

EX-10760 - 1/14/04



**State of Ohio
Adult Parole Authority
Columbus, Ohio**

CLEMENCY REPORT

**LEWIS WILLIAMS, JR.
MANCI #A176-623**

MARCH 27, 2003

DATE TYPED: March 25, 2003
DATE PUBLISHED: March 27, 2003

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

Date of Meeting: March 20, 2003

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

IN RE: LEWIS WILLIAMS, JR. #176-623 MANCI

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: Grand Theft, c/c/w, Aggravated Robbery c/c/w.
Grand Theft, c/s/w. Aggravated Robbery c/c/w.
Aggravated Murder w/Gun Spec., c/s/w
Aggravated Robbery

DATE, PLACE OF CRIME: January 21, 1983
2768 East 127th Street
Cleveland, Ohio

COUNTY: Cuyahoga

CASE NUMBER(s): CR179814; CR33043
CR35148; CR35458

VICTIM(s): Leona Chmielewski

PLEA: Not Guilty

TRIAL: Jury

VERDICT: Guilty

SENTENCE: Death

ADMITTED TO INSTITUTION: November 23, 1983

AGE AT ADMISSION: 24 years old

DATE OF BIRTH: December 26, 1958

JAIL TIME CREDIT: 300 Days

PAROLE ELIGIBILITY: N/A

PRESIDING JUDGE: Honorable James D. Sweeney Case Number CR179814

PROSECUTING ATTORNEY: Tom Sammon

ACCOMPLICE: None on Case Number CR179814

FOREWORD:

Clemency in this case was initiated by the Honorable Bob Taft, Governor of the state of Ohio, and the Ohio Parole Board, pursuant to Section 2967.13 of the Ohio Revised Code, and Parole Board Policy 501-09.

A previous Death Row Clemency Report was sent to the Honorable George V. Voinovich, then Governor of the State of Ohio on August 16, 1996. That report contained a unanimous Parole Board recommendation against clemency.

The current inquiry includes an interview with Mr. Williams which was conducted on March 14, 2003. Present at the interview was Mr. Williams' attorney, Stephen A. Ferrell.

On March 20, 2003 a Clemency Review Hearing was conducted with nine (9) members of the Ohio Parole Board participating. Present at that hearing and offering presentations for Mr. Williams were Assistant Public Defenders Stephen A. Ferrell and Kelly Culshaw, Bonnie Williams, mother; Lewis Davis, son. Also in attendance to present were other representatives from the Ohio Public Defender's office.

Present at the hearing on behalf of the State were Assistant Cuyahoga County Prosecutor Jon Oebker, Assistant Attorney General Timothy Prichard, Assistant Attorney General Michael Collyer from the Capital Crimes Unit of the Attorney General's office. Leona Chmielewski's step-daughter, Dorothy Beverly gave testimony.

Upon careful review and deliberation concerning documentary evidence and all testimony provided, the Parole Board reached a unanimous decision. The focus of the hearing, as well as the interview, was on Case Number CR179814.

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

OFFENSE:

Case Number CR179814: Aggravated Murder w/Gun Spec, Aggravated Robbery

The following account of the murder of Leoma Chmielewski was obtained from the Ohio Supreme Court's review of this case which is dated March 26, 1986:

On January 21, 1983, the body of Leoma Chmielewski, a seventy-six-year old woman, was discovered lying face down on the floor of her home. An autopsy revealed that the decedent had suffered multiple blunt force injuries to the head and neck, as well as a single gunshot wound fired from close range (approximately two feet or less) into the victim's face.

Witnesses established that the decedent was last seen between 10:00 and 10:30 p.m., the evening of the 20th, standing in her doorway talking with Lewis Williams. Between 10:30 and 11:00, the victim's neighbors heard a sound from her house like a door slamming. Lewis Williams was arrested on January 22, 1983 and admitted being in the house the night of the murder, but denied perpetrating the offense for which he was indicted.

The evidence produced at the Williams trial established the following sequence of events. Early in the evening of January 20, 1983, Lewis Williams and two acquaintances, Brent Nicholson and Tyrone Robinson, visited and had dinner with Williams' cousin, Kevin Samuels. Samuels lived across the street from the victim's house and had known her for several years. Prior to the night of the incident in question, Williams had stayed with Samuels and had known the victim.

On the evening of the 20th, Mr. Robinson and Mr. Williams left the Samuels residence, at approximately 9:00 p.m. to go to the store. Only Mr. Robinson returned a half-hour later, indicating Mr. Williams was still at the store. At trial, however, Mr. Robinson testified that Mr. Williams was in fact at Mrs. Chmielewski's house, where he had apparently been invited in. The remarks to the contrary were merely to dissuade Mr. Williams' brother, Mark, who arrived at the Samuel's residence, from looking for appellant. Mr. Robinson eventually told Mark where appellant was, and the two of them went over to Mrs. Chmielewski's house where Mark prevailed upon his brother to return some money. Mark left and Robinson went back to Samuels' house. Samuels sent Robinson back over to ask Lewis Williams to return to Samuels' residence. Mr. Williams' responses were to tell Robinson he was not ready to leave and to call Samuels and tell him to mind his own business.

Samuels, Nicholson, and Robinson were driving down the Samuels' driveway around 10:30 p.m. when Samuels saw Williams and Mrs. Chmielewski at her door. They honked the horn, but Williams motioned for the car to proceed without him. When Nicholson and Samuels returned, a little over an hour later, Nicholson went across the street to find that the door was open and Mrs. Chmielewski's body was on the floor. Nicholson returned to the Samuels' residence, whereupon Samuels called Lewis Williams' mother's home, then the police.

When the police arrived at approximately 1:00 a.m., January 21, 1983, they found not only the body, but also several coins scattered near the doorway, numerous bank envelopes throughout the house and down to the street corner, victim's purse with its contents emptied on the bedroom closet shelf, her false teeth on the floor next to the body, and the phone off the hook. A subsequent police investigation revealed an imprint on the hem of the nightgown the victim was wearing which matched a portion of a shoe Lewis Williams was wearing the day of his arrest. Lewis Williams' jacket sleeve cuff also contained a trace of lead powder.

In addition to the above evidence, the state presented two witnesses who were former cellmates of Mr. Williams while he was confined to the Cuyahoga County Jail pending trial. Michael Anderson and Navarro Brooks each testified that Lewis Williams had told them he had murdered the decedent. Specifically, Anderson testified that Williams had said he "stuck the gun in her mouth" to get her "to shut up." Brooks testified that Williams was worried about blood on his shoes apparently from rolling the victim's body over with his foot.

ADDITIONAL OFFENSES

Case Number CR35148: Aggravated Robbery

On October 1, 1977, Lewis Williams entered the Forest Hills Nursing Home and was approached by the security guard. Lewis Williams stated that he was waiting for someone. Lewis Williams later walked up from behind the security guard, Emery Kelvin, and stole his .38 caliber revolver from his holster. Lewis Williams told the security guard not to try anything as he ran from the building. Williams was subsequently arrested and was sentenced to serve a 4-25 year sentence.

Case Number CR35458: Grand Theft

On September 6, 1977 while the victim Louanna Poindexter was waiting for an R.T.A., a Rapid Transit in Cleveland, Ohio, Williams robbed her at gun point of her purse. Williams was arrested and indicted for Aggravated Robbery. On December 13, 1977 he pled guilty to Grand Theft and was sentenced to a one (1) to five (5) year sentence.

Case Number CR33043: Grand Theft

On June 20, 1977, Lewis Williams stole a stereo valued at \$299.00 from the home of Mattie Prude. Williams had been visiting at the residence. When Mrs. Prude left for work, he stole her stereo set. He pled guilty on December 13, 1977 and was sentenced to a 1-5 year sentence at the Ohio State Reformatory.

Williams was paroled on the above sentences on May 12, 1982. When Lewis Williams committed the Aggravated Murder in this case, he was on parole on the crimes described below.

PRIOR RECORD:

Juvenile

<u>Date</u>	<u>Offense</u>	<u>Place</u>	<u>Disposition</u>
10/04/71 (age 12)	Incorrigible Truant	Cleveland, Oh.	Sent to Starr Commonwealth, Michigan, Released May 14, 1973
01/21/74 (age 15)	Violation of a court order	Cleveland, Oh	Probation
01/09/75 (age 16)	Possession of a .12 gauge sawed off shotgun	Cleveland, Oh	2/18/75 Fairfield School for Boys, Released 6/30/75
11/21/75 (age 16)	Trespass, Stealing	Cleveland, Oh	Probation

*Entered house and stole a .12 gauge shotgun.

Juvenile

<u>Date</u>	<u>Offense</u>	<u>Place</u>	<u>Disposition</u>
02/2/76 (age 17)	Trespass, Theft from person	Cleveland, Oh	Adjudicated delinquent, Committed to Indian River Boy's School

INSTITUTIONAL ADJUSTMENT:

A review of his institution files disclosed a highly problematic past pattern of maladjustment which appears to have been abated since December, 1999. Inmates Lewis Williams has committed 45 conduct violations while on Death Row that necessitated isolation since January 1985.

When arranged into categories of misconduct, he has incurred 17 incidents of disrespect or threats towards staff; 16 incidents of contraband possession (5 weapons, 2 substances of abuse); 19 incidents of throwing substances on others; 20 instances of aggression toward other inmates.

When asked about the pattern of misconduct, Mr. Williams attributed his behavior to a desire to distance himself from his father's reputation when his father was in prison.

COMMUNITY ATTITUDE:

None

PROPOSERS TO CLEMENCY:

Extensive documentation and oral reports were received from Lewis Williams, Jr. as well as his attorney, Stephen Ferrell. These were proffered to address moral versus moral culpability. Statements provided by Williams to address legal culpability were as follows:

- He claims to be innocent: not in the home of the victim at the time of the crime.
- Statements made by his family and friends were false.
- His prior statements made to police officials, institutional staff and mental health practitioners were false.
- Statements made by other inmates that were attributed to him were false.
- Institutional misconduct was an attempt to react to his father's reputation in prison.

During the open hearing, Attorney Ferrell submitted oral and written statements to assert the following as it concerns moral culpability:

- That the death sentence should be reserved for the "worst of the worst."
- That the society, his family and the Parole Board failed Mr. Williams when they:

- failed to provide counseling
- released him to parole supervision
- exposed him to early childhood rejection and humiliation
- That these represent mitigation that, if presented to the jury would have been sufficient to warrant life imprisonment rather than the death penalty.

Bonnie Williams, mother of Lewis Williams and Lewis Davis, son of Lewis Williams voiced ongoing support. His mother accepted responsibility for his early rejection and the humiliation of his father's homosexuality and preference for young males.

OPPONENTS TO CLEMENCY:

Jon Obeker, Assistant Cuyahoga County Prosecutor, Tim Prichard and Michael Collyer of the Ohio Attorney General's Capital Crimes Unit represented the State of Ohio at the hearing before the Parole Board on March 20, 2003 to oppose the granting of Executive Clemency. Reasons for opposition were as follows:

- The brutality and senselessness of the crime
- The vulnerability of the 76-year old female victim
- There is no doubt of his guilt and there is no evidence of remorse or acceptance of responsibility for the crime (blames others)
- Extensive history of cruelty that continued into the correctional institution and is evidenced in conduct reports.
- Juvenile and Adult crimes of predation.
- Has provided eight (8) versions of the crime and his actions.
- Has at least average intellectual capability.
- His past failure to cooperate with ongoing representation – evident in the divergent presentation.

The stepdaughter of the victim characterized Leona Chmielewski as a hardworking, kindly lady who befriended her neighbors and helped those in need. She said that Mrs. Chmielewski would have given him the money. She didn't need to be murdered for it.

CONCLUSION:

Lewis Williams is scheduled to be executed on April 16, 2003. Mr. Williams was interviewed by the Parole Board on March 14, 2003.

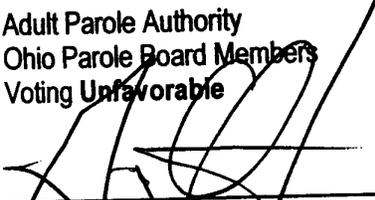
The Ohio Parole Board reviewed the documents and deliberated extensively on the information provided. The claim of innocence was not found to be credible. While there was some mitigation in the evidence of early childhood disruptions within the family, these were insufficient to counterbalance the weight of the aggravative circumstances. Accordingly, there was insufficient credible information to warrant an affirmative recommendation for clemency.

RECOMMENDATION:

Following consideration of available information, the Ohio Parole Board, with nine (9) members participating, recommends to The Honorable Bob Taft, Governor of the State of Ohio, by a vote of nine (9) to zero (0), that Executive Clemency be denied in the case of Lewis Williams, Jr., #A176-623

Lewis Williams #A178-623
Death Row Clemency Report

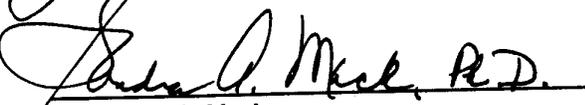
Adult Parole Authority
Ohio Parole Board Members
Voting Unfavorable



Gary Croft



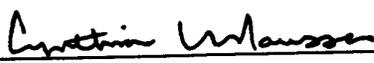
Jim Bedra



Dr. Sandra A. Mack



Betty J. Mitchell



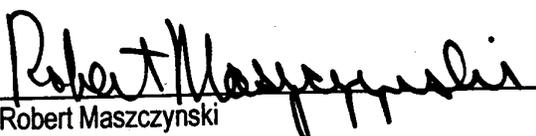
Cynthia Mausser



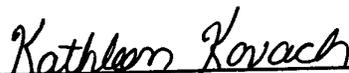
Peter Davis



Olivia Karl



Robert Maszczyński



Kathleen Kovach