

Thousands of prison cases under review after Supreme Court ruling

By Tom Beyerlein, Staff Writer

10:23 PM Tuesday, October 27, 2009

State prison officials are reviewing the cases of nearly 15,000 ex-convicts — including people convicted of felonious assault, robbery and rape — after an Ohio Supreme Court ruling raised concerns that some of them were improperly sentenced and must be released from parole supervision.

“These are serious offenders who will not be under supervision,” Julie Walburn of the Ohio Department of Rehabilitation and Correction said Tuesday, Oct. 27.

The ruling also forces the release from prison of more than 200 inmates incarcerated for parole violations, and a review of the cases of many thousands of current inmates sentenced since 1996 to determine if they must be resentenced.

In June, the Supreme Court held that post-release control required under Ohio’s 1996 truth-in-sentencing law is void if a convict wasn’t notified in writing of the mandatory nature and duration of the supervision.

Corrections sent a letter explaining the situation to Ohio courts on Friday.

The prison system will release by Nov. 6 the more than 200 inmates whose parole violations were voided by the ruling, Walburn said.

Staff Writer Lou Grieco contributed to this report.

Find this article at:

<http://www.daytondailynews.com/news/crime/thousands-of-prison-cases-under-review-after-supreme-court-ruling-370584.html>

 Print this page  Close

QUARRY LAKES
at Amherst
An Epcor Community

THE ULTIMATE CHOICE FOR MAINTENANCE FREE LIVING

Models Open
Thursday - Monday
(440) 336-0056

1 left at \$169,900

THE CHRONICLE-TELEGRAM
Chronicleonline

Type keywords here
Search our website

chronicle **edition**

RSS Feed

Contact Us | Top Stories | Classifieds | Local News | Obituaries | Sports | Subscribe | Business Directory

Wednesday October 28, 2009

Prison drill causes scare; warden promises more community notice next time

Cindy Leise

>> **LATEST VIDEOS**

- ▶ Town Hall meeting
- ▶ Ronald Brlas DUI stop, Aug. 19, 2009
- ▶ Classmate of Logan Spradlin Talks about Him at the scene of this death
- ▶ H1N1: The flu and the vaccine
- ▶ Three-car fatal crash in Lorain
- ▶ Chronicle reporter Brad Dicken in zero gravity
- ▶ Procession as body of Marine David Hall, slain in Afghanistan, comes home to Lorain
- ▶ Elyria Fire disputes McGrath report

>> **GET GOING**

- ▶ Home
- ▶ Advertise with us
- ▶ Classifieds
- ▶ Place an Ad - New
- ▶ Contact us
- ▶ Contests - Win Tickets
- ▶ Corrections
- ▶ FAQs
- ▶ Headlines widget
- ▶ Jobs here
- ▶ Lorain County Fair '09
- ▶ Milestones
- ▶ Newspaper in Education
- ▶ Obituaries
- ▶ Ohio news portal
- ▶ Online Forms
- ▶ Retail outlets
- ▶ Special Sections
- ▶ Weather

>> **MARKET PLACE**

- ▶ 2009 LIF Princesses
- ▶ Business Directory
- ▶ Display ads/coupons
- ▶ Don't Trash It, Cash It
- ▶ Especially for Seniors
- ▶ Have you heard?
- ▶ Healthy living
- ▶ It's your money
- ▶ Laminations & Reprints
- ▶ Local dining menus
- ▶ The Eyes Have It

>> **ZAP2IT TV LISTINGS**

- ▶ Zap2it TV listings

>> **PHOTOS AND VIDEOS**

- ▶ Chronicle videos
- ▶ Homes Plus videos
- ▶ Photo Gallery

>> **CHRONICLE FORUM**

- ▶ Chronic Dawgs***New Name**
- ▶ LocoFan
- ▶ Lorain County Moms
- ▶ Snapshots blog
- ▶ Tribal Pursuit

>> **DAILY DIVERSIONS**

- ▶ Constant Complainer
- ▶ What's Goin' On
- ▶ Elyria crime reports

GRAFTON — The new warden at Grafton Correctional Institution promised more community notification in the future after a mock prison break training exercise at a home on state Route 83 stopped traffic and worried some motorists Tuesday.

The prison sent a fax to media outlets on Friday alerting them to the training exercise, but that apparently was not enough notification, said Warden Frank Shewalter.

In the future, prison officials will follow up with phone calls and targeted e-mails, he said.

Click on any photo to view larger:



27oct09 PRISON EXERCISE The one sign announcing the training exercise in the vicinity of the Grafton Correctional Institute. This apx. 3x3' sign warned drivers heading south but there was no ...



27oct09 PRISON EXERCISE Officers wearing tactical gear talk as another group of officers negotiates with at least one person who was barricaded inside a home on prison property.



27oct09 PRISON EXERCISE A group of tactical officers negotiate with a person holed up in a house on prison property. The officer in this photo holds a plastic shotgun however other officers ...

Plus, they might erect better signage for the public warning of a training exercise in progress.

Shewalter said there were signs for northbound and southbound motorists on state Route 83, but a Chronicle photographer saw only a sign for northbound motorists that stated "GCI Exercise Scenario in Progress."

The activity by about 100 armed individuals — mostly prison guards and officers from the Ohio Highway Patrol — got the attention of passersby, who called The Chronicle-Telegram. No one at the paper recalled any fax about a training exercise.

En route, a newspaper reporter called police and discovered it was only a training exercise. After arriving, the reporter and photographer noticed telltale signs of training in progress — such as the sign, the fact that state Route 83 was not closed off and the use of some pink-colored weapons.

Two women who had called the newspaper said they thought there was a hostage situation in progress as they passed by the Grafton Prison Farm.

"There were lots of people who didn't know what was going on," said Johni Russell, of Lorain, who was passing with her mother Carol Knapp.

Russell said some motorists stopped their cars in the middle of the road and turned around to avoid trouble while others were caught in lines of cars when trains were stopped on a nearby rail crossing.

Knapp said if there was a sign going southbound, she didn't see it.

"We thought we were going to see a shootout," said Knapp, who tuned into WEOL and called her husband to see if there was anything else in the media.

Despite a little confusion on the part of passersby, Shewalter said the Critical Incident Management exercise was a success and trained staff from the Grafton Correctional and Lorain Correctional institutions and the Northeast Pre-Release Center in Cleveland, which is a women's prison.

new in Classifieds
Place Your Ad Online

On November 3rd
Elect a new Voice



Elect **Mary Siwierka**
Elyria Council-At-Large

EXTENSIVE EXPERIENCE

- STRONG, EDUCATED LEADER
- KNOWLEDGEABLE EXECUTIVE
- EXPERIENCE
- LIFE LONG ELYRIA RESIDENT

ENDORSEMENTS:

- LORAIN COUNTY AFL - CIO
- LORAIN COUNTY UAW CAP COUNCIL
- AFSOCME POWER IN ACTION #4
- ELYRIA FIREFIGHTERS LOCAL 474

Paid for by Citizens for Siwierka, Nancy A. Worcester, Treas., 2426 W. River Road N., Elyria OH 44035



Fugitive of the Week contacts pastor, surrenders

Dick Russ ■ 1 hr ago

CLEVELAND -- A woman wanted by the Northern Ohio Violent Fugitive Task Force met with her pastor and then surrendered Tuesday to federal agents in downtown Cleveland.

Jennell May was profiled as the Channel 3 Fugitive of the Week on Monday, Oct. 19. Deputy U.S. Marshal Brian Koerbel says May recently contacted a pastor who helped arrange for her surrender.

May, the clergyman, and a family member met U.S. Marshals at the corner of East 12th and Euclid Avenue about 10:30 Tuesday morning.

May was then taken into custody and was in the Cuyahoga County Jail Tuesday night.

She was wanted for attempted murder and probation violation on a previous drug case. The Northern Ohio Violent Fugitive Task Force offers cash rewards for information that leads to the arrest of wanted fugitives.

The 24-hour hotline number is 1-866-4-WANTED. Callers can remain anonymous.

© 2009 WKYC-TV



Sentencing Errors

Thousands of crime victims from across the state are being notified that their assailants are going to go unsupervised soon.

0 Ratings | 147 Video Views

[Post a Comment or Rate this Video](#)

» [View More Videos](#)

By [Patrick Preston](#) | Investigative, Political Reporter

Published: October 27, 2009

Updated: October 27, 2009

» [0 Comments](#) | [Post a Comment](#)

6

votes

COLUMBUS, Ohio—Thousands of crime victims from across the state are being notified that their assailants are going to go unsupervised soon.

The Ohio Department of Rehabilitation and Correction is contacting crime victims after determining at least 208 current inmates serving time for probation violations will be released next month due to sentencing errors. No prisoners will be released early from their criminal sentences.

More than 14,000 former inmates living in Ohio communities will no longer have to report to parole supervisors.

“For those offenders who are in our communities now, if they weren’t properly sentenced to that supervision, we will have to terminate supervision of those offenders,” said Julie Walburn, spokesperson for ODRC.

Walburn said the sentencing errors cover first, second and third-degree felonies, including sex offenses and violent crimes such as rape, aggravated assault, kidnapping, and armed robbery. Sex offenders will still have to register and follow laws restricting their whereabouts.

The Ohio Supreme Court ruled earlier this year that prisoners convicted and released from custody after 1996 sentencing reforms may have been legally mandated to be supervised, but the supervision requirement would be dropped if the sentences handed down by judges did not specify how a length for mandatory supervision.

“The statute says, ‘Because you’ve committed this crime you need to serve a period of supervision.’ But when the court sentenced them they didn’t tell the offender about that supervision,” Walburn said.

Gail Heller, executive director of the Columbus-based domestic violence outreach group Choices, says the lack of supervision could disturb crime victims learning their attackers are no longer subject to restrictions.

“It may say that the person cannot be in the vicinity of the person that they harmed. They can’t travel to

certain parts of the state. There's a whole laundry list of rules," Heller said. "Without having those rules in place there's nothing that would bar an offender from going to the community where their victim lives... That could be very, very frightening for a victim."

ODRC is reviewing sentences of current inmates so that judges can correct sentencing orders before they are released. By doing so ahead of their release, the inmates can be placed under supervision.

For additional information, stay with **nbc4i.com** and **NBC 4** and refresh **nbc4i.com**—Where Accuracy Matters.

To submit a story idea or news tip, e-mail us at .

NBC 4 POLITICS: [Headlines, Interactives & Video](#)

MORE: [NBC 4 Local News](#) | [Local Crime News](#)

NBC 4 SPORTS: [Sports News, Video](#)

Share This:

[Email My](#)

[Facebook](#)

[Delicious](#)

[Digg](#)

[Twitter](#)

[Favorites](#)

[More](#)

View More: [sentencing error](#),

Not what you're looking for? Try our quick search:

Reader Reactions

Voice your opinion by [posting a comment](#).

Post a Comment(Requires [free registration](#))

- Please avoid offensive, vulgar, or hateful language.
- Respect others.
- Use the "Flag Comment" link when necessary.
- See the [Terms and Conditions](#) for details.