

**From:** RACHEL TROUTMAN <Rachel.Troutman@OPD.OHIO.GOV>

**To:** owloewy@aol.com

**Subject:** FW: [Habeas-1] ADMIN: clemency petitions and grants

**Date:** Mon, Feb 28, 2011 11:26 am

**Attachments:** parole\_board\_recommendation.pdf (1756K), Mark\_Brown\_A320-827\_Clemency\_Report.pdf (831K), Keene\_A286-363\_Clemency\_Report.pdf (414K)

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Oliver,

I'm attaching the Ohio clemency board's recommendation against clemency in Kevin Keith's case (their reasoning is on p. 20 – the rest is simply a recitation of how they viewed what was presented), and pasted below the Governor's statement regarding granting clemency. I'm also attaching the clemency board recommendations against clemency for Mark Brown and Marvallous Keene. The Governor's statements with regard to Brown and Keene were one-liners, if anything, in which he said he agreed with the board's recommendation.

## **Governor's Statement Regarding Clemency Application of Kevin Keith**

**Columbus, OH** – Governor Ted Strickland today issued the following statement regarding the pending clemency application of Kevin Keith:

“Kevin Keith was convicted, by a jury, of callously murdering three people - including a four-year old child - and shooting three others, including two young children. Since the time of his arrest more than 16 years ago, Mr. Keith has maintained his innocence, insisting that someone else committed the murders.

“Mr. Keith's conviction has been repeatedly reviewed and upheld by Ohio and federal courts at the trial and appellate level. The Ohio Parole Board recommended against clemency in this case. There is evidence which links him to the crimes that, while circumstantial, is not otherwise well explained. It is my view, after a thorough review of the information and evidence available to me at this time, that it is far more likely that Mr. Keith committed these murders than it is likely that he did not.

“Yet, despite the evidence supporting his guilt and the substantial legal review of Mr. Keith's conviction, many legitimate questions have been raised regarding the evidence in support of the conviction and the investigation which led to it. In particular, Mr. Keith's conviction relied upon the linking of certain eyewitness testimony with certain forensic evidence about which important questions have been raised. I also find the absence of a full investigation of other credible suspects troubling.

“Clearly, the careful exercise of a governor's executive clemency authority is appropriate in a case like this one, given the real and unanswered questions surrounding the murders for which Mr. Keith was convicted. Mr. Keith still has appellate legal proceedings pending which, in theory, could ultimately result in his conviction being overturned altogether. But the pending legal proceedings may never result in a full reexamination of his case, including an investigation of alternate suspects, by law enforcement authorities and/or the courts. That would be unfortunate – this case is clearly one in which a full, fair analysis of all of the unanswered questions should be considered by a court. Under these circumstances, I cannot allow Mr. Keith to be executed. I have decided, at this time, to commute Mr. Keith's sentence to life in prison without the possibility of parole. Should further evidence justify my doing so, I am prepared to review this matter again for possible further action.”

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**From:** habeas-l-bounces@ruckus.law.cornell.edu [mailto:habeas-l-bounces@ruckus.law.cornell.edu] **On Behalf Of** Eric M. Freedman  
**Sent:** Thursday, February 24, 2011 3:05 PM  
**To:** 'Oliver Loewy'; habeas-l@ruckus.law.cornell.edu  
**Subject:** [Habeas-I] ADMIN: clemency petitions and grants

Oliver will collect and post his findings. –E.

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**From:** habeas-l-bounces@ruckus.law.cornell.edu [mailto:habeas-l-bounces@ruckus.law.cornell.edu] **On Behalf Of** Oliver Loewy  
**Sent:** Thursday, February 24, 2011 3:03 PM  
**To:** habeas-l@ruckus.law.cornell.edu  
**Subject:** [Habeas-I] clemency petitions and grants

Has anyone or has some organization gathered (1) clemency petitions and/or (2) governors' or clemency boards' official remarks regarding grants (and/or denials) of clemency? (I am aware of the UPenn Law's video project and Bob Bacon's/CAP's similar project.) Alternatively, (3) if anyone has one or more clemency petitions, I'd appreciate receiving a copy.

Dick Dieter seems to recall a similar and relatively recent request. If so, I apologize and would love to hear the results from whomever posted that query.

Please send off-list. If Eric directs or I receive requests to forward, I will post whatever I receive.

Many thanks in advance.

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