



**State of Ohio
Adult Parole Authority
Columbus, Ohio**

CLEMENCY REPORT

**RICHARD E. FOX
MANCI #227-307**

JANUARY 15, 2003

DATE TYPED: January 16, 2003
DATE PUBLISHED: January 17, 2003

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

Date of Meeting: January 10, 2003

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

IN RE: RICHARD E. FOX MANCI #227-307

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: Aggravated Murder, Kidnapping

SENTENCE: Wood County, Death

DATE, PLACE OF CRIME: September 26, 1989
Bowling Green, Ohio

COUNTY: Wood

CASE NUMBER: 89 CR 325

VICTIM: Leslie Keckler

INDICTMENT: Count 1: Aggravated Murder w/Death Penalty
Count 2: Kidnapping

VERDICT: Guilty to Indictment – May 30, 1990

DATE OF ADMISSION: June 28, 1990

DATE OF BIRTH: February 3, 1956

PRESIDING JUDGES: Honorable Donald A. DeCessna
Honorable Randall L. Basinger
Honorable Robert V. Franklin

PROSECUTING ATTORNEY: Alan R. Mayberry

ACCOMPLICE(S): None

FOREWARD:

Clemency in the case of Richard E. Fox #227-307 was initiated by The Honorable Bob Taft, Governor of the State of Ohio, and the Ohio Parole Board, pursuant to Section 2967.13 of the Ohio Revised Code and the Parole Board Policy #501.09.

A previous Clemency Report was sent to The Honorable George V. Voinovich, then Governor of the State of Ohio, on July 26, 1994,. That report contained a unanimous Parole Board recommendation against clemency.

During our most recent investigation for this report two Parole Board Members interviewed Mr. Fox on January 3, 2003 at the Mansfield Correctional Institution. Also present at that meeting were Mr. Fox's attorneys, Jeffrey Sutton and Gregory Myers.

A Deathrow Clemency Review Hearing was held on January 10, 2003 with eight members of the Ohio Parole Board participating. Present at that hearing on behalf of Mr. Fox were Attorney Jeffrey Sutton and Attorney Gregory Meyers and other representatives from the Public Defender's office, and Jessica Fox, the inmate's daughter. Present at the hearing on behalf of the State were Wood County Prosecuting Attorney Raymond Fischer and Assistant Prosecutor Gary Bishop, Henry Appel, Tim Prichard, Jim Canepa and Norman Plate from the Office of the Ohio Attorney General. Representatives from the victim's family included Peggy Mundy, the victim's aunt and Chad Keckler, the victim's brother.

After reviewing and deliberating the information 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 INSTANT OFFENSE:

The following account of the murder of Leslie Keckler is obtained directly from the Ohio Supreme Court's review of this case and their 1994 decision:

On September 14, 1989, Leslie Keckler applied for a waitress job at a Bowling Green restaurant. Defendant, Richard E. Fox, worked there as a grill cook. As Keckler filled out her job application, Fox pointed out Keckler to a co-worker and said, "I'd like some of that." At Fox's request, the restaurant manager showed Fox the job application.

Sometime after September 14, 1989, Keckler told her boyfriend, girlfriend, and mother about an exciting restaurant supply job opportunity. Keckler described the job to her girlfriend and said that she had an interview. According to Keckler's mother, she was very excited about this "sales route" job, which involved selling supplies such as towels and aprons to local area restaurants.

On the evening of September 26, 1989, Keckler went to the Holiday Inn where a job interview for the sales route was to take place. Keckler's boyfriend saw her just before she left. Keckler told him she might be gone for two or three hours while she went over the sales route. When Keckler

did not come home that night, her boyfriend and mother filed a missing person's report with police. Police found the car Keckler had been driving abandoned at the Woodland Mall.

On September 30, 1989, two boys riding bicycles found Keckler's body in a rural drainage ditch. She was still wearing her new black dress and leather jacket. However, a clasp on her brassiere was broken, her belt was unbuckled, two dress buttons were missing, and her pantyhose were torn in the crotch. Aside from a nearby shoe, police found no other evidence at the scene.

Leslie Keckler had died as a result of asphyxia from ligature strangulation and multiple stab wounds. She had been stabbed six times in the back; three stab wounds penetrated her lungs. Her right wrist had a deep gash, and her face had bruises on her left eye, upper lip, and nose consistent with blunt force injury. The coroner found no signs of sexual molestation.

The evidence at trial later showed that at the hotel, Keckler had met Fox, who later stabbed her six times, strangled her with a rope, dumped her body in a ditch, and then drove home. The facts surrounding Keckler's abduction reminded police of an incident occurring several months earlier involving Marla Ritchey and an unknown man who called himself "Jeff Bennett". In May 1989, Marla Ritchey had applied for a waitress job at a Bowling Green restaurant. Fox then worked at that restaurant. Some days later, arrangements were made for Ritchey to go to the Bowling Green Holiday Inn for a "job interview." At the Holiday Inn, Fox, calling himself "Jeff Bennett", told Ritchey that he worked for Great American Foods and they needed a local sales representative. Ritchey agreed to accompany "Bennett" in his car that evening to discuss the job.

After driving a distance and parking, Bennett (Fox) told Ritchey he thought her dress was too long. Eventually, Ritchey decided this was a "fake interview" and told Fox she was not interested in the job. Fox then asked what Ritchey would do if someone "pulled a knife" on her and asked her for money, or asked her "to do other things." When Ritchey jumped out of the car, Fox tried to grab her and said, "come back, that he wasn't finished with her yet." Ritchey immediately reported the May incident to police and helped them prepare a composite sketch of "Bennett".

Because of the similarity between Keckler's abduction and the earlier Ritchey incident, police circulated an updated composite sketch of "Bennett", the man Ritchey had met. Police thought he might be a suspect in Keckler's abduction. On October 2, 1989, an acquaintance of Fox told police that this composite sketch resembled Richard Fox of Tontogany. Police confirmed that Fox matched Ritchey's description of "Bennett", and Fox's car also matched the description of "Bennett's" car.

On October 2, 1989, police secured a warrant to search Fox's car and the home where Fox lived with his parents. Then, Detective Sergeant Thomas Brokamp and Investigator John Helm drove there. Fox consented to a police search of the house and his car. After other officers conducted the search and found some suspicious items, Fox agreed to go voluntarily to the police station, where he waived his Miranda rights and agreed to talk further with police. Before Fox was placed under arrest, he admitted that in early May he had worked at a restaurant where Marla Ritchey had applied for a job, that he met Ritchey at the Holiday Inn, and that he took her for a drive and discussed her skirt length.

Fox also admitted that he knew Leslie Keckler and claimed they had met and talked at the restaurant where he worked and met again a couple of days later. He described his encounter with Keckler at the Holiday Inn on September 26, 1989 as a date. Later, at the mall, "he saw Leslie and they talked and ended up taking a drive in his car."

Fox said that, after driving for a while, he and Keckler parked, and "things were getting warmed up." However, "then Leslie did not want to participate." She called him "an asshole and started to get out of the car." Fox told detectives, "no one calls me an asshole." Then he "grabbed Leslie by the coat as she was standing up to get out of the car and pulled her back in," and he "pulled the coat up over her head." Fox got a knife out of the glove compartment and "stabbed her 4 or 5 times." Then, he "got the rope out of the trunk 'just to make sure she was dead' [and] strangled her." Police terminated the interview when Fox asked for a lawyer.

During the interview, Fox also described another remote rural location. At that location, police subsequently recovered Keckler's purse, her notebook, a letter she had written, her other shoe, a button from her dress, and a piece of nylon cord. Forensic examination of Fox's car revealed blood on the front passenger seat, door, and window. Samples tested were Keckler's blood type. In Fox's garage, police found a filet knife and a thin nylon rope; both had blood on them.

PRIOR RECORD:

At trial both parties stipulated that Fox had no criminal record. Similarly, a post-sentence investigation prepared by the Adult Parole Authority in 1990 found no prior record.

However, the post-sentence investigator learned that Fox was a suspect in his wife's death, which was listed as "by an undetermined origin." Information provided the investigator by the Oregon Police Department revealed that, during the course of the investigation into his wife's death, her friends came forward revealing that she had told them of her husband's propensity for "rough sex". Specifically, that he liked to rip the panties and panty hose off of his wife in order to get excited. The investigator noted the similarity in the condition of Leslie Keckler's body and reported that Oregon police considered Fox the "prime suspect."

INSTITUTIONAL AND/OR SUPERVISION ADJUSTMENT:

Fox was admitted to prison June 28, 1990. His prison files were reviewed on January 3, 2003 and found to be unremarkable. Mr. Fox can be described as a good inmate. In his application for clemency, it is noted that Fox has earned the respect of his jailers, receives good job evaluations, helped set up the prison library, and assisted in saving another inmate's life during a prison emergency. He studies the Bible and is reportedly very active in prison ministry. The subject is housed on Death Row; therefore, program participation is not applicable.

SOCIAL HISTORY

None presented.

PROPONENTS:

An extensive written application and documentation outlining the reasons Richard E. Fox should receive Executive Clemency was filed with the Parole Board. On January 10, 2003, Attorney Jeffrey Sutton and Attorney Gregory Meyers presented oral testimony in support of their application. Reasons expressed in favor of the granting of Executive Clemency are as follows:

- Clemency should not be limited to procedural error or perceived injustice.
- Life without parole was not an available option to Fox, and he was not permitted to plea bargain. Since the availability of life without parole, death penalty impositions have dropped from 18 per year to 4 per year.
- The prosecution could not have sought the death penalty without Fox's confession not just to murder but also to kidnapping. Confessions are unique in death penalty cases. He accepts responsibility for his actions.
- His crime was not premeditated. He did not set out to murder or cause harm.
- Mr. Fox has been a model inmate and spends his time productively.
- Mr. Fox expressed remorse at trial and remains genuinely remorseful to this day.
- The death penalty should be reserved for the "worst of the worst". Fox is worthy of some measure of mercy based on who he was before his crime and who he is now. His upbringing, background, confession and remorse distinguish him from the most serious of offenders.
- Ohio Courts failed to properly weigh mitigating factors against aggravating factors. Ohio Supreme Court Justices Craig Wright and A. William Sweeney strongly dissented from the majority opinion.
- Mr. Fox is a compelling prospect for rehabilitation and his family needs him.

Jessica Fox, the inmate's daughter, also provided a brief statement on January 10, 2003. She expressed her belief that her father's execution would not serve justice but would be an act of revenge. Many of the "population" (non-death row) inmates have killed more people under more horrific circumstances. She also believes the prosecutor was advancing his political career. Finally, the inmate's father, Dale Fox died December 28, 2002 and the family is experiencing considerable grief. Her grandmother, Fox's mother, is unlikely to survive another death.

OPPONENTS:

Gary Bishop, Assistant Wood County Prosecuting Attorney, and Henry Appel and Tim Prichard of the Ohio Attorney General's Capital Crimes Unit represented the State of Ohio at the hearing before the Parole Board on January 10, 2003. Arguments offered in opposition to the granting of Executive Clemency included:

- Mr. Fox is a predator who used stealth, deception and kidnapping to satisfy his sexual desires.
- Evidence of prior sexual inappropriateness and fake job interviews were "learning experiences". His behavior escalated to murder.
- Premeditation is suggested by the presence of the knife and rope.
- Fox has never accepted true responsibility. He only provided an incomplete confession when confronted with overwhelming evidence and continues to tell varying versions of the crime. The latter suggests a lack of remorse.
- Other death row inmates have confessed to their crimes.
- Good conduct is not unusual in maximum security or on death row.
- The aggravating and mitigating circumstances surrounding the crime were considered at trial, upheld throughout the appellate process, and affirmed by the Ohio Supreme Court.

Chad Keckler, the victim's brother, and Peggy Mundy, the victim's aunt, read prepared statements describing their incredible loss and stated opposition to the granting of clemency. Copies of their statements are attached to this report.

CONCLUSION:

Richard A. Fox is scheduled to be executed on February 12, 2003. An interview by the Parole Board was held at the Mansfield Correctional Institution on January 3, 2003.

The Parole Board reviewed the documents and deliberated extensively on the information provided. During our deliberation we focused on the following facts.

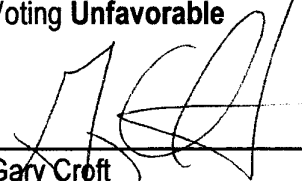
- That considerable deception was used to lure the victim to an encounter that ultimately led to her death by stabbing and strangulation.
- There was nothing presented to suggest any manifest injustice, nor was the mitigation sufficient to outweigh the aggravating circumstances in this case.

- Although some mitigation was offered that was perhaps unavailable to reviewing Courts, it was not sufficient or credible enough to warrant a recommendation for clemency.


RECOMMENDATION:

Following consideration of available information, the Ohio Parole Board, with eight (8) members participating, recommends to The Honorable Bob Taft, Governor of the State of Ohio, by a vote of eight (8) to zero (0), that Executive Clemency be denied in the case of Richard A. Fox, #227-307.


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



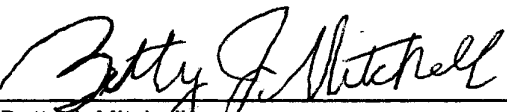
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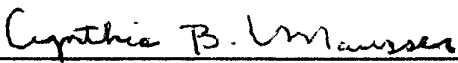
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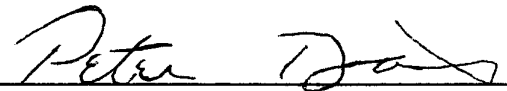
Dr. Sandra A. Mack



Betty J. Mitchell



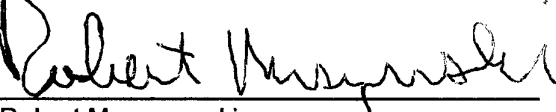
Cynthia Mausser



Peter Davis



Olivia Karl



Robert Maszczyński