

DATE TYPED: September 29, 2005
DATE PUBLISHED: September 30, 2005

IN RE: Willie J. Williams, Jr. #A256583

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

Date of Meeting: September 26, 2005

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

IN RE: WILLIE J. WILLIAMS, Jr. #A256583

SUBJECT: Death Penalty Clemency

CRIME/CONVICTION: **93-04-0760:** Aggravated Murder (4 counts) each with specification of aggravating circumstances (purposeful killing of two or more persons), Kidnapping (4 counts) each with firearm specifications, Aggravated Burglary.

92CR175: Escape, Having Weapons under Disability, Possession of Dangerous Ordnance, Aggravated Burglary, Aggravated Robbery with firearm specification, Kidnapping (2 counts), Illegal Conveyance of Weapons into Detention Facility with firearm specification.

DATE, PLACE OF CRIME: **93-04-0760:**
September 2, 1991 / Youngstown, Ohio

92CR175:
October 14, 1991 (Escape) / Youngstown, Ohio
January 12, 1992 / Youngstown, Ohio

COUNTY: **93-04-0760:** Summit (Change of Venue)
92CR175: Mahoning

VICTIMS: **93-04-0760:**
1) Alfonda Ray Madison
2) Theodore Wynn, Jr.
3) Eric Howard
4) William Dent

92CR175:
1) Deputy Michael A. Fonda
2) Carla Nickle

INDICTMENT: **93-04-0760:**
Counts 1-12: Aggravated Murder with 4 Specifications: Specification 1: 2929.04(A) (7) and 2941.14 (Kidnapping / Principal Offender); Specification 2: 2929.04 (A) (7) and 2941.14 (Aggravated Burglary / Principal Offender); Specification 3: 2929.04(A) (5) and 2941.14 (Purposeful killing of two or more persons);

Specification 4: 2941.141 and 2929.71(A)
(Firearm)

Counts 13-16: Kidnapping with 2
Specifications: Specification 1: 2941.142 and
2929.71(A) (Firearm); Specification 2: 2941.142
and 2929.11(B) (1) (b) (Prior Aggravated Felony
conviction)

Count 17: Aggravated Burglary with 2
Specifications: Specification 1: 2941.141 and
2929.71(A) (Firearm); Specification 2: 2941.142
and 2929.11(B) (1) (b) (Prior Aggravated Felony
conviction)

INDICTMENT:

92CR175:

Count 1: Escape with Specification: 2941.142
and 2929.11(B) (1) (b) (Prior Aggravated Felony
conviction)

Count 2: Aggravated Burglary with
Specification: Specification 1: 2941.141 and
2929.71(A) (Firearm); Specification 2:
2941.142 and 2929.11(B) (1) (b) (Prior
Aggravated Felony conviction); Specification 3:
2941.144 and 2929.72(A) (Automatic or
Silenced Firearm)

Counts 3 & 4: Kidnapping with 3 Specifications:
Specification 1: 2941.141 and 2929.71(A)
(Firearm); Specification 2: 2941.142 and
2929.11(B) (1) (b) (Prior Aggravated Felony
conviction); Specification 3: 2941.144 and
2929.72(A) (Automatic or Silenced Firearm)

Count 5: Aggravated Robbery with 3
Specifications: Specification 1: 2941.141 and
2929.71(A) (Firearm); Specification 2: 2941.142
and 2929.11(B) (1) (b) (Prior Aggravated Felony
conviction); Specification 3: 2941.144 and
2929.72(A) (Automatic or Silenced Firearm)

Count 6: Having Weapons While Under
Disability with 3 Specifications: Specification 1:
2941.141 and 2929.71(A) (Firearm);
Specification 2: 2941.142 and 2929.11(B) (1) (b)
(Prior Aggravated Felony conviction);

Specification 3: 2941.144 and 2929.72(A)
(Automatic or Silenced Firearm)

Count 7: Unlawful Possession of a Dangerous
Ordnance with 3 Specifications: Specification 1:
2941.141 and 2929.71(A) (Firearm);
Specification 2: 2941.142 and 2929.11(B) (1) (b)
(Prior Aggravated Felony conviction);
Specification 3: 2941.144 and 2929.72(A)
(Automatic or Silenced Firearm)

Count 8: Illegal Conveyance of Weapons on to
Grounds of Detention Facility with 3
Specifications: Specification 1: 2941.141 and
2929.71(A) (Firearm); Specification 2: 2941.142
and 2929.11(B) (1) (b) (Prior Aggravated Felony
conviction); Specification 3: 2941.144 and
2929.72(A) (Automatic or Silenced Firearm)

TRIAL:

93-04-0760: Found Guilty by Jury

PLEA:

92CR175: Pled Guilty to Indictment

SENTENCE:

93-04-0760: Counts 1, 2, 3, 4 with Specification 3, Sentenced to DEATH (Specifications and remaining counts merged); Counts 13, 14, 15, 16 with Specification 1: 15-25 years on each count consecutive with 3 years actual for each firearm specification; Count 17: 15-25 years consecutive

92CR175: Counts 1, 6, 7: Sentenced 3-5 years on each count consecutive; consecutive with: Counts 2, 3, 4, 5: 15-25 years on each count consecutive; consecutive with Count 8: 4-10 years consecutive with Firearms Specification: 6 years

ADMITTED TO INSTITUTION:

May 6, 1992

AGE AT ADMISSION:

35 years old (DOB: 11/9/56)

PRESIDING JUDGE:

93-04-0760: Honorable James P. Winter
92CR175: Honorable Peter C. Economus

PROSECUTOR:

James A. Philomena

ASSISTANT PROSECUTOR:

Ken Bailey

FOREWORD

Clemency in the case of Willie J. Williams, Jr. was initiated by the Honorable Bob Taft, Governor of the State of Ohio, and the Ohio Parole Board, pursuant to Sections 2967.03 and 2967.07 of the Ohio Revised Code and Parole Board Policy #105-PBD-05.

Mr. Williams was scheduled to be interviewed by a member of the Parole Board on September 7, 2005. However, he elected not to be interviewed.

A Death Row Clemency Review Hearing was conducted on September 26, 2005 with seven members of the Ohio Parole Board participating.

Assistant Public Defender Joseph Wilhelm was present to represent Mr. Williams. Mr. Wilhelm advised the Board that he had no formal presentation and that his client "was not formally seeking clemency".

Present at the hearing and providing testimony on behalf of the State of Ohio were Mahoning County Prosecuting Attorney Paul Gains, former Mahoning County Assistant Prosecuting Attorney Ken Bailey, and Assistant Attorney General Carol Ellensohn. Many family members of the victims were present. Testimony was provided by Tawanna Madison, sister of victim Alfonda Madison, Donna Wynn, mother of victim Theodore Wynn, Earlina Wiggins and Jennifer Johnson, sisters of victim William Dent.

After 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.

INSTANT OFFENSE:

The following account of the instant offense was obtained from the Ohio Supreme Court opinion decided June 11, 1997 on appeal from the Court of Appeals from Summit County:

Willie J. Williams, Jr., controlled the drug trafficking at the Kimmelbrook housing project in east Youngstown, Ohio. After an extended absence from the area, Williams returned to find that Alfonda R. Madison, William L Dent, Eric Howard, and others had taken over the drug trade at the Kimmelbrook project. Williams wanted to regain control of the drug business, so he decided to rob and kill Madison and the others.

Williams recruited three juvenile accomplices: his sixteen-year-old girlfriend, Jessica M. Cherry; her brother, Dominic M. Cherry; and Dominic Cherry's seventeen-year-old "cousin", Broderick Boone.

On August 27, 1991, Williams bought walkie-talkies at a Radio Shack store. The devices had a combined microphone-earphone earpiece that left the user's hands free. He also bought batteries and duct tape. Williams, Dominic, and Broderick later tested the walkie-talkies.

Before the murders, Williams outlined his plan to his three accomplices. During this meeting, he drew interior and exterior diagrams of Madison's house. He later ordered Dominic to burn

these, but Dominic burned only one diagram. In addition, Williams supplied each accomplice with a gun.

On September 1, 1991, Jessica met with Madison and discussed a drug deal. Later that night, Williams and his three accomplices arrived at Madison's home by car. Williams armed the three juvenile accomplices with guns and a walkie-talkie and sent them inside, while he waited outside with a walkie-talkie. Once inside, the three accomplices drew their guns on Madison, then, after receiving word via walkie-talkie that the situation was secure, Williams, armed with a semiautomatic rifle, entered the house carrying a duffel bag containing handcuffs, duct tape, and gloves. Inside, Williams handcuffed and bound Madison and put tape over his mouth.

Thirty to forty-five minutes later, Theodore Wynn, Jr., a recently discharged Air Force sergeant, came to the door looking for Madison and Howard, who were roommates. Jessica answered the door and told Wynn that Madison was not home and Howard was asleep. As Wynn walked back towards his car, Williams told Jessica to call Wynn back into the house because Wynn could identify them. Inside the house, Williams held Wynn at gunpoint and handcuffed him.

Upon orders from Williams, Jessica walked to a pay phone and called William Dent for the purpose of luring him to the house. When Dent arrived with Howard, Williams and his accomplices ambushed them and forced them to lie down in the bathroom. Williams strangled Madison and Wynn, and then instructed Jessica to turn up the stereo. Going from room to room, Williams shot each of the four victims in the head with Madison's gun. The group left Madison's home but Williams, according to Jessica, went back in "to make sure they were all dead".

Later, back at his apartment, Williams embraced his juvenile accomplices and rewarded them with drugs. He warned them not to tell anyone what they had done or he would kill them.

The next day, September 2, 1991, Williams and Jessica were driving down the street when another car rammed theirs and the people in the other car shot at them. Jessica and Williams fled the scene. When they returned to the vicinity of the accident, officers transported them to the Youngstown Police Department and later released them after questioning them about the traffic accident. Later that night, Williams, Jessica, Dominic, and Broderick fled to Pennsylvania. They returned to the Youngstown area and parted company.

On September 24, 1991, Dominic turned himself in, and gave a statement about the murders. Later, officers arrested Jessica and Broderick, and the latter also gave statements. Following their arrests, Jessica, Dominic, and Broderick were held at the Mahoning County Juvenile Justice Center. Williams was later arrested in connection with the murders. On 10/15/91, shortly after being arrested, he escaped from jail. While a fugitive from justice, a Mahoning County Grand Jury indicted Williams on four counts of aggravated murder, four counts of kidnapping, and one count of aggravated burglary.

On January 12, 1992, Williams and two other accomplices, Paul R. Keiper, Jr, and a juvenile named Eric Fields, appeared at the Mahoning County Juvenile Justice Center. The three deceived a receptionist and were permitted to enter. Once inside, Williams held the receptionist and a deputy sheriff hostage, demanding to see Jessica, Dominic, and Broderick. After lengthy negotiations, Williams surrendered to authorities. At trial, Keiper testified that Williams planned to kill the three juveniles because he knew that they had made statements to the police regarding the murders.

The Mahoning County Grand Jury reindicted Mr. Williams on twelve counts of aggravated murder, four counts of kidnapping, and one count of aggravated burglary. In addition, each aggravated murder charge included two felony murder death specifications and one death specification for multiple murders. The court transferred venue to Summit County. Jessica, Dominic, and Broderick all entered into plea agreements with the Mahoning County Prosecutor's Office. All three pled guilty to delinquency by reason of complicity to aggravated murder, complicity to aggravated burglary, and complicity to kidnapping. All three testified against Williams. A jury convicted Williams on all counts and specifications. The trial court merged the twelve aggravated murder counts into four and the three specifications per count into a single multiple-murder specification.

Following the sentencing hearing, the jury recommended death for each count of aggravated murder. The trial judge sentenced Willie J. Williams to death, and the court of appeals affirmed the sentence.

PRIOR RECORD:

Juvenile: Unknown.

Adult: According to various investigations completed by the Ohio Adult Parole Authority, Williams has the following criminal record of arrests and convictions:

| <u>DATE:</u> | <u>OFFENSE:</u> | <u>LOCATION:</u> | <u>DISPOSITION:</u> |
|---------------------|--|------------------|--|
| 2-23-76 (Age 19) | Breaking & Entering | Youngstown, Ohio | 8-18-76: 3 years formal probation on condition that defendant attend the Mahoning County Rehabilitation Center |
| 7-23-76 (Age 19) | Improper Handling Firearm in Motor Vehicle | Youngstown, Ohio | Fined \$50 and costs, ordered to serve 30 days in county jail |

| <u>DATE:</u> | <u>OFFENSE:</u> | <u>LOCATION:</u> | <u>DISPOSITION:</u> |
|---------------------|--|------------------|---|
| 3-29-76 (Age 19) | Assault | Youngstown, Ohio | 4-5-76: found guilty in Municipal Court, sentenced to 10 days City Jail, suspended. |
| 2-16-77 (Age 20) | Bank Robbery | Cleveland, Ohio | Sentenced to 12 years Federal Correctional Inst. |
| 8-26-81 (Age 24) | Attempted Aggravated Murder 81CR771 | Youngstown, Ohio | 10-30-81: No billed by Grand Jury |
| 8-26-81 (Age 24) | Kidnapping | Youngstown, Ohio | 3-2-82: found not guilty by Jury. |
| 8-26-81 (Age 24) | Aggravated Murder | Youngstown, Ohio | 3-3-82: found not guilty by Jury. |
| 12-2-81 (Age 25) | Felonious Assault | Youngstown, Ohio | 12-29-81: case dismissed for lack of prosecution. |
| 7-31-82 (Age 25) | Felonious Assault | Youngstown, OH | 8-2-82: hearing held in Youngstown Municipal Court, probable cause found, held for Grand Jury, \$3,500 bond; 9-22-82: no billed by Grand Jury, Case #82CR824. |
| 8-9-82 (Age 25) | Aggravated Robbery | Youngstown, Ohio | 8-10-82: waived hearing in Municipal Court, held for Grand Jury with \$5,000 bond; 9-22-82: indicted by Grand Jury case 82CR787; 10-25-82: case dismissed. |
| 2-21-86 (Age 29) | Felonious Assault | Youngstown, Ohio | 3-31-86: waived hearing; 4-25-86: no billed by Grand Jury. |

| <u>DATE:</u> | <u>OFFENSE:</u> | <u>LOCATION:</u> | <u>DISPOSITION:</u> |
|---------------------|-----------------------|------------------|---|
| 8-8-86 (Age 29) | Assault | Youngstown, Ohio | 9-10-86: Case dismissed |
| 5-31-88 (Age 31) | Felonious Assault | Youngstown, Ohio | 6-21-88: Case dismissed |
| 8-29-88 (Age 31) | Possession of Cocaine | Los Angeles, CA. | 1-17-89: sentenced 5 yrs. State Penitentiary; 4-28- 91: Paroled to Ohio |

INSTITUTIONAL ADJUSTMENT:

A review of the Mansfield Correctional Institution Unit file indicates an acceptable institutional adjustment. Mr. Williams has not been a disciplinary problem nor has he distinguished himself in any manner.

PROPOSERS TO CLEMENCY:

The Ohio Parole Board received no written application for clemency on behalf of Mr. Williams. In a letter to the Ohio Parole Board dated August 15, 2005, Mr. Joseph Wilhelm, Chief Counsel of the Death Penalty Division of the Ohio Public Defenders Office writes:

“I have contacted Mr. Williams and met with him to discuss the clemency process. After consideration of the process, Mr. Williams stated to me that he does not wish to be interviewed by a member of the Parole Board. Mr. Williams also stated that he does not want a clemency petition to be filed on his behalf.”

As previously indicated, Mr. Wilhelm informed the Parole Board of Mr. Williams’ decision not to participate at the clemency hearing on September 26, 2005.

As part of the review process, the Parole Board reexamined and discussed the mitigating factors presented at trial as well as the dissenting opinions of several appellate jurists. At the mitigation phase of his sentencing, Williams presented some evidence that he lacked a father figure while an adolescent and had minimal parental supervision. A clinical psychologist, Dr. Jeffrey Smalldon, testified that Williams’ suffered from a personality disorder but same did not rise to the level of a mental disease or defect. Three jurists in separate Courts dissented from their colleagues vote to affirm the conviction and sentence. Significant issues for the judicial dissenters included Mr. Williams’ appellate claim that juror misconduct and juror bias precluded a fair and impartial trial and that the trial judge abused discretion in not conducting a more extensive examination of impaneled jurors. The Board concluded that a fair determination of alleged bias and misconduct is more appropriately left to appellate jurists.

OPPONENTS TO CLEMENCY:

Mahoning County Prosecuting Attorney Paul Gains and Assistant Attorney General Carol Ellensohn provided extensive testimony in opposing clemency for Mr. Williams at the hearing conducted September 26, 2005. Extensive documentary evidence was provided prior to the hearing. Arguments in opposition to the granting of Executive Clemency included:

- The brutality and magnitude of the crime. Four young men were shot in the head execution-style.
- No mitigation exists in the offense itself. Several of the victims were lured to the residence prior to their murders. Each was bound. Mr. Williams enlisted juveniles to accomplish his premeditated plan.
- On each of the four Aggravated Murder counts, Williams was convicted of three specifications. Although merged by the trial Court at sentencing, the establishment of a single factor on a single count was sufficient to impose a sentence of death.
- Mr. Williams has never accepted responsibility for the heinous murders of four individuals nor apologized for his callous actions.
- He is not asking for clemency.
- The aggravating and mitigating circumstances surrounding the crime were considered at trial, upheld throughout an appellate process lasting twelve years, and affirmed by each reviewing Court.

Family members' surviving the four victims in this case provided testimony at the hearing. None were supportive of clemency, although the sister of victim William Dent noted that she has forgiven Mr. Williams. Each described their collective loss, ongoing grief, and impact of the tragic loss of their loved ones on their lives and the lives of their family and friends. Their written statements and letters were entered into the record.

CONCLUSION:

The Ohio Parole Board deliberated extensively on the documentary and testimonial evidence provided. The Board concurs with the successive judicial findings that there is nothing in Mr. William's history, character or background that can be given any significant weight in mitigation. The aggravating circumstance of a wanton, calculated, horrific, cold-blooded, execution-style killing of four (4) defenseless young men greatly outweighs any proffer of mitigation. All other statutory mitigating factors, including the factor of mercy, were considered and no factor in mitigation of the sentence of death is found present. The inmate does not want clemency and no mercy appears warranted. There is no manifest injustice in denying Executive Clemency.

RECOMMENDATION:

The Ohio Parole Board with seven (7) members participating, by a vote of seven (7) to zero (0) recommends to the Honorable Bob Taft, Governor of the State of Ohio, that Executive Clemency be denied in the case of Willie J. Williams, Jr. #256583.

Ohio Parole Board Members
Voting **FAVORABLE**

Ohio Parole Board Members
Voting **UNFAVORABLE**



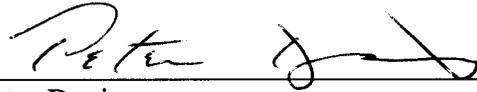
Cynthia Mausser, Acting Chairperson



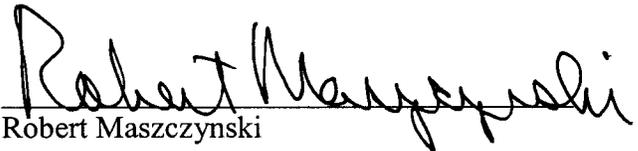
Sandra Mack, Ph.D.



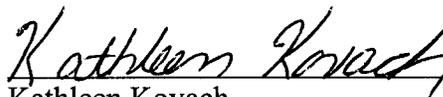
Betty J. Mitchell



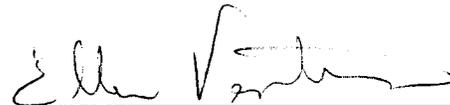
Peter Davis



Robert Maszczyński



Kathleen Kovach



Ellen Venters