

DATE TYPED: March 22, 2012
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IN RE: MARK WAYNE WILES, CCI #A189-200

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

Date of Meeting: MARCH 15, 2012

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: Mark Wayne Wiles, CCI #A189-200

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: Aggravated Murder, Aggravated Burglary

DATE, PLACE OF CRIME: August 7, 1985 in Rootstown, Ohio

COUNTY: Portage

CASE NUMBER: 85CR0098

VICTIM: Mark Klima (Age 15)

INDICTMENT: August 16, 1985 – Count 1, Aggravated Murder with 2 death penalty specifications; Counts 2 - 3, Aggravated Burglary.

TRIAL: January 9, 1986: Found Guilty by three Judge panel, of counts 1 and 2.

DATE OF SENTENCE: January 29, 1986

SENTENCE: Count 1: DEATH
Counts 2: 15-25 years

*Wiles is also serving a 4 – 25 year sentence for Aggravated Burglary in Summit County Case #**CR82111385**.

ADMITTED TO INSTITUTION: February 14, 1986

JAIL TIME CREDIT: N/A

TIME SERVED: 26 years, 1 month

AGE AT ADMISSION: 22 years old

CURRENT AGE: 49 years old

DATE OF BIRTH: March 11, 1963

JUDGE: Honorable George Martin
Honorable Joseph Kainrad
Honorable Robert Kent

PROSECUTING ATTORNEY: Prosecutor Kenneth N. Bailey

FOREWORD:

Clemency in the case of Mark Wayne Wiles, A189-200 was initiated by the Ohio Parole Board, pursuant to Sections 2967.03 and 2967.07 of the Ohio Revised Code and Parole Board Policy #105-PBD-01.

On March 2, 2012, Mark Wiles was interviewed via video-conference by the Parole Board from the Chillicothe Correctional Institution. A Clemency Hearing was then held on March 15, 2012, with eight (8) members of the Ohio Parole Board participating. Arguments in support of and in opposition to clemency were then presented.

The Parole Board considered all of the written submissions, arguments, information disseminated by presenters at the hearing, as well as judicial decisions and deliberated upon the propriety of clemency in this case. With eight (8) members participating, the Board voted eight (8) 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 (85CR0098): The following account of the instant offense was obtained from the Ohio Supreme Court opinion, decided April 24, 1991:

“Charles and Carol Klima are owners of Shakespeare Acres, a horse farm in Rootstown, Ohio, where they have resided since 1969. On June 22, 1970, Mark, their only child, was born. Beginning in 1982, the Klimas employed Mark W. Wiles as a part-time laborer on the farm. In late 1982 or early 1983, Wiles was discovered by Mrs. Klima departing from her home. When asked about his presence in the house, Wiles informed Mrs. Klima that he was cold and had entered the home in order to get warm. He was thereafter instructed to turn up the heat in the tack room and use it for that purpose in the future. On another occasion, Wiles was found in the garage of the house slumped below an open exterior window. On neither occasion had Wiles been given permission to enter the residence.

On the morning of January 19, 1983, Wiles reported for work at Shakespeare Acres. At approximately 1:30 p.m., Carol Klima returned to the residence after tending to the horses. When she entered the kitchen she felt a draft but was uncertain from where it originated. After eating lunch, she proceeded to her bedroom whereupon she discovered an open window and the screen thereto on the ground below. Moreover, the doors to the bedroom closet and the drawers to the dresser had been opened. Subsequent investigation revealed that approximately \$200 in coin and currency were missing from the residence. Only Carol Klima and Wiles were present on the grounds of the farm at the time of the thefts. Despite the fact that he was owed money for work he had performed for the Klimas, Wiles never returned to the farm to collect his paycheck.

On August 5, 1985, Mark Klima remarked to his mother that he had seen Wiles in the main barn of the estate. Mark Klima mentioned that he had spoken with Wiles and that

Wiles asked Mark whether he recognized him. Mark Klima reportedly stated: "Yes, you're Mark Wiles." When Wiles stated that he wished to speak to Carol Klima, her son directed Wiles to the residence. While Wiles initially proceeded to the house, when the family dog began to bark he turned around and left.

At approximately 4:30 or 5:00 a.m. on August 7, 1985, Wiles arrived at the Klima farm. While obscured in an adjacent field, Wiles watched for any activity at the home. Carol, Charles and Mark Klima, Anne Marie O'Brien and Susie and Laura Kerper were present in the Klima residence. Anne Marie and the Kerper girls stayed on the farm to assist in the maintenance of the horses and to receive horseback riding lessons. At approximately 6:00 a.m., Charles Klima left for work. Early that morning, Ms. O'Brien also departed for her place of employment. The remaining members of the household rose around 8:00 a.m. and had breakfast. Thereafter, Susie and Laura left the residence to feed the horses. At approximately 10:15 a.m., Carol Klima also left the residence. Prior to departing, she instructed her son, who was in his bedroom, to close the windows in the house if it began to rain. The doors to the house were left unlocked. Mark Klima apparently left the house shortly thereafter. After Wiles observed the Klimas, the Kerpers and O'Brien leave, he entered the house and locked the door. He thereupon rummaged through the bedroom closet and dresser of Carol and Charles Klima and a desk in the living room. As Wiles continued searching a china cabinet in the living room for valuables, he was confronted by Mark Klima who had reentered the house. In an ensuing scuffle, Wiles stabbed Mark Klima repeatedly with a kitchen knife. Thereafter, Wiles departed the residence with approximately \$260 and returned to his home.

Meanwhile, after leaving the residence, Carol Klima proceeded to an outdoor exercising area and began to provide horseback riding instruction to Judy Campbell, who had arrived for a lesson. When it began raining, the lesson was moved inside a barn. In the course of the instruction, Susie Kerper approached Carol Klima and informed her that her attempt to retrieve some raincoats from the house was unsuccessful because the house was locked. A short while later the rain ceased and the instruction continued outside. At this time, Susie and Laura Kerper were instructed to return to the house and prepare for an upcoming horse show. They were instructed where to find a key to the house. Shortly thereafter, Laura Kerper returned from the house and informed Carol Klima that Mark was unconscious on the floor covered in blood. Mrs. Klima ran to the house, called medics and attempted to administer artificial respiration to her son. In the course of her attempt to revive Mark, Carol Klima discovered a kitchen knife buried in his back. When the medics arrived, they pulled up Mark's shirt revealing multiple stab wounds in his back. It was later determined by the coroner that two of the twenty-four total wounds were lethal and another two were "possibly lethal." Mark was transported to the emergency room where he was pronounced dead.

At approximately 4:00 p.m. on August 7, 1985, Chief Detective Duane Kaley and Detective Donald Doak of the Portage County Sheriff's office and Officer Larry Hanks of the Akron Police Department visited the house Wiles shared with Gary Benden and Valerie Marshall. The police officers encountered Gary Benden outside the residence and asked to speak with Wiles. Benden replied that Wiles was inside the residence and, at the

request of the officers, returned to the home to notify Wiles of their presence. Wiles responded by requesting Benden to tell the officers that he was not home. When Wiles was informed that the officers were already aware that he was inside the residence, Wiles initially attempted to hide in the basement. At the urging of Benden, he eventually departed the house and approached the police officers. After being apprised of his rights, Wiles spoke with Chief Detective Kaley. During the course of this conversation, Wiles denied that he had been to the Klima residence earlier in the day. Wiles remained outside with the officers for approximately forty-five minutes to one hour. At the conclusion of their discussion with Wiles, the police officers departed. Shortly thereafter, Wiles paid Benden \$150 for rent and fled Akron.

On August 12, 1985, Wiles contacted the Savannah, Georgia police department, announced that he was wanted for murder in Ohio and wished to surrender to authorities. At approximately 10:25 a.m., Officer Joe Johnson was dispatched to 35010 Ogeechee Road, whereupon he was approached by Wiles who stated that he was the person for whom the officer was looking.

Wiles thereafter identified himself. Once his identity was confirmed by the dispatcher, Officer Johnson resumed his conversation with Wiles, who stated again that he wished to surrender to face charges for murder. Following this conversation, Officer Johnson requested proof of identification from Wiles, who produced his driver's license. The information contained therein was relayed to the police dispatcher who confirmed that a warrant for Wiles' arrest was outstanding. Wiles was informed of his rights, handcuffed and placed in the police cruiser for transportation to the station. No conversation occurred between Officer Johnson and Wiles during the trip.

At approximately 11:48 a.m. on August 12, 1985, Wiles was taken to a conference room at the police station and informed of his rights by Detective J.E. Brinson. Utilizing a form listing these rights, Detective Brinson placed a check mark next to each enumerated right as he read it to Wiles and as Wiles responded that he understood that right. Wiles then was asked again if he understood his rights and if, with those rights in mind, he still wished to answer questions. Wiles signified his affirmative response by placing check marks and his initials in the appropriate blanks, and then signing the form.

After initially denying any involvement, Wiles thereafter described to Detective Brinson and Detective Everett Ragan his commission of the homicide and his activities before, during and after the act. He subsequently repeated his recollections in the presence of a stenographer who later prepared a transcript of the statement. This statement was reviewed by Wiles, who acknowledged its accuracy by affixing his signature thereto.

At approximately 7:40 p.m. on August 12, 1985, Portage County Detectives Kaley and Doak arrived in Savannah, where they were transported to the police station by Savannah Police Detective Bob Scott. Once at the station, the three officers proceeded to a police interview room in which Wiles was waiting. Prior to any questioning, Wiles was again advised of his rights.

Moreover, Wiles was presented with a form apprising him of his rights and he again indicated in writing that he understood them but nevertheless wished to speak with the detectives without presence of counsel. Wiles thereupon repeated the substance of his earlier statements implicating himself in the crime. The conversation between the detectives and Wiles was taped and subsequently transcribed.

Wiles thereafter waived extradition and was returned to Ohio. On August 16, 1985, Wiles was indicted by the Portage County Grand Jury on one count of aggravated murder and two counts of aggravated burglary. Count One, aggravated murder, contained the following two specifications: (1) Wiles was the principal offender in the commission of the murder while committing aggravated burglary in violation of R.C. 2929.04(A)(7), and (2) Wiles committed the murder on August 7, 1985 for the purpose of escaping detection, apprehension, trial or punishment for another crime. Count Two, aggravated burglary, contained a specification that Wiles had been previously convicted of an aggravated felony. Count Three charged Wiles with the commission of aggravated burglary on or about January 19, 1983.”

PRIOR RECORD

Juvenile Offenses: Mark Wiles has the following known juvenile arrest record:

<u>DATE</u>	<u>OFFENSE</u>	<u>LOCATION</u>	<u>DISPOSITION</u>
10/01/1980 (Age 17)	Criminal Trespassing (Unofficial Referral)	Cuyahoga Falls, Ohio	10/21/1980 Counseled and Released
10/27/1980 (Age 17)	Criminal Damaging	Cuyahoga Falls, Ohio	12/05/1980 Referred to intake Case Worker; fined \$50.00 and costs.
01/12/1981 (Age 17)	1. Intoxication 2. Drug Abuse	Cuyahoga Falls, Ohio	1. 01/19/1981 Continued with intake case worker. 2. Dismissed

Adult Offenses: Mark Wiles has the following known adult arrest record:

<u>Date</u>	<u>Offense</u>	<u>Location</u>	<u>Disposition</u>
11/05/1982 (Age 19)	No Operator’s License Fictitious Plates	Cuyahoga Falls, Ohio	\$212.00 fine and costs with \$175.00 suspended.

11/15/1982 (Age 19)	Aggravated Burglary CR82111385	Tallmadge, Ohio	Sentenced to 4-25 years; 3/9/1983: Admitted to OSR, Inmate # 124561; Paroled on 10/12/1984; Parole Revoked. INSTANT OFFENSE
8/7/1985 (Age 22)	Aggravated Murder Aggravated Burglary 85CR0098	Rootstown, Ohio	INSTANT OFFENSE

Dismissed, Nolled and/or Unknown Dispositions:

On 01/20/1983, Wiles was cited with No Operator's License and Driving While Intoxicated by the Ohio State Highway Patrol; these charges were dismissed.

Institutional Adjustment:

Mark Wiles was admitted to the Department of Rehabilitation and Correction on Feb 14, 1986. His work assignments while incarcerated at the Southern Ohio Correctional Facility included Clerk, Food Service, Library, and Laundry Porter. While at Mansfield Correctional Institution his jobs included Artist, Laundry, Material Handler, Food Service, Recreation, and Porter. At the Ohio State Penitentiary he has worked in Food Service and as a Porter, and since his transfer to the Chillicothe Correctional Institution he has worked as a Porter. Wiles has participated in community service programs while at the Ohio State Penitentiary.

Since his admission, Wiles has accumulated three (3) conduct reports that did not result in placement in disciplinary control. They include: Misuse/Destruction of state property in 2010; Disobedience of a direct order in 2003, and Possession of Contraband in 1990.

APPLICANT'S STATEMENT:

On March 2, 2012, an interview was conducted by the Parole Board with the applicant via video conference from the Chillicothe Correctional Institution. The interview commenced with a question from Chair Mausser asking Wiles what he would like to state and why he believes that he is deserving of clemency. Wiles responded that he was not sure that he is worthy of clemency, and further stated that he was requesting clemency because he had to. He then indicated that he was very nervous and didn't know what to say. It was then suggested by the Chair to start by telling the Board what happened during his offense. Wiles stated that he did not wish to do so. He advised that he is guilty of the offense and that he does not want to talk about it. Wiles was then asked if he would answer a few questions from the Board Members, and he stated he would. However, when Board Member Thalheimer asked him what he meant by the statement, "I am asking for Clemency because I have to", Wiles stated the interview was over and he did not wish to participate. Chair Mausser offered to give him some time to collect himself in the hallway

but he stood up from his chair and stated he was through and would not continue any further. Wiles was noticeably nervous, emotional and seemed overwhelmed by the process. Wiles left the interview room. The Board remained for several minutes to see if he would change his mind but prison staff informed the Board that Wiles had chosen to leave the building. The interview was then considered concluded.

ARGUMENTS IN SUPPORT OF CLEMENCY:

At the hearing held on March 15, 2012, arguments in support of clemency supplementing the written application previously received were presented to the Board by attorneys from the Federal Public Defender's Office, Vicki Werneke and Alan Rossman. Counsel argued that their presentation would focus on three reasons why clemency should be granted to Wiles. Those reasons are that Wiles accepts full responsibility for the offense, he has been well-behaved while incarcerated, and he has expressed sincere remorse and regret.

Counsel presented audio recordings of Wiles calling the Savannah, Georgia police to turn himself in a few days after committing the offense as evidence that Wiles accepted responsibility for his behavior immediately following the crime, and never denied his involvement once taken into custody. The recordings depicted Wiles advising the police dispatcher that he was turning himself in and he was wanted in Ohio for murder. Once in custody, Wiles made repeated confessions to police.

Counsel explained that throughout their representation of Wiles, he was very reluctant to outright ask for forgiveness for this crime. Counsel explained that Wiles underestimated how nervous he would be during the clemency interview, but he wanted to participate without the presence of counsel, as he felt that was the right way to approach the interview and take responsibility. In explaining his behavior at the interview, Counsel stated that Wiles wanted the Board to know that he did not refuse to participate, he just could not continue. Wiles has stated repeatedly to his counsel that he has no excuses for his actions and that he doesn't deserve clemency, but he wants to live and he knows that applying for clemency is the only way to receive it.

Counsel next presented video-taped interviews of two mental health professionals to explain the condition of Wiles' brain and mental health status at the time of the offense, but not as excuses for the offense. Neuropsychologist Dr. Michael Gelbort relayed that he evaluated Wiles in December 2010, and as part of that examination, he administered a battery of tests. The results of these tests were very unusual. IQ tests revealed that Wiles' non-verbal scores were 138, which is in the superior range, nearly gifted. However, his verbal score was 98, which is in the average to just below average range. It is very unusual for a person to test with a 40 point differential between these scores. Dr. Gelbort opined that this differential may indicate some serious brain injury in the frontal lobe area of the brain. This area of the brain controls impulse control and can result in those affected not being able to inhibit their actions. Dr. Gelbort points to a head injury suffered by Wiles 12 days prior to the offense as the possible cause of the brain injury. This brain

injury could have contributed to the offense in that when confronted by the victim, Wiles may have lacked the impulse control necessary to prevent himself from killing the victim.

Dr. Gelbort reports that a person with this type of brain injury does well in a structured setting, which explains why Wiles has behaved so well in prison, and that the violent behavior displayed during the offense has not continued during his incarceration. It is not unusual that he fails to cooperate with his attorneys when they try to speak with him, as they are not a part of his regular structure. Dr. Gelbort expects Wiles would have no problem adjusting to general population.

A taped interview of Dr. Robert Smith, PhD was also presented. Dr. Smith evaluated Wiles in 1995, during post-conviction proceedings. Dr. Smith stated that Wiles was open, honest and sincere during their interviews. He concluded that Wiles has three disorders: substance abuse, a personality disorder and brain injury. Dr. Smith also administered intelligence testing and came to the same conclusions as Dr. Gelbort. Given the three co-occurring disorders, Dr. Smith indicated that it is not surprising that the offense occurred. Dr. Smith agreed that a structured environment was the best setting for Wiles. Dr. Smith further stated that while the results of the injuries to Wiles' frontal lobe may cause him to have anti-social traits, he does not have an anti-social personality disorder. He suffers from paranoia, anxiety and avoidance, but these traits have manifested less during Wiles' incarceration, due to the predictability of the prison setting. Predictable circumstances are those under which Wiles can be expected to adjust well.

A video-taped interview of Larry Komp, Wiles' post conviction counsel was also presented. Mr. Komp described Wiles as respectful, remorseful and full of potential. He explained that Wiles was always respectful to his attorneys and to jail staff. In conversations with Wiles, it became clear that he was remorseful for his actions. Mr. Komp explained that Wiles would accept a life sentence, but would also understand if the death sentence was carried out. Mr. Komp then explained that Wiles didn't have much of a support system, so drugs and alcohol became a significant factor in his life. Mr. Komp believes that if Wiles is given clemency he will be a productive citizen while incarcerated.

A video-taped interview of George Keith, Wiles' trial counsel was also presented. Mr. Keith explained that he was involved with Wiles from indictment through the trial. He described Wiles as a frightened young man who acted out because he was terrified. Mr. Keith described an incident that occurred in the local jail during the trial where Wiles acted out. Mr. Keith berated Wiles for his actions, during which Wiles cowered in the corner of the room, covering his ears like a little boy. Regarding the offense, Wiles was so remorseful that he confessed over and over again. Mr. Keith explained that the injury suffered by Wiles prior to the offense was the result of a fight in a local biker bar, where Wiles was hit by the bouncer when he became belligerent. Wiles was beaten badly, and required hospitalization. Mr. Keith believes Wiles life is worth saving and has value, and that Wiles can and will give back while incarcerated.

A video-taped interview of Jim Aylward, also Wiles' trial counsel was presented. Mr. Aylward was co-counsel during the trial and stated that Wiles' case was the first capital

case tried in Portage County since the death penalty was reinstated. Mr. Aylward described Wiles as a very challenging client during trial preparations, and believes Wiles acted so due to the overwhelming remorse he felt. In fact, Wiles did not want to be defended, and would have pled guilty to Aggravated Murder if he would have been permitted to do so. Wiles did not make any statement in the mitigation phase of his trial, and minimally cooperated with his attorneys in presenting mitigation. After the trial Wiles explained his behavior indicating that he felt that mitigation would “cheapen” the proceedings. Mr. Aylward stated that there was no forensic evidence in this case, and but for Wiles’ confession, the case would not have been solved. He believes that the ultimate penalty should serve as a deterrent, however if the only evidence used is a suspect’s confession and that results in the ultimate penalty, the motivation of future defendants to confess is diminished. Mr. Aylward stated Wiles received no benefit or leniency for turning himself in and confessing, which he feels is not fair. Regarding his remorse, Mr. Aylward stated that several years ago, he received correspondence from Wiles asking him for assistance in reaching the victim’s family to apologize for his actions. Wiles explained that he had tried several different avenues to make this apology, including victim advocacy groups and churches but was met with resistance each time. Mr. Aylward stated that he responded to Wiles by advising him that he did not believe Wiles should continue in his attempt to reach out to the victims, as he felt the victim’s family would not be receptive. However, the fact that Wiles wanted to apologize is further evidence of his remorse and regret. Lastly, Mr. Aylward does not believe that Wiles should be judged solely on the worst act he committed in his life, and that his life should be spared.

Ms. Werneke and Mr. Rossman argued that Wiles accepted responsibility for his actions immediately after committing his crime. Given his avoidant personality, it is not surprising that he fled to Georgia. However, once he had the chance to reflect upon his actions, he turned himself in and repeatedly admitted his involvement in the offense to law enforcement. In fact, there was no evidence to convict Wiles other than his confession, and had he not turned himself in, he likely would have gotten away with murder.

Counsel further argued that since his incarceration, Wiles has put the needs of others before his own, is well behaved, has good job evaluations and has become an accomplished artist. Counsel presented a recorded phone call with former death row offender Donald Williams, A180910. Inmate Williams was housed on death row with Wiles, and after suffering a stroke, Wiles kited prison officials and requested permission to assist Inmate Williams with his daily hygiene and other needs, as Williams was not able to do so on his own. Inmate Williams described the assistance Wiles provided to him and that he was grateful for Wiles’ help.

Counsel presented a letter Wiles wrote to his father in 2001. Counsel argued that this letter also reflects the extraordinary remorse Wiles feels about this offense. Counsel then presented a video-taped interview of Wiles’ two sisters Jona Alborn and Cynthia Ledbetter and his brother-in-law Douglas Alborn. Jona described Wiles as a very happy baby growing up. She explained that their mother was very ill after Wiles was born, and it was not discovered until years later that she suffered from Bi-polar disorder. Due to their mother’s illness, Wiles was raised by his older siblings that included the two girls and an

older brother. When Wiles was eight, his mother was diagnosed with Bi-polar disorder, but she refused medication. Jona married Douglas and the two left the country as Douglas was enlisted with the armed services. Cynthia left home at the age of twelve, leaving Wiles and his brother with an abusive father and mentally ill mother. Wiles took the departure of his sisters very hard and had trouble adjusting to the loss. In 1978, when Wiles was fourteen, the older brother Randy was killed in an industrial accident. It was devastating to Wiles as Randy was his best friend. He started acting out at home and school. The children in the Wiles family were taught to keep their emotions intact. They were not allowed to cry and they were taught to take responsibility for their actions and not question their parents. After his brother's death Wiles spent some time with Jona and her husband in Europe, and he seemed to do very well, but when he returned to live with his mother he started down the wrong path again. The family explained that when this offense occurred, they only heard about it on the news or from Wiles' mother who provided very sketchy details. The family was told to not participate or attend the trial, and was therefore not supportive to Wiles during the trial. It wasn't until some years later that they began communications with Wiles. When they did reunite, Wiles expressed great remorse for his offense. Since that time, the family has visited when they are able, talk on the phone weekly and correspond via letters. Wiles has used his artistic ability to assist his sister Jona in her work with Hospice. He draws greeting cards and is making coloring books for children who are in the care of Hospice. Jona feels Wiles had "evils" to deal with, including drugs, alcohol, his parents' divorce and an abusive father who never expressed love for the children. She believes that he has overcome these "evils" and he is not the same person. Douglas Alborn described the time Wiles spent with them in Europe, how Wiles helped with their son, and how shocked he was when this offense occurred. He sees Wiles as a gentle, passive man. Cynthia Ledbetter feels Wiles needs to give back and "pay it forward" through community service. Cynthia feels the death penalty would be like a suicide and the easy way out.

The final presentation from counsel was a videotape of Wiles himself. Wiles permitted the tape to be played at the hearing, but only if the victim's family received the tape prior to the hearing, as he felt they might be blind-sided by its presentation at the hearing. Counsel stated that they mailed the tape to the victim's family home, along with a letter explaining what would be on the tape. In the taped statement, Wiles apologized to the victim's family. He explained that this would be his last chance to say anything and that after he was executed he hoped it would help to ease their pain. Wiles stated he wanted nothing for himself and that he was sorry.

ARGUMENTS IN OPPOSITION TO CLEMENCY:

In addition to the written response and exhibits to Wiles' application for clemency, Portage County Prosecutor Victor Vigluicci and Chief Criminal Prosecutor Fran Ricciardi presented the following arguments in opposition to clemency at the hearing.

Prosecutor Vigluicci presented a description of the victim, Mark Klima. Mark was a 15 year old boy, 5 feet tall, 100 lbs. He was a straight-A student, accomplished horseman, who wanted to be a doctor and would avoid trouble, as demonstrated by his walking away from other kids who bullied him. Mr. Vigluicci presented a description of Wiles at the time of the offenses as a 22 year old man, 5'8" tall, 165 lbs. He had been employed by the victim's family as a farm hand, and had by his own admission stolen approximately \$2,000.00 from them over the summer when he was in their employ. Despite being the victims of his thievery, Mrs. Klima showed great kindness to Wiles when she wrote a support letter to the Parole Board recommending his release during his previous incarceration. Wiles had a history of breaking into people's homes while they were present. Wiles' high school principal described Wiles as the most belligerent individual he had ever met, and was relieved when Wiles dropped out of high school.

Wiles worked for the victims as a farm hand from 1982 to 1983. During this time Carol Klima (victim's mother) found Wiles in her home uninvited on at least 2 occasions. On January 19, 1983, she returned home to find the home ransacked, money taken from her bedroom closet and her bedroom window open with the screen pushed out. She immediately suspected Wiles as no one other than herself was at the property that day. Wiles never returned to the Klima house, even though he was owed a pay check. Instead he went on to burglarize at least two other homes which resulted in the conviction for Aggravated Burglary and a 4-25 year prison sentence.

On August 5, 1985 Mark Klima told his parents he found Wiles in the barn on their property. The two engaged in conversation with Wiles asking if Carol was home. Mark sent Wiles to the house but Wiles left instead. Later Wiles would confirm he intended to burglarize the home that day, but "it just didn't feel right" so he left. Two days later Wiles returned to Klima's home and lay in wait in the woods. He watched as several occupants of the home left the house. He finally approached the house, entered through a mud room door which was typically left open, locked both the kitchen and mudroom doors and proceeded to ransack the home again, as he had done years before. He went through the master bedroom, kitchen and living rooms. While he was in the living room he encountered Mark Klima. Prosecutor Vigluicci contends that it is absurd to believe that Mark Klima was in possession of a kitchen knife and confronted Wiles. Due to the layout of the home, this would have required Mark to walk right past Wiles in order to get into the kitchen to retrieve the knife. Carol Klima testified that the knife used in this crime had been used the night before to cut a birthday cake, and would have been in the sink or in the kitchen drawer just prior to the offense. Prosecutor Vigluicci opines that Wiles was armed with the knife when Mark Klima interrupted him in the act of the burglary. To eliminate the witness who could identify him, which would result in Wiles' returning to prison, Wiles proceeded to attack Mark Klima, stabbing him and beating him until Mark stopped moving. Wiles admitted during interviews with police that he thought about having to return to prison if caught prior to killing the victim, and that he continued to stab the victim until he stopped moving. Mark suffered over 24 wounds, 10 of which were stab wounds with at least two of those being fatal. In addition several of the stab wounds were to the back. The other wounds included cuts, scrapes, bruises and tears of the skin. After

the attack, Wiles escaped through the window in the master bedroom, as he had done before, and fled through fields and swamps.

Prosecutor Vigluicci further stated that Mark's body was discovered by two young girls who were borders at the family's home during the summer. They immediately notified Carol Klima who attempted CPR to her son, and pulled the knife from his back. At the hospital, Carol was questioned by police, and immediately identified Wiles as a suspect. She relayed Mark's encounter with Wiles in the barn just two days prior, and that he had stolen from them in the past. Within eight hours of the crime, police tracked down Wiles' residence and arrived there to speak to him. Wiles tried to avoid detection by telling his roommates to tell the police he was not home, but his roommates would not do so, as they had already told the police that he was home. Wiles then spoke to police, but denied being at the Klima home, seeing Mark or being involved in Mark's death. Police asked to search his home and car; however Wiles did not give them permission to search. When police left to get a search warrant, Wiles fled the state and went to Georgia. After three days, hungry and out of money, he finally turned himself in. Prosecutor Vigluicci contends that it was not his overwhelming guilt that precipitated the surrender; it was the lack of resources. This is evidenced by Wiles again denying involvement in the crime upon first being questioned by police, and a letter to his girlfriend that was found in Wiles' car where he explains to her that if he is arrested, the story was fabricated, again failing to take responsibility.

Prosecutor Vigluicci argued that although Wiles eventually confessed to the crime, he has never told the full story of what happened on that day, and his claim that Mark approached him with the knife in hand and Wiles took it away from him is not substantiated by the evidence. Wiles portrayed Mark as the aggressor, however, Mark was the only one with injuries. Upon arrest, Wiles had no visible injuries other than what he suffered during a bar fight almost 2 weeks prior to this offense. Wiles admitted that he continued his assault on Mark until he stopped moving.

Regarding the contention that Wiles has not offered any excuses for his behavior, Prosecutor Vigluicci argued that during the trial, Wiles' team tried to use several excuses; his brother's death, his parents' divorce, substance abuse and brain dysfunction. However, in Wiles' own confession he admits he had not used any substances for almost two weeks prior to the offense, and had not been drunk since the night he was beat up. Medical tests completed the night he was beaten and again days later were normal, and showed no damage to the brain. Prosecutor Vigluicci contends that if Wiles is so brain damaged, he would not function so well in the prison system and would not exhibit such positive attributes.

Prosecutor Vigluicci presented a letter Wiles wrote to the Ohio Parole Board in 1984 when he was requesting parole. In that letter he stated that he was very remorseful and has a hard time expressing himself, and that he will have nothing to do with criminal behavior again. Prosecutor Vigluicci argued that the Ohio Parole Board gave Wiles a chance then and should not afford him another chance now.

Fran Riccardi, Chief Assistant Prosecutor presented on behalf of the victim's parents, Charlie and Carol Klima. Mr. Riccardi and Mr. Klima became very good friends over the years and he explained the impact upon the family.

The Klimas married and built their dream home, a horse farm where Carol could pursue her passion. While Charlie went to work in the community, Carol gave horseback riding lessons and taught the youth of the community horsemanship. Their only son Mark was their pride and joy. He was an accomplished horseman at a young age. He won ribbons and trophies that were displayed in the home. He worked on the farm and aspired to be a doctor one day. When Mark was killed, the toll on the Klimas was tragic. Within a year of the offense, Carol no longer was participating in horse shows. Within two years of the offense she had less than half of the business and by 1990, 5 years after Mark was killed, Carol no longer had any involvement with horses. Carol became a hoarder and cannot give anything up or throw anything away. Carol suffered a stroke in early 2011, and in the last few days, she was hospitalized with congestive heart failure. Charlie has been by her side and did not attend the hearing because he chose to stay with Carol in the hospital. Mr. Riccardi relayed that on March 9, 2012, Charlie came to see him and brought a package. In that package was a letter from Wiles' attorneys and a DVD. Charlie was very upset at receiving the package, and gave it to Mr. Riccardi without viewing it. Mr. Riccardi closed saying the family has waited long enough, they have been patient and the apology sent by Wiles is insulting and harassing.

Prosecutor Vigluicci stated that Wiles has presented no credible reasons why he should be granted clemency and why his death sentence should not be carried out.

VICTIM REPRESENTATIVE:

A video-taped statement of Charlie Klima, the victim's father, was presented by the prosecutors. Mr. Klima said he received the DVD from Wiles' attorneys, and was upset by it, describing its receipt as yet another stab wound inflicted by Wiles. He stated that 26 years is too long to wait to apologize and is meaningless to him at this point. He did not tell his wife about the DVD and has no intention of watching it himself. Mr. Klima described the impact the murder of their only son has had on him and his wife, including her hoarding behavior and physical ailments. He stated that 26 years is too long to have to wait for the sentence to be carried out, but he still wants Wiles to be executed.

Virginia Klima Petrie, Charlie Klima's sister, read from a prepared statement describing the impact the murder has had on their family, and their position that clemency should be denied.

John Craig, the son of Virginia Klima Petrie, addressed the Board and stated that his aunt and uncle, the victim's parents, have not changed anything in the house since Mark died. He explained how impactful the crime was on their family. He also stated that the DVD sent to his aunt and uncle by Wiles' counsel had a huge impact on the family and it was not a good one. He felt it was wrong for the tape to be sent. He also supported the family's desire to have the sentence carried out.

PAROLE BOARD'S POSITION AND CONCLUSION:

After considering all of the written submissions, arguments, information disseminated by presenters at the hearing, as well as the judicial decisions, the Board unanimously recommends that clemency be denied in this case for the following reasons:

- Wiles had a history of breaking into occupied structures, and was on parole for a similar offense. He had stolen from the Klimas in the past. He knew their habits and schedules and believed he could easily victimize them again. Wiles exploited this family's kindness and preyed upon them.
- Wiles was observed by the victim on the property just days prior to the murder. He knew that the victim could identify him, which would likely result in his return to prison. It is reasonable to conclude that Wiles killed the victim to avoid detection and facilitate his escape, and that the victim was not the aggressor in the offense.
- While Wiles does express remorse and admits to committing the offense, that remorse and acceptance of responsibility does not mitigate nor outweigh the brutal attack on a defenseless young man who was beaten and stabbed repeatedly in his own home. Wiles' remorse, acceptance of responsibility and good institutional conduct do not equate to a substantial enough reason to recommend clemency.

RECOMMENDATION:

The Ohio Parole Board with eight (8) members participating, by a vote of eight (8) 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 Mark Wayne Wiles A189-200.

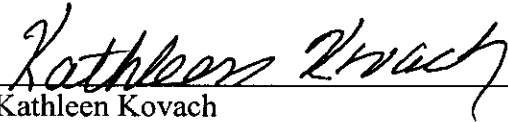
Mark Wayne Wiles, #189-200
Death Penalty Clemency Report

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

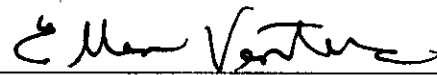
Ohio Parole Board Members
Voting **Unfavorable**



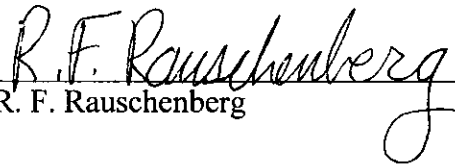
Cynthia Mausser, Chair



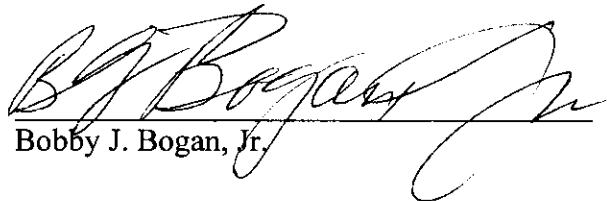
Kathleen Kovach



Ellen Venters



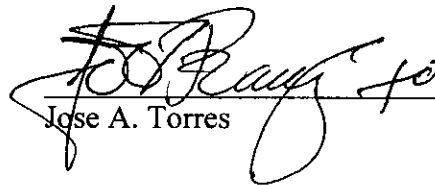
R. F. Rauschenberg



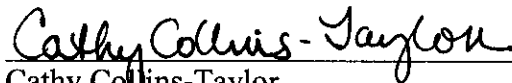
Bobby J. Bogan, Jr.



Trayce Thalheimer



Jose A. Torres



Cathy Collins-Taylor

06-06-01

Dad,

Here is the final wish paper I was to write. It's simple and short cause the more I tried to explain myself the longer it got and the further off the point I got. So right to the point seemed to work best.

Also Dad, I hope you can understand this, or at least see my point. I've brought alot of crap into the lives of alot of people, so my thing is to keep a low profile and just slip away so as not to be reminded to people. I've caused enough pain.

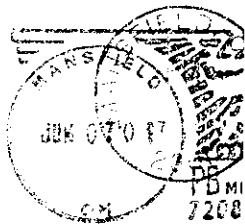
Alright, I have to write mom a short note and get her copy out to her too.

I'll write again soon, and I'll be talking to you on the phone soon too.

Love,
Mark

M Wiles 189200
P.O. Box 788
Mansfield, OH
44901

~~UNITED STATES POSTAL SERVICE~~
INSTITUTIONAL



James C. Wiles Jr.

My name is Virginia Klima Petrie. I am the sister of Charlie Klima & therefore the aunt of the murdered child Mark Klima

I am here to represent that slain child Mark Edward Klima and his parents, Carol and Charlie Klima at this clemency hearing. Mark's parents still live on the farm where their son was murdered. The farm holds the memories of Mark & that is all they have left of their only child. They are still married to each other, which is rare for couples who have experienced such havoc and grief in their lives. Sadly, Carol recently suffered a stroke and has been diagnosed with congestive heart failure. She has but 25% of her heart now functioning.

Consequently, she is unable to be here for this clemency hearing that she has waited so long to be a part. My brother her husband is with her at Robinson Memorial. He elected to stay by her bedside and care for her. My nephew John and I are here in their place.

We are a small family. We don't make a lot of noise. We live within our means and pay our taxes. We abide by the law. We are working members of our communities. And we are the victims of a heinous murder of the only heir to the Klima Family name.

As important as all these points are, here is the real kicker that makes the thought of clemency abhorrent to us, and that is the fact that our family has waited more than a quarter of a century for justice in Ohio to be served. We've waited, and by the way paid for, the lawyers and courts to review this case for decades. The verdict still stands that this confessed, convicted, and, yes, condemned murderer be executed for the stabbing death of our nephew, cousin, son and heir of our name. There has never been any doubt that Mark Weils murdered Mark Klima. He bludgeoned the boy until he "stopped moving" in the living

room of the boy's home. While robbing the Klima residence that rainy morning, Mark Weils also stole the gift of life from Charles and Carol's only son. What deed could be more offensive, more brutal, more savage?

Enough is enough, I beg you, let the parents of this murdered child have a moment of closure now, before one of them dies. The family asks, no demands justice NOW. Mark Weils execution needs to be carried out as scheduled. Nothing else is acceptable

7-14-83

Mr. Mark W. Wiles
OSR #14561
P.O. Box 7788
Mansfield, Ohio 44901
June 10, 1983

Mr. F. E. Hunsbacher
Chief Hearing Officer
Adult Parole Authority
1950 Freeway Drive, North
Columbus, Ohio 43229

JUL 11 1983

Dear Mr. Hunsbacher,

This letter is in response to your letter to me dated May 4, 1983.

Although I am not automatically eligible for Shock Parole consideration under Ohio Revised Code (2911.11A), I feel there are mitigating circumstances which should be considered in my case. When I wrote you in early March of 1983, I was under a great deal of stress and did not fully explain myself. I am asking that you reexamine my circumstances, and reconsider my eligibility for Shock Parole consideration.

This offense is my only criminal charge, and does not represent my typical pattern of behavior. My behavior on the evening of November 5, 1983 was greatly influenced by drug and alcohol intoxication. I was not in control of my thoughts and made a grievous error in judgement. (We started because of a flat tire, and one thing led to another.) I have applied for membership in Alcoholics Anonymous and in a drug rehabilitation group. I am making every effort to overcome my problem.

The other individual arrested with me the night of November 5, 1983, Michael Bottom, was sentenced to sixty (60) days in the County Jail. I received a four (4) to twenty-five (25) year sentence. There is great inequity between these two sentences.

I made full restitution to the victims of the robbery. There was no violence in my case, no one was physically threatened, and there was no weapon involved. This burglary was an example of extremely bad judgement on my part.

I have strong family support to help me upon release. They are very loving and understand that anyone can make a tragic mistake.

I can't fully express the guilt and remorse I feel for having this crime. I am contrite beyond words. I will have nothing to do with criminal behavior ever again.

I hope and pray that you will give my case careful consideration. Thankyou for your time and effort.

Sincerely,
Mark W. Wiles
Mark W. Wiles

C.C. Mr. Kevin G. Davis
Mrs. Helen E. Wiles