

**OFFICE OF THE FEDERAL PUBLIC DEFENDER  
SOUTHERN DISTRICT OF OHIO**

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August 25, 2017

Mr. Kevin Stanek  
Assistant Chief Counsel  
Office of Governor John R. Kasich  
Riffe Center, 30th Floor  
77 South High Street  
Columbus, OH 43215-6117

Dear Mr. Stanek:

Attached please find our supplemental materials in support of Raymond Tibbetts's request for executive clemency. As you know, the majority of the Parole Board's split decision recommended against clemency for Mr. Tibbetts. As explained below and in these supplemental materials, the majority's recommendation is flawed in several respects, and we respectfully submit that Mr. Tibbetts is deserving of mercy.

Mr. Tibbetts's sentence should be commuted to life in prison with no possibility of parole. The mitigating factors outlined in Mr. Tibbetts's clemency application and in this letter do not excuse the deaths of Sue Crawford and Fred Hicks, but they do provide powerful reasons to be merciful in this case.

- **Supplemental Letter from Dr. Robert Stinson**

The Governor has recognized the extremely serious problem that the opioid crisis poses for Ohio. As Dr. Robert Stinson explains in his August 13, 2017 supplemental letter, Mr. Tibbetts's case has parallels to many of the cases we see today as a result of the opioid epidemic. Yet the majority's recommendation failed to acknowledge the extremely severe chemical dependency issues present in this case, and ignored that "Mr. Tibbetts had countless risk factors placing him at an increased risk for the development of drug and alcohol problems."

Not only did Mr. Tibbetts not receive the type of help he needed, despite his repeated attempts to address his substance abuse problems, he was improperly prescribed opioids notwithstanding his history of substance abuse. As a result, he "spiraled out of control." He

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was hospitalized twice shortly before the homicides in this case, but was merely discharged after detoxification without receiving the treatment he clearly needed.

We know now just how devastating and deadly opioid addiction can be, and our government officials are rightly working to combat this epidemic on several fronts. Mr. Tibbetts's addiction and unanswered requests for help with his struggle deserve strong weight as a mitigating factor favoring commutation of his death sentence.

- **Supplemental Report from Dr. Patti van Eys**

Similarly, Dr. Patti van Eys has identified other serious problems with the majority's reasoning. As Dr. van Eys explains in her August 16, 2017 supplemental report, the majority erred in finding that Mr. Tibbetts's nonviolent history before the night of the offense was a factor weighing against clemency. This fact actually supports a finding that his actions were the result of an altered state of consciousness, such as dissociation. "Unprocessed, dissociated memories of extreme and accumulated early abuse, including preverbal abuse, can give rise to unprecedented energy and rage—its very nature unlike that typically seen in the conscious individual." Mr. Tibbetts's history as a victim of severe childhood abuse strongly supports a conclusion that he was in a dissociative state at the time of the homicides.

In addition, the Parole Board's reliance on the fact that Mr. Tibbetts's siblings did not grow up to commit homicides represents an inherently flawed analysis: "It is the risk that is higher for all of these outcomes, not the certainty." And, as the Parole Board Member voting in favor of clemency recognized, the science Mr. Tibbetts presented "demonstrates that the unwholesome environments in which Tibbetts was raised negatively impacted his brain's neurological development, rendering a negative outcome inevitable not only for Tibbetts but also for his siblings, who into their adulthood struggled with substance abuse, incarcerations, and mental illness, which included the suicide of one of Tibbetts's brothers."

- **Supplemental Letter from Pastor Nick Cunningham**

Further, the majority failed to acknowledge the positive contributions Mr. Tibbetts has made as a member of the prison community. Mr. Tibbetts has acted as a spiritual resource for other prisoners, and if his sentence is commuted he will continue to do so. Commuting Mr. Tibbetts's sentence will allow him to spend the rest of his life in service to others. As Pastor Nick Cunningham explains, Mr. Tibbetts "has the ability to make a positive impact in the lives of others who are incarcerated by sharing his story of rehabilitation and growth."

Dr. van Eys also agrees that Mr. Tibbetts is "convincingly transformed now through his Christian faith," makes no excuses for his crimes, and "believes that he, and others like him, can find forgiveness and live a transformed life in God's love." Dr. van Eys explains that Mr. Tibbetts "is now helping others in tough circumstances through letters primarily, using his faith

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transformation as a witness to others.” In reaching its conclusion, however, the Parole Board majority appears to have disregarded Mr. Tibbetts’s positive impact within the prison community.

- **Petition**

Seventy-seven individuals have also signed a petition in support of clemency for Mr. Tibbetts. Many of these individuals learned about Mr. Tibbetts through the prison ministry, Families and Inmates Support Services (“FISS”), which is discussed by Pastor Vaughn in his attached letter and described in the video played at the clemency hearing and previously provided to you. As these letters of support and signatures show, Mr. Tibbetts serves the church community through his inspirational story of hope and redemption. As the dissenting member of Parole Board favoring clemency explained, Mr. Tibbetts’s life deserves to be spared because he “takes full responsibility for the crimes and has support from family and friends in the community who would continue to provide structure and stability to his life were his sentence commuted.”

- **Letter from the Children’s Law Center**

Much of the blame for the abuse Mr. Tibbetts suffered during his horrific childhood can be attributed to the severe inadequacies of the state foster care system at that time. As the attached letter from the Children’s Law Center explains, Mr. Tibbetts also did not receive the type of post-foster care support that would be made available under contemporary standards. People who do not receive proper support and an individualized transition plan are much more likely to experience negative outcomes when leaving the foster care system.

- **Letter from Child Welfare Organizations**

Finally, a coalition of child welfare organizations, including the Ohio Juvenile Justice Coalition, The Ohio State University Moritz College of Law’s Justice of Children Project, and the National Youth Advocate Program, among others, have jointly requested the Governor grant clemency “in light of the horrendous neglect and abuse [Mr. Tibbetts] endured during his most impressionable and developmental years, at the hands of the very people that the state entrusted with his protection.” As these organizations observe, “[t]oday we know that this kind of abuse causes irreparable damage that stays with a person throughout his lifetime. In the decades since Ray was part of the foster care system, laws and procedures have been put in place to prevent what happened to Ray from happening to other children.”

No one disputes Raymond Tibbetts committed a horrible crime, but the death penalty is to be reserved for “the worst of the worst.” Mr. Tibbetts is not that, although his upbringing was among the worst a child can endure. He was not protected from severe abuse, neglect, and dysfunction during his crucial developmental years. No one can turn back the clock and undo

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what happened to Mr. Tibbetts as a child, but the Governor can exercise his power to show mercy and spare him from the ultimate punishment.

We therefore respectfully request that the Governor grant executive clemency and commute Mr. Tibbetts's sentence to life in prison with no possibility of parole.

Respectfully submitted,

s/ Erin G. Barnhart

ERIN G. BARNHART

Assistant Federal Public Defender

s/ Jacob A. Cairns

JACOB A. CAIRNS

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s/ David L. Doughten

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August 13, 2017

The Honorable John Kasich  
Governor, State of Ohio  
77 South High Street, 30th Floor  
Columbus, OH 43215

Re: Raymond Tibbetts

Dear Governor Kasich:

I am writing to point out flaws I see in the Parole Board's decision in Raymond Tibbetts's case, particularly with respect to substance abuse issues. I would also like to add further comment about Raymond Tibbetts and his battle with addiction in the context of our current opioid crisis.

In supporting the majority opinion that executive clemency is not warranted, the Parole Board did not even acknowledge Mr. Tibbetts's problems with drugs and alcohol and the impact it had on his thinking, mood, perceptions, judgment, and behaviors leading up to, including, and following the time period that included the offenses for which he was convicted and sentenced to death. Surely, one need not look further than the borders of our own state to appreciate the negative impact of drugs and alcohol. I am writing now to encourage you, as Governor of our state, to take into consideration Mr. Tibbetts's drug and alcohol use disorders as your awareness, actions, and leadership in this time of our opioid crisis no doubt give you the benefit and wisdom of appreciating the negative impact of drugs and alcohol—something the Parole Board did not even address in its "Position and Conclusion."

Mr. Tibbetts had countless risk factors placing him at an increased risk for the development of drug and alcohol problems. He was born to a mentally ill, drug-addicted mother who was, at best, indifferent to her children. He had a father who flew into brutal drunken rages when the father was around. Mr. Tibbetts endured cold-hearted, abusive, and sadistic foster parents. He was a victim of abuse and neglect at home and in the child welfare system. In addition to his parents, Mr. Tibbetts's brothers, uncles, and cousins all had problems with substances.

Mr. Tibbetts's risk of drug and alcohol problems went from being a risk to reality at a very young age. He was drinking alcohol and "sniffing glue" in his early teens. He was abusing alcohol heavily and using other drugs even before the age of 18. It was noted in 1991 that he was "self-medicating" with drugs—meaning he had taken to drugs in a maladaptive attempt to cope with his early traumas and mental health disturbances that would materialize in his adult years.

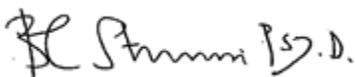
There appeared to be hope as Mr. Tibbetts sought treatment and enjoyed a period of sobriety in the mid-1990's. Indeed, he sought a flexible schedule from his employer so Mr. Tibbetts would not have to miss his drug and alcohol treatments. Unfortunately, in 1996, he sustained an injury at work, underwent surgery, endured lots of pain, and—tragically—was (inappropriately) prescribed narcotic pain medications, spiraling him into a relapse out of which he would never come until he was arrested and incarcerated on this case less than a year and a half later.

Mr. Tibbetts's case has some parallels to the many cases we have come accustomed to knowing about through our current opioid crisis. He was doing well and suffered a work injury. He was inappropriately prescribed narcotic pain medications from a doctor he trusted. He spiraled out of control, lost everything, and ended up homeless. He ended up hospitalized just four months prior to his offenses and he admitted at that time that he was out of control and didn't know what to do. Two months later and less than two months before his offenses, he was found lying in a river bank, intoxicated, homeless, depressed, anxious, hallucinating, delusional, paranoid, and suicidal. He admitted AA was not working for him and he did not know how to stop his drug use. He was hospitalized again, where he attempted to hang himself. Nonetheless, he was discharged upon completing brief detoxification without further treatment. Less than a month later, the offenses occurred while he was under the influence of drugs and alcohol. Mr. Tibbetts never received the substance use or mental health treatment he was so desperately in need of.

Mr. Tibbetts's is a sad case of someone who was strongly biologically predisposed to drug and alcohol problems. His significant trauma history almost guaranteed problems would materialize in his own life. Indeed, he began to experience mental health problems and turned to even more drugs and alcohol in a maladaptive attempt to cope in the absence of appropriate treatment for his severe multi-substance use disorders and mental health problems.

As a psychologist and licensed independent chemical dependency counselor, I was surprised and, frankly, disappointed that Mr. Tibbetts's substance use was not even mentioned in the "Parole Board's Position and Conclusion" (except for the member who voted in favor of executive clemency). As you said in your "Message from the Governor" on the [FightingOpiateAbuse.Ohio.gov](http://FightingOpiateAbuse.Ohio.gov) website, Ohio is doing something about our drug crisis. You noted, "Together, I know we can make a difference and we must." It is my hope that this letter makes a difference. I encourage you to strongly consider the substance abuse issues that existed in Mr. Tibbetts's life at the time of his offenses charged.

Sincerely and Respectfully Submitted,



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Bob Stinson, Psy.D., J.D., LICDC-CS, ABPP  
Board Certified Forensic Psychologist  
Licensed Independent Chemical Dependency Counselor – Clinical Supervisor

# Patti van Eys, PhD

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Response to Ohio State Adult Parole Authority Opinion (published 3/10/17)  
Re: State of Ohio v. Raymond Tibbetts CCI #A363-178

August 12, 2017

## **Purpose of this Response**

Mr. Tibbetts' defense attorneys asked me to respond to the opinion published on March 10<sup>th</sup> by the Ohio State Adult Parole Authority in Columbus, Ohio. This opinion followed my expert testimony to the Parole Board on January 17, 2017 at a Special Meeting regarding possible clemency for Raymond Tibbetts. My expert testimony included summarizing my report and evaluation of Mr. Tibbetts' extreme adverse history and current mental status.

## **Disclosure of Nonconfidentiality**

Mr. Tibbetts has given informed consent to my involvement in his legal case. He understands the limits of confidentiality and that his information will be part of the data used to form the basis for my opinions to be shared in legal proceedings. He knows that my opinions may or may not support his case.

## **Sources of Information for this Response**

- Minutes of the SPECIAL MEETING of the Adult Parole Authority held at 770 West Broad Street, Columbus, Ohio 43222
- Summary of Findings and Opinions re: State of Ohio v. Raymond Tibbetts December 27, 2016; Author: Patti van Eys, PhD

The following two points are from pages 21-22 of the Parole Board's Position and Conclusion statement in the Minutes of the SPECIAL MEETING published March 10, 2017:

1. *While Tibbetts had a very difficult childhood, that upbringing, traumatic as it was, must be weighed against the heinousness of the murders he committed and the fact that Hicks's killing, to which the death penalty specification in Tibbetts' case attaches, was particularly senseless and gratuitous. Balancing all of the*

*considerations presented, clemency would not serve the interest of justice in this case. (p. 21)*

**RESPONSE to #1 will be provided following point #2**

2. *The psychological link that Tibbetts' current attorneys allege exists between his traumatic childhood and the murders is belied by the fact that Tibbetts was largely able to refrain from violence for many years preceding the murders; that others with similarly traumatic backgrounds, including Tibbetts' own siblings, do not generally commit crimes of this nature; and that despite allegedly being in a dissociative state, Tibbetts took actions demonstrating consciousness of his crimes and a desire to avoid apprehension for them. Perhaps most importantly, the psychological science presented offers little insight into why Tibbetts would kill Hicks, a vulnerable, frail sixty-seven year old man whom Tibbetts considered a friend and who could not possibly have posed any threat to Tibbetts, real or imagined. (p. 22)*

**Response To History of Non-Violence and Dissociation:** The fact that there is no evidence that Tibbetts was violent prior to the disorganized and heinous acts on the night of November 5, 1997 deserves further exploration and actually supports the theory that the actions on the night of the crime were so atypical from any past behavior that they must have come from an altered state (i.e., trauma/dissociative/drug induced).

Evidence shows that Ray Tibbetts was neither a person who initiated violence nor a person who took revenge on others. His history suggests that he had become a passive victim; he did not fight the Merrimans or Mr. Oswald or others who directly violated him; he did not return as a grown man to take revenge on anyone. Instead, he took a more passive role and appeared to accommodate to his years of early and chronic abuse and neglect. He was described as gentle and non-violent by Robin and Sandra, two significant prior female relationships. He was the victim on at least two known occasions with Sue that ended up with knife wounds severe enough for medical treatment. When interviewed by me, at age 58, Ray minimized his abuse, and was quite distant from the vivid and horrendous abuse memories that his siblings and child welfare records recounted more clearly. His sister reported that Ray has never been able to discuss their childhood.

He has successfully “forgotten” the horrors of his childhood that he should have been old enough to remember at the Merriman and Oswald homes; he has apparently successfully dissociated from these memories. We do not expect him to consciously remember the very early (pre-verbal) memories from his birth home that formed his early brain foundation around a survival (fight-flight-freeze) response rather than a trust/relational/soothing response to real or perceived threats.

The memories, however, still live in Ray Tibbetts. Cut off from conscious awareness, memories of horrific trauma can uncontrollably surface when triggered by real or perceived threats. The over-reactive “trauma brain” is wired to perceive certain situations or stimuli as threatening even when they are not; the brain’s threat center automatically encodes certain features as life threatening and reacts without consulting the thinking center. So, loud threats or a knife could set off that process, including dissociation. Unprocessed, dissociated memories of extreme and accumulated early abuse, including preverbal abuse, can give rise to unprecedented energy and rage- its very nature unlike that typically seen in the conscious individual. This is the essence of severe dissociation<sup>1,2</sup>-- energy and memory so deeply cut off from awareness that the typical person disappears and the body’s actions come from an unknown, cut off part of the brain--- walled off from memory and often survival oriented in nature (Fight-Flight-Freeze). Consider the quote from one of the researchers in the Jovasevic et al article that is referenced in the footnote below:

*“The brain functions in different states, much like a radio operates at AM and FM frequency bands” ( Science Daily, 2015).<sup>3</sup>*

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<sup>1</sup> Jovasevic, V., Corcoran, K.A, Leaderbrand, K., Yamawaki, N., Guedea, A.L., Chen, H.J. ...Radulovic, J. (2015). GABAergic mechanisms regulated by miR-33 encode state-dependent fear. *Nature Neuroscience*, 18, 1265-1271.

<sup>2</sup> Scutti, S. (2015, August 17). Memories of child abuse, other traumas hide in the brain; changing patient state of mind may help retrieve them. *Medical Daily*.

<sup>3</sup> Science Daily. (2015, August 17). How traumatic memories hide in the brain, and how to retrieve them. Retrieved from [www.sciencedaily.com/releases/2015,08/150817132325.htm](http://www.sciencedaily.com/releases/2015/08/150817132325.htm)

This researcher (Radulovic) noted that it is as if the brain is normally tuned to FM stations to access memories, but must be tuned to AM stations to access traumatic memories. The memory of the traumatic event cannot be accessed unless the same neural pathways are activated once again (i.e., from a sight, sound, smell, etc., that is perceived as the same as the trauma), essentially tuning the brain back to AM stations. This research provides insight about how self states can coexist with different memories and emotions. Ray, it appears, had a different self state the night he committed the crimes.

Ray's preverbal abuse—frank neglect, lack of touch, hunger, chaos and horror of parental violence was enough to set up an early foundation for dissociative states that would be extremely primitive, meaning highly reactive and with no thinking. Imagine images of violence and threats to survival (e.g., hunger, lack of touch/nurture, terrifying screams of his mother, lying under the body of his crying sister) being stored in a walled-off place in his infant/toddler brain. If triggered, these emotional states would be pure fear, helplessness and rage. These feelings would not be modulated by thinking because babies and toddlers do not think. These feelings would simply be reactive—survival oriented feelings. Feelings lying in wait to be triggered and reactive. Ray had formative experiences early on that would have wired his brain for survival. These experiences were then compounded at the cruel hands of the Merrimans and Oswalds—the two separate foster placements where Ray lived the majority of his childhood. It appears that over time Ray learned how to even better dissociate, or wall off, his feelings and memories—tucking them deeply under consciousness so that he could manage daily life. Drugs and alcohol facilitated this process of numbing out and holding those helpless, terrifying feelings at bay.

Ray had not been an evil or violent person; rather, a victim trying to survive in life. He learned that he could continue to “not feel” and “not remember” if he used drugs. But drugs loosen up the system and disinhibit reactions. Drugs + Dissociation was a toxic combination. Ray's known history of “blackouts” reflects this combination. Ray acted that night in what appeared to be a dissociative

reaction that was exacerbated by disinhibiting drugs. It is my opinion that the typical Ray, the gentle Ray, was gone and he acted out of a dissociative state. He doesn't remember before, during, or after the crime. He was confused and in a sort of fugue state for several days; he has no memory of that time. He checked into a hospital under a different last name; it is my theory that the name was a dissociated part of him—the part that committed the crime—and knew something of the crime. It is my theory that the typical Ray—the gentle Ray—did not know of the crime. This is the way significant dissociation works. The typical, conscious part of the person “goes away” and has no memory for what he or she did during that time; they are acting out of that unconscious other part of themselves.<sup>4</sup> They act from the part that is usually buried; the part that is feelings and not thought—feelings of helplessness and terror of the young child who was powerless over the violence. The survival part of the brain is operating automatically and is cut off from the thinking part. Persons are still operating their body—driving a car, talking on the phone, checking into a hospital—but not with knowledge of their actions. We learned of this dissociative process most vividly from war veterans-- like, for example, when veterans with PTSD are triggered by a car's backfire and immediately go into a mode of combat. There is no thinking, just reacting, as if they are back in the war zone and reacting to survive. They are tuned into the AM station; not the typical FM station.

**Response to the point that others with similar traumatic backgrounds including Tibbetts' own siblings do not commit crimes of this nature:** As explained in my report (pp. 12-13) Ray Tibbetts has 9 out of 10 Adverse Childhood Experiences (ACEs) which puts him at risk for multiple poor outcomes. The risk for adverse outcomes across health, mental health, and social outcomes is very high for all persons with this number of ACEs. Research on persons incarcerated for significant crimes shows that they have significantly higher ACEs than those not incarcerated for crimes. So, if you look backwards from those who commit murder, you will find very high rates of ACEs, like Ray. Another factor

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<sup>4</sup> Van Der Hart, O., and Dorahy, M.J. (2009). Dissociation: The history of a construct. In P.F. Dell and J.A. O'Neil (Eds) *Dissociation and the dissociative disorders: DSM-V and beyond* (pp. 3-26). New York, NY: Routledge.

that differentiates persons with trauma backgrounds is when the abuse occurred. Early deprivation and abuse that affects the attachment process and the early formation of the developing brain has more devastating effects than later abuse and neglect. Also, trauma that affects more of development has more devastating effects than trauma that is shorter lived. Ray's entire development from birth through young adulthood was devastated by neglect, abuse, and literally no caring adult in his entire life. Each person's trauma history is different; it is not easy to compare "bad childhoods" unless you can gather the evidence of how much the trauma affected the developing person and whether there were any protective factors that mitigated the damage (protective factors described below).

It is true that many persons with high ACEs do not commit crimes; many of those, however, have other adverse outcomes such as committing suicide, becoming the victim of crimes, drug and alcohol dependence, poverty, and poor health. It is the risk that is higher for all of these outcomes, not the certainty. High ACEs cannot predict the exact poor outcomes for a certain individual; simply that the risk is higher.

Consider this analogy. Persons at higher risk genetically for contracting heart disease, depression or cancer may not ever get those diseases due to protective factors like good diet, exercise, preventive treatment, etc. Persons with high ACEs at risk for poor outcomes may not have all of the poor outcomes due to many factors generally called "protective factors". Examples of protective factors include good attachment/nurture in infancy that helps brains have a strong foundation, supportive persons through life, high intelligence or athletic prowess, a faith community, spiritual beliefs, or getting the right treatments and therapies to address needs.

Ray's older siblings had a challenging, but much better early environment according to Suzanne (so they had better early brain foundations to work from), they got out of the foster care system after only a year and a half, and they had a supportive grandmother. The "dose" of trauma was less for them as compared to Ray and trauma's damaging effects on early development were not as severe as it

was for Ray. Still, their extensive trauma severely and negatively impacted their lives. They have struggled with multiple abusive relationships, mental health challenges, substance addiction, and transient lifestyles due to their high level of ACEs.

The three younger Tibbetts siblings- who had an extremely abusive and neglectful early start and stayed in an abusive foster care system- had extremely poor outcomes. Younger brother (Archie) committed suicide. Willie, the younger brother who lived with Ray through all the foster placements, has dissociative identity disorder, is quite psychiatrically ill, and endured long- term incarceration for interpersonal violence. Ray became an addict and committed this crime. Thus, all the siblings had extremely poor outcomes as predicted by the ACEs.

Ray had absolutely no significant protective factors. Although Suzanne, who was also a young child, was the closest experience Ray had to an attachment figure, she was ill-equipped to meet his early needs and the needs of the other “babies”. She couldn’t be a consistent, nurturing figure for him even though she tried. Then, she was abruptly taken from his life never to be seen again in his childhood when he was four years old. Thus, the fledgling attachment he experienced with Suzanne ended in a traumatic loss that was never processed.

Ray had no effective services for mental health, addiction, or life skills. He had a vulnerable brain foundation due to abuse and neglect to start with, was then put into an extremely abusive foster care system, and had no chance to heal and thrive. The system certainly failed Ray.

**Point #1 from the Parole Board’s Position and Conclusion statement in the Minutes of the SPECIAL MEETING published March 10, 2017.**

*While Tibbetts had a very difficult childhood, that upbringing , traumatic as it was, must be weighed against the heinousness of the murders he committed and the fact that Hicks’s killing, to which the death penalty specification in Tibbetts’ case attaches, was particularly senseless and gratuitous. Balancing all of the*

*considerations presented, clemency would not serve the interest of justice in this case. (p. 21)*

**Response:** Due to evidence presented to him, Ray believes that he committed the crimes and he has continuing confusion about how and why he could ever have committed these acts—particularly toward Fred Hicks—whom he cherished as a friend and who was never a threat to him. Ray does not try to give an explanation for the crimes because he is truly befuddled by them. It is my strong opinion that Ray truly has no memory of these crimes, that he has been appalled by his actions, that he has great remorse and concern for the souls of the victims, and that he was in an altered state at the time of the crimes. This altered state stems from the dissociative splitting explained above and exacerbated by disinhibiting drugs and is, I believe, the explanation for killing Fred and Sue. The threat that was either real -or perceived as real- by Ray’s over-reactive brain’s survival center is not known to us but was enough to lead to a dissociative survival response.

The question by the board of why was the crime so heinous and gratuitous follows from the same argument. Ray’s early brain was wired up for a disorganized dissociative response to perceived threat. The night of the crime, Ray’s altered state was greatly disorganized; he showed no judgment whatsoever. A thinking person might have argued self defense with Sue and then used Mr. Hicks as a witness rather than going over the top in the killings. A thinking person might not have called people after the killing or stolen the very car that would lead the investigation to that person. A dissociative person, in a state of blackout from typical awareness, acting out of primitive rage and helplessness and lacking judgment, would be primed to do the things that we know Ray Tibbetts did. An excerpt from my 12/27/2017 report explains this scientifically:

*Persons with early trauma may have a number of sensory triggers, stored in the right brain, that have no connection to a “story” or a “meaning” due to a lack of integration with left brain functions such as language - because they were too young. When a threat (e.g., trigger such as a violent tone of voice) is encoded by the limbic system of the brain (e.g., the threat center, or amygdala) and sent to the damaged “master control center” (right pre-frontal cortex), the developmentally*

*immature brain system resulting from early relational trauma will be vulnerable to pathological dissociation under stress. Without the healthy prefrontal cortex giving feedback about the true level of threat, the person will remain in an amygdala-driven defensive response state longer than necessary (Schore, 2009)<sup>5</sup>.*

It is clear that whatever was perceived as threatening about Fred was not a true level of threat, but a perceived level of threat. Fred may have been yelling out of fear and horror and the yelling was perceived as a high level of threat. The overly exaggerated killing suggests the perceived level of threat was very high. If Ray was in a dissociated state, he may not have even recognized Fred. He may have been operating from a part of Ray that had been buried and not known Fred. This is the concept of the AM station in which memories are only accessed from the original trauma state.

**Current Circumstances and Mental Status:** Ray realizes that he may be executed and he is at peace with this decision if it comes to pass. He understands this might be his punishment. He is convincingly transformed now through his Christian faith, fully believing that his life is in God's hands, that he has found forgiveness through God, and that if this be God's will, then he is ready. I found Ray unwilling to offer excuses for his past transgressions but who believes that he, and others like him, can find forgiveness and live a transformed life in God's love. This is the non-violent Ray; a Ray who has found wholeness in this later part of his life. He is now helping others in tough circumstances through letters primarily, using his faith transformation as a witness to others.

A fair question asked by the board is will Ray be able to manage the general population in prison if his sentence were to be commuted to life in prison? Ray, at this time, has a number of protective factors in place that would help him manage the stress of the general population. He has religion and the Bible, which help him cope, a solid relationship with God, relationships with persons in the faith community, with a few family members, and with legal providers. He has the

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<sup>5</sup> Schore, A.N. *Attachment Trauma and the Developing Right Brain: Origins of Pathological Dissociation*, Chapter 8; In Odell, P.F. & Oneill, J.A. (eds), Dissociation and the Dissociative Disorders: DSM-V and Beyond, 2009, Routledge Publishers

structure of prison which gives consistency, routine and safety in very predictable ways. Finally, he has no access to mind altering substances. These protective factors in and of themselves should operate to help Ray stay calm under stress and threats. Also, Ray has changed remarkably in the last several years. His religious practices and study, along with developed relationships, have allowed him to rewire his experience of self and others in some very positive ways. He has a new-found set of Christian values to which he clings. He has a self-core from which he operates—a missing element of Ray before prison. His fragmented sense of self (dissociative self) has not been necessary and has possibly integrated through his newfound core. I would predict that Ray will do fine in the general population and will try to help others to come to the faith he has found. He will have a purpose in being a Christian witness and role model.

Respectfully submitted,

*Patti van Eys, Ph.D.*

Patti van Eys, Ph.D.  
*Licensed Clinical Psychologist (TN #1463)*

Governor Kasich,

I am writing to you on behalf of Ray Tibbetts, a man who is currently on death row and scheduled to be executed later this year. My name is Nick Cunningham and I currently serve as a pastor just outside of Columbia, South Carolina, but I had the privilege of serving as Ray's pastor for a little over a year while I was living in Ohio.

I understand that Ray's case and potential clemency has come before you. I admit that I have absolutely no idea what it is like to be in your position when it comes to a matter like this and understand that it is a very complicated matter. I will certainly be in prayer for you as you consider what the right thing to do is.

I do ask of you one thing and that is to take into account the man Ray is today. I am not making any excuses for what Ray did, and I know that Ray does not either, but I can assure you that Ray is no longer the man he was those many years ago. I am a follower of Jesus and at the core of my faith is a deep conviction that because of the outrageous grace of God people can change. I can attest to the fact that Ray is a changed man and is worthy of mercy.

I will never forget my first encounter with Ray. I was not given any details about Ray's crime before I met with him and so the morning of I decided to look it up myself. I was horrified to say the least – as I'm sure you are as well when you read about the crime. I was very uneasy about meeting with him. As I made my way through the prison for the first time, it felt like I was moving farther and farther away from God. That is until I sat down across from Ray. He had a sense of peace about him that in my line of work I find to be rare. By a sense of peace, I mean a man who had come to terms with the crime he had committed, who made no excuses for himself, but at the same time wasn't in denial, angry, or resentful. I encountered a man who had been radically transformed by God's grace. Ray was reassuring and comforting. He had accepted where he was and what he had done. I thought I had left God out in the parking lot that day, but little did I know God was waiting for me in the belly of that prison.

From there, my relationship with Ray grew. At first, Ray and I would write mainly about the scripture. I would often send Ray manuscripts from sermons that I had preached. I invited Ray to give me feedback and he was eager to share the lessons he had learned from the mistakes in his past. Ray showed amazing insight and his input inspired me on a daily basis.

Over the months, our conversations grew more personal. I opened up with Ray about some conflicts I was having in my own family. My father and I broke off our relationship about three years ago. Ray showed a genuine concern about that relationship. He offered wisdom and encouragement. Ray challenged me to reach out to my dad and extend him forgiveness. In fact, I probably wouldn't have tried to reach out to my dad and repair that relationship without Ray's help and encouragement.

I had the opportunity to see how Ray impacted the lives of others in positive ways. Ray has a family, friends, and people he is connected with in and outside of prison. If I'm running a prison, Ray is the kind of person that I want in my institution. He has the ability to make a

positive impact in the lives of others who are incarcerated by sharing his story of rehabilitation and growth. Ray's life still has so much value to people outside of prison as well. He regularly meets with his family and friends; he encourages them and supports them despite his circumstances. Ray contributes to people's lives on a daily basis.

My time with Ray was so incredible for me because here was a living picture of what can happen when you embrace the grace of God. People can change. You can receive forgiveness and you can have freedom from your past, as grievous as it was. As a pastor, Ray has convinced me that things like hope and forgiveness matter. And they can change a person in a very real way.

Although the Parole Board viewed my testimony in a video at Ray's clemency hearing, I was surprised and disappointed that they did not even mention who Ray is now when explaining the reasons for their unfavorable March 10, 2017 recommendation. Only the Parole Board member who recommended clemency mentioned Ray's supportive family and friends. In deciding whether to grant Ray clemency, I implore you to consider who Ray is today and the positive impact Ray can and is having in the lives of the people around him. If the goal of our prison system is in fact to rehabilitate human beings, then I believe that Ray can be a valuable asset in that pursuit.

I ask that you review the video testimony of Ray's friends and supporters to gain a better understanding of the man Ray has become and take into account the value his life still holds. If you would like any more information from me about my time with Ray please let me know. My email address is [Nick@mthorebumc.com](mailto:Nick@mthorebumc.com).

Thank you for taking the time to read this and for your leadership.

Grace and peace,



Nick Cunningham  
Pastor of Discipleship  
Mt Horeb UMC



January 3, 2017

Dear Governor Kasich:

My name is David Vaughan and I'm the Senior Pastor at Whitewater Crossing Christian Church in Cleves, Ohio. Our church proudly serves nearly 1,800 people every Sunday morning. We also reach out to people who are incarcerated through our Families and Inmates Support Services (FISS) Ministry.

I first met Ray Tibbetts through our FISS ministry about three years ago. Since then, I have had the opportunity to get to know Ray and it's been a wonderful joy to serve as a pastor in his life. I've introduced Ray to our church family by sharing stories and excerpts from our correspondence during some of my sermons. I have found that Ray's words are profoundly meaningful and inspirational in people's lives (including my own). Ray's story provides an example of change, hope, and forgiveness.

Attached are letters from others associated with our church family who would like to join me in showing our support by appealing to you to grant clemency to Ray Tibbetts. Through his wisdom, his learning, and his story, Ray's life is a blessing to many. Thank you for your time and consideration of our request.

Sincerely,

A handwritten signature in black ink that reads "David Vaughan". The signature is written in a cursive, flowing style.

David Vaughan, Senior Pastor  
Whitewater Crossing Christian Church

January 4, 2017

Dear Governor Kasich,

As a part of his faith-based community, I hereby wish to show my support in granting Raymond Tibbetts clemency.

I have come to know another inmate, through the Whitewater Crossing Christian Church prison ministry. He, too, has turned his life over to Christ, just like Ray. His story has been shared with those in prison and will continue to inspire others upon his release. It is my sincere request that you allow Ray to live out his life so that he can share his faith with others as he shows the light of Christ in his daily walk.

Sincerely,

A handwritten signature in cursive script that reads "Karen S. Hardtke".

Karen S. Hardtke  
3839 Yorkshire Circle  
Cleves, Ohio 45002  
513-467-1469

January 7, 2017

Dear Governor Kasich,

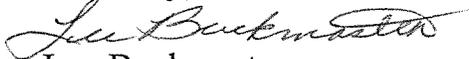
My name is Lee Buckmaster. I am presently the director of F.I.S.S. prison ministry, a mission of Whitewater Crossing Christian Church. I am a retired teacher and have a master degree in counseling.

I first met Ray Tibbetts about three years ago when I visited him at Chillicothe Correctional with his sister and brother-in-law. They are members of Whitewater Crossing Christian Church. I have visited Ray regularly, corresponded by mail, and accepted phone calls. During these many hours that I have spent with him, it has been obvious to me that he has developed a desire to help and encourage others. Last year, he asked me if he could help with the ministry. He began writing to other inmates on my correspondence list. The letters and cards he sends are filled with hope, wisdom, and encouragement. The people he writes to have told me how much they look forward to receiving his letters.

I would like to appeal to you to grant clemency to Ray Tibbetts. Ray is a blessing to me and to the many lives he has touched in a caring, positive way.

Thank you for considering my request,

Sincerely,



Lee Buckmaster

Families and Inmates Support Services

January 7, 2017

Dear Governor Kasich,

My name is Susan Buckmaster. I first started to correspond with Ray Tibbitts through letters about two and one half years ago. I also have visited him. He is a positive, uplifting person. He brought his bible with him and we shared some scriptures and sang hymns. We continue to write and he always blesses me with bible verses and positive and meaningful words.

I am therefore requesting clemency for Ray Tibbitts. He is an example of the forgiveness and change one person can make.

Thank you for considering my request,

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Buckmaster". The signature is written in black ink and is positioned above the printed name.

Susan L. Buckmaster

Dear Governor Kaisch:

My name is Lee Ann Luers and I am a member of Whitewater Crossing Christian Church and I became involved with the F.I.S.S. Prison Ministry shortly after joining W.C.C.C. because I have an incarcerated love one. Whitewater Crossing and David Vaughan refer to the incarcerated as their extended flock which is a very unique concept. David showed pictures of Ray, his family, and Lee Buckmaster on one of their visits.

Lee asked me if I would accompany her to visit Ray. I agreed to visit him with her and was totally surprised to find such an intelligent, caring, humble man. In the 3 years since I have become acquainted with Ray he has been such an encouragement to me. He sends me cards and letters letting me know I am in his thoughts and prayers. I look forward to our visits and enjoy spending time with him. I always come out of the visit so filled with hope and encouragement for mankind.

I am appealing to you to grant Ray Tibbetts clemency. He has touched my life and the lives of my family in such a positive way. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lee Ann Luers".

Lee Ann Luers

January 9, 2017

Dear Governor Kasich,

My name is Larry Salunek. I'm the founder of F.I.S.S. Ministry, (Families and Inmates Support Services). I am an ex felon and was incarcerated for four years. It was during this time of incarceration that I began F.I.S.S. ministry.

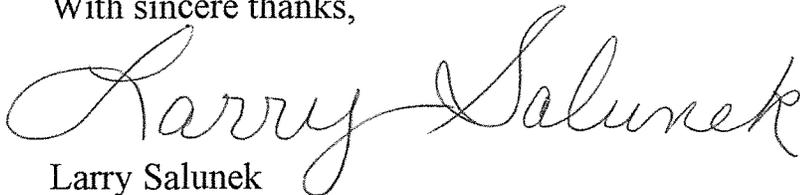
I have not met Ray Tibbetts in person, but I have corresponded with him by letter and have read some of the correspondence he sent to and for the ministry.

I am familiar with what some have called "jail-house religion". As you know, there is a huge difference between this, and those who honestly seek help in changing their way of living and thinking following the principles and guidelines of the Bible. Ray Tibbetts has made a genuine commitment to this positive change. He expressed his desire to help others do the same as a volunteer for the ministry. He is now writing to inmates on our correspondence list.

With the help of this ministry, released inmates have become productive members of society. Ray is an asset to us. He gives others support and encouragement through his cards and letters.

My request is that you find it in your heart to grant Ray Tibbetts clemency.

With sincere thanks,

A handwritten signature in cursive script that reads "Larry Salunek". The signature is written in black ink and is positioned above the printed name and title.

Larry Salunek  
Founder of F.I.S.S. Ministry

January 4, 2017

Governor Kasich,

As a part of his faith-based community, I hereby wish to show my support in granting Raymond Tibbetts clemency.

Sincerely,

*Lee Buckmaster, F.I.S.S. Ministry Director*  
((signed name))

Printed Name Lee Buckmaster  
Address 5321 Hildreth Ave. Cincinnati, Ohio 45246  
Phone Number (513) 477-0989

January 4, 2017

Governor Kasich,

As a part of his faith-based community, I hereby wish to show my support in granting Raymond Tibbetts clemency.

Sincerely,

((signed name)) *Lee Ann Luers*

Printed Name LEE ANN LUERS  
Address 7784 Anson Dr North Bend, Ohio 45052  
Phone Number 513-941-5217

January 4, 2017

Governor Kasich,

As a part of his faith-based community, I hereby wish to show my support in granting Raymond Tibbetts clemency.

Sincerely,

*Anne Faith Herrmann*  
((signed name))

Printed Name Anne Faith Herrmann  
Address 3757 Herbert Av Cincinnati, OH 45211  
Phone Number (513) 680-1568

January 4, 2017

Governor Kasich,

As a part of his faith-based community, I hereby wish to show my support in granting Raymond Tibbetts clemency.

Sincerely,

((signed name)) *Craig Bradds*

Printed Name Craig Bradds  
Address 3173 Penrose Pl, Cincinnati, Ohio 45211  
Phone Number 513-426-6579

January 4, 2017

Governor Kasich,

As a part of his faith-based community, I hereby wish to show my support in granting Raymond Tibbetts clemency.

Sincerely,

*Larry Salunek, F.I.S.S. Ministry founder*  
((signed name))

Printed Name LARRY SALUNEK  
Address PO BOX 11210 C.W. OH. 45211

**PETITION SIGNATURES IN SUPPORT OF CLEMENCY**

I support granting Ray Tibbetts clemency, so that he may receive a sentence of life in prison without the possibility of parole rather than a sentence of death.

Marcia O'Donnell  
Name

Marcia O'Donnell  
Signature

Bandy Hauser  
Name

Sandra S. Hauser  
Signature

Barb Vogt  
Name

Barbara S. Vogt  
Signature

Clinton I Vogt  
Name

Clinton I Vogt  
Signature

Roger Metcalfe  
Name

Roger Metcalfe  
Signature

Beth Strawn  
Name

Beth Strawn  
Signature

Gail Stewart  
Name

Gail Stewart  
Signature

Rick Ellsberry  
Name

Rick Ellsberry  
Signature

LEE STRAWN  
Name

Lee Strawn  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

I support granting Ray Tibbetts clemency, so that he may receive a sentence of life in prison without the possibility of parole rather than a sentence of death.

Michelle Miranda  
Name

Michelle Miranda  
Signature

Mira Hibbard  
Name

Mira Hibbard  
Signature

Donna Patricia  
Name

Donna Patricia  
Signature

Charis MacMurdo  
Name

Charis MacMurdo  
Signature

Stacie Lintz  
Name

Stacie Lintz  
Signature

Mark Ode  
Name

Mark Ode  
Signature

Candyn Sewell  
Name

Candyn Sewell  
Signature

Marylou Smith  
Name

Marylou Smith  
Signature

James Hansee  
Name

James Hansee  
Signature

Kimberly Pratt  
Name

Kimberly Pratt  
Signature

I support granting Ray Tibbetts clemency, so that he may receive a sentence of life in prison without the possibility of parole rather than a sentence of death.

Dianna Morgan  
Name

Dianna Morgan  
Signature

Paul Arthur  
Name

Paul Arthur  
Signature

Brian Ferguson  
Name

Brian Ferguson  
Signature

Rachel Koob  
Name

Rachel Koob  
Signature

Kelly Cheek  
Name

Kelly Cheek  
Signature

Sheryl Honeycutt  
Name

Sheryl Honeycutt  
Signature

Karen D. Williams  
Name

Karen D. Williams  
Signature

Jou McQueary  
Name

Jou McQueary  
Signature

Barbara Lieb  
Name

Barbara Lieb  
Signature

Annette Humphries  
Name

Annette Humphries  
Signature

*[Handwritten mark]*

I support granting Ray Tibbetts clemency, so that he may receive a sentence of life in prison without the possibility of parole rather than a sentence of death.

Joseph Porter  
Name

*[Signature]*  
Signature

Tracy Miller  
Name

*[Signature]*  
Signature

Dustin Braddis  
Name

*[Signature]*  
Signature

Joy Boehm  
Name

Joy Boehm  
Signature

Richard Boehm  
Name

Richard Boehm  
Signature

Martha Ihle  
Name

Martha Ihle  
Signature

Michelle Haas  
Name

Michelle Haas  
Signature

Jacquelin Hoffman  
Name

Jacquelin Hoffman  
Signature

Ligia Lipps  
Name

*[Signature]*  
Signature

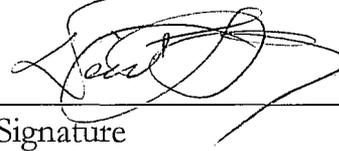
*[Signature]*  
Name

DAVID MYERS  
Signature

I support granting Ray Tibbetts clemency, so that he may receive a sentence of life in prison without the possibility of parole rather than a sentence of death.

David L. Fogls

Name



Signature

Bob Bracken  
Bob Bracken

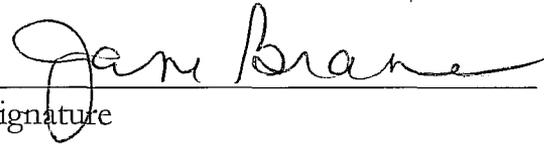
Name



Signature

Jane Bracker

Name



Signature

Kenneth Freeman

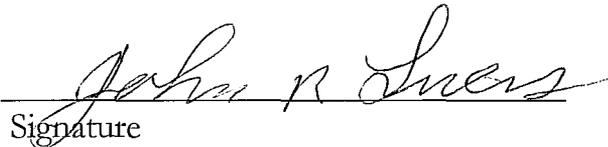
Name

Kenneth Freeman

Signature

John R. Livers

Name



Signature

Jennifer Hock  
~~Jennifer Hock~~ L.C.

Name

Jennifer Hock

Signature

Sherry Jones

Name



Signature

Shelly Reid

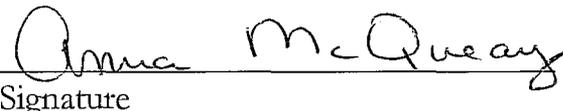
Name

Shelly Reid

Signature

Anna McQueary

Name



Signature

Elizabeth Makey

Name



Signature



I support granting Ray Tibbetts clemency, so that he may receive a sentence of life in prison without the possibility of parole rather than a sentence of death.

Cynthia M Messer  
Name

Cynthia M Messer  
Signature

Charles Howard  
Name

Charles Howard  
Signature

Andy Zeiser  
Name

Andy Zeiser  
Signature

Mary Zeiser  
Name

Mary Zeiser  
Signature

Carol Howard  
Name

Carol Howard  
Signature

Arthur Schneider  
Name

Arthur Schneider  
Signature

Michael MAXEY  
Name

[Signature]  
Signature

Rebecca Wagner  
Name

Rebecca Wagner  
Signature

Brian Hock  
Name

BRIAN HOCK  
Signature

Savannah Ardison  
Name

[Signature]  
Signature

I support granting Ray Tibbetts clemency, so that he may receive a sentence of life in prison without the possibility of parole rather than a sentence of death.

① Amy Hope Buckmaster  
Name

Amy Hope Buckmaster  
Signature

② Stacy West  
Name

③ Andrea Belknap-Turston  
Signature

④ Chrissy Towles  
Name

Chrissy Towles  
Signature

⑤ Mary Jo Clark  
Name

MJ Clark  
Signature

Name

Signature

Name

Signature

Name

Signature

Name

Signature

Name

Signature

Name

Signature

I support granting Ray Tibbetts clemency, so that he may receive a sentence of life in prison without the possibility of parole rather than a sentence of death.

*Tony Smith*  
Name

*Larry S Gmba*  
Signature

*Carol A Wagner*  
Name

*Carol A Wagner*  
Signature

*Jo Holland*  
Name

*Jo Holland*  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

**I support granting Ray Tibbetts clemency, so that he may receive a sentence of life in prison without the possibility of parole rather than a sentence of death.**

*Anne F Herrmann*  
Name

*Anne F Herrmann*  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

Letter to Governor Kasich  
RE: executions

1 August, 2017

Dear Governor Kasich,

I am writing to you to express my concern over the execution of Ray ~~Tibbits~~<sup>Tibbetts</sup>. I think justice in the case of Mr. ~~Tibbits~~<sup>Tibbetts</sup> would best be served with a life-sentence without the possibility of parole. As the Governor of Ohio you have the power of mercy and grace to grant clemency for him.

At the center of my Christian faith is the belief in sanctity of life and the inherent dignity of the human person. This respect for life is upheld for all and is never lost from one's actions. While I am not Catholic, I believe what Pope John Paul II has said, "the dignity of human life must never be taken away, even in the case of someone who has done great evil." This means we need to recognize the dignity of Ray Tibbits, despite his crime. The gift of life is from God alone; we do not have the power to create or destroy it.

I do not want to make light of or forget the undeniable grief and tremendous pain of the victim and their family. As a Christian, I pray for the healing and peace of all victims of violent crime. I do not, however, condone the state's planned execution as a form of justice. Killing a person because the law allows for it is not an effective way to stop more violence of any kind from happening in the future. Nor should it be a way to get revenge. Keeping this in mind, I ask that you please grant clemency for Ray ~~Tibbits~~<sup>Tibbetts</sup>.

Sincerely,  
Ms. Anne Herrmann   
3757 Herbert Av  
Cincinnati, Ohio 45211

COVINGTON  
1002 Russell Street  
Covington, KY 41011  
Phone: (859) 431-3313  
Fax: (859) 655-7553  
info@childrenslawky.org  
www.childrenslawky.org



LEXINGTON  
215 W. Short St., Suite 205  
Lexington, KY 40507  
Phone: (859) 253-3353  
Fax: (859) 275-1115  
info@childrenslawky.org  
www.childrenslawky.org

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August 8, 2017

Erin Gallagher Barnhart  
The Office of the Federal Public Defender for the Southern District of Ohio  
Capital Habeas Unit  
10 West Broad Street, Suite 1020  
Columbus, Ohio 43215-3469

RE: Ray Tibbetts

Dear Ms. Barnhart:

This letter is to follow-up with our recent telephone conversation regarding your client Raymond Tibbetts. While the Children's Law Center, Inc. (CLC) does not take a position on Mr. Tibbetts' clemency application, we can provide the following insight into child welfare and juvenile justice system-involved youth.

CLC is a unique non-profit legal service center which began in 1989. Its mission is to protect the rights of children and youth to help them overcome barriers and transition into adulthood, better self-advocate for their needs, and successfully contribute to society. We provide individual legal advocacy to children and youth, and through public policy work, training and education, impact litigation, and juvenile defender support services, seek to improve the systems serving children in Kentucky and Ohio. Our work began in Kentucky and expanded to systemic reforms in Ohio beginning in 2003.

CLC began working on reforming aspects of Ohio's juvenile justice system in 2003. It focused on improving the system of juvenile defense representation statewide, and reforms to a badly broken juvenile corrections system where many youth languished in harmful conditions, without adequate treatment and education, only to return upon release after returning home without adequate services. In 2013, after the closure of five facilities, and 70% reduction in youth sent to state correctional facilities, we moved our focus to aiding those youth returning home with the needed legal and transitional services to remain free from incarceration or other out of home placement. Similarly, we found that these youth often had previous child welfare involvement, and shared similar challenges to youth aging out of that system. For both populations, the risks of offending or re-offending, experiencing housing instability, having limited supports, and experiencing challenges to continued education and mental health access make intensive services critical.

Since 2014, CLC has worked with a network of referral sources, including courts, youth service organizations, public defender groups, and others to provide intensive transitional services to this high risk population, including legal advocacy, to achieve positive outcomes across a number of life domains, and avoid further incarceration.

CLC's work on behalf of system involved strives to keep youth in local community-based programs and address their multiple legal and social needs in order to prevent them from a pathway into or back into incarceration, and to improve overall life outcomes. There is no uniform route that all youth follow as they move into, remain in, and return from incarceration or other out of home care. A youth's path depends on the decisions made by the various systems which they encounter, including police, courts, probation, child welfare agencies, schools, and correctional agencies.

For those youth who do get incarcerated either as a juvenile or an adult, re-offense rates are high, and life outcomes are jeopardized due in part to barriers that prevent meaningful access to continued education, employment and stable housing. This is particularly true for youth who have a limited family and community support network, such as those who have "crossed-over" from involvement in the child welfare system into juvenile and criminal courts.

Similarly, youth transitioning out of the child welfare system have an increased risk of resorting to criminal acts and a higher chance of being involved with the criminal justice system than their non-foster care peers, and many of the same challenges across other domains such as education, employment, stable housing and access to needed services.

"Crossover youth" are formally defined as youth who have experienced maltreatment and engaged in delinquent activity, but who may or may not have become involved with the child welfare or the juvenile justice system.<sup>1</sup> These youth may come to the attention of 1) the child welfare system through a current or prior child welfare case; 2) the juvenile justice system by being charged with an alleged delinquent act; or 3) the adult criminal justice system through laws that allow teens to be prosecuted in adult court or held in adult jails and prisons. Once these youth crossover to the juvenile justice system, they are more likely to penetrate deeper into the system than non-child welfare involved youth; crossover youth are more likely to be placed in detention or other out of home placements. One study found that 65% of youth exiting a juvenile correctional facility had prior involvement with the child welfare system.<sup>2</sup>

The outcomes for youth aging out of foster care are equally daunting. Youth aging out of foster care are less likely to graduate high school and less likely to attend or graduate college. According to a University of Chicago study, 45% of students who aged out and were not connected to transitional living services were high school drop outs.<sup>3</sup> They are more likely to experience mental health problems. In fact they suffer, post-traumatic stress disorder twice as much as military veterans.<sup>4</sup> While studies are not conclusive as to whether or not children aging out of foster care have significantly increased risk of physical health problems, they do show that these adolescents have less access to medical care and insurance.<sup>5</sup> Those aging out of foster care are also less likely to achieve financial independence and/or financial stability, and have higher unemployment rates, and a greater likelihood to report having serious financial problems. Males have a 77% rate of having been arrested, with 55% occurring after the age of 18. For females, the rates of arrest are 54% with 29% occurring after the age of 18.<sup>6</sup>

---

<sup>1</sup> *Addressing the Needs of Multi-System Youth: Strengthening the Connection between Child Welfare and Juvenile Justice*, Center for Juvenile Justice Reform and Robert F. Kennedy Children's Action Corps, <http://cjjr.georgetown.edu/pdfs/msy/AddressingtheNeedsofMultiSystemYouth.pdf>, pg. 1.

<sup>2</sup> *Addressing the Needs*, pg. 14.

<sup>3</sup> Courtney, M. E., Dworsky, A., Hook, J., Brown, A., Cary, C., Love, K., Vorhies, V., Lee, J. S., Raap, M., Cusick, G. R., Keller, T., Havlicek, J., Perez, A., Terao, S., & Bost, N. (2011). *Midwest Evaluation of the Adult Functioning of Former Foster Youth*. University of Chicago.

<sup>4</sup> Association of Small Foundations. (2009). *Helping Children Aging Out Of Foster Care Prepare For Independence*.

<sup>5</sup> Getz, L. (2012). *Aging Out of Foster Care*. Social Work Today, 12(12), p. 12. <http://www.socialworktoday.com/archive/031912p12.shtml>

<sup>6</sup> Rowe, C. (2013). Foster kids: Aged out and alone at 18. Retrieved from: <http://crosscut.com/2013/02/15/social-services/112965/aged-out-and-alone-18/>

Regardless of which way a youth “crosses over” between systems, the challenges are similar. Lack of coordination and accountability between agencies and other relevant individuals may exist as a result of communication barriers, policy variation from agency to agency, information sharing restrictions, and agency limitations as a result of caseloads, jurisdictional issues or policies. Transition plans are often created at the end of the youth’s placement time rather than the beginning, and often lack comprehensive and relevant strategies based upon the child’s individualized needs. Youth and families are too often not involved in the process, and may encounter resistance to reintegration from the community, including community schools. Records often do not follow the child, or are difficult to access. In short, systems fail to adequately address the multiple needs inherent with this population, or work together to help youth and families achieve critical outcomes for success.

Court records indicate that Mr. Tibbetts “crossed over” between the foster care and juvenile delinquency systems during his teenage years ultimately aging out of both systems at the age of eighteen without any community or family support.<sup>7</sup> As the above-referenced research shows, without proper support or an individualized transition plan, Mr. Tibbetts’ pathway back into incarceration is typical of cross over youth.

Today, a youth client of CLC transitioning out of the foster care and/or juvenile justice systems would be provided case management services in conjunction with relevant legal services, including enrolling in school (High School/GED/College), applying for healthcare coverage, creating a resume/email/online job profiles, securing or stabilizing housing, and legal representation in education cases and other civil matters. Had such services been available to Mr. Tibbetts at the time of his transition into adulthood, it is probable that he would have experienced more positive outcomes in life.

Sincerely,



Acena Beck  
Executive Director

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<sup>7</sup> George was forced to remain at the Oswald home until August 1974. George was then also sent to the General Protestant Orphan Home. During the remainder of Ray’s teen years, he bounced around placements, including the Allen House and juvenile detentions facilities until being released to live on his own at the age of eighteen. (Tibbetts Application for Clemency, pg. 9)

July 2017

We are writing today in support of clemency, in the form of life without the possibility of parole, for Death Row inmate Raymond Tibbetts, who is scheduled to be executed on October 18, 2017.

This request is coming from experienced, knowledgeable organizations with a deep commitment to the welfare of children. We do not condone Ray Tibbetts's horrific crimes, but we believe he deserves mercy because he endured a nightmarish upbringing that no child deserves. We call your attention to several details of Ray's childhood:

- Ray was born into a violent, abusive, and neglectful home in 1957. When he was only two years old, he and his siblings were privately placed in the home of an acquaintance of the family and soon found themselves in a broken foster care system where they experienced even more severe physical and emotional abuse.
- Ray's first placement was with a family that had never cared for foster children before. Despite social workers' assessments of the home having "too many conflicting and disturbing factors to make this a good placement for the children," Ray and his siblings were allowed to remain in the home for two years, from when Ray was 2 to 4 years old. At night Ray and two of his brothers were tied to a single bare mattress with rope so tight that it prevented any movement at all. The rope dug into their skin with no sheets or blankets to protect them. They would call for help but no one would come. Ray was also forced to stand in the kitchen corner all day long. He was fed so little food that he quickly became malnourished and painfully thin. In the years when he most needed love, connection, and nurturing, Ray was tortured by the people who were responsible for his wellbeing, and the system in place to protect him did nothing to stop his suffering.
- In 1961, Ray and his younger brother were placed in another home after his brother was hospitalized for deliberate burns he suffered from a stove in the first foster home. Human services records recalled that the children, still under the age of five, were "restless, hungry, and continually rocked themselves to sleep at night." The abuse in this home was no less severe, but it wasn't until years into the placement that a caseworker determined the adults to be unsuitable foster parents, remarking that the "total lack of feeling these people show is quite overwhelming." Even then, the system still did not remove the children from the home. When further evidence of severe physical abuse, like Ray's brother being covered in cuts and bruises from being beaten with a belt, was documented by caseworkers, still no action was taken. The abuse was relentless. Ray's own suffering was compounded by being forced to witness the abuse of his younger brother who he could not protect. The men now recall being tied up and having stones thrown at them, being beaten with a two-by-four piece of lumber, and being used as "slave labor" in the home and the vacation home the family owned in Indiana. Ray and his brother began to run away at the ages of eight and nine and would sometimes be temporarily placed at "2020", a juvenile detention facility, and the Allen house, both institutions known for

abuse and neglect. The boys preferred these placements to being in their foster home, but they were always forced to go back. When he was sixteen, Ray was finally removed from the home and bounced around between temporary shelters until his eighteenth birthday.

Today we know that this kind of abuse causes irreparable damage that stays with a person throughout his lifetime. In the decades since Ray was part of the foster care system, laws and procedures have been put in place to prevent what happened to Ray from happening to other children. The vision statement of the Ohio Office of Families and Children is to ensure that **“Ohio’s children, youth and vulnerable adults have a safe and permanent family that nurtures and promotes their overall well-being.”** If this had been the case in the 1960s and 70s, Ray would likely have been spared the emotional wounds that plagued his adolescence and young adulthood. He could have ended up as a contributing and functional member of society instead of a broken soul who was capable of causing so much suffering to others and himself.

Governor Kasich, we respectfully ask that you please consider clemency for Raymond Tibbetts in light of the horrendous neglect and abuse he endured during his most impressionable and developmental years, at the hands of the very people that the state entrusted with his protection. We ask that you please take this opportunity to show compassion and mercy to a man who was condemned by a broken system long before he committed the crimes for which he is paying the price today.

Sincerely,

*Juvenile Justice Coalition (Ohio)*

*Clark County Peace Alliance*

*Ohio Organizing Collaborative*

*First Unitarian Universalist Church of Columbus*

*Justice for Children Project, Moritz College of Law*

*Clark County Peace Alliance*

*National Youth Advocate Program*