

DATE TYPED: August 21, 2012
DATE PUBLISHED: August 24, 2012

IN RE: Donald Palmer, CCI #A215-600

**STATE OF OHIO
ADULT PAROLE AUTHORITY
COLUMBUS, OHIO**

Date of Meeting: August 16, 2012

Minutes of the **SPECIAL MEETING** of the
Adult Parole Authority held at 770 West Broad Street,
Columbus, Ohio 43222 on the above date.

IN RE: Donald Palmer, CCI #A215-600

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: Aggravated Murder with death penalty and firearm specifications (4 counts); Aggravated Robbery with firearm specification (2 counts);

DATE, PLACE OF CRIME: May 8, 1989 in Mt. Pleasant, Ohio

COUNTY: Belmont

CASE NUMBER: 89CR038

VICTIM: Steven Vargo (Age 41) – deceased
Charles Sponhaltz (Age 43) - deceased

INDICTMENT: Count 1: Aggravated Murder with death penalty and firearm specifications; Count 2: Aggravated Robbery with firearm specification; Counts 3-4: Aggravated Murder with death penalty and firearm specifications; Count 5: Aggravated Robbery with firearm specification; Count 6: Aggravated Murder with death penalty and firearm specifications

TRIAL: Found guilty by jury of the indictment.*see below

DATE OF SENTENCE: October 26, 1989

SENTENCE: Counts 1, 3, 4, and 6: DEATH; *The Court sentenced the inmate to death, however the Court of Appeals indicated the jury made no finding on the death penalty specification under Count 4 because the specification had been inadvertently omitted from the jury's verdict form.
Count 2: 3 years on firearm specification consecutive to counts 1, 3, 4, and 6, and 10-25 years consecutive to firearms specification and counts 1, 3, 4, and 6.
Count 5: 3 years on firearm specification consecutive to counts 1, 2, 3, 4, and 6, and 10-25 years consecutive to firearms specification of count 5 and counts 1, 2, 3, 4, and 6.

ADMITTED TO INSTITUTION: November 1, 1989

JAIL TIME CREDIT: 168 days on Aggravated Robbery, 0 days on Aggravated Murder

TIME SERVED: 22 years, 9 months (does not include JTC)

AGE AT ADMISSION: 24 years old

CURRENT AGE: 47 years old

DATE OF BIRTH: February 11, 1965

JUDGE: Honorable Charles F. Knapp

PROSECUTING ATTORNEY: Prosecutor Frank Pierce

Co-Defendant: Edward Hill, WCI A218-647, is serving a sentence for Aggravated Murder (2 Counts) and Aggravated Robbery (2 Counts). His first hearing will be September 2049.

FOREWORD:

Clemency in the case of Donald Palmer, A215-600 was initiated by the Ohio Parole Board, pursuant to Sections 2967.03 and 2967.07 of the Ohio Revised Code and Parole Board Policy #105-PBD-01.

Donald Palmer declined his option of an interview with the members of the Ohio Parole Board. A Clemency Hearing was then held on August 16, 2012 with eight (8) members of the Ohio Parole Board participating. Arguments in opposition to clemency were then presented. Palmer advised his counsel Assistant Federal Public Defender David Stebbins to make no argument or presentation in support of clemency on his behalf.

The Parole Board considered all of the written submissions, arguments, information disseminated by presenters at the hearing, as well as judicial decisions and deliberated upon the propriety of clemency in this case. With eight (8) members participating, the Board voted eight (8) to zero (0) to provide an unfavorable recommendation for clemency to the Honorable John R. Kasich, Governor of the State of Ohio.

DETAILS OF THE INSTANT OFFENSE (89CR038): The following account of the instant offense was obtained from the Ohio Supreme Court opinion, decided September 31, 1997:

“On May 7, 1989, Edward Hill, Donald L. Palmer, Jr., and Palmer's sister, Mildred “Angel” Patterson, drove from Columbus to Belmont County, Ohio, in a brown Dodge Charger owned by Hill. On May 8, Palmer and Hill spent much of the day driving around Belmont County and in nearby Yorkville and Tiltonsville, Ohio. On at least two occasions, the men drove past the residence of George Goolie at the intersection of County Road 2 and Glen Robbins Road in Belmont County. Goolie had previously dated Cammy Palmer, who is Palmer's ex-wife and Hill's sister. Palmer and Hill were allegedly (according to the state) preparing to either rob Goolie or to burglarize his residence. Goolie's residence had previously been burglarized in February 1989, and Goolie had asked his friend, Charles Sponhaltz, to check on the residence whenever Sponhaltz drove by.

On May 8, at approximately 5:00 p.m., while Hill and Palmer were driving on County Road 2 in the vicinity of Goolie's residence, Hill's vehicle apparently struck the rear of a white pickup truck driven by Sponhaltz. There was little or no damage to either vehicle. Following the accident, Palmer got out of Hill's vehicle and proceeded to shoot Sponhaltz twice in the head. At some point, Steven Vargo, a passing motorist, stopped at the scene and parked his vehicle behind Hill's Dodge Charger. When Vargo got out of the vehicle, Palmer shot him twice in the head. Hill and Palmer loaded Sponhaltz's body into the bed of Sponhaltz's pickup truck, abandoned the truck in a field near the scene of the killings, and fled the area in the brown Dodge Charger. Vargo's body and vehicle were left on the roadway at the scene of the murders.

On May 8, at approximately 5:15 p.m., Matthew Rutter was driving on County Road 2 toward Mt. Pleasant, Ohio, when he observed a white pickup truck, followed very closely by a brown Dodge Charger, speeding down the road in the opposite direction. After proceeding further on County Road 2, Rutter discovered Vargo's body lying on the roadway directly across from Vargo's vehicle. Rutter shook Vargo's arm to see if he was alive, but Vargo did not respond. Rutter then left the scene, notified authorities in nearby Mt. Pleasant, and returned to the scene with an emergency squad. James Tanner, an emergency medical technician, checked Vargo's vital signs and determined that he was dead. Tanner then secured the area until police arrived.

Approximately fifty feet from Vargo's body, police found two puddles of blood, a cigarette lighter, and a pack of cigarettes of the type Sponhaltz normally smoked. Police found no wallet, money, or identification papers on Vargo's body. Evidence at trial indicated that Vargo had been carrying approximately \$20 on the day of the murders.

Police discovered Sponhaltz's body in the bed of his pickup truck, approximately seven-tenths of a mile from the scene of the murders. Investigators found no wallet, money, or identification papers on Sponhaltz's body. Additionally, the right front pocket of Sponhaltz's jeans had been pulled inside out, indicating that Sponhaltz had been the victim

of a robbery.

Dr. Norman Franklin performed the autopsy of the victims. Franklin found that each victim had died as a result of gunshot wounds to the head. Franklin recovered two small-caliber lead projectiles from the head of each victim. There were two entrance wounds on the left side of Sponhaltz's head, and an entrance wound on the left and on the right side of Vargo's head. An area of stippling on Vargo's skin indicated that one of the shots had been fired into Vargo's head from a distance of less than two feet.

Prior to the murders, in the early morning hours of May 8, Sergeant Jon Hawthorne of the Belmont County Sheriff's Department had stopped a brown Dodge Charger in Belmont County and had briefly detained the occupants. At the time of the traffic stop, Hill was driving the vehicle and another man, later identified as Palmer, was riding as a passenger. Hawthorne apparently ran a computer check on the license plate number of the vehicle (Ohio license plate No. 546 STC), and had determined that the vehicle was registered to Hill. After checking the identity of the driver, Hawthorne allowed the two men to proceed. Following the murders, Hawthorne made a connection between the vehicle he had stopped in the early morning hours of May 8 and the description of the vehicle Rutter had later observed near the scene of the homicides.

Additionally, on May 8, prior to the murders, two men in a brown Dodge Charger had stopped at Midei Service Center in Tiltonsville, Ohio, at approximately 3:40 p.m., and again at approximately 4:40 p.m. Employees at Midei thought that the occupants of the vehicle were acting "strange," and at least one employee thought that the men were "casing the place." At one point, Richard Kolb, the manager at Midei, said to Thomas R. Critser, a coworker, "Let's write this license number down." Critser responded, "Why? I have already got it." Following the murders, the license plate number Critser had written on a piece of paper, Ohio license plate No. 546 STC, was turned over to police.

Fred Thompson was the homicide investigator for the Belmont County Sheriff's Department. Based on information supplied by Sergeant Hawthorne and the description of the vehicle Rutter had observed near the scene of the murders, Thompson began to focus his investigation on the brown Dodge Charger, Ohio license plate No. 546 STC, owned by Hill. Additionally, in the course of his investigation, Thompson obtained the license plate number of the vehicle Kolb and Critser had observed at Midei Service Center, *i.e.*, Hill's brown Dodge Charger, Ohio license plate No. 546 STC.

On Sunday, May 14, Palmer called the Belmont County Sheriff's Department and left a message for Thompson. On Monday, May 15, Thompson returned the call and spoke with Palmer. During the conversation, Palmer asked Thompson whether he (Palmer) was a suspect in the homicides. Thompson responded, "I don't know. Are you?" At that point, Palmer informed Thompson that Palmer and Hill had been in Belmont County on May 7 and 8. Palmer claimed that, on May 8, Palmer and Hill had taken Angel Patterson to cash a Social Security disability check and to run errands. Afterwards, Palmer and Hill drove around the area in Hill's vehicle. Palmer told Thompson that Palmer and Hill had driven past George Goolie's residence. Goolie lived approximately a quarter of a mile from the

scene of the murders. Additionally, Palmer told Thompson that while Palmer and Hill were in Belmont County, a .22 caliber pistol had “turned up missing” from Palmer's apartment. Prior to the conversation, Thompson had already suspected that the murder weapon was a small-caliber weapon, possibly a .22 or .25 caliber handgun.

On Tuesday, May 16, Thompson drove to Columbus to locate Palmer and Hill for questioning. After attempting to locate Hill, Thompson drove to Palmer's apartment complex and saw the two men pulling into the parking lot in Hill's Dodge Charger. Thompson took Palmer and Hill to the Columbus police station for questioning. There, Palmer voluntarily agreed to speak with police after being advised of his *Miranda* rights. During questioning, Palmer lied to police and denied any involvement in the murders. However, when the police indicated that they had certain evidence linking Palmer and Hill to the scene of the murders, Palmer confessed to the killings. During his confession, Palmer provided police with the following detailed account of the homicides.

On May 8, in the late afternoon, Palmer and Hill drove past Goolie's residence at the corner of County Road 2 and Glen Robbins Road. Hill was driving the Dodge Charger, and Palmer was a passenger. Hill and Palmer had been looking for Goolie most of the day, and had previously driven past Goolie's residence and his place of employment. As Hill drove past Goolie's residence one final time, Palmer was holding a .22 caliber pistol he had been firing out the window of Hill's vehicle. After Palmer and Hill had passed the residence, a white pickup truck traveling in front of Hill's vehicle either stopped or suddenly slowed down, and Hill's vehicle hit the rear of the truck. Palmer told police that he was “almost positive” the driver of the truck “did it [caused the accident] on purpose.” After the accident, Hill and Sponhaltz got out of their vehicles, and Palmer exited the passenger's side of Hill's vehicle with the .22 caliber pistol. According to Palmer, the driver of the pickup (Sponhaltz) cursed at Hill, and said, “what in the hell are you trying to prove?” Sponhaltz then “grabbed” Hill. At that point, Palmer swung at and struck Sponhaltz with the pistol, and discharged the weapon near the left side of Sponhaltz's head. Hill began screaming, and Palmer mistakenly thought that he (Palmer) had shot Hill. However, after the victim fell to the ground, Hill said, “Kill him. Kill him.” Palmer then fired two shots into Sponhaltz's head, knowing that the shots would kill him. Palmer told police that he shot Sponhaltz a total of three times, once when he swung at and struck Sponhaltz with the gun, and twice while Sponhaltz was lying on the ground.

After shooting Sponhaltz, Palmer went back to Hill's vehicle. At that point, Hill asked Palmer to help load the victim into the bed of the victim's pickup truck. While Palmer and Hill were attempting to load Sponhaltz into the bed of the truck, or while Sponhaltz's body was still lying on the pavement, a passing motorist (Vargo) arrived on the scene. Vargo pulled up to the scene, backed up, and parked his vehicle behind Hill's car. Vargo then got out of his vehicle and said, “What the hell did you guys do?” Palmer walked toward the rear of Hill's car, Vargo “grabbed a hold” of Palmer's shirt, and Palmer shot Vargo in the head. Hill and Palmer then loaded Sponhaltz into the bed of Sponhaltz's truck. Palmer admitted to police that he took money from Sponhaltz while loading him into the bed of the truck. Palmer told police that he thought the money (a \$5 bill and some change) had simply fallen out of Sponhaltz's pocket. After loading Sponhaltz's body into the bed of the

truck, Hill drove away from the scene in Sponhaltz's truck, and Palmer followed in Hill's Dodge Charger.

After abandoning the pickup truck, Palmer and Hill drove back to Columbus. Palmer told police that he disposed of the murder weapon a few days later by throwing it into Hoover Reservoir in Westerville, Ohio, just north of Columbus. During his confession, Palmer indicated that the murder weapon was an old, chrome-plated .22 caliber pistol he had borrowed from Cammy Palmer prior to the murders. Palmer also told police that he had purchased a bottle of Southern Comfort whiskey on May 8, and claimed that he had consumed the alcohol prior to the killings.

During Palmer's confession, Detective Jerry McMenemy of the Columbus Police Department asked why Palmer and Hill had been in the vicinity of Goolie's residence. McMenemy said, "You might as well tell us, what were you going there to George's house for, what were you going to do to George's house? Is it possible you were going to burglarize that house or what?" Palmer responded, "Yup." McMenemy also asked Palmer: "Is that why you were staking it out, seeing where he [Goolie] was at and stuff like this?" In response to that question, Palmer stated: "No. We went out there. Yeah, sort of. We didn't know where he was at."

On May 16, following his confession, Palmer spent the night at the Franklin County Jail. There, Palmer spoke to Deputy Sheriff William S. Hatzler, a guard at the jail. Palmer told Hatzler that a car Palmer and Hill were driving had rear-ended a second vehicle, and that the driver of that vehicle (Sponhaltz) had started a fight with Hill. Palmer told Hatzler that he attempted to intervene in the fight by striking the driver of the other vehicle, and that a .22 caliber gun in Palmer's hand "accidentally [*sic*] went off." Palmer told Hatzler that he "shot the man two more times," and that a third car arrived on the scene. According to Hatzler, Palmer admitted shooting the driver of the third vehicle (Vargo) because Palmer thought that the driver of that vehicle may have witnessed the first shooting.

On May 17, Thompson drove Palmer back to Belmont County. On the way, Palmer volunteered to show police where the victims' wallets and personal effects were buried. Palmer directed police to a remote area near the American Legion in St. Clairsville. Palmer indicated that Hill had buried the items in a wooded area on the hillside. Later, Hill directed police to the precise location of the evidence. In a hole at the base of a felled tree, police found four spent .22 caliber bullet casings, identification cards, and papers and personal effects belonging to the victims. In the same general area, police found the victims' wallets and two additional spent .22 caliber bullet casings. Police did not find any money in the area where the wallets and other evidence had been located.

Palmer was placed on "suicide watch" during his incarceration in Belmont County. Special (reserve) deputies for the Belmont County Sheriff's Department were assigned to guard Palmer and to periodically check on him. Between May 21 and May 28, Palmer initiated a number of conversations with the deputies assigned to guard him.

On May 26, Special Deputy Peter Busack was reading a book near Palmer's jail cell. At

one point, Palmer said that it was stupid for him to have “popped” the two victims. According to Busack, Palmer showed no remorse while talking about the killings.

Special Deputy David Taylor was working suicide watch on May 21. On that date, an inmate asked Taylor whether Taylor had seen the “trigger man,” apparently referring to Palmer. Palmer apparently overheard the conversation and proceeded to tell Taylor about the killings. According to Taylor, Palmer admitted shooting the first victim, and also admitted that he “shot him [Sponhaltz] again to make sure he was dead.”

On May 28, Taylor was once again guarding Palmer on suicide watch. Taylor was seated next to Palmer's cell and was reading and studying textbooks. Palmer told Taylor that he had been driving a vehicle and was involved in an accident. Palmer said that the driver of the other vehicle (Sponhaltz) got out of his car and that an argument and a struggle took place. Palmer claimed that he went to strike the man with a gun, but that the weapon accidentally discharged. Palmer told Taylor that everything had happened so fast that “it didn't even feel like I had got done shooting the first guy and the second guy was already there.” According to Taylor, Palmer admitted shooting the second victim because Palmer believed that the second victim “had seen what happened.”

On May 28, Special Deputy Joseph Sesko was guarding Palmer on suicide watch. During Sesko's shift, Palmer began talking about the murders. According to Sesko, Palmer claimed that he had originally come to Martins Ferry to see a man named George, who was dating Palmer's ex-wife. Palmer told Sesko that, on the day of the murders, Palmer had purchased a bottle of whiskey because he was “wired up on cocaine.” According to Sesko, Palmer said that he and Hill had been driving around Martins Ferry on May 8 and had stopped in the Glen Robbins area to shoot a .22 caliber handgun. Later, Hill, the driver, accidentally struck the rear of a truck. Palmer said that the driver of the truck started yelling at Hill, so Palmer went over and struck the man, and the gun Palmer was carrying “went off.” According to Sesko, Palmer also said that when the man “went down,” Palmer “shot him again.” Sesko was no longer paying any attention to Palmer when Palmer began to explain Vargo's murder.

The weapon Palmer used in the murders was never recovered by police. However, during the course of the homicide investigation, police learned that the murder weapon might have been part of a matched set of weapons owned by a Mr. James Fox in Martins Ferry. Specifically, on May 15, when Thompson spoke with Palmer on the telephone, Palmer gave Thompson a description of the pistol that had allegedly “turned up missing” from Palmer's apartment. Palmer told Thompson that the pistol was a chrome-plated .22 caliber weapon with the word “Defender” inscribed on top. Following the May 15 telephone conversation, Thompson interviewed Cammy Palmer, who was familiar with the pistol. Cammy told Thompson that the pistol was part of a matched set belonging to Mr. Fox in Martins Ferry. Police located Fox and asked him if he was missing a firearm. Fox informed police that he was missing a .22 caliber pistol from a matched set, and that the pistol had the word “Defender” inscribed on it. Fox gave police two pistols, a chrome-plated .22 caliber pistol with the word “Eureka” inscribed on the top of the weapon, and a .32 caliber pistol with the word “Defender” inscribed on the top. At trial, the prosecution

produced these two weapons as a single demonstrative exhibit (state's exhibit 29), claiming that one or both of the weapons matched (*i.e.*, were similar to) the weapon used in the killings.

Thomas McCort, the Sheriff of Belmont County, testified concerning the operation of the two firearms acquired from Fox. Both weapons were single-action spur-trigger revolvers, also known as "river boat gambler's pistol[s]." McCort demonstrated that, with respect to both revolvers, the hammer mechanism must be pulled back, and the trigger then pulled, in order to fire the weapons. McCort indicated that a spur trigger is a safety device, and that even if the hammer on a single-action spur-trigger revolver is pulled back and cocked, some additional effort is required to look or feel for the trigger in order to fire the weapon. McCort concluded that the weapons in state's exhibit 29 could not accidentally be fired.

Palmer was indicted by the Belmont County Grand Jury for the aggravated murders of Sponhaltz and Vargo. For each of these two murders, two counts were returned: one charging that the offense was committed with prior calculation and design and one charging felony murder. Each of the four counts of aggravated murder carried death penalty specifications. Additionally, the aggravated murder counts pertaining to Vargo (Count Four alleging prior calculation and design, and Count Six alleging felony murder) both contained a death penalty specification. Palmer was also indicted on two counts of aggravated robbery. Each count in the indictment carried a firearm specification.

Hill was tried separately for the murders and robberies of Sponhaltz and Vargo. He was found guilty and sentenced to an aggregate term of 35 years to Life, with six additional years for Gun Specifications.

The jury found Palmer guilty of all charges and specifications alleged in the indictment, with one exception. Following a mitigation hearing, the jury recommended that Palmer be sentenced to death for each of the four counts of aggravated murder. The trial court accepted the jury's recommendations and imposed the sentence of death. For the aggravated robberies of Sponhaltz and Vargo (and for the associated firearm specifications), Palmer was sentenced in accordance with law. On appeal, the court of appeals, in August 1996, affirmed the judgment of the trial court and upheld Palmer's death sentence.

The jury made no finding on the death penalty specification in connection with Count Four of the indictment, apparently because the specification had been inadvertently omitted from the jury's verdict form. The jury did, however, find Palmer guilty of the specification in connection with Count Six of the indictment.

PRIOR RECORD:

Juvenile Offenses: Donald Palmer has no verified juvenile arrest record. However, he reported that he was placed on probation for one year for being involved with two other juveniles who vandalized a new house.

Adult Offenses: Donald Palmer has no known adult arrest record.

INSTITUTIONAL ADJUSTMENT:

Donald Palmer was admitted to the Department of Rehabilitation and Correction on November 1, 1989. His work assignments while incarcerated include Food Service Worker, Recreation Worker, Porter, Material Handler, Painter, Tutor, Career Technical Aide, Barber and Library Aide. Palmer participated in community service projects while at the Mansfield Correctional Institution. He is currently assigned as a Porter at Chillicothe Correctional Institution.

Since his admission, Palmer has had four (4) conduct reports resulting in disciplinary control (DC):

- 5/5/2011 – Causing, or attempting to cause, physical harm to another. Palmer punched another inmate in the eye. He received 15 days in disciplinary control for this rules infraction.
- 3/4/2002 – Fighting – with or without weapons, including instigation of, or perpetuating fighting. Palmer was in a fight with another inmate in the recreation cage. Palmer had to be taken to an outside hospital to get stitches. The other inmate was not injured. He received 15 days in disciplinary control for this rules infraction.
- 6/1/1996 – Unauthorized possession, manufacture, or consumption of drugs or any intoxicating substance. Palmer tested positive for marijuana. He received 15 days in disciplinary control for this rule infraction.
- 2/29/1996 – Threatening bodily harm to another (with or without a weapon). While the corrections officer was making rounds he heard Palmer say, “Fuck this shit may we’ll kill a couple of C.O.’s (correction officers).

Palmer has received approximately five (5) additional conduct reports since he was admitted to the Department of Rehabilitation and Correction in 1989. These conduct reports did not result in Disciplinary Control. They were for disobedience of a direct order, malicious destruction, alteration, or misuse of property (2); Possession or manufacture of a weapon or contraband (2); possession of minor contraband items, and Threats – with or without a weapon or use of force.

On January 17, 1997, Mansfield Correctional received a communication from a female concerning harassing letters that Palmer had been sending her and her ex-boyfriend. Palmer was ordered to have no further contact with her or her ex-boyfriend.

APPLICANT'S STATEMENT:

Palmer declined to be interviewed by the Parole Board. He did submit a written statement for consideration.

ARGUMENTS IN SUPPORT OF CLEMENCY:

Assistant Federal Public Defender David Stebbins appeared at the clemency hearing conducted on August 16, 2012, and affirmed Palmer's wishes that no presentation or arguments in support of clemency would be made on his behalf. Mr. Stebbins submitted an affidavit from Palmer in which Palmer explains this decision.

ARGUMENTS IN OPPOSITION TO CLEMENCY:

Assistant Attorney General Brian Deckert and Belmont County Prosecutor Chris Berhalter appeared at the clemency hearing, and in addition to written arguments opposing clemency, presented oral arguments in opposition. Mr. Deckert provided the following:

- Sponhaltz was the first victim that Palmer shot. He was 43 years old and the father of three children. He was a good family man and was returning tables and chairs after a birthday party for his son. Palmer shot him two times in the head. Mr. Sponhaltz was an innocent victim.
- Vargo was the second victim that Palmer shot. He was 41 years old and was the father of two. He had been helping a friend with repairs. Palmer shot Mr. Vargo two times in the head. Mr. Vargo was an innocent victim.
- Palmer was 24 years old, with two children, had a failed marriage and primarily lived a transient life. He was a drug user and a drug dealer who was out on a spree with co-defendant Edward Hill.
- Palmer was the "main architect" and has always described a situation in which he basically had no control. He claimed "the gun just went off" when he defended Hill against Sponhaltz, after Sponhaltz swung at Hill. However, the weapon used was a double action revolver. The gun must be cocked and the trigger pulled in order for the gun to work. That coupled with the fact that Sponhaltz was shot twice does not lead one to believe it was "an accident."
- Palmer, when questioned by the police, stated Vargo ran toward him and put his hands on him and then Palmer shot him. In truth, Palmer shot Vargo because he believed Vargo had witnessed the killing of Sponhaltz. Mr. Vargo was shot twice, in the left and right side of his head.

- There was a history of a feud between Goolie (the owner of the residence that Palmer and Hill were “casing”). Palmer believed Goolie, who dated Palmer’s ex-wife for a period of time, had abused the ex-wife and his children. Palmer and Hill went to various locations looking for Goolie on the day of the killings. Mr. Sponhaltz was keeping an eye on Goolie’s home as Goolie had requested. His home had been broken into a few months earlier. Palmer and Hill were there to burglarize Goolie’s home or rob Goolie. This was not just a mere traffic accident that turned into road rage.
- Palmer’s institutional conduct has been problematic. He threatened the lives of correctional officers; assaulted another inmate; and tested positive for marijuana while on death row. Palmer also wrote letters of a harassing nature to pen pals.
- Palmer’s appeals have been denied and the convictions upheld. There has been no wavering by the courts regarding the validity of his sentence.

Chris Berhalter, Belmont County Prosecutor, provided the following statements in opposition to clemency:

- There is no doubt of Palmer’s guilt. He shot two people two times in the head-execution style. Then he robbed them.
- The Ohio Supreme Court is convinced Palmer received a fair trial and that the sentence is fair.
- Palmer is an admitted cocaine dealer and he minimized his guilt in the crimes.
- Palmer tried to blame his co-defendant-“he told me to do it.” Now for the first time in 23 years he says his co-defendant is innocent-that would mean he allowed an innocent man to sit in prison for 23 years. Co-defendant Hill had his own trial and the evidence presented was similar. It was discovered that co-defendant Hill knew that Palmer had a firearm as Palmer had been firing the gun out of the car he was driving on the day of the offense.
- Palmer’s on-line writings claim innocence, and attempt to solicit funds to further investigate these unsupported claims. These writings are a scam to get money from people.
- It was determined that Goolie and Sponhaltz drove the same type of truck. This may paint a different picture from the one Palmer gave the police. They may have intentionally rammed Sponhaltz’s vehicle thinking it was Goolie.

- Palmer is not asking for clemency for himself. He is asking for clemency for co-defendant Hill. No rational reason exists to grant Palmer clemency.

VICTIMS' REPRESENTATIVES:

Family members of the victims provided statements expressing their opposition:

Office of Victim Services' representative, Ms. Haywood, read a prepared statement from Steve Vargo's widow, Ms. Joliffe. In Ms. Joliffe's letter she stated that her husband was an EMT and he was always stopping to help people on the road. He is greatly missed by his family. She does not want Palmer to be granted clemency.

Frank Sponhaltz, brother of Charles Sponhaltz, stated that Palmer never got over the divorce from his wife. At trial, he cried over losing his wife, but showed no remorse about the two people he had killed. Mr. Sponhaltz does not want Palmer to be granted clemency.

Tiffany Sponhaltz, widow of Charles Sponhaltz, read a letter she composed. She expressed the impact the death of Mr. Sponhaltz had on the family. She and her family do not want Palmer to be granted clemency.

Tiffany Pugh, daughter of Charles Sponhaltz, read a letter she composed. She expressed the personal impact her father's death had on her as a young child. She and her family are still impacted today by her father's death. She does not want Palmer to be granted clemency.

PAROLE BOARD'S POSITION AND CONCLUSION:

The Parole Board, following its review of documents presented and considering statements made at the August 16, 2012 hearing, has determined that a recommendation for clemency is not warranted for the following reasons:

- The Board received no information that would mitigate the offense and sentence imposed by the trial court.
- There is no doubt of Palmer's guilt, and all reviewing courts have determined that Palmer received a fair trial. There is no indication of any manifest injustice, supporting the fact that the sentence is fundamentally fair.
- Palmer's institutional conduct has been far from exemplary.

RECOMMENDATION:

The Ohio Parole Board with eight (8) members participating, by a vote of eight (8) to zero (0) recommends to the Honorable John R. Kasich, Governor of the State of Ohio, that executive clemency be denied in the case of Donald Palmer, A215600.

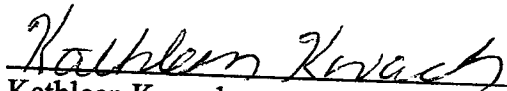
Donald Palmer, A215-600
Death Penalty Clemency Report

Adult Parole Authority
Ohio Parole Board Members
Voting Favorable

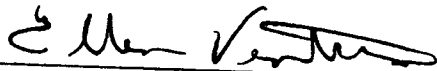
Ohio Parole Board Members
Voting Unfavorable



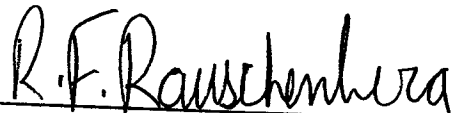
Cynthia Mausser, Chair



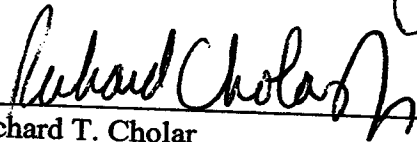
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Ellen Venters



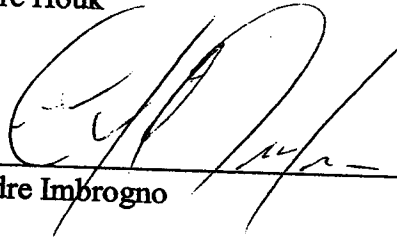
R. F. Rauschenberg



Richard T. Cholar



Marc Houk



Andre Imbrogno



Ronald Nelson, Jr.

Donald Palmer

To Whom It May Concern,

First off I would like to say that I am not coming to the clemency hearing because I am just now trying to get my life back together. I have just recently gotten remarried. I would like to be there for this hearing but because of my current situation am unable to afford the trip for both the hearing and the death sentence being carried out and would rather be there for that.

Second, I would like you to know what type of man Steven Vargo was. He was a very loving husband and loving father and step-father. He was an EMT and loved helping people so much that it is what got him killed. He was always stopping along the road, even with the kids and I with him, to help people in need of assistance. I told him not to stop along side the road because you never know what type of people were out there and what would happen but he refused to listen to me and that led to his death. Steven has had to miss out on a lot of things that he would have partaken in. Some of this includes the following: having five grandchildren, watching his step-daughter get married and walking her down the aisle, watching his step-son grow to be a man that is able to take care of himself and a family when he decides to do so, watching his daughters grow and walking them down the aisle as well as watching their children grow, and having a life with me and growing old together.

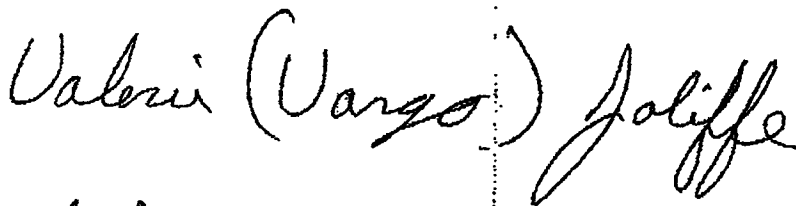
Donald Palmer ruined mine and my children's lives for a lot of years. To this day we are all still having problems because of what he did to us. He not only took away my husband and the love of my life but my children's step-father as well. He also took me away from my children because I then had to support all of us. I had to work two and three jobs at a time to make up for the support that their step-father gave us.

Donald Palmer did not give my husband any leniency and therefore does not deserve any himself. He does not deserve to live the rest of his life in a comfortable jail cell living off of my tax money. He deserves what the bible says is an eye for an eye.

I have heard that Donald has accepted the lord into his life and that he is a Christian now. If that is true then he will not fight this and let this sentence be carried out. I do know that people have used this as an excuse to get out of things saying that they are now a better person then what they were then. I do not believe this, I believe that he is using the lord as his get out of dying card.

I do hope that you would take my feelings and those of my family's under consideration and carry out this sentence of death.

Sincerely,



Valerie (Vargo) Joliffe

Parole Boards:

Immater: Donald P. Palmer, Jr.
A 815-1600

My name is Tiffany Kammeth Sponhaltz. My husband, Charles W. Sponhaltz, Sr. was murdered execution style on May 8th 1989 along with a good Samaritan, Steve Kango.

My life and the lives of my 3 children changed drastically. My youngest was 5 years old at the time. Having to tell my 5 year old daughter, Tiffany, that she would never see her daddy again broke my heart. I never thought I would have to raise our daughter by myself. I consider myself and my daughter, Tiffany, very fortunate to have loving, GRAND PARENTS, a BROTHER, Charles and a SISTER, Charlene. There were several relatives and friends present over the last 23 years, attempting to mend our broken hearts.

The murder of my husband,
Chuck, drastically took a toll
on my father-in-law, Abe,
over the years. In my heart
I believe Abe died from a
broken heart.

Chuck's murder is still very
vivid in my mind as if it
were yesterday.

I think clemency should not
be an option.

The Spornhantz's Family should
see JUSTICE served after 23
years.

Board Members,

My name is Tiffany (Sponhaltz) Pugh, I am the youngest child of Charles Sponhaltz, one of Mr. Palmer's victim's. I was 5 years old at the time of my father's murder, I was daddy's little girl, I was with him every moment that I could possibly be with him. I was the little girl he left sitting at the house the night he went to take the chairs back to the Polish Legion of American Veterans, I was the one who sat there heart broken because I wasn't allowed to go with him to see our friends and spend time with him. I was also the child that sat on her living room floor several hours later while family and friends hustled and bustled around the house, along with the local sheriff's departments. I was the little girl left in the dark about what was going on and why my mommy was at the table screaming and crying. Eventually my nana and my mother sat me down, wrapped me in a blanket, and told me that my daddy wasn't coming home and that he was in heaven. I remember screaming and crying, "Why my daddy? He is such a good daddy! I don't want him to go to heaven. I want my daddy!" I don't know how long I sat there and cried, but it seemed like an eternity! Then, the next thing I knew, we left our home to go to my nana and pap pap's house, because we couldn't stay at our own home. My father was murdered and the killer had his keys and wallet. They didn't know who it was, so it wasn't safe to be at our house. At this point not only did I not have my father but I didn't even have the comfort of my own home and my own bed. The next few days were very confusing, I saw my mom cry a lot and didn't know anything, because again I was only 5 years old at the time and they didn't want to upset me more.

Through my childhood I can remember my Uncle Frank Sponhaltz, and my Aunt Sharon Prati visiting often and suddenly it seemed that they had disappeared from my life as well. I now know that their disappearance was due to a big controversy that happened during the trial between my family members and my grandfather, Walter Sponhaltz. My grandfather couldn't bear to sit in court and hear how his son had been murdered! He couldn't sit and listen to the evidence, see the pictures of what happened or anything of the sort, he couldn't face the fact that his son was dead. So not only did Mr. Palmer take away my father he took away my Aunt and My uncle, the two people that knew the most about him, the ones that could share their stories about my father with me. Mr. Palmer not only took my father away from me with his actions on May 8, 1989 he broke my family apart!

There have been several times in my life where I mention my last name and people look at me with pity after they ask if it was my father that was murdered. I pick up pieces here and there of other peoples' stories about my father, I hear from several people he was a good man willing to lend a helping hand to anyone who asked, and would give you the shirt off his back if you needed it. I shouldn't have to learn about my father from stories, I shouldn't avoid telling people my last name because of the pain that it brings up! I should be able to be proud of who I am and where I came from! If it wasn't for Mr. Palmer and his actions I would have my father here! I would know how his voice sounded, I would know his interests, I would know him as a person. I would be able to understand where I get certain traits from, that can only be explained by seeing them in my father. If it wasn't for Mr. Palmer I would REALLY know my father, not just know OF him!

Mr. Palmer's violent act did not only affect my family and I 23 years ago. It has affected us every single moment from that day on. He wasn't there to watch me on my first day of school. I never got to look out into the crowd during my softball games to see my father's supporting eyes watching me and cheering me on. He wasn't there for my high school graduation. My daddy wasn't there to give me away at my wedding. And it also affects me currently. Each time I look into the eyes of my three beautiful children, and know they will never get to meet the man I so deeply loved, it breaks my heart all over again. They will never get to experience a doting grandpa and eventually, when they are older, I will have to explain the circumstances of his death to them. I will never get to look on as my husband and father talk over a warm cup of coffee or work in the garage as my daddy loved to do. My husband and children will never know him, my father, my daddy.

My father deserves justice. Justice for the family that Mr. Palmer tore apart, Justice for the memories that I never got to make with him, Justice for my children, Justice for my grandfather having to repeatedly hear the details of his son's untimely death and have to deal with the unimaginable pain of losing a child, Justice for everyone that loved and cared for him. That justice is found for my father's friends, our family and I, in the execution of this man. Please, give us the justice that we seek, in order to allow us the closure that we so desperately need and deserve.