

August 13, 2010

Governor Ted Strickland
Riffe Center 30th Floor
77 South High Street
Columbus, OH 43215-6108

Attorney General Richard Cordray
30 E. Broad St. 17th Floor
Columbus, OH 43215

Dear Governor Strickland and Attorney General Cordray,

I was very surprised to find myself communicating with you through the newspaper media about a convicted double murderer and his latest pending appeal. I am always available to discuss any case with you, but could not conceive of any reason to do so in the media. I received an e-mail copy of your letter the same afternoon that it was released to the press. I was immediately bombarded by requests for a response. Why would you not give me the courtesy of disclosing “information provided” to you which would “add greater certainty to the facts underlying this conviction,” and “may in fact be dispositive” prior to writing and releasing such a letter? Is it any wonder that I am tempted to ascribe purely political motives to such conduct?

Since the DNA request that was made previously by this defendant’s most recent team of attorneys was clearly not outcome determinative nor dispositive of guilt or innocence, I am anxious to see the information “that was provided to [you] and which [you] have reviewed” leading you to such contrary conclusions. Please forward all of this information to me as soon as possible.

If you have in fact reviewed the thousands of pages of transcripts and briefs filed in this case prior to writing your letter, then you know that the request referred to in your letter by defendant’s attorneys was a request to again test a cigarette butt found not in the victim’s home where the execution-style murders occurred, but in the driveway of the victim’s property where it could

have been discarded by anyone at any time. And the DNA test requested was not for the presence of any particular person, but a request for testing the butt against the entire CODIS database (over 6 million profiles). This obvious fishing expedition could not possibly be “outcome determinative” or dispositive of anything but was only requested to further delay the defendant’s execution and then become the basis of more motions and appeals. Both the trial court and the 11th District Court of Appeals have so determined and therefore rejected this request. Because the matter is now pending on defendant’s appeal to the Ohio Supreme Court, your attempt to interject your position in support of the defendant at this time was unwarranted and improper.

The statutes and case law which have arisen as a result of criminal defendant’s repeated requests to test and re-test evidence, recant confessions, disclose “new evidence”, etc., etc., are designed to limit the frivolous dilatory tactics which these defendant’s utilize and to bring some finality to these cases. The request made in your letter plays directly into these schemes and thus your claim to be seeking “finality” makes no sense.

Your review would also have revealed that the cigarette butt in question was tested for DNA and excluded the defendant and his co-defendants, all of which was known to the jury which convicted him. Clearly the presence of this cigarette butt had no evidentiary value.

While I have great respect for both of you gentlemen and the offices which you hold, this attempt to influence the criminal justice process on behalf of a convicted double murderer is extremely disappointing and disillusioning to me. And most especially coming from our chief law enforcement officer to whom we look for leadership in resisting the endless roadblocks and obstacles thrown at us in our fight to finally bring these violent criminals to justice.

As is obvious from this letter, I respectfully decline your request and will allow the statutes and courts which are in place to deal with these requests for repetitive testing to do their jobs. I would hope that in the future, you will do the same.

Sincerely,

Victor V. Vigluicci
Portage County Prosecutor

