DATE TYPED: December 17, 2013 DATE PUBLISHED: December 20, 2013

IN RE: DENNIS MCGUIRE, CCI #A305-892

STATE OF OHIO ADULT PAROLE AUTHORITY COLUMBUS, OHIO

Date of Meeting: December 12, 2013

Minutes of the **SPECIAL MEETING** of the Adult Parole Authority held at 770 West Broad Street, Columbus, Ohio 43222 on the above date.

IN RE: Dennis McGuire, CCI #A305-892

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: Aggravated Murder, Rape

DATE, PLACE OF CRIME: February 11, 1989 in Eaton, Ohio

COUNTY: Preble

CASE NUMBER: 93CR007192

VICTIM: Joy Stewart – deceased

INDICTMENT: Count 1: Aggravated Murder with

Death Specification

Count 2: Rape Count 3: Rape

Count 4: Kidnapping

TRIAL: Found guilty by jury of counts 1, 3, and 4. Count 4

merged with count 3 (allied offense). Count 2 not

referenced in sentencing entry.

DATE OF SENTENCE: December 23, 1994

SENTENCE: Count 1: DEATH (93CR007192) Count 3: 10-25 years

ADMITTED TO INSTITUTION: First admitted on April 24, 1990 under inmate number

A225-717 for prior convictions (see prior record below). Turned over to new inmate number A305-892 on December 23, 1994 as a result of the death sentence.

JAIL TIME CREDIT: 0 days (93CR007192—Death Sentence)

155 days (88CR6557—prior conviction)

TIME SERVED: 276 months (does not include jail time credit)

227 months since the death sentence was imposed (does

not include jail time credit)

AGE AT ADMISSION: Age 30 at time of original admission on prior conviction

Age 34 at the time the death sentence was imposed

CURRENT AGE: 53 years old

DATE OF BIRTH: February 10, 1960

JUDGE: Honorable David N. Abruzzo

PROSECUTING ATTORNEY: Rebecca J. Ferguson

FOREWORD:

The Ohio Parole Board initiated a clemency proceeding in the case of Dennis McGuire, A305-892, pursuant to Sections 2967.03 and 2967.07 of the Ohio Revised Code and Parole Board Policy #105-PBD-01.

McGuire declined to be interviewed by the Parole Board. A clemency hearing was then held on December 12, 2013 with eleven (11) members of the Ohio Parole Board participating. Arguments in support of and in opposition to clemency were presented.

The Parole Board considered all of the written submissions, arguments, and information disseminated by presenters at the hearing, as well as the judicial decisions. The Parole Board deliberated upon the propriety of clemency in this case. With eleven (11) members participating, the Board voted eleven (11) to zero (0) to provide an unfavorable recommendation for clemency to the Honorable John R. Kasich, Governor of the State of Ohio.

DETAILS OF THE INSTANT OFFENSE (CR93007192):

The following account of the instant offense is taken from the Ohio Supreme Court's opinion, issued on December 10, 1997:

Joy Stewart was last seen alive on February 11, 1989. That morning, she had breakfast with her neighbors between 9 and 10. She went there alone that morning because her husband, Kenny Stewart, a truck driver, worked that day from approximately 7:00 a.m. to 5:00 p.m. After breakfast, Joy went to visit Juanita Deaton, the mother of her friend Chris Deaton. Mrs. Deaton and her son lived next to each other in a duplex in West Alexandria.

McGuire had been hired by Chris Deaton to clean the ice out of his gutters that day. According to Chris, McGuire started around 9 or 10 a.m., and finished around noon. Mrs. Deaton testified that Joy arrived at around 9:30 or 10:00, while McGuire was working.

Mrs. Deaton saw Joy talking to two unidentified males in a dark-colored car before she left. As Joy was leaving, she told Mrs. Deaton that "she was going to catch a ride somewhere," although Mrs. Deaton did not actually see Joy leave in the car. Mrs. Deaton was unsure whether McGuire was one of the men in the car. A few minutes later, however, Mrs. Deaton asked whether McGuire had finished working on the gutters, and her son stated that McGuire had been paid and left.

Jerry Richardson, McGuire's brother-in-law, testified that McGuire later came over to his house that afternoon. While they were in Richardson's garage, Joy

came in and said she wanted some marijuana. Richardson further testified that McGuire offered to get her some, and the two left in McGuire's car.

The following day, February 12, two hikers found the body of Joy Stewart in some woods near Bantas Creek. The front of her shirt was saturated with blood. One deputy sheriff at the scene, Larry Swihart, also noted that there appeared to be a "blood wipe mark" on her right arm. The body was taken to the Montgomery County Coroner's Office, where an autopsy was performed. The autopsy revealed that Joy had been stabbed twice. One wound, located above the left collarbone, caused no significant injury. The critical wound was a four-and-a-half-inch-deep cut in the throat, which completely severed the carotid artery and jugular vein. The doctor determined that Joy was alive when she received the wound, and that such a wound could have been caused by a single-edged blade shorter than four and a half inches, due to "how soft and moveable the tissues are in the neck." The autopsy also revealed abrasions around the neck, impressed with the cloth pattern of Joy's shirt.

The coroner's office also took vaginal, oral, and anal swabs. The coroner found an abundant amount of sperm on the anal swab, some sperm on the vaginal swab, and none on the oral swab. The coroner indicated that sperm could be detected in the vagina for days or sometimes weeks after ejaculation; however, sperm in the rectum could be detected for a lesser time "because the environment is fairly hostile for sperm, and a bowel movement usually will purge the rectum of any sperm."

Investigator David Lindloff of the Preble County Prosecutor's Office investigated the murder, but to no immediate avail. However, in December 1989, Lindloff was notified that McGuire wanted to talk to him about information concerning a murder in Preble County. McGuire was in jail at the time on an unrelated offense and told a corrections officer that he needed to talk to Investigator Lindloff and Deputy Swihart.

Joseph Goodwin, the corrections officer McGuire initially talked to, took appellant to a private room to talk, where McGuire told him that he knew who had killed Joy Stewart. McGuire stated that Jerry Richardson, McGuire's brother-in-law, had killed Joy with a knife, and appellant could lead investigators to it. McGuire explained to Officer Goodwin that Richardson had wanted to have sex with Joy, but she had refused. McGuire claimed that Richardson then pulled a knife on her, and forced her to have oral sex with him. McGuire then said Richardson anally sodomized her because he "couldn't have regular sex with her because she was pregnant." He also said Richardson stabbed her "in the shoulder bone" and "cut her throat."

Based on these details, Goodwin contacted Investigator Lindloff, who talked to McGuire on December 22, 1989. McGuire told Lindloff that Richardson committed the murder, that he stabbed Joy twice in the neck, and that "the first time it didn't go in. He pulled the knife back out and stuck her again." Lindloff was interested, since the fact that Joy had been stabbed twice in the neck and anally sodomized had not been revealed to the public at that time.

The appellant also described in detail the area where Joy's body had been found.

McGuire then led Lindloff and deputies to the murder weapon, on a local farm where he and Richardson had occasionally worked. McGuire led the officers to the hayloft and showed them where a knife was hidden behind a beam.

A subsequent audio taped interview by Deputy Swihart elicited further details from McGuire. McGuire claimed that Richardson choked Joy before stabbing her and wiped his bloody hands off on her, both of which actions were consistent with the state of Joy's body at the crime scene. Again, Swihart felt that these details were significant, since they had never become a matter of public knowledge. Furthermore, McGuire stated that he was pretty sure that Richardson was driving his mother's blue Ford Escort the day of the murder. However, Richardson's mother later testified at trial that she had traded that car in 1988, a year before the murder, and Richardson did not have access to her car on the day of the murder, since she had driven it to work.

While in prison on December 24, 1989, McGuire received a visit from his childhood friend Shawn Baird. At the time, McGuire told Baird that he knew about a murder that happened in Preble County in February. When Baird asked who did it, the appellant stated that he and Jerry Richardson had done it, and he was going to blame it all on Jerry.

A fellow inmate at the Preble County Jail, Jack Stapleton, testified that he had overheard a conversation between McGuire and another inmate, in which McGuire claimed that he had seen his brother-in-law rape and murder Joy. However, at one point, McGuire apparently slipped and implicated himself when telling the story. While describing the murder, Stapleton testified that McGuire "had his hand like this describing [sic], telling the guy how she was killed. And he said I – he goes I mean he. Stabbed her like this. Hit a bone. It didn't kill her. So he stabbed her again."

McGuire was later transferred to Madison Correctional Institute. An inmate there, Willie Reeves, testified that McGuire told him that while he was cleaning gutters, Joy showed up asking whether McGuire had any marijuana. McGuire offered to share some with her, and they left in his car. At one point McGuire asked whether she wanted to have sex, and she refused. McGuire then told Reeves he did it anyway. He then explained that because she was so pregnant, it was difficult to engage in sex with her, so instead he anally sodomized her. Joy then became "hysterical" which made McGuire nervous. He ended up killing Joy for fear that he would go to jail for raping a pregnant woman.

In June 1992, the Montgomery County Coroner's Office sent the vaginal, anal, and oral swabs collected from Joy's body, along with a cutting from her underpants, to Forensic Science Associates, a private laboratory, for DNA testing using the PCR technique. A forensic scientist there compared DNA extracted from the samples with blood samples taken from Dennis McGuire, Jerry Richardson, Joy Stewart, and Joy's husband, Kenny Stewart. The scientist determined that McGuire could not be eliminated as a source of the

sperm. Kenny Stewart and Richardson, however, could be eliminated, unless there were two sperm sources, e.g., multiple assailants. This was because the sperm analyzed contained a DQ Alpha type 3, 4, with a trace amount of DQ Alpha type 1.1, 2. McGuire's DNA was the DQ Alpha type 3, 4, whereas Richardson, Stewart, and the victim's DNA was the DQ Alpha type 1.1, 2. The forensic scientist testified that the trace amount of 1.1, 2 could have resulted either from Joy's epithelial cells taken in the swab, or from a secondary sperm source. The sperm DNA analyzed had characteristics that appear in about one in one hundred nineteen males in the white population.

The FBI crime laboratory had tried to perform testing in 1989. However, the FBI at the time used the RFLP technique, which requires a greater amount of genetic material. The FBI was unable to extract sufficient DNA from the sperm cells for RFLP testing.

On December 22, 1993, McGuire was indicted on one count of aggravated murder under R.C. 2903.01(B), with one felony-murder specification for rape under R.C. 2929.04(A)(7). McGuire was also indicted on two counts of rape (vaginal and anal) and one count of kidnapping.

On December 8, 1994, the jury returned a guilty verdict on the aggravated murder and specification charge. McGuire was also convicted of anal rape and kidnapping (merged for sentencing). After a sentencing hearing, the jury recommended a sentence of death for the aggravated murder. The trial judge sentenced the appellant to death, and the court of appeals affirmed.

PRIOR RECORD

Juvenile Offenses:

According to the Post-Sentence Background Investigation, McGuire does not have a juvenile record.

Adult Offenses: McGuire has the following known adult arrest record:

<u>Date</u>	<u>Offense</u>	Location	Disposition
9/27/80 (Age 20)	Receiving Stolen Property	Frankfort, KY	2 years probation
11/02/88 (Age 28)	B&E (2cts) Theft	Eaton, OH	1/24/89: 4½ years suspended placed on 4 years probation 4/20/90: Probation revoked and sentence re-imposed
04/18/90 (Age 30)	Felonious Assault Abduction	Eaton, OH	4/20/90: 7-15 years concurrent with 5-10 years
12/22/93 (Age 33)	Aggravated Murder Rape	Eaton, OH (Preble County)	INSTANT OFFENSE (93CR007192)

Institutional Adjustment:

McGuire was originally admitted to the Ohio Department of Rehabilitation and Correction on April 24, 1990. His work assignment while incarcerated at the Orient Correctional Institution was as a Student. While incarcerated at the Warren Correctional Institution, McGuire's work assignments included Porter and Food Service Worker. At the Madison Correctional Institution, McGuire was a Porter, Food Service Worker, and Student. Upon receiving his death sentence, McGuire was briefly transferred to the Southern Ohio Correctional Facility prior to being relocated to the Mansfield Correctional Institution. While at the Mansfield Correctional Institution, McGuire's work assignments included Artist, Student, Material Handler 2, Barber, and Recreation Worker. McGuire was then transferred to the Oakwood Correctional Facility for a brief stay before being returned to the Mansfield Correctional Institution.

Presently, McGuire is a Barber at the Chillicothe Correctional Institution. No program or community service completion was noted. McGuire is enrolled in Adult Basic Education classes. McGuire has not received his GED while incarcerated. According to the Post-Sentence Background Investigation, McGuire reported that he completed the 9th grade before leaving school at the age of 16 to enter the workforce, supporting himself and helping to support his family.

Since his admission, McGuire has never been placed in Disciplinary Control.

McGuire has received the following five (5) conduct reports that did not result in placement in disciplinary control. Those rule infractions include:

- Unauthorized use of telephone in 1990. McGuire was on the phone without signing in on a list.
- Unauthorized use of telephone in 1990. McGuire was on the phone without seeking permission.
- Possession of contraband (homemade pillow) in 1992.
- Being out of place in 1994. McGuire was found in another inmate's cell.
- Possession of contraband (tobacco) and violation of mail and visiting rules in 2010.

APPLICANT'S STATEMENT:

McGuire declined to be interviewed prior to the clemency hearing.

ARGUMENTS IN SUPPORT OF CLEMENCY:

At the hearing held on December 12, 2013, McGuire's attorney, Rob Lowe, presented arguments in support of clemency supplementing the written application previously received.

Before presenting arguments in support of clemency, Lowe briefly addressed a letter sent by McGuire to the Governor two days prior to the clemency hearing. In that letter, McGuire for

the first time admits to killing the victim, Joy Stewart. In his letter, McGuire stated that he and Stewart had been having an extramarital affair. McGuire stated that he killed Stewart following a heated argument with her, during which she demanded that McGuire leave his wife and children. In the letter, McGuire stated that he "lost control" during the argument. He writes, "the next thing I knew I had taken her life."

Lowe recounted how McGuire wrote the letter following a conversation between McGuire and his attorneys, during which McGuire informed his attorneys that he wanted to confess to the Parole Board that he alone had killed Stewart. McGuire's attorneys advised him that it would be best for the Board and the Governor to hear that confession in McGuire's own words. Lowe indicated that McGuire's letter was written in his own words, that no one on his legal team assisted in writing the letter, and that the letter was forwarded to the Board unedited. Lowe further indicated that it was not easy for McGuire to write the letter. At the time of the clemency hearing, Lowe and his co-counsel had yet to have the opportunity to speak with McGuire regarding any of the specific content in his letter, including his allegation that he and Stewart were involved in an extramarital affair.

Lowe acknowledged that McGuire's confession comes late. Lowe stated that although it is unfortunate that it has taken so long for McGuire to accept responsibility, he does accept responsibility for Stewart's death and is remorseful. According to Lowe, McGuire did not confess until now because he was afraid that his mother and children would abandon him if they knew the truth. McGuire's upbringing, background, and limitations negatively affected his ability to accept responsibility, Lowe argued.

Lowe stated that it is not his intention to retry McGuire's crime or to contest his guilt. Instead, McGuire deserves clemency because his trial attorneys failed him by not fully investigating his upbringing and describing it for the jury during the sentencing phase of trial. The attorneys who represented him during his initial post-conviction appeals likewise failed to explore and develop that additional mitigation evidence. McGuire's upbringing negatively impacted his neuropsychological development, substantially impairing his executive functioning, and mitigating his offense, Lowe argued. The clemency proceeding, Lowe urged, is the last opportunity to consider this previously overlooked mitigation evidence.

The Mitigation Evidence Presented by Trial Counsel

Lowe described the testimony that was presented by McGuire's attorneys during the sentencing, or mitigation, phase of McGuire's trial. McGuire's trial counsel presented three fact witnesses: McGuire's mother, Doris Newton; his half sister, Tonya Konz Cross, with whom he shares the same mother; and a Department of Rehabilitation and Correction employee named Mary Beedy. Lowe noted that all of that testimony collectively totaled just 88 pages of transcript.

Mary Beedy was employed at the Marion Correctional Institution while McGuire was housed there. She testified that McGuire was a good inmate, Lowe related.

Newton's testimony comprised just 15 transcript pages, Lowe continued. Newton testified that she had been married six times; that McGuire did not grow up in the same household as his siblings; that McGuire witnessed her being abused by her several husbands; that McGuire

was a poor student; that McGuire was functioning at a second grade level in the eighth grade; that McGuire was born tongue tied; and that McGuire raised himself from an early age.

The testimony of McGuire's half sister, Tonya Cross, comprised just fourteen pages, Lowe noted. Cross testified that, growing up, McGuire was exposed to numerous different men to whom his mother was married through the years. She testified that McGuire was mentally abused by his various stepfathers. Lastly, Cross testified that it was McGuire's responsibility to seek help for his mother when his mother was being beaten by those men.

At trial, McGuire gave an unsworn statement. McGuire stated that he grew up quickly. His mother's second husband, Don Konz, was the only father figure in his life. McGuire further stated that he witnessed several of his stepfathers beat his mother. At age nine, McGuire was using drugs and hanging out with 18 year olds. There was racial tension at his schools and he was repeatedly beaten up. McGuire stated at trial that he had to take his driver's license exam orally because he could not read or write.

Lowe noted that McGuire's trial attorneys presented testimony from a psychologist, Phyllis Kuehnl, who spent only two hours with McGuire in preparation for her testimony. She reviewed some of McGuire's school records and she briefly spoke with McGuire's half sister, Tonya Cross, about her relationship with McGuire and his relationship with his children. Kuehnl testified that McGuire did not experience early familial bonding; that he did not have fatherly guidance growing up; and that he did not feel safe in his childhood home, all of which negatively affected his development.

Lowe argued that, despite the paltry mitigation evidence presented at trial, the death sentence was not a foregone conclusion. Lowe noted that, at one point during the jury's lengthy sentencing deliberations, the jury sent a note to the judge asking what will happen if they continue to vote 11 to 1 on a possible sentence.

The Mitigation Evidence that Trial Counsel Failed to Uncover

According to Lowe, a reasonable mitigation investigation by McGuire's trial counsel would have uncovered the following risk factors that negatively affected McGuire's development. First, the manner in which McGuire's biological parents were raised shaped how they, in turn, raised McGuire. Second, McGuire did not receive proper prenatal and postnatal care. Third, McGuire was mentally and physically abused throughout his childhood. Fourth, McGuire was sexually abused as a child. Fifth, McGuire was given no structure or stability as a child. All of those risk factors, Lowe argued, negatively affected his brain during its most critical stage of development.

Lowe described the upbringing of McGuire's parents, Doris Newton and Genis McGuire Sr., as one devoid of affection. Newton's parents showed their daughter little affection, only kissing her on the hand and never on the face. They would not allow Newton or her siblings to sit on their laps. Newton's parents used corporal punishment, once whipping Newton with a belt when she was 16.

Genis Sr.'s parents had neither running water nor heat in their home. The family used an outhouse and kerosene. Genis Sr. and the other members of the McGuire family loved to

fight. Genis Sr. would go to bars seeking fights with the biggest patrons that he could find. Genis Sr. quit school when he was in the third grade and could neither read nor write. Newton had to assist Genis Sr. in completing his job applications. While Genis Sr. was employed as a deliveryman, Newton would accompany him to assist in reading the street signs. Genis Sr. would frequently lose jobs, often for fighting.

By the time Newton was 20, she and Genis Sr. had borne three children, including McGuire, his younger sister Mary Beth, and his older brother, Genis Jr. This was relevant information, Lowe insisted, as sons born to teenage mothers are 2.7 times more likely to end up in prison than sons born to older mothers. Not surprisingly, Lowe argued, both McGuire and his brother, Genis Jr., are currently incarcerated.

According to Lowe, McGuire received inadequate care from the moment that he was conceived. Newton received very little prenatal care, going hungry throughout her pregnancy and finding sustenance in what little Genis Sr. could steal or in the squirrels and rabbits that he hunted. Though the jury was informed that McGuire was born with the umbilical cord wrapped around his neck, the jury was not told that McGuire was born without a doctor present. Instead, McGuire's paternal grandmother assisted with his birth.

McGuire's situation did not improve from there. Because there was no money to purchase milk for McGuire, McGuire was often given sugar water as a baby. Newton did not know how to breast feed McGuire. Over time, McGuire developed a distended stomach due to malnourishment. While the jury was informed that McGuire was ridiculed as a child for being fat, the jury was never told the medical basis for his bloated appearance. As a result, the jury was left with the mistaken impression that McGuire was simply fat and lazy. Lowe noted that poor nutrition affects childhood development, leads to behavior disorders, and increases the likelihood of the child developing antisocial personality disorders.

According to Lowe, McGuire experienced mental and physical abuse during his most formidable developmental years. Genis Sr., whom Lowe described as a very violent person, would hit McGuire with blocks of wood and a broomstick.

McGuire continued to be abused after his mother and father divorced. After divorcing Genis Sr., McGuire's mother married Don Konz, who would firmly poke his finger into McGuire's forehead and call him "stupid" when McGuire disappointed Konz by, for example, being unable to tie his own shoes. Though McGuire and Konz are now close, it does not change the fact that Konz mistreated McGuire during McGuire's developmental years, Lowe argued.

The abuse did not end with Konz, Lowe continued. McGuire's mother later married a man named Danny Rainey. Rainey, who had earned a black belt in karate, would beat McGuire with wooden spoons and a belt. Similarly, another stepfather, Jerry Miller, mentally abused McGuire, yelling at McGuire for such insignificant acts as sitting on the carpet and flattening the pile. Both McGuire's mother and his sister, Mary Beth, would also beat McGuire. On several occasions, the abuse caused McGuire to run away, sometimes to the home of his father, Genis Sr. The jury, Lowe noted, never heard about the abuse to which McGuire was subjected as a child.

In addition, McGuire witnessed extreme familial violence in which he was not directly involved. For example, he once witnessed his mother fire a gun at one of his stepfathers.

Lowe acknowledged that McGuire's mother and half sister denied at trial that McGuire was physically abused. That testimony was false, Lowe insisted. According to Lowe, it was incumbent upon McGuire's trial counsel to uncover the truth behind those lies because studies have shown that abuse in the home, whether experienced or merely witnessed, has behavioral, emotional, and social ramifications for the children residing in it. It results in lower cognitive functioning, poor school performance, and poor problem solving skills. A violent upbringing is also correlated with higher levels of depression as well as increased tolerance for, and use of, violence in relationships. Those subject to abuse have an elevated risk for being arrested for violent crimes, Lowe continued. It leads to impaired functioning of those parts of the brain that regulate negative emotion.

Lowe next explained that McGuire has alleged that he was sexually abused as a child, additional mitigation that the jury never heard, including an incident at age 10 or 11 when an adult male rubbed against him in a sexual manner during a bike ride, and another incident at age 12 or 13, when McGuire was orally and anally raped by older males in the neighborhood. McGuire's mother knew about the abuse but swept it under the rug.

Lowe also argued that there was inappropriate sexual behavior within the family unit, including uncles who would grab McGuire by the genitals and ask him if his penis was growing and how it was doing and who also solicited McGuire for anal sex. During a family sleepover, an uncle once kissed McGuire's sister, Mary Beth, inappropriately on the lips, Lowe alleged. He noted that this kind of sexual deviancy has a negative impact on a child's development, yet the jury was never made aware of it.

Lowe argued that McGuire was provided neither structure nor security as a child. He received no guidance from his father or the revolving door of stepfathers that entered and exited his life, Lowe argued. In short, McGuire had no positive role models. In addition to constantly changing the familial makeup of the home, McGuire's mother was constantly uprooting him, leaving him with no structure. McGuire changed schools frequently, sometimes experiencing racial conflict in those schools, resulting in his involvement in fights. He often skipped school to avoid being beaten up.

Lowe shared a quote from McGuire's half sister, Tonya Cross, who said in 1999 that she was glad that, after divorcing her father, Don Konz, her mother left her to live with Konz. She described how her mother was constantly moving and how that instability would have negatively affected her life. Cross noted that she was able to finish school and stay out of trouble. Lowe observed that Cross had the structure, stability, and guidance that McGuire never received. Those things, Lowe argued, have a significant, positive impact on the development of a child's brain.

Genis McGuire Jr., McGuire's older brother, appeared via videoconference from the Chillicothe Correctional Institution (CCI). Genis Jr. is currently incarcerated on a conviction out of Warren County, Ohio for complicity to commit aggravated murder for his role in the stabbing and killing of a female convenience store clerk in 1995. Present with Genis Jr. at

CCI was Ohio Public Defender Mitigation Specialist, Martha Phillips, who posed questions to Genis Jr.

Genis Jr. introduced himself, described for the Board the various institutions in which he has been incarcerated, and noted that he has had only one report for institutional misconduct in 20 years of incarceration. Genis Jr. then proceeded to identify the various members of his immediate family, including McGuire, their siblings, and their half-siblings. He noted that his parents separated when he was approximately four years old. After the separation, McGuire continued to live with their mother in Preble County while Genis Jr. resided primarily with their father and his new wife in Warren County. According to Genis Jr., his father, who felt lingering bitterness over the separation, resisted Genis Jr.'s efforts to visit his mother. Genis Jr. related how, on one occasion, after finally being permitted to spend the night with his mother, his mother went out on a date rather than stay at home with him.

Genis Jr. described his father as very high strung. There were good times with his father but also very bad times, Genis Jr. related. Genis Sr. had a bad temper and he was known around Warren County as a very dangerous man. Genis Sr. carried a pistol and brass knuckles. His reputation was so well known, Genis Jr. described, that older boys would want to hang out with Genis Jr. just for the perceived status it gave them to be associated, even indirectly, with his father. While his father worked and provided for his family, Genis Sr. was often getting into fights, putting him in frequent contact with the criminal justice system. Genis Sr. was on probation for 25 years straight, Genis Jr. described, and was once incarcerated for violating that probation.

When Genis Sr. would become angry, he would physically abuse Genis Jr. Genis Jr. described how his father once whipped him with a jump rope. Sometimes Genis Sr. would hit Genis Jr. with his fists. Genis Jr. described how, to this day, he still experiences ringing in his ears as a result of those beatings. Genis Sr. viewed those beatings as a kind of rite of passage because Genis Sr.'s definition of manhood was being able to get up after being knocked down. Over time, Genis Jr. would attempt to avoid his father's beatings by running away.

Genis Jr. noted that his father had been married four times and that all of those women experienced physical abuse similar to that inflicted upon Genis Jr. He recounted how his father would routinely whip and beat his wives in Genis Jr.'s presence. At least one of Genis Sr.'s wives was so terrified of Genis Sr. that she secretly sold the family home and fled.

Genis Jr. described alcohol use as very prevalent in his family members' lives. Genis Sr. drank heavily. Before separating, his mother and father would take him to bars rather than securing a babysitter for him, tying his stroller to the bar, Genis Jr. recalled. As Genis Jr. grew older, but before reaching legal drinking age, Genis Sr. would buy alcohol for him.

In addition to abusing alcohol, Genis Sr. was addicted to Valium and pain pills. His pill addiction lasted well over ten years, Genis Jr. related. As Genis Jr. grew older, he too began abusing alcohol and using pills, though he always worked. Genis Jr. did not finish school, choosing instead to quit school and work with his father at a paper mill.

Genis Jr. described seeing his brother, McGuire, only sporadically as children because of the physical distance between them and their father's reluctance to facilitate contact between the two households in which they lived. As the boys grew older and were able to arrange their own transportation to each other's homes, they were able to see more of one another.

Genis Jr. described his brother as a "good kid." He noted that McGuire had a speech problem that resulted from having a tied tongue, which was eventually clipped. McGuire looked up to Genis Jr. and their father, Genis Jr. recounted. McGuire thought his father and older brother were tough and he wanted to be like them.

McGuire grew up in a permissive environment, without structure or rules, Genis Jr. described. At eight years old, McGuire would disappear for days at a time, no one knowing where he was. Like his older brother, McGuire did not finish school. In fact, none of the children in the family attended school very often. The children were largely allowed to attend school or not attend as they pleased. Not surprisingly, McGuire struggled in school on those occasions when he did attend, particularly in the areas of reading and writing, though McGuire was not "stupid," Genis Jr. insisted.

According to Genis Jr., McGuire drank a little growing up, used marijuana from time to time, but did not often use pills. One of their siblings used heroin, which indirectly resulted in her incarceration. Despite their misbehavior, he and his siblings, including McGuire, grew up knowing the difference between right and wrong, Genis Jr. stated.

Genis Jr. described his mother as having very poor judgment when it came to men. He also described her as "clueless" when it comes to being a mother. She has never visited Genis Jr. in prison and has visited McGuire on death row only once during his incarceration. Her unwillingness to visit hurts McGuire deeply, Genis Jr. reported. Genis Jr. noted that their mother's second husband, Don Konz, remains a positive influence in his brother's life and his own.

Genis Jr. and McGuire have a strong bond. Genis Jr. described how he is able to visit with his brother from time to time at CCI, even though they are not housed together. The visits are important to Genis Jr., motivating him to maintain his good conduct. Genis Jr. believes that the visits also mean a lot to McGuire. At one time, the two were both incarcerated at the Mansfield Correctional Institution (MANCI). Genis Jr. described how, when death row was being moved from MANCI to the Ohio State Penitentiary in Youngstown, McGuire slit his wrists in an attempt to remain incarcerated in the same prison as Genis Jr.

Despite their strong bond, McGuire and Genis Jr. have rarely spoken about McGuire's crime. McGuire had always denied killing Stewart, Genis Jr. related. To Genis Jr.'s knowledge, McGuire's recent written confession was the first time that his brother had ever confessed the crime. Genis Jr. has no knowledge as to whether McGuire and the victim were having an affair, as alleged in McGuire's confession. Genis Jr. did relate, however, that he recalls McGuire and his wife already having been separated a month at the time of Stewart's murder. Genis Jr. suggested that McGuire is now confessing to the crime because he is ashamed.

Genis Jr. spoke briefly about McGuire's trial, noting that he was never asked by McGuire's attorneys to testify. Had he been asked, he would have testified.

Genis Jr. concluded his presentation by expressing his wish that his brother's life be spared. His brother is all that Genis Jr. has and he does not want to see him die.

Lowe next played a videotaped interview of McGuire's mother, Doris Newton, which was recorded approximately two and one-half weeks prior to the clemency hearing. Newton described how she married McGuire's father, Genis Sr., when she was only 15 years old. According to Newton, her in-laws were a very different kind of family from the one in which she was raised. She described the McGuires as the "Beverly Hillbillies." The McGuires had very specific, old fashioned ideas about what was and was not appropriate female behavior. Short sleeve blouses, for instance, were prohibited by her in-laws. Her in-laws' home had no running water and, therefore, no indoor bathroom. The McGuires relied upon an old wood stove for heat.

According to Newton, the McGuire family loved to fight. Her in-laws would get into fights seemingly everywhere they went. Newton recounted how, if you were to ask the McGuires, they were never the instigators of those fights, even when they were. After instigating a fight, the McGuires would go so far as to cut themselves with knives and then tell police that the person with whom they instigated the fight had attacked them. Newton described how Genis Sr. could neither read nor write, resulting in her having to help her husband complete job applications and assist him on job deliveries by reading street signs to him.

Newton described how she was eating quite poorly while pregnant with McGuire. At that time, the family was sustaining itself on squirrel and rabbit that Genis Sr. hunted. After McGuire was born, there was no milk available for him so he was instead given sugar water. McGuire was malnourished throughout his childhood, resulting in a distended stomach that lasted until McGuire was nine or ten years old.

Newton recounted that McGuire routinely witnessed his father physically abusing her. During the most severe of those beatings, Newton would give McGuire a look that would be his signal to go and seek help. According to Newton, Genis Sr. also abused McGuire and his brother, Genis Jr. He would knock McGuire down with a broom and would push him down with his hands. He once beat Genis Jr. for soiling his pants. Newton described her second husband, Don Konz, as verbally abusive toward McGuire, routinely calling him "stupid." Konz would forcefully poke McGuire with his finger while insulting the boy.

Like his father, McGuire could neither read nor write. McGuire was tongue tied, making it difficult for him to speak. Because Newton was frequently moving the children, they attended many different schools, all of which McGuire hated. McGuire was unable to understand his school work and was unable to do math. By the time he was in the eighth grade, McGuire was doing only second grade coursework. Newton cannot understand why the schools would advance McGuire through the grade levels despite his poor comprehension of the coursework. It is only recently that McGuire has developed the ability to comprehend what he is learning, Newton related.

Newton concluded by stating that she loves her son with all of her heart. McGuire was Newton's protector when she was being beaten by his father. That resulted in a special bond between them. She asked that her son be allowed to live.

McGuire's Upbringing Negatively Affected His Brain's Development

Lowe contended that the risk factors inherent in McGuire's violent, unstable, and chaotic upbringing negatively impaired the development of McGuire's brain, making him prone to impulsive behavior. In support of that argument, Lowe offered a presentation from a retired psychologist named Kathleen Burch, who appeared in person for the clemency hearing.

Burch related that her area of practice was neuropsychology, which is a discipline within the larger discipline of psychology that draws upon both neurology and psychology. Burch examined McGuire twice, once in 1998 and again in 2002. In her opinion, McGuire suffers from neuropsychological deficits that negatively affect his executive functioning and his ability to control his behavior.

Burch's opinion is based upon a number of objective, standardized tests that she administered to McGuire. Those tests revealed that McGuire has language deficits, resulting in significant difficulty performing tasks of a verbal nature. In addition, he has difficulty performing tasks of an executive nature; that is, those tasks that require appropriately and effectively controlling, monitoring, and regulating one's behavior. Those deficits suggest impairment to the frontal lobe of McGuire's brain. Further personality testing uncovered paranoid features, impulsiveness, immaturity, chronic maladjustment, a tendency toward substance abuse, low morale, and other negative features.

Burch indicated that she is confident in the validity of her test results and her specific diagnosis of neuropsychological impairment in executive functioning. Burch pointed out that the results are consistent with the manner in which McGuire presents, his history, and the results of all of the different psychological testing that has been performed on McGuire. Moreover, absent a stroke or other significant neurological event, one would expect those test results to remain static over time.

A person with the kinds of neuropsychological deficits that McGuire exhibits is unreflective and impulsive in character, Burch opined. They are "doers" more than "thinkers." Neuropsychological deficits such as those exhibited by McGuire are developmental in character. As a result, they are not psychological features that one chooses to exhibit.

McGuire's deficits are the product of the chaotic environment in which he was raised, Burch explained. McGuire was raised in an unstable home environment with unstable parenting. His mother was frequently absent, both physically and emotionally. Burch stated that McGuire witnessed, and was the victim of, physical violence from a young age, including sexual abuse, and that kind of environment can negatively affect the neuropsychological development of the brain with the effects persisting into adulthood.

Burch stated that the tests that she used to assess McGuire could have been administered to McGuire at the time of his trial in 1994, but were not. She further opined that McGuire has benefitted from the structure provided to him in prison and that one would expect him to continue to maintain his positive institutional adjustment.

According to Burch, individuals who exhibit neuropsychological impairments are not necessarily predisposed to homicidal behavior. However, among the criminal population, there is a higher occurrence of those impairments than in the general population.

Burch addressed McGuire's recent confession that he killed Stewart. She surmised that McGuire hid his guilt in the past because he is a person with low self-esteem and a propensity toward feeling ashamed. Though she concedes that the confession may simply be McGuire telling the Board and the Governor what he thinks they want to hear, she believes it could also be motivated in whole or in part by genuine shame and remorse.

Lowe concluded his presentation by again noting that McGuire's jury never heard the mitigation evidence presented during the clemency hearing. If presented with that mitigation, the jury would likely have spared McGuire's life, he insisted. Likewise, given that the jury was consistently voting 11 to 1 even without the additional mitigation, Lowe believes that if the jury had life without parole available to it as a sentencing option, the jury would likely have recommended that sentence.¹

Lowe concluded his presentation by reiterating his position that prior counsel's failure to identify and develop the mitigation evidence that he presented at the clemency hearing was a grievous error that needs to be corrected through the Executive clemency process. Lowe also noted that McGuire is a model inmate who has availed himself of opportunities to better himself in prison. Though a dysfunctional group, McGuire; his brother, Genis Jr.; stepfather, Don Konz; and mother, Doris Newton all love and support one another. For those reasons, Lowe asked that the Parole Board recommend to the Governor that McGuire's sentence be commuted to life without the possibility of parole.

ARGUMENTS IN OPPOSITION TO CLEMENCY:

Martin Votel, Preble County Prosecuting Attorney, and Stephen Maher from the Ohio Attorney General's Office presented arguments in opposition to clemency.

Votel argued that McGuire's sentence was legal, appropriate, and just, and that there is no compelling reason to grant McGuire clemency. He described how McGuire kidnapped a pregnant Stewart; raped her; used a knife to sever her carotid artery and jugular vein; and left her to die alone. Votel stressed that there remains no doubt as to McGuire's guilt, noting that the DNA in the case was retested in 2002 using modern DNA forensic techniques. Despite that DNA again coming back as a match to McGuire, McGuire continued to claim his innocence until just days ago, Votel observed.

Votel addressed Lowe's argument that trial counsel failed to adequately develop and present critical mitigation evidence concerning McGuire's childhood. Before challenging the merits of that argument, Votel reminded the Board that McGuire refused to participate in a clemency interview during which he could have personally discussed that allegedly critical mitigation evidence with the Board.

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¹ Life without the possibility of parole was not an available sentencing option at the time of McGuire's trial.

The mitigation presented by Lowe is essentially the same mitigation that was advanced by McGuire's trial attorneys, Votel argued. McGuire's dysfunctional childhood formed the basis for the mitigation defense. In addition to hearing testimony from McGuire's sister and McGuire himself, the jury heard testimony from McGuire's mother, the best authority available on how McGuire was raised. McGuire's mother testified at trial about her numerous marriages, how McGuire was moved from school district to school district, how McGuire was illiterate, and how McGuire began using drugs at an early age. In short, the jury was given a real and comprehensive picture of McGuire's childhood from McGuire himself and those individuals who were closest to him, Votel argued.

Votel urged that certain of the additional mitigation evidence presented at the clemency hearing, such as the manner in which McGuire's parents were raised and how Genis Jr. was treated as a child, is irrelevant. It is *McGuire's* experiences and no one else's that matter, Votel insisted.

Other of Lowe's allegations, such as McGuire's alleged malnutrition, finds no support in the record, Votel observed. McGuire himself never mentioned that he went hungry as a child. While McGuire's mother testified at trial that McGuire was "chubby," there was never any mention of starvation. In fact, Votel continued, Genis Jr. stated during the clemency hearing that his father always worked and provided for the family. The record is thus devoid of any evidence that McGuire went hungry as a child. Evidence of malnutrition was not raised at trial because no one in McGuire's family, including McGuire himself, noted it at that time. In any event, Votel argued, the scientific link between pre- or postnatal malnutrition and later antisocial behavior is uncertain at best.

The record was likewise devoid of any evidence that McGuire was physically or emotionally abused as a child. Physical or emotional abuse is not mentioned in McGuire's presentence investigation report, Votel observed. McGuire's own unsworn statement at trial made no mention of physical and emotional abuse. On the contrary, during that unsworn statement, McGuire identifies his mother's second husband, Don Konz, as a father figure. During her trial testimony, his half sister, Tonya Cross, specifically denied that McGuire was ever physically abused. McGuire's mother made no mention at trial of McGuire being sexually abused, despite the fact that her boyfriend at the time of the alleged abuse purportedly "took care of" the men who did it.²

Trial counsel did not raise McGuire's alleged physical abuse during trial because those allegations only emerged years later during McGuire's post-conviction appeals, Votel explained. Regardless, Votel continued, McGuire's upbringing is irrelevant to the murder. Many people suffer malnutrition, deprivation, and physical abuse, yet few go on to commit murder.

Votel stressed that trial counsel was not required to present every conceivable piece of mitigation available at that time. Adopting a "less is more" approach was reasonable.

Indeed, a "less is more" approach was, from a legal perspective, imperative, Maher explained. Maher described how, ten months after killing Stewart, McGuire was arrested for an

² See Sharon L. Pearson's Psychological Evaluation, McGuire Clemency Exhibits, p. 58.

unrelated knifepoint abduction of a fifteen-year-old female named Chicara Russell, for which he was eventually convicted. Later, during McGuire's murder trial, one of his attorneys' priorities would have been to keep information about the Chicara Russell incident away from the jury at both the guilt and mitigation phases of the trial. Had the jury learned that, ten months after killing Stewart, McGuire abducted a fifteen-year-old girl at knifepoint, the jury would have most certainly recommended the death sentence, Maher observed. Therefore, trial counsel had to tread very carefully in terms of the nature and extent of mitigation offered. If trial counsel put McGuire's character too much into issue, Maher continued, it would have opened the door to the prosecution rebutting with evidence of the Chicara Russell abduction. In Maher's view, rather than being criticized for their efforts in mitigation, McGuire's trial attorneys should be applauded for preventing McGuire's "other bad acts," particularly the Chicara Russell abduction, from being disclosed to the jury.

In addition to having to keep information about Chicara Russell away from the jury, McGuire's trial counsel was also hamstrung by the criminal records of many of the potential mitigation witnesses, including McGuire's brother, Genis Jr. Using unsavory characters to tell a story can backfire, Maher observed.

Votel addressed Dr. Burch's finding that McGuire suffers from neuropsychological deficits, essentially challenging her conclusions as underwhelming and lacking basis in fact. After first noting that Burch has not been licensed to practice since 2006, Votel argued that what Burch offers in terms of mitigation is insubstantial. Her 2002 report notes that McGuire does not suffer from a major mental illness. The alleged neuropsychological deficits mean only that McGuire has difficulty controlling his behavior, Votel observed. As Burch herself acknowledges, those deficits do not predispose one to homicide. Trial counsel can hardly be blamed for failing to introduce such thin mitigation evidence, Votel suggested.

Votel argued that there is little evidence that McGuire is impulsive and incapable of controlling his behavior—a "doer" and not a "thinker"—as Burch suggests. On the contrary, McGuire's own sister, Mary Beth, describes McGuire as a follower. His brother, Genis Jr., refers to McGuire as a "good kid." His mother claims that he is not a fighter. For the most part, he is a model prisoner, conforming to institutional rules while housed among a very difficult population.

Indeed, Votel continued, McGuire is very much the thinker and planner that Burch suggests he is not. Within 48 hours after being arrested for the knifepoint abduction of Chicara Russell, McGuire had formulated a plan to exchange false information about Stewart's murder—namely, that his eighteen-year-old brother-in-law killed Stewart—for law enforcement's assistance with the pending abduction charges. McGuire's plan to destroy his young brother-in-law's life to save his own skin does not demonstrate impulsiveness, but rather cold calculation, Votel contended.

Similarly, Votel continued, McGuire recently attempted to conspire with another convicted murderer, Steven Kasler, for Kasler to take responsibility for Stewart's murder. Kasler, who is known to serially confess to murders that he did not commit, had no involvement in Stewart's murder whatsoever. That plan was thwarted when prison officials intercepted a letter sent from Kasler to McGuire. Like his attempt to frame his brother-in-law, McGuire's

attempt to shift blame to Kasler, a willing co-conspirator, clearly demonstrates the capacity to think and plan that Burch claims he lacks.

Votel argued that to presume that the jury would have chosen the option of life without parole had it been available is pure speculation. As such, it completely fails as an argument in support of clemency.

Votel discussed the plea agreement that was offered to McGuire at the time of trial by the then Preble County Prosecutor, which would have spared McGuire's life had he accepted it. According to Votel, one has to understand the context in which his predecessor made that offer. That plea offer was made not because the prosecuting attorney believed that the death sentence was inappropriate, but rather because of the uncertainty that surrounded the DNA evidence the prosecution was planning to use at trial. At that time, reliance upon DNA in criminal prosecutions was not nearly as commonplace as it is today. Therefore, at the time of trial, some doubt existed as to whether the jury would understand the technology and whether its introduction would withstand appellate review. Those circumstances, Votel argued, made a plea offer a reasonable strategy from the standpoint of risk management. Now that those circumstances have changed, Votel sees no need to honor that offer by withholding any objection to clemency.

Despite his written confession, McGuire has failed to meaningfully admit his true culpability, Votel argued. McGuire's confession, in which he alleges that he was having an extramarital affair with Stewart and that he killed Stewart after she became hysterical during a heated argument, is not an honest accounting of what he did to Stewart and why he did it. The official investigation into the murder uncovered that McGuire and Stewart barely knew one another. McGuire and Stewart did not even live in the same town. Stewart's friends were interviewed after the murder and no mention was made by them of any known affairs. McGuire was never a person of interest in Stewart's murder until McGuire broached the subject of her death with police following his arrest in the Chicara Russell case. The fact that McGuire never disclosed any affair to the several jailhouse informants with whom he discussed the crime also belies McGuire's version of the crime, Maher added. In any event, if McGuire and Stewart were really having an affair, that information would surely have come to light during the trial or immediately thereafter, Votel observed. Maher stated that it is reprehensible for McGuire to now be accepting responsibility for the crime by essentially blaming the victim for her own death.

McGuire's refusal to completely accept responsibility even at this late stage suggests that McGuire is incapable of rehabilitation, Votel argued. Therefore, he continued, there is no reason why McGuire's lawfully imposed death sentence, which has withstood years of judicial scrutiny, should not be carried out.

Votel concluded the state's presentation by asking that the Board make an unfavorable recommendation for clemency in McGuire's case.

VICTIM'S REPRESENTATIVE:

Carol Avery, the victim's sister, described how she was ten years old when her parents brought Stewart into their home as a foster child. Avery's parents later adopted Stewart,

changing her name to "Joy," to reflect her sister's bubbly personality. Avery pointed out that, throughout the clemency hearing, the Board heard a great deal about McGuire. Avery wanted the Board to know a little about Stewart. Avery described her sister as a very outgoing person who accepted and loved everyone. It was that trusting personality that caused her to get into McGuire's car on the day he killed her. Avery, who has heard about the content of McGuire's written admission, considers that admission a smear on her family and Stewart's memory. There was no affair between McGuire and Stewart, Avery stated. Stewart was not urging McGuire to leave his family, as he alleges. Avery reminded the Board that McGuire's brother, Genis Jr., had stated earlier in the clemency hearing that McGuire and his wife had already separated by the time Stewart was killed. Stewart was a newlywed and excited about her pregnancy, Avery recalled.

Avery noted that, though the story of McGuire's childhood was tragic, that tragic childhood was not Stewart's fault. Many people have imperfect childhoods but do not go on to hurt anyone, Avery observed. Avery was touched to hear about McGuire's close relationship with his brother, Genis Jr. She wishes that she had been able to have a similar relationship with her sister during all the years that she has been deceased. Avery described how Stewart's death changed her family. Her parents never overcame the pain of losing their daughter. Her parents, who are now deceased, died knowing that their daughter's killer still lived. Avery noted that she was at the clemency hearing speaking on behalf of her entire family, including her two brothers who could not attend the hearing. Her family has forgiven McGuire, because that is what God calls upon them to do. At the same time, she believes that McGuire should pay with his life for the death sentence he handed her sister 24 years ago.

PAROLE BOARD'S POSITION AND CONCLUSION:

The Ohio Parole Board conducted an exhaustive review of the documentary submissions and carefully considered the information presented at the clemency hearing. The Board reached a unanimous decision to provide an unfavorable recommendation regarding clemency based on the following:

- Through the years, McGuire has repeatedly attempted to evade responsibility for his crime, first by attempting to frame his eighteen-year-old brother-in-law and, more recently, by conspiring with another inmate to have that other inmate confess to the crime. McGuire's repeated efforts to confuse law enforcement and to prevent the administration of justice by placing blame for Stewart's murder on individuals who were in no way responsible for her death speaks poorly of his overall character and suggests that he has experienced little positive growth during his incarceration.
- On the eve of his execution, McGuire finally admits to killing Stewart in a written confession that essentially describes the crime as a lovers' quarrel gone horribly wrong, a depiction that is entirely uncorroborated. Rather than a genuine act of contrition, McGuire's eleventh-hour admission instead seems disingenuous and contrived.
- McGuire's crime is very disturbing in character, as it involved the rape and slaying of a nearly eight-month pregnant woman. Though McGuire claims to have merely "lost

control" when he killed Stewart, the severing of both Stewart's carotid artery and jugular vein demonstrate an obvious purpose to end her life, and to end it decisively and violently.

- McGuire abducted and assaulted a fifteen-year-old girl at knifepoint less than a year after killing Stewart, suggesting a propensity to violently prey on vulnerable victims.
- Like many inmates, McGuire had an impoverished, less-than-idyllic childhood that was obviously dysfunctional in character. Whether it included all of the physical, psychological, and sexual abuse alleged during the clemency hearing is less clear, however. The record is devoid of any objective, extraneous proof of that abuse, making it impossible to corroborate those claims. However, even taking as true all that was alleged about McGuire's upbringing, the Board concludes that it neither explains his crime nor mitigates it to such a degree that the evidence would clearly have produced a different sentencing recommendation if presented to the jury.

RECOMMENDATION:

The Ohio Parole Board with eleven (11) members participating, by a vote of eleven (11) to zero (0), recommends to the Honorable John R. Kasich, Governor of the State of Ohio, that Executive clemency be denied in the case of Dennis McGuire.

Adult Parole Authority

Ohio Parole Board Members Voting **Favorable**

Ohio Parole Board Members Voting Unfavorable Cynthia Mausser, Chair Andre Imbrogno, Vice Chair Kathleen Kovach Trayce Thalheimer Richard Cholar Jr. Marc Houk Ron Nelson Michael H. Jackson Nandull

Alicia Handwerk