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State of Ohio
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IN RE: MAINTAINING OHIO'S DEATH PENALTY AND PRESIDENT TRUMP'S JANUARY 20, 2025 EXECUTIVE ORDER

Dear Dave:

I hope all is well with you and your family this new year! Also, congratulations on your announcement to run for Governor of Ohio in 2026. It seems like just yesterday when I first met you, over twenty years ago, at an Executive Committee meeting of the Ohio Prosecuting Attorneys Association when you were the Delaware County Prosecutor. Back then, we discussed the prosecution and enforcement of Ohio's death penalty. Through the years, we have agreed on this subject and have worked together to prosecute the worst of the worst cold-blooded killers, to uphold their convictions, and to see the recommendations of juries and orders of judges are carried out in our great state. Indeed, today, your office is currently handling several of Trumbull County's death penalty cases in both state and federal courts. I am very thankful for the outstanding advocacy of the Solicitor General, both past and present, and other assistants from your office that have, with their work, successfully and repeatedly defended death penalty convictions and sentences.

Unfortunately, at times, our journey has been very difficult, facing unnecessary delays from many frivolous and repeated appeals. It seems that successive habeas petitions based upon alleged new claims and new expert opinions, and endless appeals, further delaying executions, makes the justice system appear, as described by you, "broken." I know the overwhelming majority of citizens in my home county are sick and tired of seeing victims being denied final justice because of these often decades long delays.[1] They want to see justice administered and the victims afforded closure.

As you know, Miriam Fife, whose 12-year-old son Raymond was brutally raped, tortured and murdered in 1985, is waiting for a 30th appeal to be heard by the Ohio Supreme Court. Similarly, as detailed in your 2023 Capital Crimes Report, convicted serial killer and child rapist, Stanley Adams, who has exhausted all legal claims, and whose execution has already been rescheduled twice, only remains on death row because the State of Ohio is apparently unable to obtain execution drugs.[2] The Cook family, including Kellie and Kimberly, who are the older twin sisters of then 12-year-old Ashley Cook, one of Adam's victims, sadly twist-in-the wind hoping to see the law enforced and justice delivered.[3] But as you know, this is not unique to Trumbull County; it is happening in other counties as well. The friends and family of the 5 murder victims of George Brinkman, who pleaded guilty to all 5 murders from two counties, and whose death

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[1] "Average days on Death Row (as of April 1, 2024) = 7805.08 days (21.37 years)" Executive Summary 2023 Capital Crimes Report, p. 6.
[2] *Id.*, pp. 3-4.
[3] "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's taxpayers. ***Ohio's elected leaders should fix this. *Id.*, pg. 7.

sentences have been affirmed by the Ohio Supreme Court are seeking justice and finality as well.[4] The Ohio Department of Rehabilitation and Corrections website lists 29 executions currently scheduled, beginning June 18, 2025,[5] many of which, as listed on page 53 of your 2023 Capital Crimes Report, including Stanley Adams, have been previously scheduled, but were granted reprieves by Governor DeWine.

On May 21, 2024, I had the honor to testify with you and Lou Tobin, Executive Director of the Ohio Prosecuting Attorneys Association 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 in a bill proposed by State Representatives, Brian Stewart and Phil Plummer. Additionally, I was again privileged to represent the OPAA, offering testimony before the Ohio Senate Judiciary Committee on November 13, 2024, to provide reasons why the state's death penalty law, which has been part of our Ohio history since 1803, should remain intact. Senate Bill 101, sponsored by Senators Nickie Antonio, Democratic Minority Leader, and Stephen Huffman, sought to abolish all provisions of the long-standing state death penalty law. Fortunately, Senate Bill 101 died, unable to obtain sufficient votes from the committee members to move from the committee to the Senate floor. Unfortunately, Representatives Stewart and Plummer's bill failed

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[4] Best friend of one of the victims, Rhonda Whitelock has noted: "It's hard emotionally on the people that survive knowing that this man is still alive, *** Maybe Mr. Governor DeWine should look at the photos of what that maniac did to my friend and her children because he doesn't deserve to live. *** If this happened to his family, I am right here to tell you that he would not want this animal to be living." *Best friend of murder victims urges Ohio Gov. DeWine to allow death penalty.* Morgan Tau, New 5s Cleveland, Dec 13, 2024. https://www.news5cleveland.com/news/politics/ohio-politics/best-friend-of-murder-victims-urges-ohio-gov-dewine-to-allow-death-penalty.

[5] https://drc.ohio.gov/about/capital-punishment/execution-schedule.

to pass last year, but just last week, to guarantee "accountability for offenders convicted of the most heinous crimes, while allowing the families of victims to finally have closure," Representative Stewart, re-introduced his bill authorizing the use of nitrogen gas in addition to lethal injection "[as] an alternative method for carrying out capital punishments ***."[6]

My office of experienced prosecutors, from both political parties, are working side by side daily with your able staff to deliver justice to victims like Miriam Fife, the Cook sisters, and many others from my county. Cold-blooded killers and torturers like Stanley Adams and Danny Lee Hill must be held accountable. Last year, 25 murderers were executed by nine different states using lethal injection or nitrogen gas.[7] There is no good reason why Ohio cannot join them carrying out executions of the worst of the worst, who were fairly tried, convicted, and sentenced, and accorded their full panoply of constitutional rights, at trial and appeal: sometimes many times over. Other states are able to do this; it is not a Herculean task!

New developments have recently occurred which require a response by me regarding our ongoing efforts, on behalf of murder victims in Trumbull County, to see justice done by having the law properly and timely carried out. First, during the final days of his term, President Biden granted a flurry of pardons and commutations to 37 of the 40 federal, civilian death row inmates.[8]

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[6]Representative Stewart also noted: "[i]n federal court pleadings, defense counsels have conceded that an offender executed by nitrogen hypoxia would be 'quickly, painlessly, and humanely rendered unconscious, followed rapidly by death. *** [T]he law should be followed, and duly enacted sentences should be carried out to give victims' families the justice and finality they deserve."

[7] Twenty-two were executed by lethal injections (either pentobarbital, or a three-drug cocktail), and three were by nitrogen hypoxia. https://deathpenaltyinfo.org/executions/2024

[8] It is interesting to note that former President Biden, limited his forgiveness power, when he gave 37 death row inmates commutations, under his Pardon Power, but still refused to set aside the death sentences for the Boston Marathon bomber, the Tree of Life Synagogue shooter, and the

Second, President Donald Trump, signed an Executive Order on January 20, 2025, titled: "Restoring the Death Penalty and Protecting Public Safety," which with most of it, I wholeheartedly agree. Third, Senator Antonio, in response, told NBC4 news in Columbus that she plans to reintroduce her bill to abolish the death penalty—while at the same time states she is working for a middle ground.[9] Frankly, there is no middle—you either execute or you do not! This is not to say that I am, or have ever been, in my long, 41 year career as Ohio's longest serving elected County Prosecutor, against possible reform, including a limited use of the death penalty, whereby, according every defendant due process and insuring no innocent person is executed while at the same time insuring that guilty individuals are executed without needless, repetitious appeals and delays so victims may go on with their lives.[10]

However, make it very clear, it is pure nonsense to say that Ohio's current law is unconstitutional, and its execution protocol is defective. It has been repeatedly upheld, in both the state and federal judicial systems. Furthermore, as I testified last year before both House and Senate Panels, neither Senator Antonio nor Senator Huffman (nor the Innocence Project) have been able to identify one "innocent person" of the 56 murders that has been executed in Ohio since the

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Mother Emanuel Church gunman. Likewise, he did not commute the death sentences of the four inmates currently on military death row.

[9] Apparently, her "middle ground" is to tie abortion access and capital punishment together and stop the "funding of death." *Ohio lawmakers want to halt taxpayer funding of death penalty, abortion and assisted suicide."* Morgan Tau, New 5 Cleveland, (Jan 28, 2025), https://www.news5cleveland.com/news/politics/ohio-politics/ohio-lawmakers-want-to-halt-taxpayer-funding-of-death-penalty-abortion-and-assisted-suicide.

[10] I have supported revisions of present law by "limiting the use of the death penalty to cases involving multiple victims or mass murder, serial killers, police murders, child murders or extreme torture cases." See Watkins interview notes dated May 10, 2023, pg. 7 to Warren Tribune Chronicle reporter, Ed Runyan and Warren Tribune Chronicle editorial, June 1, 2024 "Revive the Death Penalty, Restore Justice in Ohio."

State resumed executions in 1999. It was not defective in 2009 and 2010 when Governor Strickland approved three executions of Trumbull County death row inmates, Jason Getsy, Kenneth Biros, and Roderick Davie, or when Robert Van Hook was put to death in July of 2018 during Governor Kasich's term. Unfortunately, since then, Ohio has been in a holding pattern,[11] but President Trump is now offering Ohio help to see our law is timely enforced.

Shortly after he was elected, President Trump vowed to end the federal moratorium on executions. On December 10, 2024, I penned an "Open Letter to Prosecutors of Ohio" to Lou Tobin, titled: "Setting Common Sense, History, and Reform Aside, The Rush to Eliminate the Death Penalty in Ohio," a copy of which is attached hereto.

> I write my organization, of which I was president in 1991, to encourage Prosecutors of Ohio to oppose the abolition of Ohio's historic death penalty law, and to show support for President-Elect Trump, who appears ready to end Merrick Garland's 2021 death penalty moratorium and resume federal executions. Ohio too has been under its own "unofficial moratorium" since 2018 because of a claimed inability to obtain lethal injection drugs. This year, however, eight other states have enforced their respective death sentences.

On page 6, I continued: "It is my hope that Governor DeWine would be open to reconsider his position, **and even perhaps President Trump and the Federal Government could provide lethal injection drugs to execute the Stanley Adamses of the world where appeals have been finalized.** (Emphasis added).

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[11] Governor DeWine told "reporters at a closed breakfast that no other capital punishment would happen while he is in charge," but this was before President Trump's Executive Order. Morgan Tau. News 5 Cleveland, Dec 13, 2024, *supra.*

On January 20, 2025, merely 6 weeks after my letter to my association, one of President Trump's Executive Orders, specifically provided:

> **Section 4: Preserving Capital Punishment in the States. (a) The Attorney General shall take all necessary and lawful action to ensure that each state that allows capital punishment has a sufficient supply of drugs to carry out lethal injections. (Emphasis added.)**

This should be great news to Ohio and the enforcement of the death penalty in our state in the near future.

I am cognizant of the fact that it will take some time to reschedule new execution dates if President Trump can come through for Ohio, which possibly could extend to 2027 when Ohio will have a new Governor. Moreover, Dave, as a candidate for the Governor's office in 2026 and a long-time supporter of the death penalty, I know police, prosecutors, many victims of crimes, and citizens will support your efforts now as Attorney General and possibly in the future, as Governor, to kick-start the death penalty once again. Obviously, there will be other future candidates, who will probably support the death penalty in some form to get elected. Moreover, Governor Mike DeWine, a former elected county prosecutor, previously during his time in office and while campaigning, has repeatedly and publicly stated support for the death penalty.

Though I understand the Governor also has his own legal counsel, with Attorney Matthew Donahue, it is my hope that we, as Republican and Democratic office holders, will be able to work singularly and jointly to move forward with fully enforcing Ohio's death penalty law, instead of maintaining "status quo," and remaining in limbo, which seems like has been occurring forever on this issue. Parenthetically, in 2009 before Jason Getsy was executed by Ohio for the brutal murder of an elderly homeowner and the attempted murder of her son, then Attorney General Richard Cordray provided legal advice to then Governor Strickland that the "proportionality argument"

involving multiple defendant prosecutions offered by the defense and other anti-death penalty groups to stop Getsy's execution was legally incorrect. Relying on this advice, the Governor rejected Getsy's theory and promptly carried out the rulings of the courts, including the death warrant, and finally delivered justice to the awaiting victims and the public with Getsy's execution that year. (A local newspaper poll showed 90% of residents supported Getsy's execution.[12]) The will of the people means something, and their business matters.

It is because of President Trump's Executive Order that I can speak and feel more positively about the future and see finality for victims of crimes. Also, I and my office, along with many, many others on behalf of the Trumbull County victims like Miriam Fife, Kellie and Kimberly Cook, the George Melnick family, the Robert Fingerhut family, the Veader Prince family, and others, will publicly oppose the repeated efforts of Senator Antonio, Senator Huffman and their various interest groups to abolish the death penalty in Ohio. It is my belief that elected legislators, who, despite failure, constantly co-sponsor or support new legislation to deny justice to victims of Trumbull County killers, will not be supported by the majority of Trumbull countians, and most likely will be defeated in any re-election effort.

It is disrespectful to the local jurors and judges, who upholding their sworn oath, hearing and seeing the often-horrific evidence, deliberating over guilt or innocence, and life or death, apply the law and arrive at a death sentence, and whose decisions endure repeated appeals, to see their

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[12] See my December 10, 2024, letter to Lou Tobin where I stated "reformation not abolition [of the death penalty,] has been mandated by Ohioans. In November 1994, the last time Ohioan were presented with a death penalty issue, they, *** by their overwhelming vote, adopting the elimination of intermediate the appeal, the electorate unquestionably sanctioned Ohio's death penalty law." Pg 2-3.

work undone by a few who have power to file lawsuits or abolish laws. These death penalty opponents often do not know, or simply choose to ignore, the dreadful details of the pain and suffering the various victims endured at the hands of the merciless murderers, which the anti-death penalty advocates indiscriminately seek to spare, though both the jurors and the judges painstakingly heard and saw all of the evidence before arriving conscientiously at their respective decisions to impose the ultimate penalty! Therefore, I will, with many victims of crime in my county, proactively monitor the positions of the locally elected legislators and other officials in the Mahoning Valley as to whether they will sign on to any new bill to repeal the death penalty, otherwise seek delay, or take a public position so that cold blooded killers like Stanley Adams, Danny Lee Hill, Andre Williams, Nathaniel Jackson, Donna Roberts, and David Martin are not executed. Though we respect their right to advocate for the repeal of the death penalty, they too should respect our right to oppose their re-election. People should be transparent on this important issue.

Before closing Dave, two things need to be mentioned. First, there was an unfairness shown to in-coming President Trump by out-going President Biden when he criticized Mr. Trump for announcing he would do his job, by following the law and resuming executions imposed by federal judges. History shows that Presidents and Governors of both political parties have, for more than 200 years, enforced the death penalty, including in the last 100 years, Presidents Coolidge, Hoover Roosevelt, Truman, Eisenhower, Kennedy, Bush, and Trump. Former president Grover Cleveland shares the record of 16 executions with President Franklin Roosevelt.[13] Both

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[13] Six of President Roosevelt's16 executions were of individuals convicted by military tribunals.

presidents were democrats. President Trump, during his first term, executed 13 federal death row inmates, each of whom had defense attorneys, a jury trial, a neutral judge and many appeals which upheld the death sentence before the President carried out the death warrants. He merely did his duty.

Second, in 1994, then Senator Joe Biden, sponsored "The Violent Crime Control and Law Enforcement Act of 1994," commonly referred to as the 1994 Crime Bill, which among other measures expanded the death penalty law for federal crimes, "provid[ing] 53 death penalty offenses do[ing everything but hang[ing] people for jaywalking."[14] Unconscionably, Joe Biden, setting the record for a United States President, on one day, pardoned, *en masse,* 37 death row inmates without any Office of Pardon Attorney review, victim impact input,[15] or individualized assessments, saying he was acting because "he cannot stand back and let a new administration resume executions that [he] halted.[16] He did not apply case-by-case mercy but acted merely to thwart a form of punishment sanctioned by the Constitution, specifically authorized by Congress and recommended and imposed by juries and judges because he disagreed with the law of the land.

He joins disgraced former Illinois Governor Geroge Ryan, who was impeached, removed from office, convicted of federal public corruption, and sentenced to prison, before being released

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[14] *Joe Biden Brags About Crime Bill "Hanging People For Jaywalking,* C-SPAN (May 14, 1992), https://www.c-span.org/clip/senate-proceeding/user-clip-joe-biden-brags-about-crime-bill-hanging-people-for-jaywalking/4980554.

[15] I'm still angry. I am upset that this is even happening, that one man can make this decision without even talking to the victims, without any regard for what we've been through, what we're going through, and completely hurt, frustrated and angry." *Heinous double-murderer spared death sentence by Biden now wants to be freed, arguing 'compassionate release'.*" Alex Oliveira, New York Post, Dec. 30, 2024.

[16] *Death Row Serial Killer Rejects Joe Biden's Commutation—'Unsolicited'*, Khaleda Rahman, Newsweek Jan. 24, 2025.

after serving only 6 years of the 14-year sentence, holds the all-time state record for summarily undoing the work of judges and jurors pardoning 167 death row inmates by commuting every death sentence to a life sentence.[17] Similarly, former Tennessee Governor, Ray Blanton, granted clemency to 52 inmates, 36 of which did not receive a recommendation from the state Board of Pardons and Paroles and 26 were convicted murders.[18] He too was convicted and sentenced to federal prison for mail fraud, conspiracy and extortion.[19]

In addition to sparing murderers, President Biden proudly mantles that he has given more federal pardons, including for murder, than any other President in American history.[20]

President	Tenure	Pardons or Clemency
George H. W. Bush	1989–1993	77
Bill Clinton	1993–2001	459
George W. Bush	2001–2009	200
Barack Obama	2009–2017	1927
Donald Trump	2017–2021 and 2025–present	1700
Joe Biden	2021–2025	8,064

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[17]Ill. Gov. George Ryan, 167 in 2003; Ore. Gov. Kate Brown, 17 in 2022; N.C. Gov. Roy Cooper, 15 in 2024; Ill. Gov Pat Quinn, 15 in 2011; Oh. Gov. Richard Celeste, 8 in 1991; N.J. Gov. Jon Corzine, 8 in 2007; N.M. Gov. Toney Anaya, 5 in 1986; Md. Gov. Martin O'Malley, 4 in 2015, and Col. Gov. Jared Polis, 2 in 2020.

[18] *How one of Tennessee's most dramatic political moments unfolded 40 years ago this week*, Joel Ebert, The Tennessean, Dec. 20, 2019.

[19] He left the governor's office under a cloud of suspicion relating to pardons granted to prisoners who had bribed his staff, although he was never charged. *Leonard Ray Blanton*, Fred S. Rolater, Tennessee Encyclopedia of History and Culture, 2009. https://tennesseeencyclopedia.net/entries/leonard-ray-blanton/.

[20] "*List of people pardoned or granted clemency by the president of the United States.*" https://en.wikipedia.org/wiki/List_of_people_pardoned_or_granted_clemency_by_the_president_of_the_United_States.

Biden also issued "pre-emptive" pardons to allies, friends, and family against future charges, for unknown offense they supposedly didn't commit, "amount[ing] to a stunning flex of presidential power that is unprecedented in recent presidential history."[21] Though President Trump also gave a blanket pardon for all offenders involved in the attack on the United States Capitol on January 6, 2021, the record setting pardons and commutations of death row murders is worse.[22]

In conclusion, it is my hope that you, as Ohio's Attorney General and chief law enforcement officer for the state, and who at times provides legal advice to the Governor, will follow up on Section 4 of President Trump's Order and contact United States Attorney General, Pam Bondi, on behalf of our great state to make certain Ohio's death penalty law is enforced, whereby victims are accorded their constitutional right, under Marsy's law "to a prompt conclusion" of their case." If President Trump were "to ensure that [Ohio] has a sufficient supply of drugs to carry out lethal injections," which have been approved by the federal courts, and which, January 16, 2021, carried out a federal execution, then Ohio may not need nitrogen gas to resume its executions. It is my hope that state officials will be able to work out with federal officials some table, whether it be this year, 2026, or 2027, to get this done.

As you previously stated; in your news releases of January 30, 2024, and April 1, 2024: "No criminal penalty – capital or otherwise – should carry an empty promise of justice. There must be accountability for offenders convicted of the most heinous crimes ***." Indeed, "[t]here are

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[21] *Biden Issues Preemptive Pardons For Trump Critics And Biden Family Members*, Kevin Liptak and Arlette Saenz, CNN Jan 20, 2025, https://www.cnn.com/2025/01/20/politics/joe-biden-preemptive-pardons/index.html.

[22] *Sorry, Biden's Pardons Are Much Worse Than Trump's | Opinion*, John Yoo and John Shu. Newsweek, (Jan 22, 2025.)

crimes that are so heinous, that are so against basic humanity, that they deserve the ultimate punishment."[23]

Thank you and best wishes in your future endeavors. God Bless America!

Warmest Regards,

Dennis Watkins

Dennis Watkins
Trumbull County Prosecuting Attorney

DW/fad
Attachments

cc:
T. Elliott Gaiser, Solicitor General
Carol O'Brien, Deputy Attorney General for Law Enforcement
Matthew Donahue, Chief Legal Counsel, Office of Ohio Governor.
Brian Stewart, Representative, Ohio House of Representatives
Lou Tobin, Executive Director, OPAA

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[23] Morgan Tau, *supra.*