

DATE TYPED: 6/30/04
DATE PUBLISHED: 7/2/04

IN RE: STEPHEN ALLEN VRABEL A313-033

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

Date of Meeting: June 25, 2004

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

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held at 1030 Alum Creek Drive, Columbus, Ohio 43205 on the
above date.

IN RE: STEPHEN ALLEN VRABEL, A313-033

SUBJECT:	Death Penalty Clemency
CRIME/CONVICTION:	1) Aggravated Murder with firearm specification and specification of aggravating circumstances 2) Aggravated Murder with firearm specification and specification of aggravating circumstances
DATE, PLACE OF CRIME:	3/3/89, Struthers, Ohio
COUNTY:	Mahoning
CASE NUMBER:	94CR789
VICTIM:	1) Susan Clemente 2) Lisa Clemente
INDICTMENT:	1) Aggravated Murder with firearm specification and specification of aggravating circumstances 2) Aggravated Murder with firearm specification and specification of aggravating circumstances

PLEA: N/A

TRIAL: By Jury

VERDICT: Found guilty as charged by jury of both counts

SENTENCE: Death on both counts

ADMITTED TO INSTITUTION: October 20, 1995

TIME SERVED: 104 months prison time served

AGE AT ADMISSION: 39 years old (DOB: 10/15/56)

JAIL TIME CREDIT: 10 days

PAROLE ELIGIBILITY: N/A

PRESIDING JUDGE: Honorable R. Scott Krichbaum

PROSECUTING ATTORNEY: James Philomena

ASSISTANT PROSECUTING ATTORNEY: Ken Bailey

ACCOMPlice: None

FOREWARD

The Honorable Bob Taft, Governor of the State of Ohio, and the Ohio Parole Board, pursuant to Section 2967.03 of the Ohio Revised Code, and Parole Board Policy 105-PBD-01, in this case initiated clemency.

A Death Row Clemency Review Hearing was conducted on June 25, 2004, with eight members of the Ohio Parole Board participating.

Attorney John B. Juhasz was present to represent the inmate, Stephen Vrabel. Co-counsel Mary Jane Stephens was unable to attend. His purpose was to assist the inmate in preventing clemency from being recommended. Vrabel did not request and does not want clemency.

Present at the hearing on behalf of the State were Henry Appel, Assistant Attorney General acting as Special Prosecuting Attorney for Mahoning County, and Timothy Prichard Assistant Attorney General acting as Special Prosecuting Attorney for Mahoning County. Family and friends of the victims were present and representatives of the family, Ms. Rita Sakara, the victims' aunt/great aunt, Alex Clemente the victim's brother/uncle, and Linda Aey, the victim's sister/aunt, gave testimony.

After review and deliberating upon the information provided, the Ohio Parole Board voted and reached a unanimous decision. We now submit to the Honorable Bob Taft, Governor of the State of Ohio our report and recommendation.

INSTANT OFFENSE:

The following account of the instant offense was obtained from the Ohio Supreme Court's review of this case on July 2, 2003, via appeal as of right, whereupon said court affirmed the conviction and sentence imposed by the Mahoning County Court of Common Pleas.

Defendant Stephen Vrabel and Susan Clemente lived together in an apartment they rented from Susan's sister and brother-in-law in Struthers, Ohio. Although not married, they had a child, Lisa, who was born in 1985.

On March 3, 1989 Mr. Vrabel went into the Miller Rod & Gun Store in Youngstown, Ohio to purchase a gun. He selected a gun but was told he could not purchase it as his license had expired. Later that afternoon, he returned to the gun shop with a valid Ohio ID card and purchased a Jennings .22 semi-automatic handgun and ammunition. There was no waiting period to purchase it at that time. During the visit he appeared to be calm and did not seem nervous, anxious or intoxicated.

Mr. Vrabel later told police that he had bought the gun for no particular reason except that he had always wanted one. When he returned to the apartment he loaded the gun and put it in the hallway closet. He began drinking beer heavily and smoking marijuana. He maintained that there was no confrontation between him and Susan. Nevertheless he retrieved the loaded gun and pointed it at Susan as she was walking to the kitchen. He fired one shot at her head; she fell face down, moaning. Lisa began "freaking out". Defendant then thought to himself that he did not want Susan to suffer so he shot her in the head again as she lay on the kitchen floor. While trying to calm Lisa, he surmised that since Lisa's mother was dead and her father would now go to prison, Lisa would be better off dead. He fired one shot at Lisa's head and "felt that she died immediately".

Defendant left the apartment with the gun and checked into a motel in Liberty Township where he spent the night. The next morning he drove Susan's 1976 Plymouth to Wheeling West Virginia and left it there. He took a Greyhound Bus to Columbus, Ohio and spent the night at a hotel near the Ohio State University campus. The following morning he took a bus back to Wheeling, picked up Susan's car and drove back to his apartment in Struthers. He poured floor stripper over the bodies because they smelled and slept in the apartment that night.

The next day he wrapped the bodies in blankets and sheets. He emptied the refrigerator and put Susan's body in the refrigerator and Lisa's body in the freezer compartment. He put two of Lisa's favorite stuffed animals in the freezer with her. He then tried to clean the blood off the floor with several household-cleaning agents. He cut out a blood stained portion of the hallway carpet and disposed of it in the apartment dumpster.

During the rest of March, 1989 he continued to live in the Struthers's apartment. Susan's sister, Linda Aey, attempted to visit Susan at the apartment several times in order to collect the rent for March. On one occasion, defendant opened the back window and told Linda that Susan and Lisa were not feeling well. Another time, he told Linda that Lisa and Susan were at the grocery store. On each occasion he seemed fine to Linda.

On April 4, 1989 Mr. Vrabel again checked into a motel in Liberty Township. The next night he spent the night at a motel in Austintown. Meanwhile Linda Aey's husband, Michael Aey, went to Mr. Vrabel's apartment in the early evening of April 5, 1989 to collect two months rent. As he went up the apartment stairs, he noticed the smell of cleaning fluids, and when he entered the apartment he saw it was "messed-up". Before he left, he opened the refrigerator and discovered Susan's body. Mr. Aey went home to call the police since there was no phone in the apartment.

Upon arrival, police found the apartment to be a mess with beer cans in every room. During the investigation, police found Lisa's body in the freezer compartment wrapped in a blanket, along with a pillow with gunshot residue on it. Police found three shell casings in plain view. The Deputy Coroner later determined that both Susan and Lisa died from gunshot wounds to the head.

On the morning of April 6, 1989, Mr. Vrabel was driving Susan's car to Parma when he heard on the radio that the bodies of Susan and Lisa had been discovered and police were looking for the victim's boyfriend. Mr. Vrabel went to St. Charles Catholic Church in Parma and approached the pastor, Father Carlin. He told Father Carlin he had been involved in the homicide of his wife and child. Father Carlin accompanied him to the Parma Police Department. Parma Police advised him of his rights and he gave an oral statement. He admitted shooting Susan and Lisa but claimed not to know why he shot Susan. He said the gun used was in the back seat of the Plymouth in a gray duffel bag. Police obtained a search warrant and found the gun where he said it would be.

Parma Police informed Struthers Police that they had Mr. Vrabel in custody. Struthers Police also advised him of his rights, that he waived, before giving a statement. When asked what caused the offense, Vrabel responded "Sometimes when I drink, things happen." He admitted committing the murders and described to police the events surrounding the murders and his actions during the month leading up to his surrender and arrest in Parma.

Following his indictment for Aggravated Murder in 1989, the court appointed a mental health professional, who found Mr. Vrabel incompetent to stand trial. He was committed to the Timothy B. Moritz Center in 1990, where he remained until 1994. On August 30, 1994, the Western Reserve Psychiatric Hospital notified the Mahoning County Prosecutor that the defendant was competent to stand trial and had no active mental illness.

PRIOR RECORD:

Juvenile

Unknown

Adult:

A check with BCI, Youngstown Police Department, and Mahoning County Sheriff's Department shows the following:

<u>DATE:</u>	<u>OFFENSE:</u>	<u>PLACE OF ARREST:</u>	<u>DISPOSITION:</u>
4-6-89	Agg. Murder (2 counts)	Struthers, Ohio	Instant Offense

DISMISSED, NOLLED UNKNOWN DISPOSITIONS:

<u>DATE:</u>	<u>OFFENSE:</u>	<u>PLACE OF ARREST:</u>	<u>DISPOSITION</u>
5-3-83,	Disorderly Conduct	Youngstown, OH	Unknown
6-12-85	DUI	Youngstown, OH	Unknown
12-6-85	DUI	Cuyahoga Falls, OH	Unknown

INSTITUTIONAL ADJUSTMENT:

A review of the Mansfield Correctional Institution Unit file indicates one severe conduct violation (3/19/99-Possession of Weapon) in an otherwise acceptable institutional adjustment history.

PROPONENTS TO CLEMENCY:

The Ohio Parole Board received no written application for clemency on Stephen Vrabel's behalf. Mr. Vrabel's representatives, John Juhasz and Mary Jane Stephens, notified the Board of his desire not to be interviewed. At the June 25, 2004 hearing the Board was told that he did not request nor did he deserve clemency consideration.

As part of the review process, the Board discussed copies of competency reports from clinical psychologist, John M. Fabian, addressed to Greg Meyers and Joseph Wilhelm, dated March 16, 2004, and from Phillip J. Resnick, M.D., dated February 4, 2004, addressed to Assistant Attorney General Henry G. Appel. These reports were prepared to assess Mr. Vrabel's competence to waive appeals, as well as, competency to be executed. These may shed light upon the inmate's current position of resistance to clemency consideration.

Phillip J. Resnick, MD concluded that Mr. Vrabel:

- Gave clean and logical reasons for preferring to have the death penalty.
- Has a comprehensive understanding of his legal position.
- Has stated that if he were choosing between prison and freedom he would not choose death. He does not want to live in prison and freedom is not one of the choices.
- Has a clear understanding of the ramifications of his decision.
- Has spoken of donating body organs. He understands the irreversibility of death.
- Has consistently, for nine years, voiced a desire for the death penalty rather than life in prison and denied mitigation to preclude death.
- Can weigh the advantages and disadvantages of obtaining further appeals.
- Does not desire to commit suicide as he lacks the means of assuring he could complete the action in his current circumstances.
- Believes he would have approximately 1 year of life prior to execution and could change his mind during that time.
- Though there is a history of paranoid delusion, none are currently evident.
- No hallucinations reported; that would have served as an irrational basis for his decision to forego appeals.
- Has a measured IQ in the average range and no mental retardation.
- No signs of confusion about the decision to waive appeals

- No signs of depression to distort reasoning about the decision to abandon further appeals.

OPPONENTS TO CLEMENCY:

Tim Prichard and Henry Appel, Assistant Attorney Generals acting as Special Prosecuting Attorneys for Mahoning County, represented the State of Ohio at the hearing before the Parole Board on June 25, 2004. Arguments in opposition to the granting of Executive Clemency included:

- The brutality of the crime
- The vulnerability of the victims-One only 3 1/2 years old
- The senselessness of the crime-No explanation of it has been given
- His role as father and husband of the victims
- He is not asking for clemency
- Vrabel initially tried to avoid conviction by a defiant resistance to clinical assessment. This resulted in a finding of incompetence to stand trial, and transfer to a forensic facility. In the 14 clinical assessments that have followed that initial assessment, he has not been found to be incompetent. Any mental disturbance or illness is in remission and he has recently been deemed to be competent to waive any further appeals.
- There is no question of his guilt. He confessed to police and was subsequently found guilty by jury. On 10-12-95, the jury recommended death on each of 2 counts.

Family members' representatives, Linda Aey, Rita Sakara and Alex Clemente, were given and opportunity to speak to the Board. They shared their sadness and sense of loss at the death of Susan and Lisa Clemente. The surviving children of Susan Clemente were present and the ongoing grief surrounding the senseless deaths was evident. This had been the family's first opportunity to disclose their pain and give their opinions in the recommendation being contemplated by the Board. Letters in support of the family and in opposition to clemency were shared with the Board.

CONCLUSION:

The Parole Board reviewed the documents and deliberated extensively on the information ,as well as, the oral testimony provided. The inmate does not want clemency and no mercy appears warranted. There is no manifest injustice in denying Executive Clemency. Significant mitigation as found by the Ohio Supreme Court dissenters, is greatly outweighed by the aggravating circumstances of a double murder, including his own 3 1/2 year old daughter. Mental illness did not preclude the imposition of the death sentence, and there is information to show no sign of major mental illness. There is some evidence to suggest the possibility of malingering in the past, but no current evidence of mental defect.

Accordingly, the undersigned members concur with the imposition of the death penalty in this case and find that the exercise of clemency is not warranted.

RECOMMENDATION:

The Ohio Parole Board with eight (8) members participating, by a vote of eight (8) to zero (0) recommends to the Honorable Bob Taft, Governor of the State of Ohio, that Executive Clemency be denied in the case of Stephen Allen Vrabel #313-033.