DATE TYPED: May 17, 2012
DATE PUBLISHED: May 18, 2012

IN RE: ABDUL HAMIN AWKAL, CCI #A267-328

STATE OF OHIO
ADULT PAROLE AUTHORITY
COLUMBUS, OHIO

Date of Meeting: May 10, 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: Abdul Hamin Awkal, CCI #A267-328

SUBJECT:	Death Sentence Clemency
CRIME, CONVICTION:	Aggravated Murder with death penalty specifications (2 counts)
DATE, PLACE OF CRIME:	January 7, 1992 in Cleveland, Ohio
COUNTY:	Cuyahoga
CASE NUMBER:	CR276801
VICTIM:	Latife Awkal – deceased Mahmoud Abdul-Aziz-deceased
INDICTMENT:	Counts 1-2: Aggravated Murder with firearm and mass murder specifications; Counts 3-4: Felonious Assault
TRIAL:	Found guilty by jury of counts 1-2, count 3 nolled and count 4 dismissed
DATE OF SENTENCE:	December 14, 1992
SENTENCE:	Counts 1-2: DEATH
ADMITTED TO INSTITUTION:	January 8, 1993
JAIL TIME CREDIT:	228 days
TIME SERVED:	19 years, 5 months (does not include JTC)
AGE AT ADMISSION:	33 years old
CURRENT AGE:	53 years old
DATE OF BIRTH:	March 10, 1959
JUDGE:	Honorable Stuart A. Friedman
PROSECUTING ATTORNEY:	Prosecutor Stephanie Tubbs-Jones

FOREWORD:

Clemency in the case of Abdul Hamin Awkal, A267-328 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.

Abdul Hamin Awkal declined an opportunity to be interviewed by the Ohio Parole Board on March 22, 2012, when served notice of the interview date. Subsequently, on May 7, 2012, counsel for Awkal contacted the Parole Board and indicated that Awkal changed his mind and wished to be interviewed. The Parole Board was able to convene, and an interview with Awkal was conducted on May 9, 2012. A Clemency Hearing was then held on May 10, 2012 with nine (9) members of the 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 nine (9) members participating, the Board voted Eight (8) to One (1) to provide an unfavorable recommendation for clemency to the Honorable John R. Kasich, Governor of the State of Ohio.

DETAILS OF THE INSTANT OFFENSE (CR276801): The following account of the instant offense was obtained from the Ohio Supreme Court opinion, decided August 14, 1996:

"On January 7, 1992, Abdul Hamin Awkal, shot and killed his estranged wife, Latife Awkal, and his brother-in-law, Mahmoud Abdul-Aziz, at the Family Conciliation Services Department of the Cuyahoga Domestic Relations Court. Awkal was captured in the courthouse basement not far from where the shooting took place.

Awkal arrived in the United States from Lebanon about 1984, when he was twenty-four. He lived with family members in Detroit, Michigan, and worked as a dishwasher and gas station attendant. In 1985, Awkal suffered a mental breakdown at the gas station after he believed he had been accused of theft by his employer. He became hysterical, cursing and breaking things, vomited and then collapsed. He was taken to Detroit Medical Center in a straitjacket. Awkal was apparently released into his brother's custody later that same day, but disregarded instructions to follow up with a psychiatrist.

Later, Awkal began working at a General Motors factory in Michigan. He was eventually transferred to the Chevrolet plant in Parma, Ohio. He had difficulty sleeping during this period, and was prescribed medication to help him sleep.

Awkal's family arranged for him to meet his wife, Latife, after his arrival in Cleveland. This type of arranged marriage was common in his Islamic faith. Awkal's need for sleeping pills diminished after he met his wife. Awkal and Latife were married under Islamic law in March 1989 and under Ohio law in April 1989. Later in 1989, Awkal went

to Cleveland Metropolitan General Hospital complaining of numbness down his side. Although Awkal was again told to talk to a psychiatrist, he never did so. Awkal and Latife had a daughter, Zaynab, born in September 1990.

On their honeymoon, Latife told Awkal she did not love him, but that she understood that love would follow. He unsuccessfully attempted to improve their relationship by opening a bank account for her, teaching her to drive, encouraging her to attend school, and helping her parents with various household tasks.

Latife and her brothers felt that Awkal was not a good Muslim. Awkal did not spend sufficient time in daily prayer and he enjoyed music and celebrating Christian holidays, such as Christmas. Latife and her brothers did not listen to music, or celebrate Christian holidays, and prayed five or six times a day. Latife's brother, Mahmoud Abdul-Aziz, tried to teach Awkal the tenets of their family's Islamic faith, but Awkal viewed Mahmoud's actions as interference with his freedom, and believed that he was harassed and threatened by Mahmoud because of his religious beliefs.

Awkal's marital life was dissolving. Latife spent many nights away from Awkal and eventually asked for an Islamic divorce. According to Awkal, a Muslim husband may divorce his wife merely by telling her, "I divorce you, I divorce you, I divorce you." Awkal granted her request on October 13, 1991, but then Latife agreed to remarry him under Islamic law. Latife felt that she had been shamed and that her baby had been made illegitimate by the divorce.

On October 16, 1991, Latife found out that she had contracted a venereal disease from Awkal. The next day, Latife moved out of the marital home, moved in with Mahmoud, and started divorce proceedings. A divorce complaint and motions for spousal support, child support, visitation and restraining orders were filed in October 1991. Latife talked of returning to Lebanon with the baby.

Awkal was hurt by his family problems and sought counseling, but declined medication. Awkal had counseling sessions four times in November 1991, because he was depressed and suicidal. These feelings were brought on by the divorce and Awkal's belief that Latife's brothers and their religion had interfered with his life and his marriage. Awkal's psychological records reflect that he was very angry with Latife and her brothers because of the divorce.

On November 8, 1991, Awkal bought a nine-millimeter semi-automatic pistol, allegedly to defend himself from Latife's brothers. The evening of that same day and the morning of the next, Awkal called Latife and her brother, Omar Abdul-Aziz, threatening to kill her and her entire family if the divorce was not dismissed. Latife reported the call to her divorce attorney, who sent a letter to Awkal's attorney regarding the threats.

Awkal attended hearings in his divorce case on December 10, 17, and 19, 1991, without incident. During this period, Awkal and Latife agreed to a child visitation schedule and temporary child and spousal support. At Latife's insistence, the visitation order prohibited

Awkal from participating in any Christmas-related activities with the baby during his visitation. Awkal also agreed that the family checking accounts, containing approximately $4,800, which had been frozen by the domestic relations court, were to be equally divided between Latife and Awkal.

A meeting was scheduled for 2:00 p.m. on January 7, 1992, at the Family Conciliation Services Department, Room 52, located in the basement of the old Cleveland courthouse. Latife came early to the meeting with her brother, Mahmoud, and her baby. They waited in the hall outside for Awkal to arrive.

Awkal arrived at the courthouse parking garage at 1:48 p.m. from Michigan, where he had spent the weekend with relatives. On his person were copies of the baby's medical records, which had been checked out from the treating HMO over a month earlier, and numerous childcare supplies, including diapers, baby food, and clothing. Prior to the meeting, Awkal wrote a check to his brother for nearly the entire contents of the frozen checking accounts, and changed his address at the post office to his brother's house in Michigan.

Awkal confronted Mahmoud and Latife in the hallway at approximately 2:00 p.m. No harsh words or raised voices were heard from the hall before the shooting. However, "panicky" voices were heard immediately before the three entered Room 52. Awkal chased Latife and Mahmoud into the room, where he shot his wife and her brother at close range. Five shell casings were found inside the room; one shell casing was found in the hall outside the room.

Awkal then picked up the baby from the bench outside the room and walked quickly through the basement halls of the courthouse with her in his arms. Several armed deputies confronted Awkal in the hallway. Awkal pointed his gun at his head and then at his daughter's head, threatening to kill her and then himself. Awkal vowed that nobody was going to take his baby.

When a deputy tried to grab Awkal's gun, Awkal backed further down the hall with the baby. While proceeding down the hall, Awkal was confronted by another deputy, who attempted to disarm Awkal. Awkal evaded this attempt, but was shot in the back while trying to escape.

When Awkal was taken into custody, his pistol was cocked, ready to fire, and contained six live rounds (one in the chamber; five in the magazine). Awkal also had another magazine containing thirteen rounds of live ammunition in his coat pocket. The bullets retrieved from Mahmoud's body and from Room 52 were fired from Awkal's gun.

At the hospital the next day, Awkal, after being advised of his *Miranda* rights, told police that he had confronted Mahmoud in the hallway and demanded that Mahmoud "profess that Allah was the only God." When Mahmoud did not do so, Awkal shot the victims. Awkal stated that he thought that he had shot himself.

Awkal was indicted on two counts of aggravated murder with prior calculation and design,

including the multiple-murder death penalty specification. He was also indicted on two counts of felonious assault, including a firearm specification. Awkal pled "not guilty" and "not guilty by reason of insanity" to the charges against him.

While awaiting evaluation by a court-appointed psychiatrist to determine whether he was sane and competent to stand trial, Awkal reportedly had hallucinations involving his wife, who spoke to him and told him to join her. Two psychiatrists had examined Awkal at the county jail and found him to be depressed and angry. Awkal was prescribed anti-depressant and anti-anxiety drugs. These drugs did not stop him from having the hallucinations, and he was prescribed different anti-psychotic and anti-depressant medications.

Awkal was found sane at the time of the murders in the preliminary sanity report. However, the severity of his depression rendered him incapable of aiding with his defense, and the trial court found Awkal not competent to stand trial. He was ordered to the Dayton Mental Health Center, Forensic Unit, for treatment and further evaluation. During his stay in Dayton, Awkal continued to receive anti-psychotic medication, but at greater levels. He was also placed on anti-depressant and anti-anxiety medications. On September 3, 1992, the trial court found Awkal competent to stand trial, but returned him to Dayton for further treatment until the trial started.

In October 1992, a jury was impaneled. During the trial, defense counsel complained to the court that Awkal's condition had deteriorated and suggested that a new competency evaluation be undertaken. The trial court refused to have Awkal reevaluated, but stated that it would watch Awkal closely to see that he was paying attention to the trial and helping with his own defense. After the state closed its case in chief, the trial court dismissed one of the felonious assault charges.

Several witnesses testified on Awkal's behalf during the guilt phase. Dr. Paul E. Hewitt, a psychologist, was called to give an opinion on the issue of prior calculation and design. However, when the court learned that Dr. Hewitt was not a licensed psychologist in Ohio, his testimony was stricken from the record. Dr. Magdi S. Rizk, the psychiatrist who conducted Awkal's pretrial sanity and competency evaluations, testified that Awkal was sane at the time of the murders. Finally, Dr. Eileen S. McGee, a psychiatrist awaiting board certification, testified that Awkal was insane at the time of the shooting, that he did not know what he did was wrong, and that Latife and Mahmoud had provoked the incident.

Awkal testified on his own behalf. He stated that Mahmoud and Latife's other brothers were religious fanatics, and had harassed him and interfered in his life. Awkal testified that he purchased the gun to protect himself from Latife's brothers, who had threatened him and, on one occasion, forced him to kneel down before them, swearing allegiance to their religious sect. He denied threatening Latife or her brother.

Awkal stated that on the morning in question he met Latife in the hallway of the courthouse, and asked her to come back to him. She refused, and he went back to his car

to get his gun, intending to kill himself in front of Latife to make her regret her decision to divorce him. When Awkal returned he asked Latife if he could hug his daughter one last time. Latife agreed, but Mahmoud confronted Awkal, stating that the baby was not Awkal's, and that Awkal would never see her again. Awkal testified that Mahmoud's face "turn[ed] into that of a monster" and that the walls then collapsed. The next thing Awkal knew, he awoke in the hospital.

On rebuttal, the prosecution presented Dr. Edward Dutton, a forensic psychiatrist, who testified that Awkal was malingering, that he understood what he had done was wrong, and that he had acted out of anger.

The jury found Awkal guilty as charged on the aggravated murder charges, but not guilty on the remaining felonious assault charge.

Several witnesses, including Drs. Paul Hewitt, Eileen McGee, and Salah Samy, testified on Awkal's behalf during the penalty phase. Dr. Hewitt testified that Awkal's problems were part of a life-long anxiety problem, and believed that Mahmoud's threats and religious fanaticism were extremely strong provocation and had facilitated the shooting. Dr. Hewitt believed that Awkal's reaction was spontaneous and that he did not have the ability to conform his conduct to the requirements of Ohio law when he committed the murders.

Dr. McGee testified that the religious interference of Mahmoud and his brothers was a strong provoking force in the murders. Dr. McGee also testified that Awkal's reaction was triggered by Mahmoud's provocation, and that Awkal did not have the ability to conform his conduct to the requirements of the law of Ohio when the murders occurred.

Dr. Samy, Awkal's treating psychiatrist in Dayton, testified that Awkal was not malingering, and that he lost his judgment and control and awareness of what he was doing just prior to the murders. Dr. Samy testified that Awkal was not sane at the time of the murders. Dr. Samy also believed that Latife and Mahmoud facilitated the incident.

Awkal gave an unsworn statement, in which he explained his childhood situation, his religious problems with his brothers-in-law, and how these religious problems caused his marital problems. He also talked about how after Mahmoud's face became that of a monster, the walls collapsed down upon him. The next thing Awkal knew, he woke up in the hospital.

The prosecution rebutted this testimony with Dr. Edward Dutton, who believed that Awkal was malingering.

The jury found Awkal guilty of the aggravated murder charges and recommended death. The trial court agreed and imposed the death penalty. The court of appeals affirmed the decision of the trial court."

PRIOR RECORD

Juvenile Offenses: Abdul Hamin Awkal has no known juvenile arrest record.

Adult Offenses: Abdul Hamin Awkal has the following known adult arrest record:

Date	Offense	Location	Disposition
01/07/1992 (Age 32)	Aggravated Murder (2); (CR276801)	Cleveland, Ohio	INSTANT OFFENSE

Institutional Adjustment:

Abdul Hamin Awkal was admitted to the Department of Rehabilitation and Correction on January 8, 1993. His work assignments while incarcerated at the Southern Ohio Correctional Facility included Laundry Attendant and Porter, at the Mansfield Correctional Institution included Sewing Machine Operator, Porter, Student, Barber, and Material Handler. He is presently a Material Handler at Chillicothe Correctional Institution. Awkal has taken GED classes and completed the Freedom from Smoking program.

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

- 08/09/1994: Refusal to admit urine sample, or otherwise to cooperate with drug testing, or mandatory substance abuse sanctions. Awkal was given a direct order to submit a random drug test and failed to do so. He received 3 days in disciplinary control for this rule infraction.

Awkal has numerous conduct reports that did not result in placement in disciplinary control. They include: Encouraging or creating a disturbance and Disrespect to an officer, staff, member, visitor or inmate in 1994. Fighting in 1996, 2010, 2012; Disrespect to an officer, staff member, visitor or other inmate in 2000, 2012; Possession of Contraband 2003;

APPLICANT'S STATEMENT:

Abdul Hamin Awkal initially declined an opportunity to be interviewed by the Ohio Parole Board. However, on May 7, 2012 he changed his mind and through counsel requested an interview. The Board was able to convene and conduct an interview on May 9, 2012 from the Chillicothe Correctional Institution.

Awkal opened the interview by admitting that what he did was wrong, and accepted responsibility for murdering his wife Latife Awkal and his brother-in-law Mahmoud

Abdul-Aziz. Awkal stated that he initially did not want clemency because he did not want to live out his life in the institution due to abuse he suffered at the institution. He was also upset because his lawyers had not kept in contact with him. Awkal admitted having been angry during his incarceration, lashing out against everyone, including Cuyahoga County Prosecutor Bill Mason. He now wants to live because he now has a lawyer that is helping him stop the alleged abuses at the institution.

Awkal explained that he came to the United States from Lebanon at a time when a civil war was raging in his homeland. He met his wife Latife, and they married a few months later. At the wedding, Latife's brother, Ali Abdul-Aziz, approached Awkal's brother and warned him to stay away from their brother Mahmoud. Latife and her brothers were fundamentalists in their religion and considered America to be evil. They also considered education and schools evil. Awkal claimed he was very ignorant about the Islamic laws when he met his wife. Latife's brothers considered Awkal an infidel. From the beginning, her brothers attempted to indoctrinate Awkal into Islamic fundamentalism.

Awkal wanted the Parole Board to understand that education was very important to him. Latife was a senior in high school when they met. After the marriage, the school principal gave her the opportunity to get her diploma so she could go to college. However, Latife refused. Awkal could not understand why she did that and begged her to go back to school. She later acquiesced. Latife pursued her GED at Cuyahoga Community College. Awkal would drive her back and forth from school and then go to work. Awkal could not understand how Latife could fail the history class, because he knew she was smart. When asked by Awkal why she failed the history class, Latife responded that her brother had told her that American history was all lies.

Awkal further stated that Latife always considered him to be an infidel. At one point during their short marriage, Latife told Awkal that some of her family members were going back to Lebanon. Concerned, Awkal told Latife that his baby girl, Zaynab, would stay in America. That same night Latife's brothers came to their home and took Latife and the baby with them. They ultimately came back to their home.

Awkal claimed that Latife was also obsessed with the name of God being written in magazines and newspapers. She was always on the lookout for them in order to dispose of them properly. Latife even wanted Awkal to do the same at his job. Awkal made other claims against his wife Latife that included: 1) Latife almost burned their home down three times, 2) Latife attempted to poison their baby Zaynab, 3) Latife told Awkal that she was going to destroy his life, 4) Latife told Awkal that the baby was not his and 5) Latife had family members in Lebanon that were actual terrorists.

Before her filing of a divorce action through the court system, Latife constantly requested an Islamic divorce from Awkal. Her brothers also pushed Awkal for it. Under Islamic teachings, he argued, if a man tells his wife "I divorce you" three times, they are actually divorced. If they later want to get back together as husband and wife, it would not be possible until the woman marries someone else and has sexual intercourse with him. When that second husband divorces her, she can then come back to her initial husband.

Awkal claimed that he was forced to divorce his wife three times and that she slept with a different man each time before she was able to come back to Awkal.

Awkal explained that at one point during their marriage, he started suffering from pain in the groin area. It was also becoming very hard for him to have sex. The pain was so acute that he decided to visit a doctor. Right away the doctor asked him if he has been sleeping with other women. Awkal was shocked by the question and denied any extramarital affair. The doctor then gave him a prescription for the pain. The visits to the doctor's office continued as the pain did not dissipate. He even had an ultrasound without any results.

As their marriage deteriorated, Awkal had a nervous breakdown and Latife asked him to go to a mental hospital. He got a referral to a psychiatrist, but could not afford it at that time. Awkal asked Latife not to tell anyone about his problems.

Latife saw Awkal in constant pain and emotional distress without being able to share this with anyone. One night, her brother Mahmoud gave Latife a ride to school. En route, Latife began to cry. Concerned, Mahmoud asked her what was happening, but she refused to tell him. Mahmoud right away thought that Latife's crying was the result of spousal abuse. Mahmoud and his brother later went to Awkal's residence and beat Awkal up. When Latife found out about the beating, she told her brothers what she was crying about.

Awkal told the Board that one day he retrieved a message from the answering machine telling him that his wife was at the hospital. Awkal went right away to the hospital and found Latife and her brother Mahmoud there. Awkal and Latife were asked to go back to the hospital four days later. When they did, Latife was told that she had a venereal disease. Awkal could not comprehend what was going on and did not even know what a venereal disease was. He right away asked how they both caught this disease, but no one answered. During the interview, Awkal insinuated that the disease was probably the result of the multiple marriages Latife had to go through so they could get back together. However, when questioned by a Board Member, Awkal admitted pre-marital sex with a prostitute. Awkal also denied being a controlling husband.

Awkal recalled an incident when Children and Family Services came to investigate allegations of abuse of his daughter, but he never heard from them again. Awkal claimed that his wife's motive for the marital problems and, at the end, her filing of a divorce was Awkal's lack of religious zeal. After filing for divorce, Latife left the home with their baby and moved in with her brother Mahmoud. She also went to their bank and emptied their account and his deposit box where he had valuables worth over $100,000. Awkal also discovered that the bank account had been frozen. Awkal continued working at the Cleveland area GM plant, but did not stay at his home. He claimed he was afraid for his safety and believed that Latife's brothers would harm him. He started commuting on the weekends to Michigan, where he had relatives.

Awkal claimed that the court allowed him to have visits with his daughter, but Latife attempted to prevent them. He claimed that the visits had to take place in Latife's presence and that he was followed during the visits.

Awkal admitted buying a gun and then going to target practice. He first said he bought the gun so he could commit suicide. Awkal said later in the interview that he also bought it to protect himself from his brothers-in-law. Awkal stated that he carried the gun with him everywhere and that on January 7, 1991, he took the gun with him to court. He had diapers, a stroller, clothes and others supplies in the car because of his new living arrangements and the scheduled visits with his daughter. He justified having a copy of his daughter's medical records in the car so he could show the court that his wife Latife had been poisoning their child. Prior to arriving at the courthouse, Awkal stopped at the post office and changed his mailing address to Michigan, paid bills and filled the tank.

Awkal claimed that he arrived to the courthouse parking lot at 12:48pm as he was told that the meeting was going to take place at 2:00 pm. Latife, Mahmoud and Zayned were already there. Awkal admitted being armed when he went into the courthouse. Awkal arrived in the waiting area and saw Zaynab in her mother's arms. Zaynab saw Awkal and became exited. She tried to come to him, but was prevented by Latife. To make matters worse, Mahmoud began to move Zaynab's face away from Awkal's direction.

After waiting for over an hour, seeing his daughter upset because she could not come to him, and not being told that the meeting had been canceled, Awkal "snapped". He pulled the gun and ordered Mahmoud to give the child to Latife. Mahmoud complied, but grabbed a magazine from the bench and used it to hit Awkal's gun. Mahmoud then ran inside room 52. Awkal followed Mahmoud to the room and shot him. Awkal could not see clearly and had to get close to Mahmoud's body to shoot him again. As Awkal was doing this, Latife came into the room and asked her husband what he was doing. Without thinking, Awkal shot her too.

Awkal put the gun in his pocket and grabbed Zaynab. He started walking while carrying his daughter and her bottle. Awkal began to feel the walls collapsing on him as he walked down the hall. Suddenly, without any feelings, he began to cry, and then, his eye sight became clearer. Awkal looked around and could not tell where he was. He then found himself at a dead end. Awkal looked around and saw the approaching police officers. Awkal put the gun against his head and asked the officers to let him go. Instead, he saw the officers pulling their guns at him. At one point he had a confrontation with one of the officers, and they began to hit each other's gun like in a sword fight. Zaynab also became heavy and Awkal tried to lift her up with the hand that held the gun. That is probably why the officers thought that he was aiming the gun at her head, but he never pointed the gun at his daughter or used her as shield. In fact, said Awkal, the officers created the story of him using his daughter as a shield after they were sued by the victims' relatives.

When Awkal attempted to leave, one of the officers shot him. He fell to the ground and Zaynab was grabbed by the officers before she fell to the ground. Awkal began to ask for his baby. The officers felt sorry for him and put the baby next to him.

Awkal further stated that the next thing he remembers is waking up at the hospital. He concluded his version of the events of the day of the offense by blaming the court for not

notifying him of the cancelation of the meeting, and blaming Latife and Mahmoud for preventing contact between he and Zaynab.

Awkal also talked about the legal process. After admitting that he had a fair trial, Awkal explained that he could barely speak English and that he was illiterate at the time. Awkal also said that he did not understand what was going on at trial, but he knew he was in trouble because Americans do not like Arabs, the trial judge was Jewish, and one of the prosecutors was Christian Lebanese and wanted to punish him. Moreover, he was afraid of giving too much information because he feared reprisal on his family left in Lebanon from the victims' terrorist relatives. Those same relatives took Zaynab to Lebanon and were able to adopt her with the help of forged documents.

Awkal also stated that he learned English and Arabic in prison, so he could tell his daughter the truth. He also learned to read and to write in prison and was able to write a full confession to Judge Nugent and asked him to let him be executed. However, the judge refused.

After admitting he was having hallucinations, Awkal stated that he had not had any for the past six years. They stopped after he wrote his letter to Judge Nugent. However, he went on to explain to the Board how he helped the CIA with information about Islamic religion and culture. He did not go into details as he claimed the relationship was confidential. Awkal did say that he became upset after 9/11 because he had warned the CIA, and they did not listen.

When questioned, Awkal said that he was mentally ill, but not crazy. Although he struggled with mental illness for the pass thirty years, he is now taking medication that works for him. In response to questions presented by Board Members, Awkal admitted lying under oath at trial and lying to the psychologists that examined him. Awkal stated that if he was in the same situation today as at the time of the offense, he would just put the gun on the ground and walk away.

Awkal ended his statement by saying that it was now the time for the Board to make judgment whether he should live or die. He also said that he blamed no one but himself. He thanked the Board and stated that he would forgive the Board if the recommendation was made that his execution should continue.

ARGUMENTS IN SUPPORT OF CLEMENCY:

A written application with exhibits outlining the arguments in support of clemency was submitted to the Parole Board by Awkal's counsel Brian Moriarty and Kevin Cafferkey. On May 10, 2012, a hearing was conducted to further consider the merits of the application. Both attorneys represented Awkal at the clemency hearing and presented the following arguments in support of executive clemency:

Awkal's Traumatic Life Experiences

Awkal has no prior violent criminal history, either in Lebanon or in the United States. However, he experienced a very traumatic life. Awkal was born and raised in Beirut, Lebanon in 1959. He was the oldest of seven children and quit school at an early age. He was around sixteen years old when the civil war erupted in 1975 and was exposed to the traumas of war until he was able to join his family in Michigan eight years later. Those eight years contributed to Awkal's paranoia.

Awkal is Remorseful

Awkal wants to live, but he is overwhelmed with guilt. His medical records from 1995 and 1997 demonstrate his remorse. At one point during his incarceration, he fasted for sixty days for his wife Latife and an additional sixty days for Mahmoud.

Awkal's History of Mental Illness

Awkal has a family history of psychiatric problems. His mother, two uncles, one aunt and one brother all appear to have suffered from mental illness.

Awkal arrived in the United States from Lebanon in 1984. He was twenty four years old. As he arrived at the airport, Awkal was welcomed by his brother Ali. Awkal's first act was to punch his brother Ali and ask him why he was so late. Ali brought Awkal to the family's residence in Detroit, Michigan. There, Awkal allegedly sat on the couch for four months as if he was suffering from Post Traumatic Stress Disorder. Finally, his brother Ali was able to help Awkal find a job as a dishwasher and gas station attendant.

In 1985, Awkal was accused of stealing from his employer. Although he was not responsible for the loss, Awkal allegedly suffered a mental breakdown. He became hysterical, began to curse, broke some items, vomited and later collapsed. Awkal was taken to Detroit Medical Center in a straightjacket and later released to Ali's care. However, he did not follow through with a psychiatrist.

Later in1989, after getting married to Latife and relocating to Cleveland, Awkal reportedly went to Cleveland Metropolitan Hospital complaining of numbness down his side. Although he was referred to see a psychiatrist, Awkal did not follow up. He later sought counseling in connection to his marital problems, but declined to take medication.

On January 7, 1991, Awkal murdered his wife Latife and brother-in-law Mahmoud at the Cuyahoga County Domestic Court building. He was later indicted by the Cuyahoga County Grand Jury. During the arraignment, Awkal plead Not Guilty and Not Guilty by Reason of Insanity. While waiting for his competency and sanity evaluations, Awkal began to have hallucinations about his wife. Awkal was found to be sane at the time of the crime. However, because of the severity of his depression, Awkal was found to be not competent to stand trial. The trial Judge transferred Awkal to the Dayton Mental Hospital for further treatment. During his stay at the hospital, Awkal continued to be medicated until he was restored to competency. The trial court scheduled the trial and sent Awkal back to the hospital for further treatment until the trial started. Awkal's trial counsel also

raised competency related concerns during the trial. However, the judge responded by assuring counsel that he would monitor Awkal's behavior during the trial.

Awkal was subsequently tried, convicted and sentenced to death. He was remanded to the custody of the Ohio Department of Rehabilitation and Correction to await the execution of his sentence. A review of Awkal's institutional mental health record and medical record show a long history of severe depressive and delusional disorders. Specifically, his records document episodes of audio and visual hallucinations, delusions of grandeur, paranoia and a suicide attempt.

Since the September 11, 2001 terrorist attacks, Awkal has spoken about his involvement with United States' foreign policy in the Middle East. He has also consistently claimed involvement with the Central Intelligence Agency. These delusions are clearly supported by many letters written by Awkal since 2001.

In 2004, during the pendency of his Habeas Corpus petition, Judge Nugent received a letter from Awkal. In his letter, Awkal asked the judge to allow him to terminate his appeals and volunteered to be executed expediently. Instead of complying with Awkal's request, the federal Judge requested a competency evaluation. Awkal was evaluated by Dr. Phillip Resnick. Dr. Resnick concluded that Awkal was suffering a mental disease that substantially affected his capacity to make a rational choice with regards to continuing to litigate his appeals.

For the last nine months, Awkal has been taking a combination of prescription drugs that have been working for him. It has taken Awkal almost forty years to find the correct medication for his condition and to live a peaceful life.

Ineffective Assistant of Trial Counsel

During the guilt phase of the trial, counsel attempted to present the testimony of three expert witnesses to establish that Awkal was insane at the time of the offense and incompetent to stand trial. The expert who was going to opine that Awkal was insane at the time of the offense was disqualified by the trial court to testify in the guilt phase. The second expert testified that Awkal was sane at the time of the crime. His third expert was a psychiatrist with only one year prior experience. Once Awkal had been found guilty, his trial counsel failed to present mitigation evidence relative to his prior history of mental illness.

Unavailability of Life without Parole at the Time of the Trial

Awkal was tried and convicted in 1992. It was not until 1996 that the Ohio Legislature amended the Ohio Revised Code to allow for a sentence of life without the possibility of parole in capital cases. An affidavit from one of the original trial jurors was submitted who indicated that he would have voted for Life without Parole if it had been an available sentencing option.

In addition to the above arguments, Attorneys Moriarty and Cafferkey presented the following supporters on behalf of Awkal:

Psychiatrist Dr. Phillip Resnick explained that he evaluated Awkal three times. The first time was in 2005, when Judge Nugent requested a competency evaluation. He diagnosed Awkal with Schizoaffective Disorder, depressed type. Dr. Resnick found that Awkal's depression was seriously affecting his judgment and he was not competent to waive his appeals. Dr. Resnick evaluated Awkal a second time in October, 2007. Here he found more detailed persecutory delusions and allegations of prison staff harassment. Again, Dr. Resnick diagnosed Awkal with Schizoaffective Disorder. Dr. Resnick evaluated Awkal a third time on April 24, 2012, to determine if Awkal was competent to be executed. Dr. Resnick detailed Awkal's grandiose and persecutorial delusions. However, Dr. Resnick found Awkal competent to be executed. Dr. Resnick stated that he does not believe Awkal is malingering.

Awkal's younger brother Ali also presented at the clemency hearing. He first spoke about Awkal's early life in Lebanon. Ali described Awkal as a boy with a short temper that used to skip school and go instead to their grandmother's home. Ali recalls one incident when Awkal fell down a cliff and hit his head severely. He also remembers Awkal quitting school after their father found out that he was skipping school. Awkal started working at an early age, before the civil war erupted in 1975. Both Awkal and Ali saw acts of carnage. As the war continued, their father left the country in search of work and Awkal became the man of the family. Awkal was seventeen years old. Once their father came back to Lebanon, he started arrangements to move the family to the United States. After two years of preparations, most of the family moved to Michigan. Awkal stayed behind as he was already twenty years old. Awkal was able to join the family in Detroit four years later. Ali talked about Awkal's temper. He mentioned the incident at the airport when Awkal punched him. He testified about an incident at the cinema where Awkal started beating up a man that had insulted him. Ali talked about how he helped Awkal get a job. He recalled an incident at work, when Awkal was taken to the hospital. He talked about Awkal's wedding. Ali stated that Latife's brother had warned him about Mahmoud during the wedding reception. Finally, he said that he learned of the divorce when Awkal started to stay with them in Michigan on the weekends.

Terry Russell of the National Alliance on Mental Illness stated that he is the spokesman for the organization. Mr. Russell does not condone the crime, but stated that the death penalty is not warranted in cases that involve mental illness. The National Alliance on Mental Illness does not have a position on the death penalty, but feels strongly that mentally ill people should not be executed.

David Singleton, of the Ohio Justice and Policy Center, stated that he represented Awkal in civil matters regarding Awkal's confinement. Mr. Singleton stated that Awkal's life should be spared because he is mentally ill. He lives in two parallel worlds. In one, he appears to be rational. Awkal's other world is full of delusions. A few weeks ago, he had an opportunity to sit down and talk to Awkal. Awkal told him that he did not want to participate in the clemency process because the CIA wanted him killed. Mr. Singleton

argues that his conversation with Awkal demonstrates that Awkal is not competent to be executed. He also submitted many letters written by Awkal that demonstrate his continued delusions throughout his incarceration.

Teena Feagan and Deana Taylor, law students of David Singleton, were part of the team that represented Awkal in his civil suit against DRC. They both believe that Awkal is an example of when good people sometimes do bad things. They indicated that Awkal has become a friend to them and they urged the Board to make a favorable recommendation to the Governor.

Awkal's counsel concluded by urging the Board to recommend a commutation to life without parole, given Awkal's traumatic upbringing and history of mental illness. They argued that Awkal can be peacefully managed in general population.

ARGUMENTS IN OPPOSITION TO CLEMENCY:

Assistant Cuyahoga County Prosecutor Matthew Meyer and Assistant Attorney General Brenda Leikala appeared on behalf of the state in opposition to clemency and presented arguments and witnesses, in addition to the written response and exhibits submitted prior to the hearing.

Retired Assistant Cuyahoga County Prosecutor Richard Bombik was presented and indicated that he was the trial prosecutor in the case. He began by saying that the victims also came from Lebanon, escaping the civil war and in search of a better life. They also lived through the atrocities of the civil war in Lebanon. Despite his difficulties, Mahmoud Abdul-Aziz adapted well, was very successful at school and very close to finishing a PhD at Case Western Reserve University. He was a true American success story.

Mr. Bombik also addressed the claim of mental illness. He stated that there is no corroboration of Awkal's alleged mental health history from the time he arrived in the United States in 1984 until the murders in January 1992. Awkal got a job, got married and had a child. It was not until after Awkal was incarcerated for the murders that he began to experience mental issues.

In some cultures, Mr. Bombik argued, the wives do not have the same rights as their husbands. However, our society allows the wife to terminate her marriage if she so desires. Latife was in an abusive relationship, and she wanted to terminate her marriage to Awkal. She gathered courage and filed for divorce. Latife wrote the court about her concerns for her safety. That prophesy sadly came true as she was killed in the courthouse four months later. Awkal killed her because he could not tolerate his wife divorcing him. After the filing of the divorce complaint, Awkal went to the gun store and bought an expensive high powered handgun. He soon after called Latife's family and said that they would pay "with blood".

In addressing the issue of ineffective assistance of counsel, Mr. Bombik stated that Awkal's defense counsel, John Gill was a very experienced criminal defense attorney. Mr. Gill did the best he could with the facts that were present in this case. Mr. Gill had to call the psychologist who testified that Awkal was sane at the time of the crime, because it was the same expert that had previously found Awkal incompetent to stand trial. Mr. Gill presented the expert witness who was excluded from testifying during the guilt phase at the mitigation phase. The jury ultimately heard this expert's opinion that Awkal was insane at the time of the offense.

Events Leading to the Murders

Before being transferred to Cleveland through his job at GM, Awkal was arrested for Solicitation in Detroit. The woman who Awkal thought was a prostitute, was actually an undercover police officer. After his transfer to Cleveland, Awkal met Latife whom he married on April 15, 1989. They lived in Cleveland during their marriage. Their daughter Zaynab was born on September 28, 1990. On October 16, 1991, Latife learned that she had contracted a sexually transmitted disease from Awkal. She filed for divorce the next day. After filing for divorce, Latife moved out of the marital residence and moved into her brother's residence. In addition to the divorce complaint, Latife filed a restraining order and requested the custody of her daughter Zaynab.

Three weeks later, Awkal purchased a Browning nine-millimeter high powered handgun. The same day of the gun purchase, Awkal called Latife and threatened to kill her if she did not dismiss the divorce proceedings. The next day, Awkal called Latife's brother Omar. Awkal told Omar that he was going to "pay blood" and that he was going to kill Omar and his family. Latife notified her attorney of the threats and her attorney wrote a letter to Awkal's attorney demanding that Awkal stop harassing and threatening Latife and her family.

Latife also prepared a letter and submitted it to the domestic relations judge handling the divorce. Latife described Awkal as an actor and a professional liar that will make up stories to make himself look not guilty. In her letter, she also stated that Awkal was sleeping around with prostitutes and had gotten her sick with a venereal disease. She ends her letter by stating that Awkal had been calling and harassing her and that she was afraid he would hurt her or take her daughter from her.

One week before the murder, Awkal traveled to Detroit and Canada. Prior to arriving at the courthouse on January 7, 1992, he went to the post office to change his mailing address.

The Murder of Latife Awkal and Mahmoud Abdul-Aziz.

On January 7, 1992, at 1:48 pm, Awkal parked his car in the parking lot attached to the courthouse. In his car, Awkal had supplies for both he and his daughter and a copy of his daughter's medical records. Shortly before the offense, he made a check out to his brother Ali for most of the money the couple had in their bank account. Awkal entered the

courthouse armed with his high powered handgun and an extra clip with thirteen bullets. Within minutes of his arrival, Awkal chased both Mahmoud and Latife into the Family Conciliation Services office and shot them to death. Mahmoud was shot four times and Latife three times. Latife died at the scene and her brother was pronounced dead at St. Vincent Charity Hospital shortly thereafter. Awkal grabbed Zaynab and attempted to escape the building. Pursued by deputy sheriffs, Awkal used Zaynab as a human shield. Awkal would continue to alternatively place the gun to his own head and that of Zaynab. At one point Deputy VanDame shot Awkal in the lower back and Awkal dropped to the ground. Zaynab was then secured.

Awkal's Remorse

Although Awkal has recently made broad statements of remorse and guilt, his different statements throughout the years demonstrate otherwise. During his interview with the Parole Board, Awkal talked about what was taken from him and not of what he did to others.

Throughout the years, Awkal has claimed that Latife and her siblings were religious zealots and bullied him about religion; that he bought the gun for his protection and/or to protect himself from Latife's brothers; that Latife humiliated him by forcing him to divorce her and then remarry her after she had sexual relationships with other men; and that he never used Zaynab as a human shield or pointed the gun at her head. All of those claims are contradicted by the record.

In 1998, Awkal gave an interview to a reporter regarding his life on death row. Awkal was asked about whether he would repeat his crimes. Without hesitation, Awkal responded that he would do it "a million times." In justifying the murders, Awkal told the reporter that he committed the crimes because he was "enraged" that they would not let him see Zaynab. He blamed the victims and said that they had done it to themselves.

Awkal's Mental Status

The earliest report in existence that documents Awkal's mental illness was completed on November 1, 1991. That was two weeks after Latife filed her divorce complaint. Contrary to Awkal's claims, his visit to the doctor was related to him feeling "depressed." Awkal went back to the doctor four days later and was noted as less depressed, sleeping better and having no suicidal thoughts. On November 12, 1991, it was noted that the "shock and sadness of his wife filing for divorce has given way to anger" towards his two brothers-in-law. A week later, Awkal reported that he felt "free" despite the increased acrimony of the impending divorce; that he can now let go; and that he can now go on with his life. Awkal did not see another mental health professional until after the murders on January 7, 1992.

On January 12, 1992, Awkal was seen by a physician in the county jail. Awkal told the physician that he had been feeling depressed for three years. He denied any past

psychiatric history and denied having any audio or visual hallucinations. The physician did note the intense anger Awkal was feeling towards his wife and her family.

After entering a Not Guilty by Reason of Insanity plea, Awkal was examined by Dr. Rizk. In his report, Dr. Rizk noted that Awkal gave a clear account of the crime and that there were no signs of illusions or hallucinations. Dr. Rizk diagnosed Awkal with Major Depression. Dr. Rizk found Awkal incompetent to stand trial, but found him sane at the time of the crime. It was between March and April 1992 that Awkal started reporting the hallucination of Mahmoud's face turning into a monster.

Awkal was transferred to the Dayton Mental Health Center for further treatment. Dr. J. William McIntosh examined Awkal and diagnosed him with Adjustment Disorder and Disturbance of Emotion and Conduct. Dr. McIntosh concluded that Awkal was not suffering from any mental illness.

Dr. Thomas Martine examined Awkal on July 22, 1992. It was at that time that Awkal began to report hearing his dead wife's voice asking him to join her. Dr. Martin diagnosed Awkal with Adjustment Disorder with Mixed Emotional Features and Major Depressive Episode in partial remission. Dr. Martin then found Awkal competent to stand trial.

A number of expert witnesses testified at trial regarding Awkal's mental health. Dr. Paul Hewitt testified that Awkal reported seeing Mahmoud's face turn into a monster and then remembered nothing after until waking up at the hospital. Dr. Eileen McGee examined Awkal during the trial. She testified that Awkal was suffering from Major Depression at the time of the crime and experienced psychotic symptoms as well. Dr. McGee found that Awkal did not have the ability to distinguish right from wrong at the time of the crime. Dr. Dutton was then called as a witness by the State. He testified that rather than suffering from severe mental illness, Awkal committed the murders out of anger. Dr. Dutton also testified that Awkal was malingering.

Once convicted and sentenced, Awkal proceeded with his appeals until 2004. He then wrote a letter to the court and asked to be allowed to terminate his appeals. Awkal was referred to Dr. Phillip Resnick for a competency evaluation. Awkal informed Dr. Resnick of his alleged contacts with the CIA and presented a psychiatric history inconsistent with the records in the case. Dr. Resnick found that due to his mental disease of Schizoaffective Disorder, Depressed Type, Awkal cannot appreciate his position and make a rational choice with regards to waiving his appeals. The same conclusion was reached during a second evaluation. Dr. Resnik evaluated Awkal for the third time at the end of April, 2012. This time it was in relation to Awkal's competency to be executed. Dr. Resnick confirmed the diagnosis of Schizoaffective Disorder, depressed type. However, Dr. Resnick opined that Awkal was competent to be executed. Dr. Stephen Noffsinger also evaluated Awkal for competency to be executed and also found him competent.

The state's representatives concluded that Awkal has not demonstrated any substantial reason why his death sentence should be commuted, and urged the Board to make an unfavorable recommendation to the Governor.

VICTIM'S REPRESENTATIVE:

Mr. Ali Abdul-Aziz, the older brother of the two victims, spoke on behalf of the victims, his family and on his own behalf. He stated that he has waited for twenty years for this moment. Mr. Abdul-Aziz explained that Awkal's stories are nonsense and that the murders of his brother and sister devastated his family.

Zaynab was only fifteen months when her mother and uncle died. She may not remember the details of the murders, but she remembers her mother. Zaynab is aware that she has been denied the love, affection, care, compassion and sentiments of her mother. Awkal made her an orphan. Zaynab grew up with her cousins, graduated from high school and is currently enrolled in college.

Mr. Abdul-Aziz went on to state that it was his parents that suffered the most as they lost two of their children. Despite being blind, his mom's eyes still shed tears to this day because of the loss of her children.

Mahmoud Abdul-Aziz was smart, ambitious and had a bright future ahead of him. As a child, Mahmoud was struck with polio and could only walk with the help of a brace that covered his entire left side from his hip down to his foot. Despite this obstacle, he graduated from high school and college, both with high honors. In fact, when he was murdered by Awkal, Mahmoud was three months shy of completing his PhD in Biochemistry under the supervision of Ernest B. Yeager. Ernest Yeager was a renowned pioneer in the field of electrochemical reactions, fuel cells and battery technology. As part of his doctoral work, Mahmoud conducted research at the NASA Glenn Research Center.

Mr. Abdul-Aziz's sister, Latife, met Awkal in 1988 and they were married by March, 1989. She was much younger than him, but it was her decision to marry Awkal. She wanted to start a family. Awkal presented himself as a kind man that loved to do charity work. Awkal used to spend many hours at the mosque in Cleveland and other charitable sites. He claimed that he was just doing good deeds. However, they later discovered that he was doing this because of court imposed community service for a crime he committed in Michigan.

Latife's marriage started to deteriorate due to Awkal's abuse and infidelity. This resulted in Latife contracting a sexually transmitted disease from Awkal. She attempted to seek justice through the courts and to terminate her marriage. Awkal ended her life because of that. Awkal took Latife's ability to take care of her child and to fulfill her dreams.

Awkal murdered Abdul-Aziz's brother and sister in the courthouse, a place where people should feel safe and secure. By doing this, Awkal challenged the very foundation and institution of our justice system. Giving clemency to Awkal would humiliate the victims' family and the judiciary system. It would also be an insult to the souls of both Latife and Mahmoud Abdul-Aziz.

Awkal is trying to use whatever he can to save his life, including claims of insanity. He failed to convince the jury and the court. In fact, his insanity plea was proven to be a lie. Awkal is a cold-blooded murderer and deserves no mercy.

In response to questions from Board Members, Mr. Abdul-Aziz refuted Awkal's allegations of fundamentalism in his family, the alleged attacks by Latife's brothers, the alleged warning he gave to Awkal's brother Ali and Latife's alleged multiple marriages. Mr. Abdul-Aziz also stated that all his brothers and sister have been able to go to college and become productive members of society.

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 recommends by a vote of Eight (8) to One (1) that clemency be denied in this case.

Those board members that supported an unfavorable recommendation based that decision on the following:

- Awkal brutally murdered his wife Latife and his brother-in-law Mahmoud out of anger and vengeance as Latife was attempting to divorce him. Latife was in fear for her safety as Awkal had threatened her and her family to drop the divorce complaint or pay with blood.

- Awkal might not have a prior violent criminal record, but has a history of violence exhibited before the murders. He continued to exhibit that conduct while incarcerated.

- The murders took place inside the Cuyahoga County Domestic Court. Latife had filed for divorce against Awkal the day after she learned that she contracted a sexually transmitted disease from Awkal. She also obtained a protection order against Awkal. The court house was a place Latife expected to be safe from her husband.

- Contrary to the claim of spontaneity, this was a planned murder. Awkal bought a high power gun, did target shooting, changed his postal address, left a large check for his brother and had in his car supplies for both he and his daughter Zaynab. Awkal arrived at the courthouse and within minutes killed both of the victims, and

attempted to flee the courthouse with his fifteen month old daughter in his arms. Confronted by Deputy Sheriffs, Awkal then used his child as a human shield.

- The murder was not as the result of any psychotic breakdown. In fact, the trial judge concluded that no credible evidence supported the claim of mental illness or defect. The trial judge also concluded that he took great care to assure himself that Awkal was fully able to assist in his defense.

- Awkal created a story of his wife and her family as religious fanatics and the divorce complaint resulting from that fanaticism. He blamed the victims at the time of trial, and has continued to blame them throughout his incarceration and at his interview in the clemency process. Unimpeached testimony presented at trial and Ali Abdul-Aziz's testimony at the clemency hearing clearly contradict Awkal's allegations.

- Although it has been demonstrated that Awkal suffers from Schizoaffective Disorder, Depressive Type, the aggravating factors in this case clearly outweigh the mitigating factors. The record before us clearly shows that Awkal's hallucinations began after the murders. At trial, one psychologist concluded that he was actually malingering.

- Doctors Noffsinger, Resnick and Piel recently concluded that Awkal is competent to be executed.

- Awkal made broad assertions of remorse and guilt for the murders. However, he clearly blames the victims for allegedly creating the circumstances that forced him to kill them.

- Latife's letter to the Domestic Relations Court where she expressed that Awkal is a professional liar that is willing to make up stories to make himself look innocent; that Awkal slept around with prostitutes and infected her with a venereal disease; that Awkal harassed her and followed her; and that she was afraid he would hurt her or take her daughter is additional evidence this Board was able to consider that the jury and trial court did not. It further demonstrates that Awkal was an abusive husband that had made threats to hurt and seek revenge against his wife for leaving him.

That board member that supported a favorable recommendation based her recommendation on the following:

- The expert witness testimonies during the trial and the statements submitted during the parole board hearing were so varying that they were almost useless. The trial judge in his written opinion stated "the various opinions of the expert witnesses called in this case cannot be reconciled."

- Awkal's mental state during the course of the trial was tenuous at best. The defense counsel observed mental deterioration during the course of the trial and requested further evaluation and/or treatment. The trial judge's response was that he would keep an eye on the defendant and determine if he needed further evaluation and/or treatment.

- The prosecutor offered Awkal a plea of 63 years to Life. The plea was not accepted. Defense counsel believed that due to Awkal's mental condition he was incapable of making a reasonable decision; however, the court was not convinced that the plea offered by the prosecutor was rejected due to his mental condition. Awkal was found incompetent to stand trial initially, his competency was in question during his trial, he was found incompetent to waive his appeals; it is not inconceivable that Awkal was not competent to make decisions about a plea bargain.

- The prosecutor and the judge had some concerns about the ability of Awkal's counsel to effectively defend him in a capital case. The concern was so great that it was contemplated as to whether or not to remove the attorney and offer Awkal a more experienced criminal/capital case attorney but it was too late. Awkal's attorney's inability to emphasize his childhood background in Lebanon where "guns and death were an everyday occurrence" and make the jury view him as more than a cold blooded killer, were noted as lacking.

- The trial court's opinion notes that Awkal's claims of Latife and his in-laws being "religious fanatics" was contradicted by the victims' brother providing pictures of the children/family in front of Christmas trees. During the parole board hearing, the same pictures were offered; however, there were other pictures that just happen to be part of a media video that showed Latife in full Islamic clothing. There were also pictures submitted of Latife in a more "Americanized" wedding. Perhaps it was her effort to please a husband that was not as devout a Muslim as her family or perhaps the two families struggled with assimilating into a different country/culture in their own way. To take any carefully chosen pictures as solid evidence to discount Awkal's claim that the victims' family was insistent on certain religious rituals is a mistake.

- The prosecutor and the defense stated they hold Dr. Resnick in high regard. Dr. Resnick confirmed his earlier diagnosis that Awkal remains severely mentally ill "and that mental illness may go back as far as 15, 18, or even 21 years." Dr. Resnick diagnosed Awkal with schizoaffective disorder-a combination of schizophrenia and a mood disorder-depressive type. Awkal suffers from grandiose and persecutory delusions. Dr. Resnick's expertise was solicited in the past to determine whether Awkal was competent to forgo further appeals. Dr. Resnick found that he was not competent to waive appeals because "mental disease substantially affects his capacity to make a rational choice with regard to litigate appeals." (Unfortunately, someone with his expertise was not used in determining Awkal's competency to participate in the plea agreement process.) Dr. Resnick's

skills were most recently used to determine whether Awkal was competent to be executed. He determined that although Awkal is still severely mentally ill, he is competent to be executed because he understands that he is being executed because he killed two people. Perhaps he had a "good day" during the few hours that Dr. Resnick spent with him or perhaps the way the questions were posed-because other statements from three professionals (the attorney working on Awkal's civil rights complaint and two legal interns), certainly not psychiatric professionals, but who had spent much more time with Awkal, and all three stated that his comments to them, on more than one occasion, was that the CIA wanted him dead and the CIA was the reason he was being executed. They commented that it is as if Awkal "lives in two parallel worlds."

- Awkal made numerous bizarre statements during his interview with the Parole Board.

- The state compared Awkal's case to Brooks and Spisak. They were all heinous crimes with multiple victims and mental illness certainly was proposed, but that is where the similarities end. Brooks' murders of his three sons arose out of pure evil. He was jealous of his sons and wanted to hurt his wife in the worst possible way. Spisak's murders of complete random strangers, who were minorities, arose out of hate, confusion about his sexual identity, and his delusions of superiority. Awkal's murders arose out of anger exacerbated by his mental illness-delusions of persecution-and his childhood exposure, again, "where guns and death were an everyday occurrence." In his mind, the only person that loved him, his child "she kicked her legs in excitement when she saw me" was being taken away from him-not just by way of a custody agreement but he believed his child was going to be taken to Lebanon. In the 1998 media video, he stated he would do it "a million times again" because "they were going to kidnap my child."

- Awkal was found to have many baby items, including his daughter's medical records, in his car. His explanation was not credible. It is more believable that he planned to kidnap his child and the meeting with the victims, whatever the conversation or actions between them, turned into an even worse scenario.

- This was a horrible crime that had a devastating effect on the family of the victims, the inmate's family and the public at large. The trial judge noted that the "jury is in tears with the decision they were forced to make and this is a difficult decision." They didn't have a choice of life without the possibility of parole.

- A panel of the 6th Circuit Court of Appeals decided that Awkal should get a new trial based on ineffective assistance of counsel. The panel held: "Clearly, Awkal's counsel's selection of guilt-phase experts was far less than ideal; counsel chose one unlicensed psychologist, a new and uncertified psychiatrist, and a psychiatrist whose testimony completely undermined Awkal's sole defense. We conclude that counsel's decision to call Dr. Rizk (the prosecutor's expert) to testify at the guilt phase constituted the deficient performance necessary to establish

ineffective assistance of counsel. The fact that Awkal's counsel knew of and had access to Rizk's reports does not change our conclusions that presenting an expert witness whose testimony plainly contradicts and utterly destroys an individual's sole defense constitutes deficient performance by counsel."

- On *en banc* review a majority of the Court overruled the panel's decision and confirmed the District Court's decision to deny Awkal's writ of habeas corpus. However, four circuit judges dissented. "They described the defense counsel's presentation of expert testimony at trial as a "bad joke" analogous to a Three Stooges episode." The joke is lost on a system that is supposed to provide a fair trial with good, competent legal representation before the ultimate penalty is enforced.

- At the Parole Board hearing, the prosecutor stated he has taken the death penalty "off the table" in a case where he found a history of significant mental health issues. In Awkal's case there was no extensive evidence of a mental health history. He was in war torn Lebanon until age 24. The tracking, although minimal, of his mental health history started when he came to the United States.

- It appears that at each life stressor or life changing event he experienced a mental breakdown. After his family left him in Lebanon for three years to fend for himself, knowing that "something is wrong with him", his family reported that he came to this country and sat on the couch for 4 months. His father was not sensitive to his shell shocked psyche and insisted he get employment to help the family-not treatment for his condition. Awkal's brother helped him obtain employment. The employer falsely accused Awkal of theft and his reaction was to become "hysterical, cursing, breaking things, vomiting, and collapsing." He had to be taken to a mental health facility in a straight jacket. He and his family were told to follow up with psychiatric treatment but they did not. He later relocated to Cleveland and was treated for a complaint of numbness down his side. He was again told to talk to a psychiatrist but he did not. He later had a wife, baby, and contracted a sexually transmitted disease. He sought psychiatric treatment but had no money for ongoing treatment. Then there is the separation and divorce pending and child custody-the reaction to that was devastating. And finally, when prosecution was going forward, he was found incompetent for several months and his mental condition "monitored" during the trial.

- During the Parole Board hearing, the prosecutor stated Awkal and Mahmoud came to the United States at the same time and they had both experienced dead bodies, bleeding bodies and bombing in Lebanon. Awkal came to America alone at age 24 and returned to a family that was not nurturing and most were not supportive. Mahmoud came to America, according to his brother at age 14. He came with his family and they were nurturing, supportive, and high achievers. It does not appear that their childhoods may be considered the same.

- Awkal expressed remorse and appeared to be guilt ridden. He was asked why he wanted to waive his appeals. He stated "because to live is more painful than to

> die-mental pain can destroy you mentally and physically-death will hurt you one time and pain is gone." Life without the possibility of parole is recommended-leave him to suffer his delusional thoughts.

RECOMMENDATION:

The Ohio Parole Board with nine (9) members participating, by a vote of Eight (8) to One (1) recommends to the Honorable John R. Kasich, Governor of the State of Ohio, that executive clemency be denied in the case of Abdul Hamin Awkal A267-328.

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

Ellen Venters

Ohio Parole Board Members
Voting **Unfavorable**

Cynthia Mausser, Chair

Kathleen Kovach

Rich Cholar

R. F. Rauschenberg

Bobby J. Bogan, Jr.

Trayce Thalheimer

Jose A. Torres

Cathy Collins-Taylor

May 10, 2012.

Ladies and gentlemen, Board Members, and attendees.

My name is Ali Abdul-Aziz, the older brother of two (2) victims, Latife and Mahmoud, who were murdered on January 7, 1992.

I find myself standing before you today at a very crucial moment. I have waited for this moment for a long time. In fact, it took me more than 20 years to finally have this unique opportunity to witness an instant of justice is about to make history. As rewarding as this moment can be, I cannot comprehend in simple words how to describe the amount of pain this meeting truly brings. Every member of my family, from the youngest to the oldest, would never be able to describe to you the extent of devastation, misery, suffering, anxiety, sadness, and the durations of depression and pain each of us had to endure for the loss of our loved ones, my brother and my sister. It has been and continues to be very challenging and difficult, realizing that justice is yet to be served. Nevertheless, the suffering we endured and experienced is no match to the suffering and to the extent of loss my niece "Zaynab", the daughter of my sister Latife, had to bear. Zaynab was 15 months old and tucked in her mother's arms when her mother lost her life by that fatal bullet that her father delivered to her mother's heart.

As a young toddler she may not remember the details of that nightmare on January 7, 1992 but she very well remembers her mother. She remembers that she was denied the special love, the passion, the affection, the care, the compassion, the sentiments that every child enjoys while growing up and the touch that only her mother can deliver. Zaynab was forced to be an orphan. With our best efforts, we tried to prevent Zaynab from living like the orphan her father intended her to be. Zaynab is now 21 years old and is grateful to God that her mom's family was always there to care for her during that difficult time through today. Zaynab grew up with her cousins who are brothers and sisters to her. She managed to rely on her family's love and compassion to remember her mom's legacy. Very true, all of this love and care from her grandparents (mother's side), uncles, aunts, cousins, and friends helped Zayanb make those adjustments, but in reality all of that can never never replace her mom's true love and irreplaceable presence. It is unfortunate that Zayanb had to live without that presence. There is only one person to blame for it: the criminal, [Abdul Awkal].

Due to her young age at the time, Zayanb's suffering to some extent cannot approach the suffering of my own mother and father. As a toddler, she was perhaps not fully aware of what has happened. For me, the most difficult part was watching how my parents grieved the loss of their two (2) children. I can never describe the condition of my parents, especially my mother. I cannot describe the very very miserable memories.

My mother is nearly blind now. Her teary eyes still tear to this day because of the loss of her children. Her health deteriorated enormously. Her diabetes used to be controlled by a single pill once a day. She now needs 5 daily shots of insulin. The severity of her tragedy is beyond imagination and beyond what any human can handle. She lost 2 children that she worked so hard to protect and care for until they became adults. Her son, my brother Mahmoud was 24 years old, my sister Latife was 22 years old. They were in the prime of their lives.

Let me tell you now a bit about my brother and sister. My brother Mahmoud was struck by the polio virus at the age of 2 and lost sensation in his left leg. He was able to walk only with a brace that covered his entire left side from his hip down to his foot. Without the brace, Mahmoud was disabled and not able to walk. His disability did not stop him from pursuing a normal life and seeking what any ordinary person seeks to accomplish to fulfill his or her dreams. He immigrated to the U.S. at the age of 14 to live with me in an attempt to save him from the devastating civil war of Lebanon. He was a high achiever; he excelled throughout his school life, he always retained a high honor standing always, from elementary through college. He was just 3 month away from completing his PhD in biochemistry from the most prestigious program in the country and under the supervision of **ERNEST B. YEAGER,** the Frank Hovorka Professor Emeritus of Chemistry at Case Western Reserve University (CWRU). He was internationally known for his pioneering contributions to the fundamental understanding of electrochemical reactions and to the development of fuel cell and battery technology. As part of his doctoral work, my brother conducted research at NASA Glenn Research Center, which was the start of his tenure at NASA. His contributions to the world were just beginning and unpredictable. His departure was not only a loss to us, his family. It was a loss to us all. His only fault was, wanting to be a supportive and a good brother to his sister.

My sister Latife met Mr. Awkal in the summer-fall of 1988. They married in March of 1989. She was much younger than him; it was entirely her decision to marry. Her dream was to start a family at a younger age, and have children while she was still young. Unfortunately, Mr. Awkal spoiled that dream for her. He presented himself as a kind man, love to do charitable work and help others. He was spending many hours at a mosque in Cleveland and at other charities sites, claiming that he was doing good deeds. We were so naive and innocent to discover later on after the unfortunate tragedy that he was doing community services in connection with a sentence for another crime he previously committed in Michigan.

This man misled my sister and my entire family. He lied to all of us. He manipulated his way to gain my sister's love and took advantage of her innocence. Her marriage started

deteriorating due to her husband's abusive and infidelity behavior; this resulted in her getting a sexually transmitted disease that shattered her livelihood and her overall well being. It was very shocking to her. He was not the husband she hoped for. She went on to seek justice in a civil manner to terminate her marriage and pursue a new beginning. Ample details about her divorce experience are available in the trial transcripts. This criminal is purportedly seeking remorse now. My sister is not here to voice her thoughts on this today. I am. He ended my sister's life. He deprived her from living like anyone else. He took away her ability to be here and care for her child and fulfill her dreams. I believe that my sister will never rest in peace until justice is served. Only you have the power to give her that justice today. Justice can never be served until this man's death sentence is carried out and completed.

This man purports to seek clemency now. He committed the most gruesome, vicious, and worst crime in the history of the state of Ohio. He committed his crime at a place of justice, where people should feel safe and secure. The place was the courthouse in downtown Cleveland, Ohio. He did not only commit a crime by killing inside the courthouse; this man has challenged the very foundation and institution of our justice system. We cannot give him clemency and make him victorious today. This act alone constitutes an enormous cause for a severe punishment. Letting him get away now with a sentence that excludes the death will humiliate us all – most importantly, it will humiliate the justice system. It will be an insult and a disgrace to my brother and my sister's souls. It will be considered huge failure and disrespect to our justice system and its integrity. He tried furiously so hard to justify his act and gain sympathy from the court, the media and from the public. He and his attorneys have attempted to make up and utilize so many false accusations out of thin air to help him get away with what he has done. Make a statement today. Make a statement to murderers like this man: you cannot trivialize the souls of others. You cannot manipulate our justice system and get away with murder.

Mr. Awkal kept on trying so hard to use whatever can help him spare his life including insanity as a plea. He failed to convince the jury and the court. In fact, his insanity plea was proven to be an obvious lie and fake. All of his attempts to justify his motive for such action have failed...it was clear, he just committed a deliberate murder. He was then and still is a cold-blooded killer, an evil person with no heart. He deserves no mercy.....

I believe it is time to conclude, I hope you have received our clear message, and I have been able to convey the wishes of my entire family. We want to strongly emphasize on the fact that this man's sentence should be carried out to the full extent of the law and no mercy whatsoever should be granted. Also, I honestly believe that this will bring the closure that we have been waiting for, the peace and the tranquility not only to every

member of my family but to my beloved brother and sister, so they can finally rest in peace. They have equally been suffering with us and anxiously waiting for this day to come. The amount of devastation and fear of the unknown we had to endure is simply beyond imagination and beyond description. I sincerely urge you to support my family's cause and recommend the strongest punishment that our justice system has already decided for this man: which is the penalty of death.