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Testimony before the Senate Judiciary Committee
Senator Nathan Manning, Chair
Wednesday, November 13, 2024

Testimony in Opposition to Senate Bill 101

Chairman Manning and members of the Senate Judiciary Committee:

The death penalty is necessary and appropriate.

In my 30 years as an elected Prosecutor, I have prosecuted several death penalty cases, each involving a heinous crime, and each prosecution commenced with prior review by my office and a Grand Jury. In actually trying these cases in court, I have found overwhelming support of the death penalty within the pool of prospective jurors and within our community in general. I also have found that even those who profess to oppose the death penalty have a sudden change of heart when someone close to them is the victim of a senseless, brutal murder.

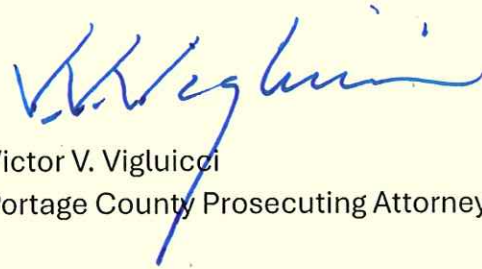
The death penalty is certainly constitutional (*Gregg v. Georgia*), the law in a majority of states (27) and the federal government, and serves several valid purposes. Common sense tells us that the death penalty has an effect as a general deterrent. The message is sent to those who might consider committing heinous crimes that they shouldn't do so or else they might end up dead themselves. As a more specific consequence, someone capable of committing such a horrendous crime would not be alive to kill others in a similar fashion. Thirdly, the death penalty serves to give justice to the victims, by serving just retribution upon the offender. Society has the historical right to make a moral judgment by imposing a punishment on a wrongdoer befitting the unthinkable crime he or she has committed. And as to life without parole, if I have learned anything in my 30 years as a Prosecutor, it is that nothing is permanent in the criminal justice system. I have seen guilty criminals freed by incompetent judges and foolish legislators.

As to the financial costs of carrying out the death penalty, many of those costs are incurred by allowing the defendant repetitive, frivolous and dilatory appeals. While a robust

appellate system must be in place, allowing repetitive, baseless appeals used only for purposes of delay must be stopped. It is this process which allows for endless delays that undermines confidence in the death penalty as an effective punishment. One round of State and Federal appeals, including a petition for post-conviction relief is sufficient to fulfill constitutional due process rights.

The excuse that chemicals necessary for carrying out the death penalty are unavailable is just that, an excuse. 21 prisoners in 8 states have been executed to date in 2024 utilizing lethal injections or nitrogen hypoxia. Ohio merely lacks the willingness to carryout lawful sentences and grant victims the justice they have been promised and deserve.

I urge your vote in opposition to Senate Bill 101.

A handwritten signature in blue ink, appearing to read "V. Vigluicci", is written over the typed name and title.

Victor V. Vigluicci
Portage County Prosecuting Attorney