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April 2, 2025

Lisa Hoying, Esq.
Parole Board Chair
Ohio Adult Parole Authority
4545 Fisher Road, Suite D
Columbus, OH 43225

In Re: JOHN J. SANTINE
Inmate #A334117
Trumbull County Case No.1995-CR-400
First Hearing: April, 2025
Convictions: Aggravated Murder with a
Gun Specification, Attempted Aggravated
Murder, and Aggravated Burglary
Sentence:
Time Served: 29 ½ years

Dear Attorney Hoying:

When it comes to Inmate John Santine, eligibility for release on parole, no matter how you look at him and his crimes—you can't put a Good Face on Ugly! Santine, who orchestrated a murderous plot in July of 1995, was in a dispute over ownership of a landscaping business with Charles Serafino and offered Getsy \$5,000 to kill him and any witnesses to the crime. Santine was the last of four conspirators to be tried in a savage attack of an elderly woman and her son in their home in Hubbard Township on July 7, 1995.

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As lead trial prosecutor, I tried the actual killer, Jason Getsy, to a jury in September, 1996. Getsy was convicted on all counts and received a sentence of death and was convicted on all counts and received a sentence of death and was executed on August 19, 2009. The facts showed that two shooters (Jason Getsy and Richard McNulty) approached the Serafino residence at night and shot their way into the home seeking to kill Santino's target, Charles Serafino. However, only Getsy entered and sought out the wounded victim to finish him off who had fled the family room to the interior of home. Charles Serafino was shot at least five (5) times, one shot by Getsy was at point blank range in the face, survived the attack and later with his sister, Nancy, advocated for Getsy's execution. Importantly, while Charles Serafino was lying bleeding and severely wounded on the bathroom floor, Getsy stalked down 66 year old, Ann Serafino, in her bedroom and shot her twice. Prior to the second shot and her execution, Getsy said to her: "Die bitch die!" Also, Getsy had struck Mrs. Serafino in the head with his 357 revolver, opening a 4-inch gash. Ben Hudach was the fourth accomplice who was at the scene but did not enter the residence.

As a result of the four prosecutions in the Serafino murder, there were two trials and two guilty pleas. As mentioned, Jason Getsy was executed by the State of Ohio in 2009. Richard McNulty (38 years to life), Ben Hudach (20 years to life), and John Santine (43 years to life) are serving life sentences for their roles in the murder and attempted murder of the Serafino's. See summary of case in attached materials.

As the Board probably knows the John Santine murder case is directly related to important past Parole Board decisions and state and federal high court rulings regarding co-defendants, especially Jason Getsy, who was the actual killer and was executed by the state of Ohio in 2009, whereas, Inmate Santine hired Getsy and company and did not participate in the actual murder. As lead trial prosecutor in the 1996 death penalty jury trial held in Trumbull County Common Pleas Court before Honorable Judge W. Wyatt McKay, I am very familiar with the legal issues and facts in all the individual cases including the trial of Inmate John Santine in Ashtabula County as a result of change of venue. Though I did not try

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that case, it was ably handled by two of my assistants including lead Senior Prosecutor, Kenneth Bailey and Roger Dixon. Because a separate jury tried Santine, after Getsy was tried and sentenced to death, and the Santine jury after hearing all the evidence and individualizing the “aggravating” and “mitigating” circumstances as instructed by the court, as to whether Santine deserved the death sentence, decided in their discretion to recommend a life sentence for Santine, Getsy’s attorneys thereafter made the claim that Getsy’s death sentence was unfair and not proportional to Santine’s life sentence since Santine hired Defendants, McNulty, Hudach and Getsy to kill business partner Charles Serafino. Thus Santine and Getsy should have received the same sentences. That’s not the law. See attached Parole Board clemency decisions regarding Ann Serafino murder and letter of July 17, 2009 written to Governor Ted Strickland and another letter of July 29, 2009 to Attorney General Richard Cordray as background information. As a result of the Governor’s and Attorney General’s analysis, it was determined that co-defendants and co-conspirators, under the Constitution of the United States, must be treated separately by the courts because the evidence in each case is always different. See *Getsy v. Mitchell*, 495 F^{3d}295 (6th Cir. 2007) and *State v. Getsy* (1998), 84 Ohio St^{3d}180. Therefore, in fairness and with reasonable due process, a jury and a judge may give different sentences to two individuals (or more) even though they had committed the crime or crimes together. Obviously, the strength of each individual case will often differ because of the strength and quality of the evidence (e.g. One person confesses the other does not, or one person is arrested at the crime scene and the accomplice escapes and is never apprehended).

Though Santine, in our minds as prosecutors, we felt he deserved the death penalty, the jury held otherwise. However, most importantly, that does not translate to mean Jason Getsy, the actual killer—who had killed before, did not deserve his death sentence by a separate by jury and judge. Nor does it diminish the plea agreements entered with McNulty and Hudach by the state which provided for life sentences based on their individual role in the crime.

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With that background, it is our position that though John Santine escaped the death penalty, he did not escape the jaws of justice when the jury recommended, and the judge gave him a life sentence. He set everything in motion and was the coward from Hubbard who could not pull the trigger!

Looking at the record and specifically I would refer the Board to the July 17, 2009 Adult Parole Authority published record of some of the facts surrounding Santine's role in his crimes as found in the Getsy Clemency Hearing at pages 3-7. In particular, it states at page 5, paragraphs 4 and 5:

Some time on July 6, 1995, Getsy, Hudach, and McNulty drove to the Serafino residence. They could not find a place to park so they returned to 24 ½ South Main Street. When they returned, Santine was at the apartment and drove them back to the Serafino house. Getsy described the guns that they took with them, which included a shotgun, an SKS rifle, and a 357 magnum handgun.

Getsy explained that after Santine dropped them off, Hudach sprained his ankle and went back to where they were supposed to be picked up. Getsy stated, "That left me and Rick to get it done." He admitted that what they were supposed to do was kill Chuckie Serafino.

Getsy explained that he and McNulty fired simultaneously through the sliding glass door on the back on the Serafino house. They entered the house through the shattered door and shot at Chuckie as he was running down the hall. When they saw Ann Serafino, Getsy stated they "just kept shooting."

...Continue to page 6 at paragraph 3:

After the shootings, Hudach called Santine to tell him it was finished and to pick them up. Santine told Hudach that there were cops everywhere and that they should run through the woods back to the apartment. Santine also told Hudach to ditch the guns in the woods.

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"Getsy, McNulty, and Hudach arrived back at 24 ½ South Main where Josh Koch and Santine were waiting for them. Santine ordered them to take off their clothes and take a bath. Getsy was the last to bathe. When he came out of the bathroom, his clothes and boots were gone. He did not know what happened to them."

"Koch testified that he was at 24 ½ South Main Street on July 6 and 7, 1995. He knew that Getsy, McNulty, and Hudach were going out to do something for Santine, but they declined to give him any details. He was to watch TV and write down the shows that were on so the other three could memorize the list for an alibi."

"After Getsy, McNulty, and Hudach left, Koch waited in the apartment. Santine came to the apartment and, sometime around 1:00 a.m., jumped up and said, 'I heard the gunshots.' Immediately thereafter, the telephone rang and Koch heard Santine talking to someone in a fast, excited manner. Santine said, 'So you killed them, right, you killed them both? Okay. Well, I can't come pick you up. The cops are everywhere, they are pulling over everybody, you got to run through the woods and ditch the guns.' Santine hung up and happily screamed, 'I fucking love these guys.'"

"According to Koch, Santine was very pleased with the three men. He said, 'You guys want \$10,000?' McNulty told him he just wanted a wedding ring for his girlfriend. Hudach said that it had been a favor for Santine. Getsy indicated that he needed more money for his car."

"The next day, Koch heard Getsy bragging to Patricia Lawson about shooting Ann Serafino. Getsy grabbed a piece of pizza with no cheese on it and said, "This looks just like the bitch's face after we shot her."

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“Michael Dripps, a close friend of Getsy, McNulty, and Hudach, acknowledged that Getsy was happy, secure, and tough when he had a gun in his hand. Dripps was present at the lawn-care business when Gum-out had been used to wipe prints off the weapons before the Serafino shootings. Dripps heard Santine instruct Getsy, McNulty, and Hudach to kill Chuckie Serafino and all witnesses. Dripps also observed McNulty and Hudach in camouflage clothing on the night of the killing.

In conclusion, John Santine, the oldest of the four co-conspirators, hatched a plan to murder, helped with the details along the way, and provided transportation to his accomplices and the actual killer to the victim's house and then reveled in the murder and mayhem he brought, and afterwards when the blood lust was finished, he was at 24 ½ South Main to greet and toast the killers and the deed. This man has yet to serve his minimum sentence and deserves no mercy or release by this Parole Board or any other in the future. Every remaining day of him serving his lucky life sentence he should be giving thanks that he didn't join Getsy earlier. But some day he may reprise in seeing Getsy again where evil resides eternally. Please, this man deserves no parole! The memory of homeowner Ann Serafino deserves better!

Thank you for your kind consideration in this matter.

Very truly yours,



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DW/fd

Enclosures

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July 17, 2009

Governor Ted Strickland
Riffe Center, 30th Floor
77 South High Street
Columbus, OH 43215

Dear Governor Strickland:

IN RE: STATE V. JASON GETSY
Case No. 95-CR-399

I am writing to express my outrage with the 5 to 2 decision this morning by the Ohio Parole Board recommending clemency for Jason Getsy. This recommendation should be summarily rejected.

On July 9, 2009, I presented the State's case against granting clemency to Jason Getsy before the parole board in Columbus. I also was lead prosecutor in the jury trial which convicted him in 1996. Both the Trumbull County Prosecutor's staff and the staff of the Ohio Attorney General's Office prepared extensive documentation including a power-point of video and audio materials for the board's review. The application by Getsy provided little information about the crime for which he received a sentence of death, as the dissent so rightly notes. In fact, nowhere in the materials does it mention that he "personally" put-down and murdered 66 year old Mrs. Ann Serafino in the bedroom of her home or that he attempted to "personally" murder the second victim, Charles Serafino by shooting him at least 4 times with a .357 revolver. Instead, the defense was geared up to deflect attention from what Jason Getsy did to what co-defendant John Santine did.

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The reason to do this is simple. Jason Getsy received the death penalty and John Santine did not. Because the law of the United States is clear that every defendant is constitutionally entitled to an individualized sentencing proceeding no two defendants are treated the same. Therefore, different sentences for co-defendants are common in the criminal justice system in Ohio and the United States. The majority's recommendation makes it patently obvious that they do not understand this concept. The majority downplays the fact that at age 34, John Santine did not have any criminal record prior to his involvement in this case. Whereas, Getsy had killed before and as the dissenters noted, was "a savvy expert with a rifle by age 16."

The Defendant stated at page 46 of his materials that "Responsibility to law and justice demands that the joint participation of two people in a common misadventure calls for equal punishment of both." (Emphasis added). That statement is wrong and contrary to the established constitutional law of this country for more than 30 years. Importantly, that concept itself is unfair. To suggest that for example a 30 year slow learner with no criminal record should automatically receive equal punishment with a 50 year old ex-con who had a prior murder conviction is simply ridiculous and lacks common sense. Regrettably, the majority was duped by this argument.

Recently in 2008, the Parole Board rejected a similar argument in the Richard Cooley case. Cooley was executed in 2008. He had argued to the parole board that "he should suffer no greater penalty than co-defendant Dickens." (P. 6 minutes Board decision August 25, 2008). Clint Dickens, age 17, who was also a principal offender was sentenced to life imprisonment. Interestingly Cooley was 19 years old at the time of the crime as was Defendant Jason Getsy. Also Cooley had no prior record of criminal conviction or juvenile adjudications whereas Getsy had an adult and juvenile criminal history including a prior killing with a firearm when he was 16 years old.

Moreover, beyond the Richard Cooley matter, approximately 25% of the defendants executed in Ohio since 1999 had co-defendants who participated in the crime and did not receive a death sentence. In short, each death case is different and with different evidence, a different judge, jury results often will differ. Additionally, prosecutors will often offer a life sentence (or some other lesser sentence) to obtain

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cooperation and testimony from a non-killer accomplice. Those plea arrangements and sentences are always approved by a judge. It allows the criminal justice system to work.

In Ohio and virtually all of the states, the law holds that the actual killer (i.e. principal offender) as the most responsible, for in every death penalty case in Ohio today a mitigating factor which every jury must consider in favor of a life sentence is evidence that the defendant did not personally kill the victim/victims (See O.R.C. Section 2929.04(B)(6)). Although the State of Ohio made an effort to obtain the death penalty for John Santine, a different jury in a case tried in a different county decided otherwise. In my long experience in trying murder cases (I have personally tried 45 murder cases to juries), it is a fact that juries often will only give the maximum sentence to the actual killer. They are the most culpable in their eyes.

Therefore, when the chair of the parole board at the July 9, 2009 hearing suggested that the board should possibly consider some proportionality review and consider other sentences of co-defendants in the case, the victim's family representatives were outraged. In fact, when it came to their opportunity to speak, they made it clear that they believed Jason Getsy was the most responsible and justly received the death sentence. Mrs. Ann Serafino's daughter actually implored the board to use "common sense" in this case. Two wrongs don't make it right.

Under all the evidence in this case, the State has proven beyond all doubt Jason Getsy is a stone-cold killer who maliciously killed and attempted to kill on July 7, 1995. Since that time he has given three separate stories of what happened that night. All three versions were lies. As surviving victim Chuck Serafino said to the board: "he lies, lies and lies." By blatantly lying about these events and more recently directly lying to the parole board itself on July 30, 2009, Jason Getsy does not accept responsibility for his crimes and shows no real remorse, a thought echoed by the dissent. His remorse is learned and only given to avoid the death penalty.

To give mercy to Jason Getsy under the facts and circumstances of this case would be a travesty of justice and surely would be a seminal change in the role of the

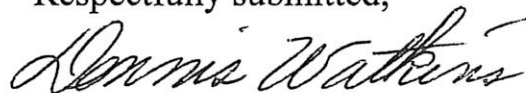
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parole board in giving clemency or commutation review in criminal cases. The board would become, most inappropriately in my opinion, a Super Court to review the decisions of prosecutors, judges and courts of review. A virtual Pandora's box would be open providing other death penalty defendants and even other sentences in non-death cases to be challenged at parole board hearings in the future. In my county's 10 pending death penalty cases, three (3) death row inmates had co-defendants that did not receive the death penalty. In short, any affirmation of a non-death sentence in this matter will not only wrong justice in this case, it may well serve precedent for innumerable injustices to come.

At page 18 of the recommendation, the majority wrongly states that Getsy's jury had "incomplete information." In fact, thirteen witnesses testified on Getsy's behalf at mitigation. The jury heard, but rejected, Dr. James Eisenberg's pathetic attempts to say that Getsy's will was overborne by Santine, a man he barely knew. Though Santine was tried after Getsy, the jury was well aware that Hudach and McNulty received plea bargains with life sentences. The majority also claims that Getsy has expressed remorse for Ann Serafino's murder. While he has mouthed the words like a ventriloquist's dummy, Getsy lied even to the parole board about what really happened to Ann Serafino, a fact that was noted by the dissenters at page 20 of the recommendation. It is also correctly noted by the dissent that even if the "murder for hire" specification were extracted from the equation, he was STILL convicted of two other death specifications and was rightly sentenced to death.

In conclusion, the last words Mrs. Serafino heard in life were from Jason Getsy – 'DIE BITCH.' Mercy was not in his vocabulary. This is not a man who deserves clemency. With all due respect, I urge you to reaffirm the 1999 parole board recommendation which by a vote of 10-1 rejected clemency to Getsy.

Respectfully submitted,



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July 29, 2009

Richard Cordray
Attorney General of Ohio
30 E. Broad Street
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Columbus, OH 43215

INRE: STATE v. JASON GETSY
Trumbull County Common Pleas Court
Case Number 95-CR-399

Dear Attorney General Cordray:

On July 17, 2009 the Ohio Parole Board by a 5 to 2 vote recommended to Governor Ted Strickland that the death sentence of Jason Getsy be commuted to life in prison. Upon hearing this decision, I immediately wrote the Governor to express my outrage that the Board would recommend clemency for such a cold blooded killer, and at the same time, adopt a proportionately analysis of the case which was previously rejected by both the state and federal courts. See my attached letter of July 17, 2009.

There are two major issues presented in the majority recommendation in this matter which must be addressed. First, the majority opinion, unlike the opinion of dissenters Ellen Venters and Bobby Bogen, fails to give to the Governor factually the actual role that Jason Getsy played in the murder of Ann Serafino and the attempted murder of her son Charles Serafino. These board members gloss over the evidence, the true facts, and leave out the out-right lies told by Getsy to the board on June 30, 2009. For example, Getsy stated at that time (and in a letter to Charles Serafino) that he took "two quick shots" down the hallway in the Serafino home while chasing his intended victim Charles Serafino (who he shot some four times) and accidentally hit

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Mrs. Serafino. This is a lie and is contradicted by all the evidence given at trial including the forensic evidence of the crime scene. In short, a perversion of the truth has been offered by Getsy in this case. In light of our joint efforts to preserve the jury verdict in this matter, I believe it is our duty now to make sure that the Governor knows the truth about what really happened. In the past parole boards generally have been disinclined to give favorable clemency recommendations to killers who have lied and provided the board unreliable information (eg. See Richard Cooley and Kenneth Biros reports). The evidence in this case is overwhelming and proved beyond all reasonable doubt to the satisfaction of the jury and judge that Ann Serafino, after being pistol whipped by Getsy, was executed at close range in her bedroom while lying on the floor by the same trigger happy Jason Getsy. According to trial court Judge W. Wyatt McKay in his findings of fact and conclusions of law, he found that the last words Ann Serafino heard come from Jason Getsy were "Die Bitch". The Defendant had the audacity not to mention to the parole board how he caused Mrs. Serafino to be knocked to the floor with blows to the head which resulted in her suffering great pain and a large laceration with seven underlying fractures. Getsy has never acknowledged hearing a word from the victims, personal observations of the fear, pain and screaming that the victims displayed during his rampage, or his pulling the trigger repeatedly while Mrs. Serafino laid helplessly on the floor. This victim throughout the trial and to the present has been treated as an abstraction by Getsy, abstracted out of the equation of existence by him.

Second, the Parole Board majority specifically in its decision has chosen by way of a new approach to ignore or second guess prosecutorial decisions, jury verdicts, court sentencing and appellate decisions in both the state and federal systems. Ironically when you read the Parole Board's positions and conclusion, one would think the State had lost its legal argument regarding proportionality sentencing in the courts. We did not. The issues the majority addressed in its opinion were all addressed and argued in the Ohio Supreme Court and in an en banc presentation by your good office to the 6th Circuit Court of Appeals. The Supreme Court of Ohio upheld Getsy's death sentence by a vote of 7 to 0. With all due respect to the majority members, they have, with their misguided recommendation, charted a new course for the Governor of Ohio. A course which is wrong and must be avoided.

No better proof of the majority's new course and its assumed quasi-judicial role in the reviewing of cases on behalf of the Governor's office is found than in the majority's opinion (see p. 18 report recommendation):

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In imposing a death sentence, it is imperative that we have consistency and similar penalties imposed upon similarly situated co-defendants. The concerns expressed by several reviewing courts remain and detract from the confidence to impose the gravest of penalties...(emphasis supplied).

The above-given statement clearly shows that the majority has lost its way. The courts have ruled there is no imperative to have consistent or similar penalties on co-defendants. I trust that the Governor will recognize the folly in adopting any proportionality review that has been rejected by the courts.

It is interesting to note that just last year Richard Cooley was executed in Ohio and the same parole board which is now recommending equality in sentencing, disregarded Cooley's plea that "he should suffer no greater penalty than that of co-defendant Dickens" (emphasis added). Clint Dickens, age 17 (unlike John Santine) who was also a principal offender with Cooley received life imprisonment for two murders. Obviously it could be argued with the parole board's new change in policy – where was the fairness shown to Cooley in 2008? In short, there are a lot of reasons why co-defendants receive different sentences, and in the past, parole boards did not decide clemency on how co-defendants were treated by the Courts. Approximately 25% of the defendants executed in Ohio since 1999 have one or more co-defendants who did not get the death penalty. The mandate from the United States Supreme Court is to individualize sentencing not harmonize them. The parole board's effort is no less than a rewrite of justice which must be rejected. As Franklin County Prosecutor Ron O'Brien wrote in his letter to Governor Strickland: "The reasoning of the Parole Board turns the concept of individual sentencing in capital cases on its head." Bill Mason of Cuyahoga County puts it more strongly in his letter to the Governor when he states: "the fate of others involved in this scheme should not, and cannot detract from the fact that justice was done in this case. To do otherwise would lead to a distortion of the system of justice that has been the bedrock of protecting both individual's rights and the people's rights for more than 200 years."

I would add this comment hypothetically - would the parole board majority be recommending a pardon to Jason Getsy today if John Santine had been acquitted at his trial? Logically they would so long as they find in their independent review that there is an imperative to have similarly situated defendants receive the same punishment. Another example could be the John Spirko case where indictment charges were dismissed against a co-defendant – where's the justice there? Spirko's death sentence was commuted to life without parole and his co-defendant is a free man. Hopefully you understand that my examples are only made to demonstrate the self-evident and salient point that no two cases (defendants) are the same.

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Because Getsy's recommendation is flawed and a dangerous precedent – numerous prosecutors throughout Ohio join me in writing the Governor and urging him to reject clemency for Getsy. They agree with me that everything must be done to make sure Governor Strickland fully understands the importance of his decision in the Getsy matter. I am enclosing with this letter copies of the following letters sent to Governor Strickland.

- (1) Ohio Prosecuting Attorneys Association letter of July 22, 2009 signed by John E. Murphy, Executive Director of OPAA and Nick A. Selvaggio, Champaign County Prosecutor OPAA President,
- (2) Ron O'Brien, Franklin County Prosecuting Attorney, letter of July 20, 2009,
- (3) Victor Vigluicci, Portage County Prosecutor (former President OPAA), letter of July 20, 2009,
- (4) Sherri Bevan Walsh, Summit County Prosecuting Attorney (President Elect OPAA), letter of July 20, 2009,
- (5) Matt H. Heck, Jr., Montgomery County Prosecuting Attorney (Past President OPAA and National District Attorneys Association), letter of July 22, 2009,
- (6) Joseph T. Deters, Hamilton County Prosecuting Attorney, letter of July 22, 2009,
- (7) Bill Mason, Cuyahoga County Prosecuting Attorney (Former President of OPAA) letter of July 23, 2009,
- (8) Dennis P. Will, Lorian County Prosecuting Attorney, letter of July 23, 2009,
- (9) David P. Joyce, Geauga County Prosecuting Attorney, letter of July 24, 2009,
- (10) Thomas R. Straus, Jefferson County Prosecuting Attorney, letter of July 24, 2009,
- (11) John D. Ferrero, Stark County Prosecuting Attorney, letter of July 24, 2009, and
- (12) Robin N. Piper, Butler County Prosecuting Attorney, letter of July 24, 2009.

As you can see, these letters come from Prosecuting Attorneys across Ohio who are from both political parties. They are prominent and experienced professionals who understand the issues involved and the importance of the Getsy case to all Ohioans. Further, I know there are additional letters or communications from prosecutors which have been made that have been directly given to the Governor's Office.

Also included with my letter are copies of Resolutions passed unanimously by Hubbard City Counsel and joined by Arthur U. Magee, Mayor of Hubbard requesting the Governor to reject clemency for Jason Getsy. Also included is a copy of a letter of Hubbard Township Police Department Chief Todd D. Coonce strongly urging Governor Strickland to allow the Getsy execution to go forward on August 18, 2009. Please note that Hubbard City and Hubbard Township are just north of Youngstown, Ohio and have over 13,000 residents.

Lastly I enclosed for your review copies of signed petitions circulated in the Mahoning Valley that have been sent directly to Jose Torres of the Governor's Office. There are 1485 signatures of persons seeking that the Governor deny clemency in this matter. The citizens of

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Trumbull County are disturbed by the recommendation (new signed petitions come in everyday). As you know, both local newspapers have written strong editorials urging Getsy's execution.

In conclusion, I would note with appreciation that the Attorney General's Office has done exemplary work on behalf of all prosecutors in Ohio in litigating capital cases in Federal Court. This goes for the Getsy case and other capital cases pending from Trumbull County. Personally as Trumbull County Prosecutor for 25 years and as an active trial attorney in death penalty cases, I know the thousands of hours that go into trying these cases and preserving them on appeals. As you know, if our oaths of office mean anything it is always our duty to see that truth and justice is done and that laws of Ohio are faithfully enforced. I know of no case in my career where there has been more of an effort to have the truth set aside and the law ignored than in this matter. It can and must be corrected. Your counsel and advocacy is now needed. Matt Kanai and Holly LeClair have done great jobs. I am glad we have them. Police, prosecutors, victims of crime and citizens need your assistance to make sure the Governor is fully informed and that he makes the right call.

Perhaps you could use your good office and suggest a meeting between the Governor and some of the prosecutors who have written him. Obviously, Bill Mason, Joe Deters and Ron O'Brien to mention three have many death cases. Also Matt Heck Jr. like me has been a career prosecutor and is a past president of the National District Attorneys Association. Of course John Murphy, long time Executive Director and President of OPAAA and Nick Selvaggio should be invited. As you know, there are many pending death penalty cases where co-defendants did not get the death penalty. Further, there are many more other cases in non-death prosecutions where co-defendants have been treated differently than the principal offenders by the courts. In short, the consequence of a wrong decision could be huge for all of us. If you believe a personal meeting with the Governor is feasible and would be helpful, I would be available anytime. It goes without saying that if there should be such a meeting then the Governor should also make equal time available to the defense.

Thanking you in advance for your cooperation in this matter. Hoping to hear from you soon.

Very truly yours,



DENNIS WATKINS
Prosecuting Attorney

DW/jah
cc: Jose Torres

JUDGE: Honorable W. Wyatt McKay

PROSECUTING ATTORNEY: Dennis Watkins

ACCOMPLICES: Ben Hudach: Sentenced to 20 years to Life; Admitted on 9/20/1996, inmate# A330-330. First Hearing held on 3/9/2009, and Continued to July 2015.
Richard McNulty: Sentenced to 30years to Life; Admitted 3/8/1996, inmate #A320-929. First Hearing to be held in January 2032.
John Santine: Sentenced to 20 years to Life; Admitted on 3/20/1997, inmate #A334-117. First Hearing to be held in January 2023.

FOREWORD:

Clemency in the case of Jason A. Getsy, OSP #A330-121 was initiated by the Ohio Parole Board, pursuant to Section 2967.03 and 2967.07 of the Ohio Revised Code and Parole Board Policy #105-PBD-01.

On June 30, 2009, Jason A. Getsy was interviewed via video-conference by the Parole Board at the Ohio State Penitentiary. His attorney, Michael J. Benza, was present at the institution to observe the interview. Representatives from the Attorney General's office, the Trumbull County Prosecutor's office, the Governor's Office and the Federal Public Defender's Office observed through video conferencing but separate from the Board Members. Board Members participating in the interview included Chairperson Ms. Mausser and Parole Board Members Mr. Bedra, Dr. Mack, Mr. Maszczyński, Mr. Rauschenberg, and Ms. Venters.

A Clemency Hearing was then held on July 9, 2009 with seven (7) members of the Ohio Parole Board participating. Arguments in support of clemency were presented by David Stebbins of the Federal Public Defender's Office. Arguments in opposition to clemency were presented by Trumbull County Prosecutor Dennis Watkins and Assistant Attorney Generals Holly LeClair and Matt Kanai.

The Parole Board considered all of the arguments, the information disseminated by presenters at the hearing, prior investigative findings as well as judicial decisions and deliberated upon the propriety of clemency in this case. With seven (7) members participating, the Board voted five (5) to two (2) to provide a favorable recommendation for clemency to the Honorable Ted Strickland, Governor of the State of Ohio.

DETAILS OF THE INSTANT OFFENSE (95-CR-399): The following account of the instant offense was obtained from the Ohio Supreme Court opinion, decided December 23, 1998:

"Charles ("Chuckie") Serafino lived with his mother, Ann Serafino. On the evening of July 6, 1995, Ann went to bed at approximately 11:00 p.m. Chuckie was on the love seat in the family room when, sometime after 1:00 a.m. on July 7, he heard a loud explosion. Shells from a shotgun blasted out the sliding glass door behind him and wounded him in the arm. As he ran for the bathroom to inspect his injuries, Ann came out of her bedroom. Chuckie remembered hearing his mother say to someone, "What are you doing here? Get out of here." He also remembered hearing someone say, "Shoot the bitch," or "Kill the bitch." Serafino next recalled seeing a gun in his face and being shot again. He fell to the bathroom floor and pretended to be dead. After the intruders left, he called 911.

Frederick Hanley, Jr., Chuckie's neighbor, jumped from his bed upon hearing gunshots. He looked at his digital alarm clock, which read 1:22 a.m. As he was going downstairs, he heard at least one additional gunshot. Once outside, he heard footsteps that appeared to be running away from the Serafino residence. He instructed his wife to call 911 and inform the police that shots were coming from the Serafino residence and that someone was running towards the city of Hubbard.

Officer Thomas Forgacs of the city of Hubbard Police Department was one of the first officers to respond to the call. The officers broke into the Serafino home and found Chuckie lying on the floor with blood all over him. Chuckie asked the officers to check his mother; she was dead.

Forgacs left the scene and began checking the Hubbard area for a white Crown Victoria owned by John Santine. Forgacs went to 24 1/2 South Main Street, where he had seen Santine's car parked on the evening of July 6. He found Santine's car parked in the driveway with another car pulled in behind it.

Earlier in the year, Santine had attempted to purchase a portion of Chuckie Serafino's lawn-care business and had deposited \$2,500 in the business's account. Subsequently, Chuckie violated probation and was incarcerated in the Trumbull County Jail until July 6, 1995. While Chuckie was in jail, Santine attempted to take over Chuckie's business. Santine transferred Chuckie's building lease and equipment into his own name, which caused an altercation between Santine and Ann Serafino and Chuckie's sister. The Serafinos filed a civil action against Santine while Chuckie was still in jail.

Forgacs searched for Santine's car because of a conversation he had had on June 20, 1995 with Richard McNulty. McNulty, who lived at 24 1/2 South Main and who is a co-defendant, had previously served as a police informant. On June 20, Forgacs asked McNulty, who worked for Santine, "What does Johnny have in store for Chuckie when he gets out of jail?" McNulty told Forgacs, "He's dead. He's bought and paid for." McNulty told Forgacs that Santine had lined up a hit man, Tony Antone, to kill Chuckie Serafino. Forgacs gave little credence to McNulty's statements, and didn't inform Chuckie or follow up on the information.

Forgacs returned to the murder scene and told the Hubbard Township Police what McNulty had told him a few weeks earlier. Later that morning, Detective Donald Michael

Begeot of the Hubbard Township Police Department and Forgacs went to the McNulty apartment at 24 1/2 South Main to take McNulty in for questioning.

Initially, McNulty minimized his involvement and denied that he had told Forgacs about the contract on Chuckie. Based on other information obtained from McNulty, Begeot obtained an arrest warrant for Getsy. At approximately 10:00 p.m. on July 7, 1995, Getsy was arrested in the driveway of 24 1/2 South Main. He was given *Miranda* warnings at the scene and later at the Hubbard Township Police Department. At approximately 1:00 a.m., on July 8, 1995, Getsy gave a videotaped interview.

Getsy told Begeot that Ben Hudach called him on the evening of July 6, 1995, and told him to come to 24 1/2 South Main Street. When Getsy got there, Hudach, a co-defendant, told Getsy that they (Getsy, Hudach, and McNulty) had to "take out some guy." Santine was not present, but Hudach related what Santine had told him earlier. Money had been discussed, but Hudach was not sure of the amount. Getsy later indicated that he participated in the shootings because he was scared of Santine, but did not do it for the money.

Sometime on July 6, 1995, Getsy, Hudach, and McNulty drove to the Serafino residence. They could not find a place to park so they returned to 24 1/2 South Main Street. When they returned, Santine was at the apartment and drove them back to the Serafino house. Getsy described the guns that they took with them, which included a shotgun, a SKS rifle, and a .357 magnum handgun.

Getsy explained that after Santine dropped them off, Hudach sprained his ankle and went back to where they were supposed to be picked up. Getsy stated, "[T]hat left me and Rick to get it done." He admitted that what they were supposed to do was kill Chuckie Serafino.

Getsy explained that he and McNulty fired simultaneously through the sliding glass door on the back of the Serafino house. They entered the house through the shattered door and shot at Chuckie as he was running down the hall. When they saw Ann Serafino, Getsy stated, they "just kept shooting."

During the interview with Begeot, Getsy was reluctant to mention Santine's name. He told Begeot that the same thing that happened last night could happen to him. He asked whether Santine would ever see the interview tape. Begeot assured Getsy that Santine would not be able to get to him. Getsy also asked Begeot if he was going to die, and Begeot told him, "No."

Getsy admitted that he had the SKS rifle and the handgun during the shootings. He explained that when he was shooting the SKS, the clip fell out so he had to pull out the handgun.

Getsy's description of the weapons he and McNulty used was verified by physical evidence recovered at the scene. Michael Roberts, a forensic scientist, identified the

projectiles recovered from the murder scene. None of the projectiles found outside the family room area, where the sliding glass door was blown out, was discharged by the shotgun which, according to Getsy, McNulty carried and fired. The projectiles linked to the shotgun were recovered in the family room.

Getsy admitted that they had been instructed to kill any witnesses. When Begeot asked him what they were told about witnesses in the house, Getsy replied, "[I]f we were seen, to do them, too."

After the shootings, Hudach called Santine to tell him it was finished and to pick them up. Santine told Hudach that there were cops everywhere and that they should run through the woods to get back to the apartment. Santine also told Hudach to ditch the guns in the woods.

Getsy, McNulty, and Hudach arrived back at 24 1/2 South Main, where Josh Koch and Santine were waiting for them. Santine ordered them to take off their clothes and take a bath. Getsy was the last to bathe. When he came out of the bathroom, his clothes and boots were gone. He did not know what happened to them.

Koch testified that he was at 24 1/2 South Main Street on July 6 and 7, 1995. He knew that Getsy, McNulty, and Hudach were going out to do something for Santine, but they declined to give him any details. He was to watch TV and write down the shows that were on so the other three could memorize the list for an alibi.

After Getsy, McNulty, and Hudach left, Koch waited in the apartment. Santine came to the apartment and, sometime around 1:00 a.m., jumped up and said, "I heard the gunshots." Immediately thereafter, the telephone rang and Koch heard Santine talking to someone in a fast, excited manner. Santine said, "So you killed them, right, you killed them both? * * * Okay. Well, I can't come pick you up. The cops are everywhere, they are pulling over everybody, you got to run through the woods and ditch the guns." Santine hung up and happily screamed, "I fucking love these guys."

According to Koch, Santine was very pleased with the three men. He said, "You guys want \$10,000? I'll give you \$10,000." McNulty told him he just wanted a wedding ring for his girlfriend. Hudach said that it had been a favor for Santine. Getsy indicated that he needed money for his car.

The next day, Koch heard Getsy bragging to Patricia Lawson about shooting Ann Serafino. Getsy grabbed a piece of pizza with no cheese on it and said, "This looks just like this bitch's face after we shot her."

Michael Dripps, a close friend of Getsy, McNulty, and Hudach, acknowledged that Getsy was happy, secure, and tough when he had a gun in his hand. Dripps was present at the lawn-care business when Gum-out had been used to wipe prints off the weapons before the Serafino shootings. Dripps heard Santine instruct Getsy, McNulty, and Hudach to kill

Chuckie Serafino and all witnesses. Dripps also observed McNulty and Hudach in camouflage clothing on the night of the killing.

The Trumbull County Grand Jury indicted Getsy for the attempted murder of Charles Serafino, conspiracy to commit aggravated murder, aggravated burglary, and two counts of aggravated murder, with capital specifications for the death of Ann Serafino.

The jury found Getsy guilty of all charges. After the trial, the state moved to dismiss the conspiracy count, which was granted, and elected to go forward with an aggravated murder charge based on prior calculation and design. After a sentencing hearing, the jury recommended that the death sentence be imposed. The trial court adopted the recommendation and sentenced Getsy to death."

PRIOR RECORD

Juvenile: Jason A. Getsy has the following known juvenile arrest record:

<u>Date</u>	<u>Offense</u>	<u>Location</u>	<u>Disposition</u>
06/22/1992 (age 17)	Negligent Homicide	Hubbard, Ohio	07/28/1992 Probation & counseling ordered. Juvenile Probation terminated on 07/31/1993.

Details: Getsy negligently caused the death of Gary Roth Jr., age 14, with a .22 caliber pistol, while playing Russian Roulette.

Adult: Jason A. Getsy has the following known adult arrest record:

<u>Date</u>	<u>Offense</u>	<u>Location</u>	<u>Disposition</u>
03/25/1995 (Age 19)	Disorderly Conduct, Contributing to Delinquency of a Child	Hubbard Twp., Ohio	\$1000.00 fine
07/08/1995 (Age 19)	Aggravated Murder with 3 specifications of Aggravating Circumstances, Attempted Aggravated Murder with firearm specification, Aggravated Burglary Case #95-CR-399	Hubbard, Ohio	INSTANT OFFENSE
02/17/1996 (Age 20)	Escape	Trumbull County, Ohio	DISMISSED