

DATE TYPED: 1/27/2006
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IN RE: GLENN L. BENNER, II #A190-672

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

Date of Meeting: January 24, 2006

Minutes of the SPECIAL MEETING of the
Adult Parole Authority held at 1030 Alum Creek Drive
Columbus, Ohio 43205 on the date indicated above

IN RE: GLENN L. BENNER, II #A190-672

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: 86-01-0079: Aggravated Murder with Death Specification (2 counts); Rape (6 counts); Kidnapping (3 counts); Aggravated Burglary; Attempted Aggravated Murder; Attempted Rape; Gross Sexual Imposition
85-CR-0113: Abduction

DATE OF CRIME: 86-01-0079: August 6, 1985
January 1-2, 1986
September 26, 1985
November 19, 1985
85-CR-0113: August 29, 1985

COUNTY: Summit / Portage

CASE NUMBERS: 86-01-0079, 85CR-0113

VICTIM: 86-01-0079: Cynthia Sedgwick
Trina Bowser
Nancy Hale
Shelli Powell
85-CR-0113: Beth Ann Olenick

INDICTMENT: 86-01-0079: 1/21/1986: Counts 1, 2, 17 and 18: Aggravated Murder with Death Specification; Counts 3, 7, 8, 9, 19 and 20: Rape with Specification (Abduction); Counts 4, 14 and 22: Kidnapping with Prior Conviction Specification; Counts 5, 6, 12 and 13: Attempted Aggravated Murder; Count 10: Felonious Sexual Penetration with Prior Conviction Specification; Count 11: Aggravated Burglary with Prior Conviction Specification; Count 15: Attempted Rape with Prior Conviction Specification; Count 16: Gross Sexual Imposition with Physical Harm Specification; Count 21: Aggravated Arson with Prior Conviction Specification.

NOTE: In Case# 85-CR-0113 from Portage County there was no indictment. Glenn L. Benner, II pled guilty to a Bill of Information pursuant to a negotiated plea and was sentenced 4 to 10 years on February 3, 1986.

DATE OF VERDICT: 86-01-0079: 4/4/1986

VERDICT: 86-01-0079: Found guilty by 3 Judge Panel of all counts except Counts 1, 5, 6, 10 and 21 (Counts 12 & 13 merged and Counts 17 & 18 merged)

SENTENCE: 86-01-0079: 5/12/1986: Counts 2, 18: Sentenced to DEATH; Counts 3, 7, 8, 9, 19 and 20: 15-25 years; Counts 4, 14 and 22: 15 – 25 years; Count 11: 15-25 years; Count 13: 7-25 years; Count 15: 12-15 years; Count 16: 3-5 years

ADMITTED TO INSTITUTION: May 14, 1986

TIME SERVED: 236 months

AGE AT ADMISSION: 23 years old; DOB: 9/24/1962

CURRENT AGE: 43 years old

PRESIDING JUDGE: 86-01-0079:
Honorable Frank J. Bayer
Honorable Glen B. Morgan
Honorable James E. Murphy

PROSECUTING ATTORNEY: 86-01-0079:
Frederic Zuch and Judith Bandy

ACCOMPLICE: 86-01-0079: Robert Tyson – 5/8/1986: Sentenced to 5-25 years OSR; 8/23/1989: paroled; 9/27/1990: final release.

FOREWORD:

Clemency in the case of Glenn L. Benner, II #A190-672 was initiated by the Honorable Bob Taft, Governor of the State of Ohio, and the Ohio Parole Board, pursuant to Sections 2967.03 and 2967.07 of the Ohio Revised Code and the Parole Board Policy #105-PBD-05. A previous Clemency Report was sent to the Honorable George V. Voinovich following a Clemency Hearing on September 4, 1996, which contained a unanimous Parole Board recommendation against clemency.

On December 29, 2005, Mr. Benner declined an opportunity to be interviewed by a representative of the Parole Board at the Ohio State Penitentiary. On January 3, 2006, the Parole Board received a letter from Glenn L. Benner indicating that he was not applying for clemency consideration. On January 11, 2006, the Parole Board then received a letter from the Inmate's Attorney, Kathleen McGarry, in which she reiterates that her client was not applying for clemency.

On January 24, 2006, the Ohio Parole Board proceeded to hold a clemency hearing for Glenn L. Benner, II. There were no representatives present in behalf of Mr. Benner at this hearing. Those presenting on behalf of the State, were Summit County Assistant Prosecutor Philip D. Bogdanoff and Assistant Attorney General Michael Collyer from the Office of the Ohio Attorney General. Representatives present from the families of the victims included James Sedgwick, Cynthia Sedgwick's father and Bradley Bowser, Trina Bowser's brother, Rodney Bowser, Trina Bowser's brother and Scott Bowser, Trina Bowser's nephew and many others.

At the conclusion of the hearing the Board gave careful review, consideration and discussion to all testimony provided and supplemental materials submitted. The Board voted and reached a majority decision.

We now submit to the Honorable Bob Taft, Governor of the State of Ohio, our report and recommendation.

DETAILS OF INSTANT OFFENSE CASE# 86-01-0079:

The following information was taken from the Ohio Supreme Court Direct Appeal Decision dated December 30, 1988:

On the night of August 6, 1985 Cynthia Sedgwick and three friends attended the George Thorogood concert at Blossom Music Center in Summit County. While she was in what was described as a "tipsy" condition, Sedgwick wandered away from her companions several times. Glenn L. Benner II, also attended the concert accompanied by a group of friends, some of whom worked with him for Michael's Construction. One of the group with the candidate, Anthony J. Hoehn, testified that he saw the candidate talking with a girl who was "fairly drunk or high."

When the concert ended, Hoehn and another member of candidate's group, Jeffrey Erhard, saw Mr. Benner walk through one of the music center's parking lots and into the adjoining woods accompanied by the girl with whom Mr. Benner had been talking earlier. According to Erhard, the candidate "had his arm around her until he got to the parking lot, then he picked her up and carried her." Erhard testified that he and Hoehn followed Mr. Benner into the woods but could not find him. Both Hoehn and Erhard testified that they called out for the candidate in the woods, but heard no response. Consequently, Hoehn and Erhard went home.

The next day, Mr. Benner told Robert L. Tyson, a co-worker at Michael's construction, that "he killed a girl at Blossom last night. He said he raped her and then choked her to death."

The day following the Thorogood concert, Sedgwick's purse was found in the woods surrounding the Blossom Music Center. Subsequently, on August 12, 1985, a Blossom parking lot attendant found Sedgwick's decomposed body in the woods. A Summit County deputy sheriff who was called to the scene shortly thereafter testified that a partial pack of Winston Cigarettes was found near the body. Other testimony indicated that neither Sedgwick nor anyone in her group smoked Winston cigarettes. Robert Tyson testified, however, that the candidate smoked Winstons. It was also testified that a knotted brassiere, a pair of socks tied together, and a tooth were found around Sedgwick's body.

On September 26, 1985, Mr. Benner and Robert Tyson entered the Akron home of Nancy Hale, which was located in a neighborhood where Michael's Construction had been working. The candidate grabbed Hale by surprise and proceeded to rape her orally, anally and vaginally. While the candidate was raping Hale, Tyson was asking for money from her. Upon ceasing the rape, the candidate began to choke Hale with his hands. At that time, Tyson somehow got Mr. Benner to let go of Hale's neck. Subsequently, the candidate and Tyson left Hale's home. After he was apprehended by the Akron police, Glenn L. Benner confessed to raping Hale.

On the evening of November 19, 1985, Shelli Powell, a University of Akron Student, was jogging along Howe Road in Tallmadge, Ohio. Suddenly, Powell was hit from behind and landed face down on the side of an embankment. She testified that her attacker told her to "shut up," not say anything and not look. The assailant then began to wrap tape around her head, covering her eyes. Powell stated that she was able to see her attacker's profile for around five seconds before he taped her eyes shut. At that time, the assailant dragged Powell into the woods, whereupon he took off her shirt, brassiere, and the tape around her eyes, and began to fondle her. The assailant then put his hand down her pants and stuck his fingers in her vagina. As he stood up and began to undo his pants, Powell tried to run away. However, the assailant pounced on her from behind and began to choke her with his hands. Powell then became dizzy and lost consciousness.

When Powell regained consciousness, she was lying naked in mud. She noticed that something was tied tightly around her neck and mouth, which impeded her breathing. She climbed up the embankment towards Howe Road and proceeded to a house nearby for

help. Upon reaching the house, she was admitted by the occupants, who called the Tallmadge Police. The officer responding to the call aided Powell and untied the knotted brassiere that was wound tightly around her neck. Subsequently, Powell identified the candidate as her attacker, both at trial and in an array of photographs.

Robert Tyson testified that he discussed the attack on Powell with the candidate after hearing a radio report that a "Tallmadge jogger was attacked and raped." Tyson further testified that Glenn L. Benner admitted he was the attacker, but denied he raped her "because he ran into complications."

On January 1, 1986, Trina Bowser, an acquaintance of Mr. Benner who lived in the same neighborhood, was visiting her friend, Cheryl Leek. Leek testified that Trina left her home at 9:45 p.m., stating that she wanted to go home because she was tired. Between 12:15 and 12:20 a.m., January 2, 1986, Lincoln Skeen, Jr. was driving home from work when he found Bowser's car on fire on the Akron expressway. Skeen flagged down a truck to help put out the fire, and afterwards phoned Bowser's residence. After Bowser's parents arrived on the scene, the trunk of the car was opened wherein Bowser's corpse was found. Her ankles were bound with curtain tiebacks resembling those from the candidate's new home on Butterbridge Road in Canal Fulton. In addition, Bowser's underpants and brassiere were tied around her neck, and her jeans were wrapped around her head.

A single set of footprints in the snow was found going away from Bowser's car to a point on Southwest Avenue, just north of Newton Street. Steven Weigand, who owned the Northeast Auto Shop at that location, testified that he had seen a pickup truck with a broken grille in his parking lot at midnight on January 2. He further stated that at 1:20 a.m. he noticed that the truck was gone. Mr. Benner's truck was later identified by Weigand as the truck he had seen that night.

The Summit County Coroner testified that tests indicated the presence of spermatozoa in Bowser's anus and vagina. A criminalist employed by the Ohio Bureau of Criminal Identification and Investigation testified that the candidate could have been the source of the sperm. It was also testified that fibers and a green paint chip were found on Bowser's coat, and that fibers were found on and around her corpse.

Shortly after the murder of Bowser, Robert Tyson phoned the Tallmadge police, and stated that he knew the perpetrator of the murders of Sedgwick and Bowser, and of the attack on Powell. After Tyson met with the coroner and several detectives, he told them of the Hale rape. On January 10, 1986, both Tyson and Glenn L. Benner were taken into custody by Akron police. That same day, the candidate confessed to the Hale rape.

On January 12 and 14, 1986, police executed warrants to search Glenn L. Benner's residence on Broadview Road, his new home on Butterbridge Road, and his truck. The executing officers seized clothing, vacuum sweepings, dryer lint, carpet fiber samples and two chips of green paint. On the clothing, in the dryer lint, and in the vacuum bag, blue bilobal acrylic fibers and green trilobal nylon fibers were found with the same characteristics as those fibers found on Bowser's body and coat. On some of the clothing,

white modacrylic fibers with the same characteristics as the fibers in Bowser's fake fur coat were also found.

DETAILS OF CASE #85-CR-0113:

The Portage County Sheriff's Office received a call on August 29, 1985, at approximately 7:50 p.m., to investigate a possible abduction and attempted rape. At the scene, Beth Ann Olenick advised that she was riding her bike on Ranfield Road. She saw the suspect standing along the road but thought nothing of him. As she rode by the suspect, she was pulled from her bike. The suspect then covered her mouth, and dragged her across a ditch into a cornfield. Ms. Olenick continued to fight the suspect for several minutes until he was scared off by a passing motorist that had stopped because of her bike being left in the road. After a search of the area, Glenn L. Benner II was arrested a short time later, and was positively identified by Ms. Olenick.

PRIOR RECORD:

Juvenile Offenses

On 1/27/1976 and 1/8/1980, the offender was arrested for Petty Theft in Summit County, Ohio, but the dispositions in both cases are unknown. Additionally, he was also arrested for Driving on a Suspended License, but the disposition for this case is also unknown.

Adult Offenses

<u>DATE</u>	<u>OFFENSE</u>	<u>PLACE</u>	<u>DISPOSITION</u>
10/08/1981 (Age 19)	1. Criminal Trespass 2. Criminal Mischief	Akron, Ohio	1. Fine and costs 2. Costs, Days suspended
4/11/1982 (Age 19)	Forgery Case # 82-2-251	Tallmadge, Ohio	6/7/1982: 6 months to 5 years OSR; Suspended and placed on 2 years Probation.
8/29/1985 (Age 22)	Abduction Case #85-CR-0113	Portage County, Ohio	INSTANT OFFENSE
1/10/1986 (Age 23)	Aggravated Murder (2 counts), Rape (6 counts), Kidnapping (3 counts), Attempted Rape, Attempted Aggravated Murder, Gross Sexual Imposition, Aggravated Burglary Case #CR 86-01-0079	Summit County, Ohio	INSTANT OFFENSE

OTHER CONVICTIONS:

On 4/26/1981, the candidate was cited with Speeding in Summit County, Ohio in Case # 81TRD14086 for which he was fined \$25.00 and costs.

On 2/11/1982, the candidate was cited with a Red Light Violation in Summit County, Ohio in Case #82TRD4004 for which he received a \$10.00 fine and costs.

On 4/09/1982, the candidate was cited with Speeding in Stark County, Ohio, for which he received a \$15.00 fine and costs.

On 4/21/1982, the candidate was cited with Failure to Appear in Summit County, Ohio; he was fined \$25.00 and costs.

On 10/23/1983, the candidate was charged with Intoxication in Akron, Ohio; he was fined \$10.00 and costs.

DISMISSED/NOLLED AND/OR UNKNOWN DISPOSITIONS:

On 1/27/1982, the candidate was cited with Excessive Speed in Stark County, Ohio; disposition unknown.

On 6/30/1984, the candidate was cited with Willful Fleeing and Suspended Operator License in Akron, Ohio; dispositions unknown.

On 5/01/1985, the candidate was cited with Suspended Operator License and Red Light Violation in Akron, Ohio; dispositions unknown.

SUPERVISION ADJUSTMENT:

On 6/7/1982, Glenn L. Benner was given a suspended sentence in Case # 82-2-251 and placed on two (2) years Probation. According to Officer Riley, Benner's probation adjustment was adequate. He complied with the conditions of the probation while remaining felony arrest-free. His probation expired on 6-6-84.

INSTITUTIONAL ADJUSTMENT:

Glenn L. Benner II, #A190-672, was admitted on 5/14/1986, to the Southern Ohio Correctional Institution. With the relocations of Death Row, he was transferred to Mansfield Correctional Institution on 1/30/1995, and the Ohio State Penitentiary on 11/3/2005. Since his initial incarceration, Inmate Benner has received only one significant rule infraction on 1/8/1987 for throwing "body waste" at another inmate. He received 15 days in disciplinary control as a result. While incarcerated, Inmate Benner has worked as a typing clerk, recreation worker, laundry aide, and library aide. He has participated in AA programming, anger management, and the student speaking program.

INMATE'S STATEMENT:

On 12/28/2005, Glenn L. Benner II forwarded a letter to all of the Members of the Ohio Parole Board in which he indicated he is not seeking clemency (Letter attached).

INMATE'S REPRESENTATIVE:

Glenn L. Benner's attorney, Kathleen McGarry was not present at the clemency hearing held on January 24, 2006. She stated in a letter to the Parole Board dated January 3, 2006, that her client Glenn L. Benner II was not seeking clemency (Letter attached).

STATE'S POSITION OPPOSING CLEMENCY:

In his presentation to the board, Assistant Summit County Prosecuting Attorney, Philip D. Bogdanoff asked the board to consider the following aggravating factors:

Nature of the offenses: Mr. Bogdanoff stated the very nature of the offenses is an aggravating factor. Mr. Benner attempted to kill four women and was successful in the aggravated murder of two of those victims. He committed four separate rapes on Ms. Hale and would have killed her if Mr. Tyson, co-defendant in that case, had not intervened and pulled Benner off of Ms. Hale as Mr. Benner was choking her. Ms. Hale told law authorities that her life had flashed before her eyes. The bra and panties of Ms. Powell were so tightly wound around her neck, the treating physician at that time stated she was as near death as anyone he had ever seen.

He further stated that Mr. Benner killed or attempted to kill his victims by strangulation to avoid his apprehension. He wanted to continue to rape and kill. He left Ms. Hale with Mr. Tyson while he stole items from the house and when he saw Mr. Tyson later he asked if he had finished her off. Mr. Tyson responded that he had not and Mr. Benner said "now we're going to get caught." Mr. Benner attempted to burn the body of Trina Bowser and left the body of Cynthia Sedgwick in the woods where it would decompose so he would not get caught. He showed no concern for Ms. Sedgwick but did express concern that he may have left his fingerprints on her silver bracelet.

No residual doubt in this case: Assistant Summit Count Prosecuting, Attorney Bogdanoff, states there is no residual doubt in this case and in fact the case became stronger following the trial. Mr. Benner attended a concert with twelve friends and co-workers the night he killed Cynthia Sedgwick. Two of those friends, Jeff Erhard and Anthony Hoehn, who was also his boss, stated they saw Mr. Benner pick up Cynthia Sedgwick and carry her off into the woods. He further pointed out that Mr. Tyson stated that Mr. Benner gave him details of the crime. The coroner confirmed the wounds were consistent with the facts that he related.

In 2003, many years following the trial, Mr. Benner's DNA was tested because he challenged the initial identification of the blood and semen that was found in the vaginal and anal cavity of Trina Bowser. He stated there was no expert witness to confirm the

testing. The test indicated that Mr. Benner's DNA was a perfect match for the spermatozoa found in Trina Bowser's body. There was also fiber evidence connected to the crime.

Mr. Bogdanoff further stated that there were footprints in the snow that led from Trina Bowser's car to an address that was across the street from an auto body shop. Mr. Benner's truck was observed the night of the crime by Steven Weigand. Mr. Weigand owned the auto body shop. He later identified the truck as the one he had seen the night Trina Bowser was killed.

No mitigating factors: Counsel stated that Mr. Benner grew up in a loving family, went to school and played sports. He stated there is nothing in Mr. Benner's background that mitigates these crimes.

Benner shows no remorse: Mr. Bogdanoff explained to the Board that Mr. Benner has never expressed remorse. He had the opportunity to do so at his mitigation hearing. Furthermore, although he admitted to the crime against Ms. Hale, he did not express remorse or apologize.

Michael Collyer, Assistant Attorney General, stated in his presentation to the board that in the past he noted that the Board considers certain factors related to a case in order to determine possible mitigating factors.

Evidence of innocence: Mr. Collyer stated there is no evidence of innocence in this case and in fact Mr. Bogdanoff has offered information concerning evidence that connected Mr. Benner to the various crimes. He further states that Mr. Benner did not request clemency "because he knows he is not in the ballpark of deserving clemency."

Mental Health Status: Mr. Collyer stated that Mr. Benner was determined to have no neurological impairment and that a brain scan had determined there was no abnormality.

Childhood: Mr. Benner came from a middle class family.

Ineffective Trial Attorney: Mr. Collyer stated that the Board considers if there was any evidence that should have been presented that was not presented.

Drug Use: Mr. Collyer stated that although Mr. Benner used marijuana and alcohol and experimented with other drugs prior to age 19, unlike the Mink case, where the offender was on cocaine when he killed his parents, drugs nor alcohol serve as mitigation in any of these series of crimes.

Institutional Adjustment: Counsel stated Mr. Benner's institutional adjustment was fairly unremarkable, that Mr. Benner's record reflected that he had thrown body waste on another inmate, forged a visitor form, and possessed contraband. He stated that it was unlikely that this institutional record would have made a difference to the three judge panel. He further stated that "20 years of incarceration just deprived him of his supply of victims."

Remorse: Twenty years after the fact, Mr. Benner has offered a vague expression of remorse and responsibility and Counsel stated that expression now has no value. Mr. Collyer stated that the Board in 1996 was correct in its unanimous recommendation not to recommend clemency and one member was particularly correct in their opinion that “a rapist who kills his victims is the worst predator and elements of sexual sadism are present in this case”.

In summary, counsel for the State of Ohio believes the evidence overwhelmingly establishes Mr. Benner’s guilt and that there are no mitigating factors that warrant executive clemency be granted.

VICTIM/SURVIVOR INFORMATION:

James Sedgwick, father of Cynthia Sedgwick, stated that Mr. Benner’s execution will give the survivors physical relief, but the mental anguish will live with them forever.

Bradley Bowser, Trina Bowser’s brother, shared his feelings concerning the delay in Mr. Benner’s execution. He asked that the Board imagine the fear that his sister went through before her death.

Scott Bowser, Trina Bowser’s nephew, presented a power-point that chronicled Trina Bowser’s life from birth to early adulthood. The presentation consisted of information regarding Trina being born with dislocated hips and her having to wear a body cast. She was in treatment for this condition the first three years of her life. She was very well liked, helped the elderly and was hard working. She was born on Christmas day and had just turned twenty-one before her tragic death.

Rodney Bowser, Trina Bowser’s brother indicated that he, along with his parents, opened the trunk of Trina’s car and found her body. Mr. Bowser was visibly emotional as he attempted to read from a letter he wrote about his sister and their relationship. In summary he described the anguish his family experienced upon losing Trina the way they did and the anguish they feel because the man who killed their loved one has not paid for the crime. In speaking for Trina, he states “she would ask that the image of her death, engraved into the minds of her mother, father, and brother, be erased.”

COMMUNITY ATTITUDE:

On December 29, 2005, notices were sent regarding the Clemency Hearing on Glenn L. Benner II scheduled for January 24, 2006 to the Presiding Judge of the Summit County Common Pleas Court and to the Summit County Prosecutor’s Office.

There were numerous heartfelt letters received from the victim’s survivors.

Several letters have been submitted by citizens who support the execution of Mr. Benner.

There was one letter received from Attorneys Staughton and Alice Lynd that requested clemency for Mr. Benner and asked that his institutional record be considered.

CONCLUSION:

After careful review of this case, the Parole Board has concluded the following:

There is no residual doubt or question as to Glenn Lee Benner's guilt in this case. The evidence included but was not limited to a DNA test that resulted in a match between Benner's spermatozoa and the spermatozoa found in the body of Trina Bowser. There was fiber evidence connecting Benner to the Bowser case and two witnesses, friends of Benner, observed Benner pick Cynthia Sedgwick up and carry her into the woods.

Benner committed heinous crimes against innocent female victims. He strangled his victims and performed deviant sexual acts that bordered on sexual sadism. His main concern was to prevent apprehension by killing his victims.

The psychological evaluation that was conducted as part of the mitigation phase provided that the mitigating factor which has the highest probability in this case likely involves substance abuse reducing behavioral controls and impairing judgment. The Board in this case does not give much weight to this "probable" mitigation. The Board also noted that through testing, it was determined that Mr. Benner's organic brain function appeared to be intact.

Mitigating circumstances were considered by both the three-judge panel and the Ohio Supreme Court. The Ohio Supreme Court did conduct an independent weighing of aggravating and mitigating factors and did examine the proportionality and appropriateness of the death sentence.

Benner has chosen not to participate in this clemency proceeding and has not presented any reason why the decisions of the trial court and state appellate courts should be overturned.

The aggravating circumstances outweigh any mitigating factors considered in this case.

RECOMMENDATION:

The Ohio Parole Board, with eight (8) members participating, voted unanimously to provide an UNFAVORABLE recommendation for any form of executive clemency for Glenn L. Benner II to the Honorable Bob Taft, Governor of the State of Ohio.

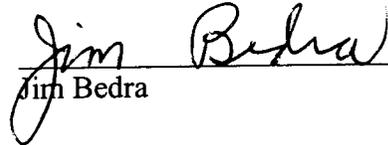
Glenn L. Benner II, #A190-672
Clemency Report

Ohio Parole Board Members
Voting **FAVORABLE**

Ohio Parole Board Members
Voting **UNFAVORABLE**



Cynthia Mausser, Acting Chair



Jim Bedra



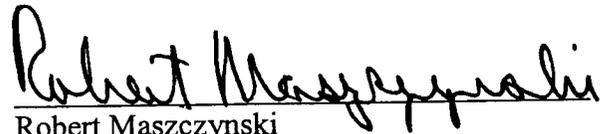
Sandra Mack, Ph.D.



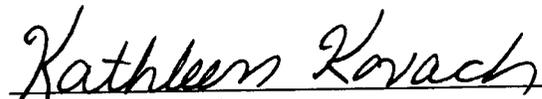
Betty J. Mitchell



Peter Davis



Robert Maszczyński



Kathleen Kovach



Ellen Venters