

Statement in Support of SB 103  
By Jonathan Mann  
Vice Chair of Ohioans to Stop Executions

Mr. Chairman, members of the committee, my name is Jonathan Mann. I have the unfortunate opportunity to share with you the experience of having my father ripped away by murder and how the death penalty has impacted me and my family. My journey and suffering mirrors closely with every single person I've spoken to who's lost someone they love to murder. While our circumstances differ, we are part of a fraternity that bonds us for life.

When I talk about what happened to my Dad, it's like opening up a vein, bleeding out, and re-cauterizing the wound. The experience is agonizing and traumatic every time. I share the **most painful** experiences of my life with strangers over and over, **hoping and praying** someone is listening. **Are you listening?**

The night of June 21st, 2017, my phone rang. It was a friend I had grown up with in Cleveland. He told me about finding out that my Dad had been murdered, the shock of it all, and to share what little information he had. He had been watching the news that night and recognized my Grandfather's house; he had been there a million times. He had no idea that I was unaware of what had happened.

That's how I found out my Dad had been killed. He was stabbed 15 times in bed while he slept in his childhood home. His girlfriend, Regina Capobianco, slept next to him and was stabbed six times. Their decomposing bodies went undiscovered for a month. Dental records were the only way to confirm their identities.

I overflowed with sadness and was consumed by rage. I struggled to function. It's grueling to live your day-to-day life, grappling with these complex and taxing emotions. There's only so much pain and trauma one can take before shutting down. Eventually, I went numb.

The following two years were hell for me. I couldn't afford to bury my Dad. That's a hard fact to face, type, and say. I applied to the Victims of Crime fund for help with the burial and counseling. But my Dad had drugs in his system, so that made ME ineligible to receive help with the funeral. And I didn't live in the house with him, so I didn't qualify for counseling assistance.

I blamed myself for his death even though I couldn't do anything to prevent it. I constantly cycled through the scenarios in my head, wondering why I didn't do that one thing that I knew would have meant that my Dad would still be alive. I felt ashamed and filled with guilt I felt isolated from the very people that should have been able to help.

And then the legal system offered up a fresh version of hell.

I was led to believe that I had people in my corner, that the state -- the prosecutor's office -- was working for justice for me and for my family. Certainly that's what the prosecutor was telling the TV cameras. But as it turned out, they didn't really care about me or my opinion. I began asking questions about the appeals process, I was told that death was the only option. The Prosecutor, Michael O'Malley had no interest in exploring alternatives. As time marched on, it was clear this case was his way to continue looking tough on crime, bolster his political career, and generate a stream of good press.

The cost of all this? It was paid by me and my family. And it was steep. The pain of having to wade through the death penalty case was high. No one explains how there are people who have been on death row for decades awaiting execution. They don't talk about the pain we face with years of appeals, reliving the horror over and over. We're still left with the void that someone that we cared about is gone. While the person that caused our pain may eventually go away too, it doesn't fill the hole in our hearts.

***You see, when people think about the death penalty, they mostly focus on what it represents symbolically -- the scales of justice balancing things out. Or they think about it theoretically -- the good guys getting the bad guys and making everyone feel better in the end.***

***They think about an execution and see it as immediate. But for the vast majority of us, an execution actually never comes. The death penalty is just a promise held out at the beginning of a decades-long torturous process that makes celebrities of the people who cause our families their deepest and most enduring pain.***

**Susan A. Bandes** is the Centennial Distinguished Professor of Law Emeritus at **DePaul University**. In a January 8th article written for [TheCrime Report](#), Professor Bandes explored the misleading myth of closure for victims' family members. "The most telling finding is that a number of family members feel relieved simply because they are finally free of the legal system," Bandes wrote. "As Matthew Shepherd's parents and the Richard family (victims of the Boston Marathon bombing) understood, much of the pain comes from the capital system itself—lengthy, heart wrenching legal proceedings in which the family would be called to testify and the defendant would remain at center stage for years."

A 2012 study published in the Marquette Law Review compared the experiential well-being of family members of victims in Texas & Minnesota. Texas has the death penalty, and Minnesota does not. The study found family members in Minnesota had "[higher levels of physical, psychological, and behavioral health.](#)"

With Michael O'Malley at the helm, Cuyahoga County led America with five death sentences in 2018 and 2019. One of those was my father's case. All the while Ohio has no means of executing anyone.

Also at the same time? The Ohio Attorney General's office lists 44 homicide cold cases in Cuyahoga County. That's on top of the scores -- maybe hundreds -- of open and unsolved cases that have yet to go cold. Remember, last year the FBI noted that an average of 40 percent of homicides go unsolved.

That's likely hundreds of families in Cuyahoga County alone who don't have answers for their loved ones murder, let along any semblance of closure. And guess what? They also won't find much support or resources.

Ohio offers assistance to family members through the prosecutor's office. That means all of those families **won't** have access to those resources. The Victims Of Crime Act (VOCA) fund offers assistance through an application process. I was told I was ineligible to receive state-provided burial help and counseling support for my father's murder because he had drugs in his system at the time of his death. I was then told that the state would spend millions of dollars seeking death for the person who killed him.

Let me say that again. Ohio couldn't help me with the funeral bill to bury my father after he was murdered. But they decided it was worth it to shell out millions of dollars MORE than they needed to to seek a death penalty that will probably never be used, rather than end the case in a way that would have left the community safer and spared my families decades of additional pain.

In the wake of tragedy, families like mine need support. We need help burying our loved ones. We need grief counseling. We need financial assistance when we cannot make it to work. We need childcare for when we have to go to court appearances. We need help navigating the sudden loss of a breadwinner. But between 2018 and 2020, there was a 67 percent drop in [VOCA funds awarded to Ohio](#), from \$117 million to \$58 million. Attorney General Dave Yost was quoted saying "If we don't get help in the next year or two, you're going to see significant parts of the state that just don't have any access to service."

Ohio is wasting money chasing sentences it won't carry out and leaving impacted families twisting in the wind. My family and I have become trapped in the legal system. There is no end in sight, and family members of murder victims wait decades for the process to end. There is no path to closure, healing, or justice in sight. This situation is quite common. Proponents of the death penalty often say we need the death penalty for victims but do not address the reality of what that means. How does this sound like justice? Do you think I can feel closure knowing I have to wait **at a minimum of** 15 years before my Dad's killer exhausts his appeals? I have no choice but to focus on his appellate process every step of the way. Michael O'Malley could've worked out a plea agreement and ended this case years ago. The cumulative impact of the pain

of the case, waiting, and uncertainty is toxic. The well-being of family members of murder victims isn't focused on even remotely as much chasing headlines and sound bites.

How much more sacrifice do family members of victims provide to facilitate change? It's time to end this wasteful, ineffective form of justice.

If I could help prevent one person from going through the **harrowing experience** of a death penalty case, I would do whatever it took. I've never done anything more valuable as a human being. Giving myself to something far greater than me has provided purpose and comfort. This isn't a job. I do this to honor my father and to stand up for people who can't do it themselves. I don't clock out, I won't stop, and I'll never give up.