



Bureau of Criminal Investigation and Identification (BCI&I) on additional DNA testing and possible results, and with Assistant Attorney General Jim Slagle, Chief of the Criminal Justice Section, on the non-DNA evidence. Based upon the law, conversations with Attorney General staff and our review, we opposed additional testing because it would not provide DNA information that is new or different than what we already had. As you are aware, this issue is currently pending before our trial court.

With regard to your request, please consider the following:

- By its very nature, Dr. Prade's lab coat will contain body fluids and skin cells from possibly hundreds of patients. The lab coat had been worn for several days prior to her murder and that is clear from its dirty appearance. In our conversations with BCI&I and Attorney General Cordray's Office, we all agreed the coat would contain DNA from multiple "unknown" individuals and that none would likely match Douglas Prade's DNA, thus, providing no additional useful information.
- Dr. Prade's arm had a bite mark on it. The mark was made through her lab coat, but did not break the skin. She was bitten during the struggle prior to her murder. She was also shot six times and bled onto her lab coat. The request has been made to test the area to determine if the assailant's saliva is available from the bite area on the lab coat. Prior testing for saliva has been done. The results did not find saliva because Margo Prade's blood from the gunshot wound overcame any ability to find it. The defense claims that new technology through YSTR DNA testing can now find saliva that could not be found before. We were informed by BCI&I that any DNA from saliva on the lab coat through testing cannot be separated or distinguished from other DNA left "prior to the day of the crime, during the crime, during the trial, or in the years since." (See attached signed affidavit from BCI&I.) This is contrary to the unsupported representations made by the defense to the Ohio Supreme Court. The new YSTR DNA testing cannot distinguish an assailant's saliva from other DNA or from any other person's DNA that came in contact with Dr. Prade's lab coat. Thus, further testing will not produce greater certainty in this case.
- The lab coat buttons will show the same results of multiple unknown individuals she came in contact with before the homicide, again providing no certainty.
- Dr. Prade's fingernail clippings have been tested and showed her own DNA, in addition to the DNA of her boyfriend (who was in Columbus at the time of her murder). It also showed the DNA of possibly two unknown individuals, which is a common finding with fingernail clippings. Finally, eight of the ten fingernails were tested by the FBI and excluded Douglas Prade (the other two showed insufficient biological material to test). This evidence was presented at trial and considered by the jury. Again, there is no way to establish when that DNA was deposited.

- The tennis bracelet is no longer in our custody. The Attorney General's Office was previously made aware of this fact. It was returned to a family member after trial before I took office. We are not certain, again, what it would prove.
- Shortly before the murder, Douglas Prade was observed in the parking lot of Dr. Prade's office by an employee of Rolling Acres Dodge (which adjoined Dr. Prade's office). This independent witness approached Prade and asked if he could help him, to which he responded no.
- Immediately after the murder, a patient who was exiting the medical building, observed Douglas Prade driving away.
- Dr. Prade's purse and bag were left untouched in her vehicle where she was shot, thus, this was not a homicide in the course of a robbery.
- On the back of an October, 1997 ATM receipt for Doug Prade's bank account (and prior to Dr. Margo Prade's murder on November 26, 1997), Doug Prade's debts were handwritten and itemized against the amount of \$75,000. Dr. Margo Prade's life insurance policy was for \$75,000 and Doug Prade was the beneficiary. Although divorced in the spring of 1997 before the murder, the \$75,000 policy remained in effect because Douglas Prade had refused to sign either divorce or separation papers. Prade was aware that this policy would lapse in February, 1998.
- We also know that Doug Prade, a Captain in the Akron Police Department at the time of the murder, was well versed in investigative techniques. He wiretapped Dr. Prade's phone and taped hundreds of hours of her conversations for more than three years. In addition, Doug Prade would sit across the street from her office building and watch her movements throughout the day. This was after the divorce. Both of these behaviors are considered stalking under current law and wiretapping is illegal. Both of these behaviors were indicative of his domestic obsession with the victim and are classic behaviors in events that precede domestic violence.
- Testimony at trial by numerous friends and co-workers of Dr. Prade established that Douglas Prade had repeatedly called her obscene names, had grabbed her by the neck, had threatened to kill her and that Dr. Prade was afraid for her life.
- We also know that Dr. Prade was about to announce her engagement to an attorney, and that Doug Prade was facing the final loss of his ex-wife, a fact that our evidence demonstrated he was clearly not able to accept.

Based upon this fact pattern, our assessment was that this case is a classic domestic violence murder. It appears that in your discussions with Mr. Prade's attorneys, you reached a conclusion that additional testing would provide certainty about the guilt or innocence of Doug Prade. I am respectfully requesting that the additional evidence or information you have been

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Hon. Richard Cordray  
August 6, 2010  
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provided through discussions with defense attorneys be given to this office for our evaluation. As you know, we were not a party to those discussions and were not aware that you were having these conversations and/or meetings about our case.

We have been handling our litigation based upon the above fact pattern and most important, the expert opinions of the BCI&I analyst regarding DNA left from saliva and the ability to find DNA. As you know, we are in the middle of court proceedings on this case. Our brief is due Monday, August 9, 2010, and given the late notice of the letter and your recent interest in this case, we cannot resolve these issues prior to that date. Thus, our brief in opposition will be filed as planned. A court date is scheduled for September 1, 2010. Please provide the information we are requesting well in advance of our court date, so we may give it due consideration.

As the Summit County Prosecutor for the past ten years, my staff and I work every day to seek the truth and to administer justice. I look forward to receiving and reviewing that additional information and would then like to have further discussions about this case.

Sincerely,



Sherri Bevan Walsh  
Summit County Prosecutor

STATE OF OHIO            )  
                                  ) ss:  
COUNTY OF \_\_\_\_\_ )

Re: State v. Douglas Prade  
CR 98-02-0463

AFFIDAVIT OF ELIZABETH A. BENZINGER, Ph.D.

After first being duly sworn Elizabeth A. Benzinger, Ph.D, states and attests as follows:

1. I am the DNA Quality Assurance Administrator for the Ohio Bureau of Criminal Identification and Investigation. I am familiar with the various types of DNA tests including Y-STR testing.
2. I am familiar with the possible bite mark on Margo Prade's lab coat and have personally examined the lab coat. My opinions concerning potential DNA testing of the lab coat are based on reasonable scientific certainty.
3. I believe that Y-STR testing has the potential to identify any male DNA that might be contained within the lab coat bite mark sample.
4. Although Y-STR testing has the potential to identify any male DNA that might be recovered from the lab coat bite mark, it does not indicate when that DNA was applied nor can it identify the body fluid or tissue type from which it originated. Any DNA detected may have been deposited on the lab coat prior to the day of the crime, during the crime, during the trial or in the years since. Likewise, we cannot determine from the DNA profile if the material of origin is skin cells, saliva, blood, nasal secretions, or other body fluids
5. I viewed the lab coat on July 27, 2009. The garment appeared to have been well worn, with soiling marks around the inside of the collar and on the cuffs. The area of the bite mark on the left sleeve had brown staining and multiple cuttings taken from the area evidenced previous analysis efforts.
6. I do not believe that biochemical testing for the presence of saliva on the lab coat bite mark will conclusively determine whether saliva was on the lab coat. The available test for saliva detects activity of amylase, an enzyme found in saliva. After years of storage, I do not expect any amylase activity to remain.

Further affiant sayeth naught.

Benzinger Affidavit, Page 2.

*Elizabeth A. Benzinger*

Elizabeth A. Benzinger, Ph.D.

SWORN TO AND SUBSCRIBED in my presence by Elizabeth A. Benzinger, Ph.D. on

this 28<sup>th</sup> day of July, 2010.



JENNIFER L. BRUBAKER  
Notary Public, State of Ohio  
My Commission Expires 4/19/15

*Jennifer L. Brubaker*

Notary Public

Exp. 4/19/15