

For Immediate Release

OHIOANS TO STOP EXECUTIONS

FORENSIC ANALYSTS DEBUNK STATE'S THEORY IN MONTGOMERY DEATH PENALTY CASE

'Gross Prosecutorial Misconduct' demands new & fair trial

COLUMBUS, OH—March 7, 2018—Forensic analysts walked reporters through their findings at a Statehouse press conference today, scientifically disproving the State's theory used to send William Montgomery to death row in 1986. Mr. Montgomery was convicted of killing Debra Ogle and Cynthia Tincher in Toledo. He is scheduled to be executed in Ohio on April 11, 2018. The Ohio Parole Board will consider Montgomery's clemency application on Thursday.

"There is just too much doubt about numerous aspects of this case for the state to move forward and execute William Montgomery," said Kevin Werner, executive director of Ohioans to Stop Executions (OTSE). "Mr. Montgomery deserves to have the new trial that was ordered in 2007. The evidence hidden from the jury in 1986 and new evidence developed since then has never been evaluated in a courtroom. If we're going to have executions, the people of Ohio want to be absolutely certain we have the right person. In this case there is simply too much doubt."

Drs. S. Eikelenboom-Schieveid and Jon J. Nordby, with Independent Forensic Services, examined the autopsy report regarding Debra Ogle and produced a report in 2012 demonstrating how the condition of Ogle's body when found disproves the prosecution's theory of the crime.

"After four days in the woods at temperatures well above freezing, there should have been decomposition," said Dr. Eikelenboom-Schieveid. "There should certainly have been insect activity and possibly other impacts on the body by scavenging wildlife. Most notable are the observations about lividity, or how blood settles in a cadaver. When the victim was found and moved by law enforcement authorities on March 12, the lividity shifted, indicating that she had been dead less than 12 hours."

Prosecutors maintain that Ms. Ogle was killed on March 8, 1986. Independent Forensic Services' findings conclude the prosecution's timeline is not correct. The timeline is central to the prosecution's assertion that Ms. Ogle was killed first and that Ms. Tincher was killed second to cover up the first murder of Ogle. There is no doubt that Ms. Tincher was killed the morning of March 8, 1986.

The Ohio Parole Board will consider William Montgomery's case Thursday. The Parole Board will hear about troubling factors that raise doubt about the reliability of Mr. Montgomery's conviction. Prosecutors withheld evidence from Montgomery at his trial, including blood-stained shoes recovered from the co-defendant's residence. Prosecutors also withheld information about possible alternative suspects. Prosecutors withheld information about eyewitness reports of a car parked next to Ms. Tincher just before she was found murdered.

The clemency application also contains an affidavit from one juror who said, "At the time of the trial, I did have some doubt that W.T. Montgomery was guilty at the trial... Given the information I have today, I would not have found W.T. Montgomery guilty, or voted for the death penalty." Ohio law requires a unanimous jury to sentence a defendant to death.

Ohioans to Stop Executions notes that most recommendations made in 2014 by the Ohio Supreme Court Task Force on the Administration of Ohio's Death Penalty have still not been implemented. Many of those recommendations, which are directly applicable to this case, were designed to prevent wrongful convictions, including: recording in-custody interrogations; accrediting coroners offices and crime scene evidence processing labs; limiting the death penalty to cases where there is absolute proof of guilt; prohibiting the death penalty when the state relies on a jailhouse informant; allow full access by both the prosecution and the defense to all evidence known to exist; and require the prosecutor to present exculpatory evidence to the grand jury.

Ohioans to Stop Executions calls on Governor Kasich to ensure Mr. Montgomery receives a fair trial so that he may have all of the evidence heard in open court. The organization calls on concerned citizens to contact the governor through petitions found at OTSE.org and via a toll-free phone number provided by Amnesty International: [855-782-6925](tel:855-782-6925).

The clemency application, a current photo and other documents related to the case are [here](#).

Independent Forensic Services is an independent private laboratory specializing in Bloodstain pattern analysis, Touch-DNA analysis, Forensic Pathology and Cytochrome P450 analysis. IFS has outstanding experience from crime scene investigation to biological trace recovery. IFS has provided expert analysis and services to both prosecution and defense attorneys.

###

Contact:
Abraham Bonowitz, abe@otse.org
[561-371-5204](tel:561-371-5204)