

DATE TYPED: January 31, 2007
DATE PUBLISHED: February 1, 2007

IN RE: JAMES J. FILIAGGI, MANCI #A311-180

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

Date of Meeting: January 25, 2007

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

IN RE: JAMES J. FILIAGGI, MANCI #A311-180

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: Aggravated Murder with Specifications, Aggravated Burglary with Firearm Specification (3 counts), Attempted Aggravated Murder with Firearm Specification

DATE, PLACE OF CRIME: January 24, 1994 in Lorain, Ohio

COUNTY: Lorain

CASE NUMBER: 94CR044866

VICTIMS: Lisa Huff Filiaggi, Age 27
Robert A. Mutnansky
Delbert R. Yepko

INDICTMENT: February 23, 1994: Count 1: Aggravated Murder with firearm specification and 3 death penalty specifications: the offense was committed for the purpose of escaping detention, apprehension, trial or punishment for another offense; the offense was intended to prevent a witness from testifying during a criminal proceeding against the defendant; and the offense was part of a course of conduct involving the purposeful killing or attempt to kill two or more persons; Counts 2 - 3: Aggravated Burglary with firearm specification; Counts 4 - 5: Kidnapping with firearm specifications; Count 6: Aggravated Burglary with firearm specification; Count 7: Attempted Aggravated Murder with firearm specification.

PLEA: Not guilty by Reason of Insanity

VERDICT: July 19, 1995: Found guilty by 3 Judge Panel of Count 1, Aggravated Murder with death penalty specifications.

Found Guilty by 3 Judge Panel of Counts 2, 3, 6 and 7.

SENTENCE:

August 10, 1995: Count 1: Sentenced to DEATH

March 6, 2000: Re-sentenced to 10-25 years on Counts 2 - 3 concurrent with 3 years actual for firearm specification and 10-25 years on Counts 6 - 7 concurrent with 3 years actual for firearm specification; Counts 6 - 7 to be served consecutive to Counts 2-3; Sentence to be served consecutive to Case #93CR044726.

ADMITTED TO INSTITUTION:

August 2, 1995

TIME SERVED:

138 months

JAIL TIME CREDIT:

547 days

AGE AT ADMISSION:

30 years old

CURRENT AGE:

41 years old

DATE OF BIRTH:

May 15, 1965

PRESIDING JUDGES:

Honorable Edward M. Zaleski
Honorable Kosma J. Glavas
Honorable Frank J. Horvath

PROSECUTING ATTORNEY:

Gregory A. White

FOREWORD:

Clemency in the case of James J. Filiaggi #A311-180 was initiated by the Ohio Parole Board, pursuant to Section 2967.03 and 2967.07 of the Ohio Revised Code and Parole Board Policy #105-PBD-01.

On January 17, 2007, Acting Parole Board Member Trayce Thalheimer interviewed Mr. Filiaggi at the Mansfield Correctional Institution in the presence of his counsel, Spiros P. Cocoves.

A Clemency Hearing was then held on January 25, 2007, with eight members of the Ohio Parole Board participating. Mr. Filiaggi was represented by Jeffrey M. Gamsco and Spiros P. Cocoves, however they made no presentation to the Board in his behalf. Arguments in opposition to clemency were presented by Lorain County Assistant Prosecutor, Anthony Cillo and Assistant Attorney General Daniel Ranke. Testimony in opposition was also provided by the victim's fiancé Eric Beiswenger and his father Fred Beiswenger. A letter from the victim's mother, Ellen Jane Harris was also read into the record.

The Parole Board considered all of the testimony, the information disseminated by presenters at the hearing, prior investigative findings as well as judicial decisions. With these, the Board deliberated upon the propriety of clemency in this case. With eight members participating, the Board came to unanimous agreement and voted to provide an unfavorable recommendation for clemency to the Honorable Ted Strickland, Governor of the State of Ohio.

DETAILS OF THE INSTANT OFFENSE (94CR044866): The following account of the instant offense was obtained from the Ohio Supreme Court opinion decided July 29, 1999:

James J. Filiaggi and Lisa Huff Filiaggi married in December 1991. There were two children born during the marriage. Ms. Filiaggi filed for divorce in August 1992, and the divorce was granted in February 1993. Ms. Filiaggi received custody of the children, although the subject had visitation rights. The subject was required to pay child support. Relations between the subject and Ms. Filiaggi were strained.

In the spring of 1993, Ms. Filiaggi and the two children moved into the home of Eric Beiswenger. In the fall of 1993, Ms. Filiaggi and Beiswenger became engaged, and shortly thereafter, became the victims of telephone harassment and vandalism. Beiswenger and Ms. Filiaggi suspected that the subject was responsible for the acts, and set up video cameras hoping to capture him on tape. Ms. Filiaggi also carried a tape recorder with her.

In the fall of 1993, Ms. Filiaggi and Beiswenger recorded a phone conversation in which the subject told Ms. Filiaggi that there are going to be "more headaches and heartaches if she tries to get more money out of him."

On December 19, 1993, Ms. Filiaggi and Beiswenger went to the home of subject's parents to pick up the children after a visit. Ms. Filiaggi carried a tape recorder in her pocket, which recorded the incident. The subject and Ms. Filiaggi were arguing while the subject put one child in a car seat in the back seat of the vehicle. After putting the child in the seat, the subject grabbed Ms. Filiaggi around the neck and she began screaming. Beiswenger, who was outside the vehicle, grabbed the subject by the waist and pulled him off her. The subject turned around and struck Beiswenger in the face numerous times. Beiswenger suffered multiple broken bones in his face. The assault ended when subject's mother came out, grabbed the subject, and yelled at him to stop. The recording of the incident was admitted into evidence.

Beiswenger and Ms. Filiaggi pressed charges against the subject, and he was arrested and indicted for felonious assault and domestic violence. He was released on bond awaiting trial.

The picture window of Beiswenger's house was also broken on numerous occasions. On January 20, 1994, the last time there was an attempt to break the window, the video camera recorded the incident and clearly showed the subject as the person throwing a bottle at the window. Charges were filed against the subject for attempted vandalism, criminal trespassing, and intimidation of a witness.

Two days later, the subject purchased a 9 mm Luger pistol, which had two clips of ammunition. He also purchased ammunition for the weapon, despite the fact that he already possessed another gun. According to the defense theory, he intended to go to Ms. Filiaggi's house and kill himself in front of her.

On January 24, 1994, the subject took a \$1,000 cash advance on his Visa card. He left \$600 to \$700 with his girlfriend, Tracey Jones. At approximately 10:45 p.m., the Lorain Police Department dispatcher received a call from Ms. Filiaggi. The call was tape-recorded. Ms. Filiaggi told the dispatcher that her ex-husband, the subject, was at her back door and was breaking into her house. The subject broke down the door and entered the house. Still carrying the telephone, Ms. Filiaggi fled out the front door. A neighbor, Robert Mutnansky, who lived two doors away, saw Ms. Filiaggi standing in the yard of the intervening neighbor and frantically looking around. Another neighbor was awakened by someone screaming, "God help me, someone, please, help me, he's going to kill me." Ms. Filiaggi saw Mutnansky looking out the window and ran towards his front door. He let her in, and Ms. Filiaggi told him that her ex-husband was after her with a gun. She looked petrified and ran past him while Mutnansky locked the door behind her.

Moments later, Mutnansky heard a couple of bangs on the door and the door came crashing in. The subject had a gun in his hand and asked Mutnansky where she went. Mutnansky said he did not know, and the subject told Mutnansky to help find her. They both started down the hallway. When they came to a linen closet, with the door partially open, the subject opened the door and found Ms. Filiaggi. The subject was very angry and pulled Ms. Filiaggi from the closet by the arm and swung her into the bathroom,

which was across the hall from the closet. There was a struggle. Mutnansky heard the subject tell Ms. Filiaggi, "This will teach you to fuck with me," and then heard two shots fired.

Although shot in the shoulder, Ms. Filiaggi was able to get away and run across the hallway into one of the bedrooms. Mutnansky, standing partially in one of the bedrooms, was pleading with the subject not to shoot her. Mutnansky was in another bedroom and the subject told Mutnansky to close the bedroom door and stay out. Mutnansky again heard the subject tell Ms. Filiaggi, "This will teach you not to fuck with me" and heard two more shots. Mutnansky then heard footsteps down the hallway. Mutnansky came out of the bedroom and saw Ms. Filiaggi slumped against the wall. She had been shot in the head. Mutnansky attempted to call 911, but noticed a policeman coming through his front door.

About twenty minutes away, in Amherst Township, Delbert Yepko, Ms. Filiaggi's stepfather, was watching the news. At 11:15 p.m., he heard pounding at the front door. While he had a motion detector light on the side of the trailer, it was not on and the area outside the door was dark. He was home alone, and his house had previously been vandalized, so he picked up a can of red pepper spray and went to the door. He opened the door about three inches and saw the subject. The subject then bashed the door in.

The subject came in the house and said, "Are you ready to die?" Yepko saw a gun in the subject's right hand. The subject brought the gun up to shoot Yepko and said, "I'm going to kill you." Yepko sprayed the subject in the face with the pepper spray, and the subject shot at him, but did not hit him. Yepko managed to get out of the trailer, without a coat or shoes. He ran to four separate trailers, knocking on doors, finally gaining admittance to the fourth one, where he was able to call 911. He tried to call Ms. Filiaggi, but was shaking too badly.

On the morning of January 25, 1994, between 8:00 and 9:00 a.m., the subject arrived at the home of Howard R. Matlack, a college friend. The subject asked Matlack if he could "crash," and he lay down on the couch. Matlack took his girlfriend to work later that morning. His girlfriend later called Matlack and told him that the subject had killed Ms. Filiaggi. Matlack confronted the subject about it. The subject got up off the couch and a gun fell to the floor. The subject then left Matlack's house.

On January 27, 1994, the subject took another \$1,000 cash advance. The subject fled the state, but returned to Lorain, when he discovered that his parents might lose their house, which had been put up for his bond on the previous charges. The subject had rented a car at the Pittsburgh Airport that was later recovered in an area near the subject's parents' home. The car contained the rental agreement as well as several rounds of 9 mm ammunition. The murder weapon was never found.

DETAILS OF THE INSTANT OFFENSE (93CR044726): The subject is also serving a sentence in Case #93CR044726, the details of which are as follows:

On 12/19/1993, Lisa Filiaggi went to 960 Livermore Avenue in Elyria, Ohio to pick up her children, Alexis and Jasmin who were visiting their father, James Filiaggi. Lisa had custody of her two daughters after her divorce from the subject. Eric Beiswenger, her fiancé, had accompanied her. As they were placing one of the children into the car, the subject began arguing with Lisa. The subject then grabbed Lisa around the neck. Eric Beiswenger intervened and pulled the subject off of Lisa. The subject then began to strike Beiswenger in the face repeatedly, which resulted in fractures to his face.

On 12/28/1993, the subject was indicted for Felonious Assault and Domestic Violence with physical harm specification. On 7/13/1995, this case was consolidated with Case #94CR044866. Following a trial by a three (3) Judge panel, on 8/1/1995, the subject was sentenced to 8 to 15 years for Felonious Assault concurrent with 6 months for Domestic Violence. On 3/6/2000, the subject was re-sentenced in this case to the same terms as noted above, sentence to be served consecutive to Case #94CR044866.

APPLICANT'S STATEMENT:

James J. Filiaggi was interviewed by Acting Board Member Trayce Thalheimer on January 17, 2007 at the Mansfield Correctional Institution. Present at the interview were Mr. Filiaggi, his counsel Spiros P. Cocoves and Parole Board Parole Officer Ted Morrison. The interview was witnessed via teleconference at the Department of Rehabilitation and Correction's Central Office in Columbus by Mr. Filiaggi's co-counsel Jeffrey M. Gamso, Senior Deputy Attorney General Heather Gosselin, Assistant Attorney General Daniel Ranke and Parole Board Executive Assistant Judy Coakley.

The interview was conducted at Mr. Filiaggi's request. However, little or no mitigation was offered by Mr. Filiaggi. Mr. Filiaggi began the interview advising Mrs. Thalheimer that he believes the Clemency process is a farce. He stated that he knows the Parole Board will not grant him a clemency as there were those who had come before him who had changed their lives, were not given consideration, and therefore he knows he will not be given consideration. Mr. Filiaggi advised that he has never begged for anything in his life and that he was not going to start at this point. He stated that he did not want clemency; that he did something he could not take back, no matter how much he wanted to. Mr. Filiaggi indicated that he accepted his punishment a long time ago, that his fate is in the Lords hands and that he knows where he is going. He stated "we all got to go sometime, mine is just sooner than others."

PRIOR RECORD:

JUVENILE: According to the Offender Background Investigation, the subject has the following juvenile record:

| <u>DATE</u> | <u>OFFENSE</u> | <u>PLACE</u> | <u>DISPOSITON</u> |
|------------------------|-----------------------|---------------------|-----------------------------------|
| 12/24/1982 (Age 17) | Reckless Operation | Elyria, Ohio | Fined \$10.00 and court costs. |

Other Adjudications:

The subject was cited for Speeding on 1/15/1983 and was fined.

ADULT: According to the Offender Background Investigation, BCI&I, LEADS, the Athens County Clerk of Courts and the Lorain County Clerk of Courts Office, the subject has the following arrest history as an adult:

| <u>DATE</u> | <u>OFFENSE</u> | <u>PLACE</u> | <u>DISPOSTION</u> |
|------------------------|---|---------------------|---|
| 10/25/1987 (Age 22) | Possession of Marijuana, Disorderly Conduct | Elyria, Ohio | 10/26/87: Fined \$75.00 and court costs. |
| 10/28/1988 (Age 23) | Intoxication | Athens, Ohio | Fined \$323.00 and court costs. |

Details: The subject was arrested during Halloween weekend for public intoxication.

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|----------------------|---|-----------------|---|
| 2/3/1990 (Age 24) | 1. Resisting Arrest 2. Assault (90CR050055) | Athens, Ohio | 1. Fined \$75.00 and court costs, 90 days jail suspended, restitution ordered. 2. 140 days jail, fined \$1000.00 and court costs; restitution ordered, if paid within 90 days, fine reduced to \$200.00. |
|----------------------|---|-----------------|---|

Details: On 2/3/1990, at 1:35 a.m., the subject was involved in an altercation with a doorman at a bar. When police arrived and attempted to get the subject's identification, the subject began swinging at the officers. Two officers were injured as they wrestled with the subject on the ground. The subject was also charged with Disorderly Conduct/Fighting; this charge was dismissed. On 5/12/1992, a motion was filed to impose the remainder of the subject's sentence, but no final disposition was noted.

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|-----------------------|----------------------------------|-----------------|---|
| 6/18/1992 (Age 27) | Resisting Arrest (92CR042202) | Elyria, Ohio | 3/26/1993: Sentenced 90 days Jail/45 suspended; fined \$750.00; 3 years probation with 150 hours community service. |
|-----------------------|----------------------------------|-----------------|---|

Details: On 6/18/1992, police responded to a large disturbance during which the subject had fired a weapon. Upon arrival, officers observed the subject holding a large handgun, pointing it at the ground. Officers ordered the subject to drop the weapon, which he did. The subject then resisted arrest and attempted to take one of the officer's weapon, with

one of the officers being injured during the struggle. The subject was subsequently charged with two counts of Felonious Assault with firearm specification and Resisting Arrest. One count of Felonious Assault was dismissed; and the subject was found not guilty of the remaining count of Felonious Assault.

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| 3/21/1993 (Age 27) | Disorderly Conduct (93CRA254) | Amherst, Ohio | 7/2/1993: Fined \$250.00, \$100.00 suspended and court costs; 30 days jail suspended. |
|-----------------------|----------------------------------|------------------|---|

Details: This charge was amended from Domestic Violence. On 3/21/1993, the subject approached his ex-wife, Lisa Filiaggi and began to argue with her. At one point, he grabbed her and pushed her in the side of his truck. After arguing more, he left.

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|------------------------|----------------------------------|-----------------|--|
| 10/31/1993 (Age 28) | Intoxication Resisting Arrest | Athens, Ohio | 1. Fined \$32.00; 2. Fined \$100.00 and court costs. |
|------------------------|----------------------------------|-----------------|--|

Details: The subject was arrested for public intoxication and fought with police during the arrest.

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|------------------------|--|-----------------|--|
| 12/19/1993 (Age 28) | Felonious Assault Domestic violence (93CR044726) | Elyria, Ohio | 3/6/2000: Count. 1: 8 to 15 years concurrent with Count 2: 6 months, and consecutive w/ 94CR044866. INSTANT OFFENSE |
|------------------------|--|-----------------|--|

| | | | |
|-----------------------|--|-----------------|--|
| 1/24/1994 (Age 28) | Aggravated Murder with specifications; Aggravated Burglary with firearm specification (3 counts) Attempted Aggravated Murder with firearm specification (#94CR044866) | Lorain, Ohio | 8/1/1995: Count 1: Death; 3/6/2000: Counts 2 – 3: 10- 25 years on each count concurrent, 3 years actual; cs/w Counts 6 – 7: 10-25 years on each count concurrent, 3 years actual; Sentence to be served consecutive with Case #93CR044726 INSTANT OFFENSE |
|-----------------------|--|-----------------|--|

Other Convictions:

The subject was cited for nine (9) minor traffic violations from 10-13-1989 to 4-22-1993, for which he was fined.

Dismissed/Nolled/Unknown Dispositions:

On 1/20/1994, Lisa Filiaggi and Eric Beiswenger video-recorded the subject throwing a bottle at the picture window at their residence. They filed charges against the subject for Attempted Vandalism, Criminal Trespass, and Intimidation. These charges were bound over to the Grand Jury with the instant offense, however this case was not prosecuted in light of the subject's subsequent conviction for Aggravated Murder.

The subject was charged with Felonious Assault and Assault in Lorain County Case #94CR044752. On 4/20/1994, this case was dismissed as the subject was previously indicted for these charges in Case #93CR044726.

The subject was charged with two counts of Assault with specifications in Case #94CR046289. On 10/18/1994, the subject, while incarcerated at the Lorain County Correction Facility would not turn off the television and return to his cell. He fought with two corrections officers, striking them with a cast he had on his arm. On 2/26/1999, this case was dismissed.

The subject was indicted for one count of Assault with specification in Lorain County Case #95CR047156. On 2/28/1995, while incarcerated at the Lorain County Correctional Facility, the subject struck a Corrections Officer in the face after being served with a rule violation notice. On 2/26/1999, this case was dismissed.

INSTITUTIONAL ADJUSTMENT:

Mr. Filiaggi was admitted to the Department of Rehabilitation and Correction on August 2, 1995. In December 1996, the subject completed a 12 - hour workshop in Laubach Literacy Action. He began tutoring other inmates after that time. His current work assignment is that of a porter.

Since his admission, Mr. Filiaggi has accumulated the following disciplinary record which resulted in placement in disciplinary control:

- 5/17/1996 - Possession of intoxicating substance and self mutilation. Mr. Filiaggi was found in his cell on his bed with his wrists cut. He was bleed profusely and was non-responsive to staff. He also had a strong smell of alcohol about his person. Mr. Filiaggi was removed to an outside hospital for treatment. Upon return to the institution the ticket for self mutilation was dismissed and the possession of intoxicating substance was handled through a change in his security status.
- 5/21/1997 - Misuse of state property. Mr. Filiaggi was making an approved phone call while handcuffed with his hands shackled to his belt. While sitting in the phone area he removed the waist belt from his body.

- 2/21/1998 - Threats to staff with or without a weapon and disrespect. Mr. Filiaggi was being escorted to his cell by institution staff when he pulled on the Correction Officer's belt, pulling him back at least 2 steps. When confronted Mr. Filiaggi stated "see, it just goes to show, we can still get to ya if we want". Mr. Filiaggi then entered his cell laughing.
- 3/13/2000 - Threats to staff with or without a weapon and disrespect. Mr. Filiaggi was found guilty of using an obscene gesture toward institution staff.
- 4/19/2005 – Fighting. Mr. Filiaggi and another inmate threw punches at each other. The other inmate was struck in the eye area and had to be removed to an outside hospital for treatment.

Mr. Filiaggi has received 15 other tickets for minor rules infractions which include possession of contraband, possession of gambling items, disrespect to staff, encouraging or creating a disturbance, attempting to establish a relationship, lying to staff, disobeying a direct order and violations of the visiting room.

ARGUMENT ADVANCED IN SUPPORT OF CLEMENCY:

The Ohio Parole Board received no written application for clemency on James J. Filiaggi's behalf. Mr. Filiaggi's attorneys, Spiros P. Cocoves and Jeffrey M. Gamso, attended the clemency hearing on January 25, 2007. At that time they advised they would not be presenting any information or mitigation, nor were there any letters or witnesses presented on Mr. Filiaggi's behalf.

STATE'S POSITION REGARDING CLEMENCY:

Lorain County Assistant Prosecuting Attorney Anthony Cillo and Assistant Attorney General Daniel Ranke appeared at the clemency hearing conducted on January 25, 2007 and presented oral arguments in opposition to clemency. In addition, Elyria Police Officers Richard Ellis and Duane Whitely presented information regarding their contact with Mr. Filiaggi while performing their duties as law enforcement officers.

Lorain County Assistant Prosecuting Attorney Anthony Cillo proceeded to detail the actions of Mr. Filiaggi leading up to and including the night of the murder of Lisa Huff Filiaggi. He presented the following Arguments in opposition to the granting of Executive Clemency:

- Mr. Filiaggi has consistently displayed a lack of respect for authority and continued "flaunting" of the law as evidenced by his prior arrest history.
- Mr. Filiaggi exhibited no remorse during his trial nor has he displayed any remorse to this day. He is a selfish individual with a violent past.
- Mr. Filiaggi exhibited a pattern of violence toward the victim. When he discovered that the victim had taped him committing acts of vandalism at her home, he ceased going to work or appearing at other public places to prevent

detection. He purchased a firearm and hollow point bullets, then shortly thereafter killed the victim. He committed the offense while their two children were in the home. Immediately thereafter, he headed to his former in-laws home to kill his former mother-in-law so that she would not become the guardian of his children.

- He continued to act out violently while in jail awaiting trial.
- Mr. Filiaggi showed no mercy to his victims and therefore the state should show no mercy to him.

Assistant Attorney General Daniel Ranke testified to the following information:

- Dr. Resnick conducted a psychological evaluation of Mr. Filiaggi prior to trial and found that Filiaggi suffered from anti-social personality disorder, alcohol abuse and attention deficit disorder, not intermittent explosive personality disorder.
- Dr. Resnick determined that Filiaggi knew right from wrong when he committed his offense and he had no delusions or hallucinations.
- The aggravating and mitigating circumstances surrounding the crime were considered at trial. The conviction and sentence were upheld throughout many years of judicial review.
- Finally, Mr. Filiaggi chose to withdraw all appeals and accept his fate.

Both Mr. Cillo and Mr. Ranke indicated that clemency should be denied to James J. Filiaggi.

Captain Duane Whitely and Sgt. Richard Ellis of the Elyria Police Department then provided testimony regarding Mr. Filiaggi's history of violent behavior. Both described in detail an incident from 1992 where they encountered Mr. Filiaggi in a street fight. Mr. Filiaggi was observed with a weapon in his hand, which he refused to relinquish. Finally, Mr. Filiaggi put the weapon down, but during the arrest he fought with the officers and grabbed Sgt. Ellis' weapon. Sgt. Ellis explained that Mr. Filiaggi actually lifted him off his feet and swung him around from side to side. Mr. Filiaggi was taken into custody, but along with the arrest came threats to the two officers. Six months later, Captain Whitely arrested Mr. Filiaggi for Felonious Assault and Domestic Violence and during the booking process Mr. Filiaggi made threats to Captain Whitely's family. A month later Mr. Filiaggi killed his ex-wife, Lisa Huff Filiaggi. Captain Whitely and Sgt. Ellis were terrified of retaliation from Mr. Filiaggi. They armed their families, did not stay in their homes and fully expected Mr. Filiaggi to make an attempt on their lives. Their lives did not return to normal until Mr. Filiaggi's arrest, but the incident had a profound, lasting effect on both of them.

VICTIM'S REPRESENTATIVES:

Eric Beiswenger, who was engaged to Lisa Huff Filiaggi at the time of her murder, attended the clemency hearing on January 25, 2007, along with his father Fred Beiswenger. Both read prepared statements which described the significant loss that they and others, especially the victim's children, have had to endure. They both indicated in

their statements that they are opposed to the granting of clemency. Eric Beiswenger also prepared a 6-minute DVD of the victim, showing her with her in children in the months preceding her murder.

Ellen Harris, the victim's mother, also prepared a statement that was read at the hearing by Karin Ho of the Office of Victim Services as Ms. Harris was not available to attend the hearing. Her letter detailed how this crime has affected her life, indicating that she struggles with the fact that the last words her daughter heard were not ones of love, but of hate. Ms. Harris stated that as long as James Filiaggi is alive, she will never be able to feel safe and heal. She believes that it is time for justice to be served.

Copies of all three (3) statements are attached to this report.

PAROLE BOARD'S POSITION AND CONCLUSION:

The Ohio Parole Board deliberated extensively on the documentary and testimonial evidence provided in this case. The Ohio Parole Board determined that executive clemency is not warranted in this case, based on the following factors surrounding the Aggravated Murder conviction and Death sentence of James J. Filiaggi in the death of Lisa Huff Filiaggi:

- Mr. Filiaggi is not requesting clemency. Mr. Filiaggi has advised that he is prepared to have his sentence carried out and he would not beg for his life. He presented no mitigation for the crime or any reason why his sentence should not be carried out.
- Mr. Filiaggi has an extensive prior criminal record that includes prior offenses of violence toward Lisa Filiaggi and law enforcement. Throughout his adult life he flagrantly disregarded the law and acted only in his own interests.
- Mr. Filiaggi planned the offense, fled afterwards and underwent extensive efforts to hide from law enforcement for almost a week after the offense. He continued to act out violently while incarcerated pending his trial.
- Mr. Filiaggi's conviction and sentence have been upheld over many years of judicial review. No mitigation was presented to outweigh the many aggravating factors or to warrant the granting of mercy.

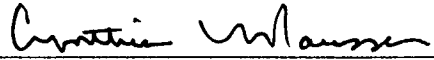
RECOMMENDATION:

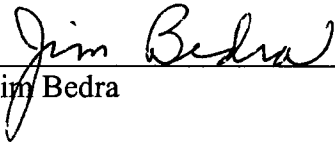
The Ohio Parole Board, with 8 members participating, by a vote of eight (8) to zero (0), recommends to the Honorable Ted Strickland, Governor of the State of Ohio, that Executive Clemency be denied in the case of James J. Filiaggi #A311-180.

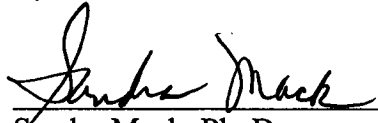
James J. Filiaggi #A311-180
Death Penalty Clemency Report

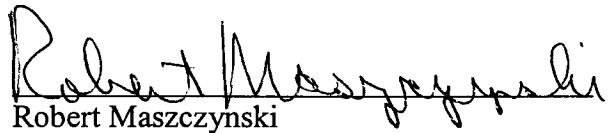
Adult Parole Authority
Ohio Parole Board Members
Voting **Favorable**

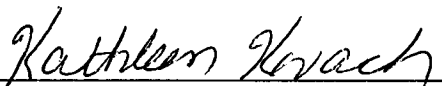
Ohio Parole Board Members
Voting **Unfavorable**

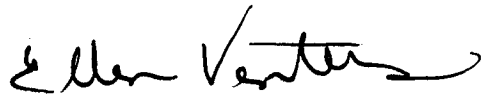

Cynthia Mausser, Chairperson



Jim Bedra

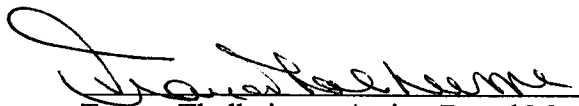

Sandra Mack, Ph. D.


Robert Maszczyński


Kathleen Kovach


Ellen Venters


R. F. Rauschenberg


Trayce Thalheimer, Acting Board Member

Hi, my name is Eric Beiswenger, Lisa's fiancé.

I've never known a happier, loving, caring person than Lisa in my life. She made my life complete. Now, she's gone and my life is empty without her. The way she smiled, laughed, talked, walked—she was beautiful. She was such a fun and loving person. I miss her so much. The only things that I have left are memories and dreams.

She loved her children, Alexis and Jasmine. They will never know how much their mother loved them. Jim made this decision for them. He took their mother in one cold-blooded act of violence. So many lives were destroyed that night—family, friends, and mine. Jim hunted her down like an animal and murdered her.

Through all of the harassment, vandalism, and, ultimately, her murder, the law couldn't help her. I tried, but I couldn't stop him. He is a self-centered, arrogant person who only thought of himself. If he was unable to have his way, he resorted to violence. This pattern was repeated over and over throughout his life.

As far as I am concerned, he has not been punished. He has adjusted to his life. Lisa cannot breathe, laugh, talk, smile, dream, love, or raise her children. She is gone. I know that she is in Heaven.

Justice needs to be served. He needs to die. The law needs to be upheld. My life has been on hold waiting for him to take his last breath.

As far as the issue of "cruel and unusual punishment" is concerned, on the website, Ohiodeathpenaltyinfo.com, there were excerpts from the Cleveland Plain Dealer dated January 20, 2007 in which a reporter wrote that Governor Strickland does not want such blood on his hands. Please tell Governor Strickland that the only blood is on James Filiaggi's hands. Jim chose his own fate.

To Whom it may concern.: James Filiaggi has completely destroyed his family and especially his children the night he took their mothers life.He also put my family under tremendous stress and I thank the Lord every day that my son Eric was at work the night it happened,because in my heart I know he would have also been killed by James Filiaggi.This man deserves to be put to death so that hopefully this will bring closure of this horrible crime to both familys.My heart goes out to the Filiaggi family in a very sad,sad time.

Yours Truly
Fred Beiswenger

December 19, 2006

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The Ohio Parole Board
Governor Strickland
Office of Victims' Services
Ohio Dept. of Rehabilitation and Correction
1050 Freeway Dr. N
Columbus, Ohio 43229

OFFICE OF VICTIM SERVICES

Dear Committee Members:

Please accept this letter regarding the execution date for James J. Filiaggi scheduled for February 13, 2007.

My name is Ellen Jane Harris, Mother of Lisa Huff Filiaggi. Death of any kind is difficult, but murder execution style is a horrific death to try and deal with. This is what James Filiaggi did to my daughter.

To live knowing the last words your child heard, was not "I love you", but the horrible haunting words "this will teach you to fuck with me."

When Lisa was murdered a part of my heart died with her and will never be filled again. My hopes and dreams of seeing her walk down the aisle to start a new life are over. A mother should not have to bury her daughter in her wedding gown. The loss of my daughter completely changed the course of my life.

Since Lisa's death, I have moved, divorced and have had to distance myself from old friends and relatives. I have received years of counseling to cope with the trauma in my life. Not only did James take my daughter's life, he came to my home with the intent to kill me and attempted to kill my husband. He stole precious moments away from me with my own dying Mother. Lisa was not just my daughter she was my best friend, someone I dearly loved trusted and could depend on.

My Granddaughters rights and choices were taken from them. They will never know the compassion and understanding from their Mother, or feel the tenderness of her kiss and hugs of her love. They will never hear the stories of their Mothers life or build their own memories with her. What a horrible nightmare for them to live with. Their father planned out, chased their Mother, held her down and executed her.

No one should have to live his or her life in fear. It will be 13 years January 24, 2007. There has been no remorse from James Filiaggi. He is still putting the blame on other people for his trouble. He is still able to reach out from his cell to cause hurt and pain to all that loved Lisa, and people who love us. As long as James Filiaggi is alive, we will never be able to feel safe and heal. It is time that his rights and breath be taken from him. It is time that justice is served.

Sincerely,

Ellen Jane Harris

Ellen Jane Harris