



DENNIS WATKINS

Trumbull County Prosecuting Attorney

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November 12, 2024

Honorable Louis Tobin, Executive Director
Ohio Prosecuting Attorney's Association
196 East State Street, Suite 200
Columbus, OH 43215

IN RE: DEFENSE OF THE DEATH PENALTY LAW IN OHIO
(S.B. 101)

SPONSORS: Ohio State Senators Nickie J. Antonio
and Stephen A. Huffman

Dear Lou:

Thank you for your phone call of Friday, November 8, 2024, regarding my possibly providing testimony in support of the Death Penalty law in Ohio before the Senate Judiciary Committee on Wednesday, November 13, 2024, at 9:30 a.m.

As you know as the longest serving elected prosecuting attorney in the state, I will in January begin to serve my 11th term of office. I have been privileged to serve the people of Trumbull County and the State of Ohio by dedicating myself and great staff through the years to see that justice was done in the courtrooms of our magnificent Courthouse in Warren, Ohio.

My thousands of hours spent trying criminal cases over many years include over 20 capital trials. Therefore, it would be an honor to represent the Ohio Prosecuting Attorneys Association by giving testimony regarding a provision of criminal law that is needed and has stood the test of time since our founding as a nation and a

state. Please see attached my OUTLINE OF PRESENTATION and materials.
Thank you.

A handwritten signature in cursive script that reads "Dennis Watkins".

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OUTLINE OF PRESENTATION

November 13, 2024

Regarding testimony before the Senate Judiciary Committee on proposed legislation to abolish the death penalty in the state of Ohio. I shall make the following points:

- I. I am today Ohio's longest serving elected prosecutor and I have tried to juries 47 murder trials in my career which includes 40 years as the elected official. I ran unopposed in the November, 2024 election, and will commence my 11th term of office on Jan. 6, 2025. My thousands of hours trying murder cases includes over 20 Capital trials. In half of those cases, juries decided not to give the death penalty.
- II. During my career, I have seen three heinous murders convicted by Trumbull County juries and receive death sentences by judges of my county put to death. Jason Getsy was executed on Aug. 19, 2009. Kenneth Biros was executed on December 8, 2009, and Roderick Davie was executed on August 10, 2010. Today my office has several death penalty cases pending in State and Federal Appellate Courts. One of the cases I personally tried, Stanley Adams, has lost all his appeals and has none pending. His execution date was set for February 19, 2025, but was again granted a warrant of reprieve by the governor of Ohio until February 16, 2028. This serial killer and rapist of women and children is an explanation of why we need the death penalty for the worst of the worst offenders.
- III. Presently in Trumbull County, victims of these horrific crimes have been twisting in the wind for years waiting for justice to be served and seeing some finality in their litigation (victim Miriam Fife, in state of Ohio vs. Danny Lee Hill case, has been waiting 38 years and has endured 30 appeals with 2 still pending). The relatives of Stanley Adams' victims, who have been waiting over twenty years, had wanted the February 2025

date to be firm. It should have happened. Mary Jane Heiss wanted, as a last dying wish, to see her daughter's monster torturer/rapist/killer Kenneth Biros executed before she died. The Governor of Ohio and the Department of Rehabilitation and Corrections was able to administer justice in that case by having the nation's first single drug protocol execution in the United States on December 8, 2009. Mary Jane was at that execution with an oxygen tank.

Committee members should review my materials provided: 1) "Prosecutor Dennis Watkins' Opinion on the Death Penalty Today in Ohio" information for Tribune Chronicle dated May 10, 2023. 2) Summary of facts surrounding Stanley Adams' Cruel and Unusual Punishment of his three murder victims; 3) Newsletter update of January 30, 2024; and (4) Letter to Ohio Prosecuting Attorneys Association Executive Director Louis Tobin dated November 8, 2023, and 5) "Revive the Death Penalty, Restore Justice in Ohio," The Vindicator, Editorial Opinion, dated June 1, 2024.

- IV. In conclusion, I firmly believe the present death penalty law works that it can be made better with some reforms, and that it would not be good public policy to eliminate this long-standing law. Additionally, I believe the public supports it, and that any effort to repeal it should be put on the ballot for the voters of Ohio, not any legislative body, to decide.

Thank you for your kind consideration,

DENNIS WATKINS

Trumbull County Prosecutor



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IN RE: EDWARD RUNYAN, REPORTER
THE TRIBUNE CHRONICLE AND VINDICATOR
E-MAIL REQUEST OF MAY 2, 2023 FOR INTERVIEW AND MY
OPINION ON THE DEATH PENALTY TODAY IN OHIO BASED
ON OHIO ATTORNEY DAVE YOST'S MARCH 31, 2023 PRESS
RELEASE ABOUT OHIO'S "BROKEN CAPITAL PUNISHMENT
SYSTEM":

DRAFT OF COMMENTS

MAY 10, 2023

As Trumbull County's elected Prosecutor since 1984, and the longest serving prosecuting attorney in Ohio, I have had the distinct honor and privilege to anchor this important office in serving the public on the enforcement end of the criminal justice system. Now in my 10th term, my role has included being a member of the Ohio Prosecuting Attorneys Association, serving as its President in 1991 and currently as a member of the Executive Committee. I have also been honored to lecture on capital case issues many times at OPAA trainings throughout my career. I was recognized as "Outstanding Prosecuting Attorney of the Year 2010" for my efforts to uphold the existing Ohio death penalty law to ensure the executions of Kenneth Biros, Roderick Davie, and Jason Getsy. Over the years, I have also been actively involved in the National District Attorneys Association ("NDAA") and the Association of Government Attorneys in Capital Litigation ("AGACL") regarding national criminal justice issues. In 2004, I received the "Trial Advocacy Award" from AGACL in recognition of "Excellence in Litigation of Capital Cases."

Since 1984, when the Honorable Attorney General Anthony Celebreze swore me into office, I have worked closely with the Attorney Generals of Ohio regardless of party affiliation. Indeed, my office currently is working on many important Trumbull County murder cases with Attorney General Dave Yost's office and his excellent staff of assistants, especially his senior members assigned to federal capital litigation. Additionally, on June 14, 2023, Trumbull County and the State of Ohio's interests will be represented by Ohio Solicitor Ben Flowers who will argue in one of Danny Lee Hill's endless appeals before an *en banc* panel of the 6th Circuit Court of Appeals in Cincinnati.

I have tried both death penalty and non-death penalty murder cases in five (5) different decades in Trumbull County courtrooms beginning in the early 1970's through 2019. Of the nearly 50 homicide cases I tried, approximately 20 cases were indicted as capital cases, and nine (9) resulted in death sentences, of which three (3) killers, Biros, Davie, and Getsy, have been executed.

My staff of trial attorneys is very experienced and dedicated, and in my opinion, is among the very best in the State of Ohio. Other killers, as the result of successful prosecution efforts of outstanding Assistant Trumbull County Prosecuting Attorneys, have received death sentences or life sentences. Currently, in various courtrooms of the Trumbull County Court of Common Pleas, First Assistant Chris Becker is leading a staff of assistants in the capital prosecutions of five (5) different defendants. That is a record number.

I have also observed exceptional defense attorneys from Trumbull County, around Ohio, and in the State Public Defender's Office, both in Warren and Columbus, ably and adeptly defend capital charged defendants. Approximately one-half of the Trumbull County aggravated murder defendants have avoided a death sentence because of their lawyers' efforts. All were convicted, but Trumbull County juries recommended sentences other than the death penalty.

It is with this predicate in mind I can offer an informed opinion regarding Attorney General Yost's statement on "Ohio's broken capital punishment system," which he suggests needs to be "overhaul[ed] to make it effective, or end[ed]."

While I agree with the Attorney General that there may be issues with Ohio's current death penalty approach, I am not ready to "end" it, nor do I believe that an "overhaul" is required. Quite simply, the current law is working as enacted during both the guilt and the penalty phases of the process, and even during the initial round of appellate review. As noted, in many instances, juries after trial, while finding killers guilty, have recommended, rather than the death penalty, life sentences be imposed because aggravating circumstances did not outweigh the mitigating factors. Indeed, in the last three (3) capital cases tried in Trumbull County, one (1) jury concluded the aggravating circumstances outweighed the mitigating factors and recommended the death sentence, and in the other two, the juries recommend lesser, life sentences. Clearly, Ohio's death penalty scheme is working.

In support of his statement that Ohio's death penalty system is broken, Attorney General Yost, summarized, with what I agree is the overwhelming issue with Ohio's death penalty system. "Ohio imposes death sentences on perpetrators of brutal and revolting murders, then spends years debating, reviewing, appealing and failing to act on those decisions. *** And if judges and juries have deemed a capital sentence to be the just punishment for a murder, is justice served if that sentence is never carried out?" More specifically Attorney General Yost noted; as of December 31, 2022 "there currently are 128 people *** on death row. Their sentences have been delayed because Ohio currently lacks a means of lethal injection (the only method of execution permitted under state law), or because inmates are taking advantage of multiple avenues for appeal (detailed later in this report)."

The failure to not only administer this just punishment, but to do so in a timely fashion is the real reason the current death penalty system appears to be "broken." As William Gladstone proclaimed "Justice delayed is justice denied." Public support for the death penalty is still strong; if it were not, juries would not continue to unanimously endorse the ultimate penalty. Unfortunately, executions have come to a halt, reportedly because of the unavailability of the execution drug. The last inmate put to death in Ohio was Robert Van Hook on July 18, 2018, nearly five years ago. Since then, not a single killer has been executed after having exhausted all of the legal challenges, and nothing has been done to apply Ohio law

and move executions forward. Conversely, during the same time frame, 11 other states and the federal government have carried out 90 death sentences, 85 by lethal injection and 5 by electrocution.

Agreeing with Attorney General Dave Yost, I too believe the criminal justice system is not functioning properly when it fails to apply the law and carry out the death penalty. This delay is occurring on two (2) fronts: postponements occasioned by the repeated rounds of appeals, predominately in the federal courts; and the breakdown in the actual execution process, to truly carry out the death sentence on those that have depleted every, single, last appeal, including a request for clemency presented to the governor. Of the approximate 130 people currently sentenced to death, 40 killers' cases are just sitting in both federal and state courts, including 19 that have languished for more than 10 years in federal courts, which is not an Ohio problem. Equally troubling are the 31 murderers, or approximately 25%, including four (4) from Trumbull County, who are sitting on death row, simply awaiting execution, and nine (9) more killers only needing to have an execution date set. In other words, one-third (1/3) of Ohio's death row inmates could be executed tomorrow, and another one-third (1/3) are floundering in the appeals courts. The system is broken not because of the law, but because of the failure to ensure justice is administered in a timely fashion after the conviction, sentence, and initial appeal.

Indeed, Kenneth Biros, Roderick Davie, and Jason Getsy were fairly tried, convicted, and sentenced; filed numerous, meritless appeals which lasted years; and after the convictions and sentences were repeatedly upheld, all three were executed, by lethal injection, for their heinous crimes. In these cases, the system and the process worked. Unfortunately, in other instances, Danny Lee Hill, Charles Lorraine, Andre Williams, Sean Carter, Stanley Adams, Nate Jackson and Donna Roberts, and David Martin, the process has failed the families of the victims, predominately because of delays after trial and sentencing. In each of these homicide cases, there is no doubt all of the convicted murderers were active participants in the brutal murders of Raymond Fife (09/10/1985), Raymond and Doris Montgomery (05/08/1986), George Melnick (08/15/1988), Vaeder Prince (09/14/1997), Esther and Ashley Cook (10/11/1999), Robert Fingerhut

(12/11/2001), and Jeremy Cole (09/27/2012), respectively. Each convicted killer was fairly tried, sentenced to death, and had repeated appeals denied or rejected, Their death sentences have been affirmed in both state and federal court, including the Ohio Supreme Court.

Adams has been awaiting his execution since April 21, 2017, Lorraine since June 17, 2019, Carter since September 23, 2020, and Hill, since September 21, 2022, which are the original dates the Ohio Supreme Court initially schedule their executions because all of their available appeals have concluded. These challenges included requests for DNA testing or re-testing, allegations of intellectual disability, and assertions of being seriously mentally ill. Because of reprieves, Carter and Adams now have execution dates tentatively scheduled for January and February of 2025, and Lorraine and Hill tentatively for May and July of 2026. Governor DeWine has just stated he does not expect any executions during the remainder his term, which ends in January of 2027.

A new bill to abolish the death penalty is currently before the Ohio legislature. Its proponents have suggested it does not work for the same old reasons; it is costly, ineffective as a deterrent, and the punishment is too severe. These are “make weight” arguments that have been advanced *ad nauseum*.

The pursuit of justice often necessitates hard work and high costs. In any industry, excessive delays, with the associated legal fees, are costly. Modifications or changes further add expenses. Indeed, many are aware of my office’s efforts to extradite Claudia Hoerig from Brazil, which lasted 11 years and required untold hours and expense to return her to Trumbull County. If time and cost were the controlling factor, she would have never been returned to face justice for the execution style murder of her husband, US Air Force Major Karl Hoerig. The criminal justice system is not a “for profit activity,” and justice should not be ignored because seeking it is “too costly.”

Furthermore, the logical fallacy that it is ineffective because executions take too long to carry out, is advanced by the very people who have developed a strategy and employed every tactic available to delay executions. When the system’s officials neglect or delay performing their duties, it is easy for the public

to surmise that the system is not working. When Danny Lee Hill remains on death row after 37 years and 25 plus appeals and counting, there is no certainty that the law has any meaning and the system may appear to be "broken." The very governmental entity now seeking to abolish the death penalty because there have been no executions, has sat idle since 2018, failing to approve other lethal drugs, re-enact previously constitutionally approved execution methods such as the electric chair or firing squad, or adopt new approaches such as nitrogen hypoxia. The delays could end with different administrative approaches and/or legislative changes, such as providing more methods to carry out executions. With these alternatives, the current death row population can immediately be reduced by one-third (1/3) simply by carrying out the law and executing all of the inmates who have exhausted all of available legal challenges.

I am also aware of not only paroled killers committing new murders, but imprisoned murderers killing while in prison. Indeed, Dr. Lowell Levine, a bite mark expert from New York City, after testifying in the Danny Lee Hill case, related to me the story of an imprisoned serial killer, Lemuel Smith, serving multiple life sentences, attacking, biting and strangling a female corrections officer at a New York State maximum security penitentiary. The victim, 31-year-old Donna Payant, was stuffed into a 55 gallon drum, and her mutilated body was later found in a landfill. Previously, Dr. Levine had testified against the Smith involving bite mark victims where life sentences were given. Under New York law, her murderer, serial killer will be eligible for parole in 2028. Clearly, a sentence of life in prison without the eligibility of parole will not prevent imprisoned murderers from killing again.

Similar efforts were employed to ensure three (3) killers faced justice in 2009 and 2010. Jason Getsy will not shoot a mother and adult son in the face, killing her in her home again; Kenneth Biros will not rape, torture, kill, and dismember a 22 year old woman again, and Roderick Davie will not return to a workplace and shoot to death and beat to death kill (2) two former co-workers again.

I believe the current procedure works, and Trumbull County cases are legally sufficient and have been upheld by both the state and federal court systems. However, I am amenable to possible modifications to the current law to ensure that

the death penalty is preserved for the worst of the worst offenders. Previously suggested revisions included the following: (1) eliminating felony murder as a specification; (2) limiting the death penalty to cases involving multiple victims (mass murders), serial killers, police murders, child murders or extreme torture cases; (3) requiring that the murder was committed with prior calculation and design; and (4) requiring proof of identity immediately upon indictment rather than at trial, with the right to an immediate appeal on that issue.

I am also concerned that Ohio is becoming more like California, New York, and Illinois, eliminating the death penalty and providing violent criminals more chances. I have seen an increase in the number of parole hearings for murderers and repeat violent offenders. I have successfully opposed the release of the county's murderers and child rapists, many repeatedly, including 1983 police killer, Fred Joseph. Additionally, after the then enacted death penalty law was declared unconstitutional in 1978, convicted murderer Pompie Wade's death sentence was overturned, and I have repeatedly opposed this killer's release, most recently in 2015. My office is continuing to represent the people of Trumbull County at the parole board in opposing the parole of triple killer and child murderer Richard Dean Clowers and many others pending today.

Further, with the addition of the new "Serious Mental Illness Law" in Ohio, Sean Carter, who was convicted of killing raping and burglarizing his adoptive grandmother, and sentenced to death, has now been given a second life by the legislature to re-litigate the same issues under this novel theory. This new law is not constitutionally required, nor used in a majority of the states. It is 25 years later, and we are going to do it again. In the near future, my victim witness office could be required to notify the same family members who attended Carter's trial in 1998 and inform them that they may have to relive the pain and agony anew.

The legislature has also recently enacted laws providing juvenile murderers more hearings and opportunities for release on parole. First Assistant Chris Becker recently participated in a hearing to repeal Senate Bill 256, which offers the vicious murderer of 94-year old Marie Belcastro in Niles, Ohio, Jacob LaRosa, the ability to get out of prison.

As Trumbull County's elected Prosecutor, I will fight to uphold jury sentences and seek that justice is done for victims until the law tells me to stop. As everyone may recall, in 2022, in *DuBose v. McGuffey*, the Supreme Court of Ohio, concluded Ohio law restricted the factors a trial judge could consider in setting bond. State Issue 1, which I supported, sought to repeal some of these limitations, passed with 80% of Trumbull County voters saying "Yes." The repeal allows judge to consider "public safety" when deciding to set bail for any offender. I respect the 20% who believed State Issue 1 should have been defeated-that is democracy in action and majorities pass the laws. I truly believe the death penalty has a place in Ohio for murders like Danny Lee Hill, Stanley Adams, Charles Lorraine, and other Trumbull County and Ohio cold-blooded killers, who are the worst of the worst. Remember since this county's founding, the death penalty has been constitutional. Ohio has had the same approach since 1803 and the Supreme Court of Ohio has repeatedly upheld the death penalty, including this year. Rather than dictate to our citizens, the legislature should place the issue on the ballot asking Trumbull County and Ohio voters whether to abolish the death penalty in Ohio. Otherwise, leave the law on the books, streamline the appellate process, and find methods to timely execute murderers, creating certainty with punishment and bringing finality and closure to the victims of crime.



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November 8, 2023

Honorable Louis Tobin, Executive Director
Ohio Prosecuting Attorney's Association
196 East State Street, Suite 200
Columbus, OH 43215

IN RE: PROPOSED LEGISLATION TO ALLOW
NITROGEN HYPOXIA EXECUTION IN
OHIO
SPONSORS: OHIO STATE REPRESENTATIVES
BRIAN STEWARD AND PHIL PLUMMER
FROM DISTRICTS 12 AND 39

Dear Lou:

Thank you for your phone call of Friday, November 3, 2023, regarding my possible support of legislation in Ohio which would legalize a new method of execution in Ohio with the use of nitrogen gas which I have previously advocated. As you know as the longest serving elected prosecuting attorney in the state, my experience table includes many years of trial work trying capital cases. In fact, Trumbull County has been actively pursuing the death penalty in appropriate cases for over 40 years. Incidentally, just today a Trumbull County jury convicted a defendant on a capital offense and the jury will consider the imposition of the death penalty on November 13th. First Assistant Christopher Becker of my office, who has tried numerous death penalty cases over his thirty-plus years as a trial prosecutor, stated "We were able to impanel a pool of forty-one jurors in just three

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Trumbull County Prosecuting Attorney

Honorable Louis Tobin, Executive Director

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days. From that pool we selected twelve jurors and four alternates who convicted the Defendant in approximately three hours.” As you can see this office continues to enforce the death penalty law and believes strongly that the citizens of Trumbull County support its use.

Furthermore, active cases still on death row in Ohio from Trumbull County number 7 with one other inmate Charles Lorraine recently dying in prison. Three capital cases that I had tried resulted in state executions in 2009 and 2010. One of the three convicted killers, Kenneth Biros in 2009 was the first person to be executed by a single drug protocol in United States history.

The Biros case, for another important reason, is also relevant as to why my office fully supports efforts by responsible legislators and others to take all necessary actions to ensure that the capital punishment law is timely enforced in our great state. With too many victims (who survive), justice delayed is justice denied.

For example, after Biros was convicted by a jury and sentenced to death on October 29, 1991, for the aggravated murder/torture, attempted rape, and robbery of 22-year-old Tammy Engstrom, many years of litigation ensued in both state and federal courts delaying his execution date several times. By 2006 a federal court in Ohio was extending a fifteen-year delay even longer by staying Biros' execution date because of alleged constitutional violations of his rights with Ohio's legal injection method involving the use of three different drugs. Finally, after another delay in the spring of 2009 by the federal court, Ohio's governor instructed Ohio's Department of Corrections to find another method as soon as possible. This was important since Tammy's mother Mary Jane Heiss was dying. Her last wish was to see her daughter's killer executed before her death. Thankfully the great state of Ohio got it done for her. On December 8, 2009 at Southern Ohio Correctional Facility, Kenneth Biros was executed after receiving a single injection of sodium thiopental. Please see [Kenneth Biros-Wikipedia](#) and especially a factually accurate summary of the case in [Death Row-A Guinness World Record Execution](#) where the 16-minute video presentation shows at the beginning of a well-done

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Honorable Louis Tobin, Executive Director

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commentary of the murder (except for some photographs which reenacted events), Tammy's mother attending that day in a wheelchair and with an oxygen tank. Shortly after seeing justice done for her daughter, Mary Jane passed.

Today, as you may know, the second longest death row inmate on Ohio's death row is inmate Danny Lee Hill from Trumbull County. Like Mary Jane Heiss, the mother of murder victim 12-year old Raymond Fife, has waited many years but even longer to see justice done and the law carried out. Miriam Fife and her family have attended for over 38 years now numerous hearings spending many days and hundreds of hours in courtrooms (currently the 29th different legal proceeding being held) reliving the horrors of the crime against their loved one, but failing to see a final outcome in their own bid to see justice done. See Danny Lee Hill, Trumbull County Prosecutor's Office Repeat Violent Offenders newsletter, Update dated November 8, 2023 attached.

Victim Miriam Fife recently saw the State of Ohio once again continue Danny Lee Hill's execution date to July 22, 2026, because the State of Ohio is unable to obtain execution drugs to carry out court-ordered executions in Ohio after all final appeals have been exhausted. That is why I have, and will continue to, totally support all efforts including legislative efforts to make our criminal justice as the law intends. Miriam Fife should not be at age 83 "twisting in the wind" waiting for us to do our jobs. I am attaching with this letter for everyone's review, a copy of my Motion to Set Execution Date in the Danny Lee Hill case in the Supreme Court of Ohio filed on July 13, 2022.

Specifically, I wrote on page 16 of the Motion, the following:

"It is difficult to fathom that the great State of Ohio is unable to procure execution drugs including compounded execution drugs such as "nonpharmaceutical" pentobarbital. Furthermore, the legislature has not considered approving other constitutionally authorized methods of execution such as electrocution or firing

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Trumbull County Prosecuting Attorney

Honorable Louis Tobin, Executive Director

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squad or newly enacted method such as nitrogen hypoxia, which have been approved in several other states. Establishing an entity (by the Supreme Court), whether it be a board, commission, or master commissioner, to examine why court ordered executions have not been undertaken for more than four (4) years and/or to recommend procedures to ensure they proceed is not only appropriate, but necessary, to examine an issue or topic involving the law, court, the legal profession, the judicial system, or the administration of justice: complying with the court directives executing murders who have exhausted the all legal appeals.

Therefore, Lou, I applaud you and the Ohio Prosecuting Attorneys Association's long-standing support of laws including the death penalty which promote public safety and the betterment of society. So today I fully support Representatives Plummer and Steward and hopefully others to introduce new legislation in Ohio to stop the present log jam in the enforcement of the death penalty with providing the Department of Rehabilitation and Corrections a new method of execution with nitrogen hypoxia. Additionally, it would be my preference to include other alternative constitutionally approved methods of execution with such legislation e.g., electrocution, firing squad. Since the date Hill was sentenced to death until today is over 13,500 days (or more than thirty-seven years have lapsed) victims of capital offenses like Miriam Fife, from all parts of the state, who are still waiting for finality deserve a better penal system! As you are aware, in Ohio under Marsy's Law, victims of crimes have the constitutional right to "proceedings free from unreasonable delay and prompt conclusion of the case." Constitution of Ohio Art. I., Sec, 10(a)(A)(8). A viable alternative method of execution should help!

DENNIS WATKINS

Trumbull County Prosecuting Attorney

Honorable Louis Tobin, Executive Director

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Hoping this letter and materials are helpful in your endeavor to improve Ohio's criminal justice system. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Dennis Watkins".

DENNIS WATKINS

Trumbull County Prosecuting Attorney

DW/fah

Enclosure

cc: Brian Steward

Phil Plummer

TRUMBULL COUNTY PROSECUTOR'S OFFICE

Dennis Watkins, Prosecutor
Repeat Violent Offenders newsletter
Proposed New Execution Method
Announced by Attorney General Dave Yost
Update, January 30, 2024

Today, Prosecuting Attorney Dennis Watkins applauds the efforts of Ohio Attorney General Dave Yost, together with state Reps. Brian Stewart and Phil Plummer and Executive Director Lou Tobin of the Ohio Prosecuting Attorneys Association, announcing the introduction of legislation to permit the use of nitrogen hypoxia for carrying out the death penalty. This legislation is "aimed at kickstarting the state's stalled capital-punishment system."

Prosecutor Watkins has long fought for fair and timely justice for victims of heinous crimes. Ending the present logjam is vital to having public confidence restored to see that there is finality in cases in court.

As Attorney General Yost points out today, victim Norman Stout, now age 93, "has been seeking justice for his wife (Mary Jane Stout was murdered by defendant David Stumpf during a May 1984 robbery near the couple's home in New Concord, Ohio) for nearly four decades."

In Trumbull County, we have had the Miriam Fife family waiting more than 38 years to see justice done for her 12-year-old son Raymond by having his murderer Danny Lee Hill's death sentence carried out. Miriam, now age 83, has been "twisting in the wind" facing a barrage of appeals (now 30) which seem never ending.

Watkins states he fully supports the efforts of state Reps. Stewart and Plummer in introducing this legislation promoting the new method of execution using nitrogen gas.

"Trumbull County has been actively pursuing the death penalty in appropriate cases for over 40 years," Watkins states, quoting from his Nov. 8, 2023, letter to OPAA's Tobin expressing his support for the use of nitrogen gas in Ohio executions. Watkins also noted in his letter about his active lobbying in the execution of Kenneth Biros in 2009, who was the first person to be executed by a single drug protocol in United States history.

"The Biros case, for another important reason, is also relevant as to why my office fully supports efforts by responsible legislators and others to take all necessary actions to ensure that the capital punishment law is timely enforced in our great state," Watkins writes. "With too many victims (who survive), justice delayed is justice denied."

Biros was convicted by jury and sentenced to death on Oct. 29, 1991, for the aggravated murder/torture, attempted rape, and robbery of 22-year-old Tami Engstrom. After many years of litigation in both state and federal courts, Biros' execution date was delayed several times. By 2006, a federal court in Ohio further delayed Biros' execution date because of alleged constitutional violations of his rights with Ohio's lethal injection method involving the use of three different drugs. Finally, after another federal court delay in the spring of 2009, then Ohio Gov. Ted Strickland instructed Ohio's Department of Rehabilitation and Correction to find another method for executing Biros as soon as possible. Watkins said this act was important because Tami's mother Mary Jane Heiss was dying, and her last wish was to see her daughter's killer executed. On Dec. 8, 2009, Biros was executed after receiving a single dose of sodium thiopental at Southern Ohio Correctional Facility.

Watkins is seeing a repeat of this scenario in the case of death row inmate Danny Lee Hill and others from Trumbull County including serial killer Stanley Adams and Andre Williams.

Like Mary Jane Heiss, Watkins writes that the mother of Hill's murder victim 12-year-old Raymond Fife has waited over 38 years to see justice done and the law carried out. That mother Miriam Fife, now age 83, has attended numerous hearings spending countless days and hours in courtrooms in 30 different legal proceedings and reliving the horrors of the crime against her son. Because the state is unable to obtain execution drugs to carry out court-ordered executions in Ohio, even after all final appeals have been exhausted – Mrs. Fife has seen Danny Lee Hill's execution date extended to July 22, 2026.

"Miriam Fife should not be – at age 83 – twisting in the wind waiting for us to do our jobs," Watkins writes in his letter to Tobin.

In conclusion, Watkins points to Marsy's Law in Ohio in which victims of crimes have the constitutional right to "proceedings free from unreasonable delay and prompt conclusion of the case."

"A viable alternative method of execution should help," Watkins concludes letter which was copied to both Reps. Stewart and Plummer.

See attached copy of Watkins' November 8, 2023, letter to Executive Director Lou Tobin.

TRUMBULL COUNTY PROSECUTOR'S OFFICE

Dennis Watkins, Prosecutor

Repeat Violent Offenders

SPECIAL REQUEST: March 7, 2024

TO: GLENN SELLER, Senior Special Projects Director, Office of Attorney General Dave Yost

FROM: Trumbull County Prosecutor DENNIS WATKINS, lead trial prosecutor, State v. Adams (20001)

RE: SUMMARY OF FACTS SURROUNDING STANLEY ADAMS' CRUEL AND UNUSUAL PUNISHMENT OF HIS THREE MURDER VICTIMS

Stanley Adams, at left, is in my view the personification of evil. He meets the classic definition of anti-social personality. He is a convicted three-time serial killer/child rapist and a suspect in other unsolved murders. He had served prison time for grand theft and gross sexual imposition prior to his 1999 murder spree. He took narcotic drugs like they were candy and lied and stole as a routine.

In short, when Stanley Adams becomes unhinged, his actions become larger, more brutal, and more meaningful in real time than reading any book definition of the word sociopath. He is the real deal!

After his jury trial, Adams was sentenced to death in 2001 for the Oct. 11, 1999, murders of Esther Cook, age 43, and her 12-year-old daughter Ashley Cook in their Warren, Ohio, home during a burglary. What did he do to his victims?

VICTIM NUMBER ONE: Esther Cook

Esther Cook was found by police lying face down in a pool of blood at the bottom of the stairs near the front door. The forensic pathologist who was at the scene and performed an autopsy on Esther concluded that she died of "multiple blunt-force traumatic injuries and multiple sharp-force traumatic injuries" with "at least four distinct stab wounds involving the neck and head." (While the murder

weapon was not found, the pathologist concluded that the killer used "some type of tool that has an acute angle" and two prongs, such as a certain type of crowbar.)

VICTIM NUMBER TWO: Ashley Cook

Police, after finding Esther at the bottom of the stairs, went upstairs and found 12-year-old Ashley's body on the bedroom floor next to the bed. Her body was nude and posed, with her legs spread apart. A bracelet and two earrings had been placed on Ashley's lower abdomen just above her vaginal area. An electric cord had been wrapped five times around her neck, and one end of the cord was in her hand. Dr. Humphrey Germaniuk, who conducted the forensic autopsy, determined that Ashley had died of "strangulation associated with blunt force trauma to the head." Ashley also had multiple injuries and bruises to the genitalia as well as brain swelling, contusions to the head and lacerations to the mouth.

Also Dr. Germaniuk completed a rape kit examination during his autopsy of Ashley and obtained swab samples from all three of her body cavities. A BCI forensic scientist concluded that rectal, vaginal, and oral swabs from Ashley's body tested positive for semen. (NOTE: Adams was convicted at trial of both oral and vaginal rape but not anal rape since anal swab DNA sample was not sufficient to show Adams DNA present, unlike the oral and vaginal swabs which were positive for Adams DNA.)

Moreover, two DNA experts testified that DNA swab samples along with multiple semen stain samples in several areas on the bed sheet were found to be consistent with Adams' DNA, including one calculation that one bed sheet sample had the probability that the semen sample was a one in 21.1-million match for Adams' semen on the 12-year-old child's bed sheet.

VICTIM NUMBER THREE: Roslyn Taylor

While awaiting his Feb. 19, 2025, execution date, Stanley Adams is also serving a 15-year-to-life prison sentence for beating, raping, and strangling to death 40-year-old Roslyn Taylor of Hubbard on Aug. 4, 1999, which was approximately nine weeks before he murdered the Cooks.

On Aug. 6, 1999, Roslyn's body was discovered by police after a resident reported a suspicious vehicle on her street. Roslyn's vehicle was found at the end of the street in Hubbard Township, Trumbull County, Ohio. The car had severe smoke and fire damage, and its windows were covered with soot. A fire of undetermined origin had ignited behind the driver's seat of the car. Roslyn's body was found on the passenger-side, lying on her right side, facing the rear of the vehicle. Roslyn's blue-jean shorts were pulled down to her knees and her tank top was pulled down below her breasts. Forensic Pathologist Dr. Germaniuk performed an autopsy on the victim and found Roslyn suffered multiple injuries to her head and body. He also documented defensive wounds to the back of Roslyn's hands, a blackened left eye, and a fractured hyoid bone. Dr. Germaniuk found petechiae, which in a situation like this, may be indicative of asphyxia, choking or strangulation. Dr. Germaniuk opined that all the injuries occurred in less than 30 minutes, perhaps only minutes before Roslyn's death. However, Dr. Germaniuk listed the cause of Roslyn's death as acute carbon monoxide intoxication from the set car fire.

Dr. Germaniuk further performed a sexual assault kit on Roslyn. Adams, in a statement to police, said he had been with the victim at the time of the murder, but had left her and had no sexual contact with her. Adams claimed he was not with Roslyn in her car and had no idea how her vehicle caught fire.

Two Ohio BCI forensic experts testified at trial that the rape kit from Roslyn showed sperm in a rectal smear from Roslyn's body and that sample matched Adams' DNA by a statistical probability of one in over four and one-half billion.

The judge at trial dismissed the aggravated murder charge because of insufficient evidence but upheld the jury's guilty verdicts for murder and rape.

CONCLUSION

Therefore, Stanley Adams is currently serving Trumbull County sentences (having had all appeals exhausted) for two aggravated murders, one murder and multiple rapes involving brutal sexual violence involving all three sexual cavities of one woman and a female child along with other felonies. His prior prison sentence where he received his second parole was for gross sexual imposition that also involved a female victim. Obviously, Adams has a penchant for raping and killing women.

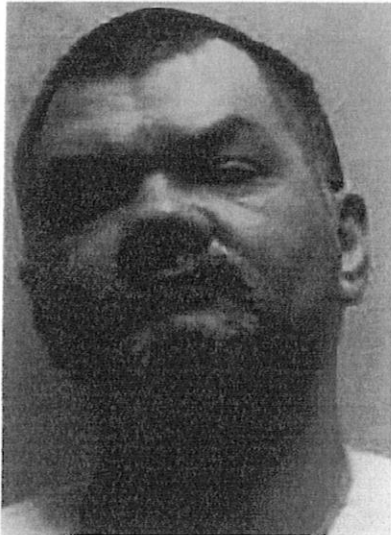
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D-Day for Justice for Ashley, Esther and Roslyn is THEN (Feb. 19, 2025) not LATER or NEVER!

For more information, contact Guy M. Vogrin, investigator/public information officer for the Trumbull County Prosecutor's Office at 330-675-2485.

TRUMBULL COUNTY PROSECUTOR'S OFFICE
Dennis Watkins, Prosecutor
Repeat Violent Offenders
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(2001)
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TRUMBULL COUNTY PROSECUTOR'S OFFICE
Dennis Watkins, Prosecutor
Repeat Violent Offenders
NEWSLETTER UPDATE: May 22, 2024

RE: DENNIS WATKINS' TESTIMONY BEFORE THE OHIO HOUSE GOVERNMENT OVERSIGHT COMMITTEE. "WE NEED TO KICKSTART CARRYING OUT THE DEATH PENALTY LAW STARTING WITH SERIAL KILLER/CHILD RAPIST STANLEY ADAMS SCHEDULED FOR EXECUTION ON FEBRUARY 19, 2025."



Trumbull County Prosecutor Dennis Watkins on Tuesday, May 21, 2024, had the honor to testify before the Ohio House Government Oversight Committee in support of legislation to permit the use of nitrogen hypoxia for carrying out Ohio's death penalty. (See attached copy of outline of presentation, dated May 21, 2024)

Joining Watkins in voicing support for the bill proposed by state Reps Brian Stewart and Phill Plummer, were Ohio Attorney General Dave Yost and Louis Tobin, Executive Director of the Ohio Prosecuting Attorney Association.

Watkins said the legislation is needed to “kickstart the state’s stalled capital punishment system.” He said he wants to see justice for victims of such heinous murders committed by death row inmates like Trumbull County’s Stanley Adams and Danny Lee Hill. The mother of Hill’s victim Raymond Fife has waited almost 39 years “twisting in the wind” waiting to see justice done in the case, which has faced a barrage of appeals that seem never ending.

“I have been actively pursuing the death penalty in appropriate cases for over 40 years,” Watkins said in his address that took about seven minutes in the William McKinley Hearing Room of the ornate state capitol in Columbus. When Watkins was finished speaking, not one of the committee members present asked a question.

In his remarks, Watkins emphasized the State should do whatever is necessary to carry out death sentences that have been imposed by judges and juries across Ohio.

“If it includes nitrogen gas, I’m for it,” he said, “If it includes the firing squad, I’m for it.” Watkins emphasized that he wanted capital defendants to have more choices, as long as they are constitutional.

Watkins also referenced a 2009 Trumbull County case in which death row inmate Kenneth Biros was executed using a single drug after a previous Ohio execution attempt with the standard three-drug cocktail failed earlier that year. Watkins praised then-Gov. Ted Strickland for carrying out the “last dying wish” of the victim’s mother.

Some on the committee questioned the uncertainty of going forward with the nitrogen gas execution method because it is new. Watkins pointed out

that it was the leadership of the governor's office under Strickland and the Department of Corrections and Rehabilitation in 2009 (taking about seven months) that brought about the first single-drug protocol execution in the nation's history.

"Don't worry about others. Do the right thing," he said.

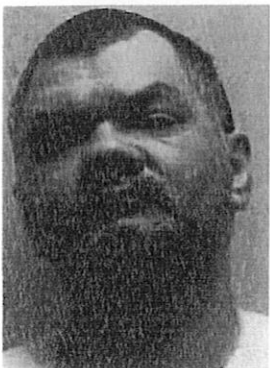
Watkins told the House Oversight Committee members: "We have a fair system in Ohio, and that system has worked. And it has worked three times in Trumbull County — if we have the willpower." Watkins' office had successfully prosecuted Biros, Jason Getsy, and Roderick Davie of committing capital crimes, with their executions later successfully carried out via lethal injections.

Along with the Trumbull County Prosecutor, testifying before the committee were Attorney General Dave Yost and Executive Director Lou Tobin of the Ohio Prosecutors' Association.

Yost noted that pharmaceutical companies refusing to sell Ohio the necessary drugs is an impediment to carrying out justice.

"Call it a private sector pardon," Yost told the legislators. "It's preposterous, and it ought to be rejected out of hand. This bill will put an end to the stalemate and restore Ohio's sovereign power to act."

Tobin stated polls still show the public is heavily in favor of the death penalty when you ask respondents if the crimes involve raping and killing children and mass or serial killing. He said nitrogen hypoxia has already been carried out in Alabama, and a handful of other states, including Oklahoma and Mississippi, have approved the protocol.



In conclusion, Prosecutor Watkins' message is that Stanley Adams is a case pending where meaningful action can be taken to see justice for the victims. "This monster killer has not filed any appeals in more than seven years," Watkins said. "It is final, all that is left is for the government to do its duty and execute the judgment of the court."

“Stanley Adams is the personification of evil.” (See attached Repeat Violent Offenders’ Newsletter dated March 7, 2024.)

“Importantly, this death row inmate was the lead subject in Attorney General Yost’s Executive Summary in his annual 2023 Capital Crimes Report.” (see attached copy of that report, pages 3-7).

The Ohio Network’s coverage of Watkins’ testimony is linked below. His testimony starts about 26:30 and ends about 35:10.

<https://www.ohiochannel.org/video/ohio-house-government-oversight-committee-5-21-2024?start=26:30&end=35:10>

For more information, contact Guy M. Vogrin, investigator/public information officer for the Trumbull County Prosecutor’s Office at 330-675-2485.

Tribune Chronicle

June 1, 2024

Revive the death penalty, restore justice in Ohio

To most casual observers, it may appear as if the death penalty is dead. After all, in 2023, only five states carried out 24 executions of capital criminals in the United States. In Ohio, not one has taken place in nearly six years.

But not all is as it appears. On the books, capital punishment lives on in 27 states and in all 50 states for federal crimes. The ongoing nationwide lull results from what Ohio Attorney General Dave Yost calls “*a private-sector pardon*” as pharmaceutical companies refuse to sell the necessary drugs to carry out the death penalty by lethal injection.

As a result, capital punishment in Ohio and elsewhere remains a farce. As Yost so aptly put it, the death penalty is “*a broken promise of justice, and it must be fixed.*”

Now at long last, a fix is in the works.

Enter state Reps. Brian Stewart, R-Ashville, and Phil Plummer, R-Dayton, who this year introduced House Bill 392. That bill would add nitrogen hypoxia asphyxiation to the legal methods by which a death sentence may be carried out. It also could end the state of limbo for capital punishment in the state of Ohio.

Fortunately, the bill already has gained traction. The House Government Oversight Committee began hearings on it this spring. At one hearing last month, revered Trumbull County Prosecutor Dennis Watkins gave

compelling testimony for Ohio's stalled capital punishment system to resume. He argued, as he has boldly argued throughout his 40 years as the county's top legal officer, for the state to finally obey the well-reasoned orders of juries and judges to fulfill death sentences as expeditiously as possible.

That clearly has not been the case in Ohio for far too long. Since the death penalty was reinstated in the Buckeye State in 1981, only 56 of 341 death sentences have been administered.

HB 392 has potential to clear that logjam and end the state's institutional miscarriage of justice.

Of course, some opponents, including the American Civil Liberties Union, argue the use of nitrogen gas to execute capital criminals constitutes "*cruel and unusual punishment*." Truth to tell, however, no method of execution—including the decidedly more painful electrocution or firing squad — has been found in violation per se of the Eighth Amendment. As for nitrogen gas, the U.S. Supreme Court declined to consider an appeal from Kenneth Smith of Alabama on its legitimacy as an execution tool. Smith then became the first person in the U.S. to be executed by inhaling it earlier this year.

But beyond the legal mandate to carry out a just sentence lies other reasons to end the death penalty moratorium.

For one, a majority of Americans, according to a fall 2023 Gallup poll, support the death penalty. Many see it as a deterrent to crime and as a just punishment for the incredibly brutal murders many of them committed.

Second, the death penalty stands as more fiscally responsible. A state estimate shows death sentences have cost Ohio taxpayers \$384 million, mostly in legal fees, a figure estimated to be five times higher than the cost of housing a convicted killer for life.

Lastly, but perhaps most importantly, carrying a capital crime case to its natural conclusion inside a death chamber provides much needed closure for families and friends of victims. Consider Miriam Fife, mother of 12-

year-old Raymond Fife, who was raped, tortured and murdered 39 years ago in Warren by convicted killer Danny Lee Hill. Thirty-nine years and about 30 unsuccessful appeals later, Hill remains alive and Mrs. Fife and her son's loved ones remain anguished and revictimized.

As Watkins put it in his support for HB 392, *"Miriam Fife should not be — at age 83 — twisting in the wind waiting for us to do our job."*

Passage of HB 392 could clear the path to end that wait and carry out the appropriate and long-delayed justice for the worst of the worst in our state. We call on state legislators to do so promptly before summer recess.

NEWSLETTER

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☐ Breaking News

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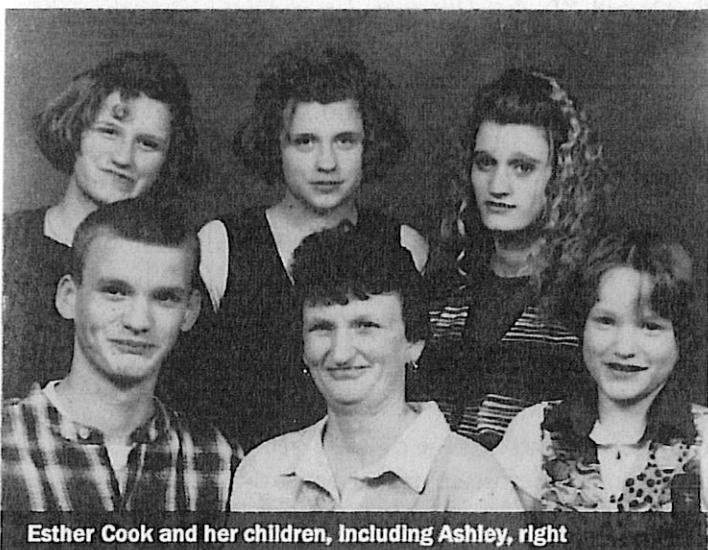
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Executive Summary

Shortly before midnight on Oct. 11, 1999, Stanley "Ted" Adams, a 33-year-old man with a troubled past and a long history of crime, was out of drugs and out of money. But he had a plan to fix both problems. He would break into the Warren, Ohio, home where Esther Cook, a 43-year-old single mom, lived with her 12-year-old daughter, Ashley, and steal any money he could find.

Adams knew the Cooks well. That's because he was the boyfriend of a woman named Janelle Hartle, whose father, James Hartle, also was Ashley's father. So Janelle was Ashley's older half-sister, and if Adams and Janelle had been married, 12-year-old Ashley would have been Adams' sister-in-law.



Esther Cook and her children, including Ashley, right

Adams also knew the house well because he and Janelle had lived with Esther and Ashley for several months the previous spring until the couple found a place of their own.

The only person who knows every detail of what transpired in Esther Cook's house that night is Adams because he is the only one who left the house alive. But this is what police and Trumbull County Prosecutor Dennis Watkins were able to prove to the jury: After breaking in, Adams fatally beat and stabbed Esther, apparently with a crowbar. Then he beat and raped

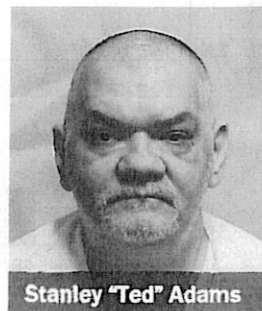
12-year-old Ashley vaginally, anally, and orally, and strangled her with an electric cord. Before leaving, he posed various items of jewelry on her traumatized and lifeless body.

In a final cruel twist, the man who made her last minutes of life a nightmare of terror and pain would be one of the pallbearers at Ashley's funeral.

A year later, Adams was charged with the murders and, almost a year after that, was convicted and sentenced to death. Around the same time, in a separate trial, he was convicted of the earlier rape and murder of a Poland Township woman named Roslyn Taylor, for which he was sentenced to 25 years to life.

He has been evading his death sentence for the Cook murders ever since, still sitting on Death Row more than 22 years later, a fact that continues to astonish, bewilder, and drive Ashley's twin older sisters to tears.

"We have a judicial system, laws and the death penalty for a reason," said Kellie Brooks, who was 16 at the time of her sister's murder. "Ted has been found guilty. They have the proof; they had the blood; they had semen. DNA doesn't lie. He exhausted all of his appeals years ago."



Stanley "Ted" Adams

This broken system is also enormously expensive. Although the precise cost of Ohio's death-penalty system has never been determined, the Ohio Legislative Service Commission notes:

A mix of quantitative and qualitative studies of other states have found that the cost of a case in which a death penalty has been sought and imposed is higher, perhaps significantly so, than a murder case in which life imprisonment has been imposed. These studies generally support the following conclusions:

- *In some states, capital cases exceed the cost of life imprisonment cases in the range of up to between \$1 million and \$3 million per case.*
- *The total amount expended in a capital case is between two and a half and five times as much as a noncapital case.*

If these estimates apply to Ohio, then the extra cost of imposing the death penalty 121 times on the 119 people currently on Death Row might range from \$121 million to \$363 million.

The costs of capital punishment are the costs of ensuring justice: that we get it right, that mistakes are corrected, and that the worst of the worst offenders never offend again — even in prison.

But it's a stunning amount of money to spend on a program that doesn't achieve its purpose.

If we were starting from scratch to design a system for the ultimate punishment — whether that punishment is execution or, instead, life in prison without parole — neither death-penalty opponents nor death-penalty supporters would create anything like Ohio's current system, which produces churn, waste, and endless lawsuits but nothing else.

From the time that Ohio's death-penalty law was enacted in 1981 until Dec. 31, 2023, 336 people have received a death sentence. Five of these people received two death sentences, resulting in a total of 341 death sentences.

But of those, only 56 sentences — just one of every six — have been carried out. Nearly the same number of inmates have had their sentences commuted (21) or died of natural causes or suicide before the sentence could be imposed (40). Nine have been removed because they are intellectually disabled and therefore constitutionally ineligible for the death penalty. Six have been removed because they suffered from serious mental illness. Thirty-five additional mental illness petitions remain pending in the state courts that could lead to additional defendants having their sentences reduced to life imprisonment without the possibility of parole.

As of Dec. 31, 2023, 87 death sentences have been removed by judicial action resulting in resentencing or release. Most were removed because of legal errors, such as ineffective assistance of counsel, *Brady* violations, juror errors, or appellate court determinations that the aggravating circumstances of the crime did not outweigh the mitigating factors beyond a reasonable doubt. (Note: Rather than show a flaw in Ohio's capital-punishment system, these removals show the appellate process working as it should to prevent an injustice.)

Just one Death Row inmate, Dale Johnston, a pre-DNA case, was removed from Death Row for reasons that can be fairly attributed to his actual innocence of the double homicide for which he was convicted.

For example, an “exonerated” list prepared by the California Wrongful Convictions Project at the University of California at Berkeley includes any case in which the conviction was reversed and the accused was subsequently acquitted in a retrial or the charges were dismissed. In other words, these were cases in which a prosecutor decided that the remaining evidence was insufficient and dismissed the case, or a jury decided the remaining evidence was insufficient and returned an acquittal. These outcomes tell us nothing about the defendant’s actual guilt or innocence. To state it plainly, guilty people sometimes beat the rap. In fact, our system of justice is based on the idea that it is better for a guilty person to sometimes go unpunished than to erroneously convict someone who is innocent.

Naturally, the idea that the state might execute an innocent person is horrifying.

But in Ohio, there are no known instances in which a person has been executed for murder and later found to be innocent.

Also, the acceptance and accelerating use of DNA evidence in murder cases since the late 1990s has brought scientific certainty to determinations of guilt and innocence.

In short, much of the concern about capital punishment is based on the miscarriages of the past that have been eliminated by judicial safeguards and improvements in scientific investigative tools.

But even if Ohio’s system is trustworthy in its sentencing decisions, it is not trustworthy in carrying them out.

What is lacking is the political will to ensure that capital punishment is an effective tool for justice for those who perpetrate the most heinous crimes. Esther and Ashley Cook have been dead for 24 years, but their condemned killer is still waking up for breakfast every morning, courtesy of Ohio taxpayers.

This system is a testament to government impotence. At a time when faith in society’s institutions is at an all-time low, the failure of the capital-punishment system could be Exhibit A.

Ohio’s elected leaders should fix this.