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September 2, 2005

By Email Attachment and Federal Express

Mr. Gary R. Croft
Chair
Ohio Parole Board
1050 Freeway Drive North
Columbus, OH 43229

Re: Spirko v. Anderson, Case No. 3:95-CV-7209

Dear Mr. Croft:

We have just received a copy of Attorney General Petro's letter dated today and would suggest that the alleged misrepresentations made by the Attorney General's Office at the recent parole hearing require, at a minimum, a full rehearing by the Board before a final clemency recommendation can be made. The Attorney General asserts that notwithstanding any misrepresentations that may have been made by his Office, "there was no attempt to deceive the board." Whether or not that turns out to be correct, whether the misrepresentations were due simply because, as has been reported in the press, the Office "was unaware of the facts," due process (and certainly the "super due process" that Attorney General Petro has said is the appropriate standard here, manifested by "an extraordinary degree of thoughtful and comprehensive due process") certainly demands that the Board's recommendation be made without any misrepresentations being made – no matter the reason.

Accordingly, we urge you to adopt the Attorney General's suggestion and order a full rehearing. We believe that this requires the Board also immediately to withdraw its recommendation to the Governor of August 30. Consistent with that action, due process demands, and the requirements of the Ohio Constitution and statutes, we also believe the Board should immediately ask the Ohio Supreme Court, joined by the Attorney General's Office, to vacate the September 20 execution date to allow the rehearing to occur and to

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allow a recommendation to be made to the Governor sufficiently in advance of an execution date to satisfy all constitutional and statutory requirements.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Thomas C. Hill".

Thomas C. Hill

cc: Jim Petro, Esq. (by email attachment and Federal Express)
Attorney General
State of Ohio

Timothy D. Prichard, Esq. (by email attachment and Federal Express)
Chief Deputy Attorney General
Capital Crimes Section

Document #: 1497193 v.1