

4 officials shrug off DNA-test request

By Alan Johnson and Mike Wagner

THE COLUMBUS DISPATCH

Several prosecutors urged to permit DNA testing in specific criminal cases are firing back at Gov. Ted Strickland and Attorney General Richard Cordray, accusing them of “political grandstanding” and taking sides against victims.

Four of seven prosecutors in the cases under scrutiny, as well as the Ohio Prosecuting Attorneys Association, sent critical letters in response to Strickland and Cordray’s requests this week.

Thus far, none has agreed to what was acknowledged as a voluntary request for DNA testing.

John Murphy, head of the prosecutors’ association, said he was “deeply dismayed and surprised” that prosecutors were not consulted in advance.

“The action you have taken unfortunately gives the impression that you have taken sides, and you have done so with only the convicted criminals’ side of the arguments,” he told Strickland and Cordray.

Lake County Prosecutor Charles E. Coulson said in a letter yesterday that he’d expected Strickland and Cordray “would have been above political grandstanding ... Your letter was for the sole purpose of obtaining political notoriety.”

The governor and attorney general sent letters to prosecutors in seven criminal cases in which DNA testing has been opposed by prosecutors and ultimately refused by judges. The state leaders acknowledged they don’t have the legal authority to order the testing, but they asked prosecutors to make the evidence available “as a matter of public policy.”

The letters followed a Dispatch investigation, “Test of Convictions,” that has led to the exonerations of three men in the past two years after DNA testing. The 2008 series exposed flaws in Ohio’s post-conviction DNA testing system, reviewed more than 300 cases with the Ohio Innocence Project and highlighted 30 prisoners as prime candidates for testing.

The seven cases involve one man on Death Row, three inmates serving long sentences, one man who died in prison while pleading for a DNA test, and two men no longer in prison but who want to clear their names.

When asked this week if he expected resentment from prosecutors, Strickland said he wanted to assume they would have “a cooperative attitude and spirit.”

So far, that has not been the case.

Summit County Prosecutor Sherri Bevan Walsh, while not flat-out opposing the governor’s request, balked. She said timing is a problem, as well as the condition of physical evidence from murder victim Dr. Margo Prade.

“I was surprised by your conclusion that new DNA technology may add greater certainty to this case,” Walsh wrote. “Your letter did not include any information or evidence to support your conclusion.”

In his response, Fairfield County Prosecutor David L. Landefield lashed out at Strickland and Cordray for seeking what he said would be “finality” in the case of Robert Blackburn, found guilty of raping his eighty-year-old daughter.

“I would respectfully submit that any unbiased individual who thoroughly reviewed this case would consider it both closed and final,” he said.

Portage County Prosecutor Victor Vigluicci likewise said he will not go along with the DNA request in the case of Tyrone Noling, convicted in a 20-year-old doublemurder case. Noling is on Death Row.

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