

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

Date of Meeting: July 9, 2004
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: SCOTT A. MINK # 413511 MANCI

SUBJECT: Death Penalty Clemency
CRIME, CONVICTION: Aggravated Murder - 4 counts,
with two death penalty specifications
Aggravated Robbery- 2 counts
DATE, PLACE OF CRIME: September 19, 2000 Union, Ohio
COUNTY: Montgomery
CASE NUMBER: 00CR2900
VICTIM: William Mink
Shelia Mink
INDICTMENT: Aggravated Robbery (serious harm) 2 counts,
Aggravated Murder -2 counts (with prior
calculation/design)
Aggravated Murder – 2 counts (while committing
robbery)
Death Penalty Specifications to each Murder count:
1. Escape detection or apprehension.
2. Committing or attempting Aggravated Robbery.
3. Conduct killing two or more people.
PLEA: Guilty (3 judge panel)
VERDICT: Guilty to indictment (3 judge panel)
SENTENCE: Death, 9 years imprisonment
ADMITTED TO INSTITUTION: July 11, 2001
TIME SERVED: 37 months
AGE AT ADMISSION: 37 years old, DOB: October 13, 1963
JAIL TIME CREDIT: 13 days
PAROLE ELIGIBILITY: N/A
PRESIDING JUDGE: Honorable David Sunderland
Honorable Gregory L. Frost
Honorable Gregory A. Godown
PROSECUTING ATTORNEY: Matthias H. Heck, Jr.
ACCOMPLICE: None

FOREWORD:

The Honorable Bob Taft, Governor of the State of Ohio, and the Ohio Parole Board pursuant to section 2967.03 of the Ohio Revised Code, and Parole Board Policy 105-PBD-01 initiated clemency in this case.

A Death Penalty Clemency Review Hearing was conducted on July 9, 2004, with seven members of the Ohio Parole Board participating. Attorney Gary Crimm represented Scott Mink.

Present at the hearing, on behalf of the State, were Assistant Montgomery County Prosecutors Dan Brandt and Carley Ingram.

After reviewing the information provided and deliberating, the Parole Board voted and reached a unanimous decision.

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

OFFENSE:

The following account of the instant crime was obtained from the Ohio Supreme Court's review of this case on April 14, 2004, via appeal as of right, whereupon said court affirmed the conviction and sentence imposed by the Montgomery County Court of Common Pleas.

The evidence at trial revealed that in September, 2000, Scott A. Mink, 36 years old, resided with his parents, 79-year-old William and 72-year-old Sheila Mink, in their second-floor duplex apartment in Union, Ohio. Mink used illegal drugs while living with his parents. As his drug use increased, his parents set curfew limits and restrictions on the use of his truck.

In early to mid-September, 2000, Mink's parents informed Mink that he would not be allowed to join them in their move to a smaller apartment. On September 18, 2000 William G. Mink, Mink's brother, asked Mink about his moving plans, and he replied, "kind of nasty like, ... don't worry about it, I've got a plan".

Around 9:00 p.m. on September 19, 2000, Mink and Bryan Werling were drinking and smoking crack cocaine at Werling's apartment in West Milton. Around 9:30 p.m., Mink's parents called Mink at Werling's apartment and told Mink to return home. Mink then departed and told Werling that "he had to get home or he wasn't going to have a place to stay."

At approximately 10:00 p.m., Mink arrived home. After his parents went to bed, Mink looked for his truck keys so that he could leave the apartment and get more drugs. Mink was unable to find the keys, and after realizing that his parents had hidden them, he had a “fit of uncontrollable rage”.

According to his subsequent confession, Mink went into his parents’ bedroom sometime after 11:20 p.m. They were sleeping on adjacent twin beds, and he repeatedly hit them with a hammer. The hammer broke while he was striking them. Mink left his parents’ bedroom and returned with two kitchen knives and an extension cord. Mink then stabbed each of them several times. One knife broke during the attack, and Mink left the other knife in his mother’s chest. Mink also strangled his mother with the extension cord. Finally, Mink repeatedly struck both parents with two cutting boards that he had taken from the kitchen. After one cutting board broke, Mink reassembled it and put it back on the kitchen counter.

Following the attack, Mink washed up and put on fresh clothes. Mink then took \$7 and a British Petroleum (“BP”) credit card from his father’s wallet and took his mother’s Bank One card. After finding his truck keys, Mink left the apartment, went to a Bank One automatic teller machine, and withdrew \$10 from his parents’ account. Mink then purchased what he thought was crack for \$20. Around 1:30 or 2:30 a.m. on September 20, 2000 Mink returned home and discovered that the crack was not real. Mink then took five or six of his mother’s tranquilizers and went to sleep.

Mink woke up in the late afternoon of September 20, 2000. Mink then moved his father’s body off his bed and laid him on top of his mother’s body, which was lying between the twin beds. He covered the bodies with blankets to keep them out of view. Later that evening, Mink traded his father’s Ford Escort to a drug dealer for \$ 50 to \$ 100 worth of rock cocaine.

Around 5:00 a.m. on September 21, 2000 Mink phoned James Ornduff to ask whether he knew anyone interested in buying a television. Mink said that his “parents were out of town and he was trying to get some money up for groceries.” Mink then drove to East Dayton, where he exchanged his parents’ television for \$30 worth of crack. Mink also used his father’s BP credit card to purchase cigarettes, beer, and a gallon of milk.

Later on the same morning, Mink called Ornduff again and requested his help in selling a recliner, a microwave, a couple of pictures, a clock, and a watch. Mink said that his parents were on vacation and that they wanted him to clean out the garage. Mink loaded the property in his truck and transported it to Ornduff. Mink returned home around noon.

Mink’s three sisters and his brother lived in the Dayton area and frequently visited and talked with their parents on the phone. The sisters became concerned about their parents after they were unable to contact them on September 20th. Around noon on September 21st, the sisters drove to their parents’ apartment to check on their well-being.

When the sisters pulled into the driveway, they saw Mink entering their parents’ apartment. The sisters then pounded on the front door and shouted for Mink to come out. When Mink answered the door, he would not let his sisters inside the apartment and said that he did not know the whereabouts of their parents. The sisters left to notify the police. As they arrived at the police department, which was a short distance behind their parents’

apartment, the sisters saw Mink walking to his truck. The sisters confronted Mink in the parking lot and asked for the keys to the apartment. One of them asked, "Scott, did you hurt Mom and Dad? And he said no. Mink then gave them the keys and drove away.

The sisters entered the front door of the apartment, which opened into their parents' darkened bedroom. They did not recognize that their parents' bodies were under blankets between the beds. However, the sisters knew that something was wrong because their father's glasses and billfold were on the dresser even though the car was gone. The sisters left the apartment and called the police.

At 12:41 p.m. on September 21, 2000 Officer Darrin Goudy, a Union police officer, was dispatched to the Minks' apartment to check on the welfare of the residents. After talking to the three sisters outside, Officer Goudy entered the apartment and found the bodies of William and Sheila lying between the beds. Police secured the crime scene, obtained a search warrant, and began collecting evidence.

William's body was found lying on top of Sheila's body, and their clothing and the surrounding floor were covered in blood. A kitchen knife was sticking out of Sheila's chest, and a cord was wrapped around her neck. The head of a broken hammer, a knife blade, and a wooden cutting board were on the floor near the bodies. The hammer handle and the knife handle were under the blankets and sheets on a bed. Blood spatters were found on a roll of carpet padding underneath the bed, suggesting that the victims were also attacked while on the floor.

Police found a bloody wood-cutting board on the kitchen counter that had been broken into three pieces and reassembled. An empty microwave stand in the kitchen and an open space near a loose TV cable in the living room suggested that property had been taken from the apartment. The police also found a pair of bloody sneakers and a bloody tee-shirt in Mink's separate bedroom.

On September 22, 2000 police contacted Ornduff after phone records showed that Mink had talked with him a number of times after the murders. Police then seized the television, recliner, microwave, two pictures, and a wall clock that Mink had transferred to Ornduff. Additionally, police learned that Mink had used or attempted to use his father's BP card seven or eight times after the murders. The police also located and seized William Mink's Ford Escort, which Mink had exchanged for drugs. Subsequent, laboratory testing confirmed the presence of blood on the driver's side seat belt and the driver's side door.

After leaving his sisters at the apartment on September 21, 2000 Mink stayed on a farm near Tipp City. Around 8:00 p.m. on September 24, 2000 Mink turned himself in at the Tipp City Police Department. Mink stated that he had "done something awful and had woke up in a field somewhere west of Tipp City." Mink was then arrested and taken into police custody.

Around 11:00 p.m. on September 24, 2000 Detective Rick Bergman and Detective Thomas Peed interviewed Mink about William's and Sheila's murders. Mink was advised of his Miranda rights, which he waived. Mink provided detailed oral and written accounts of the murders that reflect the facts already described. Mink also gave a videotaped interview admitting his guilt.

Dr. Kent Harshbarger, Deputy Coroner for Montgomery County, performed autopsies on both victims. William was stabbed 13 times, suffered at least 13 blunt-force impacts to the head, and endured four blunt-force impacts on the rest of his body. Other injuries on William's hand, wrist, and lower leg were defensive injuries and showed that William had been alive and defended against the attacks. William died from "multiple trauma, which consisted of blunt force trauma and multiple stab wounds."

Sheila suffered nine blunt-force impacts to the head, four stab wounds to her chest and back, and 33 superficial stab wounds. The knife protruding into her chest extended four to four-and-one-half inches into her right lung. Sheila's blunt-force injuries were consistent with blows caused by the cutting board and hammer found at the scene. Sheila also suffered fractured bones in her neck due to strangulation and "was alive when all those injuries were inflicted." Dr. Harshbarger concluded that Sheila died from "multiple traumatic injuries, which include blunt force injuries, stab wounds and strangulation."

Mink was subsequently indicted on four counts of aggravated murder for the deaths of his parents. Count 3 charged Mink with the aggravated murder of William with prior calculation and design, and Count 4 charged Mink with the aggravated murder of William during commission of a robbery. Count 5 charged Mink with the aggravated murder of Sheila with prior calculation and design, and Count 6 charged Mink with the aggravated murder of Sheila during commission of a robbery. Additionally, Mink was charged with aggravated robbery of William in Count 1 and aggravated robbery of Sheila in Count 2.

The four counts of aggravated murder each contained three identical death penalty specifications: murder to escape detection or apprehension, R.C. 2929.04(A)(3), murder while committing or attempting to commit aggravated robbery, R.C. 2929.04(A)(7), and murder as a "course of conduct" involving killing two or more people, R.C. 2929.04(A)(5).

At trial, Mink waived counsel and pled guilty. After reviewing court-ordered competency evaluations and questioning Mink about his decisions, the court ruled that Mink was competent to stand trial, competent to waive counsel and represent himself, and competent to waive a jury trial. His counsel were ordered to remain as his legal advisors.

Before the three-judge panel, Mink entered pleas of guilty, and the State presented evidence of his guilt. The panel found Mink guilty of Counts 1 through 6 and Specifications 2 and 3 of Counts 3 through 6. The panel found Mink not guilty of Specification 1 of Counts 3 through 6.

During the penalty phase, Mink waived the presentation of mitigating evidence and requested the death penalty. After finding that Mink was competent to waive mitigation, the court sentenced Mink to death for the murders and to prison terms for the remaining offenses.

PRIOR RECORD:

Juvenile:

None

Adult:

<u>Date</u>	<u>Offense</u>	<u>Place</u>	<u>Disposition</u>
7/20/00 (age 36)	Theft (2000CR2162)	Dayton, Ohio	7/10/01: 6 months concurrent with 2000CR2900

Details: The offender was an employee of Ferrell Gas. On 7/13/00 he took the following items without permission from the company: power washer, vacuum, microwave oven, computer, monitor and printer. He sold the computer, monitor, and printer for \$20.00 crack cocaine. At a later time he sold the power washer, vacuum, and microwave oven for another \$20.00 crack cocaine.

<u>Date</u>	<u>Offense</u>	<u>Place</u>	<u>Disposition</u>
9/24/00 (age 36)	Aggravated Robbery (2 cts) Aggravated Murder (4 cts)	Union, Ohio	Instant Offense

INSTITUTIONAL ADJUSTMENT:

For the offense of Breaking & Entering 2000CR2162, Scott Mink was initially referred for Diversion. However, the defendant was rejected for Diversion on 8/31/00, because of an admitted crack cocaine problem for which he was receiving inpatient treatment at Good Samaritan Hospital Mental Unit. Found to be an inappropriate candidate for Diversion, the case was referred to the grand jury.

Since his 7/11/01 admission to prison, Scott Mink's adjustment has been unremarkable. He has had no serious conduct reports and no program achievement.

PROPONENTS TO CLEMENCY:

The Ohio Parole Board received no written application for clemency on Mink's behalf and Mink himself elected not to be interviewed by a member of the Board. Attorney Gary Crimm represented Mr. Mink at the clemency hearing conducted July 9, 2004. In a very brief statement, Mr. Crimm indicated that Mr. Mink has always admitted killing his parents, offered no mitigation at trial, and does not wish that clemency be granted. No mitigation was offered. Mr. Crimm offered no closing remarks.

The Ohio Parole Board received two letters from residents of Pittsburgh, Pennsylvania and the United Kingdom requesting commutation to life imprisonment. Both letters cite Mr. Mink's admission to the crimes, waiver of counsel and mitigation, as well as his medical history of depression, suicide attempts and addiction.

OPPONENTS TO CLEMENCY:

Daniel Brandt and Carley Ingram, Assistant Montgomery County Prosecutors, represented the State of Ohio at the hearing before the Parole Board on July 9, 2004. Arguments offered in opposition to the granting of Executive Clemency included:

- There exists no doubt that Mink committed the crimes for which he received the death penalty. He turned himself in four days after the killings and confessed to what he had done.
- Mink told his lawyers that he wanted to plead guilty to the charges and he did not want to offer any evidence in mitigation. Mink's lawyers informed the court that Mink intended to plead guilty and present no mitigation, and that an independent examiner had determined that Mink was competent to make that decision. The presiding judge ordered two additional evaluations, both of which found Mink to be competent to decide to plead guilty to the charges and to waive the presentation of mitigating evidence.
- A three-judge panel found Mink guilty of all of the charges and most of the specifications. The State asked that its evidence be re-admitted as proof of aggravating circumstances, and Mink declined to offer any evidence in mitigation. The panel sentenced him to death.
- The Supreme Court of Ohio unanimously affirmed his conviction and sentence, holding, among other things, that the psychologists that evaluated Mink's competence were qualified to do so and that reliable and credible evidence supported the conclusion that Mink was competent.
- The Ohio Supreme Court also found that the aggravating circumstances outweighed the mitigating evidence beyond a reasonable doubt:

“Mink's course of conduct and the robbery-murder of his elderly parents are grave circumstances. Moreover, the mitigating evidence pales in comparison to the aggravating circumstances of these murders. Mink's history and background and his lack of a significant criminal record, as well as other mitigation, are easily outweighed by these serious aggravating circumstances.”
- There is no manifest injustice. Mink killed his parents in an assault that is almost unimaginable in its sustained violence. As found by the trial court and the Supreme Court of Ohio, the slight mitigation that can be found in the record falls far short of offsetting the aggravating circumstances.
- Mink has not asked for clemency and he has declined to be interviewed for this hearing. There is no reason to offer mercy to Scott Mink. He does not seek it, nor do his crimes warrant it.

CONCLUSION:

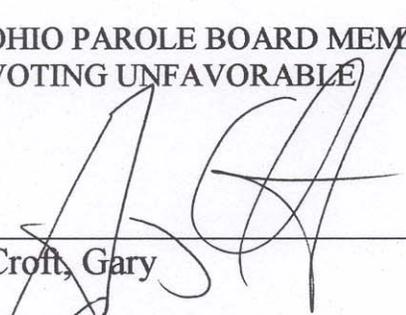
The Parole Board reviewed the documents and deliberated extensively on the information provided. No mitigation was offered and no request for mercy was made by, or on behalf of, Scott Mink. The Parole Board found insufficient mitigating factors to outweigh the aggravating factors in this case. Therefore, the undersigned members find that the exercise of clemency is not warranted.

RECOMMENDATION:

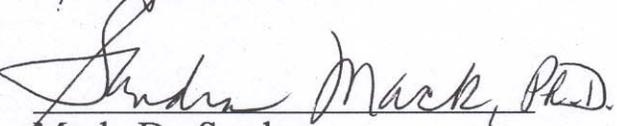
The Ohio Parole Board, seven (7) members participating, by a vote of seven (7) to zero (0), recommends to the Honorable Bob Taft, Governor of the State of Ohio, that Executive Clemency be denied in the case of Scott A. Mink #A413511.

SCOTT MINK, A413-511

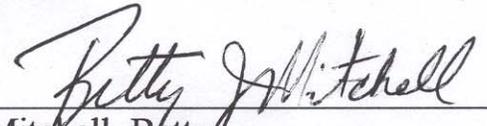
OHIO PAROLE BOARD MEMBERS
VOTING UNFAVORABLE



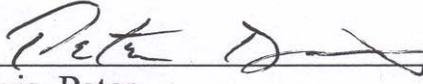
Croft, Gary



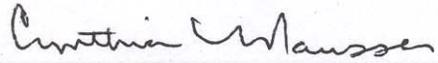
Mack, Dr. Sandra



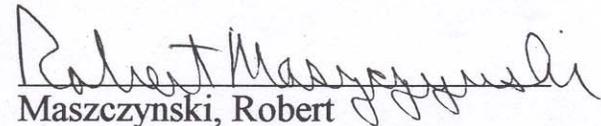
Mitchell, Betty



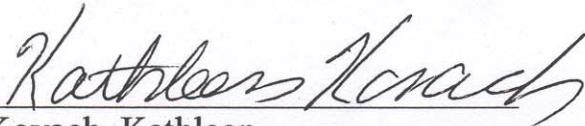
Davis, Peter



Mausser, Cynthia



Maszczyński, Robert



Kovach, Kathleen

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