

DATE TYPED: January 31, 2012
DATE PUBLISHED: February 1, 2012

IN RE: MICHAEL D. WEBB, CCI #A246-589

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

Date of Meeting: January 24, 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: Michael D. Webb, OSP #A246-589

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: Aggravated Murder with death penalty specifications (2 counts); Attempted Aggravated Murder (4 counts); Aggravated Arson (6 counts) and Aggravated Theft.

DATE, PLACE OF CRIME: November 21, 1990 in Goshen Township, Ohio

COUNTY: Clermont

CASE NUMBER: 90-CR-005505

VICTIM: Michael Patrick Webb (Age 3) – deceased

INDICTMENT: Counts 1-2: Aggravated Murder with 2 death penalty specifications; Counts 3-6: Attempted Aggravated Murder; Counts 7-12: Aggravated Arson; Count 13: Aggravated Theft.

TRIAL: Found guilty by jury of the indictment.

DATE OF SENTENCE: July 16, 1991

SENTENCE: Counts 1-2: DEATH
Counts 3-6: 7-25 years;
Counts 7-12: 10-25 years
Count 13: 5 -15 years

ADMITTED TO INSTITUTION: July 17, 1991

JAIL TIME CREDIT: 220 days

TIME SERVED: 20 years, 6 months (does not include JTC)

AGE AT ADMISSION: 42 years old

CURRENT AGE: 63 years old

DATE OF BIRTH: November 8, 1948

JUDGE: Honorable John Watson

PROSECUTING ATTORNEY: Prosecutor Donald White

FOREWORD:

Clemency in the case of Michael D. Webb, A246-589 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.

On January 13, 2012, Michael Webb was interviewed via video-conference by the Parole Board from the Chillicothe Correctional Institution. A clemency hearing was then held on January 24, 2012 with eight (8) members of the Ohio Parole Board participating. Arguments in support of and in opposition to clemency were 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 eight (8) members participating, the Board voted eight (8) to zero (0) to provide an unfavorable recommendation for clemency to the Honorable John R. Kasich, Governor of the State of Ohio.

DETAILS OF THE INSTANT OFFENSE (90CR005505): The following account of the instant offense was obtained from the Ohio Supreme Court opinion, decided September 21, 1994:

On November 21, 1990, three-year-old Michael Patrick (“Mikey”) Webb was killed in a fire at his home. Mikey’s father, applicant Michael D. Webb, was convicted of Mikey’s aggravated murder and was sentenced to death.

Webb lived in Goshen Township, Clermont County, with his wife Susan, his sons Charlie and Mikey, and the teenage daughters of his first marriage, Tami and Amy. In 1978, Webb’s first wife Linda and her mother died in a traffic accident; Amy was badly injured. Amy and Tami received a total settlement of \$42,667.33 for personal injury and wrongful death, plus at least \$7,567.42 from their grandmother’s estate. The probate court appointed Webb guardian of Tami and Amy’s estate. In 1982, Webb invested the estate funds in a twenty-six-week certificate of deposit (“CD”), face value \$51,800, renewing it regularly until 1985.

From 1985 to 1988, Webb appropriated most of the estate funds for his personal use. He would redeem his daughters’ CD, purchase another with a lower value, and retain the balance of the funds. Webb did this seven times between 1985 and 1988. Each time he bought a new CD, Webb instructed the bank to deposit the interest in his checking account. His authorization to spend guardianship funds had expired on July 1, 1984.

After July 1983, Webb neglected to file an account with the probate court. In February 1987, Webb came into court after receiving a notice ordering him to file an account or be removed as guardian. Webb told the probate judge “that he had spent the money” and knew he had to replace it.

In 1987, Linda Webb's father died, leaving \$51,059.66 to Tami and Amy. Webb did not report these funds to the probate court as being part of the guardianship. He bought a one-year CD in his daughters' names, face value \$50,000, with this money. On January 18, 1989, Webb redeemed the CD, receiving \$51,825.73, and bought a new CD with a face value of \$50,300. About a month later, he redeemed that CD prematurely, receiving \$48,522.29. He used \$35,000 to open a savings account in his own name, keeping the balance.

In 1990, Webb met Nadine Puckett. Their friendship quickly blossomed. On October 31, 1990, Nadine's ex-husband found them together. The next morning, Nadine went to stay with her sister in Dayton. Between November 1 and November 20, Webb made several trips to Dayton to see Nadine, and phone company records showed frequent calls from Webb's phone to Nadine's sister's house. During this period, Webb told Nadine he planned to leave Susan.

James Pursifull worked for Webb's bodyshop until quitting on October 23, 1990. Webb told people that he had fired Pursifull and accused Pursifull of threatening and harassing him. Webb later requested Pursifull to help with some work at his house because Webb "had to go in the hospital to get his colon removed"; Pursifull never came to applicant's home. The prosecution later argued that Webb had been trying to "set [Pursifull] up" by getting him to leave fingerprints at Webb's residence.

On the evening of November 20, 1990, Tami Webb locked the door leading outside from the basement (where she and Amy had their bedrooms) and went to bed. Early the next morning, Tami was awakened by cold air and the smell of gasoline. Webb came into her room. A frightened Tami told him she smelled gasoline. Webb said that he did too, and that he thought the house was "rigged." He ordered Tami to "get down" or "lie down" and to "get Amy." He never told her to get out of the house. Webb then went upstairs. Tami, too frightened to leave her bed, pulled the covers up and closed her eyes. She later testified that, when she opened them, she saw a man in a red sweatshirt staring at her. However, she conceded on cross-examination that her "feeling" that "someone else was in the house" was "based upon the fact that [she] could not believe" her father had set the fire.

After that, Amy heard an explosion upstairs. Tami yelled at Amy to get out of the house, and they both ran out through the basement door and around to the front of the house, where they saw Webb. Webb's hands were bloody. It was later discovered that he got out by breaking through the bathroom window. A firefighter rescued Charlie and Susan from the master bedroom. Mikey died of smoke inhalation.

Township Fire Chief Virgil E. Murphy investigated the fire scene. In the foyer, he found a plastic gasoline can that had come from Webb's garage.

A "very definite pour pattern or trailer" was noted in the foyer. Murphy followed the trailer down a hallway leading to the bathroom and bedrooms. From the hallway, the

trailer led into the master bedroom up to the base of the bed. (Charlie's crib stood next to that bed.) The trailer also went into Mikey's room "up the side of the bed and across the bed to the rear wall." Arson investigators took samples from the trailers for analysis. The samples contained gasoline.

After examining the house, Murphy concluded that the fire was caused by arson and had started in two places. One fire was contained in the hall closet. A second had started at the bathroom door, at the end of the hallway nearest the bedrooms, and moved from there into the bedrooms and down the hallway toward the living room.

An unignited gasoline trailer led downstairs to the basement, where Murphy found a two-liter pop bottle containing gasoline; the bottle had Webb's fingerprints on it. Gasoline had also been poured on Tami's bed, and Murphy smelled it on Amy's bedclothes. Murphy concluded: "If all the trailers had ignited the chances of anybody escaping from that home were very, very slim."

Police found bloodstains matching Webb's blood type on the bathroom windowsill and basement door. The bathroom window had been broken from the inside. Blood trails on the ground led away from the window. A matchbook found outside bore a partial fingerprint in blood; Webb later admitted to police the print was his. Moreover, Webb had a peculiar way of holding a matchbook when he lit matches, and the print's location indicated that Webb had put it there while lighting a match.

On the morning of November 21, Webb told one of Susan's brothers that a fire bomb had been thrown through the bathroom window. Subsequently, he told Amy, Tami, and Susan's brother Larry Beck that he had broken the bathroom window to get out. He also told Amy that, when the explosion occurred, he was going into the master bedroom to get Susan, and the explosion had thrown him into the bathroom.

Webb was indicted on two counts of aggravated murder. Each count bore a felony-murder specification and a course-of-conduct specification. Webb was also indicted on four counts of attempted aggravated murder, one count of aggravated arson under R.C. 2909.02(A)(2), five counts of aggravated arson under R.C. 2909.02(A)(1), and one count of aggravated theft.

The jury convicted Webb on all counts and, after a mitigation hearing, recommended death for the aggravated murder of Mikey Webb. The trial court sentenced Webb to death. The court of appeals affirmed.

PRIOR RECORD

Juvenile Offenses: Michael D. Webb has no known juvenile arrest record.

Adult Offenses: Michael D. Webb has the following known adult arrest record:

<u>Date</u>	<u>Offense</u>	<u>Location</u>	<u>Disposition</u>
11/21/1990 (Age 42)	Aggravated Murder (2); Attempted Aggravated Murder (4); Aggravated Arson (6); Aggravated Theft (90-CR-005505)	Warren, Ohio	INSTANT OFFENSE

Dismissed, Nolled and/or Unknown Dispositions: On 3/13/1985, Webb was charged with Domestic Violence in Clermont County, Ohio. On 3/28/1985, this charge was dismissed.

Institutional Adjustment:

Michael Webb was admitted to the Department of Rehabilitation and Correction on July 17, 1991. His work assignments while incarcerated at the Southern Ohio Correctional Facility included Food Service Worker and Porter, at the Mansfield Correctional Institution included Laundry Worker, Material Handler and Porter and at the Ohio State Penitentiary included Porter. Webb participated in community service projects while at the Mansfield Correctional Institution and at the Ohio State Penitentiary.

Since his admission, Webb has never been placed in disciplinary control. He has one conduct report from 1993 for Disobedience of a direct order.

APPLICANT'S STATEMENT:

On January 13, 2012, an interview was conducted by the eight (8) Board Members with the applicant via video conference from the Chillicothe Correctional Institution. In that interview, Webb asked for clemency claiming that he is innocent of the crime of setting his house on fire and killing his son. He said that he would like to get a new trial and clear his name.

In response to questions from the Board Members, Webb stated that his defense team has uncovered new information about an alternative suspect named Bobby Gambrell. He feels that Bobby Gambrell is a good suspect because as his daughter Amy's boyfriend, he was familiar with the house. He would have had a motive because he had been thrown out of the house earlier. Webb stated that he didn't believe that Gambrell had any contact with Amy after he threw him out. He said that Gambrell owned a red Goshen High School letter jacket, which is consistent with what Tami saw. He would like to pursue a new trial based on this evidence and clear his name.

Webb further responded that the state alleged that his motive for committing the offense was the financial troubles he was having after he spent all the money (close to \$100,000)

from his daughters' trust fund. Webb stated that this is not really a motive because he was ready to start a lucrative business restoring and selling used cars, and intended to pay the money back. He said that the probate judge was aware of his using the trust fund money and had approved of it. He said that he was using the money to build a garage, buy tools and equipment, and to pay bills. He said that his daughters were unaware that he had used all of their money.

Regarding the morning of the offense, Webb stated that he heard a noise, and woke up to the smell of gasoline. He went downstairs, where he saw his daughter Tami, and told her that the house "was rigged", and implied that she needed to get out. He went back upstairs and was in the hallway, just outside his bedroom and bathroom when the fire ignited, and the explosion forced him into the bathroom where he beat his way out of the house. After beating his way out of the bathroom, he went around the house. He leaned down and picked up a stray book of matches and put it back down.

When asked why his fingerprints were on a 2 liter bottle that contained gasoline located in the basement, Webb stated that he pushed the bottle out of the way while returning up the stairs after seeing his daughter. Webb also stated that he did not immediately get his family out when he smelled gasoline because his mind was racing, and he thought that he could catch whoever did it, so he went through the house looking for the perpetrator. Webb also stated that he does not remember telling his daughter to go back to bed.

Regarding his relationship with Nadine Puckett, Webb said that there was no sexual relationship between them. He said he was trying to help her get out of an abusive relationship. Her ex-husband caught them in a hug and kiss, which made the ex-husband an initial suspect after the offense. He said that his wife Susan was unaware of his relationship with Ms. Puckett.

Regarding a plea bargain, Webb said that he was offered the opportunity to plea to Aggravated Arson, but he refused because he is innocent, and preferred to try the case.

Regarding his institutional adjustment, Webb stated that over these last 21 years, he has worked in various capacities. He has made things in his spare time, but has not completed any noteworthy programs. He said that he is still in touch with some family members. At one point, he had accused his daughter Tami of committing this crime, but since then he realized she did not commit the crime, and they have reconciled and are now close. He stated that his ex-wife Susan, and his daughters (from a previous marriage) Amy and Tami believe in his innocence. He said that he has lost track of his son Charlie, who also survived the fire.

Before concluding the interview, Webb reiterated that he is innocent, and that because the information about Bobby Gambrell was not available to his defense, he was unable to adequately defend himself. He pointed out that he had no gasoline on his clothing, and that he was badly injured in the fire as well. Only after being asked by the Board did Webb speak affectionately about his son Mikey, who died as a result of this crime. He said that he has never done anything to harm any of his children.

ARGUMENTS IN SUPPORT OF CLEMENCY:

At the hearing held on January 24, 2012, arguments in support of clemency supplementing the written application previously received were presented to the Board by attorneys Jim Owen and Keith Yeazel.

Counsel argued that the jury was deprived of two key pieces of evidence: the information about Bobby Gambrell (which was withheld by the prosecution) and the modern scientific interpretation about the fire's site of origin. Taken together, counsel contended that this evidence shows that there are doubts about Webb's guilt. They said that the report from fire scientist Hurst magnifies the importance of the material regarding alternative suspect Bobby Gambrell.

Regarding the point of origin of the fire, counsel argued that the trial court, the Ohio Supreme Court and the Sixth Circuit Federal Court of Appeals relied on the testimony of Fire Chief Murphy in their evaluations of the case that the point of origin of the fire was outside the bathroom where Webb was standing, by his own admission. Chief Murphy's testimony was not based on science. Only the Parole Board has the opportunity to consider the scientifically-based Hurst report. Counsel argued that the Hurst report shows that the fire could have started in the kitchen or elsewhere on the first floor, making it plausible that someone besides Webb started the fire and that Webb would not have seen the actual arsonist. They said that at the time of the investigation and trial, the standard of fire investigation was not what it is today, and that the conclusions that were drawn at the time were not based on current scientific research.

Regarding the alternative suspect, counsel argued that Webb's daughter Tami saw someone wearing red in the basement around the time of the fire. She has been persistent in that regard. Bobby Gambrell owned a red Goshen High School letter jacket. The jacket has never been located so that it could be tested for gasoline. Counsel argued that Webb was "robbed" of the opportunity to pursue this theory at the time of the trial because the prosecutor withheld the police report mentioning Bobby Gambrell. The report referenced that someone reported to the police that a high school student named Tracy Jordan said that Bobby Gambrell smelled of gasoline on the morning of the fire. While she later denied this to the police, the police did not fully investigate Gambrell before the trial. Gambrell possibly made suspicious statements about wishing the house fire was at Amy Webb's, and going to Florida. He also lied about not being in school on the morning of the fire. They emphasized that the police report of the interview with Tracy Jordan was withheld by prosecutors at the time of the trial, denying the defense an opportunity to explore this alternative theory.

Counsel further argued that Gambrell dated Webb's daughter Amy, so he knew the layout of the house. He was a smoker, so he would have known where to find matches. He knew how to get into the house by jimmying the locked basement door. While Webb's fingerprints were found on a 2 liter bottle with gasoline in it in the basement, counsel argued that the prints were oriented in a way that is consistent with Webb's claim that he

was merely moving the bottle out of the way when he went back upstairs to get Susan and the boys.

Counsel also argued that the state makes “hay” out of several facts that can be easily explained and do not indicate that Webb is guilty of this crime. Webb did misuse his daughters’ trust funds, but the motive of covering the theft of his daughters’ trust was not plausible, because the removal of the money from the trust was well known. In addition, Amy and Tami had told him that they would have approved of his use of their money. Furthermore, the inconsistent statements Webb made at the time of the investigation were an effort in part to hide his relationship with Nadine Puckett. Webb’s letter to Amy instructing her to lie about Tami to suggest that Tami committed the crime was not an attempt to frame Tami, but was written because he thought she may have been the actual arsonist, and he wanted someone to confront her. He realized that the true killer would have to know that layout of the house, and since he discovered Tami awake at the time of the fire, he believed she committed the crime. Finally, while he did not display remorse over Mikey’s death during the interview with the Parole Board, he has displayed remorse to his attorneys. He has a picture of Mikey, and thinks of him every day.

Counsel argued that given the new evidence obtained in this case, the Board should recommend a clemency in the form of a commutation to Life Without Parole to afford Webb the time needed to further pursue a new trial.

ARGUMENTS IN OPPOSITION TO CLEMENCY:

In addition to the written response and exhibits to Webb’s application for clemency, Clermont County Prosecutor Don White and Assistant Attorney General Stephen Maher presented the following arguments in opposition to clemency at the hearing.

Prosecutor White argued that nothing new was presented to the Board that warrants a recommendation for clemency in this case. The defense arguments obscure the facts of what really happened relative to the crime. This was a difficult three week trial, but the jury deliberated for only four hours in concluding that Webb was guilty of this crime. Prosecutor Webb stated that he has only pursued the death penalty in 6 cases in his over 20 years as the prosecutor in Clermont County. The facts of this case cried out for the death penalty to be pursued. Prosecutor White noted that he had offered Webb the chance to plead, but not to Aggravated Arson as Webb alleged when interviewed by the Board. He was going to permit a plea to Aggravated Murder without the death specification, and additional charges, because Webb’s family, who were the victims and whom he needed to testify, did not believe that Webb was guilty, and he was not confident that their testimony would secure a conviction. However, Webb refused the offer. Even despite the victims supporting Webb during both phases of the trial, the jury still found Webb guilty and recommended the death penalty, given the overwhelming evidence proving his guilt.

In addition, Webb’s claims as to a *Brady* violation relative to the police report have been fully litigated, and the courts have all agreed that there was no violation. Prosecutor

White stated that his office has an open file policy with the Public Defenders' office, and freely allows defense counsel the opportunity to review any information that they have. The contention that the defense did not know of the report or of Bobby Gambrell is just another tactic by Webb to blame someone else for this horrible crime. Prosecutor White argued that the Board should consider several key facts about Bobby Gambrell that suggest that he did not commit this crime. Bobby Gambrell never owned a vehicle, and lived 8-10 miles from the crime site. He was in school at 7:30am on the day of the fire. He had a red jacket, but with different colored sleeves (Tami had said that it was plain red, without any logos). He had a minimal motive to kill the whole family, and had reconciled with Amy by the time of the trial. Amy temporarily resided with Bobby and his family after the fire. Bobby Gambrell was never mentioned as a possible alternative suspect at the time of the investigation by Webb, or his daughters Amy or Tami, despite their familiarity with him.

Prosecutor White further urged the Board to recommend against clemency because the surviving victims of this crime, including Matt Rose the firefighter who heroically rescued two of the victims, were traumatically affected by this crime, and deserve closure.

Assistant Attorney General Stephen Maher argued that Webb has pointed at several other people to try to deflect blame from him, including his former employee, his lover's ex-husband, and his daughter, who was one of the victims of this offense. AAG Maher argued that in considering whether to recommend clemency so that Webb can have more time to pursue a new trial, the Board should consider that the jury did not know of Webb's attempt to frame his daughter Tami a year after he was convicted, and if retried, this evidence would be presented. The likelihood that the outcome of a new trial would be different is highly unlikely. In addition, as Webb's counsel concedes, the Hurst report does not preclude the state's version of the offense as it indicates that the point of origin of the fire could have been anywhere on the first floor. Therefore, the point of origin could have been the bathroom and the closet as was testified to by Chief Murphy. In addition, a jury does not have to accept an expert's opinion. A jury is free to draw its own conclusions. In viewing the photographs of the home, it is obvious that significant burning occurred outside the bathroom and in the closet, more so than in any other room in the house, further substantiating that the origin of the fire was outside the bathroom.

AAG Maher argued that Webb's behavior in his second marriage reflects eerie similarities with his behavior prior to and during this offense. AAG Maher described an incident in 1979 where Webb had his second wife Lois file a police report indicating that someone had shot out the windows of his car and left a note threatening he and Lois. Webb became a suspect in that incident at the suggestion of Lois, and after his claim that he was injured during the incident and sought treatment at a local hospital proved to be false. Webb was asked to provide a handwriting sample and purposely flubbed the test. He also refused a polygraph exam. A few months later, Lois filed a restraining order against Webb alleging that Webb threatened to kill her and burn her personal property. Webb and Lois divorced in 1985.

AAG Maher also argued that the psychological evaluations performed at the time of trial and during post conviction proceedings both indicated a profile of someone who is capable of committing this crime. Dr. Smalldon commented that Webb showed no remorse, and did not act like someone who was wrongfully convicted of killing his own son. It is no surprise that the report compiled at trial was not presented to the jury, as it contained no useful information for the defense. Both reports are additional information that the Board has that the jury did not have, and neither suggest that clemency is appropriate.

AAG Maher then explained that the jury was presented with significant evidence regarding the financial problems Webb was experiencing prior to the crime. The prosecution demonstrated Webb's systematic thefts of his daughters' trust and inheritance, and his serial short-term bank loans, both of which were likely going to be finally exposed, as Webb had been denied a short term loan just 8 days prior to the crime. Webb's solution to the misappropriation of over \$100,000 of his daughters' inheritance was to kill his entire family. With his daughters gone, he would be the sole beneficiary, and the financial problem would vanish. He would also be able to start over with Nadine Puckett, with whom he was having an affair. AAG Maher argued that the trial lasted 3 weeks, with very detailed information presented to the jury regarding Webb's situation and motive, and because the evidence of Webb's guilt was so strong, it only took the jury 4 hours to return a verdict of guilty.

AAG Maher then detailed the significant physical evidence obtained and the careful investigation law enforcement undertook to counter the argument that this was a case of "shoddy" police work. For example, the FBI was contacted for assistance, and evidence was transported to their facilities for testing. Furthermore, AAG Maher highlighted other physical evidence that he suggested demonstrated to the jury, and should demonstrate to the Board that the perpetrator of the crime would have had to be intimately familiar with the property to commit this crime, and the only reasonable suspect is Webb himself, just as the jury determined.

On behalf of the state, Prosecutor White and AAG Maher urged the Board to recommend against clemency to the Governor.

VICTIM'S REPRESENTATIVE:

Susan Beck, Webb's wife at the time of the offense appeared at the hearing and presented to the Board. She stated that since this crime, it has been a very rough road for the whole family. It took her two years to accept the fact that her husband committed this crime. She and other members of the family were in denial and did not want to believe that he could commit such an evil act.

She was somewhat aware of their financial situation, and knew that Webb was responsible for his daughters' trusts. However, she was led to believe that his withdrawals were from the interest on the account. He owned an auto shop, but he was behind on the rent.

In retrospect she recalls some of Webb's behavior that at the time seemed bizarre, yet now appears relevant. He would steal old signs from buildings. He played cruel pranks on his employee Jim Pursifull. He once faked his own suicide as a prank. He displayed "weird acts of paranoia" saying that someone was plotting against him.

Ms. Beck stated that Webb had a history of starting fires, including his mother's barn at age 10, his second wife Lois' garage, and his own tow truck, which he burned for insurance money.

She believes that Webb committed the crime at 6:00 a.m. because he observed her brother Jim who lived next door remodeling that basement until 4:00 a.m., and needed to wait until he turned off the light to execute his plan.

She endured months of therapy after the fire, getting out of the hospital just before Christmas. She has had years of counseling to deal with the Post-Traumatic Stress Disorder. Her son Charlie suffered immensely. He was badly burned and scarred. For a long time they thought that he was blind. He was ridiculed in school because of his appearance.

She believed in her husband's innocence for the first couple of years after the crime. Her opinion changed after he wrote the letter to Amy instructing her to frame Tami for the arson. She feels that deep down she knew all along that he was guilty, but could not believe it. She does not believe that Webb is deserving of clemency.

Chief Rose, who rescued Susan and Charlie, and attempted to rescue Mikey described how deeply this offense has affected him and how he lives with the memories of this fire every day. He stated that he refused to talk about the fire for an entire year after it happened. He lost weight and his personal and family relationships suffered due to the trauma he experienced, and his feelings of regret for not being able to save Charlie. He urged the Board to recommend against clemency, and stated that Webb deserves to die.

Tami Deemer, daughter of Webb stated that Susan Beck relayed everything that she wanted to say. In response to the question from the Board whether or not she believes her father committed the crime, Tami indicated that after hearing the presentations at the hearing, she believes that he did, but he is her father and she loves him.

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 that clemency be denied in this case for the following reasons:

- This crime was very heinous, with Webb convicted of pouring gasoline on his own family and igniting it, in an attempt to kill his wife and four children. The homicide victim was a three year old boy, who died a horrible death in a fire;
- Webb had been systematically stealing money from his daughters' trust fund for years leading up to this crime, creating a powerful motive;
- His inconsistent statements to the Board about his financial troubles, what he told his daughter Tami, and what he said to the police lead the Board to doubt his truthfulness about his version of the offense;
- Webb has blamed a number of other possible suspects, none of whom have panned out. He tried to frame his own daughter Tami, through his other daughter Amy. This leads the Board to be suspicious of his other claims regarding alternative suspects;
- The theory that Bobby Gambrell is the actual arsonist requires an extraordinary stretch of the imagination to conclude that Gambrell came to the house at 6:00 a.m., even though he didn't own a car, located gasoline in the adjacent garage and matches in the house, in the dark, without being seen by Webb, or recognized by Tami;
- The courts have carefully reviewed the claim that the prosecutor withheld important evidence, and determined that it is without merit;
- Given the overwhelming evidence of guilt, there is no manifest injustice in this case that would warrant the grant of executive clemency.

RECOMMENDATION:

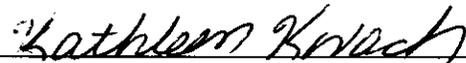
The Ohio Parole Board with eight (8) members participating, by a vote of eight (8) to zero (0) recommends to the Honorable John R. Kasich, Governor of the State of Ohio, that executive clemency be denied in the case of Michael D. Webb A246-589.

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

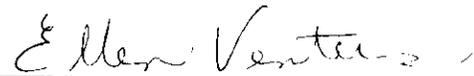
Ohio Parole Board Members
Voting **Unfavorable**



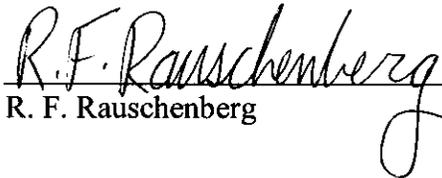
Cynthia Mausser, Chair



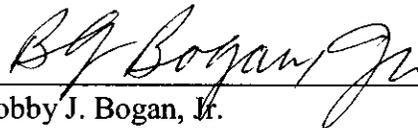
Kathleen Kovach



Ellen Venters



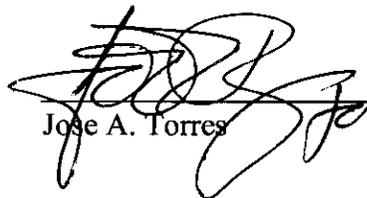
R. F. Rauschenberg



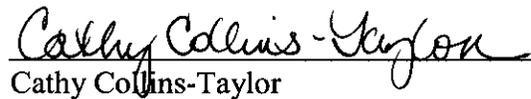
Bobby J. Bogan, Jr.



Trayce Thalheimer



Jose A. Torres



Cathy Collins-Taylor

My name is Susan Beck, and I would like to thank you for the opportunity to speak today. In what seems like a lifetime ago, I was married to Michael D. Webb. My family and I have been through a very rough road for the past 21 years, between stages of pain, anxiety, denial and reality. We are now left only with the question, "Why did Mike Webb do this to us?"

For nearly two years following the fire, I could not accept the idea that my husband committed the arson and intended to kill our whole family. The vision of him pouring gasoline throughout our home, on our beds and on our children was unfathomable, and the amount of evil inside that guided him to ignite it is frightening. It sickens me that he will not confess or show remorse. Time is running out, and we are no longer holding our breaths.

I would like to share a few things with you, beginning with some of Mike's odd actions while we were married.

- Mike thought nothing of stealing other people's property.
- He kept pulling mean pranks on his employee, Jim Percival; the cruelest involving sticking his blow torch under the bathroom door while Jim was on the toilet, melting his shoes and nearly catching his pants on fire. Jim jumped up on the toilet to get away from the fire, while yelling at Mike to

stop. Mike came home laughing that night over his “greatest prank of all”. I begged him to leave Jim alone before he hurt him.

- Mike fired Jim for a shallow reason and put on acts of paranoia that made no sense to any of us. A woman began calling our home pretending to be Jim’s girlfriend, Dee, who Mike claimed warned him of Jim’s plan to “blow up his shop”. It turned out not to be Dee at all. It was Nadine Puckett’s waitress, Dianne, who was playing mediator between Nadine and Mike. I had no idea that my husband was having an affair. It’s obvious now that he was setting the stage.

The more we think back about Mike’s actions the night before the fire, the odder they seem.

- He was very adamant about having Mikey’s and Charlie’s pictures taken with Santa, even though I wanted to wait till after Thanksgiving.
- He refused to read Mikey his bedtime story because he was busy watching a movie called, “It,” which was about a creepy clown who murdered young children. The movie frightened Tami, so she who locked all the doors and went down to bed, where Amy had already gone. I went to bed alone that night.

- My brother, Larry, was up late that night renovating Mom's basement, which faced ours. Mike clearly had to wait till Larry was asleep before he executed his plan. Larry turned the lights out at 4am. The fire happened at 6am. I don't think it was a coincidence.
- Mike knew that my brother, Joe, a National Guardsman, was away from home that night. He also knew Joe would have stopped at nothing to try to save us. I'm almost relieved that Joe wasn't there, because he probably would have sacrificed his life to save ours. But, again, that was Joe.

The things Mike said and did...and did not do...the morning of the fire were unconscionable

- He told Tami to stay in bed that morning and then insisted she "get back in the house and save us" after she'd escaped out the basement. Once again, Tami did what her daddy told her to do, but at no avail. I believe Mike wanted to finish what he started while she was in there... except he couldn't get the match lit that time. The bloody matchbook was later found in the driveway near a puddle of gas outside the basement door.
- Tami, Larry, my mother, and a neighbor all entered the basement in an attempt to get to us. Mike made no attempt.

- Mike dropped to his knees next to my mother in our front yard while the firemen fought to save us. He cried, "I can't start over, Mom....I just can't..." It still makes my mother cringe to think back about the selfishness Mike portrayed that morning.
- Before I passed out with my baby in my arms, all I could hear was his father outside the window, moaning, "I can't save you, I can't save you." My final thought was of little Mikey, and I prayed he wasn't suffering.

After Mike's conviction, friends and family began telling me things I would never have imagined about his past and character.

- Mike thought he could scare his second wife, Lois, into marrying him by writing threatening statements on her apartment door and car windows. He then blew his own truck windows out with a shotgun and ranted that her ex-husband was after him. The police investigated and unofficially conferred that it was all Mike's doing. Mike eventually admitted to his brother that he blew his own windows out and why.
- Mike and Lois married only three months after his first wife was killed; but he lied to Lois, saying she'd been dead for two years.

- Lois didn't want to raise Mike's daughters, so he tried to get his sister, Vicki, to take them. Vicki told Mike he needed to take care of his own children. Tami and Amy were only eight and five years old.
- Mike threatened to commit suicide after he and Lois got into a fight one day. That evening, he abandoned his truck by his mother's cornfield with an empty shotgun case inside. A frightened search party ensued, and the next day his stepfather found him hiding in the loft of their barn. Mike came out laughing hysterically over his "prank".
- Mike had been involved in three other fires prior to ours. He burned his mother's barn down when he was 10, he causes his detached garage to burn down, and he burned his wrecker up for the insurance money.
- Mike's own uncle told me after his conviction that he knew Mike would eventually end up in the pen because he was a "horse thief".
- Lois Webb called Children's Hospital the morning of the fire and told my mother that she was not surprised by the arson and was sure Mike did it because she knew his past and what he was capable of.
- Since the fire, two illegitimate daughters of Mike's from different women have surfaced, proving that he cheated repeatedly on his first wife.

There are a couple of other points that I would like to make:

- Mike regularly took out the garbage, so he would know what empty containers were in the can outside, such as the apple juice container and two-liter pop bottle that were found containing traces of gas.
- I often wonder if the “man in red” that Tami thought she saw was the flash of her father holding the red gas can.
- If the fire didn’t originate in the bathroom, why were matches floating in the toilet?
- If Bobby Gambrel started the fire, the only exit he could have taken was through the basement, and Tami would have seen him. All other doors were still locked. We also had a small, two bedroom house. There is no way that Mike and Bobby would have crossed paths. It’s also odd how neither one of them were burned. This entire Bobby scenario is ludicrous.

My summary....

I began keeping a very detailed journal after the fire and wrote faithfully every day for three years. That journal is gold to me now. As I read through the pages, it becomes more unbelievable that my family survived what Mike Webb did to us, plus its aftermath. I can’t believe we stood behind this murderer... this baby-killer...who saturated us with gas, lit us on fire and

made no attempt to save us. He had been premeditating his crime for weeks beforehand. He set the stage with his lies and acts of paranoia that seem ridiculous to us when we look back now. We were deceived by Mike and his plan to murder us, and then poor Mikey suffered the worst consequence imaginable.

Because of Mike Webb, my dreams of raising a family literally went up in smoke. I try to envision what Mikey would look like now if he were still alive. Had he survived the fire, his entire body would have been disfigured; he was burned over 80%. I will forever hold the picture in my mind of his perfect little face and rosy cheeks, the little cow-lick that he had in front of his hair... how excited he would get when I read him his bunny books. I often wonder what path he would have chosen...what kind of girl he would have married.

Charlie was never able to experience the unique bond that only a big brother could have provided. My boyfriend, Doug, and I often have his three teenage boys over for weekend visits, and I watch the way they are with each other. I think to myself that my sons could have had that. I could have had that. Charlie grew up without a father... but I suppose that's a good thing, given the kind of a man his father was. He went through years of child counseling just to cope with the fact that his daddy tried to kill him and

succeeded in murdering his brother. We've both been through a lot. The skin-grafting, the lung problems, and the tight burn garments and masks we had to wear for what seemed like forever were pure torture for both of us... as were the years of painful physical therapy. At one point, a doctor at Shriners told me that Charlie would never see again. Thank God he was wrong.

It took several years after the fire for me to heal physically and even longer to heal emotionally. I went through a decade of counseling to learn how to help little Charlie survive the wrath of grade school and to deal with my symptoms of Post-Traumatic Stress Disorder. I went through another decade of therapy to help me deal with my continued anxiety and feelings of "disconnect", and to help me learn to trust again.

I cannot change my feelings that Michael Webb deserves no leniency. The thought of the alternative is frightening to me and my entire family. We cannot deal with the threat or possibility of him ever having the opportunity to receive a new trial. I want this to be over. I also realize that it is up to the State to decide what his fate is. Please consider that this evil man who lacks a conscience showed us no mercy on the morning of November 21, 1990. It is my opinion that he should receive the same fate and be shown no mercy on February 22, 2012. Thank you.