

# 13 Reforms to Prevent Wrongful Convictions in Ohio

Thirteen of the 56 recommendations made by the Supreme Court Joint Task Force on the Administration of Ohio's Death Penalty, when implemented, will help prevent future wrongful convictions. These include recommendations such as videotaping confessions, certifying crime labs, requiring unimpeachable evidence linking a defendant to a murder, disallowing jailhouse snitch testimony, requiring prosecutors to turn over evidence which may prove innocence, and more. It's troubling that such simple requirements are not already enshrined in Ohio's criminal code.

## The thirteen recommendations to reduce wrongful convictions are:

1. Any **in-custody interrogation shall be electronically recorded**, or if not, statements are presumed involuntary. (Recommendation #1)
2. Require that each coroner's office become accredited or have at least one person on staff or under contract who is a fellow of that organization, or have a contract with an accredited crime lab to perform specialized services when the need arises. (Recommendation #2)
3. In a death-eligible case, excepting fingerprint evidence, if evidence is not originally reviewed by an accredited lab, the defense has a right to testing in an accredited lab at state expense, and no reference will be made to the first test (except to establish the evidence has been in the custody of the state). If testing of evidence prior to indictment will likely entail total consumption or destruction of evidence, the test must be performed in an accredited lab; and if it is to be tested after indictment, notice must first be given to all parties. If this requirement is not followed, the evidence is presumptively inadmissible unless good cause is shown to the trial court. On the request of the prosecution in a death penalty case, defense forensic experts shall also be required to rely on testing by accredited labs. (Recommendation #3)
4. **All crime labs in Ohio must be certified** by a recognized agency defined by the Ohio legislature. (Recommendation #4)
5. Adopt the 2003 ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (and train counsel and judges on these). (Recommendation #11)
6. Enact and fund **a capital litigation fund** to pay for all costs, fees, and expenses. (Recommendation #13)
7. Increase funding to the Office of the Ohio Public Defender to allow for additional hiring and training of qualified capital case attorneys who could be made available to all Ohio counties, except in circumstances where a conflict of interest arises. (Recommendation #14)
8. Implement and fund a statewide public defender system for representation in all levels of capital cases except when a conflict of interest arises, when Rule 20 qualified counsel shall be appointed. (Recommendation #15)
9. Enact legislation that Death can only be imposed if the state presented DNA, video, video-taped confession, or other compelling evidence that links the defendant to the murder. (Recommendation #17)
10. **Bar a death sentence where the state relies solely on jailhouse informant testimony** that is not independently corroborated at the guilt/innocence phase. (Recommendation #18)
11. To address cross jurisdictional and racial discrepancy, creation of a Death Penalty Charging Committee at the Attorney General's Office to approve or disapprove of charges. (Recommendation #34)
12. Enact a court rule that mandates, for both the prosecution and defense, full and complete access in capital cases to evidence known to exist or with due diligence could be found to exist, with an opportunity to test such evidence - excluding work product, material protected under Rule 16, or inculpatory or privileged material. (Recommendation #37)
13. Require the prosecutor to **present to the grand jury available exculpatory evidence** of which the prosecutor is aware. (Recommendation #38)



**See all 56 recommendations**

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# "If the State of Ohio had its way, I'd be dead today"

The nine men exonerated from Ohio's death row spent a combined 207 years incarcerated for crimes they did not commit. On average, Ohio death row exonerees spent over 21 years imprisoned before being freed.



**Gary Beeman was sentenced to death in 1976. His conviction was based on the perjured testimony of a prison escapee that Beeman's lawyers were prevented from fully cross-examining. At his retrial, five witnesses testified that this star witness was, in fact, the killer and that Beeman was not involved. He was acquitted in 1979.**



**Dale Johnston was sentenced to death in 1984 for the murders of Annette Cooper and Todd Schultz, his stepdaughter and her boyfriend. After undergoing hypnosis, a sole eyewitness identified Johnston as the killer. The only other primary witness provided boot print evidence that was later discredited. The authorities knew of four other eyewitnesses with a completely different story of the crime, but they never disclosed them to the defense. Johnston was released in 1990.**



**Timothy Howard and Gary Lamar James were convicted of murdering security guard Berne Davis during the course of a bank robbery in 1976. They were released after new evidence was uncovered that had not been disclosed at the time of their trials, including conflicting witness statements and fingerprints. Their charges were dismissed in 2003. (Photos: Phil Long/AP Photo)**



**Derrick Jamison was sentenced to death in 1985 for the murder of Gary Mitchell, a Cincinnati bartender. Prosecutors withheld critical evidence that would have pointed to Jamison's innocence, including eyewitness descriptions and statements that contradicted the story told by Jamison's co-defendant. Jamison's charges were dismissed in 2005, twenty years after he was sent to death row.**



**Joe D'Ambrosio was sentenced to death in 1989 for the murder of Anthony Klann. The federal district court overturned his conviction because the state had withheld evidence from the defense that pointed to his innocence. The court then barred his re-conviction trial due to further prosecutorial misconduct. D'Ambrosio's charges were dismissed in 2012, twenty-three years after he was sent to death row.**



**Ricky Jackson, Wiley Bridgeman, and Kwame Ajamu (formerly Ronnie Bridgeman) were sentenced to death for the 1975 murder of Harold Franks. The state's case rested on the witness testimony of a 12-year old who identified the three men as the perpetrators of the crime. In 2014, the witness recanted his testimony and admitted to being pressured by law enforcement to make the false identification. (Photos: AP Photo)**