

# HISTORY OF OHIO'S DEATH PENALTY

## Ohio's old death penalty statutes: 1803-1972

**1803-1884:** Ohio's death penalty begins with statewide. Death sentences are carried out by public hanging in individual counties.

**1885:** Hanging executions are moved to the Ohio Penitentiary in Columbus.

**1897:** The state adopts the electric chair as a method of execution. Between 1897 and 1963, 312 men and three women die in Ohio's electric chair.

**March 15, 1963:** Donald L. Reinbolt of Columbus is the last person executed in Ohio under the state's old death penalty statute.

**June 29, 1972:** U.S. Supreme Court rules in *Furman v. Georgia* that the death penalty is applied arbitrarily and is unconstitutional, invalidating death penalty statutes across the country. The 65 prisoners on death row in Ohio have their sentences reduced to life.

**1974:** Ohio revises its death penalty statute and reinstates the death penalty, mandating its use for certain crimes and limiting the number of mitigating factors that can be considered.

**July 3, 1978:** Ohio's death penalty is again ruled unconstitutional in *Lockett v Ohio*, on the grounds that death penalty statutes must allow for all mitigating evidence to be considered. The sentences of 120 inmates are commuted to life in prison.

## The modern era: 1981-present

**January 1, 1981:** Ohio again reinstates the death penalty based upon "guided discretion."

**October 19, 1981:** Leonard Jenkins becomes the first person sentenced to death under Ohio's current death penalty statute.

**April 15, 1988:** Ohioans to Stop Executions is established.

**January 11, 1991:** Governor Richard Celeste commutes the death sentences of eight inmates in his last days of office.

**July 2, 1993:** Lethal injection is added as an execution option, giving inmates the option to die by lethal injection or electric chair.

**November 8, 1994:** Voters amend the Ohio Constitution to shorten death penalty appeals.

**June 28, 1995:** The Ohio legislature adds life without parole (LWOP) as a sentencing option for aggravated murder.

**November 7, 1995:** Voters amend the Ohio Constitution to limit the Governor's authority in providing clemency.

**February 19, 1999:** Ohio carries out its first execution in the modern era, of a mentally ill man, Wilford Berry, for the Cleveland murder of Charles Mitroff.

**November 21, 2001:** The electric chair is eliminated as a method of execution, leaving lethal injection as the only current method.

**June 20, 2002:** U.S. Supreme Court's *Atkins v Virginia* ruling prohibits the execution of persons with mental retardation.

**June 26, 2003:** Governor Taft commutes the death sentence of Jerome Campbell to life without parole after DNA tests cast doubt on Campbell's guilt.

**January 14, 2004:** Lewis Williams Jr. is executed for the death of Leoma Chmielewski in Cleveland. Williams resisted the execution, physically struggling with the guards and yelling that he was innocent. The disturbing execution made national headlines.

**November 10, 2004:** The Ohio House of Representatives passes a sentencing bill that includes a study of Ohio's death penalty in a bi-partisan vote of 64-30. The Senate does not vote on the bill.

**March 1, 2005:** U.S. Supreme Court in *Roper v. Simmons* abolishes the death penalty for Juvenile offenders under age 18. Ohio is unaffected as juveniles were already ineligible for execution under Ohio's statute.

**August 9, 2005:** Ohio courts declare Darryl Gumm mentally retarded, making him the first Ohio death row inmate to be declared ineligible for execution under the U.S. Supreme Court's decision in *Atkins*.

**September 8, 2005:** John Spirko is granted a two-month reprieve by Governor Taft to allow time for DNA testing.

**November 7, 2005:** John Spirko receives a second reprieve for additional DNA testing.

**January 9, 2006:** John Spirko receives a third reprieve for DNA testing.

**May 2, 2006:** Joseph L. Clark is executed for the death of David Manning in Lucas County. The execution is botched, taking 80 minutes to conclude.

**June 19, 2006:** John Spirko receives a fourth reprieve.

**October 23, 2006:** John Spirko receives a fifth reprieve to allow still more time for DNA testing, postponing his until April 17, 2007.

**October 24, 2006:** Jeffrey Lundgren is executed despite continuing challenges to Ohio's lethal injection protocol as other executions are stayed for the same reason – underscoring the courts' inconsistency across the country in handling such challenges.

## **Chronology of all Ohio executions since reinstatement**

<b><u>Date of Execution</u></b>	<b><u>Defendant</u></b>	
2-19-1999	Wilford Berry	<b>Volunteer</b>
6-14-2001	Jay D. Scott	
2-19-2002	John Byrd, Jr.	
4-26-2002	Alton Coleman	
9-25-2002	Robert Buell	
2-12-2003	Richard Fox	
4-29-2003	David Brewer	
6-18-2003	Ernest Martin	
1-14-2004	Lewis Williams, Jr.	
2-03-2004	John Glenn Roe	
3-31-2004	William Wickline, Jr.	
6-08-2004	William Zuern	
7-14-2004	Stephen Vrabel	<b>Volunteer</b>
7-21-2004	Scott Mink	<b>Volunteer</b>
10-13-2004	Adremy Dennis	
3-08-2005	William Smith	
9-27-2005	H. Dale Asworth	<b>Volunteer</b>
10-25-2005	Willie Williams	
11-29-2005	John Hicks	
2-07-2006	Glenn Benner II	
5-2-2006	Joseph Clark	
7-12-2006	Rocky Barton	<b>Volunteer</b>
8-8-2006	Darrell Ferguson	
10-24-2006	Jeffrey Lundgren	



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## **RECENT OHIO LEGISLATIVE DEVELOPMENTS**

In November 2004, the Ohio House of Representatives amended HB 190, a sentencing bill unrelated to capital punishment, to include a comprehensive study of Ohio's death penalty (the study had previously been introduced as HB 172). The amendment was proposed by Representative Tom Brinkman (R-Cincinnati) and passed with bi-partisan support of both death penalty opponents and supporters. The final bill HB 190 passed 64-30.

The bill would have created a death penalty study commission to review and study all issues related to the imposition and administration of capital sentencing and punishment in Ohio and recommend needed changes. The commission would have considered fairness in race, gender, religion, and economic status of both defendant and victim; representation including adequacy of counsel, appointment of counsel, and funding; prosecutorial misconduct; and delay. It required the Attorney General and the Public Defender to provide support.

The death penalty study provision was removed from HB 190 by the Senate. Senate leadership noted that the Senate would not consider any issues that could prompt significant debate in the final days of the session.

Additionally in 2003, Governor Taft signed a bill providing inmates' access to DNA testing. The first death row inmate to use the law was Jerome Campbell, whose sentence was commuted to life without parole after the test results shed doubt on the conviction. Campbell was the only man for whom Governor Taft granted clemency.

Finally, life without parole (LWOP) was enacted as a sentencing option in 1996. This alternative to the death penalty has given juries the option to keep offenders off the street permanently without having to sentence them to death. Death sentences have consistently declined since LWOP became available – an indication that Ohioans generally prefer life without parole to the death penalty and believe that LWOP is sufficient for public safety.

Other legislation to study or reform the problems with Ohio's death penalty have been proposed over recent years. They have not been enacted. At the same time, no expansions to the death penalty have been passed into law in recent years.

Note: the legislature has not passed legislation to ban the execution of mentally retarded persons and thus bring Ohio into compliance with the 2002 US Supreme Court ruling in *Atkins v. Virginia*. In place of legislation, the Ohio Supreme Court has set out procedures for defining mental retardation in death cases in *State v. Lott*.



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