

DATE TYPED: August 29, 2011
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IN RE: BILLY SLAGLE, A203-172

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

Date of Meeting: August 24, 2011

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: Billy Slagle, A203-172

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: Aggravated Murder with death penalty specifications, Aggravated Burglary, Aggravated Robbery.

DATE, PLACE OF CRIME: August 13, 1987 in Cleveland, Ohio

COUNTY: Cuyahoga

CASE NUMBER: CR 220252

VICTIMS: Mari Anne Pope (Age 40)

INDICTMENT: Counts 1: Aggravated Murder with death penalty specifications; Count 2: Aggravated Burglary; Count 3: Aggravated Robbery; Count 4: Attempted Rape.

TRIAL: Trial by Jury

VERDICT: Found Guilty of Counts 1-3; Not guilty of Count 4.

DATE OF SENTENCE: April 7, 1988

SENTENCE: Counts 1: DEATH;
Counts 2 & 3: 10 – 25 years

ADMITTED TO INSTITUTION: May 13, 1988

JAIL TIME CREDIT: 270 days

TIME SERVED: 23 years, 3 months (does not include JTC)

AGE AT ADMISSION: 19 years old

CURRENT AGE: 42 years old

DATE OF BIRTH: December 30, 1968

JUDGE: Honorable Carl J. Character

PROSECUTING ATTORNEY: John T. Corrigan

FOREWORD:

Clemency in the case of Billy Slagle, A203-172 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 August 4, 2011 Billy Slagle, the applicant, was interviewed via video-conference by the Parole Board at the Ohio State Penitentiary. A Clemency Hearing was then held on August 24, 2011 with eight (8) members of the Ohio 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 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 (CR 220252): The following account of the instant offense was obtained from the Ohio Supreme Court opinion, decided December 31, 1992:

In the early morning hours of August 13, 1987, the victim Mari Anne Pope was awakened in her home by the applicant. Two children, who she had agreed to watch for her neighbors, were also awakened. The children awoke to the voice of Mari Anne inquiring as to who this person was that had entered her home. A man's voice angrily threatened her and ordered her to roll onto her stomach. The man asked if there were others in the house, to which she replied that there were two children upstairs. The man told the victim not to move and that he had a knife at her back. The children then heard Mari Anne begin to pray. The man responded by ordering her to stop praying.

The children recognized the voice and knew the man as Billy Slagle, who lived next door. They first sought to hide, and then to escape. They scurried through the hall and out the back door. One of the children looked into the bedroom and observed Slagle sitting on top of the victim, who was lying upon her stomach. Slagle had on only his underwear. As the children exited, the victim could be heard screaming.

The children were admitted into a neighbor's home and police were called. Police officers arrived momentarily and as they moved around the house, shining a flashlight into the windows, one officer observed a man standing in the rear bedroom. The officer entered and observed Slagle attempting to hide in the dining room, armed with blood-covered scissors. After ordering Slagle to discard the scissors and lie face down on the floor, the officer placed handcuffs on him.

The officer then went into the bedroom. He observed Mari Anne Pope lying across the middle of the bed. Her nightgown was pulled up around her neck. She was drenched in blood with large holes in her body. On the floor lay Mari Anne's broken rosary, and

Slagle's tank-top T-shirt.

The officer called to his companion, telling him to call for medical treatment and to take custody of the handcuffed man on the dining room floor. The other officer responded that there was no one on the dining room floor and both officers began to search. Slagle had gotten up and hidden himself in a hallway closet. When the officer passed the closet door in this as yet darkened home, Slagle burst from the closet and sought to escape. The first officer to react testified that Slagle was very quick and agile. The officer was unable to subdue Slagle until two other officers entered the fray. Slagle was observed to have blood on his hands and clothing. He also had a number of superficial scratches and bruises.

Despite efforts to save her, Mari Anne Pope was pronounced dead at 6:00 a.m. The coroner reported that she had been stabbed seventeen times, with many of the stab wounds having been inflicted in and around her chest area. There were four stab wounds in her abdomen, five in the upper and lower extremities, with eight to the chest area, including wounds to the right atrium, pulmonary artery and right lung. She had also been severely beaten about her head and face.

At 10:00 a.m. the same day, Detective John J. McKibben interviewed Slagle, after having first advised him of his rights. At first, Slagle claimed to have no knowledge of the events of that morning. After being reminded that he had been arrested in the victim's home, Slagle described his actions on the night of August 12 and the morning of August 13 in some detail.

The jury convicted Slagle of aggravated murder with two death penalty specifications of committing murder in the course of aggravated burglary and aggravated robbery. The jury also found Slagle guilty of separate counts of aggravated burglary and aggravated robbery, but acquitted him of attempted rape.

The jury recommended the death penalty. The trial court agreed and sentenced Slagle to death for the aggravated murder of Mari Anne Pope. Slagle also was sentenced to concurrent terms of imprisonment for aggravated robbery and aggravated burglary.

PRIOR RECORD

Juvenile Offenses: Billy Slagle has the following known juvenile arrest record:

<u>DATE</u>	<u>OFFENSE</u>	<u>LOCATION</u>	<u>DISPOSITION</u>
9/2/1985 (Age 16)	Unauthorized Use of Motor Vehicle; Criminal Damaging; Criminal Trespass	Cleveland, Ohio	12/23/1985: Adjudged delinquent; Probation and \$320.00 restitution ordered.

Details: Slagle entered a business without permission, took a 1971 Toyota and proceeded to crash it into a wrecked auto.

Felonious Assault and Assault and continued on probation with a placement at Glenbeigh Treatment Center.

Adult Offenses: Billy Slagle has the following known adult arrest record:

<u>DATE</u>	<u>OFFENSE</u>	<u>LOCATION</u>	<u>DISPOSITION</u>
8/17/1987 (Age 18)	Aggravated Murder Aggravated Robbery Aggravated Burglary (CR220252)	Cleveland, Ohio	INSTANT OFFENSE

INSTITUTIONAL ADJUSTMENT:

Billy Slagle was admitted to the Department of Rehabilitation and Correction on May 13, 1988. His work assignments while incarcerated at the Southern Ohio Correctional Facility and Mansfield Correctional Institution included Clerk, Food Service Worker, Laundry, and Porter. Since his transfer to the Ohio State Penitentiary, Slagle's work assignment has been as a Library Aide. Slagle did participate in GED classes from May 1999 to February 2005. Since his admission, Slagle has never been placed in Disciplinary Control. He has received approximately two (2) conduct reports since his admission. These conduct reports include Refusal to carry out an institutional assignment (1993) and Possession of minor contraband (2003).

APPLICANT'S STATEMENT:

Billy Slagle was interviewed by members of the Parole Board on August 4, 2011. Slagle read a statement that began with an expression of remorse for the loss of Ms. Pope, and he also apologized to the children that were present during his crime. He stated that he does not truly know how to express his remorse but that he feels it every day. He did not intend to hurt her. He had never entered an occupied house before. He can't explain why he committed the crime because by nature he is normally shy and non-confrontational.

Slagle explained that on the day the offense happened he had been drinking beer, whiskey, and smoking pot. He clarified that he did not offer that as an excuse, but now understands that he was an immature 18 year old who didn't understand his drinking. He had been in a residential drug rehabilitation program at age 17. After he was released and returned to his old neighborhood, his drinking got worse.

He stated that he loved his parents, but he did not grow up in an ideal household. There were parties all the time. He started drinking at age 5. There was always fighting in the home. He had no friends and he was pretty much a loner. He fell into a group of drug users and he used LSD, cocaine, and valium.

He ended his statement with a plea to spare his life. He offered that his death would achieve no legitimate goal and life without parole was not available when he was

sentenced. He further stated that he can adjust well in general population, and be a model inmate. He knows he has something to contribute and would like to further his education.

Slagle responded to several questions presented by Parole Board members. His response as to exactly what happened that night was that he was partying all day before and into the morning. He rode back home and while outside his house he decided to break in to the neighbor's house to get money for more alcohol. She woke up and he ended up stabbing and killing her. He also denied that he knew Ms. Pope but that he had seen her twice coming and going. He denied knowing whether she would be alone in the house; that he entered through a side window, and he did not know the children were there. He responded to a question regarding his thoughts as to the impact the crime would have had on the children who witnessed part of his actions. Slagle responded that they probably have nightmares every day.

Slagle was questioned regarding the sexual overtones noted during the crime. When asked why her nightgown was up to her neck, he responded that he doesn't remember. When asked why the children would have seen him in his underwear, he responded that he does not recall that. And when asked if he wanted to rape her; his response was no. He also responded that he did not recall taking his shoes off in the basement, or taking his shirt and pants off. He also stated he had not been attracted to her prior to the crime.

The Board asked Slagle about the murder weapon. He stated he didn't know where the scissors came from and that he didn't recall observing the scissors until they were in his hand.

The Board asked what type of programs or other accomplishments he has completed since his incarceration. He responded that he tried to get his GED but the institution discontinued that program. He also tried to get into an AA program, but was not able to do so. Slagle stated he has not had any tickets that resulted in segregation. He was asked how he has passed his time since he is not involved in programming or community service activities. He responded that he plays board games and reads about his culture. The Board asked why specifically he has not chosen to participate in community service. He responded that he was not aware of these things.

Slagle was asked about his family support. He stated that he used to call his father approximately once a month until he died in 1999. He had not spoken with his mom for approximately 10 years. He stated communication with his people had been very limited over the last few years and that he wrote people, but those letters went unanswered. He felt his family had moved on. However, recently his mom and sisters have reconnected.

Slagle admitted that the juvenile system had given him opportunities to address his alcohol and drug problem but he did not do any follow-up aftercare. He stated that he thought he could be a functioning alcoholic like his dad.

ARGUMENTS IN SUPPORT OF CLEMENCY:

A written application with exhibits outlining the arguments in support of clemency was submitted to the Parole Board. On August 24, 2011, a hearing was conducted to further consider the merits of the application. Attorney Joseph Wilhelm of the Federal Public Defender's Office, represented Slagle at the clemency hearing and presented the following arguments in support of executive clemency:

Attorney Wilhelm stated that they are not questioning the conviction. They are asking for mercy and that mercy should be considered in light of Slagle's background. He discussed Slagle's addiction to alcohol and drugs, his neglect and violence by his family and lack of positive role models. He also discussed the fact that Slagle was very young when this crime occurred and that he was a teenage alcoholic. He further argued that Slagle failed to get to a responsible level of adulthood because he was failed in his childhood.

Attorney Wilhelm argued that Slagle's family bounced around from place to place. He stated Slagle had showed promise early on in his education when he was noted as having above average scores and perfect attendance at school. Attorney Wilhelm noted that Slagle's mother and father drank and fought all the time. Slagle was introduced to alcohol around age 7 and that the role models he had were of people that drank and became violent. Slagle began failing and not attending school.

His mother divorced his father and married a man that was abusive to her and to Slagle. He left home to reside with his dad and he began to associate with drug users and his abuse increased. Attorney Wilhelm stated that Slagle was a broken person who had a broken brain from chemical addiction, a broken childhood from abuse and neglect and was emotionally retarded, as he was developmentally like a 12 year old boy. He stated that Slagle had drunk all day before this crime and that his brain was impaired, and his judgment, reasoning and impulse control were affected.

Attorney Wilhelm argued that Slagle's alcohol consumption should be considered as mitigation even if it was voluntarily ingested. He offered three reasons:

- 1). His addiction was inherited, and was a generational addiction suffered by his grandparents, parents, and extended family members. He quoted Dr. Smith as stating children of alcoholics are 5 to 7 times more likely to become alcoholics.
- 2). He learned it from modeling. The males in Slagle's life came home drunk and angry and were often hostile and abusive. Slagle's dad did not abuse him but would fight with Slagle's mom. His step-fathers also drank heavily and one was particularly physically abusive to Slagle.
- 3.) He was a product of his highly dysfunctional family. Alcohol abuse was a way of life. He suffered from abuse and neglect as his dad was too busy getting drunk after work. Slagle was often left on his own. He was "rootless"-going from place

to place, school to school, parent to parent, which all contributed to his low emotional age.

Attorney Wilhelm also argued that the viewpoint that Slagle had an opportunity to “pull himself out of his substance abuse” is a shallow view because Slagle’s role model was his dad. He thought he could take substances and still function like his dad, so he did not see a need to be “fixed.” Attorney Wilhelm also argued that his low emotional age also affected his ability to benefit from treatment. He needed substance abuse treatment and counseling for underlying emotional problems. The Glenbeigh Hospital Program did not offer that and in fact their approach, an in your face type of approach, made Slagle withdraw into himself. His parents did not participate in the treatment process as requested and this served to reinforce Slagle’s thoughts that he did not need treatment.

In addition, to the above arguments, Attorney Wilhelm presented the following supporters on behalf of Slagle:

A video-taped statement of psychologist Dr. Smith was presented. Dr. Smith stated that Slagle has an addictive disorder and primarily abused marijuana, alcohol, hallucinogens and sedatives. He stated that Slagle’s first use was at approximately age 7. Since the adults in his life were alcoholics, there was no one to discourage his use. Slagle was imitating behavior of the adults in his life and wanting to fit in. The use of alcohol was “normalized” for him and he used it to escape emotional pain. He soon learned that mixing the alcohol with drugs created a greater escape. Dr. Smith also stated that Slagle’s brain functions were distorted. Alcohol and drugs change the way we think, feel, make decisions, and the way we act. It makes us see and hear things differently, a distorted view, and our problem solving is impaired and we misread situations.

Dr. Smith also stated that because Slagle used on a regular basis, a “behavioral tolerance” developed. The brain learns to overcompensate and we can perform over-learned behaviors while significantly impaired, such as walking. However, Dr. Smith did state that the brain cannot overcompensate for problem solving skills. He may have also learned not to slur his speech and to the untrained eye he may not have appeared under the influence when questioned or observed by the police. Dr. Smith also stated that one’s ability to remember events while under the influence, particularly if one experiences blackouts, may lessen once the person becomes sober. This may explain why Slagle remembered details regarding this offense when questioned by police, but cannot recall those same details now.

A video-taped statement of Hilary Weaver, a University of Buffalo professor and social worker was presented. Ms. Weaver stated that she is a Native American and that she has studied the Native American culture, particularly the time period when Native Americans were relocated from the reservations to urban areas. They were offered job training that did not correlate with the job market at the time and they often gathered at bars to see people they knew and could talk to and socialize with.

She stated for Slagle's parents drinking was the center of their relationship. They led a self-centered life around alcohol and offered little guidance or supervision to their children, and no one stepped in to protect the children. The only constants in Slagle's life were alcohol and violence. Ms. Weaver stated that she has seen this pattern in many other Native American families.

Ms. Weaver stated that Slagle used alcohol to escape the horrors of his day to day life. She believes things would have been different if he had been in a different environment or if there had been an extended family member or coach outside the home; it may have helped. She reiterated that Slagle continued to use alcohol to escape his home life and continued to accumulate stress.

She believes that Slagle has made a connection with animals in the past. He expressed an interest in becoming an animal trainer. She stated he could train animals to help disabled people as a way to give back.

Following the above video-taped statements, Attorney Wilhelm further argued that Slagle's death sentence is unreliable. He stated that the prosecutorial misconduct should be considered as well as "the automatic death sentence juror," who did not believe in mitigation and believes "mitigation is just excuses."

Attorney Wilhelm pointed out that the prosecutor, primarily during cross-examination of Slagle, and during his closing, made improper comments regarding speculation that Slagle would have hurt the children, that he was keeping the scissors to use in another crime, and that Slagle did not pray or like prayers.

Attorney Wilhelm also stated that he wants the Board to consider the post-conviction affidavit submitted by a juror. He believes that that particular juror "was unable to properly weigh the capital selection factors because she regarded mitigation evidence as worthless "excuses" to be ignored and should not be considered when an individual is found guilty of murder."

Attorney Wilhelm also presented the opinion of former prosecutor and former Clemency Board Chairman from Oklahoma, Mr. Patrick Morgan. Mr. Morgan stated that he reviewed the Sixth Circuit opinion regarding the prosecutorial misconduct, and stated that as a former prosecutor, he views the comments made by the prosecutor in the Slagle case as "not appropriate." He does not believe that Slagle was treated in a fair way when the prosecution asked him questions regarding prayer. He noted that even though the defense objected and the judge mostly sustained all objections, the prosecutor continued. Mr. Morgan stated that the state must come with "clean hands" if execution is being pursued.

Mr. Morgan also stated that he does not believe the death penalty was appropriate in this case, and likely would not have pursued the death penalty if he were prosecuting the case because Slagle had no substantial violent history, the offense was a spontaneous act, Slagle did not enter the home with a weapon, there was no evidence that he threatened the children, and his actions after police arrived showed fear not a threatening posture. He

further stated that he would have recommended clemency in this case based on the above factors and the prosecutor's comments.

Attorney Wilhelm stated that Slagle has adjusted well to prison and will not be a threat to staff or others. He has a good institutional record and as Dr. Bertschinger noted "bad behaviors will fade away after he dries out", which has proved to be true. Attorney Wilhelm stated that Slagle still has potential. He emphasized that Slagle had expressed remorse and that he was only 18 years old when this happened. His childhood is not his fault-life in prison is punishment enough.

Slagle's family members were also present in support of clemency. His sister, Lisa Craft stated that she too has suffered from alcohol abuse and physical abuse along with her brother. She described a neglectful family that often put alcohol before their children. She stated she left home at a young age to get married and her spouse and children contributed to her healing. She stated that Slagle had always been someone she could talk to and felt like he tried to protect her. She felt she lost her best friend when he went to prison, and she does not want to lose him again.

Slagle's aunt and uncle, Karen and Jim Lemieux were also present. They discussed their family members' addiction to alcohol and the impact it had on all the family. The uncle noted that Slagle was shy when he was young-that he was in a "dark place." In reference to Slagle's lack of programming, he offered that "he has no motivation to do anything because he may be put to death." He further stated that Slagle is a model prisoner, he excels, he has grown and he hopes he will have a chance to continue to grow.

Slagle's aunt stated that since his incarceration, Slagle has asked about his Native American culture and that "as he embraced his culture he learned to deal with things, think differently, and the anger left." She noted that during Slagle's childhood they weren't living they were just trying to survive. In reference to the issue of whether or not Slagle prayed, she offered that "he didn't know how to pray, didn't know how to hug, or say 'I love you'; none of us had that; we were disconnected from the normalcy of life." She believes her nephew is asking for the opportunity to continue to grow up in a spiritual manner.

Attorney Wilhelm closed by reminding the Board that this hearing is an appeal for mercy and that it should not be a rubber stamp of legal appeals, and that there must be room for mercy in our justice system. Society places a lot of emphasis on a desire to protect children. Slagle was failed in that regard, and is deserving of mercy.

Slagle's reasoned judgment and impulse control were impaired due to substance abuse and his "choices" were impaired due to his broken brain, which was due to his broken childhood. Attorney Wilhelm also disagreed with the State's opinion that Slagle's siblings were raised in the same environment and were not affected. He reminded the Board that Slagle's sister shared the emotional and physical abuse she suffered and her troubles were significant. Attorney Wilhelm concluded that "Ohio can do better than to execute Slagle. We are not asking for a pardon, just life without parole."

ARGUMENTS IN OPPOSITION TO CLEMENCY:

Assistant Cuyahoga County Prosecutors Katherine Mullin and Matthew Meyer, as well as Stephen Maher of the Attorney General's Office, appeared at the clemency hearing and presented the following arguments in opposition to clemency:

Attorney Mullin argued that Slagle made numerous bad decisions and was given repeated opportunities to assist with his substance abuse problem. During his residential treatment at Glenbeigh, he made no effort. He minimally participated, and was there only to avoid legal consequences for his criminal behavior. He intimidated his peers in counseling and ignored the help offered to him. She reported that Slagle began drinking two days after he left Glenbeigh.

Attorney Mullin also discussed Slagle's prior Felonious Assault adjudication that occurred just 10 months prior to the Aggravated Murder of Ms. Pope. The victims were a couple that had allowed Slagle to stay with them for a short period of time. Slagle, after being asked to leave, hit the wife in the head with a meat hook and stuck scissors in the leg of the husband. The wife needed several stitches and the husband reported that his wound was cleaned and bandaged. Attorney Mullin then played an audio recording with the couple reporting the incident that occurred. The wife stated that she never recalls seeing Slagle sober and that he would react violently to the smallest things. She does consider him to be a violent person, noting that he hit his previous girlfriend and had fights in the neighborhood. She says she still has a scar in the middle of her face and that she still suffers from headaches and nightmares, as well as a deviated septum. She further stated that she almost "bled out." She stated Slagle only received 6 months probation for this offense. Her husband stated that Slagle used a 7 inch pair of scissors and "stabbed him to the bone." He said it took six weeks to heal. They both stated that their landlord observed Slagle and two others burglarizing their house while they were being treated in the hospital. The landlord was too afraid to come forward at the time. They reported that Slagle had an "explosive temper and if you looked at him funny, he would go off."

Attorney Mullin also argued that there were other acts of violence-monthly fights, multiple break-ins. Slagle has admitted to approximately 5 and that it happened whether he was intoxicated or not.

Regarding the instant offense, she pointed out that Slagle rode a bike approximately two miles to get to his house, suggesting that he was not intoxicated to the point of not understanding his actions. He put his bike away and made the decision to burglarize his next door neighbor's house; he made the decision to go to the basement and remove his shoes; he made the decision to go upstairs, he made the decision to go in Ms. Pope's bedroom; he made the decision to attack her and kill her; and he made the decision to try to evade the police. Attorney Mullin also argued that Slagle admitted in early interviews with police that he attempted to rape Ms. Pope, but eventually he started omitting those details, and now he states he cannot remember. This suggests that Slagle is only revealing those facts that portray him as less culpable and the offense as less serious.

Attorney Meyer expressed his respectful but strong disagreement with the former prosecutor and board member from Oklahoma. He stated that Mr. Morgan did not consider the underlying burglary and robbery in his assessment of the facts. Attorney Meyer also emphasized that Ms. Pope was a totally innocent victim. She was not engaged in any type of risk behavior that would have made her susceptible to crime. From a prosecutor's standpoint, consideration would also be given to the shock to the community and the nature of the horrendous crime. Whether or not a prosecutor seeks the death penalty is up to the discretion of the individual prosecutor. Mr. Morgan's opinion is highly irrelevant.

Attorney Maher offered the following arguments in opposition to clemency. He stated that Slagle has not presented any reasons why clemency should be granted. He further argued that 12 members of a jury, the trial judge, appellate courts-after full consideration of the record and arguments-have deemed the death penalty appropriate in this case. There was nothing new presented at the hearing that the jury and reviewing courts have not already considered.

Attorney Maher also argued against the cause and effect theory. Slagle's crime was not caused by his chaotic alcoholic lifestyle. He could have made different choices. He emphasized that Slagle's siblings were raised in the same environment and they didn't commit burglary, robbery, murder. They made different choices. If alcoholic and chaotic childhoods caused people to commit burglary, robbery and murder, we would certainly see more incidents of this kind.

He also addressed the argument concerning Slagle's age at the time of the offense. He concedes that Slagle's age is some mitigation; however it is "not enough when you match it up to the details of the offense." Attorney Maher stated there was a three year period of time of Slagle "living a lawless lifestyle." During this time, "Slagle was involved in a pattern of escalating violence."

Attorney Maher argued that the Board should give little weight to the trial prosecutor's comments or questions concerning prayer causing prejudice within the jury. He advised that during the offense, Slagle had dialogue with the victim about prayers and the prosecutor's questions/comments related to that fact legitimately. He argued that it does a disservice to the jury to claim that sharp commentary from a prosecutor caused the jury to lose its ability to think for itself. Little weight should also be given to the single juror's post-conviction affidavit. Not only was it unlikely that this juror would not have been the hold out for recommending the death penalty, but our jury system is based on a collective and deliberative process meant to protect individual jurors from being singled out for their individual views. That is why courts have continually held that individual juror affidavits, such as the one presented by the defense, are improperly considered by reviewing courts.

In regard to the not guilty finding on the attempted rape charge, Attorney Maher speculated that the jury probably considered that the victim had several layers of clothing on, and perhaps they did not consider Slagle's actions as going far enough to constitute

attempted rape. He did state that although the jury heard Slagle respond “Yes” when asked on cross examination if he tried to rape her, perhaps the lack of physical evidence discouraged them from finding him guilty of that charge. Attorney Maher concluded that “certainly sexual behavior was there.”

The state’s representatives urged the Board to make an unfavorable recommendation to the Governor in this case. They argued that Slagle has provided no legitimate reason to recommend clemency.

VICTIM’S REPRESENTATIVES:

Lauretta Keeton, the mother of the children who witnessed the offense was present and presented information as to why clemency should not be granted. She discussed how her children were impacted by the crime and also how they missed the victim. She was not just their babysitter but a friend. Ms. Pope had redecorated a bedroom just for the children. Ms. Keeton also discussed Ms. Pope’s bravery when during the offense, Slagle asked her where the children were. Ms. Pope misled him by telling him they were upstairs. She believes Ms. Pope did that to protect her children. “She took her last breath saving my children.” She further stated that she was here to represent her children as her daughter cannot deal with the situation anymore and her son is now deceased. She stated her children were in therapy for many years and she too suffers from anxiety. She also reported that Ms. Pope told her that she had the feeling that someone was watching her. She tried to discourage attention by dressing modestly and covering up her body. She also stated that the victim died a horrible death and Slagle will just go to sleep, which is not fair.

Peter Pope, the victim’s brother presented to the Board via video-conference. He stated that he misses his sister. She was funny, creative, silly, inspiring, prayerful, and attentive to the needs of others. Her purpose for being in Cleveland was to help her aunt. He stated that “only God can make a decision to kill someone-so I’ll just put it in God’s hands.” He also acknowledged the pain that the Slagle family is experiencing, as the families knew each other, and all loved the victim.

Ms. Pope’s cousin and best friend Virginia Barsan also presented to the Board. She stated that she had shielded Ms. Pope’s parents from the knowledge of this hearing in order to protect them. She misses Ms. Pope very much. She also mentioned that Ms. Pope had told her someone was watching her and that Ms. Pope had stated she felt safer in New York City than she did in Cleveland.

PAROLE BOARD’S POSITION AND CONCLUSION:

The Parole Board reviewed submissions both in favor of and in opposition to executive clemency. The Parole Board reached a unanimous decision to make an unfavorable recommendation for clemency based on the following:

- Ms. Pope was a totally innocent victim. She was not engaged in any type of risk behavior that would have made her susceptible to crime. She was asleep in her own home when Slagle broke in, with the intent to burglarize her home, and brutally murdered Ms. Pope by stabbing her 17 times with a pair of scissors.
- There were two children under the age of 11 in Ms. Pope's home at the time of the crime. They observed and heard what no child should ever have to see or hear. In one horrific moment, Slagle exposed those children to the very chaos he says he drank to escape from.
- The extensive aggravating factors of this crime outweigh Slagle's chaotic childhood and his youthful age at the time of the crime. The jury heard substantially similar mitigation evidence and chose to recommend a sentence of death.
- Slagle's criminal record includes a felonious assault adjudication that involved two weapons-a meat hook and scissors. Two victims were injured-one suffered scarring to her facial area. Slagle was involved in a pattern of escalating violence.
- Slagle has not participated in programs or community service during his entire period of incarceration.
- Slagle has presented no new reasons as to why clemency should be recommended. The jury, trial judge and appeals courts have considered the mitigation and arguments and have concluded that the death penalty is appropriate. The Board finds no reason to recommend an alternate penalty.

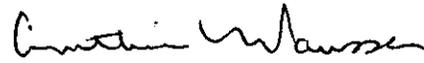
RECOMMENDATION:

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 Billy Slagle A203-172.

Billy Slagle, A203-172
Death Penalty Clemency Report

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

Ohio Parole Board Members
Voting **Unfavorable**



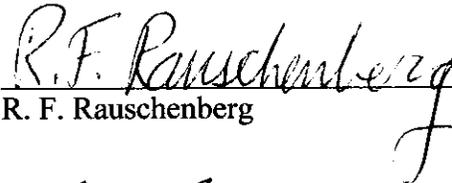
Cynthia Mausser, Chair



Kathleen Kovach



Ellen Venters



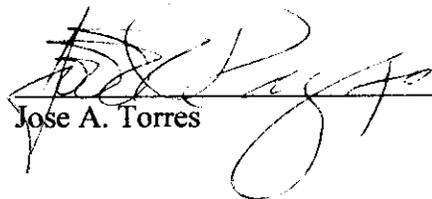
R. F. Rauschenberg



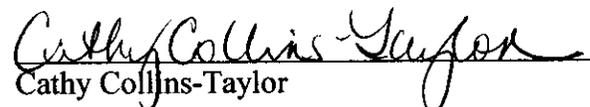
Bobby J. Bogan, Jr.



Trayce Thalheimer



Jose A. Torres



Cathy Collins-Taylor

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I want to first say to the family and friends of Maeri Pope, I know no words will ever be able to ease your pain and sorrow, but I am truly sorry for the loss of Mrs. Pope and also for the heartache and pain that loss has caused you. For having caused them what must have been a very traumatic experience, I want to also apologize to Lisa and Howard Bloxham. I know the events of the early morning hours of August 13th must have affected them greatly and probably still haunts them till this day. And to my family, I want to apologize for the difficult position I have put you in. For the shame and embarrassment that this has brought onto our family. And also for the hurt and helplessness you must feel at having to watch me fight for my life.

My actions on August 13, 1987 does not in any way reflect who I am as a person at all. I can't explain why I did what I did that night and have been wrestling with that question for 24 years. I'm neither inherently evil nor a bad person, but rather I'm someone that has made a terrible mistake and wishes that I could take that night all back. By nature I'm this shy and non-confrontational person with a quiet low-key demeanor. Never in my life did I want to have on my conscious the knowledge that I was either the one responsible for or the cause of another human being losing their life and also for the hurt, suffering and devastation it causes. A day has not gone by that I haven't woken up and been haunted by the fact that a person had lost their life at my hands. I don't even know how to express how deeply remorseful and truly sorry I am for what I've done. There hasn't been a day that I haven't felt this immense remorse over causing the death of Mrs. Pope and also for the pain and suffering that it has caused her family and friends. If giving me

life would bring Mrs. Pope back, then I would readily give it. I definitely never entered the house of Maeni Pope with any kind of intention of hurting Mrs. Pope or anyone else. When I had entered the house of Mrs. Pope I wasn't even armed. I was a small time thief only interested in looking for something small to steal and that's it. Never could I have imagined or believed that it would have escalated into something like this. I had never even entered an occupied house before that night.

I can say with absolute certainty that the early morning hours of August 13, 1987 would definitely never have happened if my judgement had not been impaired. Since the early afternoon hours of August 12th, I had been drinking alcohol and smoking marijuana which continued all day and night up into the early morning hours of August 13th. Over approximately a 14 hour period I had consumed numerous cans of beer, several shots of bourbon and quite a few marijuana joints. I'm not exactly sure on the amount of anything I took that night because as the night wore on, the details of the night does become more & more hazy to me. Now I'm not trying to make excuses or rationalize my actions that night because I know there can never be any excuses or rationalization for taking someone's life. I just wanted to try and give you an idea or better understanding of where my state of mind was at that night.

In 1987 I was an immature 18 year old that never fully understood the seriousness and damage that my abusive drinking was doing to me, to my family and also the road that this drinking was ultimately leading me down. I'm just so sorry it had taken something as tragic as taking a life and devastating two families in the process for me to finally realize that.

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I did have hopes and dreams growing up. But without the proper guidance, encouragement and discipline from a responsible authority figure, I too would become destined to fall into my family's history of alcoholism. I love my parents with all my heart and would do anything for them, but that household wasn't an ideal environment for a child to grow up in. The constant partying, heavy drinking and the physical fights my parents would inevitably get into. It was at one of these parties, at about 5 or 6 years of age, that I had got my first taste of alcohol. Curious, I'd ask to take a sip of whatever they were drinking and everyone would laugh as I made a face at the taste of alcohol. At the next party or gathering, I would again ask for and get to have another drink of whatever my parents had in their glass. Because of these parties and heavy drinking, my parents would always get into physical fights. Me and my sister would run terrified and hide in another room during times like this. But we couldn't hide from the sounds of screaming, yelling, furniture crashing and glass breaking. It's very traumatizing for a child to have to witness their parents fighting. Especially having to see your mother with her face swollen and bloody. My parents would eventually divorce when I was about age 7. However, my mother found herself in another abusive relationship. A man named Maelo Confer. As always, the abuse always started after a night of heavy drinking. This man didn't just put his hands on my mother however, but us kids as well. That relationship lasted about 5 years, until I was about 12 years old. It wouldn't be the last time I would have a problem with some guy in her life putting their hands on me either. Even though I was only a child, I guess I was the man of the family and a constant reminder to those who

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that my mother had been in a previous relationship before them.

It was at about the age of 12 that I had smoked my first marijuana joint. My mother now divorced on her own and on welfare with three kids to raise turned to selling marijuana to make ends meet. Well, it was while watching my mom and her friends smoke and bag up marijuana for sell that I decided to sneak a couple of marijuana joints, when she wasn't looking, for myself to see what all the fuss was about.

Until about age 14, I had no friends and was pretty much a loner growing up. I was never able to make lasting friendships because we had constantly moved and I was never able to finish out the school year at the same school that I had started that year. It was about age 14 when I fell in with and was accepted by a group of kids that drank and did drugs. Like me, a group of misfits that found comfort with each other and with drugs and alcohol. Because of the environment I had grown up around, I now found myself in a situation I knew and was comfortable with. With this crowd I would also eventually get into using LSD, Valium, cocaine or anything else that would be offered to me. Before I knew it, my drinking and drug use had become more and more excessive and abusive until I was using both on a daily basis. I was finally ordered by juvenile court into Glenbeigh, a drug & alcohol rehab, at age 17.

Even though I felt the place was nothing more than a warehouse for teenagers to collect money, it was at this place where I first recognized just how serious my drinking and drug use had become. At 18 though, I thought I knew everything and I was naive enough to believe that I could still drink responsibly.

now that I had recognized I had a problem. I thought I could be a functional alcoholic just as my father was. My father had drank everyday of his life yet he still managed to get up for work everyday. However, once I left Glenbeigh and returned to my neighborhood and my old friends, my drinking and drug use just became progressively worse. Alcoholics always think they are in control when in reality they're not. I had now gotten to the point where my drinking and drug use was non-stop. I was using all day, everyday and only stopping when I had passed out. As I've said before, I know there can never be any kind of ~~excuse~~ ^{rationalization} or explanation that will ever excuse the taking of a life. Nothing I say could ever excuse what I've done. I was just hoping to give you a better understanding of who I was in 1987 and how I got to be an 18 year old alcoholic.

I know there must be a penalty paid for causing the death of Ms. Pope, but I'm pleading with this board to spare my life. I firmly believe that the early morning hours of August 13th would never have happened if my rational hadn't been impaired by being under the extreme influence of alcohol and drugs. I also believe my death would achieve no legitimate goal other than to cause another family to have to mourn the loss of a loved one for years to come. I know it's an argument you've heard many times before but it's one I have to also make. Life without the possibility of parole is a viable alternative to the death penalty. A sentencing option by the way that wasn't even available to my jury at the time of my trial and therefore never had the opportunity to be considered. As my 24 years of incarceration show from drugs and alcohol have shown. I would be able

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to adjust well in the prison general population if my sentence were to be commuted to life without parole. I haven't had any kind of serious rules infraction placed in my prison record in those 24 years. I've been a model inmate. I also believe that I still have something to contribute. If I was given life without the possibility of parole, I ~~would~~ definitely would want to become active in community projects. Like training shelter dogs or any of the other programs that they ~~have~~ ^{offer}. I would also like to further my education. I'd even like to enroll in some college course if they have any. I would definitely be using my time constructively if given a second chance at life.

Well, I hope I have given you something to at least consider that possibility. Thank you.

8/19/11

Members:

This letter is to voice my opposition to any clemency for the death sentence of Billy Stagle.

My name is Gay M Guido retired Cleveland Police Officer. I personally arrested Mr. Stagle standing behind the bedroom door with the bloodied murder weapon still in his hands. I found the poor victim unmercifully + brutally butchered by this man. There was no mercy, no sympathy at all with this crime. In my career as an officer, I have never handled a more brutal crime. Family, friends, acquaintances have all been affected by this brutal crime. The damage has been done and is irreversible. It is ~~not~~ time to pay the punishment called by the state of Ohio. Maybe God will find forgiveness, but the state of Ohio must deliver this convicted murderer to Him.

Gay M Guido
Retired C.P.D. #1270