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August 10, 2010

Hon. Ted Strickland  
Governor of Ohio  
Riffe Center, 30<sup>th</sup> Floor  
77 South High Street  
Columbus, Ohio 43215-6108

Hon. Richard Cordray  
State of Ohio Attorney General  
30 E. Broad Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215

RE: Martin Hatton

Dear Governor Strickland and Attorney General Cordray:

Having received your letter dated August 3, 2010, quite frankly I must express the fact that I am appalled by the tone and content. I would assume that my office has much more knowledge of this particular case than do either of your offices. I say "assume" because your letter seems to indicate that you have knowledge of this case beyond the information that I have. Since no one from either of your offices had spoken to my office prior to August 3, I would make the assumption that you have spoken with the defense or individuals from the Ohio Innocence Project. I would respectfully request that any information that you have be turned over to my office immediately for my review.

Since you have not spoken to me regarding this case, I would like to share the facts of the matter with you. In the early morning hours of January 18, 1997, two (2) men broke into a residence in Circleville, Pickaway County, Ohio. One of those individuals went into the bedroom of a 17 year old girl and raped her. She was taken to the living room of the home where the second man also raped her, on the family sofa. During the second rape, the victim's father heard noises and came downstairs from his bedroom. He confronted the two men and a struggle ensued. He was able to subdue one intruder while the other escaped.

Neither the victim nor her father had an opportunity to identify the man who was able to escape. The second intruder, later indentified as Ricky Dunn, was held by the father until police arrived. Dunn yelled, during the struggle with the victim's father, "Marty, Marty, Marty!". The father asked Dunn who Marty was and Dunn replied, "I don't know why I am here. I came here with Marty Hatton."

Even after the Circleville Police Department arrived, Dunn continued to yell, "where's Marty?" Officers, unaware of who "Marty" was, asked Dunn whom he was referring to, in which he replied, "Marty Hatton."

Following his arrest, Dunn, who ultimately testified at Hatton's trial, explained the events surrounding the burglary and rape. Dunn explained that he and Hatton went to the Match Box Bar the night of January 17, 1997. After leaving the bar, Hatton suggested robbing a home. Hatton gained access to the home with keys he found in a car at the home of the victim. Upon entering the home both Hatton and Dunn forcibly raped the 17 year old victim.

The following day, law enforcement contacted Hatton at his home. Hatton was informed that Ricky Dunn had stated that he and Hatton had been involved in a burglary and rape at a local residence during the overnight hours. Hatton denied any involvement and stated he had not seen Dunn the previous evening. Hatton informed the officers that he was willing to help out in any way. Officers asked Hatton for the clothes he had been wearing the previous evening, and Hatton gave them a pair of jeans, a sweater, a shirt and a pair of underwear. Hatton did not turn over a dark colored sweatshirt. Dunn and Hatton's wife recalled Hatton wearing a dark sweatshirt the night of the burglary and rape. During a search of Hatton's home, officers took a dark colored sweatshirt from the closet located in the master bedroom. The sweatshirt had a dried white substance on it the officers suspected to be semen.

On June 2, 1997, the trial court held a jury trial. In addition to the evidence and testimony related above, the State presented the following testimony and evidence. John Miller, sales manager at Kehl Chevrolet, testified that Hatton came to the dealership on January 18, 1997. Hatton wanted to trade in his truck. Miller and Hatton were talking and Hatton told Miller that he, meaning Hatton, "was at the wrong place at the time." Hatton stated to Miller that Dunn was in trouble or the person he was with the previous night was in trouble.

Additionally, DNA experts testified for both the State and for Hatton regarding the rape kit that was done on the victim. Both testified that the DNA evidence was inconclusive. Since there were two (2) perpetrators, it is impossible to say that there must be semen from Hatton on the evidentiary items taken from the crime scene that evening. Even taking into consideration that there was a potential third semen donor, which is not clear from the expert testimony, this does not exclude Hatton as one of the two perpetrators.

Following the trial, Hatton was found guilty of Aggravated Burglary, Kidnapping, Felonious Assault, Rape and Theft.

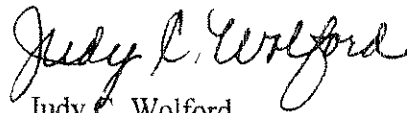
In this case, DNA was not central to the prosecution of the case. Hatton was convicted on other evidence and attempting to exclude Hatton using DNA testing will still not be outcome determinative. The inability to meet the "outcome determinative" criteria required by Revised Code §2953.74(B) and (C) has already been litigated in Hatton's previous appeals. As he has been unable to meet this criteria, his appeals have been denied. Currently, this case is before the Ohio Supreme Court on this issue.

My ethical duty is to seek truth and justice. I would not hesitate to voluntarily release evidence for further testing, if I believed that it would be outcome determinative. Hatton was not convicted on DNA evidence and there is absolutely no indication that additional testing would change the outcome of this case whether his DNA was present or whether it was not.

Further, I have a duty to the victim in this case. What this 17 year old girl had to endure will most likely affect her for the rest of her life. The Supreme Court has the ability to determine whether additional testing should be completed. I am of the opinion that based upon the Constitution and the separation of powers, that is exactly what should occur here.

If the two of you feel that the criminal justice system has failed the 17 year old victim and the defendant, then use your own authority to correct what you believe to be injustice. I, on the other hand, will let the court system make that decision.

Sincerely,



Judy C. Wolford

JCW/tld