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

Date of Meeting: February 24, 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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Minutes of the **SPECIAL MEETING** of the
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Columbus, Ohio 43205 on the date indicated above.

IN RE: **William D. Wickline #178-066**

SUBJECT:	Death Penalty Clemency
CRIME, CONVICTION:	Aggravated Murder, two counts, w/Death Specification for Count 1
DATE, PLACE OF CRIME:	August 14, 1982, Columbus, Ohio
COUNTY:	Franklin
CASE NUMBER:	85 CR 01-59
VICTIM:	Peggy Lerch, Christopher Lerch
INDICTMENT:	Aggravated Murder, two counts, with Purposeful killing specification
TRIAL:	August 8, 1985, three judge panel
VERDICT:	Guilty, both counts
SENTENCE:	9/24/85 - 20 Years to Life consecutive to Death
ADMITTED TO INSTITUTION:	Inmate already serving another sentence at time of trial-original admission date was February 24, 1984
TIME SERVED:	From conviction date, 18 years, 6 months
AGE AT ADMISSION:	33 years
DATE OF BIRTH:	March 15, 1952
PRESIDING JUDGE:	Honorable Louis Williams, James C. Britt, Clifford Rader
PROSECUTING ATTORNEY:	Michael Miller and Assistant Prosecutor David Johnson
ACCOMPLICE(S):	None

FOREWORD

Clemency in the case of William Wickline #178-066 was initiated by 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 the Parole Board Policy #105-PBD-01.

After collecting all available facts pertaining to the crimes of Aggravated Murder (this inmate is also serving an aggregated sentence of 1 ½ years concurrent to 2 to 17 years for Breaking and Entering, cc/Breaking and Entering, cs/Breaking and Entering, cs/Breaking and Entering, cc/Grand Theft cs/Breaking and Entering, cc/Viol. Drug Law, which is not subject to this clemency hearing), the Parole Board submits this report and recommendation to the Honorable Bob Taft, Governor of the State of Ohio.

A previous Clemency Report was sent to the Honorable George Voinovich, then Governor of the State of Ohio, on September 20, 1996. That report contained a unanimous Parole Board recommendation against clemency.

Mr. Wickline refused to be interviewed by Parole Board Members on February 4, 2004. It should be noted that prior to his Clemency hearing in 1996, Mr. Wickline refused to be interviewed by the Parole Board or evaluated by a Department of Rehabilitation and Correction Psychologist.

A Death Row Clemency Review hearing was held on February 24, 2004 with all nine (9) members of the Ohio Parole Board participating. Present at that hearing on behalf of Mr. Wickline were defense attorneys, David Stebbins, and Benson Wolman. Present at the hearing on behalf of the state were Ron O'Brien, Franklin County Prosecutor, Patrick Sheeran, Assistant Franklin County Prosecutor and Assistant Attorney Generals, Carol Ellensohn, and Tim Prichard. Also present and listed as representatives of the state were Mike Thomas, Columbus Police Department (Retired), Keith Thatcher, Blendon Township Police Department, and Assistant Attorney General Steve Maher.

Representatives from the victim's family included Donald and Patricia Keaton, parents of victim Peggy Lerch, Nancy and Gerald Fowler, Peggy Lerch's sister and brother-in-law, and Benjamin North, Peggy Lerch's brother-in-law. A videotape presentation was also shown of Donna Keaton-North, Peggy Lerch's sister, who is opposed to the granting of clemency for Wickline.

After a careful review and deliberation concerning the documentary evidence and testimony provided, the Parole Board voted and reached a unanimous decision.

We now submit to the Honorable Bob Taft, Governor of the State of Ohio, our report and recommendation.

DETAILS OF THE INSTANT OFFENSE

The following account of the offense was obtained directly from the Court of Appeals of Ohio, Tenth Appellate District, Franklin County review of this case and their decision dated December 20, 1988.

On August 25, 1982, a missing persons report was filed concerning Chris and Peggy Lerch. The Lerches were last heard from around August 12, 1982. Approximately two years later, the police, acting on information received from informants, contacted Teresa Kemp. Kemp first denied having knowledge of any killings committed by appellant, William D. Wickline, but later told police that the Lerches were murdered on August 14, 1982 by appellant, at his apartment.

The most compelling evidence presented at trial by the state was the testimony of Kemp. Kemp's testimony was at times unclear, with sequences of events and blocks of time merged and confused. However, her testimony was consistent with an earlier statement and was corroborated by other evidence. It revealed that the deaths were the result of a dispute over drug money. Appellant's motive for killing the Lerches was \$6,000 that he claimed was owed for cocaine.

In her testimony, Kemp revealed that the murders took place after she, Wickline and the Lerches had spent hours taking drugs and drinking heavily. The argument over money did not begin until after the four of them had partied together all night at the Lerches' residence, stopped, and then resumed partying the next morning at appellant's apartment. At one time during the argument, Chris Lerch was handcuffed to the kitchen table and was beaten on the head several times by appellant. Shortly before the murders, Lerch taunted appellant by saying that he had had a physical relationship with Kemp.

The argument seemed to end as suddenly as it began. Appellant went upstairs and shortly thereafter called for Chris Lerch to come and help him. Kemp and Peggy Lerch stayed downstairs. When appellant came back downstairs alone, Kemp went upstairs to check on Chris Lerch. She found him dead in the bathtub with his throat slit. She went downstairs and at the order of appellant held the legs of a sleeping Peggy Lerch while appellant strangled her. Appellant then cut up the bodies in the bathtub, placed the parts in trash bags and disposed of them in various dumpsters around the city while Kemp, at the direction of appellant, cleaned the blood from the bathroom.

Between the time the Lerches disappeared and the time the police began their investigation, appellant was incarcerated on an unrelated offense. Kemp married another man but continued to visit appellant at prison. At the direction of appellant, Kemp took care of appellant's personal belongings. She placed some items in storage and placed jewelry in a safety deposit box. Eventually, she led the police to these belongings, which later served as corroborating evidence at appellant's trial.

Appellant gave an unsworn statement at the mitigation phase of trial. He described his relationship with Kemp as one that had gone sour. While appellant was in prison Kemp often came to visit, even though she was married and had a child. Eventually, appellant told Kemp that their relationship was over and that when he got out of prison he would be trying to make it on his own.

Appellant contends that his arrest was the result of a jilted woman spreading rumors to a few friends, one of whom was the wife of the jail inmate who gave police the tie which led to appellant's arrest. Appellant believes that the police intimidated Kemp into describing the murders by threatening her with the death penalty for her involvement. He described Kemp as one who would have no problem lying to the police and even as one who stood to profit financially from the story

she told. Appellant claims Kemp now has \$10,000 worth of possessions, which she took from his apartment after his arrest.

In his statement, appellant attempted to discredit Kemp's testimony by pointing out its weakest points. He contends that he had the Lerches' jewelry as collateral for the \$6,000 Chris Lerch owed him for cocaine. Further, he insists that it was the Lerches who were fighting and not himself and Chris Lerch. The argument involved Chris Lerch's infidelity and in that context, Chris made the snide remark about being with Kemp at a motel. It was not, as Kemp related, a comment directed at appellant. Appellant denied that he and Chris Lerch even argued that morning. He claimed to have had no involvement in the Lerches' death.

Appellant waived his right to a trial by jury and was tried by a panel of three judges who found William D. Wickline guilty of two counts of aggravated murder, with one count carrying a death specification. Appellant was sentenced to twenty years to life on the first count, the murder of Chris Lerch, and death on the second count, the murder of Peggy Lerch.

PRIOR RECORD:

According to previously submitted Parole Board investigations, the inmate has the following record:

Juvenile:

<u>Date</u>	<u>Offense</u>	<u>Location</u>	<u>Disposition</u>
1-19-69	Curfew, Drinking	Reynoldsburg, OH	Released to parents
5-16-69	Drinking	Reynoldsburg, OH	Released to parents
9-22-69	B & E	Morgan County	Enforcement withheld

(Subject and co-defendant allegedly broke into some cottages at Burr Oak).

Adult:

7-13-72	Poss. Dangerous Weapon	Newark, NJ	None shown
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(Subject stated he was in possession of .22 Derringer and that he was able to "buy" his way out of difficulty. In a later interview, subject admitted he had come to New York City to buy heroin).

11-03-72	B & E, G.L.	Columbus, OH	1-7 years cc Admitted 3-2-73
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(Subject and co-defendant indicted on 8 cts of B & E and 7 cts G.L.; all occurred at apartment complexes).

12-01-72	B & E	Columbus, OH	½ - 5 year Admitted 3-2-73 Shock Probation 4-12-73
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(Subject attempted to Break and Enter construction company and police were waiting.

Adult (Cont'd):

<u>Date</u>	<u>Offense</u>	<u>Location</u>	<u>Disposition</u>
10-30-73	Violation Drug Law	Columbus, OH	2-15 years cs Admitted 4-29-74

(Search of residence of subject and Peter Johnson and the auto of Peter Johnson revealed large amount of narcotics, apparently stolen from drug stores).

2-19-74	B & E	Columbus, OH	½-5 year cc Admitted 4-29-74
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(Subject broke into Allen Pharmacy and was arrested at the scene).

12-04-76	Giving False Information	Columbus, OH	12-22-76, \$50.00 and costs.
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7-27-77	B & E	Gahanna, OH	10-14-77 ½-5 year Admitted 10-31-77 Paroled 1-16-79
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(Subject broke into Ruser's Pharmacy and was arrested at the scene).

11-15-78	Sentence Modification		Declared Parole Violator at large 3-04-80
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Franklin County, total sentence now
2-17 years

1-25-84	Compl. To B & E	Nelsonville, OH	2-2-84, 1 ½ years
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(Subject broke into Foster Drug store and arrested at the scene).

APA was notified on 11-29-84 by Columbus Police Department that a match of subject's prints and photo identification placed subject in Ada, Ohio, 8-29-79, where he was arrested and charged with B & E of a pharmacy. Inmate used an alias and was released.

As mentioned previously, the Aggravated Murders subject to this report, occurred 8-14-82; however, inmate was not linked to the murders until his last admission of 2-24-84.

INSTITUTIONAL ADJUSTMENT

Nothing remarkable was declared to the Parole Board. In the petition filed by the defendant's counsel, it was noted that Wickline had received but one disciplinary report in eighteen (18) years of incarceration. They also list as significant, the role that Wickline played in the 1997 Death Row Riot and states that his behavior has been exemplary. Representatives for the state disagreed with this assessment, noting that Wickline refused to meet with the State Highway Patrol in its investigation.

COMMUNITY ATTITUDE:

Mr. David Johnson, Former Assistant Prosecutor, Franklin County, who was interviewed on February 16, 1996, expressed the following opinion regarding Clemency release for the subject:

“Mr. Wickline should never be let out of prison, and should never have his sentence of Death reduced. He is the most dangerous man I have ever encountered.”

Former Prosecuting Attorney:

Mr. Michael Miller, who was interviewed on February 16, 1996, expressed the following opinion regarding Clemency release for the subject.

“I’ve never seen police officers fear a criminal like they do this man. I am totally opposed to any leniency being given to Mr. Wickline. We believe he has in all probability killed several other people and if released would kill again.”

Retired Detective Rich Sheasby, of the Columbus Police Department, who was interviewed on February 16, 1996, expressed the following opinion regarding Clemency release for the subject.

“Mr. Wickline is the most dangerous man I have ever encountered in all the years of my career. We know he killed many more people and was not charged with their butcherings. We could never prove these murders as Mr. Wickline so expertly disposed of their bodies, leaving no evidence. If he is ever released, he will most certainly kill Lawanna Flowers, Teresa Kemp, Jimmy Dennis and George King.”

In response to victim notification issued by the Parole Board:

An undated 1996 letter from Phyllis Volmer, mother of Christopher Lerch:

“Another story for Wickline was a disappointment to myself, family and friends. All of the unhappiness and torture that this creature represents, he should not be living... There were even two other murders that they were certain he committed. How horrible does a person have to be? Personally it has affected my life as to health and every day living...”

June 1, 1996 letter from Mrs. Donna Keaton-North, sister of victim, Peggy Lerch:

“...with regards to William D. Wickline, Jr., this individual was convicted and sentenced to death. He has been allowed to take the criminal justice system to its limits with his appeals, granting stays of execution and more existence on earth. My family will never have closure of this tragedy unless his sentence is carried out! Please, keep in mind the risk to survivors and all the other citizens that are affected by his stay of execution. Prolonging the inevitable only gives Wickline rights, rights he gave up the day he took other lives.”

Victims’ families still adamantly oppose clemency for William Wickline. At the February 24, 2004 clemency hearing, the family of Peggy Ann Lerch was present and presented a video from Donna Keaton-North, Peggy Lerch’s sister who opposes clemency.

PROPOSERS TO CLEMENCY:

A written application with documentation outlining the reasons William D. Wickline should receive Executive Clemency was filed with the Parole Board on February 20, 2004. Attorneys David C. Stebbins and Benson A. Wolman presented oral testimony in support of his application. Reasons expressed in favor of the granting of Executive Clemency are as follows:

- Wickline denied the murders.
- Wickline's sentence of death is based on the uncorroborated testimony of an unindicted co-conspirator, namely Teresa Kemp, who stood to gain financially from Wickline's incarceration. She also had in her possession valuable items belonging to Wickline.
- All of the physical evidence that purports to connect Wickline to the crime was under the direct physical control of Teresa Kemp before it was turned over to the police. This does not justify the death penalty for Mr. Wickline.
- Wickline's record in prison has been exemplary. During the 1997 disturbance on Death Row he took extraordinary steps to prevent other inmates from being killed and to bring a peaceful end to the disturbance at considerable risk to his own safety and well-being. This should mitigate in his consideration for Executive Clemency.
- It is improper to consider any other crimes that Wickline has not been convicted or even tried for. There is no way to rebut these crimes; they have never been put to the test of legal proceedings. Crimes in West Virginia and other places should not be given consideration.

OPPOSERS TO CLEMENCY

Ron O'Brien, Franklin County Prosecutor, and Assistant Franklin County Prosecutor Patrick Sheeran, along with Assistant Attorney Generals Carol Ellensohn and Tim Pritchard represented the State of Ohio at the hearing before the Parole Board on February 24, 2004. Arguments offered in opposition to the granting of Executive Clemency included:

- On August 14, 1982, Wickline murdered Christopher and Peggy Ann Lerch. With the help of a friend, Tom Dillon, disposed of the bodies in garbage bags, placing them in various dumpsters throughout the City of Columbus.
- It is very compelling that Wickline did not want to talk with the Ohio Parole Board for his Clemency interview.
- Wickline's conviction and death sentence were lawfully imposed. A three-judge panel lawfully imposed the death penalty on Wickline; that conviction and sentence have not been disturbed after nearly twenty (20) years of judicial scrutiny by every level of both the state and federal courts.

- In 1996, the Ohio Parole Board did not recommend clemency be granted to Mr. Wickline.
- There has been nothing new presented at this hearing except Wickline's role in the Death Row Riot in 1997. He does not have an exemplary record in that he refused to meet with the State Highway Patrol regarding the riot.
- West Virginia still has an outstanding warrant for Wickline's arrest.
- There was physical evidence that linked Wickline to the Lerch's murders.

CONCLUSION:

William Wickline is scheduled to be executed on March 30, 2004.

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

- Mr. Wickline has failed to accept the responsibility for the crimes he committed and has expressed no remorse.
- All reviewing courts have agreed that Mr. Wickline received proper representation at trial and during subsequent appeals, and his convictions and death sentence have been upheld after 20 years of litigation.
- There was insufficient mitigation presented to outweigh all of the aggravating factors in this case.

RECOMMENDATION:

Following consideration of available information, the Ohio Parole Board with nine (9) members participating, by a unanimous vote of nine (9) to zero (0), recommends to the Honorable Bob Taft, Governor of the State of Ohio, that Executive Clemency be denied in the case of William Wickline #178-066.

Adult Parole Authority
Parole Board Members
Voting UnFavorable

Gary Croft, Chair

Jim Bedra

Dr. Sandra A. Mack

Betty Mitchell

Peter Davis

Cynthia Mausser

Olivia Karl

Robert Maszczyński

Kathleen Kovach