



**JIM PETRO**  
**ATTORNEY GENERAL**  
STATE OF OHIO

November 7, 2005

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Thomas C. Hill  
Pillsbury, Winthrop, Shaw & Pittman  
2300 N. Street N.W.  
Washington, D.C. 20037-1128

Re: John Spirko  
Request for Testing and Investigation

Dear Mr. Hill:

I am writing in response to your October 31, 2005 letter, in which you requested that the State conduct DNA testing on the following items: 1) the tarp or "shroud" that was wrapped around Mrs. Mottinger's body; 2) a piece of fabric, measuring 8 inches by 8 inches, which is apparently a section of the "shroud" or tarp; 3) Mrs. Mottinger's clothes; 4a) the cement block and cement fragments that were around the body; 4b) two pieces of gauze; 5) the duct tape or clothesline that was wrapped around the body; and 6) any hairs or blood samples and any other DNA material recovered from any source.

It is my understanding that in addition to DNA testing on the above listed items, you are requesting that the State conduct paint analysis on the tarp.

Since receipt of your letter on October 31, 2005, I have submitted items #1, #2, #3 and #4a from the above list to the Bureau of Criminal Identification and Investigation (BCI&I) for testing. Forensic scientists at BCI&I are currently reviewing these items to determine whether or not biological material exists that could be tested. They are also reviewing item #1 to determine if further paint analysis testing can be conducted.

With regard to items #4b and 5, from the above list, the Law-Sciences Technology Report, attached to your October 31, 2005 letter, reveals that these items were submitted to Law-Sciences Technology. It is my understanding that these items may be in the care and custody of Law-Sciences Technology or the Ohio Public Defender's Office. My office will continue to exercise due diligence in locating these items.

In response to your request for testing on item #6, "any hairs or blood samples and any other DNA material recovered from any source," I have submitted all of the items on the attached Submission Sheet to BCI&I. Please review the attached list and inform me at your earliest convenience if you are requesting DNA testing on any additional items.

As you know I am a proponent of the use of DNA technology. I believe it is important to accommodate the use of DNA testing where practical and feasible. However, please clearly

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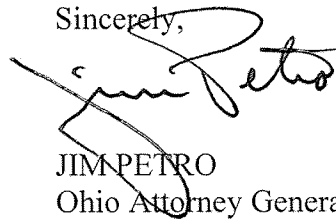
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understand that I do not believe DNA testing will be dispositive of either innocence or guilt under the facts and circumstances of this case. Notwithstanding, I believe that to the extent possible, all information should be made available for the parties, courts, and the Governor to use for what purpose they feel necessary.

In discussions with the DNA lab at BCI&I, testing and analysis on the number of items submitted will take 30-60 days. Therefore, I am going to request a 60-day reprieve from the Governor to accommodate these requests.

I will forward the DNA results when the tests have been completed. If you have any questions, please do not hesitate to contact Heather L. Gosselin, Senior Deputy Attorney General, Capital Crimes Section, at 614-728-7055.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Petro", written over a printed name and title.

JIMPETRO

Ohio Attorney General

JP:hlg

Enclosure

cc: Judge Carr  
James Tassie  
Cynthia Mausser  
Charles L. Wille  
Heather L. Gosselin