

TRUMBULL COUNTY PROSECUTOR'S OFFICE
Dennis Watkins, Prosecutor
Repeat Violent Offenders newsletter
UPDATE: March 11, 2024

Prosecutors on Hill team file brief with high court; OPPA's friend-of-court letter in support also filed

Trumbull County Prosecutor Dennis Watkins is well pleased with his team's efforts in filing a brief on behalf of the state in efforts to bring Danny Lee Hill's death row appeal to a finality.



Watkins said he wants the public to read the brief written by Ohio's Solicitor General that was filed Monday, March 11 with the Ohio Supreme Court.

"That is the finest example of perfect prose in the introduction that everyone could easily understand," Watkins said. "I want the public to read it because it is so well written."

Furthermore, Watkins thanked Steven L. Taylor, legal research and staff counsel for the Ohio Prosecuting Attorneys Association, for writing and filing an amicus jurisdictional memorandum on behalf of the OPAA in supporting the state's effort to combat Hill's legal bid.

Ohio Solicitor General T. Elliot Gaiser referenced William Shakespeare as he wrote the introduction to a brief asking Ohio's high court to review an 11th District Court of Appeals decision requiring another hearing on convicted murderer Danny Lee Hill's Atkins or intellectual disability claim, previously referred to as "mental retardation."

"But what's in a name?" starts Gaiser as he quotes from Shakespeare's "Romeo and Juliet" "A rose called a "brose" still smells as sweet. So too in the law. A statute is judged by its substance,

“not any shorthand description of it.” A breach of contract, for example, is a breach of contract, even when dressed up in the words of torts. In contrast, the 11th District let Danny Hill call his request for successive post-conviction relief a “Rule 60(B) motion” rather than treating it by its substance as a successive request. By failing to treat Hill’s request for what it is, rather than what it was labeled, the 11th District flouted the General Assembly’s command for processing post-conviction petitions and further prolonged execution of a four-decade-old death sentence. This Court should intervene to correct the appellate court’s error and give the victim’s mother a chance to see justice in her lifetime.”

Gaiser ended his eloquent opening by saying the 11th District Court’s error merits further review in the Supreme Court for five reasons:

First, the 11th District’s reasoning conflicts with judgments in two other Ohio appellate districts and “creates tensions with judgments in several additional districts.” Notably, Gaiser points to a 3rd District Court decision that rejected a successive petition that raised the same arguments that Hill’s lawyers raised;

Second, the 11th District ruling deviates from U.S. Supreme Court precedent.

Third, the high court should review the Hill case to preserve the General Assembly’s policy-making role. Another ruling found that court rules may not be used to circumvent legislative rules;

Fourth, the Hill case involves a victim’s constitution right “to proceedings free from unreasonable delay.”

And finally, because this appeal comes from a decades-old capital crime, the victim’s interest in finality marks this case as the kind that should have “an audience in the court of last

resort” who could make the final call on whether the judgment of the 11th District “properly allowed even more delay.”

Gaiser and his boss, Attorney General Dave Yost, recently joined Watkins and his team, including his Criminal Division Chief Charles L. Morrow, and Special Assistant Prosecuting Attorney, Stephen Maher, in fighting Hill’s latest bid to get off death row.

Hill was sentenced to death in 1986 for the torturous murder of 12-year-old Raymond Fife and the state’s latest brief had continually mentioned the long suffering of the boy’s mother, now 83-year-old Miriam Fife, who for almost 38 years has been awaiting this sentence to be carried out.

“He has already made one trip to the U.S. Supreme Court and two trips to the en-banc Sixth Circuit,” Gaiser wrote. “Hill has already challenged his death sentence through a post-conviction petition on the grounds that he is intellectually disabled.” This request was denied nearly two decades ago.

In his fourth point of argument, Gaiser uses Mrs. Fife’s plight as a centerpiece.

“The Eleventh District’s decision will only prolong the time that a child’s aging mother waits to see justice done. The mother’s right as a victim to avoid “unreasonable delay” is part of a 2017 addition to our Constitution that elevated the rights of victims to constitutional status,” Gaiser wrote stating the high court should weigh whether the victim’s constitutional rights in capital case have a place in the analysis of a request to re-open capital post-conviction-relief proceedings,” as Hill is trying to do.

The Ohio Prosecuting Attorneys' Association's *amicus curiae* or "friend-of-the-court" brief urging the Ohio Supreme Court to hear the case, was also filed late in the afternoon of March 8, 2024.

Steve Taylor, Staff Counsel for the Ohio Prosecuting Attorneys Association, wrote a 15-page memorandum explaining why the high court should accept jurisdiction in this case.

"The glacial pace of death-penalty litigation is a cause of great concern for Ohio prosecutors and Ohio victims and those concerns are at their zenith here (in the Hill case)," Taylor wrote. "Such exorbitant delays make this case a prime example of why time limits and restrictions on repeated post-conviction review are needed."

Watkins appreciated the work effort and research Taylor reflected in the OPAA amicus brief, especially his psychological and legal analysis to have the Ohio Supreme Court take jurisdiction on Hill's latest appeal.

"I want to sincerely thank Attorney General Dave Yost, and Solicitor General T. Elliot Gaiser for joining with me, Criminal Division Chief Charles L. Morrow, and Special Assistant Prosecuting Attorney, Stephen Maher, in seeking review and reversal of the recent Hill decision. We are also privileged to have an experienced appellate attorney like Steve Taylor author the amicus brief," Watkins stated.

Miriam Fife, the mother of Raymond Fife, hopes that she and her family will not have to go back to court and see Hill again relitigate the same thing. It has been 38 years and over 30 different proceedings, and she is praying that justice will be finally carried out as ordered by three Trumbull County judges in 1986.

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