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October 6, 2006

James G. Tassie
Deputy Chief Legal Counsel
77 South High Street, 30th Floor
Columbus, Ohio 43215

Re: *John G. Spirko, Jr. v. Anderson*
Death Penalty Case

Dear Mr. Tassie:

As you know, the Governor has previously granted the Attorney General's requests for reprieves in order to allow the State to complete Mr. Spirko's requested DNA testing. Most recently, a 120-day reprieve was granted to allow testing on some additional items, including approximately 60 cigarette butts recovered from the Elgin Post Office. That testing is currently pending.

Since our last request for a reprieve, attorneys for Mr. Spirko reviewed evidence in the case for a second time and requested additional analysis on the tarp, as well as testing on two painter's rags that were recovered from a field adjacent to the soybean field where Mrs. Mottinger's body was located. This testing is also currently pending.

We are continuing to exercise due diligence to fulfill Mr. Spirko's requested testing. Indeed, we have outsourced all testing to a private lab so that the testing can be completed in a more expeditious manner. Even so, the testing is not yet completed.

Recently, you were copied on a letter in which Mr. Spirko's attorneys stated, "We have now arrived at a point where there simply is insufficient time to properly evaluate and consider the implications and consequences of any DNA results prior to the currently scheduled execution date." As DNA results are still pending, we agree that the Governor will have insufficient time to properly evaluate and consider the results prior to the scheduled November 29, 2006 execution date. As such, we must request an additional reprieve. We believe that 120 days will be sufficient time to complete all testing. As such, we are requesting a 120-day extension of the current reprieve from the Governor to accommodate these requests. Should more time be needed, we will request an additional extension.

Please find a copy of our letter to Spirko's attorneys, in which we notify them that we are requesting a 120-day extension of the current reprieve.

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Re: John Spirko
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Thank you for your consideration. Please let me know if you have any questions.

Sincerely,



Heather L. Gosselin
Senior Deputy Attorney General

cc: Thomas Hill
Alvin Dunn
Cynthia Mausser