

**TRUMBULL COUNTY PROSECUTOR'S OFFICE**

Dennis Watkins, prosecutor

REPEAT VIOLENT OFFENDER NEWSLETTER

UPDATE Dec. 5, 2023

**Death penalty case remanded for another Atkins hearing, Andre Williams' case to be appealed to Ohio Supreme Court by Trumbull County Prosecutor's Office**



A Death Row inmate had his Atkins appeal partly affirmed by the 11<sup>th</sup> District Court of Appeals of Ohio this week. Another hearing has been ordered to be held in Trumbull County Common Pleas Court to determine whether Andre R. Williams is intellectually disabled and thus constitutionally ineligible for the death penalty.

Williams, photo at left, had appealed the Dec. 29, 2022, judgment of now retired Common Pleas Judge W. Wyatt McKay who denied him relief on the claim that Williams is intellectually disabled and can't be executed under the 2002 Atkins vs. Virginia decision rendered by the U.S. Supreme Court.

In a decision announced Monday, December 4, 2023, 11<sup>th</sup> District Judge Mary Jane Trapp wrote that after careful review of the record and pertinent law, "we find that the trial court abused its discretion in determining Mr. Williams did not prove intellectual function deficits significant adaptive deficit and the onset of deficits while he was a minor."

"In many instances, the trial court's findings under each prong lack evidentiary support and/or proper legal reasoning. In other instances, the trial court excluded and /or failed to address evidence that supports a finding Mr. Williams is intellectually disabled," Judge Trapp wrote.

The 11<sup>th</sup> District judges, including Judges Matt Lynch and Eugene Lucci, have sent the case back to the trial court with specific instructions to re-analyze anew using the most recent governing law and clinical principals of intellectual disability adopted by Ohio and federal precedent.

The 11<sup>th</sup> District judges also ruled that the trial court did not abuse its discretion and denied Williams' motion to strike the testimony and report of Dr. Thomas Gazley who had told the trial court in 2017 that he didn't believe Williams could be classified as intellectually disabled.

Prosecutor Dennis Watkins has directed his staff to appeal the 11<sup>th</sup> District Court's decision to the Ohio Supreme Court, and he has released this statement:

**"On December 4, 2023, the Eleventh District Court of Appeals released an opinion remanding convicted murder Andre "Kokomo" Williams' death penalty sentence to the trial court to again reconsider the evidence presented in several hearings on his claimed intellectual disability, commonly referred to as an Atkins claim.**

**"This office will be undertaking an appeal to the Ohio Supreme Court seeking to have the trial court's opinion reinstated. We respectfully disagree with the appellate court's factual and legal analysis. This office believes that the fifty-page opinion, rendered by now retired Judge W. Wyatt McKay, who was also the trial judge in the 1989 case against Williams, concluding that**

**the defendant was not intellectually disabled (formerly referred to as “mentally retarded”), thoroughly reviewed the evidence and delivered a well-reasoned, factually supported and legally sufficient opinion.”**

#### BACKGROUND INFORMATION

Williams, 56, is incarcerated in Chillicothe Correctional Institution after he was sentenced to death for the beating death of George Melnick, 65, at his southeast Warren home in 1988. Williams was also convicted in the beating, blinding and attempted rape of Melnick’s wife Katherine.

Evidence showed that on the evening of Aug. 15, 1988, defendant/appellant Andre R. Williams and Christopher Daniel forcibly entered the Melnick home on Wick Street SE in Warren. Williams beat Melnick to death. An autopsy revealed Melnick had been struck at least 10 times, and he died from multiple skull fractures and other “multiple and extensive blunt force injuries.” The evidence showed that it was Williams who was the actual killer, and that investigators found several items in the house that were believed to have been used in the attack on the Melnicks, including a lamp, a brick, an ax handle, and a piece of concrete block.

The investigation revealed that several items were missing from the home, including a VCR and Mrs. Melnick’s purse, which contained about \$2,000 in \$50 bills.

Trial evidence showed that Daniel had beaten Mrs. Melnick, but testimony from Williams’ trial showed that as the two assailants were leaving the Melnick home, Williams attempted to rape Mrs. Melnick as she lay unconscious in a pool of her own blood.

Daniel, 54, is serving a sentence of 37 to 100 years in prison on convictions of aggravated robbery, aggravated burglary, attempted murder, and involuntary manslaughter. Daniel in July 2023 was denied parole by the Ohio Adult Parole Authority.

Williams was convicted of aggravated murder, attempted aggravated murder, aggravated burglary, aggravated robbery, and attempted rape. He was sentenced to death in March 1989. Both the 11<sup>th</sup> District Court of Appeals in 1994 and the Ohio Supreme Court in 1996 upheld the convictions and death sentence, as did other appeals which followed in Ohio and federal courts.

Williams’ Atkins hearing was a result of an order from the U.S. Sixth District Court of Appeals that issued a temporary stay of execution pending the outcome.

For more information, contact Guy M. Vogrin of the Trumbull County Prosecutor’s Office at 330-675-2485