supreme Court denied the Warden's petition for a writ of certiorari.

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><u>TRIAL</u> Indictment.....07/01/91 Sentence.....03/25/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/27/95 Supreme Court Decision.....11/26/97 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision09/03/97 Court of Appeals Decision09/28/98 Supreme Court Decision.....02/03/99 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision09/27/01 Supreme Court Decision.....08/07/02</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Carr) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/03/03 Prisoner's Brief.....02/08/07 State's Brief02/02/07 Oral Argument.....07/18/07 Decision11/12/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition08/24/09 Brief in Opposition09/25/09 Decision or Certiorari Denial11/02/09</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 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><u>TRIAL</u> Indictment..... Sentence.....06/03/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/18/90 Supreme Court Decision.....12/31/91 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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: 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><u>TRIAL</u> Indictment.....09/17/04 Sentence.....07/15/05</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....01/03/08 U.S. Supreme Court Review10/06/08</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/23/06 Trial Court Decision11/14/07 Court of Appeals Decision12/23/08 Supreme Court Decision.....06/17/09 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....09/10/08</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus) Prisoner's Petition..... 06/15/10 State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** 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 12/31/12:** Pending in the district court on Davis' petition for a writ of habeas corpus, which is stayed pending state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/15/05, Davis was sentenced to death. On 01/03/08, the Ohio Supreme Court affirmed Davis' conviction and sentence on direct appeal. Meanwhile, on 11/14/07, the trial court denied Davis' petition for postconviction relief, which was affirmed by the court of appeals on 12/23/08. 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, which was denied on 01/30/09. On 09/24/09, the 5th District Court of Appeals affirmed the trial court's decision based upon jurisdictional grounds. On 10/04/11, the Ohio Supreme Court reversed the decision of the court of appeals and remanded the case for consideration on the merits. On 01/04/12, the court of appeals affirmed, on the merits, the trial court's denial of a new trial. On 03/21/12, Davis filed an appeal with the Ohio Supreme Court, to which the State responded on 04/19/12. Meanwhile, on 06/15/10, Davis filed a petition for writ of habeas corpus. On 09/08/10, the district court stayed the case pending the resolution of the state court proceedings. On 03/08/12, Davis filed a motion to amend his petition to add claims challenging the constitutionality of lethal injection, which was granted over the Warden's objections, on 07/05/12.

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><u>TRIAL</u> Indictment.....01/06/84 Sentence.....09/21/09</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/22/11 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Graham) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Davis' direct appeal following the death sentence imposed on 09/21/09; Pending in the trial court on Davis' petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** 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, but on 01/29/07, the 6th Circuit reversed and vacated Davis' death sentence because the trial court failed to consider relevant mitigating evidence. Between 09/08/09 and 09/10/09, a three judge panel conducted the new penalty phase trial, and on 09/21/09, again sentenced Davis to death. On 02/22/11, the 12th District Court of Appeals affirmed Davis' death sentence. On 04/04/11, Davis filed his notice of appeal to the Ohio Supreme Court. On 06/22/11, Davis filed his brief, to which the State responded on 08/05/11, and Davis replied on 08/23/11. Meanwhile, on 10/21/11, Davis filed a petition for postconviction relief, which was denied on 11/26/12. On 12/18/12, Davis appealed to the 12th District Court of Appeals.

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><u>TRIAL</u></p> <p>Indictment.....12/05/91 Sentence.....06/01/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision06/08/95 Supreme Court Decision.....07/24/96 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/27/96 Trial Court Decision06/12/97 Court of Appeals Decision10/08/98 Supreme Court Decision.....03/17/99 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gwin)</p> <p>Prisoner's Petition..... 01/04/00 State's Return of Writ..... 03/06/00 Prisoner's Traverse 05/26/00 Evidentiary Hearing</p> <p>Decision: 08/23/00</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal09/22/00 Prisoner's Brief.....05/06/02 State's Brief05/06/02 Oral Argument.....10/31/02 Decision02/04/03</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition07/24/03 Brief in Opposition08/28/03 Decision or Certiorari Denial06/28/04</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 04/13/05, Dean and 16-year-old Josh Wade murdered 30-year-old youth counselor, Titus Arnold, in Springfield. Mr. Arnold was walking home from his shift at a group home for troubled youth when murdered. Wade received life imprisonment for his involvement in the murder.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p>TRIAL</p> <p>Indictment.....05/02/05 Sentence.....09/30/11</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....01/02/13 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

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

NOTES

On 10/26/10, the Ohio Supreme Court vacated Dean's conviction and sentence and remanded the case for a new trial. On 08/29/11, Dean's new trial began. On 09/20/11, the jury recommended Dean be sentenced to death. On 09/30/11, the trial court followed the jury's recommendation and sentenced Dean to death. On 11/30/11, Dean filed his notice of appeal with the Ohio Supreme Court. (Note: Dean filed his merit brief with the Ohio Supreme Court on 01/22/13; On 01/02/13, Dean filed a petition for postconviction relief with the trial court.)

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><u>TRIAL</u> Indictment.....06/21/94 Sentence.....01/03/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision05/08/96 Supreme Court Decision.....09/24/97 U.S. Supreme Court Review02/23/98</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision02/11/97 Court of Appeals Decision11/19/97 Supreme Court Decision.....03/11/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision12/03/98 Supreme Court Decision.....08/11/99</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gwin) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal11/30/99 Prisoner's Brief.....07/18/03 State's Brief06/25/03 Oral Argument.....12/02/03 Decision12/29/03</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition03/26/04 Brief in Opposition04/23/04 Decision or Certiorari Denial05/24/04</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><u>TRIAL</u> Indictment.....11/19/84 Sentence.....03/03/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/01/86 Supreme Court Decision.....12/07/88 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal</p> <p>Prisoner's Brief.....</p> <p>State's Brief</p> <p>Oral Argument.....</p> <p>Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u></p> <p>Indictment.....04/05/85 Sentence.....06/25/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision06/29/87 Supreme Court Decision.....08/31/88 U.S. Supreme Court Review02/21/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/13/89 Trial Court Decision08/17/90 Court of Appeals Decision08/10/92 Supreme Court Decision.....12/18/92 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision05/09/94 Supreme Court Decision.....09/07/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rice)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/13/00 Prisoner's Brief.....12/11/01 State's Brief12/06/01 Oral Argument.....05/01/02 Decision11/20/02</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition05/22/03 Brief in Opposition06/25/03 Decision or Certiorari Denial10/06/03</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><u>TRIAL</u> Indictment.....04/30/04 Sentence.....11/03/05</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....12/10/08 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/20/06 Trial Court Decision.....06/03/10 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....06/03/09</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 postconviction petition in the trial court. On 04/30/07, the trial court stayed the findings of fact and conclusions of law pending the Ohio Supreme Court's resolution of Diar's direct appeal. On 06/03/10, the trial court dismissed Diar's postconviction petition. On 11/06/09, the trial court scheduled a jury trial for 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>TRIAL</p> <p>Indictment.....05/31/85 Sentence.....11/07/85</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision02/12/88 Supreme Court Decision.....09/06/89 U.S. Supreme Court Review04/16/90</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....11/21/90 Trial Court Decision07/25/91 Court of Appeals Decision01/14/00 Supreme Court Decision.....05/03/00 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Katz)</p> <p>Prisoner's Petition.....03/16/01 State's Return of Writ.....06/07/01 Prisoner's Traverse08/06/01 Evidentiary Hearing Decision:09/21/04</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal10/16/04 Prisoner's Brief.....11/18/05 State's Brief11/21/05 Oral Argument.....02/02/06 Decision07/07/06</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition 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><u>TRIAL</u></p> <p>Indictment.....11/16/93 Sentence.....11/22/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision11/17/00 Supreme Court Decision.....04/14/04 U.S. Supreme Court Review01/14/05</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/21/96 Trial Court Decision12/17/97 Court of Appeals Decision11/17/00 Supreme Court Decision.....11/19/03 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gwin)</p> <p>Prisoner's Petition..... 12/23/05 State's Return of Writ..... 02/21/06 Prisoner's Traverse 06/19/06 Evidentiary Hearing 10/26/07 Decision: 07/23/08</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal08/20/08 Prisoner's Brief.....06/15/09 State's Brief08/19/09 Oral Argument.....08/05/10 Decision12/09/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition06/20/11 Brief in Opposition07/21/11 Decision or Certiorari Denial11/07/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court on remand from the U.S. Supreme Court. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 04/14/04, the Ohio Supreme Court affirmed Dixon's conviction and death sentence on direct appeal. On 12/23/05, Dixon filed a petition for a writ of habeas corpus in federal district court, which was denied on 07/23/08. On 12/09/10, the 6th Circuit reversed the district court and granted Dixon habeas relief. On 06/20/11, the Warden filed a petition for a writ of certiorari with the U.S. Supreme Court. On 07/21/11, Dixon filed his response. On 11/07/11, the U.S. Supreme Court reversed the decision of the 6th Circuit Court and remanded the case back to the 6th Circuit. On 06/29/12, Dixon filed a supplemental brief to which the Warden responded on 08/24/12. On 10/15/12, Dixon filed a reply. (Note: On 01/17/13, the 6th Circuit heard oral arguments.)

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>TRIAL</p> <p>Indictment.....03/08/94 Sentence.....11/23/94</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision03/13/97 Supreme Court Decision.....03/06/13 U.S. Supreme Court Review</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal</p> <p>Prisoner's Brief..... State's Brief</p> <p>Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>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 3/13/97, 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 Napolean. 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><u>TRIAL</u></p> <p>Indictment.....08/25/92 Sentence.....12/10/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision09/12/96 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</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><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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 postconviction 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 AK47 assault rifle into the house, fatally wounding Jiyen in the head. Drummond later confessed to his cell mate that he was the shooter. Gilliam was also sentenced to 54 years in prison for his involvement in the aggravated murder.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....04/03/03 Sentence.....03/12/04</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....10/18/06 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....01/28/05 Trial Court Decision09/07/05 Court of Appeals Decision12/20/06 Supreme Court Decision.....05/16/07 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....04/18/07</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Lioi)</p> <p>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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal01/06/11 Prisoner's Brief.....09/26/11 State's Brief07/25/11 Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding Drummond's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/18/06, the Ohio Supreme Court affirmed Drummond's conviction and death sentence on direct appeal. On 10/12/07, Drummond filed 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 07/19/10 through 07/20/10, the district court held an evidentiary hearing. On 12/31/10, the district court granted Drummond habeas relief based upon the finding that he was denied his right to a public trial. On 01/06/11, the Warden filed a notice of appeal. On 01/11/11, Drummond filed his notice of cross-appeal. On 07/25/11, the Warden filed his brief. On 09/26/11, Drummond filed his brief. On 11/28/11, the Warden filed the third brief. On 12/29/11, Drummond filed the final brief. (Note: Oral argument is set for 04/23/13.)

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><u>TRIAL</u></p> <p>Indictment.....11/06/91 Sentence.....02/01/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision07/27/94 Supreme Court Decision.....08/23/95 U.S. Supreme Court Review01/22/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....08/02/96 Trial Court Decision01/13/97 Court of Appeals Decision06/26/98 Supreme Court Decision.....11/04/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision11/15/99 Supreme Court Decision.....07/12/00</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Watson)</p> <p>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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Dunlap's successive petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Dunlap's petition for writ of habeas corpus, which is stayed pending completion of state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/23/95, the Ohio Supreme Court affirmed Dunlap's conviction and death sentence on direct appeal. On 07/21/99, Dunlap filed a petition for a writ of habeas corpus in federal district court. On 03/02/04, the district court denied Dunlap's motion for an evidentiary hearing. Over the Warden's objection, on 02/14/12, the district court stayed the case to allow Dunlap to file a successive petition for postconviction relief. On 04/06/12, Dunlap filed his successive petition for postconviction relief with the trial court. (Note: the State's response is due 03/28/13.) (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><u>TRIAL</u> Indictment.....09/23/88 Sentence.....12/19/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/07/89 Supreme Court Decision.....03/20/91 U.S. Supreme Court Review10/15/91</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....07/08/92 Trial Court Decision07/06/93 Court of Appeals Decision08/25/94 Supreme Court Decision.....02/01/95 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision07/06/94 Supreme Court Decision.....12/30/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Nugent) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal03/17/00 Prisoner's Brief.....04/04/05 State's Brief04/08/05 Oral Argument.....04/26/06 Decision05/18/07</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition12/06/07 Brief in Opposition02/13/08 Decision or Certiorari Denial03/17/08</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: In May 1996, Edwards murdered Dannie Boy Edwards, age 25. Dannie Boy was Edwards' foster son. Edwards convinced Dannie Boy to go AWOL from the Army and took him to the woods near Edwards' Troy Township home. Edwards fired two gunshots to Dannie Boy's face. Edwards' motive was to collect the life insurance money. At the time Edwards' entered a guilty plea in this case, he was serving multiple life sentences in both Ohio and Wisconsin for other murders.

PROCEDURAL HISTORIES

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

STATUS

- **Status in State Courts as of 04/07/11:** No capital proceeding pending.
- **Status in Federal Courts as of 04/07/11:** No capital proceeding pending.

NOTES

On 04/07/11, Edward Edwards died of natural causes.

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><u>TRIAL</u> Indictment.....09/22/86 Sentence.....07/14/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/20/95 Supreme Court Decision.....12/18/96 U.S. Supreme Court Review06/27/97</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision04/01/99 Court of Appeals Decision11/06/01 Supreme Court Decision.....03/20/02 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Boyko) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal11/13/06 Prisoner's Brief.....11/05/08 State's Brief11/07/08 Oral Argument.....12/04/08 Decision05/14/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition09/14/10 Brief in Opposition11/09/10 Decision or Certiorari Denial12/13/10</p>

STATUS

- **Status in State Courts as of 07/10/12:** No capital proceeding pending.
- **Status in Federal Courts as of 07/10/12:** No capital proceeding pending.

NOTES

On 07/10/12, Governor Kasich commuted Eley's death sentence to life imprisonment without the possibility of parole.

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

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....06/13/02 Sentence.....11/19/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....12/13/06 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/26/04 Trial Court Decision11/09/04 Court of Appeals Decision11/03/05 Supreme Court Decision.....11/29/06 U.S. Supreme Court Review.....06/18/07</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....01/27/10</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Beckwith) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Elmore's motion for new trial.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Elmore's petition for writ of habeas corpus, which is stayed pending state completion of state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/13/06, the Ohio Supreme Court affirmed Elmore's conviction and death sentence on direct appeal. On 05/01/08, Elmore filed a petition for writ of habeas corpus. On 03/15/10, Elmore filed an amended petition. On 12/10/10, the district court partially granted Elmore's motion for discovery. On 09/19/11, Elmore filed a motion to amend his petition for a writ of habeas corpus and a motion to stay proceedings, which were granted on 09/25/12 and 09/26/12, respectively. Meanwhile, on 07/25/12, Elmore filed a motion for new trial with the trial court, to which the State responded on 08/15/12. On 09/21/12, the trial court ordered an evidentiary hearing. (Note: the evidentiary hearing is scheduled for 02/19/13.)

Summary of Crime: On 02/12/83, Esparza murdered 38-year-old store clerk Melanie Gerschultz at the Island Variety Carryout in Toledo. Esparza shot Ms. Gerschultz in the neck and proceeded to steal money from the cash register.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p>TRIAL</p> <p>Indictment.....10/13/83</p> <p>Sentence.....05/22/84</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision08/22/86</p> <p>Supreme Court Decision.....10/05/88</p> <p>U.S. Supreme Court Review04/03/89</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....11/29/89</p> <p>Trial Court Decision06/18/90</p> <p>Court of Appeals Decision05/29/92</p> <p>Supreme Court Decision.....11/18/92</p> <p>U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision05/19/95</p> <p>Supreme Court Decision.....03/01/96</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Boyko)</p> <p>Prisoner's Petition.....09/05/96</p> <p>State's Return of Writ.....10/25/96</p> <p>Prisoner's Traverse04/01/97</p> <p>Evidentiary Hearing08/17/99</p> <p>Decision:10/13/00</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal12/28/00</p> <p>Prisoner's Brief.....01/10/02</p> <p>State's Brief11/21/01</p> <p>Oral Argument.....08/08/02</p> <p>Decision11/05/02</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition03/04/03</p> <p>Brief in Opposition06/17/03</p> <p>Decision or Certiorari Denial11/03/03</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on remand from the 6th Circuit on Esparza's 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 district court granted Esparza's petition for a writ of habeas corpus and vacated his death sentence, which was affirmed by the 6th Circuit on 11/05/02. On 11/03/03, the U.S. Supreme Court reversed the decision of the 6th Circuit and remanded the case for further proceedings. Meanwhile, on 06/09/03, Esparza filed a successive postconviction petition pursuant to *Atkins v. Virginia* in the trial court. On 02/20/04, the district court stayed the case pending completion of state court proceedings. On 10/17/08, the trial court granted Esparza's motion to dismiss his *Atkins* postconviction petition. On 03/23/10, the district court lifted the stay. On 04/15/11, the case was transferred from Judge O'Malley to Judge Boyko. On 04/19/11, the Warden filed supplemental authority and the court ordered additional briefing which was completed on 08/29/11. On 07/12/12, the district court denied Esparza's petition for a writ of habeas corpus. On 08/09/12 and 08/23/12, Esparza filed motions to alter/amend the judgment, to which the Warden responded on 12/07/12. (Note: Esparza filed a reply brief on 01/14/13.)

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><u>TRIAL</u></p> <p>Indictment.....04/06/87 Sentence.....10/16/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision05/10/90 Supreme Court Decision.....03/11/92 U.S. Supreme Court Review10/05/92</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....03/23/94 Trial Court Decision03/05/97 Court of Appeals Decision10/29/98 Supreme Court Decision.....03/17/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gaughan)</p> <p>Prisoner's Petition..... 04/11/00 State's Return of Writ..... 06/12/00 Prisoner's Traverse 08/28/00 Evidentiary Hearing Decision: 07/23/02</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal11/21/02 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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 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 stay the case pending completion of state court proceedings. Meanwhile, on 06/04/03, Evans filed a successive postconviction 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
<p>TRIAL</p> <p>Indictment.....03/27/91 Sentence.....09/16/92</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision02/09/94 Supreme Court Decision.....07/05/95 U.S. Supreme Court Review11/27/95</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/08/96 Trial Court Decision10/27/97 Court of Appeals Decision12/31/98 Supreme Court Decision.....05/12/99 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision10/17/96 Supreme Court Decision.....04/30/97</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Graham)</p> <p>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</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal05/11/05 Prisoner's Brief.....12/26/06 State's Brief12/13/06 Oral Argument.....07/26/07 Decision01/25/08</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition08/11/08 Brief in Opposition09/12/08 Decision or Certiorari Denial10/14/08</p>

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><u>TRIAL</u> Indictment.....04/09/97 Sentence.....12/10/97</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....09/08/99 U.S. Supreme Court Review03/27/00</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/02/98 Trial Court Decision01/04/99 Court of Appeals Decision11/12/99 Supreme Court Decision.....03/15/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....01/19/00</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Beckwith) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal08/12/08 Prisoner's Brief.....12/30/10 State's Brief03/24/11 Oral Argument.....12/01/11 Decision02/16/12</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition06/25/12 Brief in Opposition08/29/12 Decision or Certiorari Denial10/09/12</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 Fears' motion to expand the certificate of appealability. On 12/01/11, the 6th Circuit Court held oral arguments. On 02/16/12, the 6th Circuit affirmed the district court's denial of the writ. On 06/25/12, Fears filed a petition for a writ of certiorari with the U.S. Supreme Court, to which the Warden responded on 08/29/12. On 10/09/12, the U.S. Supreme Court denied the petition for a writ of certiorari. On 10/17/12, the State filed in the Ohio Supreme Court a motion to set an execution date. (Note: On 02/15/11, the trial court issued a new sentencing entry after a hearing on Fears' non-capital charges.)

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><u>TRIAL</u> Indictment.....03/07/02 Sentence.....09/19/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....04/12/06 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition 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><u>TRIAL</u> Indictment.....02/23/94 Sentence.....08/01/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/29/97 Supreme Court Decision.....07/29/99 U.S. Supreme Court Review10/04/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/23/96 Trial Court Decision10/09/97 Court of Appeals Decision12/09/98 Supreme Court Decision.....04/07/99 U.S. Supreme Court Review01/10/00</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/16/04 Prisoner's Brief.....10/13/05 State's Brief10/11/05 Oral Argument.....01/31/06 Decision04/14/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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, fracturing her skull. On 6/9/01, Fitzpatrick lured their neighbor, 64-year-old Elton Rose, into the house and beat him to death by striking him multiple times in the head. When police responded to a silent 911 call, Fitzpatrick fired three shots at the officer and then fled the scene in the officer's cruiser. Fitzpatrick confessed the crimes to his cousin. Fitzpatrick later pled guilty to the charges. (Fitzpatrick received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....06/19/01 Sentence.....02/15/02</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....07/07/04 U.S. Supreme Court Review06/20/05</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/22/02 Trial Court Decision09/29/03 Court of Appeals Decision10/22/04 Supreme Court Decision.....04/13/05 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....02/16/05</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dlott) Prisoner's Petition.....06/09/06 State's Return of Writ.....09/01/06 Prisoner's Traverse11/06/06 Evidentiary Hearing10/29/07 Decision:11/05/09</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal12/04/09 Prisoner's Brief.....11/09/11 State's Brief03/12/12 Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.

- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's denial of Fitzpatrick's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/07/04, the Ohio Supreme Court affirmed Fitzpatrick's conviction and death sentence on direct appeal. On 11/05/09, the district court 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 11/09/11, Fitzpatrick filed his brief, to which the Warden responded on 03/12/12.

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><u>TRIAL</u> Indictment.....11/02/93 Sentence.....06/06/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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, Fort murdered his former wife, Christine Jackson. Fort forced in the door of Ms. Jackson's apartment and attacked her. Ms. Jackson suffered several gunshot wounds to the head at close range and numerous knife wounds. When questioned by police, Fort admitted he buried the gun and led police to the location.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....10/22/85 Sentence.....10/20/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/16/88 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....04/10/01 Sentence.....01/11/02</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....12/29/04 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....05/09/03 Trial Court Decision10/29/03 Court of Appeals Decision10/17/05 Supreme Court Decision.....03/29/06 U.S. Supreme Court Review.....10/02/06</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....08/10/05</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Zouhary) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal09/09/08 Prisoner's Brief.....03/02/10 State's Brief06/02/10 Oral Argument.....04/26/11 Decision08/25/11</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court for a new penalty phase trial.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 12/29/04, the Ohio Supreme Court affirmed Foust's conviction and death sentence on direct appeal. On 08/15/08, the district court denied Foust's petition for writ of habeas corpus and denied a certificate of appealability on all claims. On 09/21/09, the 6th Circuit partially granted a certificate of appealability. On 04/26/11, the 6th Circuit heard oral arguments. On 08/25/11, the 6th Circuit reversed the decision of the district court, granted a conditional writ of habeas corpus vacating the death sentence, and remanded the case back to the state court for a new penalty phase trial. On 01/19/12, the Cuyahoga County Prosecutor's Office moved to intervene for the purpose of filing a writ of certiorari in the U.S. Supreme Court; the request was denied on 02/27/12. On 02/29/12, the State filed a motion in the trial court for a new mitigation hearing pursuant to the 6th Circuit's mandate. On 06/25/12, the trial judge recused himself and the case was reassigned. During 2012, numerous pretrial matters have been addressed by the trial court in preparation for a new mitigation phase trial.

Pending Resentencing

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><u>TRIAL</u> Indictment.....10/04/89 Sentence.....06/27/90</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/07/92 Supreme Court Decision.....05/04/94 U.S. Supreme Court Review12/12/94</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/21/95 Trial Court Decision04/10/96 Court of Appeals Decision05/16/97 Supreme Court Decision.....09/17/97 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision02/24/98 Supreme Court Decision.....11/10/98</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gaughan) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal12/14/99 Prisoner's Brief.....05/07/01 State's Brief05/07/01 Oral Argument.....08/07/01 Decision11/14/01</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition05/30/02 Brief in Opposition07/12/02 Decision or Certiorari Denial10/07/02</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. (Franklin received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....05/13/97 Sentence.....08/25/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....10/16/02 U.S. Supreme Court Review06/02/03</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/09/99 Trial Court Decision08/23/01 Court of Appeals Decision05/17/02 Supreme Court Decision.....01/29/03 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....03/19/03</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Merz) Prisoner's Petition.....06/01/04 State's Return of Writ.....10/17/05 Prisoner's Traverse03/30/06 Evidentiary Hearing06/05/07 Decision:03/09/09</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/08/09 Prisoner's Brief.....01/25/11 State's Brief05/10/11 Oral Argument.....11/16/11 Decision09/19/12</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition12/18/12 Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court of Appeals on the district court's denial of Franklin's petition for writ of habeas corpus; Pending in the district court on Franklin's successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/16/02, the Ohio Supreme Court affirmed Franklin's conviction and death sentence on direct appeal. On 03/09/09, the district court denied Franklin's petition for writ of habeas corpus. On 12/18/09, the district court granted a certificate of appealability on nine issues. 09/19/12, the 6th Circuit affirmed the denial of the writ. On 12/18/12, Franklin filed a petition for a writ of certiorari with the U.S. Supreme Court. (Note: the Warden's response is due 03/08/13.) Meanwhile, on 09/18/12, Franklin filed a successive petition for a writ of habeas corpus challenging the constitutionality of lethal injection. On 12/05/12, the Warden filed a return of writ. (Note: On 01/14/13, Franklin filed a motion for discovery to which the Warden filed a response in opposition on 01/31/13.)

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><u>TRIAL</u> Indictment.....08/26/88 Sentence.....01/04/89</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/15/90 Supreme Court Decision.....11/20/91 U.S. Supreme Court Review06/01/92</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....02/18/93 Trial Court Decision08/31/93 Court of Appeals Decision01/25/95 Supreme Court Decision.....06/14/95 U.S. Supreme Court Review10/30/95</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision03/03/94 Supreme Court Decision.....07/06/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rice) Prisoner's Petition..... 11/14/95 State's Return of Writ..... 03/12/96 Prisoner's Traverse 08/16/96 Evidentiary Hearing 03/17/97 Decision: 03/31/03</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/30/03 Prisoner's Brief.....09/22/04 State's Brief09/27/04 Oral Argument.....03/17/05 Decision01/09/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition10/06/06 Brief in Opposition11/13/06 Decision or Certiorari Denial01/08/07</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 disabled, 49-year-old Mary Stevenson at her North Toledo apartment. Frazier, who lived in the same apartment building as Ms. Stevenson, strangled her, slashed her throat, then stole her purse and wallet.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....03/09/04 Sentence.....06/15/05</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....10/10/07 U.S. Supreme Court Review04/21/08</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....05/15/06 Trial Court Decision10/24/07 Court of Appeals Decision09/30/08 Supreme Court Decision.....03/25/09 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....08/25/10</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gaughan) Prisoner's Petition..... 09/11/09 State's Return of Writ..... 01/08/10 Prisoner's Traverse 04/26/10 Evidentiary Hearing Decision: 10/25/11</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal11/15/11 Prisoner's Brief.....11/14/12 State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court on the district court's denial of Frazier's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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. On 10/24/07, the trial court denied Frazier's postconviction petition, which was affirmed by the 6th District Court of Appeals on 09/30/08. On 03/25/09, the Ohio Supreme Court declined jurisdiction and dismissed Frazier's appeal. On 09/11/09, Frazier filed his petition for writ of habeas corpus in the district court. On 10/25/11, the district court denied Frazier's petition for a writ of habeas corpus. On 06/13/12, the 6th Circuit granted an expanded certificate of appealability. On 11/14/12, Frazier filed his merit brief. (Note: The Warden's brief is due on 04/15/13.)

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><u>TRIAL</u></p> <p>Indictment.....11/30/90 Sentence.....08/29/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision02/17/94 Supreme Court Decision.....08/23/95 U.S. Supreme Court Review01/22/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/31/96 Trial Court Decision11/13/96 Court of Appeals Decision12/11/97 Supreme Court Decision.....04/01/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Carr)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal02/02/01 Prisoner's Brief.....04/02/02 State's Brief03/20/02 Oral Argument.....10/15/02 Decision09/08/03</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition03/26/04 Brief in Opposition05/05/04 Decision or Certiorari Denial06/07/04</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><u>TRIAL</u></p> <p>Indictment.....04/06/87 Sentence.....09/22/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision01/11/90 Supreme Court Decision.....07/31/91 U.S. Supreme Court Review03/23/92</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision01/10/97 Court of Appeals Decision03/12/98 Supreme Court Decision.....06/17/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision08/27/01 Supreme Court Decision.....08/21/02</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Polster)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal02/17/04 Prisoner's Brief.....04/26/06 State's Brief04/18/06 Oral Argument.....10/31/06 Decision07/13/07</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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><u>TRIAL</u> Indictment.....08/30/05 Sentence.....07/11/06</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....03/23/10 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....05/11/07 Trial Court Decision08/29/11 Court of Appeals Decision06/13/12 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in trial court on Fry's petition for postconviction relief on remand from the 9th District Court of Appeals; Pending in the Ohio Supreme Court on the partial denial of postconviction relief from the court of appeals.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/23/10, the Ohio Supreme Court affirmed Fry's convictions and sentence. Meanwhile, on 05/11/07, Fry filed his postconviction petition in the trial court. On 09/19/07, the trial court stayed Fry's petition for postconviction relief pending completion of the direct appeal. On 04/06/11, Fry filed a motion to amend his postconviction relief petition. On 08/29/11, the trial court denied Fry's petition for postconviction relief. On 06/13/12, the 9th District Court of Appeals affirmed in part and reversed in part the decision of the trial court, and remanded the case for further proceedings. On 07/27/12, Fry appealed to the Ohio Supreme Court, to which the State waived briefing on 08/06/12.

Summary of Crime: On 09/18/00, Gapen murdered his former wife, 37-year-old Martha Madewell, her boyfriend, 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. (Gapen received the death penalty for Jessica.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....10/18/00 Sentence.....07/03/01</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....12/15/04 U.S. Supreme Court Review10/03/05</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/04/02 Trial Court Decision08/30/06 Court of Appeals Decision08/24/07 Supreme Court Decision.....03/12/08 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....06/03/09</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rice) Prisoner's Petition.....03/10/09 State's Return of Writ.....12/10/09 Prisoner's Traverse10/08/10 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Gapen's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/15/04, the Ohio Supreme Court affirmed Gapen's conviction and death sentence on direct appeal. On 03/10/09, Gapen filed a petition for writ of habeas corpus in federal district court. On 07/14/09, Gapen filed an amended habeas petition. On 12/23/10, the district court partially granted Gapen's motion for discovery. On 10/31/11, the district court permitted limited depositions of the trial jurors. On 01/18/12, the district court partially granted Gapen's motion to amend his petition to add additional claims, including claims challenging the constitutionality of lethal injection. On 08/10/12, the district court held an oral argument on the Warden's motion to dismiss, which the court ultimately denied on 08/27/12. On 12/07/12, the court permitted Gapen to file a third amended petition, which is due by 03/01/13.

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><u>TRIAL</u> Indictment.....02/03/92 Sentence.....11/05/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/31/94 Supreme Court Decision.....11/22/95 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/18/96 Trial Court Decision10/18/96 Court of Appeals Decision12/19/97 Supreme Court Decision.....04/01/98 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision02/05/01 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Graham) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal05/17/02 Prisoner's Brief.....04/04/06 State's Brief04/03/06 Oral Argument.....03/07/07 Decision09/11/07</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition06/01/09 Brief in Opposition07/02/09 Decision or Certiorari Denial10/05/09</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><u>TRIAL</u> Indictment.....05/24/91 Sentence.....06/23/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/22/99 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/26/96 Trial Court Decision10/23/98 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u></p> <p>Indictment.....07/17/95 Sentence.....09/12/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....12/23/98 U.S. Supreme Court Review06/24/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/02/97 Trial Court Decision07/21/98 Court of Appeals Decision10/25/99 Supreme Court Decision.....02/16/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....11/22/00</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Polster)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal02/06/03 Prisoner's Brief.....06/02/05 State's Brief06/02/05 Oral Argument.....12/06/05 Decision08/02/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition12/21/07 Brief in Opposition01/29/08 Decision or Certiorari Denial03/03/08</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. (Gillard received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p>TRIAL</p> <p>Indictment.....03/11/85 Sentence.....06/19/85</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision06/25/90 Supreme Court Decision.....06/11/97 U.S. Supreme Court Review05/04/98</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision02/14/97 Court of Appeals Decision06/22/98 Supreme Court Decision.....10/21/98 U.S. Supreme Court Review05/17/99</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision04/27/98 Supreme Court Decision.....04/28/99</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Economus)</p> <p>Prisoner's Petition..... 12/07/99 State's Return of Writ..... 08/01/01 Prisoner's Traverse 12/03/01 Evidentiary Hearing Decision: 08/27/03</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal09/25/03 Prisoner's Brief.....04/05/05 State's Brief04/06/05 Oral Argument.....07/28/05 Decision04/26/06</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition11/22/06 Brief in Opposition01/29/07 Decision or Certiorari Denial03/05/07</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 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 *en banc* 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. As of the printing of this report, additional DNA testing was being conducted by agreement of the parties.

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><u>TRIAL</u> Indictment.....10/17/84 Sentence.....11/21/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/19/87 Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment..... Sentence.....09/03/82</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/19/85 Supreme Court Decision.....12/30/86 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dowd) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal05/25/93 Prisoner's Brief.....06/06/94 State's Brief.....08/23/94 Oral Argument.....09/06/94 Decision12/21/95</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition09/20/96 Brief in Opposition, Decision or Certiorari Denial10/07/96</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 resentenced. 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><u>TRIAL</u> Indictment.....01/24/95 Sentence.....08/18/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/21/97 Supreme Court Decision.....06/17/98 U.S. Supreme Court Review06/24/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision04/26/00 Court of Appeals Decision03/05/01 Supreme Court Decision.....09/05/01 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....03/19/03</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Graham) Prisoner's Petition..... 05/01/02 State's Return of Writ..... 02/06/03 Prisoner's Traverse 08/15/03 Evidentiary Hearing Decision: 12/01/06</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal12/27/06 Prisoner's Brief.....10/08/08 State's Brief10/06/08 Oral Argument.....04/28/09 Decision04/06/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition11/15/10 Brief in Opposition12/23/10 Decision or Certiorari Denial01/24/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending resentencing.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 06/17/98, the Ohio Supreme Court affirmed Goff's conviction and death sentence on direct appeal. On 12/01/06, the federal district court denied Goff's petition for a writ of habeas corpus. On 04/06/10, the 6th Circuit reversed the district court and conditionally granted Goff's petition for writ of habeas corpus for the state court to re-open Goff's direct appeal. On 02/24/11 and 03/30/11, the parties filed motions in the 12th District Court of Appeals to re-open the direct appeal which were granted on 04/06/11. On 03/19/12, the 12th District again affirmed Goff's conviction but remanded the case back to the trial court for re-sentencing based upon the trial court failing to inform Goff of his right to allocution. During 2012, Goff filed a motion to empanel a jury for the re-sentencing, to which the State opposed and asked the trial court to proceed from the point of error - the allocution. On 08/17/12, the trial court heard arguments on the motion.

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><u>TRIAL</u> Indictment.....09/28/94 Sentence.....12/29/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/17/97 Supreme Court Decision.....01/20/99 U.S. Supreme Court Review10/04/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision11/15/96 Court of Appeals Decision05/27/99 Supreme Court Decision.....09/29/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision10/08/99 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Manos) Prisoner's Petition.....06/12/00 State's Return of Writ.....08/15/00 Prisoner's Traverse11/07/00 Evidentiary Hearing05/10/01 Decision:03/22/06</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/19/06 Prisoner's Brief.....10/08/08 State's Brief10/08/08 Oral Argument.....12/02/09 Decision01/21/11</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 08/15/11:** No capital proceeding pending.
- **Status in Federal Courts as of 08/15/11:** No capital proceeding pending.

NOTES

On 01/20/99, the Ohio Supreme Court affirmed Goodwin's conviction and death sentence on direct appeal. On 03/22/06, the district court granted Goodwin's petition for a writ of habeas corpus, vacated his death sentence based on ineffective assistance of counsel, and remanded 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 12/02/09, the 6th Circuit heard oral arguments. On 01/21/11, the 6th Circuit affirmed the decision of the district court. On 08/15/11, Goodwin was resentenced to life with parole eligibility after 30 years, consecutive to 3 years mandatory on the gun specification plus 9 to 25 years on the non-capital counts.

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><u>TRIAL</u> Indictment..... Sentence..... 11/01/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision 11/09/90 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 proceeded to stab Mr. Willis numerous times in the neck and chest. Her friend also joined in the stabbing, resulting in approximately 100 wounds. Before leaving, they stole Mr. Willis' money and some liquor.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....02/03/88 Sentence.....07/11/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision07/11/90 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....03/10/97 Sentence.....03/11/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....12/20/00 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....03/23/99 Trial Court Decision02/03/00 Court of Appeals Decision09/14/01 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....10/10/95 Sentence.....04/11/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....02/18/98 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gaughan) Prisoner's Petition..... 12/02/99 State's Return of Writ..... 02/03/00 Prisoner's Traverse 03/20/00 Evidentiary Hearing Decision: 02/16/01</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal03/13/01 Prisoner's Brief.....02/04/02 State's Brief02/04/02 Oral Argument.....10/15/02 Decision04/03/03</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition 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><u>TRIAL</u> Indictment.....02/06/85 Sentence.....07/11/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision03/04/87 Supreme Court Decision.....11/09/88 U.S. Supreme Court Review04/17/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/15/89 Trial Court Decision06/22/90 Court of Appeals Decision10/28/92 Supreme Court Decision.....03/24/93 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision02/05/93 Supreme Court Decision.....10/27/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Manos) Prisoner's Petition.....12/02/96 State's Return of Writ.....01/29/97 Prisoner's Traverse04/23/97 Evidentiary Hearing Decision:08/07/98</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal11/04/98 Prisoner's Brief.....03/03/00 State's Brief03/08/00 Oral Argument.....10/23/00 Decision09/04/01</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition12/03/01 Brief in Opposition02/11/02 Decision or Certiorari Denial03/18/02</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 stay the case pending completion of state court proceedings. Meanwhile, on 09/06/02, Greer filed a successive postconviction 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.

Ineligible for Death Penalty (*Atkins*)

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><u>TRIAL</u> Indictment.....07/20/94 Sentence.....09/04/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision05/24/99 Supreme Court Decision.....10/30/02 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....07/07/97 Trial Court Decision09/26/02 Court of Appeals Decision11/18/03 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision10/19/00 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....01/31/97 Sentence.....05/06/99</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....12/30/02 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....03/20/00 Trial Court Decision12/31/09 Court of Appeals Decision12/08/11 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the denial of Group's postconviction petition.
- **Status in Federal Courts as of 12/31/12:** 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 postconviction petition in the trial court. 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 06/19/09, Group filed an amended petition for postconviction relief. On 09/01/09, Group filed a motion to conduct discovery. On 12/31/09, the trial court granted the State's motion for summary judgment and dismissed the petition. On 12/18/11, the 7th District Court of Appeals affirmed the decision of the trial court. On 01/23/12, Group filed a notice of appeal in the Ohio Supreme Court, and an amended brief on 02/08/12, to which the State responded on 02/13/12.

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><u>TRIAL</u> Indictment.....08/05/92 Sentence.....11/25/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/16/94 Supreme Court Decision.....08/30/95 U.S. Supreme Court Review03/18/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/17/96 Trial Court Decision10/15/96 Court of Appeals Decision12/05/97 Supreme Court Decision.....04/01/98 U.S. Supreme Court Review10/05/98</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rice) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....06/14/91 Sentence.....08/21/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision11/15/94 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 plead guilty to aggravated murder, among other counts. On 08/22/95, Haight was sentenced 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><u>TRIAL</u></p> <p>Indictment.....07/28/04 Sentence.....07/18/05</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....07/15/08 U.S. Supreme Court Review04/06/09</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....03/06/07 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Hale's petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 postconviction relief and discovery in the trial court. On 07/07/11, the State responded to Hale's petition for postconviction relief, and Hale filed his reply on 09/23/11.

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><u>TRIAL</u></p> <p>Indictment.....11/17/83 Sentence.....10/29/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision09/18/86 Supreme Court Decision.....06/15/88 U.S. Supreme Court Review11/28/88</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....08/15/89 Trial Court Decision11/01/93 Court of Appeals Decision12/15/94 Supreme Court Decision.....05/31/95 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision07/06/94 Supreme Court Decision.....12/23/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Economus)</p> <p>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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal05/25/00 Prisoner's Brief.....08/22/01 State's Brief08/15/01 Oral Argument.....03/20/02 Decision12/29/03</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition05/21/04 Brief in Opposition07/14/04 Decision or Certiorari Denial10/12/04</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 bed sheet. In an interview with an Ohio state trooper, Hancock stated that he was not remorseful. At the time of the murder, Hancock was serving a life sentence for an unrelated 1989 murder.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....12/20/00 Sentence.....10/24/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....02/01/06 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/21/04 Trial Court Decision03/04/05 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision06/04/04 Supreme Court Decision.....03/01/06</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>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 postconviction petition. On 03/28/05, Hancock filed his postconviction 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. He then tried to make it appear that Mr. Welch killed Jill, and Hand, in return, killed Mr. Welch in an act of self-defense. DNA testing matched bloodstains found on Hand's clothes to Mr. Welch's DNA profile. At Hand's trial, the State presented evidence that Hand was involved in the 1976 and 1979 murders of two of his former wives.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....08/09/02 Sentence.....06/16/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....01/18/06 U.S. Supreme Court Review10/10/06</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....12/27/04 Trial Court Decision05/27/05 Court of Appeals Decision04/21/06 Supreme Court Decision.....08/23/06 U.S. Supreme Court Review02/20/07</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....08/02/06</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Beckwith) Prisoner's Petition.....08/22/07 State's Return of Writ.....03/03/08 Prisoner's Traverse Evidentiary Hearing02/11/10 Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Hand's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 01/18/06, the Ohio Supreme Court affirmed Hand's conviction and death sentence on direct appeal. On 08/22/07, Hand filed a petition for a writ of habeas corpus in federal district court. 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 02/11/10, the district court held an evidentiary hearing. On 04/25/11, the magistrate judge recommended Hand's petition for a writ of habeas corpus be denied. On 05/31/11 and 07/11/11, Hand filed motions to dismiss his habeas attorneys. On 06/13/11 and 08/12/11, Hand filed objections to the magistrate's report and recommendations.

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><u>TRIAL</u> Indictment.....01/26/98 Sentence.....11/30/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....05/22/02 U.S. Supreme Court Review11/18/02</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....12/22/99 Trial Court Decision03/22/01 Court of Appeals Decision12/31/01 Supreme Court Decision.....07/03/02 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose) Prisoner's Petition.....11/18/03 State's Return of Writ.....01/20/04 Prisoner's Traverse07/08/04 Evidentiary Hearing03/20/07 Decision:02/26/09</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal03/20/09 Prisoner's Brief.....01/04/11 State's Brief05/13/11 Oral Argument.....01/19/12 Decision09/11/12</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 05/22/02, the Ohio Supreme Court affirmed Hanna's conviction and death sentence on direct appeal. On 02/26/09, the district court denied Hanna's petition for a writ of habeas corpus. On 09/11/12, the 6th Circuit affirmed the decision of the district court to deny Hanna's petition for a writ of habeas corpus. (Note: The U.S. Supreme Court granted Hanna an extension to 04/18/13 to file a petition for a writ of certiorari.)

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><u>TRIAL</u></p> <p>Indictment.....09/16/97 Sentence.....05/27/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....10/03/01 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....05/14/99 Trial Court Decision10/23/00 Court of Appeals Decision10/24/01 Supreme Court Decision.....01/16/02 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....03/20/02</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gwin)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal09/29/04 Prisoner's Brief.....06/08/06 State's Brief06/12/06 Oral Argument.....01/31/07 Decision07/10/07</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition04/21/08 Brief in Opposition05/22/08 Decision or Certiorari Denial06/23/08</p>

STATUS

- **Status in State Courts as of 11/13/12:** No capital proceeding pending.
- **Status in Federal Courts as of 11/13/12:** No capital proceeding pending.

NOTES

On 11/13/12, Brett Hartman was executed by lethal injection.

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><u>TRIAL</u> Indictment.....09/06/89 Sentence.....01/26/90</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/18/91 Supreme Court Decision.....06/09/93 U.S. Supreme Court Review11/15/93</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....07/26/94 Trial Court Decision01/19/95 Court of Appeals Decision06/26/96 Supreme Court Decision.....12/20/96 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision07/21/95 Supreme Court Decision.....02/14/96</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dlott) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal08/15/05 Prisoner's Brief.....10/02/07 State's Brief08/21/07 Oral Argument.....04/30/08 Decision11/18/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition07/17/09 Brief in Opposition10/08/09 Decision or Certiorari Denial11/09/09</p>

STATUS

- **Status in State Courts as of 06/08/11:** No capital proceeding pending.
- **Status in Federal Courts as of 06/08/11:** No capital proceeding pending.

NOTES

On 06/08/11, Governor Kasich commuted Hawkins' death sentence to life imprisonment without the possibility of parole.

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><u>TRIAL</u> Indictment..... Sentence.....08/25/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision09/19/88 Supreme Court Decision.....04/25/90 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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: 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><u>TRIAL</u> Indictment..... Sentence.....03/17/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision09/13/89 Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing..... Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal..... Prisoner's Brief..... State's Brief..... Oral Argument..... Decision.....</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 re-tried 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
TRIAL Indictment.....04/18/85 Sentence.....08/05/85	REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Spiegel) Prisoner's Petition..... 02/14/94 State's Return of Writ..... 06/10/94 Prisoner's Traverse..... Evidentiary Hearing..... Decision: 07/10/03
FIRST REVIEW OF TRIAL (Direct Appeal) Court of Appeals Decision01/14/87 Supreme Court Decision.....09/28/88 U.S. Supreme Court Review03/06/89	REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals) Notice of Appeal07/17/03 Prisoner's Brief.....05/26/04 State's Brief.....05/26/04 Oral Argument.....12/01/05 Decision06/09/06
SECOND REVIEW OF TRIAL (Post-Conviction Action) Filed in Trial Court.....11/15/89 Trial Court Decision01/03/91 Court of Appeals Decision04/08/91 Supreme Court Decision.....07/24/91 U.S. Supreme Court Review.....	REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court) Certiorari Petition11/16/06 Brief in Opposition11/24/06 Decision or Certiorari Denial01/08/07
REVIEW OF FIRST TRIAL REVIEW ("Murnahan" Appeal) Court of Appeals Decision03/12/93 Supreme Court Decision.....10/27/93	

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 09/28/88, the Ohio Supreme Court affirmed Henderson's conviction and death sentence on direct appeal. On 07/10/03, the district court granted Henderson'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. Meanwhile, on 12/01/06, the 6th Circuit granted Henderson's motion to stay his execution in the lethal injection litigation, and 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 a new 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. (Note: The 6th Circuit granted a stay of execution based on Henderson's involvement in the lethal injection litigation. On 02/11/10, the state filed a motion to dismiss the lethal injection appeal in the 6th Circuit, as the original purpose had become moot. This motion still remains pending.)

Days From Death Sentence to 12/31/12: 10010

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><u>TRIAL</u> Indictment.....06/03/92 Sentence.....01/24/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/06/96 Supreme Court Decision.....06/18/97 U.S. Supreme Court Review11/10/97</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/19/96 Trial Court Decision03/05/97 Court of Appeals Decision09/23/99 Supreme Court Decision.....01/19/00 U.S. Supreme Court Review06/12/00</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Merz) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal11/29/07 Prisoner's Brief.....11/04/09 State's Brief04/30/10 Oral Argument.....12/08/10 Decision07/06/11</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition01/30/12 Brief in Opposition03/20/12 Decision or Certiorari Denial04/23/12</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/18/97, the Ohio Supreme Court affirmed Henness' conviction and death sentence on direct appeal. On 10/31/07, the district court denied Henness' petition for a writ of habeas corpus. On 07/06/11, the 6th Circuit affirmed the district court's denial of Henness' petition for a writ of habeas corpus. On 09/02/11, the 6th Circuit denied Henness' request for *en banc* rehearing. On 01/30/12, Henness filed for a writ of certiorari with the U.S. Supreme Court, which was denied on 04/23/12. On 11/28/12, the Ohio Supreme Court set Henness' execution date for 01/07/15.

Herring, Willie

Herring
Maboning County

Summary of Crime: On 04/30/96, Herring murdered 69-year-old Herman Naze, Jimmie Lee Jones, and 44-year-old Dennis Kotheimer at the Newport Inn bar in Youngstown. Herring and accomplices Adelbert Callahan, Antwan Jones, Eugene Foose, Louis Allen and Kitwan Dalton robbed the Newport Inn, shooting the bartender and four customers. Mr. Naze, Mr. Jones and Mr. Kotheimer were all customers at the bar who died as a result of the shootings. (Herring received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
TRIAL Indictment.....06/07/96 Sentence.....02/23/98	REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:
FIRST REVIEW OF TRIAL (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....02/27/02 U.S. Supreme Court Review10/07/02	REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision
SECOND REVIEW OF TRIAL (Post-Conviction Action) Filed in Trial Court.....09/17/99 Trial Court Decision.....09/26/08 Court of Appeals Decision02/11/11 Supreme Court Decision..... U.S. Supreme Court Review.....	REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial
REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....	

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the State's appeal regarding Herring's postconviction relief petition.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 02/27/02, the Ohio Supreme Court affirmed Herring's conviction and death sentence on direct appeal. On 01/06/03, the trial court denied Herring's postconviction petition. On 10/01/04, the 7th District Court of Appeals reversed the trial court's denial of Herring's postconviction petition and remanded to the trial court for an evidentiary hearing. On 02/02/05, the Ohio Supreme Court denied Herring's postconviction appeal. On 09/26/08, the trial court denied Herring's postconviction petition. On 02/11/11, the 7th District Court of Appeals vacated Herring's death sentence and remanded the case back to the trial court for a new penalty phase trial. On 03/18/11, the State filed a notice of appeal with the Ohio Supreme Court. On 04/18/11, Herring filed his response.

Days From Death Sentence to 12/31/12: 5425

Inmate Number: A355-886

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><u>TRIAL</u> Indictment.....11/30/95 Sentence.....11/07/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....09/27/00 U.S. Supreme Court Review04/23/01</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/07/98 Trial Court Decision08/02/01 Court of Appeals Decision06/27/02 Supreme Court Decision.....10/30/02 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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.

Hicks, John R.

Hicks
Hamilton County

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>TRIAL</p> <p>Indictment.....08/29/85 Sentence.....02/21/86</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision04/06/88 Supreme Court Decision.....05/17/89 U.S. Supreme Court Review03/19/90</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....11/16/90 Trial Court Decision04/03/91 Court of Appeals Decision01/29/93 Supreme Court Decision.....07/21/93 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision12/01/92 Supreme Court Decision.....10/27/93</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Weber)</p> <p>Prisoner's Petition.....03/10/94 State's Return of Writ.....08/25/94 Prisoner's Traverse..... Evidentiary Hearing03/03/97 Decision:04/17/01</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal07/12/01 Prisoner's Brief.....06/19/03 State's Brief06/19/03 Oral Argument.....03/09/04 Decision09/15/04</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition03/03/05 Brief in Opposition04/11/05 Decision or Certiorari Denial05/16/05</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.

Days From Death Sentence to 11/29/05: 7221

Executed

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><u>TRIAL</u></p> <p>Indictment.....09/17/85 Sentence.....02/28/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision11/27/89 Supreme Court Decision.....08/12/92 U.S. Supreme Court Review03/29/93</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....12/21/93 Trial Court Decision07/18/94 Court of Appeals Decision06/19/95 Supreme Court Decision.....11/15/95 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision02/22/00 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Adams)</p> <p>Prisoner's Petition..... 03/15/10 State's Return of Writ..... 04/30/10 Prisoner's Traverse 08/02/10 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending, on remand, in the district court on Hill's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/12/92, the Ohio Supreme Court affirmed Hill's conviction and death sentence on direct appeal. On 09/29/99, the 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, which the district court did on 08/20/02. The district court then stayed the case pending the completion of state court proceedings. On 10/01/09, the district court reopened the case. On 03/15/10, Hill filed an amended petition for a writ of habeas corpus. On 12/14/10, the district court partially granted Hill's motion for discovery, but denied Hill's motion for an evidentiary hearing. On 07/10/12, the court denied Hill's renewed motion for discovery. Meanwhile, on 02/15/06, the trial court denied Hill's *Atkins* successive postconviction petition, which was affirmed by the 11th District Court of Appeals on 07/14/08. On 08/26/09, the Ohio Supreme Court dismissed Hill's appeal.

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><u>TRIAL</u> Indictment.....03/25/88 Sentence.....11/30/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/25/91 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 his death sentence and remanded the case to the trial court to sentence Hill to life imprisonment with parole eligibility. On 09/16/94, the trial court resentenced Hill to a life sentence without possibility of parole for 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 snuck into Ms. Dudley's apartment and kidnapped Domika. Domika's body was found two days later wrapped in trash bags in a vacant lot behind Hill's house. Domika had been stricken several times in the head.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....06/07/91 Sentence.....12/11/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/21/94 Supreme Court Decision.....03/05/96 U.S. Supreme Court Review10/07/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision10/31/96 Court of Appeals Decision11/21/97 Supreme Court Decision.....03/11/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision06/08/00 Supreme Court Decision.....01/17/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Hill's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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 01/29/10, the district court denied Hill's motion to stay the case to pursue his *Atkins* claim in state court. On 07/05/12, over the Warden's objections, the court permitted Hill to file an amended petition to include claims challenging the constitutionality of lethal injection, to which the Warden responded on 09/26/12. Meanwhile, on 10/21/09, Hill filed a successive postconviction petition pursuant to *Atkins v. Virginia* in the trial court. On 07/19/10, the trial court denied Hill's *Atkins* petition, which was affirmed by the 1st District Court of Appeals on 08/10/11. On 09/05/12, the Ohio Supreme Court dismissed Hill's appeal.

Summary of Crime: On 3/23/91, Hill murdered his 61-year-old mother, Emma Hill, in her Cincinnati apartment. After getting into an argument with his mother over the frequency of his visits, he stabbed her 10 times in the chest and back. He then stole \$20 and left in her car. After spending the money on crack cocaine, he returned to his mother's apartment and stole another \$80 from her. Hill confessed to the police three days later.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....04/30/91 Sentence.....06/19/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/22/93 Supreme Court Decision.....08/30/95 U.S. Supreme Court Review01/16/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/21/96 Trial Court Decision07/08/97 Court of Appeals Decision06/19/98 Supreme Court Decision.....10/21/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision09/10/96 Supreme Court Decision.....04/16/97</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Graham) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal08/20/03 Prisoner's Brief.....06/10/04 State's Brief06/14/04 Oral Argument.....11/04/04 Decision03/08/05</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition09/15/05 Brief in Opposition10/24/05 Decision or Certiorari Denial11/28/05</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><u>TRIAL</u></p> <p>Indictment.....11/16/93 Sentence.....06/01/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision03/23/01 Supreme Court Decision.....07/14/04 U.S. Supreme Court Review01/10/05</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....04/28/97 Trial Court Decision04/17/01 Court of Appeals Decision09/30/02 Supreme Court Decision.....09/01/04 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision08/24/06 Supreme Court Decision.....02/14/07</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gwin)</p> <p>Prisoner's Petition..... 01/06/06 State's Return of Writ..... 03/28/06 Prisoner's Traverse 05/30/06 Evidentiary Hearing Decision: 07/23/08</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal08/18/08 Prisoner's Brief.....05/15/09 State's Brief07/15/09 Oral Argument.....11/18/09 Decision09/23/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition02/24/11 Brief in Opposition03/08/11 Decision or Certiorari Denial04/18/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/14/04, the Ohio Supreme Court affirmed Hoffner's conviction and death sentence on direct appeal. On 07/23/08, the district court denied Hoffner's petition for writ of habeas corpus. 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 02/24/11, Hoffner filed a petition for a writ of certiorari with the U.S. Supreme Court which was denied on 04/18/11.

Summary of Crime: On 8/06/84, Holloway murdered 84-year-old Clara Wilson in her apartment in Cincinnati. Ms. Wilson had met Holloway earlier that evening while visiting a friend. After Ms. Wilson had returned to her apartment, Holloway went to Ms. Wilson's apartment to ask her for money. When Ms. Wilson refused to give Holloway money, he beat and strangled her and then stole her radio. Holloway later confessed to the police.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....08/30/84 Sentence.....11/05/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision07/23/86 Supreme Court Decision.....08/24/88 U.S. Supreme Court Review07/03/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....03/13/90 Trial Court Decision10/09/90 Court of Appeals Decision01/29/92 Supreme Court Decision.....06/24/92 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision10/01/92 Supreme Court Decision.....10/27/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Marbley)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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 3/28/84, Hooks murdered 39-year-old Donald Danes, his wife, 39-year-old Karen Danes, and their 16-year-old son, Rodney Danes, in their home in Montgomery County. Hooks went to the Danes' residence with his accomplice, Terry Coffman. Coffman owed Mr. Danes money for some tools he had purchased from him. When they arrived at the Danes' residence, Hooks struck each member of the Danes' family with a metal bar. Coffman and Hooks then stole firearms and other property from the Danes' residence. Hooks later gave the police a taped confession.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....04/25/84 Sentence.....02/11/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/22/86 Supreme Court Decision.....10/05/88 U.S. Supreme Court Review04/03/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/20/89 Trial Court Decision11/24/97 Court of Appeals Decision10/30/98 Supreme Court Decision.....03/17/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision08/23/00 Supreme Court Decision.....06/20/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Graham) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 11/1/87, Hudson and three co-defendants lured Kevin Burks from his home by telling him that his best friend had been shot and needed his help. Using Hudson's automobile, the four defendants drove Mr. Burks to a remote area of the countryside where he was beaten, stabbed, shot, and killed. Mr. Burks had been shot four times and his throat had been slashed.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....01/05/88 Sentence.....11/30/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision05/28/93 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 resentenced 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><u>TRIAL</u> Indictment.....06/07/86 Sentence.....03/24/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision07/06/88 Supreme Court Decision.....05/09/90 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition 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. (Hughbanks received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....09/17/97 Sentence.....07/06/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/03/99 Supreme Court Decision.....08/20/03 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/24/00 Trial Court Decision05/08/01 Court of Appeals Decision01/17/03 Supreme Court Decision.....11/19/03 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision09/07/00 Supreme Court Decision.....01/14/04</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Merz)</p> <p>Prisoner's Petition..... 02/12/07 State's Return of Writ..... 04/13/07 Prisoner's Traverse 06/26/09 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending at the 1st District Court of Appeals on Hughbank's successive postconviction petition.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Hughbank's petition for a writ of habeas corpus, which is stayed pending state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/20/03, the Ohio Supreme Court affirmed Hughbanks' conviction and death sentence on direct appeal. On 02/12/07, Hughbanks filed his petition for a writ of habeas corpus in federal district court. On 01/29/10, the district court stayed the case pending completion of state court proceedings. On 05/03/12, over the Warden's objections, the district court allowed Hughbanks to file an amended petition to add claims challenging the constitutionality of lethal injection. Meanwhile, on 12/09/03, the trial court denied Hughbanks' *Atkins v. Virginia* successive postconviction petition. On 12/03/04, the 1st District Court of Appeals partially reversed the trial court's decision and remanded the case for an evidentiary hearing. On 05/16/07 and 10/01/07, the trial court denied Hughbanks' postconviction petition and motion to amend his *Atkins* petition, which were affirmed on 09/03/08 by the court of appeals. On 03/25/09, the Ohio Supreme Court declined jurisdiction. On 04/01/10, Hughbanks filed a successive postconviction petition which was denied on 04/13/12. On 05/14/12, Hughbanks appealed, and briefing was conducted throughout 2012. (Note: On 01/07/13, oral argument was waived.)

Summary of Crime: On 01/19/06, Hunter shook, raped with a sharp object, and beat 3-year-old Trustin Blue in Cincinnati. Trustin died the following day from his injuries. Hunter, who had a previous court order to have no contact with Trustin because of abuse, was the boyfriend of Trustin's mother and was babysitting him in their house while she was at work.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....02/01/06 Sentence.....09/20/07</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....12/20/11 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/25/08 Trial Court Decision07/16/09 Court of Appeals Decision06/27/12 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the denial of Hunter's postconviction petition.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 09/20/07, Hunter was sentenced to death. On 12/20/11, the Ohio Supreme Court affirmed Hunter's conviction and death sentence on direct appeal. Meanwhile, on 06/25/08, Hunter filed a postconviction petition in the trial court. On 07/16/09, the trial court dismissed Hunter's postconviction petition. On 06/27/12, the 1st District Court of Appeals affirmed the trial court's denial of postconviction relief. On 08/13/12, Hunter appealed to the Ohio Supreme Court, to which the State responded on 08/30/12.

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>TRIAL</p> <p>Indictment.....10/16/85 Sentence.....02/07/86</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision02/01/91 Supreme Court Decision.....11/05/03 U.S. Supreme Court Review04/26/04</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/17/96 Trial Court Decision06/10/97 Court of Appeals Decision07/15/04 Supreme Court Decision.....12/15/04 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision03/20/00 Supreme Court Decision.....11/05/03</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Boyko)</p> <p>Prisoner's Petition..... 06/20/11 State's Return of Writ..... 09/26/11 Prisoner's Traverse 10/18/11 Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Hutton's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 11/05/03, the Ohio Supreme Court affirmed Hutton's conviction and death sentence on direct appeal. On 12/15/05, Hutton filed a petition for a writ of habeas corpus in federal district court. On 09/16/08 and 08/04/09, the district court partially granted Hutton's motions for discovery. On 06/20/11, Hutton filed an amended petition for a writ of habeas corpus, to which the Warden filed an amended return of writ on 09/26/11. On 10/18/11, Hutton filed his amended traverse.

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><u>TRIAL</u> Indictment.....12/15/97 Sentence.....10/16/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....08/29/01 U.S. Supreme Court Review04/01/02</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/12/99 Trial Court Decision01/20/00 Court of Appeals Decision12/21/01 Supreme Court Decision.....04/17/02 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....09/24/03</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Beckwith) Prisoner's Petition.....04/17/03 State's Return of Writ.....04/05/04 Prisoner's Traverse09/29/04 Evidentiary Hearing03/06/06 Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Issa's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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. The district court held an evidentiary hearing in 2006. On 12/20/07, the magistrate judge issued a report and recommendation denying some of Issa's claims and noting his intention to address the remaining claims in a subsequent report, to which both the Warden and Issa objected on 01/31/08. On 11/05/08, the magistrate judge issued a second decision recommending denial of all the claims, to which Issa objected on 01/22/09. On 09/15/11, Issa filed his motion for a certificate of appealability, to which the Warden responded on 09/27/11. On 09/17/12, Issa filed a motion for leave to file an amended petition to add claims challenging the constitutionality of lethal injection. (Note: On 01/02/12, the district court permitted the amendment.)

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><u>TRIAL</u> Indictment.....10/23/87 Sentence.....04/21/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/05/89 Supreme Court Decision.....01/09/91 U.S. Supreme Court Review10/07/91</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/23/92 Trial Court Decision12/07/92 Court of Appeals Decision06/22/95 Supreme Court Decision.....11/22/95 U.S. Supreme Court Review05/20/96</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision07/14/94 Supreme Court Decision.....03/23/95</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Economus) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal08/24/01 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Jackson's *Atkins* petition.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit on the district court's denial of Jackson's habeas petition, which is stayed pending completion of state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

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 12/13/02, the 6th Circuit 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 stayed the case pending completion of state court proceedings. Meanwhile, on 05/09/03, Jackson filed a successive postconviction petition pursuant to *Atkins v. Virginia* in the trial court. On 08/19/03, the trial court ordered Jackson be evaluated by the Cuyahoga County Psychiatric Clinic, which was done on 10/20/03. On 03/19/07, the State filed a motion for summary judgment, which was denied on 01/07/09.

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

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....01/10/02 Sentence.....08/05/02</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....11/23/05 U.S. Supreme Court Review06/26/06</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....08/13/03 Trial Court Decision12/19/03 Court of Appeals Decision10/04/04 Supreme Court Decision.....12/28/05 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....08/02/06</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Nugent)</p> <p>Prisoner's Petition.....06/26/07 State's Return of Writ.....09/26/07 Prisoner's Traverse12/10/07 Evidentiary Hearing Decision:05/01/08</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal05/23/08 Prisoner's Brief.....07/19/10 State's Brief10/29/10 Oral Argument.....04/20/11 Decision07/24/12</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition11/06/12 Brief in Opposition01/18/13 Decision or Certiorari Denial02/19/13</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the U.S. Supreme Court on Jackson's petition for writ of certiorari. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 11/23/05, the Ohio Supreme Court affirmed Jackson's conviction and death sentence for 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 murder of Jala Grant. On 05/01/08, the district court denied Jackson's petition for writ of habeas corpus. On 07/24/12, the 6th Circuit affirmed the district court's denial of the writ of habeas corpus. On 11/06/12, Jackson filed a petition for a writ of certiorari with the U.S. Supreme Court. (Note: On 01/18/13, the Warden filed a response, and on 02/19/13, the U.S. Supreme Court denied certiorari.)

Summary of Crime: In the early morning of 06/18/09, Jackson murdered 38-year-old Tracy L. Pickryl by shooting her during an aggravated robbery of the Soap Opera Laundry store in Cleveland. Jackson waited until customers left the store before entering, brandishing a firearm and demanding money from Ms. Pickryl and her co-worker, 27-year-old Christy Diaz. When Ms. Pickryl hesitated to comply with Jackson's demands, he shot her in the head. He then aimed the gun at Ms. Diaz and demanded she retrieve the store's money. Despite her compliance, Jackson also attempted to shoot Ms. Diaz. The aggravated robbery was 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><u>TRIAL</u> Indictment.....12/23/09 Sentence.....04/20/10</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Jackson's direct appeal. Pending in trial court on Jackson's petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** 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. On 03/14/11, Jackson filed his merit brief. On 08/01/11, the State filed its merit brief. On 08/16/11, Jackson filed his reply brief. Meanwhile, on 02/18/11, Jackson filed in the trial court a petition for postconviction relief and various motions for discovery, funds for experts, and an evidentiary hearing. On 05/05/11, the trial court denied Jackson's requests for discovery and funds to hire experts. On 06/30/11, the State filed its response to Jackson's petition for postconviction relief. On 07/15/11, Jackson filed his reply.

Summary of Crime: On 03/25/97, Jackson murdered Antorio Hunter and Terrance Walker at a Lupo Court Apartment. Jackson and Mr. Walker were acquaintances. Jackson and his accomplices, "Little Bee," Michael Patterson, Derrick Boone and Malaika Williamson, went to the apartment to rob the men. After robbing them of \$40, some marijuana and a cellular phone, Jackson shot Mr. Hunter and Mr. Walker in the head because they knew his name. (Jackson received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....04/07/97 Sentence.....03/06/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....08/15/01 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....04/19/99 Trial Court Decision06/18/01 Court of Appeals Decision06/27/02 Supreme Court Decision.....10/30/02 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Frost) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/26/07 Prisoner's Brief.....02/06/09 State's Brief06/10/09 Oral Argument.....01/19/10 Decision06/01/12</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition10/19/12 Brief in Opposition12/20/12 Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.

- **Status in Federal Courts as of 12/31/12:** Pending in the U.S. Supreme Court on Jackson's petition for a writ of certiorari. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/15/01, the Ohio Supreme Court affirmed Jackson's conviction and death sentence on direct appeal. On 09/28/07, the district court denied Jackson's petition for a writ of habeas corpus. On 03/03/10, the 6th Circuit remanded the case to the district court to consider the jury instructions in light of *Beck v. Alabama* and to make findings of fact and conclusions of law on the issue. On 12/16/10, the district court advised the 6th Circuit that, absent harmless error, Jackson should be entitled to habeas relief. On 12/22/10, the Warden appealed to the 6th Circuit. On 06/01/12, the 6th Circuit affirmed the district court's denial of the writ and reversed the district court's 12/16/10 findings. On 10/19/12, Jackson filed a petition for a writ of certiorari with the U.S. Supreme Court to which the Warden responded on 12/20/12.

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><u>TRIAL</u> Indictment.....12/28/01 Sentence.....08/14/12</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....01/05/04 Trial Court Decision.....06/14/04 Court of Appeals Decision05/26/06 Supreme Court Decision.....11/01/06 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gwin) Prisoner's Petition..... 10/31/07 State's Return of Writ..... 01/14/08 Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Jackson’s appeal of the denial of his Civ. R. 60(B) motion, the denial of his second motion for new trial, and direct appeal from his resentencing.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court, but the case is stayed 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. On 10/31/07, Jackson filed a petition for a writ of habeas corpus in district court. On 04/18/08, the district court stayed the case pending completion of state court proceedings. Meanwhile, on 03/14/08, Jackson filed a Civ. R. 60(B) motion for relief from judgment of the trial court's denial of his postconviction petition which was ultimately denied by the trial court and upheld by the court of appeals on 03/29/10. On 05/13/10, Jackson appealed the denial of the R. 60(B) to the Ohio Supreme Court. On 08/14/08, Jackson appealed the trial court's denial of his first motion for new trial to the court of appeals which was dismissed on 12/31/09. On 02/16/10, Jackson appealed the dismissal of the new trial motion to the Ohio Supreme Court. Meanwhile, on 06/03/09, Jackson appealed the trial court's denial of his second motion for a new trial. On 10/18/10, the court of appeals remanded the case to the trial court for a new sentencing hearing. On 08/14/12, the trial court again sentenced Jackson to death. On 09/28/12, Jackson filed his notice of appeal based upon the resentencing to the Ohio Supreme Court. (Note: appeal dates reflect the 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 and Danny Smith in a drug trafficking trial. On the morning of the trial, Jalowiec and Smith shot Mr. Lally in the head, cut his throat, stomped on him and ran him over with a car. The defendants bragged about the murder to their friends. Raymond Smith also received a death sentence.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....03/08/95 Sentence.....04/11/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision04/15/98 Supreme Court Decision.....04/04/01 U.S. Supreme Court Review10/09/01</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....03/17/97 Trial Court Decision04/12/01 Court of Appeals Decision03/06/02 Supreme Court Decision.....07/03/02 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision08/18/99 Supreme Court Decision.....08/08/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Nugent)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal02/28/08 Prisoner's Brief.....10/02/09 State's Brief01/15/10 Oral Argument.....06/09/10 Decision11/23/11</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition04/03/12 Brief in Opposition06/21/12 Decision or Certiorari Denial10/01/12</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Jalowiec's motion for new trial based upon newly discovered evidence.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 04/04/01, the Ohio Supreme Court affirmed Jalowiec's conviction and death sentence on direct appeal. On 02/01/08, the district court denied Jalowiec's petition for a writ of habeas corpus which was affirmed by the 6th Circuit on 09/07/11. On 11/23/11, the 6th Circuit Court filed an amended decision still affirming the denial of the writ of habeas corpus. On 10/01/12, the U.S. Supreme Court denied Jalowiec's petition for a writ of certiorari. Meanwhile, on 05/28/08, Jalowiec, *pro se*, filed a successive postconviction petition and a motion for new trial in the trial court, to which the State opposed on 07/17/08. On 12/29/11, the trial court granted Jalowiec's motion to amend the *pro se* motion for new trial, which he filed on 06/28/12 and the State responded on 12/20/12. (Note: An evidentiary hearing on Jalowiec's motion has been set for 09/23/13.)

Summary of Crime: On 08/01/84, Jamison murdered 25-year-old Gary Mitchell at the Central Bar in downtown Cincinnati. Mr. Mitchell was working in his family-owned bar. With an accomplice, Charles Howell, acting as a lookout, Jamison beat Mr. Mitchell to death and stole money out of the cash register. Jamison was identified by police as the "Central Bar Killer" who robbed local businesses on several occasions and severely beat the clerks in the head.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....01/31/85 Sentence.....10/18/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision02/17/88 Supreme Court Decision.....03/07/90 U.S. Supreme Court Review10/01/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....06/12/91 Trial Court Decision09/09/91 Court of Appeals Decision11/10/92 Supreme Court Decision.....04/14/93 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision12/01/92 Supreme Court Decision.....04/14/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Spiegel)</p> <p>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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal06/02/00 Prisoner's Brief.....08/20/01 State's Brief08/20/01 Oral Argument.....01/23/02 Decision05/23/02</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>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 *Brady* claim, 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><u>TRIAL</u></p> <p>Indictment.....05/05/87 Sentence.....09/18/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision04/20/89 Supreme Court Decision.....08/08/90 U.S. Supreme Court Review02/19/91</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....11/08/91 Trial Court Decision04/09/97 Court of Appeals Decision04/30/98 Supreme Court Decision.....09/23/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision04/26/00 Supreme Court Decision.....12/27/00</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver)</p> <p>Prisoner's Petition.....09/21/99 State's Return of Writ.....11/23/99 Prisoner's Traverse01/06/00 Evidentiary Hearing06/08/00 Decision:03/18/02</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal05/01/02 Prisoner's Brief.....04/10/07 State's Brief04/11/07 Oral Argument.....03/19/08 Decision08/18/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Case is stayed pending proceedings in the federal district court.
- **Status in Federal Courts as of 12/31/12:** Case is pending in the 6th Circuit on the district court's denial of 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 commenced a new penalty phase trial within 180 days. The trial court set numerous pretrials in 2009 which were continued at Jells' request. On 08/16/10, the trial court scheduled Jells' sentencing hearing for 01/04/11, but that hearing was cancelled when, on 09/28/10, the trial court stayed the case pending proceedings in federal court. In the district court, on 03/30/10, Jells filed a motion for an unconditional writ, and on 09/01/10, Jells filed a motion to enforce the writ. On 03/31/11, the district court denied Jells' motions for an unconditional writ and to enforce the writ. On 04/06/11, Jells appealed to the 6th Circuit. On 11/28/12, the 6th Circuit heard oral arguments.

Pending Resentencing

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><u>TRIAL</u> Indictment.....10/23/81 Sentence.....04/16/82</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/24/84 Supreme Court Decision.....12/17/84 U.S. Supreme Court Review06/24/85</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/20/86 Trial Court Decision Court of Appeals Decision11/23/87 Supreme Court Decision.....04/13/88 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 Patrolman Benjamin Grair, a bank guard, in Cleveland. Jester entered the bank, approached Mr. Grair, and shot him in the chest using a hollow point bullet. Once outside the bank, Jester seized a motorist's vehicle at gunpoint and fled the scene.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....08/12/83 Sentence.....07/13/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/07/85 Supreme Court Decision.....09/26/97 U.S. Supreme Court Review01/28/88</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/30/88 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u></p> <p>Indictment.....05/04/83 Sentence.....01/02/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision04/28/88 Supreme Court Decision.....10/18/89 U.S. Supreme Court Review03/19/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/03/90 Trial Court Decision08/14/95 Court of Appeals Decision08/29/96 Supreme Court Decision.....01/15/97 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision02/17/94 Supreme Court Decision.....08/03/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Nugent)</p> <p>Prisoner's Petition.....06/30/97 State's Return of Writ.....09/02/97 Prisoner's Traverse10/17/97 Evidentiary Hearing Decision:11/02/99</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal03/16/00 Prisoner's Brief.....12/28/06 State's Brief12/20/06 Oral Argument.....12/06/07 Decision11/04/09</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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:** 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.

No Death Sentence on Remand

Summary of Crime: On 08/15/03, Johnson raped and robbed his ex-girlfriend, Tina Bailey, and murdered her 13-year-old son, Daniel Bailey, at Ms. Bailey's home in Cambridge. Johnson and Ms. Bailey had dated for a number of years until Ms. Bailey ended the relationship on 07/03/03. In the early morning hours of 08/15/03, Johnson entered Ms. Bailey's home, beat Daniel to death and hid his body in the basement. When Ms. Bailey arrived home from work at 8:00 a.m., Johnson raped her at knife-point. 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>TRIAL</p> <p>Indictment.....08/25/03 Sentence.....06/04/04</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....12/13/06 U.S. Supreme Court Review10/01/07</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/20/05 Trial Court Decision12/19/05 Court of Appeals Decision04/10/07 Supreme Court Decision.....10/24/07 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....07/25/07</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Sargus)</p> <p>Prisoner's Petition..... 09/28/08 State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the 5th District Court of Appeals on Johnson's successive petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Johnson's petition for a writ of habeas corpus, which is stayed pending state court proceedings.

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 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 Johnson limited discovery. On 02/27/12, the district court stayed the case pending completion of state court proceedings. On 04/12/12, Johnson filed with the trial court a successive petition for postconviction relief, to which the State responded on 06/04/12. On 07/18/12, the trial court denied Johnson's successive postconviction petition, to which Johnson appealed on 08/17/12. On 09/28/12, Johnson filed his brief, to which the State responded on 11/07/12. (Note: On 02/06/13, the State waived oral argument.)

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>TRIAL</p> <p>Indictment.....07/09/90 Sentence.....03/28/91</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision11/04/92 Supreme Court Decision.....12/23/94 U.S. Supreme Court Review</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision..... U.S. Supreme Court Review</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Dowd)</p> <p>Prisoner's Petition..... 04/17/96 State's Return of Writ..... 07/10/96 Prisoner's Traverse..... 10/22/96 Evidentiary Hearing</p> <p>Decision: 08/07/97</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal09/08/97 Prisoner's Brief.....07/30/98 State's Brief.....07/31/98 Oral Argument.....02/05/99 Decision01/12/00</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition</p> <p>Brief in Opposition</p> <p>Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/21/00:** 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>TRIAL</p> <p>Indictment.....11/20/97 Sentence.....01/10/12</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....12/17/12 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Graham)</p> <p>Prisoner's Petition.....04/01/02 State's Return of Writ.....01/10/05 Prisoner's Traverse.....04/11/05 Evidentiary Hearing05/10/04 Decision:04/24/06</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal05/17/06 Prisoner's Brief.....10/30/07 State's Brief.....10/26/07 Oral Argument.....06/03/08 Decision10/10/08</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Johnson's direct appeal; Pending in the trial court on Johnson's petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** 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 a new penalty phase trial. On 10/10/08, the 6th Circuit denied the Warden's appeal. The trial court conducted a new penalty phase trial between 11/28/11 and 12/07/11, after which the jury recommended Johnson again receive a sentence of death. On 01/12/12, the trial court sentenced Johnson to death as the jury recommended. Johnson filed his direct appeal with the Ohio Supreme Court on 03/08/12. (Note: Johnson filed his merit brief on 01/07/13.) On 12/17/12, Johnson filed in the trial court a petition for postconviction relief and a motion for discovery. (Note: On 02/06/13, the trial court denied Johnson's motion for discovery.) (Note: appeal dates reflect the resentencing.)

Summary of Crime: On 10/14/82, the dismembered decomposing torsos of Margaret Annette Johnston and Todd Leroy Schulz were located in the Hocking River. Two days later, their arms, legs and heads were located in a cornfield. Both victims had been shot several times. Expert testimony established the victims had been murdered around 10/04/82. Circumstantial evidence had linked Annette's stepfather, Dale Johnston, to the crime. Johnston's conviction was later overturned, and the State elected not to retry him.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....09/29/83 Sentence.....03/23/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/06/86 Supreme Court Decision.....10/05/88 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal</p> <p>Prisoner's Brief.....</p> <p>State's Brief</p> <p>Oral Argument.....</p> <p>Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition</p> <p>Brief in Opposition</p> <p>Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 08/06/86:** No capital proceeding pending.
- **Status in Federal Courts as of 08/06/86:** No capital proceeding pending.

NOTES

On 08/06/86, the 4th District Court of Appeals vacated 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 retry Mr. Johnston. (Note: Although Mr. Johnston was never retried, Ohio law (O.R.C. §109.97) requires the Attorney General to report any individual whose death sentence has been vacated or reversed on appeal.)

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><u>TRIAL</u> Indictment.....09/27/95 Sentence.....01/09/97</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/28/98 Supreme Court Decision.....12/27/00 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....04/03/99 Trial Court Decision10/25/99 Court of Appeals Decision12/29/00 Supreme Court Decision.....05/02/01 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision04/09/99 Supreme Court Decision.....04/25/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal03/18/10 Prisoner's Brief.....04/01/11 State's Brief08/18/11 Oral Argument.....04/18/12 Decision10/01/12</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in trial court on Jones' application for DNA testing.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

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 10/06/05, the district court granted Jones' motion for discovery. On 09/24/05 and 09/25/07, the district court held an evidentiary hearing. On 12/10/07, the district court granted Jones' motion to amend his petition. On 02/19/10, the district court dismissed Jones' petition for a writ of habeas corpus. On 10/01/12, the 6th Circuit affirmed the district court's denial of habeas relief. (Note: Jones has been granted an extension until 04/07/13 to file a petition for a writ of certiorari in the U.S. Supreme Court.) Meanwhile, on 11/18/10, Jones filed an application for DNA testing in the trial court. On 08/05/11, the trial court denied the State's motion to dismiss the application. On 02/17/12, the trial court partially granted Jones' request for DNA testing.

Summary of Crime: On 11/17/97, Jones murdered Ashtabula Police Officer William D. Glover, Jr., in Ashtabula. Officer Glover was shot while responding to a dispatcher's call that Jones, who had outstanding felony warrants, had been spotted in Ashtabula. Jones fled on foot as Officer Glover approached him and a pursuit commenced. Soon thereafter, Jones pulled a gun from his pocket and fired several shots at Officer Glover. When Officer Glover fell to the ground, Jones ran over to him and kicked him in the chest.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....11/26/97 Sentence.....06/09/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....04/18/01 U.S. Supreme Court Review10/29/01</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/05/99 Trial Court Decision10/26/00 Court of Appeals Decision04/29/02 Supreme Court Decision.....09/11/02 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....09/26/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Katz) Prisoner's Petition.....10/10/03 State's Return of Writ.....12/08/03 Prisoner's Traverse05/03/04 Evidentiary Hearing Decision:05/21/07</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal06/11/07 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Jones' motions for relief from judgment pursuant to Civ. R. 60(B).
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on remand for discovery and factual development of lethal injection claims. Appeal in the 6th Circuit stayed.

NOTES

On 04/18/01, the Ohio Supreme Court affirmed Jones' conviction and death sentence on direct appeal. On 05/21/07, the district court denied Jones' petition for a writ of habeas corpus. On 06/11/07, Jones filed his notice of appeal to the 6th Circuit. On 01/30/09, the 6th Circuit remanded the case to the district court for the limited purpose of factual development of the lethal injection claims. On 04/19/12, Jones, *pro se*, filed a motion to remove counsel and to withdraw the lethal injection claims. On 10/12/12, the district court permitted substitution of counsel, but stayed the decision on the withdrawal of the lethal injection claims until new counsel had met with Jones. On 11/13/12, the court permitted the Federal Public Defender for the Western District of Pennsylvania to represent Jones. Meanwhile, on 09/22/10, Jones filed, *pro se*, a motion for new trial which was dismissed by the trial court on 12/29/10. On 08/31/12 and 10/11/12, Jones, *pro se*, filed motions for relief from judgment pursuant to Civ. R. 60(B) in the Ohio Supreme Court. On 12/05/12, Jones requested those motions be stayed so he could obtain records from his former habeas attorneys.

Summary of Crime: On 04/23/07, Phillip Jones raped and strangled 33-year-old Susan Marie Christian-Yates in Mount Peace Cemetery in Akron. Ms. Christian-Yates' body was found in front of a gravestone with a plastic cross over her right eye. Jones had given an identical cross to his wife in 2006.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....05/08/07 Sentence.....01/30/08</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....12/06/12 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....03/23/09 Trial Court Decision10/25/10 Court of Appeals Decision11/23/11 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on remand from the 9th District Court of Appeals on Jones' postconviction petition; Pending in the Ohio Supreme Court on Jones' appeal from the partial denial of his postconviction relief petition.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 01/30/08, Jones was sentenced to death. On 12/06/12, the Ohio Supreme Court affirmed Jones' conviction and sentence. On 10/25/10, the trial court denied Jones' postconviction petition. On 11/23/11, the 9th District Court of Appeals affirmed in part and reversed in part the trial court's denial of Jones' postconviction relief petition, and remanded the case back to the trial court to conduct an evidentiary hearing on Jones' claim of ineffective assistance of counsel at mitigation. (Note: The trial court has set the evidentiary hearing for 07/22/13.) On 01/09/12, Jones filed a notice of appeal in the Ohio Supreme Court on the partial denial of his postconviction relief petition, to which the State waived briefing on 01/11/12.

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><u>TRIAL</u> Indictment.....10/02/98 Sentence.....08/29/00</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/10/01 Trial Court Decision.....04/11/02 Court of Appeals Decision09/30/03 Supreme Court Decision.....01/21/04 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u></p> <p>Indictment.....07/12/90 Sentence.....02/08/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/23/93 Supreme Court Decision.....08/30/95 U.S. Supreme Court Review03/18/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision11/06/96 Court of Appeals Decision07/17/97 Supreme Court Decision.....11/12/97 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Wells)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal01/20/05 Prisoner's Brief.....12/16/05 State's Brief12/19/05 Oral Argument.....06/08/06 Decision11/09/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition01/05/07 Brief in Opposition02/12/07 Decision or Certiorari Denial03/19/07</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><u>TRIAL</u> Indictment.....10/06/88 Sentence.....05/13/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/22/96 Supreme Court Decision.....02/25/98 U.S. Supreme Court Review10/05/98</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....03/26/99 Trial Court Decision12/10/99 Court of Appeals Decision02/01/01 Supreme Court Decision.....06/27/01 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Katz) Prisoner's Petition..... 11/21/01 State's Return of Writ..... 01/18/02 Prisoner's Traverse Evidentiary Hearing 09/15/05 Decision: 07/29/02</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal06/06/03 Prisoner's Brief.....06/30/04 State's Brief06/14/04 Oral Argument.....09/23/04 Decision03/10/05</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the 8th District Court of Appeals on the State's appeal of the trial court's dismissal, with prejudice, of the indictment.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 02/25/98, the Ohio Supreme Court affirmed Keenan's conviction and death sentence on direct appeal. On 07/29/02, the 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 an amended petition. On 04/24/12, the district court granted Keenan's petition for a writ of habeas corpus and remanded the case to state court for a new trial. Meanwhile, On 04/27/10, Keenan filed a motion for new trial in the trial court. On 09/06/12, the trial court dismissed, with prejudice, the indictment against Keenan. On 10/05/12, the State filed a notice of appeal with the 8th District Court of Appeals. (Note: On 01/04/13, the State filed its merit brief.) (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><u>TRIAL</u> Indictment.....12/31/92 Sentence.....12/15/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision09/20/96 Supreme Court Decision.....05/13/98 U.S. Supreme Court Review10/13/98</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision11/17/97 Court of Appeals Decision02/05/99 Supreme Court Decision.....06/02/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Beckwith) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal05/03/05 Prisoner's Brief.....08/27/07 State's Brief09/07/07 Oral Argument.....01/28/08 Decision04/25/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition11/13/08 Brief in Opposition12/23/08 Decision or Certiorari Denial01/26/09</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><u>TRIAL</u> Indictment.....02/22/94 Sentence.....06/01/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/05/96 Supreme Court Decision.....10/01/97 U.S. Supreme Court Review04/06/98</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision02/04/98 Court of Appeals Decision08/19/98 Supreme Court Decision.....12/23/98 U.S. Supreme Court Review06/21/99</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision09/19/07 Supreme Court Decision.....08/07/08</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Economus) Prisoner's Petition.....09/03/99 State's Return of Writ.....12/06/99 Prisoner's Traverse02/09/00 Evidentiary Hearing Decision:06/14/01</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal11/16/01 Prisoner's Brief.....09/30/04 State's Brief10/01/04 Oral Argument.....07/20/05 Decision07/10/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition01/17/07 Brief in Opposition02/22/07 Decision or Certiorari Denial03/26/07</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><u>TRIAL</u> Indictment.....03/04/03 Sentence.....02/04/04</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....10/25/06 U.S. Supreme Court Review05/14/07</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....12/28/04 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....04/18/07</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Ketterer's postconviction petition. Also pending in the Ohio Supreme Court on direct appeal of non-capital offenses.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/25/06, the Ohio Supreme Court affirmed Ketterer's conviction and death sentence on direct appeal. (Note: After re-opening the direct appeal, the Ohio Supreme Court remanded the case to the trial court for re-sentencing on the non-capital offenses.) Meanwhile, on 12/28/04, Ketterer filed his first postconviction petition in the trial court. On 05/21/07, Ketterer filed a motion to withdraw his guilty plea, which the trial court denied on 06/21/07, and which was upheld by the Ohio Supreme Court on 08/25/10. On 05/27/08, Ketterer filed his postconviction petition as to the non-capital offenses of the indictment. (Note: Ketterer's state court litigation is complex. While Ketterer has two petitions for postconviction relief pending, his case is still on direct appeal, with several remands, on the non-capital offenses. Briefing about the re-sentencing was conducted in the Ohio Supreme Court during 2011 and 2012.)

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

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....05/12/95 Sentence.....09/15/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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. (Kinley received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....03/13/89 Sentence.....05/02/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision06/25/93 Supreme Court Decision.....07/19/95 U.S. Supreme Court Review03/25/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision05/21/01 Court of Appeals Decision04/12/02 Supreme Court Decision.....09/11/02 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Watson) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Kinley's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/19/95, the Ohio Supreme Court affirmed Kinley's conviction and death sentence on direct appeal. On 04/11/03, Kinley filed a petition for a writ of habeas corpus 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 06/30/11, the magistrate judge issued a report and recommendations, recommending Kinley's petition for a writ of habeas corpus be denied. On 08/16/11, Kinley filed objections to the magistrate's report. On 09/14/11, the magistrate issued a supplemental report and recommendations, to which Kinley objected on 10/14/11.

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.) (Kirkland received the death penalty for both Ms. Crawford and Ms. Kenney.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....03/17/09 Sentence.....03/31/10</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....05/05/11 Trial Court Decision.....07/19/12 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Kirkland's direct appeal; Pending in the 1st District Court of Appeals on the trial court's denial of Kirkland's petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** 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. On 03/21/11, Kirkland filed his merit brief. On 07/11/11, the State filed its merit brief. Meanwhile, on 02/25/11, Kirkland filed a petition for postconviction relief in the trial court, which he amended on 05/05/11. Also, on 05/05/11, Kirkland requested discovery. On 07/19/12, the trial court denied Kirkland's petition for postconviction relief, to which he appealed to the 1st District Court of Appeals on 08/16/12. Kirkland filed his merit brief on 12/05/12. (Note: The State filed a merit brief on 02/05/13.)

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><u>TRIAL</u> Indictment.....05/08/03 Sentence.....11/07/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 informants. When prison inmates held prison guards and other inmates hostage, Lamar formed a group of prison inmates, called the "Death Squad," to kill "snitches." Between 04/11/93 and 04/21/93, on five separate occasions, Lamar and his followers beat, strangled and stabbed each victim to death. At the time, Lamar was serving a sentence for a 1989 murder conviction. Lamar received the death sentence for the aggravated murders of Mr. Depina, Mr. Vitale, Mr. Svette and Mr. Weaver.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....07/29/94 Sentence.....08/21/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/13/98 Supreme Court Decision.....05/15/02 U.S. Supreme Court Review12/02/02</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/13/97 Trial Court Decision06/19/98 Court of Appeals Decision03/17/00 Supreme Court Decision.....07/19/00 U.S. Supreme Court Review12/11/00</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose) 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: 01/13/11</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal02/08/11 Prisoner's Brief.....12/31/12 State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.

- **Status in Federal Courts as of 12/31/12:** Pending in 6th Circuit on cross-appeals. Inmate is a plaintiff in the federal lethal injection litigation.

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 overruled the Warden's motion to dismiss based on the statute of limitations. On 07/30/10, the magistrate judge recommended Lamar's petition for writ of habeas corpus be denied, and on 01/13/11, the district court denied Lamar's petition. On 02/08/11, Lamar filed his notice of appeal, and on 02/15/11, the Warden cross-appealed on the issue of the statute of limitations. On 07/26/11, Lamar filed a motion to expand the certificate of appealability, which was denied on 07/30/12. On 12/31/12, Lamar filed his merit brief.

Lampkin, Beatrice

Lampkin
Hamilton County

Summary of Crime: Beatrice Lampkin hired John Curry to murder her husband of twenty-five years, John D. Lampkin. On 11/4/88, Mr. Lampkin exited the family residence carrying out garbage. Curry, who has been waiting outside the residence, then murdered Mr. Lampkin by shooting him in the forehead. Curry fled the scene and met Lampkin to inform her of Mr. Lampkin's death. Lampkin eventually confessed.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
TRIAL Indictment.....12/29/88 Sentence.....04/26/89	REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:
FIRST REVIEW OF TRIAL (Direct Appeal) Court of Appeals Decision10/03/90 Supreme Court Decision..... U.S. Supreme Court Review	REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision
SECOND REVIEW OF TRIAL (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review	REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial
REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....	

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.

Capital Sentence Commuted

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
<p><u>TRIAL</u></p> <p>Indictment.....09/27/85 Sentence.....04/02/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision01/12/89 Supreme Court Decision.....08/15/90 U.S. Supreme Court Review02/25/91</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....05/28/96 Trial Court Decision12/30/97 Court of Appeals Decision01/11/99 Supreme Court Decision.....05/12/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision04/07/99 Supreme Court Decision.....12/22/99</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose)</p> <p>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</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal08/31/06 Prisoner's Brief.....03/24/08 State's Brief03/05/08 Oral Argument.....04/21/09 Decision11/04/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition04/13/11 Brief in Opposition06/07/11 Decision or Certiorari Denial10/03/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the State's motions to set an execution date.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Landrum's motion to reopen his habeas case and his successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/15/90, the Ohio Supreme Court affirmed Landrum's conviction and death sentence on direct appeal. On 04/17/06, the 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 11/04/10, the 6th Circuit reversed the district court's grant of Landrum's petition for writ of habeas corpus. On 04/13/11, Landrum filed a petition for a writ of certiorari to the U.S. Supreme Court, which was denied on 10/03/11. Also on 10/03/11, the State filed a motion in the Ohio Supreme Court to set Landrum's execution date. On 07/02/12, the State renewed its motion to set an execution date. (Note: The Ohio Supreme Court denied both of the State's motions on 02/20/13.) On 07/03/12, Landrum filed a motion with the district court to reopen his habeas case under Civ. R. 60(B) which was granted over the Warden's objections on 12/04/12. On 12/20/12, the Warden filed a motion to certify the issue for an interlocutory appeal. (Note: Landrum opposed the motion on 01/28/13.) Meanwhile, on 10/03/12, Landrum filed a successive habeas petition raising claims challenging the constitutionality of lethal injection, to which the Warden filed a return of writ on 12/05/12.

Summary of Crime: On 10/22/06, Lang and his accomplice, Antonio Walker, murdered local drug dealer, Jaron Burditte and his friend Marnell Cheek. Lang contacted Mr. Burditte by cell phone to set up a drug deal while Lang and Walker planned to rob Mr. Burditte at gunpoint. When Mr. Burditte arrived at the agreed upon location, Lang entered the vehicle alone and almost instantaneously shot Mr. Burditte and Ms. Cheek in the head with a 9mm pistol. (Lang received the death penalty only for the murder of Ms. Cheek.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p>TRIAL</p> <p>Indictment.....12/11/06 Sentence.....07/26/07</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....08/31/11 U.S. Supreme Court Review</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....05/15/08 Trial Court Decision06/15/09 Court of Appeals Decision08/23/10 Supreme Court Decision.....03/21/12 U.S. Supreme Court Review</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....09/05/12</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Zouhary)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in district court on Lang's notice of intent to file a petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/31/11, the Ohio Supreme Court affirmed Lang's conviction and death sentence on direct appeal. Meanwhile, on 06/15/09, the trial court denied Lang's postconviction petition, and the 5th District Court of Appeals affirmed on 08/23/10. On 03/21/12, the Ohio Supreme Court dismissed Lang's postconviction appeal. On 01/27/12, Lang filed an application to re-open his direct appeal which was denied by the Ohio Supreme Court on 09/05/12. On 11/27/12, Lang filed with the federal district court a notice of intent to file a petition for a writ of habeas corpus.

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><u>TRIAL</u></p> <p>Indictment.....08/30/85 Sentence.....04/17/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision04/21/88 Supreme Court Decision.....06/05/89 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal</p> <p>Prisoner's Brief..... State's Brief</p> <p>Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition</p> <p>Brief in Opposition</p> <p>Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 09/25/89:** 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><u>TRIAL</u></p> <p>Indictment.....10/06/87 Sentence.....05/13/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision06/04/90 Supreme Court Decision.....08/12/92 U.S. Supreme Court Review03/29/93</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....12/15/93 Trial Court Decision06/09/94 Court of Appeals Decision05/04/95 Supreme Court Decision.....10/04/95 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Black)</p> <p>Prisoner's Petition.....05/10/96 State's Return of Writ.....09/06/96 Prisoner's Traverse01/15/97 Evidentiary Hearing12/01/97 Decision:03/29/02</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/09/02 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending at the Ohio Supreme Court on the denial of Lawson's third petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court of Appeals on the Warden's appeal of the district court's decision regarding Lawson's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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, vacated Lawson's death sentence, and remanded the case for a new penalty phase trial. On 04/09/02, the Warden filed a notice of appeal to the 6th Circuit. On 08/13/03, the 6th Circuit stayed the case pending completion of state court proceedings. On 02/04/10, the 6th Circuit granted Lawson's motion to remand the case back to the district court on his *Atkins v. Virginia* claim. On 02/24/10, Lawson filed a supplemental petition for writ of habeas corpus, which he then dismissed on 01/25/11, concluding the reason for remand. Meanwhile, on 06/06/03, Lawson filed his successive postconviction petition in the trial court pursuant to *Atkins v. Virginia* which was denied on 11/15/07, and affirmed by the court of appeals on 11/24/08. On 12/16/09, the Ohio Supreme Court dismissed Lawson's appeal. On 07/27/11, the trial court denied Lawson's third postconviction relief petition, and the court of appeals affirmed on 02/13/12. Lawson appealed to the Ohio Supreme Court on 03/29/12.

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><u>TRIAL</u></p> <p>Indictment.....08/07/00 Sentence.....06/28/01</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....12/08/04 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/30/02 Trial Court Decision11/03/06 Court of Appeals Decision12/31/07 Supreme Court Decision.....07/09/08 U.S. Supreme Court Review.....12/08/08</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....06/29/05</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dlott)</p> <p>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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

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

NOTES

On 12/08/04, the Ohio Supreme Court affirmed Leonard's conviction and death sentence on direct appeal. On 07/30/02, Leonard filed a petition for postconviction relief which was denied on 11/03/06, and affirmed by the 1st District Court of Appeals on 12/31/07. On 07/09/08, the Ohio Supreme Court dismissed Leonard's appeal. On 07/08/09, Leonard filed his petition for writ of habeas corpus in the district court. On 07/19/10, the district court partially granted Leonard's motion for discovery. On 03/16/11, the district court granted Leonard's motion to expand the record and issued a briefing schedule. On 05/06/11, Leonard filed his merit brief, followed by the filing of the Warden's brief on 07/08/11, and Leonard's reply brief on 08/08/11.

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>TRIAL</p> <p>Indictment.....09/14/89 Sentence.....02/28/90</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision09/26/91 Supreme Court Decision.....08/25/93 U.S. Supreme Court Review03/07/94</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision11/18/97 Court of Appeals Decision12/03/98 Supreme Court Decision.....04/07/99 U.S. Supreme Court Review10/04/99</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Wells)</p> <p>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>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Lewis' petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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. On 04/07/11, the Warden filed a notice of supplemental authority.

Summary of Crime: On 02/10/97, at the request of co-defendant Joy Hoop, Lindsey murdered Joy's, husband 36-year-old Donald Ray Hoop, in a parking lot outside a Mt. Orab bar. Lindsey shot Mr. Hoop in the face while Mr. Hoop sat in his car. After Mr. Hoop got out of his car, Lindsey shot him again in the forehead and stole \$1,257.00 from his wallet. Joy Hoop was convicted of conspiracy to commit and complicity in the commission of the aggravated murder of her husband and received a life sentence with parole eligibility after twenty-five years.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....02/14/97 Sentence.....09/16/97</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....01/19/00 U.S. Supreme Court Review10/02/00</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/21/98 Trial Court Decision01/15/02 Court of Appeals Decision03/24/03 Supreme Court Decision.....07/02/03 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus) Prisoner's Petition..... 10/10/03 State's Return of Writ..... 11/10/03 Prisoner's Traverse 02/02/04 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Lindsey's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 01/19/00, the Ohio Supreme Court affirmed Lindsey's conviction and death sentence on direct appeal. On 10/10/03, Lindsey filed a petition for a writ of habeas corpus in federal district court. On 03/30/06, the district court granted Lindsey's motion for 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, to which the Warden responded on 02/13/08, and Lindsay replied on 04/14/08. On 04/01/10 the case was reassigned to a new magistrate judge. On 04/22/11, the Warden filed a notice of supplemental authority. On 03/08/12, Lindsay filed a motion to amend his petition to add claims challenging the constitutionality of lethal injection, which was granted over the Warden's objection on 07/05/12. On 09/27/12, the Warden filed a return of writ to the amended claims. On 12/03/12, the Warden filed a notice of supplemental authority.

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><u>TRIAL</u> Indictment.....06/24/96 Sentence.....03/25/99</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....09/11/02 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....01/04/00 Trial Court Decision.....06/13/01 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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.

Lorraine, Charles

Lorraine
Trumbull County

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
TRIAL Indictment.....05/09/86 Sentence.....12/09/86	REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Dowd) Prisoner's Petition..... 04/24/97 State's Return of Writ..... 06/13/97 Prisoner's Traverse..... 07/21/97 Evidentiary Hearing Decision: 03/30/01
FIRST REVIEW OF TRIAL (Direct Appeal) Court of Appeals Decision08/13/90 Supreme Court Decision.....06/16/93 U.S. Supreme Court Review01/10/94	REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/27/01 Prisoner's Brief.....10/26/01 State's Brief.....10/29/01 Oral Argument.....05/02/02 Decision05/23/02
SECOND REVIEW OF TRIAL (Post-Conviction Action) Filed in Trial Court.....09/30/94 Trial Court Decision01/05/95 Court of Appeals Decision02/26/96 Supreme Court Decision.....09/18/96 U.S. Supreme Court Review.....	REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court) Certiorari Petition11/14/02 Brief in Opposition12/20/02 Decision or Certiorari Denial03/31/03
REVIEW OF FIRST TRIAL REVIEW ("Murnahan" Appeal) Court of Appeals Decision Supreme Court Decision.....	

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/16/93, the Ohio Supreme Court affirmed Lorraine's conviction and death sentence on direct appeal. On 05/23/02, the 6th Circuit reversed the district court's decision, thereby denying Lorraine's petition for a writ of habeas corpus. On 06/09/03, Lorraine filed a successive postconviction petition pursuant to *Atkins v. Virginia* in the trial court, which was denied on 10/01/03. 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 again denied Lorraine's successive postconviction petition. Meanwhile, on 04/13/10, the State filed a motion in the Ohio Supreme Court to set an execution date. On 03/01/11, the Ohio Supreme Court set Lorraine's execution for 01/18/12. On 01/11/12, the district court presiding over Lorraine's lethal injection suit stayed his execution. On 01/13/12, the 6th Circuit denied the State's motion to vacate the stay. On 02/08/12, the U.S. Supreme Court declined to overturn the stay.

Days From Death Sentence to 12/31/12: 9519

Inmate Number: A194-013

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><u>TRIAL</u> Indictment.....08/08/86 Sentence.....07/29/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision03/27/89 Supreme Court Decision.....06/06/90 U.S. Supreme Court Review12/10/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/06/91 Trial Court Decision09/28/93 Court of Appeals Decision11/03/94 Supreme Court Decision.....03/15/95 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision04/15/94 Supreme Court Decision.....09/07/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge O'Malley) Prisoner's Petition..... 05/04/04 State's Return of Writ..... 06/24/04 Prisoner's Traverse 07/29/04 Evidentiary Hearing 06/05/07 Decision: 09/28/07</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/26/07 Prisoner's Brief.....05/05/08 State's Brief05/05/08 Oral Argument.....06/11/08 Decision08/08/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition01/27/09 Brief in Opposition03/27/09 Decision or Certiorari Denial04/27/09</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 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. 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 Civ. R. 60(b) motion. On 10/25/05, Lott filed a notice of appeal to the 6th Circuit. 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 04/27/09, the U.S. Supreme Court denied Lott's petition for a writ of certiorari. On 08/17/12, the Ohio Supreme Court set Lott's execution date for 03/19/14.

Summary of Crime: On 01/16/91, Loza murdered his girlfriend's mother, 46-year-old Georgia Davis, his girlfriend's brother, 25-year-old Gary Mullins, and his girlfriend's sisters, 20-year-old Cheryl Senteno and 17-year-old Jerri Jackson, who was six months pregnant at the time, in their Middletown home. Ms. Davis had threatened to have Loza arrested if he tried to leave Ohio with her daughter (his girlfriend), who was a minor. Loza shot each of the victims in the head at close range while they slept in the house. Loza confessed to police and told them the order in which he shot the victims. (Loza received the death penalty for victims Mullins, Senteno and Jackson.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....03/13/91 Sentence.....11/12/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision04/19/93 Supreme Court Decision.....11/30/94 U.S. Supreme Court Review05/15/95</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....11/27/95 Trial Court Decision09/24/96 Court of Appeals Decision10/13/97 Supreme Court Decision.....01/28/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus)</p> <p>Prisoner's Petition..... 10/04/02 State's Return of Writ..... 12/04/02 Prisoner's Traverse..... Evidentiary Hearing Decision: 03/31/10</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal05/03/11 Prisoner's Brief.....01/12/12 State's Brief.....05/29/12 Oral Argument.....12/05/12 Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court of Appeals on appeal from the district court's denial of Loza's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 11/30/94, the Ohio Supreme Court affirmed Loza's conviction and death sentence on direct appeal. On 04/17/98, Loza filed a petition for a writ of habeas corpus in federal district court. On 10/04/02, Loza filed an amended petition for a writ of habeas corpus. On 02/11/03, Loza filed a motion for an evidentiary hearing. On 02/27/06, the district court ordered the parties to supplement the record. On 03/27/08, the Warden filed supplemental authority. 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 04/28/10, Loza filed a motion to alter and amend judgment, which the district court denied on 03/29/11. On 05/03/11, Loza appealed to the 6th Circuit Court of Appeals. On 01/12/12, Loza filed his brief, to which the Warden responded on 05/29/12. On 12/05/12, the 6th Circuit heard oral arguments.

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><u>TRIAL</u></p> <p>Indictment.....01/05/90 Sentence.....09/26/90</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision09/01/93 Supreme Court Decision.....08/30/95 U.S. Supreme Court Review03/18/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision05/02/97 Court of Appeals Decision12/21/98 Supreme Court Decision.....04/28/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Nugent)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal12/14/01 Prisoner's Brief.....06/15/05 State's Brief05/19/05 Oral Argument.....12/08/05 Decision03/13/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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><u>TRIAL</u> Indictment.....07/09/98 Sentence.....10/13/99</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....05/14/03 U.S. Supreme Court Review10/14/03</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/15/00 Trial Court Decision12/22/00 Court of Appeals Decision12/21/01 Supreme Court Decision.....07/30/03 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Frost) Prisoner's Petition..... 02/15/08 State's Return of Writ..... 12/22/10 Prisoner's Traverse Evidentiary Hearing Decision: 09/28/11</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/26/11 Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on appeal from the denial of Lynch's third petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court of Appeals on the district court's denial of Lynch's petition for a writ of habeas corpus which is stayed pending completion of state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 05/14/03, the Ohio Supreme Court affirmed Lynch's conviction and death sentence on direct appeal. The trial court denied Lynch's first and second petitions for postconviction relief in 2000 and 2005; decisions which were affirmed by the appellate courts. On 10/27/11, Lynch filed a third petition for postconviction relief which was denied by the trial court on 01/26/12 and affirmed by the court of appeals on 11/30/12. (Note: On 01/11/13, Lynch filed a notice of appeal to the Ohio Supreme Court.) Meanwhile, 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, which was partially granted on 02/25/09. On 09/28/11, the district court denied Lynch's petition and issued a certificate of appealability. On 10/26/11, Lynch filed both a notice of appeal and a motion to alter or amend the judgment. On 02/08/12, the district court denied the motion to alter or amend the judgment. On 03/28/12 and extended on 09/20/12, the 6th Circuit stayed the case pending completion of state court proceedings.

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><u>TRIAL</u> Indictment.....02/05/91 Sentence.....08/01/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/02/93 Supreme Court Decision.....08/30/95 U.S. Supreme Court Review01/22/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/02/96 Trial Court Decision09/10/96 Court of Appeals Decision10/26/00 Supreme Court Decision.....03/07/01 U.S. Supreme Court Review10/01/01</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision05/19/03 Supreme Court Decision.....04/14/04</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Mack's successive postconviction relief petition.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Mack's petition for a writ of habeas corpus, which is stayed pending completion of state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

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 03/31/10, the district court granted Mack's motion for an evidentiary hearing which was held over six days in June and July of 2010. On 09/16/11, the district court granted Mack's motion to expand the record. On 11/23/11, the district court stayed the case to allow Mack to return to the state court on his unexhausted claims. On 12/21/11, Mack filed a successive petition for postconviction relief in the trial court. On 12/19/12, the district court permitted habeas counsel to be reimbursed for state court proceedings and directed them to attempt to have state public defenders assume responsibility for the case. (Note: On 01/24/13, state public defenders declined to take on the representation. The state court has set an evidentiary hearing for 06/19/13.)

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><u>TRIAL</u></p> <p>Indictment.....05/13/96 Sentence.....11/25/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....01/05/00 U.S. Supreme Court Review10/02/00</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....08/24/98 Trial Court Decision12/01/99 Court of Appeals Decision11/17/00 Supreme Court Decision.....03/21/01 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....05/17/00</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gwin)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal08/25/03 Prisoner's Brief.....11/22/04 State's Brief11/30/04 Oral Argument.....06/08/05 Decision06/27/05</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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><u>TRIAL</u> Indictment.....12/20/84 Sentence.....07/08/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/29/87 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 resentenced 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. (Mammone received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p>TRIAL</p> <p>Indictment.....06/17/09 Sentence.....01/26/10</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....05/27/11 Trial Court Decision.....12/14/11 Court of Appeals Decision08/06/12 Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Mammone's direct appeal and on the trial court's denial of Mammone's petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 06/23/10, Mammone was sentenced to death. On 04/02/10, Mammone filed a notice of appeal in the Ohio Supreme Court for his direct appeal. On 04/22/11, Mammone filed his brief. On 09/12/11, the State filed its brief. On 10/27/11, Mammone filed his reply brief. Meanwhile, on 05/27/11, Mammone filed a petition for postconviction relief in the trial court which was denied on 12/14/11, and was affirmed by the 5th District Court of Appeals on 08/06/12. On 09/20/12, Mammone filed a notice of appeal to the Ohio Supreme Court, to which the State responded on 10/18/12.

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><u>TRIAL</u> Indictment.....04/12/83 Sentence.....06/15/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/25/84 Supreme Court Decision.....08/09/85 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....05/07/87 Trial Court Decision09/27/88 Court of Appeals Decision03/08/90 Supreme Court Decision.....07/25/90 U.S. Supreme Court Review.....11/20/90</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal07/27/01 Prisoner's Brief.....10/07/03 State's Brief10/08/03 Oral Argument.....06/15/04 Decision11/03/04</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....02/09/83 Sentence.....07/08/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision09/27/84 Supreme Court Decision.....08/09/85 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/12/87 Trial Court Decision01/18/94 Court of Appeals Decision02/16/95 Supreme Court Decision.....06/28/95 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision05/11/92 Supreme Court Decision.....09/30/92</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Nugent) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal03/17/00 Prisoner's Brief.....05/02/01 State's Brief05/03/01 Oral Argument.....08/07/01 Decision02/07/02</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition06/25/02 Brief in Opposition08/05/02 Decision or Certiorari Denial11/04/02</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>TRIAL</p> <p>Indictment.....09/30/93 Sentence.....07/07/94</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision12/09/96 Supreme Court Decision.....06/17/98 U.S. Supreme Court Review12/14/98</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision11/21/96 Court of Appeals Decision06/09/97 Supreme Court Decision.....10/15/97 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision11/16/99 Supreme Court Decision.....09/20/00</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Katz)</p> <p>Prisoner's Petition..... 07/15/99 State's Return of Writ..... 09/02/99 Prisoner's Traverse 01/18/00 Evidentiary Hearing 12/29/03 Decision: 10/31/05</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal11/28/05 Prisoner's Brief.....01/19/07 State's Brief01/25/07 Oral Argument.....11/28/07 Decision10/03/08</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition07/20/09 Brief in Opposition09/21/09 Decision or Certiorari Denial11/02/09</p>

STATUS

- **Status in State Courts as of 12/31/12:** Case is pending resentencing in the trial court.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit on appeal from district court's denial of Mason's motion to prohibit the State from again seeking the death penalty.

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 again denied Mason's petition for a writ of habeas corpus. On 10/03/08, the 6th Circuit reversed the district court's decision, vacated Mason's death sentence based on ineffective assistance of counsel at mitigation, and remanded to the state court for a new penalty phase trial. On 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. On 12/14/10, Mason filed a motion to prohibit the State from seeking the death penalty, which was denied on 08/30/11. On 09/27/11, Mason appealed to the 6th Circuit. On 01/13/12, Mason filed his brief to which the Warden responded on 03/19/12 and Mason replied on 04/04/12.

Pending Resentencing

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><u>TRIAL</u></p> <p>Indictment.....10/07/82 Sentence.....04/04/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision02/13/84 Supreme Court Decision.....12/20/84 U.S. Supreme Court Review06/10/85</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....02/24/86 Trial Court Decision05/15/87 Court of Appeals Decision04/25/88 Supreme Court Decision.....11/14/88 U.S. Supreme Court Review03/09/89</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Bell)</p> <p>Prisoner's Petition.....09/01/89 State's Return of Writ.....12/04/89 Prisoner's Traverse05/22/90 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>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 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><u>TRIAL</u> Indictment.....01/04/06 Sentence.....03/21/07</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/11/08 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Maxwell's direct appeal; Pending in the trial court on Maxwell's postconviction petition.
- **Status in Federal Courts as of 12/31/12:** 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 postconviction 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 postconviction relief, and Maxwell replied on 11/10/08. (Note: On 01/18/13, the Ohio Supreme Court ordered the Cuyahoga County Clerk of Courts to supplement the record with the jury questionnaires.)

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><u>TRIAL</u></p> <p>Indictment.....12/22/93 Sentence.....12/23/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision04/15/96 Supreme Court Decision.....12/10/97 U.S. Supreme Court Review10/05/98</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/21/96 Trial Court Decision05/15/97 Court of Appeals Decision04/20/98 Supreme Court Decision.....09/23/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dlott)</p> <p>Prisoner's Petition.....03/30/99 State's Return of Writ.....05/17/99 Prisoner's Traverse07/16/99 Evidentiary Hearing Decision:07/02/07</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal07/31/07 Prisoner's Brief.....12/11/09 State's Brief03/17/10 Oral Argument.....08/03/10 Decision08/31/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition01/21/11 Brief in Opposition03/09/11 Decision or Certiorari Denial04/18/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on McGuire's motion to reopen under Civ. R. 60(b) and on McGuire's successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

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 which was affirmed by the 6th Circuit on 08/31/10. On 12/16/11, the Ohio Supreme Court set McGuire's execution for 01/16/14. On 09/05/12, McGuire filed a motion to reopen his habeas case under Civ. R. 60(b). On 10/25/12 and 12/13/12, the magistrate judge recommended denial of the motion to reopen. On 09/19/12, McGuire filed a successive habeas petition raising claims challenging the constitutionality of lethal injection. On 12/05/12, the Warded filed a return of writ to the second habeas petition.

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><u>TRIAL</u> Indictment.....02/01/10 Sentence.....11/04/10</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....12/28/11 Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner’s Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on McKelton's direct appeal; Pending in the trial court on McKelton's petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 11/04/10, McKelton was sentenced to death. On 12/17/10, McKelton filed a notice of appeal to the Ohio Supreme Court on his direct appeal. McKelton filed his merit brief on 01/17/12, to which the State responded on 06/05/12, and McKelton replied on 07/20/12. Meanwhile, on 12/28/11, McKelton filed a petition for postconviction relief in the trial court, which he amended on 01/03/12, 01/20/12, and 2/15/12. Also on 01/20/12, McKelton requested funds for experts and an evidentiary hearing. On 02/15/12, the State responded to McKelton's petition for postconviction relief. On 03/20/12, the State filed a motion for summary judgment which McKelton opposed on 04/10/12.

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>TRIAL</p> <p>Indictment.....04/11/01 Sentence.....11/01/02</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....11/30/05 U.S. Supreme Court Review06/26/06</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....01/09/04 Trial Court Decision02/28/06 Court of Appeals Decision05/19/08 Supreme Court Decision.....10/15/08 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....06/07/06</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Dlott)</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>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

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

NOTES

On 11/30/05, the Ohio Supreme Court affirmed McKnight's conviction and death sentence on direct appeal. On 10/14/09, McKnight filed 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, which was partially granted 02/02/11. On 04/06/12, the magistrate judge denied McKnight's motion for an evidentiary hearing, to which McKnight has repeatedly objected. (Note: On 01/02/13, the magistrate judge issued a second supplemental opinion regarding the objections to the denial of an evidentiary hearing.) On 05/03/12, the court permitted, over the Warden's objection, McKnight to file an amended petition for a writ of habeas corpus to include claims challenging the constitutionality of lethal injection.

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><u>TRIAL</u></p> <p>Indictment.....05/24/94 Sentence.....05/12/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision04/10/97 Supreme Court Decision.....10/28/98 U.S. Supreme Court Review05/24/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision02/08/01 Court of Appeals Decision08/22/01 Supreme Court Decision.....12/05/01 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision08/05/97 Supreme Court Decision.....10/28/98</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Wells)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on McNeill's motion for new trial.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on McNeill's petition for a writ of habeas corpus which is stayed pending completion of state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

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 and 05/25/07, the district court partially granted McNeill's motions for discovery. On 04/07/11, the Warden filed a notice of supplemental authority. On 04/18/11, McNeill, *pro se*, requested new counsel, which was denied on 05/19/11. On 07/30/12, the district court stayed the case pending completion of state court proceedings. On 09/23/12, McNeill filed a motion for new trial in the trial court, to which the State opposed on 02/15/12.

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><u>TRIAL</u></p> <p>Indictment.....05/26/88 Sentence.....09/13/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/12/90 Supreme Court Decision.....01/08/92 U.S. Supreme Court Review06/29/92</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....06/03/93 Trial Court Decision09/23/93 Court of Appeals Decision03/15/95 Supreme Court Decision.....07/19/95 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision02/22/94 Supreme Court Decision.....08/03/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dlott)</p> <p>Prisoner's Petition..... 12/09/96 State's Return of Writ..... 04/04/97 Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition 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 the case pending completion of state court proceedings. Meanwhile, on 02/27/06, Mills filed a successive postconviction petition in the trial court. On 09/26/07, the trial court partially granted Mills' motion for a new trial and dismissed Mills' petition for successive postconviction relief. On 09/26/07, 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><u>TRIAL</u> Indictment.....10/04/00 Sentence.....06/29/01</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....04/14/04 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u></p> <p>Indictment.....08/25/94 Sentence.....11/21/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/19/96 Supreme Court Decision.....03/11/98 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision08/16/99 Court of Appeals Decision09/28/00 Supreme Court Decision.....02/14/01 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision06/10/02 Supreme Court Decision.....02/11/03</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Polster)</p> <p>Prisoner's Petition..... 10/16/03 State's Return of Writ..... 12/15/03 Prisoner's Traverse 03/15/04 Evidentiary Hearing</p> <p>Decision: 10/06/05</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal10/29/05 Prisoner's Brief.....10/21/08 State's Brief10/15/08 Oral Argument.....03/09/10 Decision09/08/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition02/02/11 Brief in Opposition03/07/11 Decision or Certiorari Denial05/02/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 09/08/10, the 6th Circuit partially granted habeas corpus relief and ordered a new mitigation phase trial. On 02/02/11, the Warden filed a petition for a writ of certiorari with the U.S. Supreme Court. On 05/02/11, the U.S. Supreme Court reversed the decision of the 6th Circuit. (Note: On 03/07/11, Mitts filed for a petition for a writ of certiorari to the U.S. Supreme Court on other issues which was denied on 04/18/11.) On 10/25/11, the Ohio Supreme Court set Mitts' execution date for 09/25/13.

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>TRIAL</p> <p>Indictment.....09/13/84 Sentence.....09/30/85</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court) 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 09/15/86, 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 bind the women. Monroe then stabbed and shot each of the women in the head. At the time of his trial, Monroe was already serving a life sentence for an unrelated 1999 murder conviction. (Monroe received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....04/11/01 Sentence.....11/07/02</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....05/25/05 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/26/03 Trial Court Decision06/01/04 Court of Appeals Decision09/30/05 Supreme Court Decision.....03/29/06 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....05/10/06</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus)</p> <p>Prisoner's Petition..... 03/27/07 State's Return of Writ..... 12/11/11 Prisoner's Traverse 05/18/12 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending at the trial court on Monroe's successive petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Monroe's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 05/25/05, the Ohio Supreme Court affirmed Monroe's conviction and death sentence on direct appeal. On 06/17/10, Monroe filed a successive petition for postconviction relief which the State opposed on 07/28/10. On 06/04/12, the State filed a motion for final judgment on the successive postconviction. On 08/24/12, Monroe filed a motion for final appealable order related to the original sentencing entries. Meanwhile, on 03/27/07, Monroe filed his petition for a writ of habeas corpus in federal district court. On 09/08/09 and modified on 08/06/10, the magistrate judge recommended granting in part the Warden's motion to dismiss procedurally defaulted claims, and the district court adopted the magistrate's decision on 03/28/11. On 06/18/12, Monroe filed a motion for discovery which was partially granted on 09/21/12. On 09/17/12, Judge Watson recused himself and the case was reassigned to Judge Sargus.

Summary of Crime: On 11/25/10, Montgomery murdered his former girlfriend, Tia Hendricks; their 2-year-old son, Tyron Hendricks; and her 10-year-old daughter, Tahlia Hendricks by slitting their throats in their Columbus apartment. Montgomery was found in the apartment by police who had responded to Tia's 911 call. Montgomery pleaded guilty to the charges and specifications contained in the indictment. (Montgomery received a death sentence for the aggravated murders of Tahlia and Tyron.)

PROCEDURAL HISTORIES

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

STATUS

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

NOTES

On 06/06/12, Montgomery was convicted and sentenced to death. On 07/20/12, Montgomery filed his notice of appeal with the Ohio Supreme Court.

Summary of Crime: On 03/08/86, Montgomery murdered 20-year-old Debra Ogle and 19-year-old Cynthia Tincer. Ms. Ogle and Ms. Tincer 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. Tincer in Ms. Tincer'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>TRIAL</p> <p>Indictment.....03/25/86 Sentence.....11/07/86</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision08/12/88 Supreme Court Decision.....08/14/91 U.S. Supreme Court Review02/24/92</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....03/07/96 Trial Court Decision08/23/96 Court of Appeals Decision02/05/99 Supreme Court Decision.....06/16/99 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision03/03/93 Supreme Court Decision.....10/27/93</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Oliver)</p> <p>Prisoner's Petition..... 06/13/00 State's Return of Writ..... 08/15/00 Prisoner's Traverse 06/08/04 Evidentiary Hearing Decision: 03/31/07</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal07/03/07 Prisoner's Brief.....04/09/10 State's Brief02/25/10 Oral Argument.....06/09/10 Decision08/22/11</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition01/19/12 Brief in Opposition03/21/12 Decision or Certiorari Denial05/14/12</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 08/14/91, 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 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 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, which was granted on 01/21/10. On 06/09/10, the 6th Circuit, *en banc*, heard oral argument. The *en banc* court reversed the decision of the district court and denied the writ on 08/22/11. On 05/14/12 the U.S. Supreme Court denied Montgomery's petition for a writ of certiorari. On 09/28/12, the Ohio Supreme Court set Montgomery's execution date as 08/06/14.

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><u>TRIAL</u> Indictment.....01/27/94 Sentence.....12/14/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision06/26/96 Supreme Court Decision.....02/04/98 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision11/20/96 Court of Appeals Decision09/18/98 Supreme Court Decision.....01/20/99 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision03/20/01 Supreme Court Decision.....12/19/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dlott) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal02/11/08 Prisoner's Brief.....02/19/10 State's Brief11/16/09 Oral Argument.....04/20/11 Decision02/26/13</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court of Appeals on an appeal of the district court's decision regarding Moore's 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 04/20/11, the 6th Circuit heard oral arguments. On 07/02/12, Moore filed a supplemental brief, to which the Warden responded on 07/19/12. (Note: On 02/26/13, the 6th Circuit reversed the decision of district court and denied the petition for a writ of habeas corpus.)

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>TRIAL</p> <p>Indictment.....04/16/85 Sentence.....01/08/86</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision10/02/86 Supreme Court Decision.....09/02/87 U.S. Supreme Court Review01/25/88</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/21/88 Trial Court Decision05/11/89 Court of Appeals Decision01/31/91 Supreme Court Decision.....10/30/91 U.S. Supreme Court Review04/06/92</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision09/29/93 Supreme Court Decision.....01/12/94</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Economus)</p> <p>Prisoner's Petition..... 12/09/96 State's Return of Writ..... 02/07/97 Prisoner's Traverse 04/09/97 Evidentiary Hearing Decision: 03/29/00</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal05/25/00 Prisoner's Brief.....08/03/06 State's Brief06/16/06 Oral Argument.....04/24/07 Decision11/02/07</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition 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.

No Death Sentence on Remand

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><u>TRIAL</u> Indictment.....11/08/85 Sentence.....05/05/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision09/16/88 Supreme Court Decision.....04/04/90 U.S. Supreme Court Review10/01/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....05/30/91 Trial Court Decision12/22/03 Court of Appeals Decision10/08/04 Supreme Court Decision.....03/02/05 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal05/05/09 Prisoner's Brief.....06/23/11 State's Brief09/22/11 Oral Argument.....04/18/12 Decision11/15/12</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Moreland's request for DNA testing.
- **Status in Federal Courts as of 12/31/12:** Pending in the U.S. Supreme Court on Moreland's intent to file a petition for a writ of certiorari. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 04/04/90, the Ohio Supreme Court affirmed Moreland's conviction and death sentence on direct appeal. On 09/30/05, Moreland filed a petition for a writ of habeas corpus in federal district court. On 04/10/09, the district court denied Moreland's petition for writ of habeas corpus. On 11/15/12, the 6th Circuit affirmed the denial of the writ. On 12/19/12, the 6th Circuit denied Moreland's motion for *en banc* rehearing. (Note: Moreland was granted an extension by the U.S. Supreme Court until 05/18/13 to file his petition for a writ of certiorari.) During 2012, Moreland filed numerous *pro se* letters with the district court. On 11/06/12, Moreland, through counsel, filed a motion to amend his petition and a motion to alter or amend the judgment. Both motions were denied by the magistrate judge on 12/13/12 for lack of jurisdiction due to the case being on appeal at the 6th Circuit. (Note: On 01/14/13, district court adopted the recommendation of the magistrate judge and denied both motions.) On 07/13/12, Moreland filed a motion in the trial court for DNA testing, alleging the results could exonerate him.

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

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Mundt's postconviction petition.

- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 postconviction petition in the trial court. On 07/17/06, the State filed a motion to dismiss Mundt's postconviction petition. 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 granted Mundt's motion for an MRI and PET scan. (Note: An evidentiary hearing on Mundt's petition for postconviction relief was conducted on 01/22/13 and 01/23/13.) 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
<p><u>TRIAL</u></p> <p>Indictment.....02/11/87 Sentence.....09/03/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision06/26/91 Supreme Court Decision.....12/30/92 U.S. Supreme Court Review10/04/93</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/07/94 Trial Court Decision08/15/94 Court of Appeals Decision05/19/95 Supreme Court Decision.....10/04/95 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Katz)</p> <p>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</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal10/27/06 Prisoner's Brief.....03/03/08 State's Brief02/29/08 Oral Argument.....10/29/08 Decision01/08/09</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition07/07/09 Brief in Opposition09/04/09 Decision or Certiorari Denial10/13/09</p>

STATUS

- **Status in State Courts as of 09/26/11:** No capital proceeding pending.
- **Status in Federal Courts as of 09/26/11:** No capital proceeding pending.

NOTES

On 09/26/11, Governor Kasich commuted Murphy's death sentence to life imprisonment without the possibility of parole.

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><u>TRIAL</u> Indictment.....05/21/97 Sentence.....06/26/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....06/06/01 U.S. Supreme Court Review01/22/02</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....05/05/99 Trial Court Decision02/01/00 Court of Appeals Decision12/26/00 Supreme Court Decision.....07/25/01 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....11/07/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rice) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal05/08/08 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 denied 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><u>TRIAL</u> Indictment.....02/04/93 Sentence.....03/14/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/12/99 Supreme Court Decision.....12/13/02 U.S. Supreme Court Review06/02/03</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/17/99 Trial Court Decision03/16/00 Court of Appeals Decision08/17/01 Supreme Court Decision.....01/29/03 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision12/01/03 Supreme Court Decision.....06/30/04</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Marbley) Prisoner's Petition..... 05/21/04 State's Return of Writ..... 07/06/04 Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.

- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Myers' petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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 12/30/04, the district court denied Myers' motions for discovery and to expand the record. On 09/20/05, the district court denied Myers' second motion for discovery. On 12/08/10, the district court ordered Myers to submit a revised budget. On 04/12/11, the Warden filed a notice of supplemental authority. On 04/20/11, the district court denied the Warden's request for a status conference.

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><u>TRIAL</u> Indictment.....06/04/92 Sentence.....03/16/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision05/03/93 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u></p> <p>Indictment.....01/10/02 Sentence.....02/10/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....01/25/06 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition 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. Mr. Smith had just fired Neyland. Neyland proceeded to the parking lot where he then shot and killed former trooper, 58-year-old Thomas Lazer, who had been dispatched to the scene. (Neyland received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....08/29/07 Sentence.....11/14/08</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....04/16/10 Trial Court Decision.....03/01/12 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Neyland's direct appeal; Pending in the 6th District Court of Appeals on the trial court's denial of Neyland's postconviction petition.
- **Status in Federal Courts as of 12/31/12:** 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 postconviction 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 10/07/10, the trial court denied Neyland's competency motion. After conducting a hearing on the State's motion for summary judgment, the trial court dismissed Neyland's petition for postconviction relief on 03/01/12. On 03/30/12, Neyland filed a notice of appeal and a motion for a competency evaluation in the 6th District Court of Appeals. On 05/08/12, the court of appeals denied the request for a competency evaluation. Neyland filed his merit brief on 06/08/12, to which the State responded on 10/04/12. (Note: On 01/23/13, the State filed a corrected brief.)

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><u>TRIAL</u> Indictment.....05/02/97 Sentence.....12/22/97</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....08/29/01 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/30/98 Trial Court Decision06/03/99 Court of Appeals Decision11/17/00 Supreme Court Decision.....10/10/01 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose) Prisoner's Petition.....01/08/03 State's Return of Writ.....08/01/03 Prisoner's Traverse11/03/03 Evidentiary Hearing Decision:08/23/04</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal08/19/05 Prisoner's Brief.....09/18/06 State's Brief09/14/06 Oral Argument.....02/01/07 Decision04/06/07</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition10/31/07 Brief in Opposition11/30/07 Decision or Certiorari Denial01/07/08</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><u>TRIAL</u></p> <p>Indictment.....08/18/95 Sentence.....02/23/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision07/02/99 Supreme Court Decision.....12/20/02 U.S. Supreme Court Review06/02/03</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/23/97 Trial Court Decision04/09/98 Court of Appeals Decision09/22/03 Supreme Court Decision.....01/21/04 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Nugent)</p> <p>Prisoner's Petition..... 12/15/04 State's Return of Writ..... 02/14/05 Prisoner's Traverse 08/29/05 Evidentiary Hearing Decision: 01/03/08</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal02/29/08 Prisoner's Brief.....08/31/09 State's Brief10/29/09 Oral Argument.....03/09/11 Decision06/29/11</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition11/10/11 Brief in Opposition01/17/12 Decision or Certiorari Denial02/25/13</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on appeal from the trial court's denial of Noling's request for DNA testing.
- **Status in Federal Courts as of 12/31/12:** Pending in the U.S. Supreme Court on Noling's petition for a writ of certiorari. Inmate is a plaintiff in the federal lethal injection litigation.

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, which was denied on 01/31/08. On 06/29/11, the 6th Circuit affirmed the district court's denial of the writ and denied Noling's requests to file a successive habeas petition. On 11/10/11, Noling filed for a writ of certiorari in the U.S. Supreme Court. (Note: The U.S. Supreme Court denied certiorari on 02/25/13.) Meanwhile, on 09/25/08, Noling filed a motion for DNA testing in the trial court which was denied on 03/11/09. On 09/29/10 the Ohio Supreme Court dismissed Noling's appeal. Meanwhile, on 06/21/10, Noling filed an application for leave to file a motion for a new trial which the trial court denied on 03/02/11. On 03/28/11, the trial court denied Noling's renewed motion for DNA testing. On 05/09/11, Noling appealed to the Ohio Supreme Court. On 10/19/11, the Ohio Supreme Court accepted the appeal and received merit briefing from the parties in 2012. (Note: Oral arguments were held on 01/08/13.)

Summary of Crime: On 08/11/10, Denny Obermiller murdered his grandmother, Candace Schneider, age 61, and his grandfather, 60-year-old Donald Schneider, in their Maple Heights home. The couple was found in separate rooms in the house, handcuffed and strangled. Obermiller raped Mrs. Schneider and strangled her with an electrical cord. The Schneiders suspected Obermiller had stolen from them while they were on vacation, and they had reported their suspicions to police prior to the murders. (Obermiller received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....09/17/10 Sentence.....03/10/11</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....03/28/12 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Obermiller's direct appeal; Pending in the trial court on Obermiller's petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 03/10/11, Denny Obermiller was sentenced to death after pleading guilty to the indictment. On 05/19/11, Obermiller filed a notice of appeal. On 04/17/12, Obermiller filed his merit brief, to which the State responded on 09/04/12 and Obermiller replied on 10/19/12. On 10/23/12, the Summit County Prosecutor's Office was appointed special prosecutor due to a conflict with the new Cuyahoga County Prosecutor. Meanwhile, on 03/28/12, Obermiller filed a petition for postconviction relief in the trial court. Obermiller then amended his petition on 06/28/12 and supplemented it on 09/04/12. The State responded on 09/28/12.

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><u>TRIAL</u></p> <p>Indictment.....12/16/93 Sentence.....12/11/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/12/97 Supreme Court Decision.....01/05/00 U.S. Supreme Court Review05/21/01</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/02/97 Trial Court Decision02/17/98 Court of Appeals Decision03/26/99 Supreme Court Decision.....03/08/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision07/09/98 Supreme Court Decision.....03/08/00</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Watson)</p> <p>Prisoner's Petition..... 05/21/02 State's Return of Writ..... 06/29/07 Prisoner's Traverse 10/11/07 Evidentiary Hearing 07/18/08 Decision: 03/31/11</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/29/11 Prisoner's Brief.....08/13/12 State's Brief11/21/12 Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit on appeal from the district court's denial of O'Neal's petition for a writ of habeas corpus; Pending in district court on O'Neal's successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 01/05/00, the Ohio Supreme Court affirmed O'Neal's conviction and death sentence on direct appeal. On 05/21/02, O'Neal filed a petition for a writ of habeas corpus in federal district court. On 12/11/02, the district court stayed the case pending completion of state court proceedings. On 08/09/07, the district court partially granted O'Neal's motion for discovery. On 07/18/08 and 08/13/08, the district court held an evidentiary hearing. On 03/31/11, the district court denied the writ of habeas corpus. On 04/29/11, O'Neal filed his notice of appeal. On 08/13/12, O'Neal filed his merit brief, to which the Warden responded on 11/21/12 and O'Neal replied on 01/19/13. Meanwhile, on 05/02/07, the Ohio Supreme Court dismissed O'Neal's *Atkins v. Virginia* successive postconviction appeal. On 09/17/12, O'Neal filed a successive habeas petition raising claims challenging the constitutionality of lethal injection. The Warden filed a return of writ on 12/04/12.

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><u>TRIAL</u> Indictment.....02/20/09 Sentence.....05/12/10</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....04/08/11 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner’s Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Osie's direct appeal; Pending in the trial court on Osie's petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** 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, and he filed his merit brief on 05/02/11. On 08/29/11, the State filed its brief to which Osie filed a reply on 10/13/11. Meanwhile, on 04/08/11, Osie filed a petition for postconviction relief in the trial court. On 05/29/11, Osie requested discovery and funds to hire experts to which the State responded on 06/02/11. On 05/17/11, the State filed a response to the petition for postconviction relief. On 05/26/11, the trial judge voluntarily recused himself from the case. On 07/06/11, the trial court ordered transcripts of the grand jury proceedings be prepared and submitted under seal to the court for its review. On 09/12/12, the trial court dismissed the portion of Osie's postconviction petition dealing with alleged irregularities in the grand jury process, finding there was no merit to the claims. (Note: On 02/11/13, the State filed a motion for summary judgment.)

Summary of Crime: On 02/12/92, Otte murdered 61-year-old Robert Wasikowski in his home at the Pleasant Lake apartment complex in Parma. Mr. Wasikowski had let Otte in to use the telephone. Otte shot Mr. Wasikowski in the head and stole about \$413. On 2/13/92 Otte murdered 45-year-old Sharon Kostura in her home at the same apartment complex. When Ms. Kostura answered her door, Otte shoved his way inside, shot her in the head and stole \$45 and her car keys. Otte later confessed to police. (Otte received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p>TRIAL</p> <p>Indictment.....03/19/92 Sentence.....10/06/92</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision10/27/94 Supreme Court Decision.....02/21/96 U.S. Supreme Court Review10/07/96</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....04/01/96 Trial Court Decision03/09/04 Court of Appeals Decision01/24/05 Supreme Court Decision.....07/13/05 U.S. Supreme Court Review.....01/09/06</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision12/20/00 Supreme Court Decision.....01/30/02</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Gaughan)</p> <p>Prisoner's Petition.....01/05/07 State's Return of Writ.....03/06/07 Prisoner's Traverse06/12/07 Evidentiary Hearing Decision:02/12/08</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal03/03/08 Prisoner's Brief.....03/05/10 State's Brief07/06/10 Oral Argument.....01/13/11 Decision08/12/11</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition12/19/11 Brief in Opposition02/07/12 Decision or Certiorari Denial03/19/12</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 02/12/08, the district court denied Otte's petition for a writ of habeas corpus. On 08/12/11, the 6th Circuit affirmed the district court's denial of the writ of habeas corpus. On 09/20/11, the 6th Circuit denied Otte's motion for rehearing *en banc*. On 12/19/11, Otte filed a petition for a writ of certiorari in the U.S. Supreme Court which was denied on 03/19/12.

Summary of Crime: On 05/08/89, Palmer murdered Charles Sponhaltz and Steven Vargo on County Road 2. Palmer was the passenger of a vehicle that collided with Mr. Sponhaltz' vehicle. Palmer exited the vehicle, approached Mr. Sponhaltz, and twice shot him in the head. When Mr. Vargo, a passing motorist, stopped and exited his vehicle, Palmer twice shot him in the head. Palmer later confessed to police. (Palmer received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....05/23/89 Sentence.....11/08/89</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/29/96 Supreme Court Decision.....12/31/97 U.S. Supreme Court Review10/05/98</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision11/04/96 Court of Appeals Decision10/20/99 Supreme Court Decision.....02/16/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision10/25/00 Supreme Court Decision.....07/11/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose) Prisoner's Petition.....09/08/00 State's Return of Writ.....12/01/00 Prisoner's Traverse02/23/01 Evidentiary Hearing03/06/03 Decision:04/17/06</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal05/15/06 Prisoner's Brief.....04/23/08 State's Brief04/22/08 Oral Argument.....12/03/08 Decision05/29/09</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition12/16/09 Brief in Opposition02/03/10 Decision or Certiorari Denial03/08/10</p>

STATUS

- **Status in State Courts as of 09/20/12:** No capital proceeding pending.
- **Status in Federal Courts as of 09/20/12:** No capital proceeding pending.

NOTES

On 09/20/12, Donald L. Palmer was executed by lethal injection.

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><u>TRIAL</u> Indictment..... Sentence.....03/15/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/29/86 Supreme Court Decision.....09/16/87 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 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><u>TRIAL</u></p> <p>Indictment.....11/24/03 Sentence.....12/09/05</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....12/02/09 U.S. Supreme Court Review06/28/10</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....01/12/07 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Perez' postconviction petition.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 postconviction relief in the trial court. On 06/15/07, the State filed its answer. On 06/15/07, the State filed a motion for discovery to which Perez filed his opposition on 06/22/07. On 05/13/09, Perez filed a motion for leave to amend his petition for postconviction relief.

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>TRIAL</p> <p>Indictment.....02/01/93 Sentence.....09/15/93</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision09/07/94 Supreme Court Decision.....11/22/95 U.S. Supreme Court Review05/20/96</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision07/12/01 Court of Appeals Decision02/27/02 Supreme Court Decision.....06/12/02 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....06/16/99</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge O'Malley)</p> <p>Prisoner's Petition..... 06/09/03 State's Return of Writ..... 08/11/03 Prisoner's Traverse 09/25/03 Evidentiary Hearing 06/01/04 Decision: 09/29/06</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal10/23/06 Prisoner's Brief.....12/22/08 State's Brief12/10/08 Oral Argument.....07/29/09 Decision06/01/10</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition12/03/10 Brief in Opposition02/03/11 Decision or Certiorari Denial03/07/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Phillips' successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

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 06/01/10, the 6th Circuit affirmed the district court's denial of Phillips' petition for a writ of habeas corpus. On 12/03/10, Phillips filed a petition for writ of certiorari in the U.S. Supreme Court which was denied on 03/07/11. On 12/16/11, the Ohio Supreme Court set Phillips' execution date for 11/14/13. On 09/17/12, Phillips filed a successive petition for a writ of habeas corpus challenging the constitutionality of lethal injection. On 11/15/12, the district court ordered Phillips to file a brief explaining how the claims were different than those raised in the federal lethal injection litigation under 42 U.S.C. §1983 and how the claims were cognizable in habeas. Phillips filed his brief on 11/30/12. On 12/14/12, the Warden responded and filed a motion to dismiss, to which Phillips filed a reply on 01/02/13.

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. (Pickens received the death penalty for all three victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p>TRIAL</p> <p>Indictment.....08/04/09 Sentence.....07/13/10</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....05/17/11 Trial Court Decision.....12/05/12 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Pickens' direct appeal; Pending in the 1st District Court of Appeals on the denial of Pickens' petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** 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. On 06/07/11, Pickens filed his brief to which the State responded on 10/25/11. On 12/08/11, Pickens filed his reply. Meanwhile, on 05/17/11, Pickens filed a petition for postconviction relief in the trial court, which he amended on 09/21/11. On 11/05/12, the trial court denied Pickens' motions for discovery and funds for testing. On 12/05/12, the trial court dismissed Pickens' postconviction relief petition. (Note: On 01/02/13, Pickens filed a notice of appeal in the 1st District Court of Appeals.)

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><u>TRIAL</u> Indictment.....07/22/91 Sentence.....02/04/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/13/94 Supreme Court Decision.....01/17/96 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision</p> <p>..... Court of Appeals Decision</p> <p>..... Supreme Court Decision.....</p> <p>..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision</p> <p>..... Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>..... Evidentiary Hearing</p> <p>..... Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal</p> <p>..... Prisoner's Brief.....</p> <p>..... State's Brief</p> <p>..... Oral Argument.....</p> <p>..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition</p> <p>..... Brief in Opposition</p> <p>..... 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 resentenced 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><u>TRIAL</u></p> <p>Indictment.....03/01/85 Sentence.....06/10/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/24/86 Supreme Court Decision.....03/23/88 U.S. Supreme Court Review10/17/88</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/26/89 Trial Court Decision10/23/89 Court of Appeals Decision03/06/91 Supreme Court Decision.....08/07/91 U.S. Supreme Court Review06/27/94</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision12/01/92 Supreme Court Decision.....10/27/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Beckwith)</p> <p>Prisoner's Petition..... 03/10/94 State's Return of Writ..... 05/03/94 Prisoner's Traverse 08/01/94 Evidentiary Hearing Decision: 12/15/00</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal03/09/01 Prisoner's Brief.....07/15/04 State's Brief07/28/04 Oral Argument.....04/28/05 Decision07/24/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition 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><u>TRIAL</u> Indictment.....04/17/84 Sentence.....03/13/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision01/15/86 Supreme Court Decision.....09/16/87 U.S. Supreme Court Review02/22/88</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/25/88 Trial Court Decision03/04/96 Court of Appeals Decision01/03/97 Supreme Court Decision.....05/14/97 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Wells) Prisoner's Petition.....11/20/97 State's Return of Writ.....01/21/98 Prisoner's Traverse06/07/99 Evidentiary Hearing Decision:05/23/03</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal08/07/03 Prisoner's Brief.....10/08/08 State's Brief10/06/08 Oral Argument.....06/15/10 Decision09/13/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition02/18/11 Brief in Opposition04/21/11 Decision or Certiorari Denial05/23/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 12/17/12, Governor Kasich commuted Post's death sentence to life imprisonment without the possibility of parole.

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><u>TRIAL</u> Indictment.....09/05/86 Sentence.....01/27/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/17/88 Supreme Court Decision.....03/14/90 U.S. Supreme Court Review10/01/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/06/91 Trial Court Decision06/12/92 Court of Appeals Decision08/11/93 Supreme Court Decision.....01/19/94 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision02/22/94 Supreme Court Decision.....08/03/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Weber) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal09/08/98 Prisoner's Brief.....04/07/00 State's Brief04/05/00 Oral Argument.....11/28/00 Decision05/07/03</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition 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. (Powell received the death penalty for all four victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p>TRIAL</p> <p>Indictment.....11/22/06 Sentence.....09/13/07</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....06/13/12 U.S. Supreme Court Review</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....06/30/08 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Powell's *Murnahan* appeal; Pending in the trial court on Powell's postconviction petition.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 06/13/12, the Ohio Supreme Court affirmed Powell's conviction and death sentence on direct appeal. On 09/26/12, the Ohio Supreme Court denied Powell's motion for reconsideration. On 12/24/12, Powell filed a motion to reopen his direct appeal, to which the State opposed on 01/14/13. Meanwhile, on 06/30/08, Powell filed his postconviction petition. On 07/25/08, the trial court stayed the case pending the completion of his direct appeal. On 10/04/10, Powell, *pro se*, filed a successive petition for postconviction relief. On 06/14/12, the State filed a motion to dismiss/motion for summary judgment, to which Powell responded on 12/03/12. On 12/07/12, the State supplemented the motion to dismiss/motion for summary judgment.

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>TRIAL</p> <p>Indictment.....01/04/96 Sentence.....11/06/96</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....09/30/98 U.S. Supreme Court Review03/01/99</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....02/02/98 Trial Court Decision04/17/98 Court of Appeals Decision06/25/99 Supreme Court Decision.....10/27/99 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....03/03/99</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Barrett)</p> <p>Prisoner's Petition..... 09/13/00 State's Return of Writ..... 11/01/00 Prisoner's Traverse 02/22/01 Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Raglin's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 09/30/98, the Ohio Supreme Court affirmed Raglin's conviction and death sentence on direct appeal. On 09/13/00, Raglin filed a petition for a writ of habeas corpus in federal district court. On 02/02/06 and 06/29/06, the magistrate judge recommended denial of Raglin's petition for a writ of habeas corpus. On 07/18/06, Raglin filed a objections. 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 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 10/03/11, Raglin filed a motion for a certificate of appealability, and the magistrate judge issued a recommendation on 01/10/12. On 03/08/12, Raglin filed a motion to amend his petition to add claims challenging the constitutionality of lethal injection, which the magistrate judge permitted over the Warden's opposition on 04/06/12. On 08/30/12, the Warden filed objections to the magistrate's supplemental recommendation allowing amendment of the petition, to which Raglin responded on 09/14/12.

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><u>TRIAL</u> Indictment.....09/29/94 Sentence.....04/28/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision01/04/01 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....01/28/98 Trial Court Decision03/04/98 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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.

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
<p><u>TRIAL</u></p> <p>Indictment.....01/20/94 Sentence.....06/09/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision07/10/96 Supreme Court Decision.....01/14/98 U.S. Supreme Court Review06/15/98</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision04/08/98 Court of Appeals Decision10/27/99 Supreme Court Decision.....02/16/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dowd)</p> <p>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</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal02/06/03 Prisoner's Brief.....08/08/06 State's Brief07/28/06 Oral Argument.....04/04/07 Decision08/16/07</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition04/14/08 Brief in Opposition Decision or Certiorari Denial06/09/08</p>

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.

Summary of Crime: On 06/30/86, Richey murdered 2-year-old Cynthia Collins in Columbus Grove. Richey had been babysitting Cynthia, who lived in the same apartment building as Richey's 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><u>TRIAL</u></p> <p>Indictment.....07/10/86 Sentence.....01/26/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision12/28/89 Supreme Court Decision.....08/12/92 U.S. Supreme Court Review03/22/93</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....05/02/96 Trial Court Decision03/28/97 Court of Appeals Decision11/18/97 Supreme Court Decision.....03/11/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision01/04/95 Supreme Court Decision.....08/30/95</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gaughan)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal05/01/01 Prisoner's Brief.....12/17/02 State's Brief12/17/02 Oral Argument.....05/07/03 Decision01/25/05</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition07/14/05 Brief in Opposition09/02/05 Decision or Certiorari Denial11/28/05</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.

Convicted of Lesser Charge on Remand

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 (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 04/21/93, 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. (Robb received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....10/05/94 Sentence.....04/17/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision04/30/98 Supreme Court Decision.....03/01/00 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/23/96 Trial Court Decision02/14/00 Court of Appeals Decision02/27/01 Supreme Court Decision.....06/06/01 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Marbley) Prisoner's Petition.....06/03/02 State's Return of Writ.....11/17/03 Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Robb's petition for writ a of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/01/00, the Ohio Supreme Court affirmed Robb's conviction and death sentence on direct appeal. On 06/03/02, Robb filed a petition for a writ of habeas corpus in 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 12/16/10, the district court reset the deadline for discovery, which continued. On 07/16/12, over the Warden's opposition, the district court permitted Robb to amend his petition to add claims challenging the constitutionality of lethal injection. On 08/16/12, Robb filed his amended petition to which the Warden responded on 10/15/12. (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><u>TRIAL</u> Indictment.....12/28/01 Sentence.....10/29/07</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/20/08 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** 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' postconviction petition.
- **Status in Federal Courts as of 12/31/12:** 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' postconviction appeal. On 08/20/08, Roberts filed another postconviction petition to set aside her sentence in the trial court. (Note: On 02/28/13, the Ohio Supreme Court set oral arguments on Robert's direct appeal following resentencing for 05/07/13.) (Note: Dates reflect the resentencing.)

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><u>TRIAL</u></p> <p>Indictment.....12/26/84 Sentence.....12/23/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision08/25/87 Supreme Court Decision.....03/22/89 U.S. Supreme Court Review03/26/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/03/90 Trial Court Decision02/11/92 Court of Appeals Decision09/22/92 Supreme Court Decision.....03/24/93 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus)</p> <p>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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal09/29/00 Prisoner's Brief.....09/10/01 State's Brief09/04/01 Oral Argument.....01/31/02 Decision10/31/02</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition05/09/03 Brief in Opposition07/09/03 Decision or Certiorari Denial10/06/03</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><u>TRIAL</u> Indictment..... Sentence..... 10/29/82</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... 06/05/85 U.S. Supreme Court Review 12/02/85</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 6th District Court of Appeals affirmed Roger's convictions and sentence, on 06/05/85, the Ohio Supreme Court also affirmed the convictions and sentence. 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 convictions 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><u>TRIAL</u></p> <p>Indictment.....06/23/87 Sentence.....05/05/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision07/11/90 Supreme Court Decision.....07/01/92 U.S. Supreme Court Review01/11/93</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/22/93 Trial Court Decision01/10/95 Court of Appeals Decision12/29/95 Supreme Court Decision.....05/29/96 U.S. Supreme Court Review10/21/96</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Marbley)</p> <p>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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

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

NOTES

On 07/01/92, the Ohio Supreme Court affirmed Rojas' conviction and death sentence on direct appeal. On 10/04/96, Rojas filed a petition for a writ of habeas corpus in 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 08/09/04, Rojas filed a motion for an evidentiary hearing. On 05/20/11, Rojas and the Warden filed supplemental briefs. On 06/28/11, the Warden opposed Rojas' request for an evidentiary hearing.

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 04/15/93, 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><u>TRIAL</u> Indictment.....07/29/94 Sentence.....03/05/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision05/01/98 Supreme Court Decision.....07/18/01 U.S. Supreme Court Review04/29/02</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....07/23/97 Trial Court Decision02/03/98 Court of Appeals Decision03/26/99 Supreme Court Decision.....01/29/03 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision02/04/99 Supreme Court Decision.....01/30/02</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dlott) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.

- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Sanders' petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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 recommended denial of Sanders' petition for a writ of habeas corpus. On 12/29/10, the magistrate judge issued a supplemental recommendation again denying Sanders' petition for a writ of habeas corpus. On 04/04/11, Sanders filed objections to the magistrate's decision to which the Warden responded on 04/13/11. On 10/20/11, the district court heard oral arguments regarding discovery issues. On 11/17/11, the district court permitted Sanders to conduct limited discovery. (Note: This case was tried in Hamilton County following a change of venue from Scioto 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. At the time of his trial in 1997, Sapp was serving a prison sentence for assaulting and attempting to rape another Springfield woman in 1993. (Sapp received a death sentence for the aggravated murders of Martha, Phree and Ms. Anderson.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....04/07/97 Sentence.....10/21/99</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/13/02 Supreme Court Decision.....12/29/04 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/04/01 Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal</p> <p>Prisoner's Brief.....</p> <p>State's Brief</p> <p>Oral Argument.....</p> <p>Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition</p> <p>Brief in Opposition</p> <p>Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Sapp's postconviction petition.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/29/04, the Ohio Supreme Court affirmed Sapp's conviction and death sentence on direct appeal. Meanwhile, on 01/10/02, the trial court denied Sapp's postconviction petition. On 08/05/02, the 2nd District Court of Appeals dismissed Sapp's postconviction 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 postconviction 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><u>TRIAL</u> Indictment.....05/17/83 Sentence.....04/03/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision05/23/85 Supreme Court Decision.....08/20/86 U.S. Supreme Court Review03/09/87</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....01/11/88 Trial Court Decision09/09/91 Court of Appeals Decision06/15/93 Supreme Court Decision.....01/12/94 U.S. Supreme Court Review06/13/94</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision08/26/92 Supreme Court Decision.....10/27/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge O'Malley) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/20/98 Prisoner's Brief.....08/27/99 State's Brief08/16/99 Oral Argument.....01/24/00 Decision04/19/00</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition10/10/00 Brief in Opposition10/27/00 Decision or Certiorari Denial11/27/00</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><u>TRIAL</u> Indictment..... Sentence..... 10/24/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision 02/09/88 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 06/19/89, the trial court re-sentenced Scott to life imprisonment with parole eligibility 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><u>TRIAL</u> Indictment.....09/24/99 Sentence.....04/10/00</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....01/14/04 U.S. Supreme Court Review06/14/04</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....01/26/01 Trial Court Decision12/21/04 Court of Appeals Decision01/23/06 Supreme Court Decision.....06/21/06 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....07/14/04</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Adams) Prisoner's Petition..... 06/11/07 State's Return of Writ..... 08/03/07 Prisoner's Traverse 09/24/07 Evidentiary Hearing Decision: 11/18/11</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal12/08/11 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.

- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit on appeal from the district court's denial of Scott's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 01/14/04, the Ohio Supreme Court affirmed Scott's conviction and death sentence on direct appeal. On 06/11/07, Scott filed a petition for a writ of habeas corpus in federal district court. On 07/21/09, the district court granted Scott's motion for a certified question to the Ohio Supreme Court and stayed proceedings. On 10/14/09, the Ohio Supreme Court accepted the question and answered it on 12/02/10. On 08/16/11, Scott filed a motion to amend his petition in district court. On 11/18/11, the district court denied the motion to amend and denied Scott's petition for a writ of habeas corpus. On 12/08/11, Scott filed a notice of appeal with the 6th Circuit. On 09/25/12, the 6th Circuit granted an expanded certificate of appealability. (Note: Scott filed his merit brief on 01/25/13.)

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><u>TRIAL</u> Indictment.....05/31/89 Sentence.....12/26/90</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/20/92 Supreme Court Decision.....12/20/94 U.S. Supreme Court Review06/26/95</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/02/96 Trial Court Decision11/21/97 Court of Appeals Decision12/03/98 Supreme Court Decision.....04/21/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Marbley) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.

- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Scudder's petition for writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

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 09/30/09, the district court granted partial discovery but denied Scudder's motion for an evidentiary hearing. On 02/22/10, the Warden moved for discovery which the magistrate judge granted on 08/23/10. On 09/27/10, Scudder objected to the magistrate judge's order. On 07/13/11, the district court overruled Scudder's objections and ordered Scudder to comply with discovery. On 09/17/12, Scudder filed a motion to amend his petition to raise claims challenging the constitutionality of lethal injection. On 10/05/12, the Warden opposed the amendment.

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><u>TRIAL</u> Indictment.....06/13/85 Sentence.....07/17/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision06/08/89 Supreme Court Decision.....12/05/90 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision</p> <p>..... Court of Appeals Decision</p> <p>..... Supreme Court Decision.....</p> <p>..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision</p> <p>..... Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>..... Evidentiary Hearing</p> <p>..... Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal</p> <p>..... Prisoner's Brief.....</p> <p>..... State's Brief</p> <p>..... Oral Argument.....</p> <p>..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....08/26/94 Sentence.....05/30/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision06/11/97 Supreme Court Decision.....12/30/98 U.S. Supreme Court Review06/21/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....01/28/97 Trial Court Decision06/10/98 Court of Appeals Decision03/26/99 Supreme Court Decision.....08/04/99 U.S. Supreme Court Review02/22/00</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision10/02/00 Supreme Court Decision.....04/11/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Frost) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/23/09 Prisoner's Brief.....07/26/10 State's Brief10/25/10 Oral Argument.....03/09/11 Decision09/13/11</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition04/13/12 Brief in Opposition05/11/12 Decision or Certiorari Denial06/11/12</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Sheppard's motion to reopen under Civ. R. 60(b) and his successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/30/98, the Ohio Supreme Court affirmed Sheppard's conviction and death sentence on direct appeal. On 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 which was denied on 03/23/09. On 09/13/11, the 6th Circuit affirmed the district court's denial of the writ of habeas corpus. On 06/11/12, the U.S. Supreme Court denied a writ of certiorari. Meanwhile, on 03/09/12, Sheppard filed a successive habeas petition challenging the constitutionality of lethal injection. On 04/05/12, the district court transferred the case to the 6th Circuit, but that court remanded the case to determine if the petition was a successive petition which would be barred under federal statute. (Note: On 01/14/13, over the Warden's objections, the district court determined the successive petition was not one which is barred by statute.) On 04/17/12 and 06/15/12, Sheppard filed motions to reopen his habeas case pursuant to Civ. R. 60(b) under two different legal theories. (Note: On 01/14/13, the district court denied both motions. On 02/13/13, Sheppard filed a notice of appeal only as to the second Civ. R. 60(b) motion.)

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

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....09/20/04 Sentence.....05/30/06</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....07/28/11 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/11/07 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Short's postconviction petition; Pending in Ohio Supreme Court on Short's motion to reopen direct appeal.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 07/28/11, the Ohio Supreme Court affirmed Short's conviction and death sentence. On 11/21/11, Short filed a motion to reopen his direct appeal which the state opposed on 12/21/11. Meanwhile, on 06/11/07, Short filed his petition for postconviction 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/motion for summary judgment, which Short opposed on 09/28/07. On 11/30/11, Short filed an amended petition for postconviction relief and motions for funds to hire experts and discovery which the State opposed on 05/08/12. On 01/23/12, 05/21/12, and 08/27/12 Short amended his petition. On 04/10/12, the State filed another motion to dismiss/motion for summary judgment. On 11/08/12, the State responded to the amended claims.

Summary of Crime: On 08/07/90, Simko murdered his ex-girlfriend, Mary Jane Johnson, and her co-worker, Harold Baker, at an elementary school in Lorain. Simko arrived at the school in the morning, asked to speak to Ms. Johnson, and the two proceeded to the teacher's lounge. Meanwhile, Mr. Baker arrived at the school, heard Ms. Johnson scream his name, and ran to the lounge. Mr. Baker found Simko with a gun in his right hand and his left arm around Ms. Johnson. Simko ordered Mr. Baker into a restroom where he then escaped through a window to get help. Simko proceeded to twice shoot Ms. Johnson before fleeing the scene.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....08/14/90 Sentence.....09/17/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision01/20/93 Supreme Court Decision.....12/30/94 U.S. Supreme Court Review10/02/95</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....04/17/96 Trial Court Decision07/31/96 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 40-year-old prison guard, 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><u>TRIAL</u> Indictment.....07/29/94 Sentence.....01/30/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision01/31/03 Supreme Court Decision.....12/08/04 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/06/03 Trial Court Decision07/13/07 Court of Appeals Decision10/10/08 Supreme Court Decision.....04/08/09 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision09/30/03 Supreme Court Decision.....04/06/04</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose) Prisoner's Petition..... 04/05/10 State's Return of Writ..... 08/30/10 Prisoner's Traverse 01/07/11 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Skatzes's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 12/08/04, the Ohio Supreme Court affirmed Skatzes' conviction and death sentence on direct appeal. On 04/08/09, the Ohio Supreme Court dismissed Skatzes' postconviction appeal. On 04/05/10, Skatzes filed a petition for a writ of habeas corpus. On 08/30/10, the Warden filed a return of writ. On 03/04/11, Skatzes requested discovery which the court granted in part on 02/24/12. On 04/02/12, Skatzes filed a renewed motion for discovery which was partially granted on 06/07/12. During 2012, the parties conducted extensive discovery which is expected to continue into 2013. (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><u>TRIAL</u></p> <p>Indictment.....09/18/87 Sentence.....04/14/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision09/26/91 Supreme Court Decision.....12/31/92 U.S. Supreme Court Review10/04/93</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....07/12/94 Trial Court Decision07/21/99 Court of Appeals Decision08/10/00 Supreme Court Decision.....12/20/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision09/01/94 Supreme Court Decision.....07/19/95</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Economus)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/14/04 Prisoner's Brief.....09/14/05 State's Brief08/31/05 Oral Argument.....01/26/06 Decision08/08/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition04/05/07 Brief in Opposition05/14/07 Decision or Certiorari Denial06/18/07</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 02/08/11, the Ohio Supreme Court set Slagle's execution date for 09/20/11. On 09/02/11, Governor Kasich granted Slagle a reprieve, and re-set Slagle's execution date for 08/07/13.

Summary of Crime: On 05/12/95, Smith murdered 58-year-old Lewis Ray and 54-year-old Ruth Ray in their Hamilton home. Mr. Ray had previously lent Smith \$2,500, which Smith had not repaid. Smith struck Mr. Ray in the face with a hammer, slit his throat and signaled to his brother, Randy Smith, to choke Mrs. Ray to death. Then Smith and his brother stole jewelry and money from the house. Smith confessed to police after bragging to his friend about the murder and showing him the stolen jewelry. (Smith received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....06/16/95 Sentence.....02/09/96</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision03/19/96 Supreme Court Decision.....10/15/97 U.S. Supreme Court Review05/18/98</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/14/96 Trial Court Decision11/03/97 Court of Appeals Decision08/31/98 Supreme Court Decision.....01/20/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rice) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal09/08/05 Prisoner's Brief.....05/20/08 State's Brief05/20/08 Oral Argument.....03/10/09 Decision06/05/09</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition09/02/09 Brief in Opposition10/30/09 Decision or Certiorari Denial11/30/09</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.

- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Smith's successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 10/15/97, the Ohio Supreme Court affirmed Smith's conviction and death sentence on direct appeal. On 08/15/05, the federal district court denied Smith's petition for a writ of habeas corpus. On 06/05/09, the 6th Circuit affirmed the district court's decision. On 11/30/09, the U.S. Supreme Court denied Smith's petition for a writ of certiorari. On 02/08/11, the Ohio Supreme Court set Smith's execution for 07/19/11. On 07/08/11, the district court presiding over Smith's lethal injection suit stayed his execution. On 03/09/12, Smith filed a successive petition for a writ of habeas corpus challenging the constitutionality of lethal injection. On 04/05/12, the district court transferred the case to the 6th Circuit. On 08/24/12, the 6th Circuit remanded the case back to the district court to determine if the petition was barred by federal statute. On 12/04/12, over the Warden's objections, the district court determined the successive petition was not one barred by statute, and ordered the Warden to respond to the petition. (Note: On 01/04/13, the Warden filed a return of writ.)

Smith, Raymond A.

Smith
Lorain County

Summary of Crime: On 01/19/94, Smith and two accomplices, Danny Smith and Stanley Jalowiec, murdered 30-year-old Ronald Lally in a Cleveland-area cemetery. Mr. Lally was a police informant who was scheduled to testify against Raymond and Danny Smith in a drug trafficking trial. On the morning of the trial, Raymond and Danny Smith, and Jalowiec shot Mr. Lally in the head, cut his throat, stomped him and ran him over with a car. The defendants bragged about the murder to their friends. Jalowiec also received a death sentence.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
TRIAL Indictment.....03/08/95 Sentence.....01/05/96	REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Wells) Prisoner's Petition..... 10/11/01 State's Return of Writ..... 01/03/02 Prisoner's Traverse..... Evidentiary Hearing..... Decision:.....
FIRST REVIEW OF TRIAL (Direct Appeal) Court of Appeals Decision.....03/25/98 Supreme Court Decision.....01/05/00 U.S. Supreme Court Review.....	REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals) Notice of Appeal..... Prisoner's Brief..... State's Brief..... Oral Argument..... Decision.....
SECOND REVIEW OF TRIAL (Post-Conviction Action) Filed in Trial Court.....01/24/97 Trial Court Decision.....06/29/98 Court of Appeals Decision.....03/16/00 Supreme Court Decision.....07/19/00 U.S. Supreme Court Review.....	REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court) Certiorari Petition..... Brief in Opposition..... Decision or Certiorari Denial.....
REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal) Court of Appeals Decision.....08/02/01 Supreme Court Decision.....05/01/02	

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 stay the case pending completion of state court proceedings. On 09/29/06, Smith filed a motion declaring his successive postconviction 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 postconviction 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 postconviction petition finding him mentally retarded according to *Atkins v. Virginia*, and re-sentencing Smith to life in prison.

Ineligible for Death Penalty (*Atkins*)

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><u>TRIAL</u> Indictment.....11/05/98 Sentence.....03/25/99</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....12/13/02 U.S. Supreme Court Review06/02/03</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/18/00 Trial Court Decision11/16/00 Court of Appeals Decision07/20/01 Supreme Court Decision.....01/29/03 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge O'Malley) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/26/07 Prisoner's Brief.....11/13/08 State's Brief11/14/08 Oral Argument.....07/29/09 Decision01/19/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition06/11/10 Brief in Opposition06/29/10 Decision or Certiorari Denial10/04/10</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.

- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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. 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. On 08/25/11, the Ohio Supreme Court set Smith's execution date for 05/01/13.

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><u>TRIAL</u> Indictment.....06/21/93 Sentence.....03/22/94</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/06/98 Supreme Court Decision.....07/26/00 U.S. Supreme Court Review02/20/01</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision02/26/98 Court of Appeals Decision02/23/01 Supreme Court Decision.....06/27/01 U.S. Supreme Court Review11/26/01</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Matia) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/19/05 Prisoner's Brief.....12/06/06 State's Brief11/30/06 Oral Argument.....03/06/07 Decision04/11/08</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition01/07/09 Brief in Opposition03/12/09 Decision or Certiorari Denial04/20/09</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><u>TRIAL</u> Indictment.....10/21/87 Sentence.....04/14/88</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision06/06/90 Supreme Court Decision.....07/31/91 U.S. Supreme Court Review02/24/92</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/12/92 Trial Court Decision04/19/93 Court of Appeals Decision06/22/94 Supreme Court Decision.....11/09/94 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision06/30/93 Supreme Court Decision.....12/15/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Spiegel) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal08/22/00 Prisoner's Brief.....08/03/01 State's Brief08/07/01 Oral Argument.....09/18/02 Decision10/28/03</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition05/24/04 Brief in Opposition07/01/04 Decision or Certiorari Denial10/04/04</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><u>TRIAL</u> Indictment.....02/04/85 Sentence.....08/07/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision05/22/89 Supreme Court Decision.....02/12/92 U.S. Supreme Court Review03/22/93</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....12/13/93 Trial Court Decision09/28/99 Court of Appeals Decision09/29/00 Supreme Court Decision.....02/07/01 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision01/14/02 Supreme Court Decision.....09/25/02</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gaughan) Prisoner's Petition.....03/25/04 State's Return of Writ.....05/17/04 Prisoner's Traverse04/14/04 Evidentiary Hearing Decision:03/02/07</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal03/21/07 Prisoner's Brief.....05/04/09 State's Brief05/07/09 Oral Argument.....10/15/09 Decision03/31/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition08/04/10 Brief in Opposition09/23/10 Decision or Certiorari Denial11/01/10</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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. 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 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 Dorthy 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><u>TRIAL</u></p> <p>Indictment.....03/22/91 Sentence.....05/15/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision07/17/95 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition 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: Between June 2007 and September 2009, Anthony Sowell murdered eleven women: Tonia Carmichael, Nancy Cobbs, Tishana Culver, Crystal Dozier, Telacia Fortson, Amelda Hunter, Leshanda Long, Michelle Mason, Kim Yvettee Smith, Janice Webb, and Diane Turner. Many of the women had died as a result of strangulation, and were found in states of undress. (Sowell received the death penalty for all eleven victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....12/01/09 Sentence.....08/31/11</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....08/13/12 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Sowell's direct appeal; Pending in the trial court on Sowell's petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending.

NOTES

On 08/31/11, Anthony Sowell was convicted and sentenced to death. On 09/26/11, Sowell filed his notice of appeal. On 10/22/12, Sowell filed his merit brief. Meanwhile, on 08/13/12, Sowell filed his petition for postconviction relief and motions for funds and discovery. On 11/21/12, the State opposed the motions and Sowell's postconviction petition. (Note: On 01/18/13, Sowell filed his replies.)

Summary of Crime: On 05/01/83, Sowell murdered his friend, 36-year-old Calvert Graham, and attempted to murder his friend, Pamela Jean Billups, in Cincinnati. Ms. Billups was in Mr. Graham's apartment when Sowell accused her of stealing his money and threatened to shoot her. Mr. Graham asked Sowell to leave, but Sowell later forced his way back into the apartment. Sowell fatally shot Mr. Graham in the abdomen and head and then shot Ms. Billups three times before he ran out of ammunition.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....05/12/83 Sentence.....11/03/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision08/20/86 Supreme Court Decision.....11/16/88 U.S. Supreme Court Review04/17/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....12/20/89 Trial Court Decision05/04/90 Court of Appeals Decision06/26/91 Supreme Court Decision.....11/13/91 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision10/01/92 Supreme Court Decision.....11/17/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Sargus) Prisoner's Petition.....05/24/94 State's Return of Writ.....10/07/94 Prisoner's Traverse08/29/96 Evidentiary Hearing04/21/99 Decision:10/05/01</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/11/02 Prisoner's Brief.....10/17/02 State's Brief11/05/02 Oral Argument.....10/29/03 Decision06/23/04</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition01/06/05 Brief in Opposition02/10/05 Decision or Certiorari Denial03/21/05</p>

STATUS

- **Status in State Courts as of 03/27/12:** No capital proceeding pending.
- **Status in Federal Courts as of 03/27/12:** No capital proceeding pending.

NOTES

On 03/27/12, Billy Sowell died of natural causes.

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><u>TRIAL</u> Indictment.....09/13/83 Sentence.....09/10/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision03/06/89 Supreme Court Decision.....04/10/91 U.S. Supreme Court Review10/15/91</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/29/92 Trial Court Decision02/26/93 Court of Appeals Decision04/29/93 Supreme Court Decision.....10/20/93 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision11/15/93 Supreme Court Decision.....06/08/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Carr) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/30/00 Prisoner's Brief.....08/31/01 State's Brief08/31/01 Oral Argument.....04/30/02 Decision05/17/04</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition01/18/05 Brief in Opposition02/23/05 Decision or Certiorari Denial03/28/05</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><u>TRIAL</u> Indictment.....03/29/83 Sentence.....08/10/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision05/27/86 Supreme Court Decision.....04/13/88 U.S. Supreme Court Review04/24/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/01/89 Trial Court Decision04/05/94 Court of Appeals Decision04/13/95 Supreme Court Decision.....10/04/95 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision11/29/94 Supreme Court Decision.....08/16/95</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver) Prisoner's Petition..... 04/09/97 State's Return of Writ..... 05/29/97 Prisoner's Traverse 09/24/97 Evidentiary Hearing Decision: 04/18/03</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal07/31/03 Prisoner's Brief.....07/22/04 State's Brief07/27/04 Oral Argument.....03/14/06 Decision10/20/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition05/16/07 Brief in Opposition06/19/07 Decision or Certiorari Denial10/09/07</p>

STATUS

- **Status in State Courts as of 02/17/11:** No capital proceeding pending.
- **Status in Federal Courts as of 02/17/11:** No capital proceeding pending.

NOTES

On 02/17/11, Frank Spisak Jr. was executed by lethal injection.

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><u>TRIAL</u> Indictment.....01/18/89 Sentence.....11/20/89</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision01/13/97 Supreme Court Decision.....04/22/98 U.S. Supreme Court Review10/05/98</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/26/96 Trial Court Decision05/01/00 Court of Appeals Decision03/15/02 Supreme Court Decision.....07/03/02 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision02/11/98 Supreme Court Decision.....11/25/98</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court on Spivey's postconviction *Atkins* petition.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 postconviction petition pursuant to *Atkins v. Virginia* in the trial court. On 04/10/03 and 12/08/04, the trial court granted Spivey's motion for funds for an expert. On 10/10/08, Spivey filed a motion for a competency evaluation which was granted on 02/06/09. On 08/26/10, the trial court held a competency hearing, found Spivey competent to participate in the postconviction proceedings, and scheduled an *Atkins* hearing. The trial court held hearings on the *Atkins* claims on 04/28/11 and 06/14/11. On 03/19/12, the trial court denied Spivey's *Atkins* petition. On 04/16/12, Spivey filed a notice of appeal to the 2nd District Court of Appeals. On 08/22/12, the court of appeals stayed the case pending the decision by the U.S. Supreme Court in *Tibbals v. Sean Carter*. (Note: On 01/08/13, the U.S. Supreme Court decided Carter in favor of the State.)

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><u>TRIAL</u></p> <p>Indictment.....06/03/97 Sentence.....02/27/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....07/19/00 U.S. Supreme Court Review10/01/01</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....01/11/99 Trial Court Decision04/26/99 Court of Appeals Decision04/19/00 Supreme Court Decision.....09/06/00 U.S. Supreme Court Review02/20/01</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....02/07/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge O'Malley)</p> <p>Prisoner's Petition..... 03/11/05 State's Return of Writ..... 08/01/05 Prisoner's Traverse 11/04/05 Evidentiary Hearing 08/29/07 Decision: 03/31/08</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/04/08 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition 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><u>TRIAL</u> Indictment.....09/02/82 Sentence.....05/25/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/11/85 Supreme Court Decision.....06/24/87 U.S. Supreme Court Review02/29/88</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....01/13/89 Trial Court Decision07/18/90 Court of Appeals Decision08/07/91 Supreme Court Decision.....01/15/92 U.S. Supreme Court Review06/27/94</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision10/01/92 Supreme Court Decision.....11/17/93</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Frost) Prisoner's Petition..... 01/24/95 State's Return of Writ..... 06/20/95 Prisoner's Traverse 05/31/96 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending a new penalty phase trial in the trial court.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Steffen's petition for a 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 completion of state court proceedings. On 08/03/06, Steffen filed a motion for new trial based on newly discovered DNA evidence. 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 and Steffen cross-appealed. On 12/22/09, the 1st District Court of Appeals stayed proceedings pending a decision in the Ohio Supreme Court on Steffen's complaint for a writ of prohibition to preclude the 1st District Court of Appeals from hearing the State's appeal. On 06/03/10, the Ohio Supreme Court granted Steffen's complaint for a writ of prohibition, and the 1st District Court of Appeals dismissed the State's appeal. On 11/22/10, the State moved the trial court to determine the appropriateness of Steffen's capital sentence, which was denied. On 01/05/12, the trial court granted Steffen funds to hire experts. On 12/20/12, the trial court permitted the taking of a witness deposition.

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><u>TRIAL</u> Indictment.....10/10/96 Sentence.....04/18/97</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....02/17/99 U.S. Supreme Court Review11/08/99</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....03/04/98 Trial Court Decision09/14/00 Court of Appeals Decision01/10/02 Supreme Court Decision.....05/15/02 U.S. Supreme Court Review10/07/02</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....08/18/99</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Frost) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Stojetz's appeal of the denial of his motion for new trial.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Stojetz's petition for a 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 postconviction relief, motion for discovery, and a motion for new trial in the trial court. On 03/17/10, the district court allowed Stojetz to amend his petition. Meanwhile, on 05/20/09, the trial court overruled Stojetz's motion for a new trial. 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. (Note: The Ohio Supreme Court denied Stojetz's appeal on 01/23/13.)

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>TRIAL</p> <p>Indictment.....06/14/84 Sentence.....09/27/84</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision05/22/86 Supreme Court Decision.....08/19/87 U.S. Supreme Court Review02/22/88</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/11/88 Trial Court Decision11/27/89 Court of Appeals Decision07/23/90 Supreme Court Decision.....12/26/90 U.S. Supreme Court Review11/12/91</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Smith)</p> <p>Prisoner's Petition..... 11/16/95 State's Return of Writ..... 10/08/96 Prisoner's Traverse 10/02/00 Evidentiary Hearing Decision: 02/07/01</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal05/30/01 Prisoner's Brief.....06/17/02 State's Brief06/05/02 Oral Argument.....12/11/02 Decision04/28/04</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition11/08/04 Brief in Opposition12/10/04 Decision or Certiorari Denial06/13/05</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit Court of Appeals on remand by the U.S. Supreme Court. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/19/87, the Ohio Supreme Court affirmed Stumpf's conviction and death sentence on direct appeal. On 02/07/01, the 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 06/13/05, the U.S. Supreme Court reversed the 6th Circuit's decision and remanded the case for further consideration of Stumpf's inconsistent prosecution theory claim. On 08/11/11, the 6th Circuit again reversed the decision of the district court and granted the writ. On 09/08/11, the Warden sought *en banc* rehearing which was granted on 10/26/11. On 06/06/12, the 6th Circuit, sitting *en banc*, heard oral arguments.

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>TRIAL</p> <p>Indictment.....02/20/98 Sentence.....04/06/99</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....12/20/02 U.S. Supreme Court Review05/27/03</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....02/22/00 Trial Court Decision07/24/00 Court of Appeals Decision06/29/01 Supreme Court Decision.....03/12/03 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Rice)</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>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</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><u>TRIAL</u> Indictment.....12/11/92 Sentence.....05/28/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision11/09/95 Supreme Court Decision.....03/19/97 U.S. Supreme Court Review10/06/97</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/23/96 Trial Court Decision09/03/98 Court of Appeals Decision11/18/99 Supreme Court Decision.....03/15/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Carr) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal07/17/03 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u></p> <p>Indictment.....07/31/89 Sentence.....11/14/89</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision10/10/91 Supreme Court Decision.....05/26/93 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal</p> <p>Prisoner's Brief..... State's Brief</p> <p>Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>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>TRIAL</p> <p>Indictment.....02/09/94 Sentence.....11/04/99</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision06/30/03 Supreme Court Decision.....05/31/06 U.S. Supreme Court Review</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/05/00 Trial Court Decision12/30/04 Court of Appeals Decision03/17/06 Supreme Court Decision.....08/23/06 U.S. Supreme Court Review</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision11/20/03 Supreme Court Decision.....06/28/06</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing</p> <p>Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal</p> <p>Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition</p> <p>Brief in Opposition</p> <p>Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the trial court for resentencing.
- **Status in Federal Courts as of 12/31/12:** 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-weighing 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 postconviction petition which was affirmed by the court of appeals on 03/17/06. On 08/23/06, the Ohio Supreme Court denied Tenace's postconviction appeal. Meanwhile, on 06/28/06, the Ohio Supreme Court denied Tenace's *Murnahan* petition.

Summary of Crime: In the early morning hours of 11/26/10, Thomas murdered 49-year-old Ann "Annie" McSween at or near her car near her place of employment, Mario's Lakeway Lounge in Mentor-on-the-Lake. Thomas beat Ms. McSween, causing bruising and broken bones to her face. Thomas stabbed her multiple times, raped her, strangled her and left her nearly naked body in a field. Thomas stole Ms. McSween's clothing, purse, and cell phone.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p>TRIAL</p> <p>Indictment.....10/11/11</p> <p>Sentence.....10/25/12</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</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>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge)</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>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal</p> <p>Prisoner's Brief.....</p> <p>State's Brief</p> <p>Oral Argument.....</p> <p>Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition</p> <p>Brief in Opposition</p> <p>Decision or Certiorari Denial</p>

STATUS

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

NOTES

On 10/25/12, Thomas was convicted and sentenced to death. On 12/04/12, Thomas filed his notice of appeal in the Ohio Supreme Court.

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><u>TRIAL</u></p> <p>Indictment.....12/30/94 Sentence.....12/04/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision06/30/99 Supreme Court Decision.....12/11/02 U.S. Supreme Court Review06/09/03</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....01/17/97 Trial Court Decision07/14/97 Court of Appeals Decision01/05/01 Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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 postconviction petition pursuant to *Atkins v. Virginia* in the trial court. On 08/03/06, the trial court ruled that Thomas' successive postconviction 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><u>TRIAL</u> Indictment.....07/21/08 Sentence.....06/23/10</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/18/11 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Thompson's direct appeal; Pending in trial court on Thompson's petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** 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. On 07/26/11, Thompson filed his brief. On 12/12/11, the State filed its brief. On 01/25/12, Thompson filed his reply brief. On 02/01/12, the State filed a motion to have the Ohio Supreme Court determine a jurisdictional issue. Meanwhile, on 10/18/11, Thompson filed a petition for postconviction relief in the trial court, and requested an evidentiary hearing. On 03/02/12, Thompson filed motions for discovery, funds for experts, and brain imaging which the State opposed on 03/08/12. On 08/23/12, the trial court stayed the case pending the decision of 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 around Ms. Henderson's neck to strangle her to death. He then stole her vehicle and traveled to a relative's house in Columbus where he was arrested. During police questioning, Thompson admitted going to Ms. Hendren's home with the cord and stealing her car.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u></p> <p>Indictment.....07/14/82 Sentence.....07/01/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision06/07/85 Supreme Court Decision.....10/07/87 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal</p> <p>Prisoner's Brief..... State's Brief</p> <p>Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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
<p><u>TRIAL</u></p> <p>Indictment.....11/12/97 Sentence.....08/27/98</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....07/05/01 U.S. Supreme Court Review02/19/02</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....05/22/99 Trial Court Decision03/22/00 Court of Appeals Decision03/30/01 Supreme Court Decision.....09/05/01 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....12/05/01</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dlott)</p> <p>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</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/26/06 Prisoner's Brief.....03/26/09 State's Brief06/15/09 Oral Argument.....06/15/10 Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition06/22/11 Brief in Opposition08/23/11 Decision or Certiorari Denial10/03/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 02/15/11, the 6th Circuit affirmed the district court's denial of the writ. On 06/22/11, Tibbetts filed a petition for a writ of certiorari in the U.S. Supreme Court which was denied on 10/03/11. On 09/28/12, the Ohio Supreme Court set Tibbetts' execution date for 10/15/14.

Days From Death Sentence to 12/31/12: 5240

Inmate Number: A363-178

Summary of Crime: On 01/08/83, Sam Sims and Stanley Carlisle were found in a pool of blood on the first floor of a Cleveland residence. Both victims had been fatally shot in the head. While it was alleged that Charles Tolliver was the perpetrator, upon a retrial Tolliver was acquitted of the aggravated murder charges.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....06/03/85 Sentence.....04/21/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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

On 04/21/86, Tolliver was convicted and sentenced to death. On 11/25/86, the trial court granted Tolliver a hearing on his motion for new trial. On 07/01/1988, the trial court found that the State's exercise of peremptory challenges denied Tolliver equal protection of the law, and ordered him to be retried. On 11/17/88, the jury found Tolliver not guilty of the aggravated murder charges, and he was released. (Note: Although Mr. Tolliver was ultimately acquitted of aggravated murder, Ohio law (O.R.C. §109.97) requires the Attorney General to report any individual whose death sentence has been vacated or reversed on appeal.)

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><u>TRIAL</u></p> <p>Indictment.....08/29/94 Sentence.....03/02/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision10/19/98 Supreme Court Decision.....01/03/01 U.S. Supreme Court Review06/11/01</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....12/05/96 Trial Court Decision04/09/97 Court of Appeals Decision12/21/98 Supreme Court Decision.....05/12/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/25/07 Prisoner's Brief.....03/31/09 State's Brief07/01/09 Oral Argument.....03/04/10 Decision07/13/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition12/09/10 Brief in Opposition02/10/11 Decision or Certiorari Denial03/21/11</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit on Treesh's appeal of the district court's dismissal of his successive habeas petition. Inmate is a plaintiff in the federal lethal injection litigation.

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 07/13/10, the 6th Circuit affirmed the district court's decision. On 12/09/10, Treesh filed a petition for writ of certiorari in the U.S. Supreme Court, which was denied on 03/21/11. On 08/25/11, the Ohio Supreme Court set Treesh's execution date for 03/06/13. On 09/17/12, Treesh filed a successive habeas petition challenging the constitutionality of lethal injection. On 11/15/12, the district court dismissed Treesh's petition. On 12/19/12, Treesh appealed to the 6th Circuit. (Note: On 02/13/13, the 6th Circuit dismissed Treesh's appeal. On 03/06/13, Frederick Treesh was executed by lethal injection.)

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>TRIAL</p> <p>Indictment.....02/03/05 Sentence.....11/21/05</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....06/30/09 U.S. Supreme Court Review11/30/09</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....05/29/07 Trial Court Decision10/03/07 Court of Appeals Decision12/08/08 Supreme Court Decision.....08/26/09 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Gwin)</p> <p>Prisoner's Petition..... 12/08/10 State's Return of Writ..... 03/02/11 Prisoner's Traverse 06/30/11 Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Trimble's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 06/30/09, the Ohio Supreme Court affirmed Trimble's conviction and death sentence on direct appeal. Meanwhile, on 10/03/07, the trial court dismissed Trimble's petition for postconviction relief. 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 dismissed Trimble's appeal. On 12/08/10, Trimble filed his petition for writ of habeas corpus. On 03/02/11, the Warden filed his return of writ. On 06/30/11, Trimble filed his traverse. On 07/29/11, the Warden filed his sur-reply. On 09/13/11, Trimble filed a motion for evidentiary hearing, which the court denied on 09/05/12.

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 Jennifer following a long period of abuse and several domestic disputes. Turner admitted the murders to another inmate while in county jail. (Turner received the death penalty for both victims.)

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....06/22/01 Sentence.....01/03/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision Supreme Court Decision.....05/11/05 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/20/03 Trial Court Decision09/22/04 Court of Appeals Decision02/21/06 Supreme Court Decision.....08/02/06 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....11/21/07</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Black) Prisoner's Petition.....06/15/07 State's Return of Writ.....11/01/07 Prisoner's Traverse02/08/08 Evidentiary Hearing02/01/10 Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Turner's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 05/11/05, the Ohio Supreme Court affirmed Turner's conviction and death sentence on direct appeal. On 06/15/07, Turner filed his petition for a writ of habeas corpus in district court. On 02/29/08, Turner filed a motion for an evidentiary hearing, which was denied on 04/09/08. 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 which the court granted in part on 12/02/09. On 04/22/11, the magistrate judge recommended the denial of the writ. On 07/15/11, Turner objected to the magistrate's recommendation. On 03/08/12, Turner sought to amend his petition to challenge the constitutionality of lethal injection, which was granted over the Warden's objections on 05/03/12. On 07/02/12, Turner filed supplemental objections to the magistrate's decision denying the writ. During 2012 both parties filed numerous objections and the case was recommitted to the magistrate for reconsideration in light of the filings.

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><u>TRIAL</u></p> <p>Indictment.....10/08/92 Sentence.....04/07/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision10/06/95 Supreme Court Decision.....03/05/02 U.S. Supreme Court Review10/07/02</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision11/16/98 Court of Appeals Decision03/19/01 Supreme Court Decision.....05/01/02 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision09/25/98 Supreme Court Decision.....03/06/02</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Marbley)</p> <p>Prisoner's Petition..... 10/06/03 State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Twyford's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/05/02, the Ohio Supreme Court affirmed Twyford's conviction and death sentence on direct appeal. On 10/06/03, Twyford filed a petition for a writ of habeas corpus in federal district court. On 12/30/04, the district court granted Twyford's motion to stay the case. On 08/26/05, the district court vacated the stay. 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><u>TRIAL</u> Indictment.....03/21/83 Sentence.....01/16/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/11/88 Supreme Court Decision.....03/28/90 U.S. Supreme Court Review10/29/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....07/05/91 Trial Court Decision11/20/96 Court of Appeals Decision09/10/98 Supreme Court Decision.....01/20/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision06/14/94 Supreme Court Decision.....12/30/94</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Katz) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal08/08/02 Prisoner's Brief.....09/07/04 State's Brief09/13/04 Oral Argument.....04/27/05 Decision07/20/05</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition01/17/06 Brief in Opposition03/07/06 Decision or Certiorari Denial04/17/06</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 postconviction 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. Meanwhile, on 03/06/08, Tyler filed an application for a successive habeas petition in the 6th Circuit. On 06/25/08, the 6th Circuit denied Tyler's application for a successive habeas petition. On 09/28/12, the Ohio Supreme Court set Tyler's execution date for 05/28/14.

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>TRIAL</p> <p>Indictment.....04/18/85 Sentence.....08/08/85</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision05/13/87 Supreme Court Decision.....11/09/88 U.S. Supreme Court Review03/27/89</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....12/27/89 Trial Court Decision06/11/91 Court of Appeals Decision10/21/92 Supreme Court Decision.....03/17/93 U.S. Supreme Court Review12/12/94</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision02/22/94 Supreme Court Decision.....06/08/94</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Smith)</p> <p>Prisoner's Petition.....10/10/95 State's Return of Writ.....02/02/98 Prisoner's Traverse05/14/01 Evidentiary Hearing Decision:08/07/03</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal09/05/03 Prisoner's Brief.....08/15/05 State's Brief07/11/05 Oral Argument.....12/06/05 Decision04/18/06</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition08/17/07 Brief in Opposition10/09/07 Decision or Certiorari Denial11/13/07</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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. On 05/24/07, the 6th Circuit, *en banc*, vacated that ruling and remanded the case to the panel to consider the other claims. On 08/04/08, the panel reversed the district court's decision of ineffective assistance of counsel at mitigation. On 02/12/09, the 6th Circuit, *en banc*, referred the case back to the panel for reconsideration. On 03/06/09, the panel again granted Van Hook's petition based on ineffective assistance of counsel. On 11/09/09, the U.S. Supreme Court reversed the 6th Circuit's grant of the writ and again remanded the case. On 10/04/11, the 6th Circuit affirmed the district court's denial of the writ. While his case was pending before the 6th Circuit, Van Hook filed a successive postconviction relief petition with the trial court but dismissed the petition on 10/26/11 after the 6th Circuit's denial of habeas relief on the claims. On 04/16/12, the U.S. Supreme Court denied certiorari. On 08/13/12, the State filed a motion in the Ohio Supreme Court for an execution date. (Note: On 02/12/13, the Ohio Supreme Court set Van Hook's execution date for 03/12/15.)

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><u>TRIAL</u></p> <p>Indictment.....09/16/94 Sentence.....10/17/95</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision03/02/00 Supreme Court Decision.....07/02/03 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....03/05/97 Trial Court Decision06/23/99 Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision10/06/00 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal</p> <p>Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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>TRIAL</p> <p>Indictment.....10/09/86 Sentence.....10/02/87</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision11/02/89 Supreme Court Decision.....04/15/92 U.S. Supreme Court Review10/13/92</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....06/05/95 Trial Court Decision06/10/96 Court of Appeals Decision06/10/97 Supreme Court Decision.....10/15/97 U.S. Supreme Court Review03/09/98</p> <p>REVIEW OF FIRST TRIAL REVIEW ("Murnahan" Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Black)</p> <p>Prisoner's Petition..... 02/26/98 State's Return of Writ..... 09/01/98 Prisoner's Traverse 11/16/99 Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Waddy's petition for a writ of habeas corpus, which is stayed pending state court proceedings. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 04/15/92, the Ohio Supreme Court affirmed Waddy's conviction and death sentence on direct appeal. On 02/26/98, Waddy filed a petition for a writ of habeas corpus in federal district court. On 04/16/12, the district court permitted Waddy to amend his petition, over the Warden's objection, to raise claims challenging the constitutionality of lethal injection. On 12/31/12, Waddy was permitted to file a second amended petition to raise claims under *Atkins v. Virginia*. Meanwhile, on 05/30/03, Waddy filed a successive postconviction petition pursuant to *Atkins* in the trial court. On 01/23/09 and 01/26/09, the trial court held an evidentiary hearing on Waddy's *Atkins* claim. On 11/25/09, the trial court denied Waddy's *Atkins* petition. On 06/28/11, the 10th District Court of Appeals affirmed the trial court's denial of relief. On 10/24/12, the Ohio Supreme Court denied Waddy's appeal.

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><u>TRIAL</u> Indictment.....06/19/91 Sentence.....11/02/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/28/93 Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision..... Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision..... Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing..... Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal..... Prisoner's Brief..... State's Brief..... Oral Argument..... Decision.....</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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 Mast's New and Used Furniture Store in Hamilton. Watson entered the store carrying a twelve-gauge shotgun, ordered 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 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><u>TRIAL</u></p> <p>Indictment.....08/07/87 Sentence.....11/12/87</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision03/31/89 Supreme Court Decision.....06/19/91 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal</p> <p>Prisoner's Brief..... State's Brief</p> <p>Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</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><u>TRIAL</u> Indictment.....01/10/91 Sentence.....07/16/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision05/24/93 Supreme Court Decision.....09/21/94 U.S. Supreme Court Review03/20/95</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....12/11/95 Trial Court Decision11/08/96 Court of Appeals Decision10/20/97 Supreme Court Decision.....02/18/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision07/07/98 Supreme Court Decision.....04/28/99</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dlott) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal12/11/06 Prisoner's Brief.....02/07/09 State's Brief04/06/09 Oral Argument.....06/10/09 Decision11/05/09</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition02/01/10 Brief in Opposition03/19/10 Decision or Certiorari Denial04/19/10</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

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 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 03/11/11, the Ohio Supreme Court set Webb's execution for 02/22/12. On 01/26/12, the Federal District Court presiding over Webb's lethal injection suit stayed his execution.

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><u>TRIAL</u></p> <p>Indictment.....07/29/94 Sentence.....06/06/03</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision02/04/05 Supreme Court Decision.....06/17/08 U.S. Supreme Court Review11/17/08</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/30/05 Trial Court Decision07/07/08 Court of Appeals Decision09/02/09 Supreme Court Decision.....01/27/10 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision06/20/07 Supreme Court Decision.....10/16/08</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Watson)</p> <p>Prisoner's Petition..... 01/21/11 State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Were's petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 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 postconviction petition. On 09/02/09, the 1st District Court of Appeals affirmed the trial court's decision. On 01/27/10, the Ohio Supreme Court denied Were's 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 01/21/11, Were filed a petition for writ of habeas corpus. On 06/03/11, the Warden filed a motion to dismiss procedurally defaulted claims which the court partially granted on 03/30/12. On 03/08/12, Were moved to amend his petition to add claims challenging the constitutionality of lethal injection, to which the Warden opposed on 03/13/12. On 06/06/12, Were moved for discovery, to which the Warden responded on 07/09/12.

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>TRIAL</p> <p>Indictment.....03/10/08 Sentence.....03/13/09</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....02/17/10 Trial Court Decision.....03/02/11 Court of Appeals Decision09/28/12 Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW ("Murnahan" Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition..... Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on Wesson's direct appeal and on his petition for postconviction relief.
- **Status in Federal Courts as of 12/31/12:** 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 postconviction petition in the trial court which was denied on 03/02/11. On 09/28/12, the 9th District Court of Appeals affirmed the trial court's denial of postconviction relief. On 11/09/12, Wesson filed a notice of appeal to the Ohio Supreme Court. On 11/14/12, the State waived briefing on the issue of jurisdiction.

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>TRIAL</p> <p>Indictment.....01/10/96 Sentence.....10/31/96</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....05/12/99 U.S. Supreme Court Review10/12/99</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....10/03/97 Trial Court Decision03/20/98 Court of Appeals Decision06/16/99 Supreme Court Decision.....10/20/99 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Matia)</p> <p>Prisoner's Petition.....10/02/00 State's Return of Writ.....12/01/00 Prisoner's Traverse02/15/01 Evidentiary Hearing Decision:07/10/03</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal07/23/03 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition 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 postconviction 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.

Ineligible for Death Penalty (*Atkins*)

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>TRIAL</p> <p>Indictment.....01/25/96 Sentence.....07/10/96</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision09/24/96 Supreme Court Decision.....05/20/98 U.S. Supreme Court Review12/14/98</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....05/05/97 Trial Court Decision08/18/97 Court of Appeals Decision08/07/98 Supreme Court Decision.....12/23/98 U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....08/02/00</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge Polster)</p> <p>Prisoner's Petition..... 11/22/99 State's Return of Writ..... 01/24/00 Prisoner's Traverse 03/09/00 Evidentiary Hearing Decision: 12/18/01</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal01/15/02 Prisoner's Brief.....03/14/05 State's Brief03/09/05 Oral Argument.....03/24/05 Decision12/07/05</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>Certiorari Petition07/20/06 Brief in Opposition08/23/06 Decision or Certiorari Denial11/13/06</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending resentencing.
- **Status in Federal Courts as of 12/31/12:** 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 held ORC 2929.06, jury death penalty re-sentencing, unconstitutional. On 08/09/07, the trial court stayed the case for the State to pursue an appeal. On 08/03/09, the 5th District reversed the trial court and remanded the case. On 06/14/12, the Ohio Supreme Court affirmed the decision of the court of appeals. On 12/21/12, White filed a petition for a writ of certiorari with the U.S. Supreme Court. (Note: On 03/04/13, the U.S. Supreme Court denied the petition.) Meanwhile, on 10/09/12, the State requested the trial court set a scheduling conference. On 11/30/12, White requested funds for experts.

Pending Resentencing

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><u>TRIAL</u> Indictment.....01/09/85 Sentence.....09/24/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/20/88 Supreme Court Decision.....04/11/90 U.S. Supreme Court Review10/09/90</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....06/17/91 Trial Court Decision05/08/92 Court of Appeals Decision06/28/94 Supreme Court Decision.....11/09/94 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision02/21/95 Supreme Court Decision.....01/24/96</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Graham) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal10/21/98 Prisoner's Brief.....03/05/02 State's Brief03/05/02 Oral Argument.....09/18/02 Decision01/30/03</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition08/07/03 Brief in Opposition09/11/03 Decision or Certiorari Denial10/14/03</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><u>TRIAL</u> Indictment.....08/16/85 Sentence.....02/12/86</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision06/06/88 Supreme Court Decision.....04/24/91 U.S. Supreme Court Review10/05/92</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision10/21/99 Court of Appeals Decision04/30/01 Supreme Court Decision.....09/05/01 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision08/09/02 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal06/10/05 Prisoner's Brief.....11/09/07 State's Brief10/25/07 Oral Argument.....12/11/08 Decision04/14/09</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition12/18/09 Brief in Opposition01/15/10 Decision or Certiorari Denial01/24/11</p>

STATUS

- **Status in State Courts as of 04/18/12:** No capital proceeding pending.
- **Status in Federal Courts as of 04/18/12:** No capital proceeding pending.

NOTES

On 04/18/12, Mark W. Wiles was executed by lethal injection.

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><u>TRIAL</u> Indictment.....09/28/88 Sentence.....03/15/89</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision03/27/95 Supreme Court Decision.....02/21/96 U.S. Supreme Court Review10/07/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/23/96 Trial Court Decision07/29/97 Court of Appeals Decision10/19/98 Supreme Court Decision.....03/03/99 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision03/29/10 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge O'Malley) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/25/03 Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the 6th Circuit on appeals of the district court's denials of Williams' two habeas petitions. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 02/21/96, the Ohio Supreme Court affirmed Williams' conviction and death sentence on direct appeal. On 03/28/03, the federal district court denied Williams' petition for writ of habeas corpus. On 06/27/03, the 6th Circuit stayed the case pending completion of state court proceedings on Williams' *Atkins* petition. On 12/31/08, the Ohio Supreme Court dismissed Williams' appeal of the denial of his *Atkins* petition. On 09/28/09, the 6th Circuit granted Williams' motion for leave to file a successive habeas petition in the district court to assert the *Atkins* claim, which he did on 10/13/09. On 03/05/10, Williams filed a motion for an evidentiary hearing and a motion for discovery, which were denied on 09/23/11. On 09/28/12, the district court denied Williams' successive habeas petition. On 10/23/12, Williams filed his notice of appeal.

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><u>TRIAL</u></p> <p>Indictment.....09/19/90 Sentence.....02/22/91</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision11/02/92 Supreme Court Decision.....08/16/95 U.S. Supreme Court Review03/04/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision07/14/97 Court of Appeals Decision06/22/98 Supreme Court Decision.....10/07/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Watson)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Williams' petition for a 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 stayed the case pending completion of state court proceedings. On 10/01/04, Williams' case was re-assigned to Judge Watson. 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 procedurally defaulted claims. On 05/04/09, Williams filed an amended traverse. On 04/17/11, the Warden filed a notice of additional authority. On 12/07/12, the district court partially granted the Warden's motion to dismiss defaulted claims. (Note: On 01/21/13, Williams filed a motion to reconsider as to one sub-claim.)

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><u>TRIAL</u> Indictment.....04/26/84 Sentence.....08/03/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision02/13/86 Supreme Court Decision.....09/14/88 U.S. Supreme Court Review10/30/89</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/03/89 Trial Court Decision07/07/92 Court of Appeals Decision11/24/93 Supreme Court Decision.....04/27/94 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision08/10/92 Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver) Prisoner's Petition.....07/10/98 State's Return of Writ.....09/04/98 Prisoner's Traverse11/09/99 Evidentiary Hearing Decision:03/31/04</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/23/04 Prisoner's Brief.....08/19/05 State's Brief08/19/05 Oral Argument.....03/14/06 Decision08/28/06</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....02/01/83 Sentence.....11/03/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/25/84 Supreme Court Decision.....03/26/86 U.S. Supreme Court Review03/09/87</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....11/20/87 Trial Court Decision10/17/89 Court of Appeals Decision07/01/91 Supreme Court Decision.....11/20/91 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision03/22/95 Supreme Court Decision.....02/07/96</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Manos) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal07/09/98 Prisoner's Brief.....10/20/99 State's Brief10/22/99 Oral Argument.....09/14/00 Decision08/16/01</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition02/25/02 Brief in Opposition05/20/02 Decision or Certiorari Denial06/24/02</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><u>TRIAL</u></p> <p>Indictment.....03/02/99 Sentence.....09/03/99</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....08/27/03 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....11/15/00 Trial Court Decision04/12/04 Court of Appeals Decision06/30/05 Supreme Court Decision.....12/14/05 U.S. Supreme Court Review</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver)</p> <p>Prisoner's Petition.....12/14/06 State's Return of Writ.....02/12/07 Prisoner's Traverse04/30/07 Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 12/31/12:** No capital proceeding pending.
- **Status in Federal Courts as of 12/31/12:** Pending in the district court on Williams' petition for a writ of habeas corpus. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 08/27/03, the Ohio Supreme Court affirmed Williams' conviction and death sentence on direct appeal. On 12/14/06, Williams filed a petition for a writ of habeas corpus in federal district court. On 09/10/07, the district court granted Williams' motion for leave to file a request to conduct discovery. On 11/21/11, the district court ordered the parties to submit cross-briefs on the effect of *Cullen v. Pinholster*, which both did on 01/20/12. On 12/18/12, the district court denied Williams' 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><u>TRIAL</u></p> <p>Indictment.....07/01/97 Sentence.....05/05/99</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....09/03/03 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court..... Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>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><u>TRIAL</u></p> <p>Indictment.....11/12/91 Sentence.....08/12/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision11/01/95 Supreme Court Decision.....06/11/97 U.S. Supreme Court Review01/12/98</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision12/15/98 Court of Appeals Decision11/17/99 Supreme Court Decision.....02/16/00 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Gwin)</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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal04/24/02 Prisoner's Brief.....10/28/02 State's Brief10/30/02 Oral Argument.....01/29/04 Decision08/13/04</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition02/18/05 Brief in Opposition03/25/05 Decision or Certiorari Denial04/25/05</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><u>TRIAL</u> Indictment.....06/04/91 Sentence.....05/08/92</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision10/12/94 Supreme Court Decision.....01/24/96 U.S. Supreme Court Review10/07/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....09/20/96 Trial Court Decision01/03/97 Court of Appeals Decision06/24/98 Supreme Court Decision.....11/04/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision01/16/97 Supreme Court Decision.....10/22/97</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Dowd) 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><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal03/06/03 Prisoner's Brief.....11/29/05 State's Brief12/05/05 Oral Argument.....06/18/07 Decision08/15/07</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition06/12/08 Brief in Opposition08/28/08 Decision or Certiorari Denial10/06/08</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
<p><u>TRIAL</u></p> <p>Indictment.....09/01/92 Sentence.....03/15/93</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision11/30/94 Supreme Court Decision.....03/06/96 U.S. Supreme Court Review10/07/96</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....09/20/96 Trial Court Decision02/24/97 Court of Appeals Decision06/12/98 Supreme Court Decision.....10/07/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision05/19/98 Supreme Court Decision.....11/10/98</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rose)</p> <p>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</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal10/12/07 Prisoner's Brief.....07/27/09 State's Brief11/24/09 Oral Argument.....08/03/10 Decision02/02/12</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition07/10/12 Brief in Opposition08/10/12 Decision or Certiorari Denial10/01/12</p>

STATUS

- **Status in State Courts as of 12/31/12:** Pending in the Ohio Supreme Court on the State's motion to set an execution date.
- **Status in Federal Courts as of 12/31/12:** No capital proceeding pending. Inmate is a plaintiff in the federal lethal injection litigation.

NOTES

On 03/06/96, the Ohio Supreme Court affirmed Wogenstahl's conviction and death sentence on direct appeal. 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 court held an evidentiary hearing. On 09/12/07, the district court denied Wogenstahl's petition for a writ of habeas corpus. On 02/02/12, the 6th Circuit affirmed the district court's denial of the writ. On 10/01/12, the U.S. Supreme Court denied Wogenstahl's petition for a writ of certiorari. On 10/03/12, the State filed a motion with the Ohio Supreme Court to set Wogenstahl's execution date. (Note: On 01/25/13, the Ohio Supreme Court set Wogenstahl's execution date for 05/14/15.)

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><u>TRIAL</u></p> <p>Indictment.....07/03/90 Sentence.....11/28/90</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision04/23/92 Supreme Court Decision.....12/23/93 U.S. Supreme Court Review06/27/94</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....01/18/95 Trial Court Decision12/09/96 Court of Appeals Decision01/22/98 Supreme Court Decision.....04/29/98 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision09/18/01 Supreme Court Decision.....09/25/02</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Oliver)</p> <p>Prisoner's Petition..... 12/09/98 State's Return of Writ..... 01/28/99 Prisoner's Traverse 03/04/99 Evidentiary Hearing 06/14/05 Decision: 09/30/05</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal10/19/06 Prisoner's Brief.....07/05/07 State's Brief06/08/07 Oral Argument.....01/29/08 Decision12/02/10</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition Decision or Certiorari Denial</p>

STATUS

- **Status in State Courts as of 11/09/11:** No capital proceeding pending.
- **Status in Federal Courts as of 11/09/11:** No capital proceeding pending.

NOTES

On 12/23/93, the Ohio Supreme Court affirmed Woodard's conviction and death sentence on direct appeal. On 12/09/98, Woodard filed a petition for a writ of habeas corpus in federal district court. On 09/30/05, the district court granted Woodard's petition for a writ of habeas corpus, vacated his sentence based on ineffective assistance of counsel, and remanded to the state court for a new penalty phase trial. On 10/05/06, the Warden filed a notice of appeal to the 6th Circuit. 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. On 11/09/11, the trial court re-sentenced Woodard to twenty-three years to life.

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><u>TRIAL</u></p> <p>Indictment.....02/23/96 Sentence.....02/03/97</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal)</p> <p>Court of Appeals Decision03/31/99 Supreme Court Decision.....05/15/02 U.S. Supreme Court Review11/12/02</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action)</p> <p>Filed in Trial Court.....12/02/99 Trial Court Decision05/02/00 Court of Appeals Decision05/01/01 Supreme Court Decision.....09/11/02 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court)</p> <p>Certiorari Petition Brief in Opposition 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 postconviction 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 postconviction 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>TRIAL</p> <p>Indictment.....07/08/99 Sentence.....09/28/00</p> <p>FIRST REVIEW OF TRIAL (Direct Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....12/01/04 U.S. Supreme Court Review</p> <p>SECOND REVIEW OF TRIAL (Post-Conviction Action)</p> <p>Filed in Trial Court.....12/19/01 Trial Court Decision Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p>REVIEW OF FIRST TRIAL REVIEW (“Murnahan” Appeal)</p> <p>Court of Appeals Decision Supreme Court Decision.....</p>	<p>REQUEST FOR WRIT OF HABEAS CORPUS (U.S. District Court: Judge)</p> <p>Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p>REVIEW OF HABEAS DECISION (U.S. 6th Circuit Court of Appeals)</p> <p>Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p>REVIEW OF REVIEW OF HABEAS DECISION (U.S. Supreme Court)</p> <p>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.

Ineligible for Death Penalty (Jurisdiction)

Summary of Crime: On 06/12/83, Young murdered and robbed Elefterios (“Larry”) Smyrlakis, a bar owner in Cincinnati. Young stole Mr. Smyrlakis’ revolver that he hid near the cash register in his bar. Young then waited until Mr. Smyrlakis closed the bar whereupon Mr. Smyrlakis provided Young a ride in his vehicle. While in the vehicle, Young brandished the revolver and shot Mr. Smyrlakis in the back of the head. She was later arrested while driving Mr. Smyrlakis’ vehicle and informed the arresting officer that “the gun” (Mr. Smyrlakis’ revolver) was under the seat.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....06/05/83 Sentence.....09/30/83</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision05/14/86 Supreme Court Decision.....07/30/86 U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision</p> <p>Court of Appeals Decision</p> <p>Supreme Court Decision.....</p> <p>U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision</p> <p>Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner’s Traverse</p> <p>Evidentiary Hearing</p> <p>Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal</p> <p>Prisoner's Brief.....</p> <p>State's Brief</p> <p>Oral Argument.....</p> <p>Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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><u>TRIAL</u> Indictment.....06/11/84 Sentence.....10/18/84</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision06/11/86 Supreme Court Decision.....08/12/87 U.S. Supreme Court Review01/25/88</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court.....10/14/88 Trial Court Decision05/30/90 Court of Appeals Decision12/04/91 Supreme Court Decision.....05/06/92 U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision08/04/92 Supreme Court Decision.....12/02/92</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge Rice) Prisoner's Petition.....09/30/92 State's Return of Writ.....04/19/95 Prisoner's Traverse09/11/95 Evidentiary Hearing04/15/96 Decision:03/30/00</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal04/13/00 Prisoner's Brief.....09/16/02 State's Brief08/28/02 Oral Argument.....02/04/03 Decision07/17/03</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) Certiorari Petition12/19/03 Brief in Opposition01/22/04 Decision or Certiorari Denial02/23/04</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 03/15/84, Zuranski murdered William Brooks and Maurice Lambrix, Jr. during a drug transaction in the garage of a house in Seven Hills. Mr. Brooks suffered a single gunshot wound to the chest. Mr. Lambrix suffered two gunshot wounds and 37 lacerations to the head and back. After the victims' deaths, Zuranski loaded the bodies into Mr. Brooks vehicle and drove away from the scene.

PROCEDURAL HISTORIES

STATE COURTS	FEDERAL COURTS
<p><u>TRIAL</u> Indictment.....05/01/84 Sentence.....05/20/85</p> <p><u>FIRST REVIEW OF TRIAL</u> (Direct Appeal) Court of Appeals Decision12/11/86 Supreme Court Decision..... U.S. Supreme Court Review</p> <p><u>SECOND REVIEW OF TRIAL</u> (Post-Conviction Action) Filed in Trial Court..... Trial Court Decision..... Court of Appeals Decision Supreme Court Decision..... U.S. Supreme Court Review.....</p> <p><u>REVIEW OF FIRST TRIAL REVIEW</u> (“Murnahan” Appeal) Court of Appeals Decision Supreme Court Decision.....</p>	<p><u>REQUEST FOR WRIT OF HABEAS CORPUS</u> (U.S. District Court: Judge) Prisoner's Petition..... State's Return of Writ..... Prisoner's Traverse..... Evidentiary Hearing Decision:</p> <p><u>REVIEW OF HABEAS DECISION</u> (U.S. 6th Circuit Court of Appeals) Notice of Appeal Prisoner's Brief..... State's Brief..... Oral Argument..... Decision</p> <p><u>REVIEW OF REVIEW OF HABEAS DECISION</u> (U.S. Supreme Court) 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.

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 • An appeal to the Ohio Supreme Court in which the Ohio Supreme Court may refuse to consider the merits of an appellant's claims of error. See **Appellant, Mandatory Appeal, and Memorandum in Support of Jurisdiction**.

Docket • The court's official record of all cases heard by the court, which is maintained by the clerk of the court, and on which all actions by the court are recorded. See **Docket Entry** and **Journal Entry**.

Docket Entry • A notation on the court's docket which states that a particular action has been taken in a case. See **Docket** and **Journal Entry**.

Evidentiary Hearing • A proceeding in a 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 ORC 2967.07, the Governor of the State of Ohio can grant executive clemency in the form of a pardon, commutation, or reprieve. The Ohio Parole Board is the bureau of the Adult Parole Authority assigned to process clemency requests. Executive Clemency can be granted upon a written application for clemency or per the Governor's direction to investigate and examine any case for the propriety of clemency. See **Clemency Hearing** and **Ohio Parole Board**.

Exhaustion • The completion of all steps in a direct appeal or 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.

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 Appeal (Application to Reopen Direct Appeal) • An appellant's written request to an appellate court to reconsider the denial of the appellant's direct appeal based on a claim that the appellant's lawyer was professionally deficient. The request is named after the Ohio Supreme Court's decision in *State v. Murnahan*. See **Appellant** and **Direct Appeal**.

Next Friend Petition • A request by a person not a party to the case to bring a legal action on behalf of a party on the grounds that the party is unable to understand what is happening, or to bring an action on his or her own behalf. See **Competency Hearing** and **Petition**.

Notice of Appeal • A written document that must be filed, normally within a specified time, to start an appeal. See **Appeal** and **Delayed Appeal**.

Ohio Parole Board • Nine members who, by law, are required to evaluate every application for clemency and submit their findings and a recommendation to the Governor for final approval. See **Executive Clemency** and **Clemency Hearing**.

Ohio Supreme Court • The highest appellate court in Ohio. For capital murders committed after January 1, 1995, the court that hears the death-sentenced person's first appeal (direct appeal). See **Court of Appeals**.

Oral Argument • A hearing in which lawyers for the parties appear personally before a court to argue the merits of the case.

Order to Show Cause • A court's written direction to a party to take a particular action or to explain why a particular action has not been taken as previously directed by the court.

Party • Any person who starts an action or an appeal, or a person against whom an action or appeal is started. See **Appeal, Defendant, Habeas Corpus Action, 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**.

State Issue 1 • Legislation that removed the Ohio Court of Appeals as the first court in which to file a death penalty direct appeal. Capital cases committed after January 1, 1995, are appealed directly to the Ohio Supreme Court. See **Direct Appeal, Court of Appeals** and **Ohio Supreme Court**.

Stay of Execution • The order of a court that an execution be postponed.

Stipulation • An agreement between the parties to a case. See **Party**.

Sua Sponte Order • An order by a court issued on the court's own initiative and not at the request of a party. See **Party**.

Subpoena • A written order by a court that a person appear at a trial, deposition or evidentiary hearing. See **Deposition, Discovery, and Evidentiary Hearing**.

Successive 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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