

TRUMBULL COUNTY PROSECUTOR'S OFFICE

Dennis Watkins, Prosecutor

Repeat Violent Offenders

NEWS UPDATE: May 13, 2024

U.S. high court refuses to review Hill appeal

The U.S. Supreme Court today refused to review a U.S. Sixth Circuit Court of Appeals' 11-3 decision of August 2023 that denied convicted murderer Danny Lee Hill a new hearing based on bite-mark evidence.

Prosecutor Dennis Watkins upon learning of the decision, was "very appreciative of the efforts of the Ohio Attorney General Dave Yost's office" in fighting the appeal.

According to Michael J. Hendershot, Chief Deputy Solicitor General for the state of Ohio who has worked with Solicitors General Thomas Elliot Gaiser and Ben Flowers on the appeal, there were no noted dissents on the U.S. Supreme Court to this Hill decision.



Following a remand by the Supreme Court and various Sixth Circuit decisions, Hill had sought a new hearing based on "newly discovered evidence," a report from the American Board of Forensic Odontology that suggested using bitemarks to identify a specific individual might not be reliable. Ohio courts held that there was "no probability" that a new trial for Hill would lead to a "different outcome" because the state had proffered so much other evidence

of guilt.

In 2023, Hill's second federal habeas petition argued that the state trial court violated his due process rights by not properly conducting a materiality review of the bitemark evidence. The Sixth Circuit, in its 11-3 decision, characterized Hill's petition as "second or successive," so Hill was required to meet the gatekeeping provisions of court rules.

"We note that if we came out Hill's way, most convictions involving forensic evidence would never be final.," stated Circuit Judge John B. Nalbandian who wrote the circuit court's majority opinion on Aug. 25, 2023. **(See our office's press release on that opinion which is attached at the bottom of this page)**

Watkins noted that 6th Circuit judges appointed by U.S. presidents from both political parties joined in the decision against Hill. However, attorneys for Hill were unhappy with the decision and had requested the U.S. Supreme Court review the case.

Also, in that Aug. 25 decision, five concurring 6th Circuit judges implored the high court to rule quickly saying “delays keep states and the victim’s family – who have to relive the crime for decades -- in limbo” noting that there have been almost 30 appeals on the part of Hill’s attorneys trying to keep him from facing the death penalty.

Moreover, this so-called “new” bite mark evidence argument was fully litigated in the Ohio court system and determined to have no merit by all Ohio courts, according to Prosecutor Watkins, who handled the bite-mark evidentiary hearing and post-conviction appeals in state court with then Assistant Prosecutor LuWayne Annos.

Afterwards, Hill filed in federal court, and his conviction and death sentence have been successfully defended by the Ohio Solicitor General’s office.

Hill and his co-defendant, the late Timothy Combs, on Sept. 10, 1985, kidnapped 12-year-old Raymond Fife, beat Fife, raped him in multiple ways, strangled him, bit and burned him. Later that day, Fife’s father found him in a field off Palmyra Road SW in Warren. Fife died days later.

In his 1986 trial before a three-judge panel, several witnesses testified that Hill was around the crime scene. The state introduced Hill’s confession that he had watched Combs beat and rape Fife. There was physical evidence and other witnesses connecting Hill to the crime.

Hill was sentenced to death in 1986. Ohio and federal courts rejected Hill’s appeal and state habeas petition before he began separate actions involving intellectual disability and bite-mark claims.

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

PRESS RELEASE

IN RE: DANNY LEE HILL SIXTH CIRCUIT COURT OF APPEALS NEW CLAIM OF OLD CLAIM

August 25, 2023

Today, the full panel of the Sixth Circuit Court of Appeals, in an 11-3 decision, again reversed the opinion of the three dissenting members of the court relating to Danny Lee Hill's recent effort to have his death sentence overturned based upon a "new claim" of an old argument regarding bite mark evidence.

The same panel's previous decisions reversing Hill's execution order, have been reversed twice, once by the United States Supreme Court and once by a full panel of the Sixth Circuit Court of Appeals, reinstating Hill's death sentence. As previously noted this so-called "new" bite mark evidence argument was fully litigated in the Ohio court system and determined to have no merit by all Ohio courts, just as Hill's alleged mental retardation/intellectual disability claim was constantly contested and found unsubstantiated.

Ohio Solicitor General Ben Flowers of Ohio Attorney General Dave Yost's Office successfully argued in June that Danny Lee Hill was merely presenting a successive or second request to review evidence relating to a bite mark. In my opinion, this is just another meritless attempt to re-litigate, in the federal system, the same argument, at public expense, denying the Fife family (along with the citizens of Ohio) their constitutional right to finality and justice. These tactics have delayed Hill's 1985 sentence of execution, imposed by three Trumbull County Court of Common Pleas Judges, and to undermine the public's confidence in the criminal justice system. This case has been litigated ad nauseam – 37 years and counting. Enough is enough.

The *en banc or full* panel of the Sixth Circuit Court of Appeals agreed and concluded that Hill's new filing was a successive or second petition. The Court held Hill needs to produce new

evidence that was not available at the time of the trial in 1986 that he would not have been found guilty of the kidnapping, rape and murder of 12-year-old Raymond Fife. The Court noted its skepticism of that there would be “newly discovered evidence so compelling that no rational juror would find [Hill] guilty.” It noted that there is “plentiful evidence of the other forms of rape Fife endured – evidence that was presented at trial – supported the rape conviction.”

Five Judges, concurring with the majority, further implored the court to rule on Hill’s claim within 30 days. “In the last thirty-seven years, Hill has sought review in the United States Supreme Court three times, Hill’s case has come before a panel of this court for times, and the *en banc* court has now heard his case twice. At almost every turn, courts have ruled against him.” These Judges explained that delays keep States and victims’ family, who have to relive the crimes for decades, in limbo. Since the 1986 Hill trial, the Trumbull County Prosecutor’s Office and there have been more than 25 appeals involving both the Trumbull County Prosecutor’s Office attorneys and several different Ohio Attorney Generals’ staff.

This office would like to express its sincere gratitude to Attorney General Dave Yost, and his office, and in particular, Solicitor General Ben Flowers, for their unrelenting quest to ensure that Danny Lee Hill faces the justice he deserves for the brutal murder of Raymond Fife. They have successfully defended Hill’s conviction and death sentence repeatedly, maintaining Hill was fairly and properly tried, convicted and sentenced in the Ohio state court system. Today, I personally spoke with Miriam Fife, and both of us especially appreciate the time, effort and personal communication with her through this ordeal by Solicitor Flowers as well as the good staff of lawyers giving so much attention to this case through the many years, and most recently by Attorney General Dave Yost’s capital crimes section.

DENNIS WATKINS
Trumbull County Prosecuting Attorney