

FOREWARD:

Clemency in the case of John Roe was initiated by the Honorable Bob Taft, Governor of the State of Ohio, and the Ohio Parole Board, pursuant to Section 2967.03 of the Ohio Revised Code and Ohio Parole Board Policy 105-PBD-01.

A previous Clemency Report was sent to the Honorable George V. Voinovich, then Governor of the State of Ohio, on February 9, 1995. That report contained a unanimous Parole Board recommendation against clemency with eight members being present.

Our current inquiry included an interview with John Roe by Parole Board Members Kathleen Kovach and Robert Maszczyński on January 5, 2004 at the Mansfield Correctional Institution. Also present at the interview were Mr. Roe's attorneys, Gregory Myers and Ruth Tkacz. This interview lasted approximately two hours in length.

On January 9, 2004, a Death Penalty Clemency Hearing was held with all nine members of the Ohio Parole Board participating. Present at that hearing were representatives from the Public Defender's office, Attorney Gregory Myers and Attorney Ruth Tkacz. Also in attendance were Franklin County Prosecuting Attorney Ron O'Brien and Assistant Prosecutor George Ellis. Representatives from the Office of the Ohio Attorney General included Stephen Maher, and Tim Prichard. Donette Crawford's mother, Sandie Crawford, father, Don Crawford, and sister, Michelle Crawford, also provided testimony.

After careful review and deliberation concerning the documentary evidence and testimony provided, the Parole Board voted and reached a unanimous decision.

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

DETAILS OF THE OFFENSE:

The following account of the murder of Donette Crawford is obtained directly from the Court of Appeals, Tenth Appellate District's review of this case and their 1987 decision:

On the evening of October 5, 1984, Donette Crawford left her infant daughter with her parents on the west side of Columbus and went with a friend, Toni Jester, to the Arosa Villa Tavern in the north end of Columbus. Crawford had cashed her paycheck that day and locked most of her money in her car before entering the tavern. The pair left the tavern around 2:15 a.m. on October 6. Jester drove the car to her home while Crawford sat on the passenger's side looking for her cigarettes. Upon leaving Jester at her home on the west side of Columbus, Crawford stated she was going to pick up her daughter and go home, which was less than a mile away. On her way, and between 2:40 and 3:00 a.m., Crawford stopped at a nearby 7-Eleven convenience store on West Mound Street to buy a pack of cigarettes. An acquaintance of Crawford last saw her as Crawford left the 7-Eleven and continued west on Mound Street.

At approximately 5:30 a.m., Crawford's mother, who was concerned that Donette had not returned to pick up her daughter, telephoned Jester and Donette's common-law husband,

Steve Steiner, to find out where Donette might be. When she learned that neither party had seen nor heard from Crawford, Crawford's mother began looking for her. Later that Saturday morning, when Mr. Crawford went looking for Donette, he found his daughter's empty car parked in the parking lot of St. Agnes Church on West Mound Street. The car had been ransacked, and the keys were later found in a flowerbed at the church. Donette's wallet, purse, and money were never found.

On or about October 6, 1984, the Huntington Clothiers store on Alum Creek Drive on the near east side of Columbus was broken into through a hole in the wall, and a considerable amount of clothing was taken. A security guard was hired to watch the building on Sunday night, October 7, 1984. At 8:05 p.m., the guard observed a car pull into a lot near the store. The driver in the car waited about five minutes and then got out and proceeded to walk to the Huntington Clothiers store. He then entered the store through the hole in the wall. The police were called and the guard attempted to block the hole with his vehicle, but the subject, a slim white male with long hair, slipped out and ran. The guard gave chase and fired three shots at the subject, who nevertheless escaped. The subject's car was impounded and later identified as being registered to John Roe. At approximately 11:30 p.m., Roe's mother, Joyce Lucas, took John Roe to the home of Michael and Patricia Daniels and asked if he could stay with them overnight. John Roe had been shot in the foot, which, he explained, occurred while running from a store he had broken into that night. Roe then characterized the event as minor when compared to his shooting of a woman in the head the previous Friday night. The Daniels that night dismissed his description of the murder as in keeping with his character as a braggart.

A month later, on November 6, 1984, John Roe was arrested with Moses M. Stevens while breaking into a Radio Shack store in Beavercreek, Ohio. Once in custody, Roe was read his rights, which he waived, agreeing to speak with the police. After discussing his breaking and entering charges, Roe offered that he had information regarding a missing woman in Columbus -- information that she had been killed and that he knew who was involved and where the body could be found. John Roe indicated he wished to exchange this information to deal with his current charges. Beavercreek Detective Harry W. Anthony then asked Roe if he would like to talk about it later, and he agreed. The next day, John Roe claimed that a person named Jerry Powell had shot the woman in the face and dumped her body behind a cement plant on Alum Creek Drive in Columbus. John Roe described Crawford's car, stated she was possibly shot with a .357 magnum handgun, and gave details including a map of the location of the body. He then indicated his willingness to talk to Columbus police about Crawford. Detective Anthony verified the information about the missing woman with Columbus police and then arranged for them to talk with Roe.

On November 12, 1984, Columbus Police Detectives Stephen Judy and David Verne went to the cement plant to familiarize themselves with the area and then drove to the Greene County Jail to talk with Roe. John Roe repeated his earlier description of the body's location, and of Jerry Powell's involvement, and tentatively identified photographs of Crawford and her car. On November 15, 1984, the area described by Roe was searched, and the decomposed remains of Crawford were discovered. The remains were identified by the clothing found with them and by the use of Crawford's dental records. A hole, consistent with a gunshot wound, was located in the lower back right portion of the skull. However, subsequent investigation of Jerry Powell, including a polygraph examination, excluded him as a suspect.

On November 20, 1984, Detective Judy met with an anonymous caller, who was later identified as Michael Daniels, who conveyed his information concerning Roe's statement about a murder he had committed in October. Further investigation turned up John Roe's weapon, a Ruger Security Six .357 magnum revolver. This weapon was traced back to a burglary of Castner's Gun Shop in Kirkersville, Ohio, on September 8, 1982. John Roe had committed two break-ins of Castner's in March 1981, had served jail time thereon, and was suspected of having committed the September 8 break-in as well. Other weapons stolen from Castner's were later recovered from Roe's parents' home. Ballistics evidence indicated that a .38 caliber bullet fragment recovered from Crawford's skull had been fired from Roe's revolver.

John Roe was indicted on December 26, 1984, for two counts of aggravated murder with two specifications for felony murder (kidnapping and aggravated robbery), R.C. 2903.01(B), 2929.04(A)(7), one count of aggravated robbery with a firearm specification, R.C. 2911.01, 2941.141, and two counts of kidnapping with firearm specifications, R.C. 2905.01, 2941.141. Trial began on November 4, 1985, and on December 6, 1985, the jury found John Roe guilty on all counts and specifications. A sentencing hearing was held pursuant to R.C. 2929.03, and after three and one-half days of testimony and deliberations, the jury recommended the imposition of the death penalty. Following its independent review, the trial court accepted the jury's recommendation and, merging counts one and two, sentenced John Roe to death for aggravated murder. In addition, merging the two kidnapping counts, the trial court sentenced Roe for the kidnapping and aggravated robbery, and two firearm specifications.

PRIOR RECORD:

Juvenile

Date	Location	Offense	Disposition
1976 (Age 12)	Newark, Ohio	Grand Theft	6 months probation
1978 (Age 14)	Newark, Ohio	B & E	Ohio Youth Commission
1979 (Age 15)	Newark, Ohio	Grand Theft	Ohio Youth Commission

Adult

Date	Location	Offense	Disposition
1981	Newark, Ohio	B & E 2 cts. Escape	2-5 years Admitted: 6-11-81 Paroled: 5-20-82
1982	Newark, Ohio	B & E	1-5 years Admitted: 10-13-82 Paroled: 9-11-84
1985	Beavercreek, Ohio	Vandalism, Drug Abuse	18 Months: Admitted: 1-29-85
1985	Columbus, Ohio	Kidnapping, (2 cts) Aggravated Robbery Agg, Murder (2 cts)	(INSTANT OFFENSE) DEATH

INSTITUTIONAL ADJUSTMENT:

John Roe was admitted to prison January 29, 1985. His prison files were reviewed on January 5, 2004 and found to be relatively unremarkable. John Roe can be described as a good inmate. In his application for clemency, it is noted that Roe has spent more than half of his life locked up in juvenile and adult prisons. He has been incarcerated on Ohio's death row since 1985. During this time, John Roe has not assaulted a prison guard or another inmate. He has a short list of rule infractions, from having a rug on his cell floor to not being in "grooming code." John Roe was also found with prison contraband that consisted of a dictionary. In summary, John Roe has adapted to confinement, and Roe's defense counsel pointed out that none of his rule infractions indicated a person that poses a risk of danger to persons in the institution.

During his interview with Parole Board Members, John Roe shared that he taught himself how to read and write while in prison. He further shared that he has participated in Stamp Club, and took a Bible Study Course. John Roe also noted that there is limited programming available to inmates who are on death row.

Community Attitude:

During a phone interview on December 29, 2003, Judge Crawford, who was the presiding Judge in Roe's case, shared that there was no mitigation in this case. He further stated that this crime was the execution of a young girl, a murder, to cover up a rape. Judge Crawford said that Roe abducted the victim, took her to a campsite he used, and raped her, probably with his brother. The victim pleaded for her life when Roe was going to kill her. She pleaded that she had a child. Roe then executed her by shooting her in the head.

PROPONENTS:

An extensive written application and documentation outlining the reasons John G. Roe should receive Executive Clemency was filed with the Parole Board on January 8, 2004. On January 9 2004, Attorneys Gregory Meyers and Ruth Tkacz presented oral testimony in support of their application. Reasons expressed in favor of the granting of Executive Clemency were as follows:

- A childhood without direction. Public defenders presented that John Roe had an abusive past. His father was abusive to his mother, to his brother, and to John Roe himself. John frequently witnessed his father beating his mother. John Roe's father, Donald Roe, was a diabetic. He would frequently consume alcohol, and this, in combination with his low blood sugar, would cause him to become violent. After years of abuse, John Roe's parents divorced. Donald Roe died when John was eight years old. John Roe and his brother Donnie did not go to their father's funeral because they never wanted to see their father again.
- John Roe's mother, Joyce Lucas, re-married Harry Lucas. This was an interracial relationship and caused much controversy in the community, so much so that the family

relocated to California for several months. The family uprooted again and returned to Columbus. This marriage had several problems of its own. Issues of infidelity became known, and at one point Harry Lucas told John he contemplated divorce because of another woman in his life.

- John Roe was a poor, uneducated, and troubled individual. John Roe quit school his sophomore year when his mother went to prison. John Roe did not know that his mother was going to prison until the very day Joyce Lucas left.
- John Roe began using drugs and alcohol around the age of 10 years and his mother did not provide any moral direction.
- “Men are what their mothers made them.” Public defenders pointed out that Joyce Lucas raised John as a thief. John Roe became his mother’s accomplice in her criminal activities. She took him to shoplift with her when he was not old enough to understand what was going on. Joyce Lucas never instilled proper values in John Roe. She often looked the other way when John began using drugs, and by all standards, Joyce Lucas was a failure as a parent. Joyce Lucas was described as being “morally bankrupt.”
- John Roe has adapted to confinement and conformed to the structures of the penal institution. During testimony at the clemency hearing, it was pointed out that John Roe adapts better to the structured life in prison than to life in society. He has a relatively short list of minor rule infractions. Overall, he has been a compliant inmate, and he is fully prepared to spend the rest of his life in prison.
- John Roe continues to proclaim his innocence in the murder of Donette Crawford. He is also asking the Parole Board to commute his sentence of Death to Life without the possibility of parole.
- Jurors did not have the option of sentencing John Roe to life without parole. This did not become an option until 1996. Proponent testimony stated that the Board should recommend clemency to correct the arbitrary absence of the option of life without parole.
- Jurors submitted the following question to the Judge. “Will the sentences run consecutively or concurrently?” Public defenders believe that this exchange shows that what weighed heavily on jurors’ minds was whether or not John Roe would ever get out of prison. Public defenders feel the jurors were searching for an option other than death.
- This was the first Capital Murder case to be tried in Franklin County.
- State v. Neal was referenced with regard to proportionality. In this case, Neal was convicted of killing his two stepchildren, ages 11 and 4. After hearing testimony, the jury recommended life without parole. Public Defenders were of the opinion that had a

life alternative not been available at that time, Neal would have received a sentence of death.

- Public defenders stated that Ohio's current execution procedures risk a torturous death that is in violation of the Eighth Amendment of cruel and unusual punishment. They further stated in their application "at minimum, John should be granted a reprieve until Ohio modernizes its execution procedures with drugs that eliminate the risk of torturing people to death." It is their impression that one of the drugs used, pancuronium bromide, will force John Roe into a state of "chemical entombment" while he consciously experiences suffocation and the pain of cardiac arrest.
- Trial testimony of Vincent Boyd. John Roe was the cellmate of Vincent Boyd. Roe continues to deny making inculpatory statements to Boyd. Rather, proponents believe that Boyd could have learned basic facts of the case from the media and case related papers that John had in his cell. They further point out that Boyd then used his criminal tendencies and imagination to fill in alleged details to make his story attractive enough to persuade prosecutors to cut him a sweetheart deal on his case.
- Proponents believe mitigation outweighs aggravating factors in this case, and they are asking the Board to be the 13th juror and recommend life without parole.

OPPONENTS:

Ron O'Brien, Franklin County Prosecuting Attorney, and George Ellis, Assistant Prosecuting Attorney, as well as Tim Prichard and Stephen Maher of the Ohio Attorney General's Capital Crimes Unit represented the State of Ohio at the hearing before the Parole Board on January 9, 2004. Additional testimony was presented by Donette Crawford's mother, Sandie Crawford, father, Don Crawford, and sister, Michelle Crawford.

Arguments offered in opposition to the granting of Executive Clemency included:

- Substantial amount of evidence presented against Roe at trial including, but not limited to: 1) Roe told police exactly where to find the body of Donette Crawford; 2) Roe's accomplice in a later burglary, Moses Stevens, implicated Roe in the Crawford murder and delivered the murder weapon to police; 3) Just after discovery of Crawford's body, Roe's friends, Mike and Patty Daniels, came forward to police to tell of Roe's confession to the murder; 4) Roe also confessed his involvement in the Crawford murder to his brother, Donnie Roe, and Donnie's girlfriend, Annette Blackmon; 5) Roe's efforts to blame others for the murder as well as his efforts to fabricate an alibi, which was later proven false.
- Roe had an extensive juvenile and adult criminal record.
- Donette's family has suffered greatly from her murder. Her daughter Ashley who was 9 months old at the time of the murder only knows her mother from pictures.

- John Roe gave specific details about Donette's death. He told the type of gun she was killed with, that she was abducted, where she was shot, and the location of her body. He further drew police a map to the exact location of the body. Lastly, he identified a picture of Donette Crawford as well as a picture of her car.
- Roe tried to get Moses Stevens to lie about seeing Jerry Powell with Donette Crawford.
- Roe confessed his crime to Annette Blackman on the front porch of Roe's house.
- Donnie Roe, John Roe's brother told his girlfriend, Annette Blackman, that John Roe killed Donette Crawford.
- Roe confessed to Mike and Patty Daniels by stating, "If you think what I did tonight was bad, you should have seen what I did Friday night." He told them how he had this girl and she would not quit screaming. He said he was choking her and blood was coming out of her mouth and nose, but that she just would not die. Roe then said, "So I took my .357, went 'poosh' and then the bitch shut up."
- Roe created a false alibi. Roe attempted to create a false alibi by asking his brother, Donnie Roe, Donnie's ex-girlfriend, Annette Blackmon, and John Roe's ex-girlfriend, Rennie Hillman, to testify at trial that the four of them were at an Ohio State University campus bar on the night of Donette's disappearance and murder. At trial, this was proven to be false when all of these individuals stated they were not with John Roe on the night of Donette's disappearance.
- Murder weapon traced to John Roe. Moses Stevens told police where they could pick up the murder weapon that John Roe had asked him to get rid of.
- Using a comparison microscope, it was determined that the jacket fragment recovered from Donette's body was fired from Roe's gun.
- Roe's confession to Vincent Boyd while incarcerated in the Franklin County Jail. Roe told Boyd that he forced Donette into his car, took her to a wooded area behind his house, and sexually assaulted her, shot her in the face, and dumped her body in a ditch in an industrial area by his house. Boyd came forward after the trial against Roe had begun.
- Roe's first story to police in Beavercreek, Ohio after he was arrested for the burglary of Radio Shack. Roe told police that he had information on a missing girl from Columbus and gave the name of Jeannette Crawford. He indicated the victim had been missing since October, 1984. John Roe told police that Crawford wasn't simply missing. Rather, she had been killed. He then said he had information about who did the crime and the location of the weapon used. Roe wanted to exchange the information for a deal on the burglary charges involving the Radio Shack.

- In Roe's second story to police, he lied and gave the police the name of Jerry Powell, a childhood friend, as the individual who killed Donnette Crawford. Powell passed a polygraph, and Roe's own family stated that Powell had not been around the family for years.
- It was pointed out by George Ellis, Assistant Prosecuting Attorney, that Roe lied to the Board members during his recent interview when he stated that he just pulled the name of Jerry Powell out of the blue because Columbus police were pressuring him. Ellis pointed out Roe gave Powell's name to Beavercreek police from the time he was arrested for the B&E.
- The State also pointed out that Roe's explanation to the Board during his taped interview prior to his Clemency hearing as to how he and his brother stumbled across the body of Donette Crawford is **new**. Rather, he always contended that he knew where the body was because Jerry Powell told him the location. Roe continues to change his story to this day. The State also heard for the first time on Roe's taped interview that he admitted that the gun at the trial was his.
- Assistant Attorney General Tim Pritchard pointed out that while the defense might have pointed out that John Roe had a bad childhood and was raised as a thief, he was not raised to kill.
- Conclusion of State's testimony stated that there was no injustice done in this case, the judicial system made no mistakes, and that there is nothing to warrant mercy in extending the execution of John Roe.
- Compelling testimony was given by three of Donette Crawford's family. They shared in great detail the type of person that Donette Crawford was as well as how this crime impacted their lives. They all support the execution of John G. Roe. Additionally, they presented the Board with a signed petition consisting of 1,382 signatures opposing the Clemency of John G. Roe.

CONCLUSION:

The Ohio Parole Board reviewed the documents and deliberated extensively on the information provided. The Board found that there was nothing presented to suggest any manifest injustice, nor did the Board find mitigation sufficient to outweigh the aggravating circumstances in this case. Although some mitigation was offered, we could not find this sufficient to warrant a recommendation for clemency. To date, John G. Roe continues to deny responsibility for the murder of Donette Crawford by continuing to deny his offense.

RECOMMENDATION:

Following consideration of available information, the Ohio Parole Board, with nine members participating, recommends to the Honorable Bob Taft, Governor of the State of Ohio, by a vote of nine (9) to zero (0) that **Executive Clemency be denied** in the case of John G. Roe # 183-047.

Adult Parole Authority
Ohio Parole Board Members
Voting **Unfavorable**

Gary Croft, Chairperson

Jim Bedra

Dr. Sandra A. Mack

Betty J. Mitchell

Peter Davis

Cynthia Mausser

Olivia A. Karl

Robert Maszczyński

Kathleen Kovach