

The Human Cost of the Death Penalty

Ohio's system of capital punishment is a huge, ponderous machine that burns enormous amounts of effort, time and money, all to no purpose. It is a system that fails to deliver on the promise of justice for victims and their families, while wasting millions of taxpayer dollars.

Dave Yost
51st Attorney General of Ohio
April 1, 2025

OHIOANS TO 
STOP EXECUTIONS

Dedication

In Memory of Dale Johnston

1933-2024



Ohioans to Stop Executions dedicates this report to the memory of Dale Johnston, who passed away October 28, 2024. Dale was a kind and gentle man, soft spoken and humble. He was active, for many years, in the work to educate Ohioans about the death penalty and issues surrounding wrongful convictions.

While wrongly incarcerated on death row, Dale tutored other prisoners, so they could improve their reading abilities and work towards earning a GED.

Acknowledgements

We would like to acknowledge Brooke Baragar, Elizabeth Parker, Michael Karam and Nikolas Frederick for their contributions to this report.

Table of Contents

<i>Executive Summary</i>	1
<i>New Capital Indictments in 2024</i>	2
<i>New Death Sentences in 2024</i>	3
Patterns and Trends in Sentences and Indictments	3
<i>Case Updates</i>	5
State v. Elwood Jones, Case No. 2023-0772	5
Pike County Cases	6
<i>Removals from Death Row</i>	8
<i>Status of Executions in Ohio</i>	10
<i>2024 Legislative Highlights</i>	11
Nitrogen Gas Executions	12
<i>Conclusion</i>	14

Executive Summary

In dollars and cents, the death penalty is the most expensive and inefficient part of the criminal legal system. But what are the other costs to the death penalty system that cannot be measured on a financial report or within a county budget? What are the costs in human capital? What is the moral cost to society maintaining a system that routinely convicts innocent people and harms victims' families, leaving everyone involved dissatisfied?

The death penalty system's excess is so far beyond what is reasonable that we now measure costs not in hundreds of millions of dollars, but in billions of dollars. The math is simple, and the fact that death penalty costs have surpassed one billion dollars should trouble us all. It is well-established that each death penalty case costs at least \$3,000,000. Ohio has issued 342 death sentences under the current law, running the total costs to \$1.026 billion dollars (that's \$86 per Ohioan). According to Ohio Attorney General Dave Yost's most recent Capital Crimes Report, "It's a stunning amount of money to spend on a program that doesn't achieve its purpose."

What does the death penalty mean for victims' families? It means decades of uncertainty. It means being hauled back into court year in and year out as the case runs the necessary gauntlet of appeals that safeguard the validity of a conviction. For victims' families, the death penalty means reliving the worst day over and over with no end in sight. For families left in the wake of violence where a death sentence is the outcome, closure is a myth, and more trauma is the reality. Ohio's capital punishment system makes promises of justice that it does not keep.ⁱ

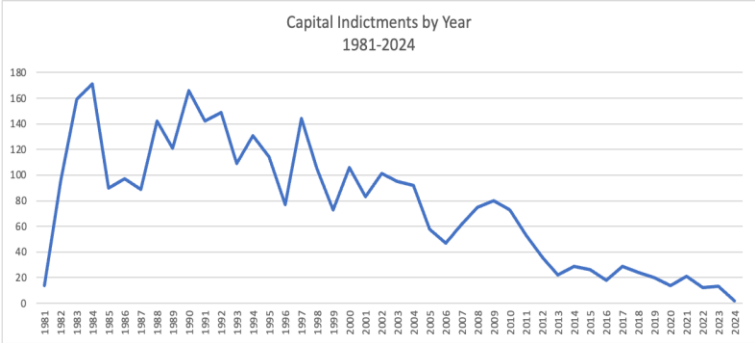
What does the death penalty mean for corrections officials whose job is to carry out executions? Executions leave deep and lasting psychic wounds. They exact a heavy toll on prison staff, both state employees directly and indirectly involved in executions. Executions produce lasting post-traumatic symptoms.ⁱⁱ

What does it mean for wrongfully convicted individuals or those who have been fully exonerated? The death penalty means you could be killed for something you did not do. If you are fortunate enough to be discovered then freed before execution, it means years of time lost that can never be recovered. Wrongful convictions occur in cases where the true perpetrator is not always caught, and the cloud of suspicion may never leave a wrongfully convicted person.

These are the human costs that we cannot ignore. It is time to end the use of the death penalty in Ohio.

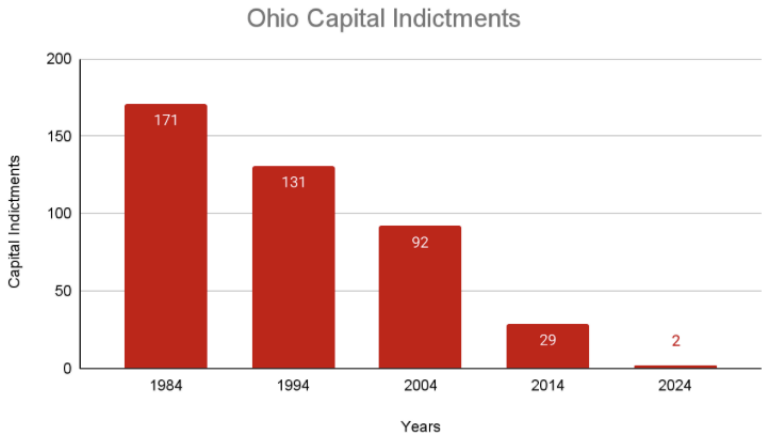
New Capital Indictments in 2024

Data kept by the Ohio Supreme Court, per the Ohio Revised Code Section 2929.021(A), showed Ohio grand juries in 2024 returned two new capital indictments—these indictments begin the lengthy and costly process of a death penalty case once



prosecutors decide to seek the death penalty. For historical context, 2024 marks the year with the fewest capital indictments since Ohio passed its current death penalty law 43 years ago. In 1981, the first year under the law, prosecutors initiated 14 death penalty cases.ⁱⁱⁱ In 1982, the number rose to 95.^{iv} In 1983, that number grew further to 159.^v Other than 2024, the lowest numbers of capital indictments returned were in 2023 and 2022, with 13 and 12 indictments, respectively.

Cameron Moore was indicted in Knox County on August 26, 2024.^{vi} In September, he was sentenced to life without parole.^{vii} Moore pleaded guilty to two counts of aggravated murder and waived his right to appeal. The prosecutor’s office had initially sought the death penalty in his case.



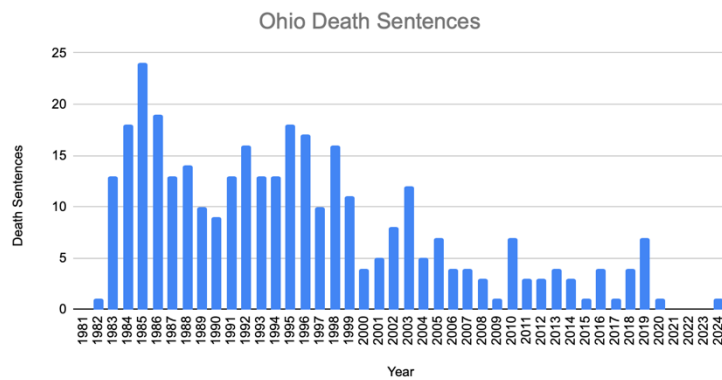
Devin O’Brien was indicted in Erie County on October 4, 2024,^{viii} for allegedly killing and sexually assaulting a three-year-old girl in September.^{ix} Later that month, he was transferred from Erie County Jail to a mental health facility in Columbus for evaluation. There have been no public updates to his case since.

New Death Sentences in 2024

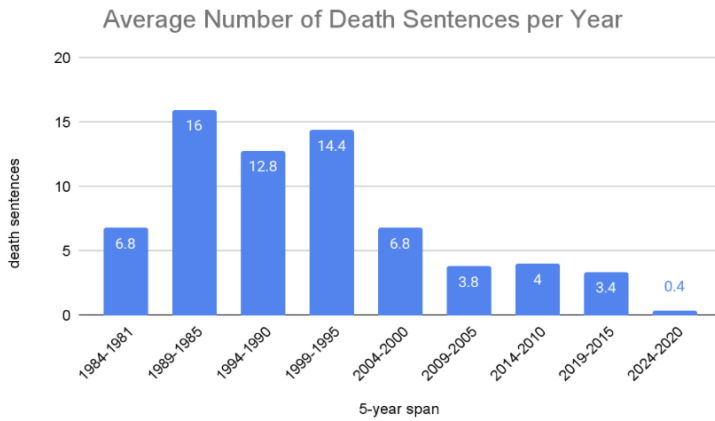
One new death sentence was ordered in 2024, the first in Ohio since 2020. The new sentence was given to Gurpreet Singh in Butler County, stemming from a 2019 indictment. Singh was indicted on August 2, 2019,^x in Butler County, and his first trial ended with a hung jury, so Singh opted for a bench trial the second time.^{xi} In May 2024, he was put on death row after a three-judge panel convicted him of four counts of aggravated murder. Their decision was unanimous. Singh was convicted of murdering family members during a contentious divorce, according to media coverage of the case.

Patterns and Trends in Sentences and Indictments

Like any other “machine that burns enormous amounts of effort, time and money,” patterns emerge over time from the chaos of Ohio’s death penalty system. For example, after 2004, there was a clear and compelling drop in the numbers of capital indictments returned year after



year by Ohio grand juries. Another significant drop came in 2010 and continues to this year. But why? Could the exorbitant costs be catching up with county coffers where residents saddled with decades of death penalty case surcharges have reached a breaking point? Could the eleven documented cases of innocence be at the forefront of jurors' minds? Or, has the public—and by extension county prosecutors—come to the conclusion that the only thing the death penalty system does is harm victims’ families and county budgets? Further, Ohio’s violent crime and homicide rates stayed relatively consistent as indictments dropped.



Ohio’s new death sentences have been relatively few compared to decades ago. In the last five years, for example, Ohio has averaged 0.4 new death sentences each year. The graphic below looks at the average number of sentences in 5-year increments to see how often the death penalty is

given over periods of time. For example, from 1985-1989, Ohio averaged 16 new death sentences each year in that five-year period. The decline in death sentences from judges and juries began after 2004, likely due to shifting attitudes on the death penalty. The public is no longer comfortable with executions and the death penalty.

If the enormous costs are a factor in the dramatic decline of death penalty case indictments since 2010, then most of the state’s 88 elected prosecuting attorney offices have acted accordingly. However, some prosecutors in smaller and more rural counties are seeking death sentences. One county in particular has become an active death-penalty seeking jurisdiction—Hocking County.

Since 2017, Hocking County has regularly filed capital indictments with the Ohio Supreme Court. From 1981 to 2016, Hocking County prosecutors filed ten (10) capital indictments in total, one of which was for death row exoneree Dale Johnston. Eight more county indictments have come in the past eight years, marking an increase of 185% compared to the previous 35 years of indictments from Hocking County.

Counties	Total Indictments	Indictments 2018-2024
Cuyahoga	1,314	24
Franklin	509	3
Hamilton	186	4
Summit	119	1
Montgomery	107	1
Trumbull	70	5
Hocking	18	8
<i>81 other counties</i>	<i>1,294</i>	<i>60</i>
Totals	3,379	106

Two of the three most recently elected Hocking County prosecutors have shown interest in pursuing death sentences. Benjamin Fickle was in office from 2016 to 2020 and sought the death penalty seven times, including against two teenage boys who pushed a six-foot log off a cliff, killing a mother of four. Ryan Black, elected to office in 2020 but resigned in 2024, sought one death sentence. In November 2024, a new prosecutor, Jennifer Graham, was elected.^{xii} The eight capital indictments since 2017 led to two acquittals,^{xiii} one life without parole sentence, one 50-years to life sentence, one 20-years to life sentence, two 18-years to life sentences, one 11 to 16-year sentence, and two juvenile adjudications.^{xiv}



Hocking County’s most well-known brush with the death penalty system came when Dale Johnston was wrongfully convicted and sentenced to death. Mr. Johnston spent nearly seven years on death row before he was released in 1991. To date, the only death penalty conviction from Hocking County has been for Dale Johnston,^{xv} who was innocent.

Pictured from left to right are death row exonerees Derrick Jamison, Dale Johnston and Joe D’Ambrosio, speaking together in 2013.

Case Updates

State v. Elwood Jones, Case No. 2023-0772

Elwood Jones could be Ohio’s next death row exoneree. In 1996, Jones was convicted for the murder of Rhoda Nathan, but in December 2022, Hamilton County Judge Wende C. Cross overturned his conviction.^{xvi} Over 4,000 investigative documents had been withheld by prosecutors from Jones’s original defense team.^{xvii} The prosecutors had failed to abide by the law—based on two U.S. Supreme Court rulings, *Brady v. Maryland* (1963) and *Kyles v. Whitley* (1996)—requiring police and prosecutors to turn over potentially exculpatory and material evidence to defendants.^{xviii}

Following a series of procedural rulings about what evidence the prosecutors can and cannot use in his retrial, the case made it all the way to Ohio’s Supreme Court.^{xix} The First District Court of Appeals had denied a request from the Attorney General’s office to appeal a decision by the trial court.^{xx} The prosecutors then appealed to Ohio’s Supreme Court. According to Jones’s defense team, the appeals court did not make a mistake: According to the law, the court does not *have to* grant every request for appeal.^{xxi} The prosecutors insisted that they just want another court to review what was presented at the trial court level and decide if the new information is believable, admissible, and grounds for a new trial.^{xxii} The Supreme Court of Ohio is expected to issue a decision by May or June of 2025.^{xxiii}

Since his release from county jail, and as he waits for a retrial, Jones had to wear a GPS monitor that only lets him roam inside his sister's house.^{xxiv} He spends his time sewing stuffed animals and cherishes being able to hold his nieces and nephews.^{xxv} Elwood Jones was on death row for almost three decades.

Pike County Cases

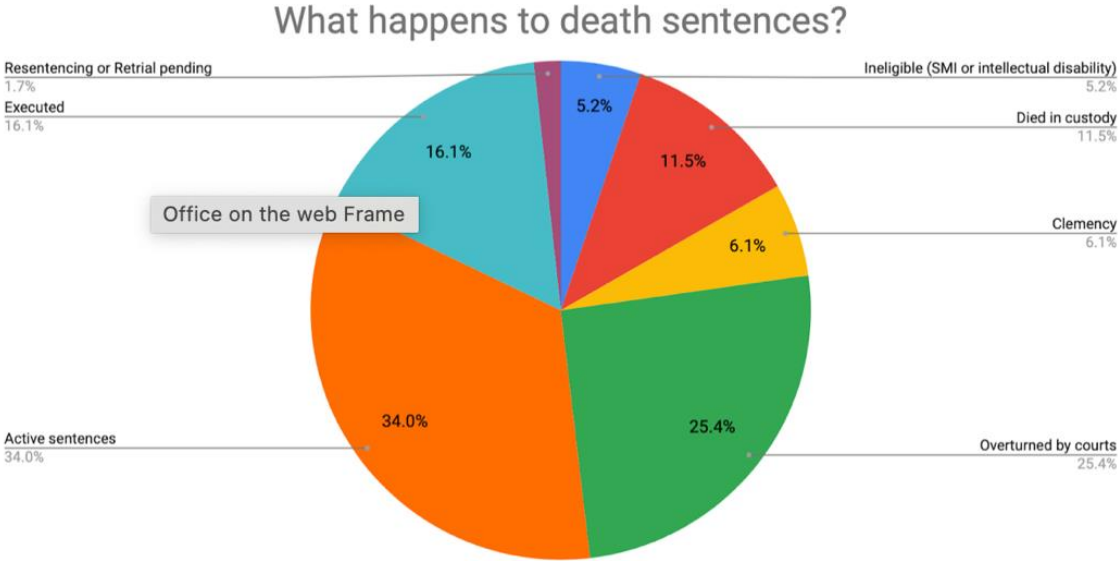
The Pike County Shootings,^{xxvi} also known as the Pike County Massacre, occurred in April 2016, when eight members of the Rhoden family were shot and killed in four separate homes in a horrifying premeditated attack against the family. Seven of the victims, including six adults and one 16-year-old, were found to have been executed, and the eighth was shot to death in his camper in a nearby town. The ensuing investigation was one of the largest in Ohio's history, and it took two years for investigators to find the perpetrators. The Ohio legislature in 2019 made an emergency allocation of \$4 million to Pike County for the cases. The trials of the four members of the Wagner family began after their arrests at the end of 2018. Two members, the wife and younger son, agreed to plea deals to testify against their family to avoid the death penalty. They were officially convicted of lesser crimes in 2021 alongside the plea deal over 5 years after the deaths of the eight victims.^{xxvii}

The eldest son's trial did not commence until September 12, 2022, and he was found guilty on all charges and sentenced to life without parole.

The final member of the Wagner family was scheduled for trial in May 2024, but the date was pushed to January 2025. The resulting pre-trial hearing has brought the Rhoden family no closer to any form of justice or closure with the official trial still looming. As of January 24, 2025, the defense has filed no trial materials, and the prosecution faces two pending appeals: one against a judge for dismissing the death specifications against the final Wagner family member without a request by the state and one for a change of venue for the trial to be held in Pike County.^{xxviii}

Due to the death penalty's lengthy appeals process and prosecutors' persistence in using the death penalty, it could be another several months before the trial of the last Wagner family member can even *begin*. This does not include the weeks—or months—it could take for the trial to conclude. The Rhoden family has waited almost nine years for the criminal cases to end, and they now have to wait indefinitely longer for a chance at justice. When trials are being stalled for extended periods of time, one must consider the significant emotional and financial costs that result from such delay. How much does the death penalty have to cost Ohioans before they realize those costs far outweigh the perceived benefits?

Removals from Death Row



Four prisoners were removed from death row in 2024. Two men, Stanley Fitzpatrick (Hamilton County, 2002) and Marvin Gaye Johnson (Guernsey County, 2003) were removed as a result of severe mental illness (SMI) under a new law passed in 2021. Between the law’s effective date and the publication of this report, 8 individuals have been removed from death row under the SMI law. Under Ohio’s law, prisoners may be removed from death row if they have one of four qualifying severe mental illnesses—schizophrenia, bipolar disorder, schizoaffective disorder and delusional disorder—and were symptomatic at the time of the offense.

Cedric Carter (Hamilton County, 1992) was removed from death row due to intellectual disability. Under the U.S. Supreme Court case of *Atkins v. Virginia* (2004), a prisoner may be removed from death row if his IQ is below 70.

Tyrone Ballew (Hamilton County, 1992) was re-sentenced to 53 years imprisonment on April 17, 2024.

Since Ohio’s last execution in 2018, thirty-five (35) prisoners have been removed from death row for various reasons, but most due to courts resentencing to some sentence other than death.

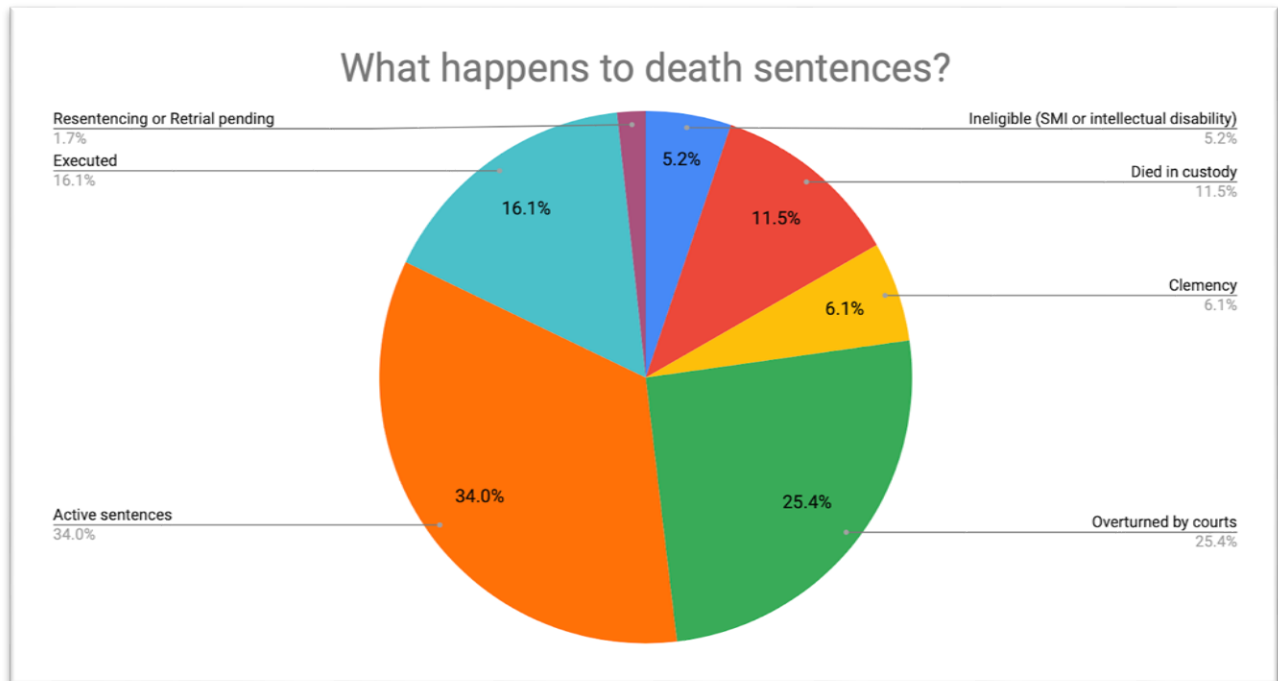
1. Raymond Tibbetts, death sentence 08-27-1998; commuted 07-20-2018 (LWOP)
2. Joseph Thomas, death sentence 10-15-2012; removed 01-17-2019 (LWOP)
3. Jason Dean, death sentence 09-30-2011; died in custody 03-23-2019
4. Maurice Mason, death sentence 07-04-1994; removed 05-01-2019 (20-life)

5. Angelo Fears, death sentence 12-10-1997; removed 06-04-2019 (LWOP)
6. Genesis Hill, death sentence 12-07-1991; removed 07-01-2019 (30-life)
7. Kelly Foust, death sentence 01-11-2002; removed 07-10-2019 (LWOP)
8. Ahmed Fawzi Issa, death sentence 9-16-1998; removed 08-17-2019 (deported)
9. Warren Spivey, death sentence 11-20-1989; died in custody 01-17-2020
10. James Frazier, death sentence 06-15-2005; died in custody 11-19-2020
11. Damantae Graham, death sentence 11-15-2016; removed 12-17-2020
12. Romell Broom, death sentence 10-16-1985; died in custody 12-28-2020
13. Anthony Sowell, death sentence 08-12-2011; died in custody 02-08-2021
14. David Braden, death sentence 06-16-1999; removed SMI 06-23-2021 (LWOP)
15. Donald L. Ketterer, death sentence 02-04-2004; removed SMI 09-24-2021 (LWOP)
16. David Allen Sneed, death sentence 07-30-1986; removed SMI 01-31-2022 (LWOP)
17. Michael Webb, death sentence 07-16-1991; died in custody 05-02-2022
18. Ralph Lynch, death sentence 10-13-1999; died in custody 08-08-22
19. Kevin Scudder, death sentence 12-14-1990; died in custody 09-20-22
20. Andre Jackson, death sentence 04-21-1988; intellectual disability 09-20-22
21. John Gillard, death sentence 06-18-1985; died in custody 11-22-22
22. Gregory Esparza, death sentence 05-22-1984; removed 01-20-2023 (30-life)
23. August Cassano, death sentence 05-19-1999; vacated 03-20-23
24. Glen Bates, death sentence 10-17-2016; removed 4-16-2023 (25 yrs)
25. Lamont Hunter, death sentence 09-20-2007; removed 06-15-2023 (time served)
26. Roland T. Davis, death sentence 07-15-2005; died in custody 07-08-2023
27. Caron Montgomery, death sentence 05-15-2012; removed 08-09-2023 (LWOP)
28. Bobby Sheppard, death sentence 05-30-1995; removed SMI 09-12-2023 (LWOP)
29. Charles Lorraine, death sentence 12-09-1986; died in custody 09-24-2023
30. Michael Ray Turner, death sentence 12-20-2002; removed SMI 10-30-2023 (LWOP)
31. Timothy Dunlap, death sentence 02-01-1993; removed SMI 10-30-2023 (LWOP)
32. Cedric Carter, death sentence 07-20-1992; intellectual disability 03-27-2024 (69 yrs)
33. Tyrone Ballew, death sentence 07-01-1992; removed 04-17-2024 (53-life)
34. Stanley Fitzpatrick, death sentence 02-15-2002; removed SMI 05-06-2024 (LWOP)
35. Marvin G. Johnson, death sentence 06-04-2004; removed SMI 08-28-2024 (LWOP)

The chart below, whose data come from the 2024 Capital Crimes Report, shows what has occurred with Ohio's death sentences. Within the number of active sentences (n=118; 34%), 29 cases have pending SMI claims and 11 cases have pending intellectual disability claims. To cast in a different light, 40 of the 118 active sentences (or more than 1/3) include individuals with such have such pronounced mental health issues and disability that

lawyers are seeking removal from death row. That is a stunning characterization of who gets a death sentence in Ohio.

It remains to be seen how many of those legal claims will lead to more death row departures; however, one can be sure that more individuals will be removed from death row. Whether because individuals have severe mental illness, intellectual disability, die of natural causes, are granted clemency or are exonerated, Ohio's death row will continue to shrink.



The death penalty system in Ohio is best characterized as something that spends a billion dollars putting people on death row then removing them years later. And since the numbers of new death sentences and capital indictments are so low, 2024 can be summed up as yet another year Ohio spent millions and millions of dollars taking people off death row. The more efficient use of tax dollars is to repeal the death penalty.

Status of Executions in Ohio

In mid-February of 2025, Ohio Gov. Mike DeWine announced that he was again postponing executions scheduled for 2025, stating that the state was unable to secure the drugs necessary for execution by lethal injection. DeWine also stated that he did not anticipate any more executions happening during his governorship, which ends in 2026.^{xxix}

The three executions scheduled for 2025 that were postponed were those of Percy Hutton, Samuel Moreland, and Douglas Coley.

- Percy Hutton was sentenced to death for the murder of Derek Mitchel and the attempted murder of Samuel Simmons Jr. in 1985. Mr. Hutton was originally scheduled to be executed on July 30, 2025, but has now been moved to July 19, 2028.^{xxx}
- Samuel Moreland was sentenced to death in 1985 for the murder of a family. His execution was originally set for September 24, 2025, but has now been moved to August 15, 2028.^{xxxi}
- Douglas Coley was sentenced in 1997 for the carjacking and killing of Samar EL-Okdi. His execution was originally set for September 24, 2025, but has now been moved to August 15, 2028.^{xxxii}

In addition to these three men, there are 116 other prisoners on death row in Ohio as of late 2024. Out of the 119 total, 57.1% are black, 40.3% are white, 1.7% are Latino, and .8% are Asian.^{xxxiii}

Surprisingly, capital indictments are not widely used in Ohio, despite there being 119 people on death row. Rather, a few counties are responsible for the vast majority of capital indictments. The top county to sentence people to death is Hamilton County, with about 25% of Ohio’s death row prisoners being convicted here. However, only 9% of murders in Ohio occur in Hamilton County. This follows the national trend that the vast majority of death penalty cases in the U.S. come from 2% of the counties in the nation.^{xxxiv} This data shows that the death penalty continues to be used in only a few counties in the U.S.

2024 Legislative Highlights



Dennis Watkins, Trumbull County prosecutor testified
“This state needs to have a big stick.”

Senate Bill 101: Legislation to repeal Ohio’s death penalty in the Ohio Senate, SB 101, had its final hearing of the year in November. Two opponents spoke against ending the death penalty at the final hearing—Dennis Watkins, the Trumbull County prosecutor and Saleh Awadallah, an assistant Cuyahoga County prosecutor.

During the hearings on the repeal bill over the course of the 135th General Assembly, more than 100 witnesses provided testimony in favor of ending the death penalty in Ohio. The

committee heard from former prison officials including Gary Mohr, who supervised 15 executions while serving as ODRC director, former Attorney General Jim Petro, former state public defender Tim Young and dozens of citizens, interest groups, faith leaders and victim family members. In contrast, five witnesses testified in favor of keeping the death penalty. They were four prosecutors and the current Attorney General.

Trumbull County prosecutor Dennis Watkins told the committee, “Don’t throw the baby out with the bath water. This state needs to have a big stick.”

House Bill 259: The Ohio House Finance Committee held hearings on HB 259, a bill to repeal the death penalty. Although the committee did not advance the legislation, more than 30 witnesses provided testimony urging repeal of the death penalty.



Former director of the Ohio Public Defender, Tim Young testified, “You have to wonder, if we asked Ohioans if they would rather spend these millions and millions of dollars to pursue death penalties, with these kinds of failure rates, that probably will not end in execution, or spend those millions on roads and education, what would Ohioans choose? The vast and overwhelming majority of Ohioans would choose roads and education.”

The Finance Committee held two hearings on the bill, sponsor testimony and proponent testimony. HB 259 was different from the Seante legislation in that it included a budget allocation. The allocation proposed to use savings from the death penalty system to provide services to families of murder victims.

Nitrogen Gas Executions

Ohio is currently one of several states in the process of attempting to pass legislation to legalize the use of nitrogen gas as a mode of execution.^{xxxv} Several states currently allow for the use of nitrogen—dubbed nitrogen hypoxia—and Alabama has overseen the first execution using nitrogen under these laws with the execution of Kenneth Smith.^{xxxvi}



Gary Mohr, former prisons director testifies about the lasting harm executions cause for corrections officials during a hearing on repealing the death penalty.

Of the states seeking to pass nitrogen gas execution legislation, Ohio remains troublingly unaware of the ramifications of gassing people to death. Representatives Brian Stewart and Phill Plummer continue pushing for nitrogen gas executions^{xxxvii} despite alarming eyewitness accounts during gas executions. Ohio House Bill 392 was introduced hours after Alabama executed with nitrogen for the first time, but no movement occurred after June 2024.^{xxxviii} Despite the lack of movement, the sponsors of House Bill 392—

Representatives Stewart and Plummer— have continued their campaign in favor of nitrogen gas executions.^{xxxix} In February 2025, a year after HB 392 halted in committee, Representatives Stewart and Plummer introduced House Bill 36, which is functionally the same as HB 392.^{xl} House Bill 36 is now in the House Judiciary Committee.^{xli}

The shift towards nitrogen gas as a method of execution came after several leading suppliers for essential elements of lethal injections stood against the use of their products for executions.^{xlii} Such actions effectively barred states from continuing executions by lethal injection.^{xliii} However, nitrogen manufacturers have taken a similar stance regarding nitrogen gas executions following the execution of Kenneth Smith, where witnesses described the disturbing nature of the execution.^{xliv}

Ohio is among the several states seeking to counter these barriers by including secrecy provisions in nitrogen gas execution legislation.^{xlv} Such provisions would allow the state to limit disclosure surrounding the circumstances of executions, making it more difficult for manufacturers and suppliers to trace the use of their products in nitrogen gas executions.^{xlvi}

The Ohio legislature's struggles with nitrogen gas execution legislation exemplify the staggering human cost of this execution method. A successful nitrogen gas bill would legalize a violent means of execution while risking repercussions for countless Ohioans if medical suppliers cease providing essential gear to healthcare centers because their products were used in furtherance of nitrogen gas executions.^{xlvii} The need for secrecy legislation to further the potential use of nitrogen gas executions shows the lengths required to implement this disturbing execution method, and it urges the question of why

some Ohio officials continue to advocate for nitrogen gas while risking the security of their constituents in the process.^{xlviii}

Conclusion

After four decades of trying to make the death penalty work, the evidence is conclusive: it doesn't. The death penalty in Ohio is not a tool of justice—it is a failed government program that consumes enormous public resources, causes lasting harm to victims' families, endangers innocent lives, and retraumatizes all who come into contact with it. It promises resolution and delivers only delay, confusion, and disappointment.

The human toll is staggering. Families wait decades for trials and retrials. Innocent people—like Dale Johnston—spend years on death row, only to be exonerated after their lives have been permanently altered. Corrections staff are tasked with carrying out executions that leave lasting psychological wounds. And all the while, the financial cost to Ohio taxpayers continues to climb past one billion dollars.

Ohio's own Attorney General called it what it is: a ponderous machine that delivers nothing of value. And in 2024, that machine ground on—expensive, harmful, and ineffective.

It is time for Ohio to stop spending millions propping up this broken system. Repealing the death penalty is not just fiscally responsible—it is a moral and practical necessity.

Table 1: Death row prisoners removed since July 18, 2018, Ohio's most recent execution.

Removed Prisoner	Death Sentence	Date Removed	County	Reason Removed
Raymond Tibbetts	08-27-1998	07-20-2018	Hamilton	Commutated
Joseph Thomas	10-15-2012	01-17-2019	Lake	Death specification removed
Jason Dean	09-30-2011	03-23-2019	Clark	Died Natural Causes
Maurice Mason	07-04-1994	05-01-2019	Marion	Death sentence dismissed; - Resentenced to 20 yrs to life
Angelo Fears	12-10-1997	06-04-2019	Hamilton	Death sentence vacated; - Resentenced to LWOP
Genesis Hill	12-07-1991	07-01-2019	Hamilton	Death sentence vacated; - Resentenced to 30 yrs. to life
Kelly Foust	01-11-2002	07-10-2019	Cuyahoga	Death sentence overturned; - Resentenced to LWOP
Ahmed Fawzi Issa	9-16-1998	08-17-2019	Hamilton	Took plea deal after 6th Circuit vacated conviction; deported back to Jordan
Warren Spivey	11-20-1989	01-17-2020	Mahoning	Died of heart attack while in custody
James Frazier	06-15-2005	11-19-2020	Lucas	Died in custody; - possible COVID-19 case
Damantae Graham	11-15-2016	12-17-2020	Portage	OSC overturned (vacates) death sentence sent back

				to Portage County for resentencing which cannot include death
Romell Broom	10-16-1985	12-28-2020	Cuyahoga	Died in custody; - possible COVID-19 case
Anthony Sowell	08-12-2011	02-08-2021	Cuyahoga	Died in custody; - terminal illness
David Braden	06-16-1999	06-23-2021	Franklin	SMI Relief; - LWOP
Donald L. Ketterer	02-04-2004	09-24-2021	Butler	SMI Relief; - LWOP
David Allen Sneed	07-30-1986	01-31-2022	Stark	SMI Relief; - LWOP
Michael Webb	07-16-1991	05-02-2022	Clermont	Died while in custody
Ralph Lynch	10-13-1999	08-08-2022	Hamilton	Died while in custody
Kevin Scudder	12-14-1990	09-20-2022	Franklin	Died while in custody
Andre Jackson	04-21-1988	09-20-2022	Cuyahoga	Trial Court vacated death sentence on intellectual disability
John Gillard	06-18-1985	11-22-2022	Stark	Died while in custody
Gregory Esparza	05-22-1984	01-20-2023	Lucas	Resentenced 30 yrs to life
August Cassano	05-19-1999	03-20-2023	Richland	Trial Court vacated death sentence
Glen Bates	10-17-2016	4-16-2023	Hamilton	OSC vacated death sentence, granted new trial, offered plea deal-manslaughter-25 yrs.
Lamont Hunter	09-20-2007	06-15-2023	Hamilton	Conviction vacated; pleads guilty to

				involuntary manslaughter - time served
Roland T. Davis	07-15-2005	07-08-2023	Licking	Died while in custody
Caron Montgomery	05-15-2012	08-09-2023	Franklin	Resentenced to LWOP
Bobby Sheppard	05-30-1995	09-12-2023	Hamilton	Granted SMI Relief
Charles Lorraine	12-09-1986	09-24-2023	Trumbull	Died while in custody
Michael Ray Turner	12-20-2002	10-30-2023	Franklin	Granted SMI Relief
Timothy Dunlap	02-01-1993	10-30-2023	Hamilton	Granted SMI Relief
Cedric Carter	07-20-1992	03-27-2024	Hamilton	Death Sentence Vacated; Resentenced 69 yrs to life; intellectual disability
Tyrone Ballew	07-01-1992	04-17-2024	Hamilton	Death Sentence Vacated; Joint Agreement. Resentenced to 53 yrs to life
Stanley Fitzpatrick	02-15-2002	05-06-2024	Hamilton	Granted SMI Relief
Marvin G. Johnson	06-04-2004	08-28-2024	Guernsey	Granted SMI Relief

ⁱ Yost, Dave. *2024 Capital Crimes Report*, pp. . . Office of the Attorney General, Apr. 2025, available at https://www.ohioattorneygeneral.gov/Files/Reports/Capital-Crimes-Annual-Reports/2024-Annual-Report_WEB.

ⁱⁱ Mohr, Gary. *President Biden Should Commute All Federal Death Sentences*. Newsweek, 04 Dec 2024. <https://www.newsweek.com/president-biden-should-commute-all-federal-death-sentences-opinion-1994753>

ⁱⁱⁱ "Office of the Clerk: Capital Indictment Filings." *The Supreme Court of Ohio & the Ohio Judicial System*, 2025, www.supremecourt.ohio.gov/opinions-cases/office/.

-
- ^{iv} Ibid.
- ^v Ibid.
- ^{vi} Office of the Reporter. *Supreme Court of Ohio*, <https://www.supremecourt.ohio.gov/opinions-cases/office>.
- ^{vii} Ritchey, Grant. *Mount Vernon Man Sentenced to Life Without Parole for Double Homicide at The Terrace*. Knox Pages, 24 Sept. 2024, knoxpages.com/2024/09/24/mount-vernon-man-sentenced-to-life-without-parole-for-terrace-double-homicide/.
- ^{viii} Office of the Reporter. *Supreme Court of Ohio*, <https://www.supremecourt.ohio.gov/opinions-cases/office>.
- ^{ix} Murder Suspect Transferred to Mental Health Facility. Sandusky Register, sanduskyregister.com/news/548573/murder-suspect-transferred-to-mental-health-facility/.
- ^x “Office of the Clerk: Capital Indictment Filings.” *The Supreme Court of Ohio & the Ohio Judicial System*, 2025, www.supremecourt.ohio.gov/opinions-cases/office/.
- ^{xi} Baker, Jennifer Edwards. *Gurpreet Singh Fights Death Sentence for Killing Family*. FOX19 NOW, 25 July 2024, fox19.com/2024/07/26/gurpreet-singh-fights-death-sentence-killing-family/.
- ^{xii} The Supreme Court of Ohio’s Capital indictment table does not list any capital indictments from January 1, 2025-March 31, 2025 in Hocking County. See *ibid*
- ^{xiii} Joshua Cross (2017) and Steven Mullins (2019) were both acquitted. For more information, see Lane, Mary Beth. *Home-Invasion Killing Brings Life Term*. The Columbus Dispatch, 27 Feb. 2018, www.dispatch.com/story/news/crime/2018/02/27/home-invasion-killing-brings-life/14023729007/; see also Phillips, Jim. Murder Case from 2019 Ends in Complete Acquittal. The Logan Daily News, 13 Aug. 2022, <https://www.logandaily.com/news/murder-case-from-2019-ends-in-complete-acquittal/article>
- ^{xiv} See “Offender Search.” *Ohio.gov*, Ohio Department of Rehabilitation and Correction, 2013, appgateway.drc.ohio.gov/OffenderSearch.
- ^{xv} Yost, Dave. *2023 Capital Crimes Report*, pp. 60. Office of the Attorney General, Apr. 2024, available at https://www.ohioattorneygeneral.gov/Files/Reports/Capital-Crimes-Annual-Reports/2023-Annual-Report_WEB.
- ^{xvi} *Start of Former Death Row Inmate’s New Trial Delayed*. FOX19 Now, 19 Dec. 2023, fox19.com/2023/12/19/start-former-death-row-inmates-new-trial-delayed.
- ^{xvii} Sparling, Hannah. *Elwood Jones, on Death Row for Decades, Gets a Retrial Amid Podcast and New Evidence*. USA Today, 14 Mar. 2023, usatoday.com/story/news/nation/2023/03/14/elwood-jones-death-row-accused-podcast-retrial/11472540002.
- ^{xviii} See *ibid*.
- ^{xix} *Supreme Court of Ohio – Case No. 2023-0772: State v. Jones*. The Ohio Channel, 2023, ohiochannel.org/video/supreme-court-of-ohio-case-no-2023-0772-state-v-jones.
- ^{xx} Coolidge, Sharon. *Prosecutors Argue Judge Wende Cross ‘Went Rogue’ in Granting Elwood Jones a New Trial*. The Cincinnati Enquirer, 27 Mar. 2024, cincinnati.com/story/news/crime/2024/03/27/hamilton-county-prosecutors-argue-judge-wende-cross-went-rogue-in-granting-new-trial-to-elwood-jones/73118726007.
- ^{xxi} *Supreme Court of Ohio – Case No. 2023-0772: State v. Jones*. The Ohio Channel, 2023, ohiochannel.org/video/supreme-court-of-ohio-case-no-2023-0772-state-v-jones.
- ^{xxii} See *ibid*.
- ^{xxiii} *Ohio Supreme Court Weighs New Trial for Man Who Spent 30 Years on Death Row*. Local 12 News, 21 Mar. 2024, local12.com/news/local/ohio-supreme-court-weighs-new-trial-man-30-years-death-row-elwood-jones-blue-ash-murder-killing-prosecutors-withheld-evidence-rhoda-nathan-embassy-suites-review-charges-motion-cincinnati-ohio.
- ^{xxiv} Coolidge, Sharon. *Prosecutors Argue Judge Wende Cross ‘Went Rogue’ in Granting Elwood Jones a New Trial*. The Cincinnati Enquirer, 27 Mar. 2024, cincinnati.com/story/news/crime/2024/03/27/hamilton-county-prosecutors-argue-judge-wende-cross-went-rogue-in-granting-new-trial-to-elwood-jones/73118726007.
- ^{xxv} See *ibid*.
- ^{xxvi} Wikipedia Contributors. “Pike County Shootings.” *Wikipedia*, Wikimedia Foundation, 17 Oct. 2024, en.wikipedia.org/wiki/Pike_County_shootings.
- ^{xxvii} Sanderson, Emily. “8 Years since Pike County Massacre: Where the Case Stands Now.” *WLWT5 News*, 22 Apr. 2024, www.wlwt.com/article/pike-county-massacre-rhoden-wagner-trial/60571664.

-
- ^{xxviii} Schell, Mike, and Mary LeBus. "Pike County Massacre: Billy Wagner Appears in Court for Pre-Trial." <https://www.fox19.com>, FOX19, 24 Jan. 2025, www.fox19.com/2025/01/24/pike-county-massacre-billy-wagner-appears-court-pre-trial/.
- ^{xxix} Smyth, Julie Carr. "Ohio Gov. Mike DeWine Postpones 3 Executions Scheduled for This Year." *AP News*, 13 Feb. 2025, apnews.com/article/death-penalty-ohio-governor-reprieves-6a4b75dc00b849797f3aa3c158b08014. Accessed 7 Apr. 2025.
- ^{xxx} Heisig, Eric. "Execution Date Set for Cleveland Man Convicted of 1985 Murder over Sewing Machine Theft." *Cleveland*, 22 Sept. 2017, www.cleveland.com/court-justice/2017/09/execution_date_set_for_cleveland.html.
- ^{xxxi} Griffin, Daniel. "DeWine Issues Death Penalty Reprieves." *NBC4 WCMH-TV*, 13 Feb. 2025, www.nbc4i.com/news/state-news/three-executions-delayed-in-ohio/.
- ^{xxxii} Sarat, Austin. "Whether or Not Ohio Ever Carries out Another Execution Will Help Shape the Death Penalty's Fate..." *Justia.com*, Verdict | Legal Analysis and Commentary from Justia, 17 Feb. 2025, verdict.justia.com/2025/02/17/whether-or-not-ohio-ever-carries-out-another-execution-will-help-shape-the-death-penaltys-fate-across-the-nation.
- ^{xxxiii} Dunham, Robert. *Death Row U.S.A.: Winter 2024*. Legal Defense Fund. <https://www.naacpldf.org/wp-content/uploads/DRUSAWinter202490.pdf>.
- ^{xxxiv} Dieter, Richard C. *The 2% Death Penalty: How a Minority of Counties Produce Most Death Cases at Enormous Costs to All*. Death Penalty Information Center, Oct. 2013. <https://dpic-cdn.org/production/documents/pdf/TwoPercentReport.f1564408816.pdf?dm=1683576587>; see also Bedard, Hayley, and Leah Roemer. "United States Reaches 1600 Executions, Demonstrating Disconnect between Elected Officials and Declining Public Support." *Death Penalty Information Center*, 27 Sept. 2024, deathpenaltyinfo.org/united-states-reaches-1600-executions-demonstrating-disconnect-between-elected-officials-and-declining-public-support.
- ^{xxxv} Andone, Dakin. *Alabama Plans the First Nitrogen Gas Execution This Week in Largely Secret Process Experts Say Raises Concerns About Cruelty*. CNN, 23 Jan. 2024, <https://www.cnn.com/2024/01/23/us/nitrogen-gas-execution-kenneth-smith>; H.R. 392, 134th Gen. Assemb., Reg. Sess. (Oh. 2023).
- ^{xxxvi} *Past to Present: 100 Years Since the United States' First Lethal Gas Execution, a Recently Renewed Practice*. Death Penalty Information Center, 14 Mar. 2025, <https://deathpenaltyinfo.org/past-to-present-100-years-since-the-united-states-first-lethal-gas-execution-a-recently-renewed-practice>.
- ^{xxxvii} Andone, Dakin. *Execution by Nitrogen Hypoxia Doesn't Seem Headed for Widespread Adoption as Bills Fall Short and Nitrogen Producers Object*. CNN, 8 June 2024, <https://www.cnn.com/2024/06/08/us/nitrogen-hypoxia-execution-adoption-legislation/index.html>.
- ^{xxxviii} *Three Largest Nitrogen Gas Manufacturers in the U.S. Prohibit Products from Use in Executions*. Penalty Information Center, 14 Mar. 2025, <https://deathpenaltyinfo.org/three-largest-nitrogen-gas-manufacturers-in-the-u-s-prohibit-products-from-use-in-executions>.
- ^{xxxix} H.R. 392, 134th Gen. Assemb., Reg. Sess. (Oh. 2023).
- ^{xl} H.R. 36, 136th Gen. Assemb., Reg. Sess. (Oh. 2025); H.R. 392, 134th Gen. Assemb., Reg. Sess. (Oh. 2023).
- ^{xli} H.R. 36, 136th Gen. Assemb., Reg. Sess. (Oh. 2025).
- ^{xlii} *Death Penalty States May Have Difficulty Finding Lethal Injection Medical Equipment*. Death Penalty Focus, 27 Sept. 2023, <https://deathpenalty.org/death-penalty-states-may-have-difficulty-finding-lethal-injection-medical-equipment/>; *Three Largest Nitrogen Gas Manufacturers in the U.S. Prohibit Products from Use in Executions*. Penalty Information Center, 14 Mar. 2025, <https://deathpenaltyinfo.org/three-largest-nitrogen-gas-manufacturers-in-the-u-s-prohibit-products-from-use-in-executions>.
- ^{xliii} *Ibid.*
- ^{xliv} *"The World is Watching": Witnesses Report Kenneth Smith Appeared Conscious, "Shook and Writhed" During First-Ever Nitrogen Hypoxia Execution*. Penalty Information Center, 14 Mar. 2025, <https://deathpenaltyinfo.org/the-world-is-watching-witnesses-report-kenneth-smith-appeared-conscious-shook-and-writhed-during-first-ever-nitrogen-hypoxia-execution>.
- ^{xlv} H.R. 392, 134th Gen. Assemb., Reg. Sess. (Oh. 2023); H.R. 36, 136th Gen. Assemb., Reg. Sess. (Oh. 2025).
- ^{xlvi} *Ibid.*

^{xlvi} *Three Largest Nitrogen Gas Manufacturers in the U.S. Prohibit Products from Use in Executions*. Penalty Information Center, 14 Mar. 2025, <https://deathpenaltyinfo.org/three-largest-nitrogen-gas-manufacturers-in-the-u-s-prohibit-products-from-use-in-executions>.

^{xlvii} H.R. 392, 134th Gen. Assemb., Reg. Sess. (Oh. 2023); H.R. 36, 136th Gen. Assemb., Reg. Sess. (Oh. 2025); *“The World is Watching”: Witnesses Report Kenneth Smith Appeared Conscious, “Shook and Writhed” During First-Ever Nitrogen Hypoxia Execution*. Penalty Information Center, 14 Mar. 2025, <https://deathpenaltyinfo.org/the-world-is-watching-witnesses-report-kenneth-smith-appeared-conscious-shook-and-writhed-during-first-ever-nitrogen-hypoxia-execution>.